

# TOWN OF ONONDAGA

## Planning Board

ALFRED J. FULLER  
4564 Cole Road  
Syracuse, NY 13215

DAVID HILLERY  
4832 Breckenridge Run  
Syracuse, NY 13215

TOWN HALL  
5020 Ball Road • Syracuse, NY 13215

MARC A. MALFITANO, Chairman  
5155 Jupiter Inlet Way  
Syracuse, NY 13215

PATRICK BRITT  
401 Broadview Drive  
Syracuse, NY 13215

JAMES HAGAN  
5091 Webster Mile Drive  
Syracuse, NY 13215

**Meeting Conducted at 7:00 p.m.  
November 24, 2025**

### Present:

Marc Malfitano, Chairman  
Alfred Fuller  
Patrick Britt  
David Hillery  
James Hagan  
Richard Andino, Attorney  
Bill Perrine, Engineer

Chairman Malfitano called the Planning Board to order at 7:00 p.m.

### **Re-Subdivision of the Peterson Tract**

Having received proof of publication of the notice of public hearing dated November 16, 2025, Chairman Malfitano opened the public hearing. Mr. Glen Mihal, Land Surveyor, representing the applicant, Mr. Leonard Montreal, presented an updated plan for the proposed subdivision of 4885 Buxton Drive. He explained that they are proposing to subdivide 25 acres into four lots that will be later combined into two lots. They will carve out a portion of the lot fronting on Cedarvale Road and which has part of a racquet court on it and combine it with Lot 1D which is fronting on Buxton Drive. All setback requirements will be met and a recombined deed will be filed. The balance of that land which is Lot 1B will be added to Lot 1A which has frontage on Cedarvale Road and a recombined deed will be filed.

Chairman Malfitano stated that the notes regarding the recombined deeds are present on the plan. A consent letter from the property owner dated November 18, 2025, allowing Mr. Mihal to act on his behalf was submitted for the record and a letter from Mr. Perrine dated November 21, 2025, was received indicating that the plan now reflects the comments he made and is in good form.

There being no further questions or comments, Chairman Malfitano closed the public hearing. It was noted that the applicant signed the Short Environmental Assessment Form which was reviewed at the prior Planning Board meeting.

Chairman Malfitano made a motion to approve the preliminary plan for the Re-Subdivision of the Peterson Tract into Lots 1B, 1C and 1D, based upon a plan prepared by Glen Mihal, Land Surveyor, last revised November 10, 2025, reaffirm the SEQR determination that was made on November 10, 2025, waive further public hearing and grant final approval with the condition that

Lot 1B, which is for conveyance purposes only, be combined with Lot 1A and a recombined deed be filed with the County Clerk's office within 30 days of the final approval, and Lot 1C is also for conveyance purposes only and will be combined with Lot 1D and a recombined deed be filed with the County Clerk's office within 30 days of the final approval. Mr. Fuller seconded the motion which passed with all in favor.

### **Bonacci Subdivision – Lots 1, 2 & 3**

No one appeared regarding this matter.

### **4128 Abbey Road**

Chairman Malfitano stated that this Special Permit referral from the ZBA is for a ground mounted solar system at 4128 Abbey Road. This is a request made after the fact because the applicant was granted a building permit by the Codes Office and they already constructed the solar array. A neighbor informed the Town and asked why a Special Permit was not obtained and therefore the issue was raised.

The application file was provided along with a plan showing the location of the solar array. It seems that the applicant is also the contractor for this matter. In reviewing it, it was noted that it appears to be over 100 feet long. Chairman Malfitano, prior to this meeting, asked for a copy of the as-built survey since the permit had been granted and the array was built. He was informed that there is no as-built survey required by the Codes Office; however, Chairman Malfitano believes it should have been required as stated in the building permit procedures.

Chairman Malfitano further reviewed the paperwork and there is a calculation sheet outlining the size of the array. Based upon the information, it exceeds the size threshold of 20 Kw for a roof mounted or ground mounted solar array in a residential setting as stated in Section 285-36.1 F2.

Chairman Malfitano then dictated a response letter to the ZBA. Mr. Hagan made a motion, seconded by Mr. Hillery, affirming that all members of the Planning Board were in agreement with the contents of the letter. The motion carried with all in favor. A copy of the letter is attached hereto.

### **3823 Sentinel Heights Road**

A Special Permit referral for a ground mounted solar array from the ZBA was also received for 3823 Sentinel Heights Road. Drawings prepared by the contractor were provided. No survey was provided. Chairman Malfitano noted that the system size is clearly stated as 29.68 Kw DC and 22.80 Kw AC which is in excess of the maximum size allowable for a residential solar array.

