

**TOWN OF ONONDAGA | Planning Board 5020 Ball Road, Syracuse, NY 13215**

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Marc A. Malfitano, Chairman

Board Members:

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| Alfred Fuller | David Hillery |
| James Hagan   | Otey Marshall |

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**Meeting Conducted at 7:00 p.m.  
February 9, 2026**

Present:

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

Chairman Malfitano called the Planning Board to order at 7:00 p.m. noting that Mr. Marshall is excused.

**Etienne Subdivision**

Mr. Rudy Zona of RZ Engineering appeared representing the applicant, Mr. Richard Etienne, regarding the proposed Etienne Subdivision which is an undeveloped part of the existing subdivision, Tadem Heights. Chairman Malfitano explained that this current proposed layout is a reconfiguration of two sections of Tadem Heights. A plan from 2004 was reviewed. He noted that all of the approvals have now lapsed.

Mr. Zona noted that the version of the original plan included two cul de sacs but the plan that Chairman Malfitano found has two roads. Mr. Perrine had found a plan by William Dunn dated 1990. Mr. Zona believes that the plan by Mastroianni was from 2004. The applicant has now purchased this property and Mr. Zona noted a couple of conflicting items. There is differing information about the sewers and what has been built. Soil testing has been done. The map that has been prepared for the proposed Etienne Subdivision consists of one road and they tried to avoid areas that would involve any blasting or earth work. Mr. Zona included the sewers on the plan but they have contracted with a surveyor and a wetland consultant and a SHPO Phase 2 consultant to prepare more definitive plans.

Mr. Zona explained that the main purpose for appearing today is to flush out any concerns regarding drainage issues. He noted that a drainage basin shown on the plan is already built and it is shown on the survey topography and the wetland map. They do have a wetland consultant who will visit the site in the spring. Additionally, they noted that there are two lots

that have road frontage currently and they are seeking to build houses on these lots in the spring. One is at the end of Stagecoach Road and the other has frontage on Prairieview. The proposed plan would have one road connecting Stagecoach Road and Tenderfoot Road with approximately 33 to 35 lots for single family homes. They are seeking guidance for how the Planning Board wants the drainage designed and also to seek approval for the two lots with road frontage to be built to start the project and then they will come in with a subdivision plan for the rest of the property.

It was noted that there are two flag lots on the plan. Mr. Zona asked if there could possibly be variances granted for the creation of those lots. Chairman Malfitano noted that there are precedent issues with that and a variance would be required.

Chairman Malfitano asked if one of the basins outflows to the other. Mr. Zona stated that each discharges separately, one towards a park and one to vacant land. Chairman Malfitano noted that the Town Engineer will need to look at this and determine for sure where they discharge.

Mr. Fuller asked about the existing roads. Mr. Zona noted that there are stubs there with a small turnaround. There was discussion about the requirement for each lot to have 100 feet of frontage on a public road.

Mr. Richard Etienne, owner and applicant, introduced himself and approached the Planning Board joining the discussion about the proposed plan. Chairman Malfitano explained that the plan does not have to stay as it was originally approved, but the layout needs to conform to what the Town Code allows including adequate road frontage on a public street and the disallowance of flag lots. He also noted that the possibility of carving out the two lots is still a subdivision in and of itself.

Mr. Perrine pointed out that in Phase 4 there were 12 lots that appear to have E1 grinder pumps in each home. Mr. Zona agreed with that. Mr. Perrine noted that traditionally there is a gravity sewer to a conventional pump station. That is something to be mindful of. Mr. Zona commented that there is one such area in Manlius and Onondaga County allowed a memorandum of understanding permitting 10 to 14 lots on a public force main. Mr. Perrine clarified that it relies on a grinder pump in each home. Mr. Zona noted that WEP would maintain the force main that they connect to.

Chairman Malfitano stated that we have to see where the sewers in this area currently drain to and connect to the County system. The reason for that is if this goes down Split Rock Road through Taunton and ends up going through Westvale, the County has identified having a major problem in the Bronson Road area. They have said they will not allow any new connections that would generate sewer in that area and they are starting to study it. That study will likely take a year to complete and fixing it could take up to three years. Bill Morse, Town Engineer of the Town of Geddes has indicated that is has been an issue for a long time and part of the problem is that the sewer goes up hill and is in an area close to where the trunk water line from Skaneateles Lake comes through to serve the Westcott Reservoir. The lines are very old and leak terribly and create increased ground water pressures which are also adding to the infiltration issue.

