

TOWN OF ONONDAGA
5020 Ball Road - Syracuse, NY 13215

ZONING BOARD OF APPEALS

JOHN ELLEMAN, CHAIRMAN
MITCHELL CARMODY
BÉNÉDICTE DORAN
RONALD RYAN
CAROL SCHATTNER
NADINE BELL, ATTORNEY
STACY MARRIS, ATTORNEY
VICTORIA ROGERS, SECRETARY

ZONING BOARD OF APPEALS

Minutes of September 16, 2025

Present:

John Elleman, Chairman	Stacy Marris, Town Attorney
Bénédicte Doran	
Mitchell Carmody	Victoria Rogers, Secretary
Carol Schattner	
Ronald Ryan	

Attending:

Jeff Herrick, Town of Onondaga Codes Officer
Christopher Ghezzi, Applicant
Timothy O'Connel, Applicant
Vincent Ryan, Applicant
Conner Flisnik, Applicant

Chairman Elleman called the meeting to order at 7:00 p.m.

Jon Diaz Community Center

Area Variance

The secretary reads the public hearing notice, "The application of Keplinger Freeman Associates, PLLC, on behalf of applicants, Jon Diaz Community Center Inc. (New York) f/k/a Aldi, Inc. (also current owner), for an Area Variance from §285-13 of the Zoning Law of the Town of Onondaga, requiring not less than 400 feet of frontage."

Chairman Elleman notes that there will be a presentation as part of the application and acknowledges that the board is not in any position to make any determination until the SEQR is determined by the Town Board. He also acknowledges that the Town Board did officially assume lead agency and they are working on sending out

notifications to the correct parties so the hearing will remain open until a decision on the frontage variance can be made.

Vincent Ryan of Keplinger Freeman and Associates representing JDCC and Aldi comes to the podium to present the construction of the proposed community center at 6111 S. Salina St. The proposed building is a 30,000 square foot facility for the JDCC community center located behind the existing Aldi and he is appearing before the board to request a frontage variance. Aldi is going to maintain the frontage along the entirety of 6111 S. Salina St. Aldi is granting JDCC an easement which is still being worked on between the attorneys. The easement will cover the existing driveway access for Aldi and extend to the back of the property to allow for irrevocable access to JDCC. Once the easement is finalized the Zoning Board will be notified. Chairman Elleman gives Mr. Ryan a few minutes to familiarize the rest of the board members with the project. Mr. Ryan states that JDCC is a community-led organization looking to provide a recreational facility in Nedrow. The facility will host public services and have a gymnasium, indoor track, game room, and will be providing childcare services which include infants up to younger children. There'll be an indoor playground as well as an exterior playground. There will be three basketball courts that hold basketball tournaments.

In preparation for the parking variance Chairman Elleman asks if Vincent Ryan recalls what the shortfall is based upon what's required and what they've been able to design in for the parking spaces. Vincent Ryan states that based on the scheme they have now, it's based on the square footage of the gymnasium so in total, they need (per code) between the childcare facility, the office and the gymnasium, 352 spaces. They're providing 196 spaces strictly on the JDCC property, and then the variance request would be for 156 spaces.

Chairman Elleman opens questions from the board. Ronald Ryan asks if the parcel with frontage on Pembrook Dr. will still be transferred to JDCC separately. Vincent Ryan states that the parcel will still be transferred, however it is not part of the subdivision. Ron Ryan acknowledges this but notes that there was a notation with concerns regarding the ingress and egress, going into the property being crossed by pedestrian traffic of Aldis to those parking lots along the McDonald's side. He asks if an alternative will be proposed. Vincent Ryan then produces a "quick sketch" of what they are going to propose to Aldi however it had not been approved yet. They've determined this is probably the best option for all parties involved. Vincent hands out the proposed sketch and states that if it's agreeable with the town and Aldi, they're willing to provide a path and 2 reinforced steel bollards to allow pedestrian crossing across the easement. He ensures that once Aldi addresses this matter, he will update the plans with the town. He states Aldi will lose 2 spaces with this plan, which Aldi was okay with as they're 12 spaces over their required parking spaces per code and they plan to provide signage to show the crosswalk. Ron Ryan asks Jeffrey

Herrick to verify the calculations of the required parking spots for Aldi per code. Chairman Elleman verifies that the residential parcel being deeded over to JDCC from Aldi separately would not be used as an entrance into the JDCC property and states there may be a condition in the resolution from the board explicitly restricting that. Vincent Ryan confirmed the parcel would not be used as an entrance to the property.

