



Chairman Malfitano asked how there would be access to Lot 3 if it were to eventually be an approved building lot. Mr. Napierala stated they would come off the existing driveway to get to Lot 3 and an easement will be created. He also noted that Mr. Bonacci will maintain ownership of Lot 2 and Lot 3 but a shared easement for ingress and egress will be created and there will be no additional curb cuts.

Chairman Malfitano stated that a Public Hearing must be held regarding this subdivision. That will be scheduled for March 23, 2026. A metes and bounds legal description of the perimeter of the entire parcel should be forwarded to Ms. Bell for the Notice of Public Hearing.

A comment letter from Mr. Perrine dated November 19, 2025, has been received. Chairman Malfitano asked that he review the plan and provide any updated comments which can be addressed at the Public Hearing. Chairman Malfitano asked that full size copies of the delineation plan be presented at the Public Hearing including clarification of the right of way line and setback lines.

The Short Environmental Assessment Form for the Bonacci Subdivision Lots 1, 2 and 3, signed by Mr. Napierala, and dated November 5, 2025, was reviewed and completed. A motion was made by Mr. Hagan and seconded by Mr. Fuller accepting the Short Environmental Assessment Form, declaring the matter an unlisted action and a negative declaration was issued. With all in favor the motion passed unanimously.

### **Taunton Fire Department Subdivision**

Mr. Nolan Kokkoris and Ms. Kathy Bennett of Bond, Schoenek & King PLLC appeared on behalf of National Grid along with Mr. Justin Damago of National Grid.

Chairman Malfitano noted that the Town Board referred this matter to the Planning Board on December 1, 2025, but we were not given notice until March 5, 2026. Additionally, we have received a referral from the ZBA for the Special Permit.

A revised site plan dated January 21, 2026, was received but it was noted that it had actually been further revised based upon comments from the last week's ZBA meeting. The updated plan was distributed. Mr. Kokkoris noted that on page 2 there are now proposed concrete Jersey barriers shown following comments related to safety issues. It was noted that the bollards are to protect the pipes from National Grid workers backing into the pipes and the Jersey barriers protect the pipes from any vehicles on the Onondaga Road side. Mr. Damago stated that this type of barrier can be moved as needed for inspections.

Chairman Malfitano expressed concern about the driveway as well since it has been narrowed down and the Fire Department vehicles will be coming out that way. He asked that there be some type of protection added along the driveway side since the improvements are so close to the edge of the pavement. One of the specific criteria of the Special Permit is safety and there needs to be some protection along the driveway. Chairman Malfitano asked that some type of barrier be placed outside of the fence on that side as added protection. The Jersey barriers proposed are not anchored. Along the driveway side there is also concern but after discussion it was noted that barriers outside of the fence would not be practical due to future inspections. After further review of the plan and discussion, it was agreed that Jersey barriers would be added to the area on the inside of the new gate and along the fence on that side. It was also asked that a detailed description of the fence and barriers be added to the plan and the fence and gate should be delineated.

Chairman Malfitano was at the site and noted that stakes were placed along the fence line as previously requested. Mr. Damago also noted that they had a meeting with the Fire Department

today. The location of the flags was part of the line of site conversation with the Fire Department and they were in agreement with the angle cut and they had no reservation with the location of the fence. The new fence will be an 8 foot high chain link with an additional foot of barbed wire and no vinyl slats. The existing fence is 6 foot high but the new section will be 8 foot high. The existing fence will not be replaced. The applicant was asked to add the fence detail to the plan as documentation.

Mr. Hagan noted that the subdivision plan showed an access easement and he believes it should also be shown on the site plan. Mr. Kokkoris stated that the easement has not yet been recorded but the approximate location has been determined. Chairman Malfitano expressed that it can be shown on the plan with notation indicating that it is the "proposed easement location to be dedicated and recorded after the filing of the subdivision map."

Chairman Malfitano dictated a response letter to the ZBA regarding the Special Permit. Additionally, Chairman Malfitano dictated a response letter to the Town Supervisor and members of the Town Board regarding the Site Plan referral. All members of the Planning Board were in agreement with the responses. A copy of both the ZBA response letter and Town Board response letter are attached as part of the minutes of this meeting. The Public Hearing for this matter remains open at this time.