Mr. Perrine will verify this, but Chairman Malfitano noted that it may be an up hill battle. Mr. Zona noted that half of the sewer is already constructed and connected but there are no laterals. He stated they believe it is in an easement and was dedicated according to

Mastroianni 's survey and when the survey is updated they will know for sure. Chairman Malfitano noted that the reason he has an open question about that is because normally the sewer is put in and in order to dedicate it there is an easement agreement created and it usually says that the developer grants the Town the easements that are shown on the filed map, but that does not exist. That will be part of Mr. Perrine's review.

Mr. Zona noted that as soon as the snow melts the survey will be completed and SHPO will go out there. Once school is out the wetlands expert and then the archeologist will be able to go to the site. Working with Mr. Perrine, we will try to find some information in the near future, but until there is a new survey as part of the baseline documents, we may not be able to answer all of the questions.

Mr. Perrine asked if the old layout is off the table, because it is totally different. The 1990 map was reviewed and discussed. Mr. Perrine asked, if the sewer is indeed installed, do they want to proceed with the old layout? Mr. Zona stated he does not think so because blasting will be necessary and he does not believe it can be built. With that, Chairman Malfitano noted that if the sewer is already built. The line as shown could end up located right in front of someone's house. That is atypical according to Mr. Perrine. Mr. Zona noted that these conversations are why they are appearing now. Mr. Fuller made note that the footwork will need to be done for the whole project even if they want to do a first phase with the two single lots. Chairman Malfitano agreed and stated they will need to have preliminary plan approval for the layout and then they can go to a section plan for the subsection.

As far as developing the two separate lots, Chairman Malfitano noted that first they would need to find out if they are entitled to a variance. One of the lots might be an opportunity once they verify the frontage and utilities. However, to jump to taking one lot out, the Planning Board does not know enough today to provide a substantive response. The full preliminary plan will first need to be in place and that is pretty thorough. A lot of research and threshold information is needed prior to considering any approvals. Additionally, there is a limit as to how much the Town Engineer will be permitted to do prior to a subdivision application being submitted and fees being paid. Some general research can be done and the engineers can communicate but no further answers can be provided at this time. It was noted that the wetlands delineation for this property has already been submitted to Albany and they have responded. Now they are waiting to have it plotted once the snow melts.

### **Paladin Park**

Mr. Hagan recused himself from this discussion due to a personal interest in this matter. Mr. Robert DeForest of Cordelle Development Corporation appeared regarding Paladin Park. He indicated that maps were delivered to the Codes Office along with an application. They were not shared with the Planning Board so we proceeded using a smaller copy provided by the applicant. Mr. DeForest explained that this is a 17 acre parcel located on Route 173 just east of the city limits. He is proposing to do a 4 lot subdivision of this property with the front being Neighborhood Shopping and the back zoned PCO. The intent is to put a convenience store on Lot 2, a retail plaza on Lot 1 and apartments in the back.

Mr. DeForest noted that in 2015 there was a zone change for the front parcel from PCO to Neighborhood Shopping. In March of 2016 the DOT granted access to the front entrance off of Route 173. Written confirmation will be provided. Chairman Malfitano asked for an updated DOT approval since it has been a number of years since the original approval. An assurance

letter for the sewer was provided along with a letter from WEPP of March 2024. Chairman Malfitano noted that the applicant will need an updated letter from WEPP because they are only good for two years. Mr. DeForest is also working on an updated letter from OCWA.

Chairman Malfitano asked if the roadways to the apartments will be private drives. Mr. DeForest stated that they will be. Chairman Malfitano explained that he has seen the conceptual layout and when and if the apartments are developed he feels it will be confusing where the public section of the road is to be located. He noted it may be in our collective interest to bring the road to a hammerhead rather than a cul de sac because it would be a more defined road and better access to Lot 4. The large open circle could be confusing and additionally, the cul de sac would have snow in the middle. The easiest thing for the Town for snow removal is a hammerhead.

The proposed plan was accepted as a sketch plan. Chairman Malfitano apologized that the application was not provided by the Codes Office for the Planning Board's review. Updated WEPP and OCWA letters are in progress. It was noted that they have started working on the preliminary drainage plan. Mr. Perrine noted that Mr. DeForest was granted final subdivision and site plan approval on May 22, 2017. The property is located across from Savaglia and the traffic light is still an item for discussion. Mr. Perrine asked if the layout in terms of the road and utilities is generally the same. Mr. DeForest advised that it is the same. He also noted that once the convenience store is built it will trigger the traffic light installation.