Chairman Malfitano dictated a response letter to the ZBA. Mr. Hagan made a motion, seconded by Mr. Fuller, affirming that all members of the Planning Board concur with the contents of the letter. The motion passed with all in favor. A copy of the letter is attached hereto.

### **6111 S. Salina Street**

Mr. Vincent Ryan of Keplinger Freeman Associates appeared on behalf of the applicant who is seeking to build the Jonathan Diaz Community Center (JDCC) on the lot behind Aldi. The Zoning Board of Appeals approved a variance allowing for access through the existing driveway of Aldi to access the lot which was provided to JDCC as a gift from Aldi. They are also seeking a parking variance and a special permit. The purpose of the building is a recreation center which will provide services for the Nedrow and Onondaga community including child care,

mental health, gymnasium, gaming center and other public services. JDCC will own the building and a recreational facility Operator out of Utica will be running the facility.

Mr. Ryan stated they were before the Zoning Board last week and there is ongoing discussion regarding the Easement agreement between the Town Counsel and JDCC which is close to being worked out. This project has also been referred to the Onondaga County Planning Board and they have provided four comments. They asked JDCC to reach out to the DOT and they have provided a letter confirming that they are okay with the plan. They were also encouraged to coordinate with Centro which is ongoing. The County encouraged the Town to construct a sidewalk connection which is currently indicated on the proposed plan within the proposed utility easement between the entrance driveway and the property line. Lastly, the County Planning Board encouraged the applicant to explore access for emergency vehicles from Pembroke. Based upon discussions with the Zoning Board and the Code Enforcement Officer, that was not in anyone's best interest.

Chairman Malfitano noted that the Planning Board does not have a version of the proposed plan showing the parking layout and the driveway in the existing Aldi parcel. An updated version that had been shown to the Town Board was provided. Chairman Malfitano explained that there has been an interpretation by the Codes Officer that the proposed use of the facility can fit into a use permitted within that Zoning District and those certain uses are subject to additional review and the granting of a special permit by the ZBA which also includes Planning Board approval as part of the criteria.

The applicant's representative overviewed a layout plan that is predicated on a grading, drainage and utility plan last revised October 6, 2025. This plan was not in the Zoning Board file for the referral. Chairman Malfitano noted that there has been a lot of discussion from the County Planning Board and even the Zoning Board and the Town about the fact that the driveway access that is going through the existing Aldi parcel has open parking spaces where people can back in and out into the driveway. Mr. Ryan stated that they have rectified that with Aldi's by adding the sidewalk easement between the pavement line and the property line and also Aldi has agreed to striping a crosswalk and adding a sign to slow down for pedestrian crossing. Two parking spaces have been taken from Aldi to provide the crossing area.

Mr. Ryan advised that Aldi and JDCC will mostly have opposite use times with some overlap. There will be some tournaments at times but they can be held outside the Aldi hours to cut down on cross traffic impacts. Aldi is mostly used 9:00 to 5:00 and the JDCC will be utilized after those hours. The proposed sidewalk is for the use of those being dropped off at the center or using the Centro bus stop on that block on S. Salina Street. Mr. Fuller expressed that there are many uses planned for the facility including before and after school child care and mental health services. Mr. Ryan clarified that the high volume traffic times will be outside Aldi hours of operation.

Chairman Malfitano asked what the hours of operation for the JDCC will be. Mr. Steven James stated generally 8:00 a.m. to 5:30 p.m. with the after school care closing at 5:30 and parents picking up students who were dropped off between 2:30 and 3:00 by school buses from Onondaga Central and the Nation School. Chairman Malfitano asked if the radius of the traffic circle can be used for school buses. Mr. Ryan can provide that information at the next appearance.

Chairman Malfitano explained that the Town Attorney, Ms. Bell, has been working with an outside attorney for the JDCC and indirectly with the Aldi attorney providing the additional pedestrian easement. The language states it is shown on the site plan. Mr. Ryan stated they have not yet provided that to the Town. There is a plan that shows it and they are still working on the final design. He noted that he did not have a copy of it with him. Additionally, there is

still a conversation about whether it will be constructed from pavement, concrete or asphalt and a price comparison is being done, but it will be a hard surface. He stated that the easement does not specify the material that the sidewalk will be constructed of.

Chairman Malfitano read and reviewed the special permit use criteria. Mr. Hagan asked what the plan is for tournaments. Mr. James indicated that the tenants have discussed ways to raise revenue to keep the facility going and hosting basketball tournaments on Saturdays and Sundays is being discussed as an idea. It will primarily be used for before and after school care for children. Mr. Ryan noted that most people will be coming by car and the sidewalk and crosswalk will be secondary. Additionally, the crosswalk will be present with signs and Aldi has agreed with it. It is unclear if the crosswalk is enforceable and Mr. Andino will look into it.