### **Dwell Equity Group LLC**

Chairman Malfitano explained that there have been no full sized plans provided for review of this referral from the ZBA. At 8:41 p.m. Chairman Malfitano made a motion to enter into Executive Session to obtain the advice of legal counsel. Mr. Fuller seconded the motion which passed unanimously.

Before leaving the room to conduct the Executive Session, Linda Moreno, a resident of Old Towne Estates Section 1, asked to speak during public comment time. She wanted to know who is responsible for making sure that work requested for permits pulled to develop this subdivision is completed. Such as the amount of top soil that needed to be put in, swales that needed to be done, seeding and grading, stone work and mesh work, all of the work. Chairman Malfitano explained that there is a subdivision plan and a set of construction plans. The Planning Board reviews them and then they are approved by the Town Board. They become part of a formal highway agreement that the developer and the Town Board sign. As the work progresses the Town Engineer goes out and inspects to make sure the major swales and those types of things are constructed. Before they can come back and get a final approval and file the subdivision map, there has to be a thorough review and comment letters and all of the major items have to be brought into compliance and minor punch list items.

Ms. Moreno asked if the Town Engineer would make sure that the land developer did the proper land grading per the Storm Water Pollution Prevention Plan and the drainage report. Chairman Malfitano stated that there is a more detailed drainage plan which is the reference point for grades and elevations for each of those points. Ms. Moreno asked who is responsible for making sure that the land developer does that. Chairman Malfitano stated that there are initial reviews during construction and before they are supposed to be able to get permits, if they disturb something and change something while building a house; that will be picked up when they do a final review. Mr. Perrine stated that the consulting engineer inspects things in public right of way or public easements; they do not certify final grades on private lots. Ms. Moreno stated she is not speaking of private lots. She stated that there are 15 homes in the subdivision and there are 13 that have severe structural damage done to their homes. Chairman Malfitano stated that the types of issues she is mentioning are building code issues. It was suggested that she make an appointment with the Codes Enforcement Officer and the Town Supervisor as none of those types of issues are Planning Board issues.

At 9:06 p.m., the Planning Board reconvened the public meeting. Chairman Malfitano stated that the Planning Board discussed and obtained advice of legal counsel in terms of the application that they reviewed and the comments they have which have been summarized into a response which was then dictated into the record as a response letter to the ZBA. A copy of the response letter is attached hereto. Chairman Malfitano asked if all members of the Board concurred with the letter as discussed, and all members confirmed their agreement.

### **Planning Board Minutes**

A motion was made by Mr. Hillery, seconded by Mr. Marshall, that after minor changes, the Board approve and accept the meeting minutes of the February 23, 2025, meeting. The motion passed with all in favor.

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 9:34 p.m.

Respectfully submitted,

Melinda L. Mayer  
Secretary

**TOWN OF ONONDAGA  
Planning Board**

TOWN HALL  
5020 Ball Road · Syracuse, NY 13215

Marc A. Malfitano, Chairman  
Alfred Fuller  
James Hagan  
David Hillery  
Otey Marshall

March 11, 2026

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

Re: Taunton Fire Department Subdivision and National Grid Natural Gas Facility  
Improvements

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

The attorney for National Grid and the representative for National Grid appeared before the Planning Board and provided us a revised set of plans. The plans that have been made available by the Codes Office were accompanied by a transmittal of March 5, 2026. The updated plans provided to us at the meeting bare the prior revision date of January 21, 2026, but they in fact have additional notations shown.

The concern for the Special Permit review centered around the access driveway to be left for the Fire Department and the close proximity of the new improvements proposed to be constructed by National Grid.

This updated plan that was delivered to us shows proposed concrete barriers parallel to Onondaga Boulevard. In addition, the Planning Board feels that there should be additional protection installed on the new National Grid property, and has confirmed with the applicant, inside of the fence line for a continuous line of Jersey barriers or other similar structures because the new improvements show pipelines as close as 6 feet 4 inches and 8 feet 5 inches from the existing fence line. We believe the applicant has agreed to add those improvements.