Chairman Elleman opens the floor to the public to ask questions or make comments in regard to this matter and Steven James steps up to the podium. Mr. James is a member of the Jon Diaz Community Center Board of Directors. Mr. James recounted a conversation with Latavius Murray, in which Latavius expressed his desire to begin the journey of opening a community center. He shared that, growing up in Nedrow, there were not enough opportunities or resources available locally. As a result, he and his friends often had to travel to other areas, which posed significant challenges. A survey was sent to 600 families in the area and 96% of those surveys came back favorably, stating a community center was needed and only 25% of the currently licensed childcare slots needed in our county are available. The tenants of the community center will be a company called ICAN. They offer childcare, senior programs, pickleball leagues, nurturing parent classes, and after school tutoring programs.

Mr. James thanks the board and Maxwell Brown, a Nedrow resident and student at Onondaga Central comes to the podium. Mr. Brown expresses the community's need for a community center like JDCC. He states he and his friends only had Kelley Park to play at growing up in Nedrow and expressed how difficult it was to have to travel to attend other centers.

Chairman Elleman expressed gratitude to Mr. Brown for his contribution and announced that the hearing would stay open to allow for additional public input. Ronald Ryan stated for the record that the board is committed to doing whatever it can to assist Mr. Petosa and the Town Attorney in reaching a final agreement regarding the easement.

John Petosa stepped to the podium and clarified that he reviewed the comments provided by Nadine Bell and had a meeting with representatives from Aldi. He stated he incorporated those comments into the proposal and confirmed the requested actions outlined by Mrs. Bell had been completed. Chairman Elleman thanks Mr. Petosa and confirms he and others saw his comments and expects he will get feedback within the coming days.

West Seneca Development LLC

Special Permit

Chairman Elleman began by stating that no SEQR (State Environmental Quality Review) had been completed for the matter and emphasized that it must be addressed that evening. He stated the federal wetland maps are outdated and do not accurately reflect the elevations based upon earlier development and that seems to be the critical

issue based upon the information they provided. It's the board's understanding that the project as designed and presented will not be intruding on any of the wetlands as they exist today. Chairman Malfitano updated a letter previously sent to the board with recommendations and observations based on the information he had at the time. His final recommendation to the board stated he believed the applicants compiled sufficient information and recommended the applicant's information be found to comply with the spirit of the design of the old overlay district. They had no objection to the issuance of the special use permit, which cleared prerequisites. Chairman Elleman asks the applicants if they'd like to put anything on record before moving forward and Jim Hagan (Architect) representing Tim and Dan O'Connell make statements. During the applicant's last appearance in April, they were waiting for two key pieces of information - the County Planning Board referral and the West Seneca Turnpike overlay district review by the Town Planning Board. Documentation was previously submitted showing there was adequate water and sewer services and an updated traffic study was completed. A complete storm drainage design was done in preparation for a SWPPP that will be presented for the two 8-unit apartment buildings that will each be two-stories tall with access off Castlebar Circle. Parking will be located internally between the two buildings. In addition, minor changes to the storm drainage addresses some comments from the town engineer that mainly consists in the details of the stormwater management basin, biofilter, and some across site grading details, are also provided in the package as well as a lighting plan.