Mr. Fuller expressed concern with the safety of the children walking through the area. He asked who will maintain the sidewalk. Mr. Ryan stated that the easement states that JDCC will maintain the pedestrian easement portion of the property. It was also noted that the 13 parking spaces are farther away from the store and not used as much as parking spaces closer to the store. Mr. Ryan stated that Aldi is not interested in giving up any additional parking spaces.

Chairman Malfitano dictated a response letter to the ZBA and also copied Supervisor Mahar. A motion was made by Mr. Hagan, seconded by Mr. Fuller, affirming that the members of the Planning Board concur with the contents of the response letter. The motion passed unanimously. A copy of the letter is attached.

A public hearing regarding the subdivision plan is scheduled for December 8, 2025. A perimeter legal description should be sent to Ms. Bell for the Notice of Public Hearing. An updated subdivision map showing the sidewalk and the easement should be provided at the time of the hearing. The plans should be consistent and also include the variance that was granted. A copy of the revised subdivision plan should be provided to Mr. Perrine for his review so a comment letter can be provided.

### **Planning Board Minutes**

A motion was made by Mr. Hillery, seconded by Mr. Britt, that after minor changes, the Board approve and accept the meeting minutes of the November 10, 2025, meeting. The motion passed with all in favor.

A motion was made by Mr. Hillery, seconded by Mr. Fuller, that there being no further business to come before the Board the meeting be adjourned. The motion passed unanimously and the meeting was adjourned at approximately 8:36 p.m.

Respectfully submitted,

Melinda L. Mayer  
Secretary

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November 24, 2025

Mr. John B. Elleman, Chairman  
Town of Onondaga Zoning Board of Appeals  
5020 Ball Road  
Syracuse, NY 13215

Re: 4128 Abbey Road, Syracuse, NY 13215 – Special Permit Application for Ground Mounted Solar Array

Dear Chairman Elleman and Members of the Zoning Board of Appeals:

We received your Board's referral of the application in the above captioned matter. After carefully reviewing the file, it appears that there are significant deficiencies and problems with this application.

We have been advised that this solar array was issued a building permit without the granting of a special permit and in fact that it has been constructed. The Chair of this Board did personally drive by and confirm that.

Also given that in order to review the application, we sought a copy of a survey that was required to accompany the building permit application. All we had was this 11 x 14 sheet with a hand sketched location without any real dimensions. Also in the file was a site layout prepared by Essential Power, which although not to scale, would indicate that the length of the array is much greater in reality than what was hand sketched.

In order to determine whether this was adequate, reference is made to the Town of Onondaga website and the Building Application Instruction and Fees page which requires that a copy of an up-to-date lot survey certified by a licensed New York State land surveyor showing location of lot and building on the premises in relation to adjoining premises and public streets be provided. The Codes Office was unable to provide such a file.

In addition, since it was already constructed, the Chairman of this Board asked if there was an as-built survey provided and the Codes Office indicated that an as-built was not submitted nor was it required despite the fact that the Building Permit Application requires an as-built to be provided.

In addition there is a serious substantive issue in that the Town of Onondaga Code, Section

285-36.1 paragraph F2 provides that a solar energy system application in a residential setting and serving a residential use on a single parcel or lot shall be limited to 20 KW or less. The engineering information provided indicates that the system installed shows a rating of 28.9 KW on a DC basis and a 21.76 KW on an AC rating. Both of these are in excess of the limitation provided in the Code for a permitted size of such a solar array.

Given the inadequacy of the information available, the Planning Board refers this back to you and indicates that we do not have enough detail or accurate information to provide a substantive response.

We suggest that the applicant be required to consult with the Codes Office and/or outside counsel as to alternatives as the size of the installation is in excess of what is permitted under the Zoning Code. The members of the Planning Board concur with the contents of this letter.

Very truly yours,

Town of Onondaga Planning Board

Marc A. Malfitano  
Chairman

cc N. Bell, Town Attorney  
Codes Office

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November 24, 2025

Mr. John B. Elleman, Chairman  
Town of Onondaga Zoning Board of Appeals  
5020 Ball Road  
Syracuse, NY 13215

Re: 3823 Sentinel Heights Road, Syracuse, NY - Special Permit Application

Dear Chairman Elleman and Members of the Zoning Board of Appeals:

We have received your referral for the above captioned matter and make the following comments:

1. The application for the special permit is submitted by the consultant and does not reflect the signature of the property owner.
2. We also raise here the requirement of the Building Code to accompany a building permit application which requires the submission of an up-to-date lot survey certified by a licensed land surveyor showing the location of buildings and the lots on the premises in relation to the adjoining premises and public streets. While the package contains some information including some plans provided by the consultant applicant, there is no survey.
3. Like the second matter we reviewed tonight, this submission indicates that it is of a size of 29.68 KW DC and 22.80 KW AC. Section 285-31 paragraph F2 of the Zoning Ordinance provides that a solar energy system application in a residential setting and serving a residential use for a single parcel or lot shall be limited to 20 KW or less. This is in excess of what is permitted by the Code. There does not appear to be any application for relief.