The plan needs a few additional delineations:

1. While there has been a reference to a fence line, the fence line is not delineated on the plan;
2. Delineate the location of a new gate proposed along the Fire Department driveway access;
3. Show these new Jersey barriers along the fence line of the Fire Department driveway;
4. Identify with detail the fencing proposed. The applicant told us it will be an 8 foot chain link with an additional 1 feet of barbed wire and there will be no vinyl slats or other similar materials installed within the fence that will potentially impact visibility.
5. The applicant and the Fire Department have been discussing an easement for a new pipeline over the Fire Department property that would also impact these facilities and we ask that the proposed pipeline location and the extent of the easement be shown on the map. There was discussion in terms of filing the map and that the easement would be

granted afterward. We suggested that a note could be put on the map to say, "this is the location of the easement and it is proposed to be recorded after the filing of the subdivision map";

6. We should also have shown on the plan the detail for the concrete Jersey type barriers.

In addition, we suggest at some point in time before the ZBA acts, that plans be submitted with an engineer's stamp on them.

There has been discussion between National Grid and representatives of the Fire Department about the acceptability of the fence line and visibility. The National Grid representative indicated there is agreement but no one from the Fire Department was present to confirm.

We think that the items should be considered by the ZBA under the Special Permit conditions that relate to safety.

We had a lengthy discussion between the Board, our counsel and the applicant regarding the survey plan, prepared by Devon A. Larson, which is effectively the subdivision plan. We noted to the applicant that that plan does not have many of the items that need to be delineated shown. For example, it does not clearly show the edge of the right of way along Onondaga Boulevard which would be the point at which other dimensional requirements, such as front yard setback, would be shown. We also note that the comment letter prepared by William Perrine of December 22, 2025, included a comment that building setback lines, side yard setback and rear yard setback should be added to the plan and labeled. None of those dimensions are shown.

We tried to explain to the applicant that the subdivision plan needs to be a primary plan and that the engineering plan should dovetail off of it. We also noted that there are different terms referenced and different color codes used between the two plans that need to be reconciled, again with the subdivision plan, which is prepared by a surveyor, being the plan of record.

The applicant makes note that our Subdivision Regulations don't contain the dimensional requirements within that language but we pointed out that the definition terms referred to items in the Zoning Code which we referred the applicant to. It was suggested that the applicant can get on the phone with our Town Engineer and he can walk them through the requirements of the items that need to be shown on the subdivision plan.

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.  
W. Perrine, Town Engineer  
N. Kokkoris, BSK



**TOWN OF ONONDAGA  
Planning Board**

TOWN HALL  
5020 Ball Road · Syracuse, NY 13215

Marc A. Malfitano, Chairman  
Alfred Fuller  
James Hagan  
David Hillery  
Otey Marshall

March 10, 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 are responding to the ZBA on the referral in the above captioned matter. At the outset, we want to address the timeline and the perception of delay by the Planning Board on this matter. We acknowledge that this matter was referred to us by email on February 4, 2026. However, the ZBA did not forward or make available any physical file to us; the referral provided only an electronic copy of "the area variance application", a portion of the file. Additional items could be made available, but only upon additional request.

The Planning Board took this matter up for review at its meeting of February 9, 2026. The electronic file contained a small plan applicable to this application; that plan was very difficult to see and review because of its limited size of 8 ½"x11". A letter from the Planning Board to the ZBA was dictated into the record at the February 9th meeting, and through the diligence of the board secretary, it was transmitted to the ZBA on February 10 at 9:02 A.M.

As you know, no plan of suitable size capable of review was submitted with the Dwell/Harper application and no such plans were submitted during any presentation to the ZBA by the Applicant nor as part of any public comment submission. The ZBA closed the public comment time for any submissions on February 3, 2026. It was not until approximately February 17, 2026 that any such plan was "added" to the file of the ZBA for this application.

The now modified plan was only made available to the Planning Board for review on February 23, 2026. This added plan is entitled "Variance Map" and was prepared by Ianuzi and Romans Land Surveying P.C. and dated October 15, 2025 (the "Plan"). This Plan does not identify any dimensional requirements for the lots as required by the Zoning Code. Nor does the legend on the Plan identify the applicable or correct minimum lot dimensions required in the One-Family Residential R-1 district (hereafter "R-1") along Cleveland Road. The Plan is devoid of any delineation of the street right of way line.

The Plan legend shows the minimum lot width as 100 feet. This is incorrect. Cleveland Road is a designated "collector" street under §285-31(B). The correct minimum lot width under §285(D)(1) is for lots with public water and sewer is 125 feet.

The minimum front yard setback in this district is 35 feet. This is incorrect. The minimum setback for a collector street under §285-31(C) is 50 feet.