### **Dwell Equity Group LLC**

Chairman Malfitano explained that we have a referral from the ZBA regarding this matter. Dwell Equity Group obtained a subdivision for this property that has preliminary plan approval and construction drawings but the applicant changed his mind. The applicant tried to seek access to the property off of Castlebar and the Town Board formally denied the request. The Town Board permitted the applicant to build a road in and have a hammerhead rather than a cul de sac. That was communicated in writing to the applicant by Nadine Bell, Attorney for the Town Board. Mr. Harper then submitted an application to the ZBA seeking to create two flag lots. Chairman Malfitano attended the ZBA meeting and spoke as to the precedent this could set for the Town. Chairman Malfitano also raised before the Zoning Board that there is a requirement under Section 277-6 that there is a subdivision plat and it involves variances that the applicant does not have to get a denial from the Codes Officer and it also says that the Zoning Board shall (mandatory) request the input of the Planning Board.

Chairman Malfitano shared with the members of the Planning Board this last submission and it raises some inconsistencies and in conversation with Ms. Bell as the ZBA Attorney and Planning Board Attorney, they identified there could be a different position between the two boards and they sought another way to address it by working together and to have Mr. Richard Andino present and representing the Planning Board Attorney tonight regarding this matter. Chairman Malfitano suggested entering into Executive Session to discuss this and get the input and advice of Mr. Andino as our counsel.

At approximately 8:10 p.m. Chairman Malfitano made a motion to enter into Executive Session to obtain the advice of legal counsel regarding this application. The motion was seconded by Mr. Hillery and passed unanimously. At 8:42 p.m., the Planning Board reconvened the public meeting. Chairman Malfitano stated that the Planning Board discussed and obtained advice of legal counsel and there were no motions or determinations made. It was determined that a

letter to ZBA regarding open issues and inconsistencies would be drafted. Chairman Malfitano then dictated a response letter to the ZBA. The members of the Planning Board present agreed upon the contents of the response letter. A copy is attached hereto.

### **Planning Board Minutes**

A motion was made by Mr. Hillery, seconded by Mr. Hagan, that after minor changes, the Board approve and accept the meeting minutes of the January 12, 2026, meeting. The motion passed with Mr. Fuller abstaining.

A motion was made by Mr. Fuller, seconded by Mr. Hagan, 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 8:56 p.m.

Respectfully submitted,

Melinda L. Mayer  
Secretary

# TOWN OF ONONDAGA

## Planning Board

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February 9, 2026

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

Re: Dwell Equity Group LLC/Michael Harper  
Property at 4774 Cleveland Road

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

We acknowledge a memorandum from Nadine Bell, Esq., of February 4, 2026, confirming that the Board of Appeals made a referral requesting the Planning Board's review of the application.

The Planning Board is also aware of the undated submission made by Attorney Ellen Priest consisting of five pages which takes certain positions regarding this application.

We note that we were only provided with the plan that was attached to the application which is 8.5" x 11" and which does not show any of the proposed dimensions for the lot width or frontage. In addition, the small plan is at a scale that we don't feel meets the minimum requirements that would permit our review.

Therefore, we are requesting:

1. The submission of a map meeting the Town standards for scale with the applicant's proposed dimensions for the items in question shown.
2. The Applicant takes the position that would otherwise mandate that the Planning Board be directed to place setback lines on the plan. We disagree and can only be responsive to something that is suggested by the Applicant.

We also note that part of the Applicant's position is that this should be "remanded" back to the Planning Board with this instruction.

3. The submission also takes the position that in fact no variance is required. The Zoning Board has yet to make that determination. Until that threshold determination is made, we believe that is what should trigger the referral.

Therefore, it is our interpretation that the Zoning Board needs to make determinations on the items raised in Attorney Priest's submission on the items listed above. If the Zoning Board does that at their next meeting which we believe is February 17, 2026, and provides us the determination, we can place this on our agenda for February 23, 2026, again provided we receive the necessary plan.

Since the Zoning Board closed their Public Hearing on February 3, 2026, we are well within the 62 day limit for them to comply with the law and make their final determination.

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  
R. Andino, Esq.