We suggest that the Board advise the owner and/or applicant to consult with legal counsel since this is not a use which is currently permitted for a ground solar array in a residential district.

Very truly yours,

Town of Onondaga Planning Board

Marc A. Malfitano  
Chairman

cc N. Bell, Town Attorney

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November 26, 2025

Mr. John B. Elleman, Chairman  
Town of Onondaga Zoning Board of Appeals  
5020 Ball Road  
Syracuse, NY 13215

Re: 6111 S. Salina Street, Syracuse, NY 13205 – Application for Special Permit  
Jon Diaz Community Center

Dear Chairman Elleman and Members of the Zoning Board of Appeals:

We have reviewed the application for the special permit for the matter referenced above. Representatives of the applicant appeared before the Planning Board.

We are trying to address the criteria for special permit uses in 285-39C of the Zoning Code as we know you are well aware these include review of the use for health and safety, intensity of use and providing proper controls for vehicular and pedestrian movements so that public safety is maintained.

In that light, we offer the following. We did also ask the applicant about the access of the main driveway given that parking spaces back in and out of the roadway to be used as the main access to the Diaz Center. The applicant presented a plan entitled Grading, Drainage and Utility Plan L200 last revised October 6, 2025. A copy of that plan did not appear to be available in the latest version in the file or in the referral materials forwarded to us.

That plan shows a proposed crosswalk in a portion of the parking aisle across the roadway. We asked about and remain concerned about the configuration of the parking layout for the safety of vehicular access with configuration of cars backing in and out. The applicant also mentioned a sidewalk easement to be located on the north side of the property within the 30 foot utility easement.

The Chairman had received what was believed to be the final draft of the easement agreement from Nadine Bell, Esq. by transmittal of November 17, 2025. That document refers to the proposed sidewalk easement in Section 1.03 and indicates that the area for the sidewalk is shown on the site plan. The applicant indicated that that plan has not been made available to the Town and is in some type of progress between the applicant and Aldi, Inc. We think that this plan needs to be finalized, should be made available and should become part of the record that we can review.



The Board raised the question of the sidewalk and its construction and while the applicant says it will be a hard surface, which is apparently not finalized. This Board believes that the sidewalk that is going to provide the main access for pedestrians should be concrete and should be affirmatively maintained by the applicant to provide safe access especially during winter months. We suggest that should be a condition. Concrete is the standard material for the construction of sidewalks. The applicant points to the bus stop on Salina Street and does expect pedestrian traffic. There needs to be an affirmative condition that the applicant be responsible for snow removal over that area.

The applicant indicated that school buses will be coming to the site to drop off and pick up users. We asked if the driveway configuration and turnaround is adequate to provide turning radius for the buses. The applicant said they do not have the plan presently with them to demonstrate that. We think that the Zoning Board should require a plan to show an adequate turning radius for buses.

Questions were raised about the hours of operation and it was represented that the hours of operation are planned between 8:00 a.m. and 5:30 p.m. We think that a range of hours should be stipulated for the record and become part of the approval.

The special permit criterion specifically requires adequate parking. We know that a variance has not been granted yet on the parking and we consider that an open item that may require further approval and review.

Since the applicant has represented that the easement agreement which is being relied upon to support a variance for lack of ownership of road frontage that we have is not the final agreement, we think that the final agreement should be shared for review when it is received.

After outlining these comments, a representative for the applicant indicated that there may be a gym and fitness center that is operated additional hours. This needs to be clarified. In any event, we believe that there should be determination and agreement that includes the Town in terms of the overall hours of operation of the facility.

We believe these comments fit into the enumerated special permit criteria and are not pre-review of site plan. Please understand that we were made verbally aware that the Zoning Board granted a variance for lot access but despite the importance of this in the approval process, the Planning Board was not provided with any evidence or details of that information to understand if there are any conditions that apply to it.

All members of the Planning Board were in agreement as to the contents of this letter as noted.

Very truly yours,

Town of Onondaga Planning Board

Marc A. Malfitano  
Chairman

cc J. Mahar, Town Supervisor  
N. Bell, Town Attorney  
J. Herrick, Codes Officer