No minimum lot frontage is shown on the plan for the R-1 district. Under §285-9(d)(6)(a), a minimum lot frontage is required for each lot of 60 feet, subject to adjustment for a collector street under §285-31(E) (1) to 90 feet.

We believe the Applicant seeks substantial area variances from the Zoning Code to allow 2 flag lots in lieu of the lot dimensional requirements required by the Zoning Code. A “flag lot” is type of lot shaped like a flag with a long narrow “pole”, the access point, which connects the buildable “flag” to a public road. The dimensional requirements of the Town of Onondaga Zoning Code do not practically permit flag lots where the “pole” portion of a lot does not meet the lot frontage and lot width dimensional requirements of the Zoning Code.

Applicant seeks variances to permit: Lot 100 with frontage and lot width of 29.6 feet in lieu of 90 feet and 125 feet respectively; and Lot 101 with frontage and lot width of 29.61 feet in lieu of 90 feet and 125 feet respectively.

We believe the variance requests are substantial. The frontage width variance request is to permit lots which only meet 33% of the minimum required, making the variance at least 67% but practically at 76%.<sup>1</sup> The lot width variance request is to permit lots which only meet 23.6% of the minimum required, making the variance 76%.

The record show that the Applicant claims that the lot frontage and lot width requirement are fluid or sliding requirements that can be adjusted by adding or reading into the Zoning Code standards words for “minimum” distance standards. Applicant does not offer anything to support this argument which is contrary to the clear language of the Zoning Code. Both lot frontage and lot width are measured at fixed identifiable points.

Lot frontage is defined in §285-4 as “[t]he side of the lot abutting on a street right-of-way...” The street right-of-way is a fixed identifiable point as a matter of law. Such street right-of-way is not shown on the Plan.

Lot width is defined in §285-4 as “the distance between two side lot lines measured along the front yard setback line as established for each district in this chapter”. Note that the dimensional requirement for lot width of the R-1 district (and for all other residential districts, in their respective sections, setting minimum lot width for those districts) reinforce the fixed place of measurement of lot width with the words “measured at the front yard setback line” specifically stated in each residential district section of the Zoning Code defining lot width.

The Applicant confuses all these issues by its failure to submit a plan showing the applicable dimensional requirements on which it seeks relief. At the same time, it asserts in writing, that “the code enforcement officer (“CEO”) should not have determined that a lot width variance was required, but should have read the aforementioned code definitions together and should have referred the subdivision proposal to the planning board who would have then establish the location of the Front Yard Setback Line...”. This information was required to be shown on the Plan as a condition precedent of any submission or review, by a CEO (Code Enforcement Officer) or the Planning Board.

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<sup>1</sup> As a practical matter, when the corners of the lot are rectangular in shape, as is the case here, the frontage and width dimensions as essentially the same. This frontage relief sought is really the difference between 29.6’ and 125 feet, or a variance of 76%. The lot frontage requirement of 90 feet and the lot width requirement of 125 feet practically only relates to a curve or a cul de sac.

In any event, with the depth of the “pole” for the adjacent lots showing at least 200 feet (from an unidentified point)<sup>2</sup> the lot width of Lots 100 and 101, each of which is required to be at least 125 feet wide, would be measured at a fixed point measured 50 feet from the street right of way line along Cleveland Road. This point is within the “pole” of the proposed lots, making them lots which do not comply with the lot width requirements of the Zoning Code.

We think it is especially important to highlight the history of the Town Zoning Code on the lot width issue, especially since one member of the ZBA owns what would be considered a flag lot. Lots of narrower width at any of the street line, the right-of-way line or front yard setback line could have legally been permitted under the Zoning Code prior to 1994. In follow up to the 1989 update of the Town comprehensive plan, and an extensive set of amendments to the Zoning Code, the Town Board, in its legislative capacity, adopted the Zoning Code we have today by Local Law No. 1 of 1994 on May 16, 1994. Those updates and revisions included the insertion of the language present today in the Zoning Code which makes clear, and fixes the point of measurement, of lot width at the front yard setback line.

It is now over thirty (30) years that the standard for the point of measurement of lot width has existed in the Zoning Code. For subdivisions, whether of a few lots, to larger subdivisions in whatever zoning district, this standard has been largely respected and complied with.