Chairman Elleman states the board would be making a negative declaration on the SEQRA finding based on the final determination conveyed verbally to Ron Ryan by The Town Engineer Bill Perrine however normally the council for the board would like to see the final letter in hand. Given that acknowledgment, the board feels they received sufficient information to move forward based upon the realities of the elevations in question that are modern ones prepared by licensed surveyor that's before the board, which clearly indicates that the project is above the wetland areas as they exist today and the boundaries of the creek are at a height that would allow for the designed retention basin that was put in for the earlier development of Castlebar to receive the water and not affect the project. The project is not affecting the operation of that retention pond as it has been designed.

Member Ronald Ryan states the board also indicates that they recognize those comments from the County Planning agency but also take into consideration the information provided. Based on that a lot of the information has been determined to be outdated and not an accurate reflection of the actual geographical conditions that exist today. Any of the concerns that have been voiced are easily mitigated at the site plan approval process. Under these conditions, it can be indicated that this is an unlisted action and based on the information that's been presented to the board, he would move it's a negative declaration.

Stacey Marris the Town Attorney asks additional questions and confirms the SEQR is a negative declaration resolution and proceeds to read the conditions of the resolution.

Member Carol Schattner makes a motion for a negative declaration and Member Bénédicte Doran seconds the motion resulting in a unanimous vote. Member Ronald Ryan makes a motion in favor of the special use permit and member Mitchell Carmody seconds the motion resulting in a unanimous vote.

Such a Lush LLC

Special Permit

The continuation of Such a Lush LLC begins with the acknowledgement of the County Planning Board's recommendations dated September 3rd and the New York State Department of Transportation which requires the applicant to contact the department to coordinate Route 11 access to bring it up to commercial driveway standards and acknowledges any other work within the state right away will require a highway work permit. The County Planning board also made a comment that parking lots and garage structures are not an optimal use of the land within the neighborhood corridor as they do not generally add to the economic, social or aesthetic value of the corridor. Should the town wish to allow the proposed parking lot and garage the municipality is encouraged to ensure high quality screening and upkeep of the site to minimize negative impact.

The Planning Board Chairman Mr. Malfitano's letter dated September 8th reminds the board of the definition of a parking facility and refers to specifics in the code, wherein he notes that he does not believe trailers fall under the same category as motor vehicles and therefore would not fit the definition of motor vehicle in the town code. In addition, the zoning language would not allow for storage of equipment such as lawnmowers or other landscape equipment, and the proposal for the metal garage with electrical utilities is also inconsistent with the idea that the property is a parking facility. For these reasons the Town Planning Board does not believe that it would be good planning to allow this use and separately the applicant does not comply with the zoning code. According to the letter, they were also made aware of an action by the County Planning Board on September 3rd, which recites that it isn't a beneficial enhancement to the neighborhood. It is noted the applicant submitted pictures of properties in the area on which they are operating two car dealerships. They do not believe those pictures show parking on those parcels relate to the question before the board. The reason is to the extent that the auto businesses are operating either by code or by variance. Parking vehicles is an accessory use and accessory parking is permitted under the code however since those are accessory uses, they do not provide legitimate support for the idea that any form of overnight parking of vehicles is supportive of the applicant's request and based on that they do not believe the applicant should be entitled to submit for a special use permit, as it does not meet the

criteria for a special use permit. Finally, the proposed uses are inconsistent with those requirements.

Christopher Ghezzi confirms he will only leave motor vehicles on the property to satisfy the definition of a special use permit noting he has other facilities he can store his equipment at and it's noted by Chairman Elleman that this will be a condition in the resolution if the special permit is granted.

The public hearing for Such a Lush LLC is closed.

Bénédicte Doran makes a motion to support SEQR as a negative declaration vote and Mitch Carmody seconds the motion and conditions for the resolution were discussed.

Following this matter a typographical error was corrected for a special permit under tax map number 030.-01-29.0 changing 4 townhouses to 3 town houses. Ronald Ryan votes first to correct this typo and the other board members all vote in approval.

The meeting is adjourned at 8:30 PM.

Respectfully,

Victoria Rogers