If variances are granted in this case, especially considering the magnitude of relief sought, it has the likely impact, due to the precedent it would set, of weakening the ability of the Town to administer the Zoning Code as it exists today. Numerous reasons support this conclusion:

1. At the time the Applicant proposed to acquire this property, the Applicant sought meetings and guidance from the Town Supervisor and the Planning Board Chairman over its proposal to develop the property, including a six lot subdivision, of which five lots would have been developed along a new public roadway to be built within the approximate 60 foot wide strip connecting to Cleveland Road.
2. Applicant applied for and received Town of Onondaga Planning Board approval for the Woodland Hills subdivision, at this location, on June 9, 2025. The Planning Board also approved a complete set of construction drawings for this subdivision. Other than the delivery of a Highway Agreement to be approved by the Town Board, this Applicant was free to proceed with development.
3. The Applicant appeared before the Planning Board on September 8, 2025 requesting the private road and openly declared that it had changed its mind on how to proceed.
4. The Applicant thereafter sought some relief from the Town Board and the Board by written communication agreed to waive the requirement of a cul-de-sac at the end of a public road and agreed to accept a hammerhead at the end of a public road of short distance from the Cleveland Road to the rear of the adjacent lots.

For reasons 1-4 alone, the “equities” do not favor the Applicant. The Applicant has not been prevented from developing the property. It purchased the property with full knowledge of the requirements of the Zoning Code.

5. The record before the ZBA is substantially reliant on the Applicant’s argument that 2 homes on a private road, in the same locations as were proposed on the approved subdivision is less impact than five (5) and is better for the neighborhood. This argument is a distraction from the central question, which is whether granting relief of 76% from

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<sup>2</sup> The Town Zoning Code measures lot depth from the point of the right of way line. The Applicant has provided incomplete information and the record does not show that the ZBA has requested accurate information.

the longstanding requirement of the dimensional requirements of the Zoning Code to permit flag lots and private driveways, simply because the Applicant does not want to comply, is a fundamental change to the neighborhood. The record before the ZBA is fixed, the submission of tax maps shows that there are no similar lots along the substantial length of Cleveland Road.

6. The relief sought here is substantial, lots based on layout 67% narrower at the street line and with widths 76% less than requirement at the building set back line, both as the Zoning Code requires, because the Applicant has changed its mind.
7. The benefit sought by the Applicant, to build two or more homes, can be achieved by a "method feasible" of building in accordance with the approved subdivision plan without a variance. The Application state "...the applicant could construct the Town-required public hammerhead road...". It simply does not want to.
8. The Applicant openly stated before this Board, and as supported by the record, before the ZBA, that it changed its mind. It does not want to develop the property according to the Zoning Ordinance but in the way it wants. Applicant has admitted that the issue is self-created. We believe there is no legal standard to support that right or entitlement to a variance.

In this case, granting the variances would produce an undesirable change in the neighborhood. It would not only set a negative precedent; it would also create a pattern to reduce the average lot width in the area, impairing the effectiveness of the zoning ordinance. The precedent that would result from the granting the magnitude of the variances in this case is substantial. While each matter must be considered based upon the individual facts, here, the Applicant is not prevented from developing the property, the Applicant self-created the issue by its "change of mind" and the relief sought is substantial. Granting such large variances as to lot size requirements sets a precedent that is not easily distinguishable where similar relief is sought for lot width and frontage relief, since the ZBA is bound by its prior decisions.

We are also aware that state law requires that the ZBA shall grant the minimum variance necessary "to preserve and protect the character of the neighborhood and the health, safety and welfare of the community". This is a mandate, not an option. We openly ask why relief can be granted here when the Applicant can develop the property in accordance with the existing subdivision approval.

In summary, we strongly encourage the ZBA to seek the advice and interpretation of counsel regarding the standards that apply to this Application. The power of a Town through the ZBA to grant variances is to be exercised sparingly, and only in exceptional circumstances. The law does not authorize the granting of a variance, just because the owner, as is the case here, has a personal desire to develop the property the way it wants. The Applicant already holds a valid subdivision approval and additional accommodation by the Town Board so we believe reasonable use of the property is already present, but this owner simply prefers otherwise. Variances are not tools of convenience.

Very truly yours,

Town of Onondaga Planning Board

Marc A. Malfitano  
Chairman

cc N. Bell, Town Attorney  
R. Andino, Esq.  
J. Mahar, Town Supervisor  
Town Board Members