

# 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.  
June 9, 2025**

### Present:

Marc Malfitano, Chairman  
Alfred Fuller  
Patrick Britt  
David Hillery  
Nadine Bell, Attorney  
Bill Perrine, Engineer

Chairman Malfitano called the Planning Board to order at 7:02 p.m. noting that Mr. Hagan is excused.

### **Omelian Subdivision**

Having received proof of publication dated June 1, 2025, of the Notice of Public Hearing in the matter of the Omelian Subdivision, Chairman Malfitano opened the Public Hearing. No one appeared on this matter so the Public Hearing will be continued.

### **Michael Bonacci Subdivision**

Having received proof of publication dated June 1, 2025, of the Notice of Public Hearing in the matter of the Michael Bonacci Subdivision, Chairman Malfitano opened the Public Hearing.

The applicant stated that he wanted to amend the proposed subdivision to be a 5 acre lot because the buyer does not want to obtain a County septic plan approval. Chairman Malfitano explained that there is no exemption for a 5 acre lot and the Town of Onondaga Subdivision Regulations would still require the approved septic plan for the Planning Board to make a determination that adequate sewage disposal is provided for. He also noted that there is an exemption for agricultural purposes, which requires a 7 acre lot not 5 acres.

Chairman Malfitano suggested that the buyer could have a septic plan designed estimated based upon a 4 bedroom house which would allow for approval of the system and the size of the leach field. He explained that the process involves the perc testing then in the past a letter from the Health Department would be provided stating that based upon the perc testing they would not have a problem issuing a plan. The County Health Department will no longer issue such a letter and now require an actual septic plan approval.

The applicant explained that he and the buyer have experienced difficulty communicating with the Codes Office because of changing staff and being redirected to other departments as well as being provided information that differs from what he is being informed by the Planning Board. Chairman Malfitano reiterated that we need the septic plan approval prior to making any determination of subdivision approval. Chairman Malfitano noted for the record that we do not have an updated plan and the Public Hearing for the Michael Bonacci Subdivision will be kept open.

### **Woodland Hills Subdivision**

Having received proof of publication dated June 3, 2025, of the Notice of Public Hearing in the matter of the Woodland Hills Subdivision, Chairman Malfitano opened the Public Hearing.

Mr. Scott Freeman, landscape architect, appeared on behalf of the applicant. A letter dated April 7, 2025, responding to the outstanding items was noted. A letter dated May 8, 2025, from Mr. Perrine lists the plans for consideration. He noted that the plan has not yet received preliminary approval and due to the amount of time that has lapsed and the efforts put forth, he asked that the Planning Board consider preliminary plan approval and plan approval of the contract drawings before it goes before the Town Board.

Chairman Malfitano asked if they are pursuing the alternative construction process. Mr. Perrine stated he had explained the processes to the owners and they advised that they will be seeking the alternate process. Chairman Malfitano explained both processes.

The applicant expressed wanting to expedite the process as much as possible. Chairman Malfitano explained that the main difference is posting the securities. Lots cannot be conveyed until the final plan is approved and this matter will need to be reviewed by the Town Board for the highway agreement. It was noted that the draft highway agreement has been requested. Ms. Bell will communicate with the applicant's attorney.

Mr. Perrine has a set of stamped plans for this subdivision from the engineer. Ms. Bell has just received a draft of the covenants. It was noted that it states a timeframe of 40 years. Ms. Bell will work with Mr. Germain, the applicant's attorney, to assist with the wording. Additionally, a private maintenance covenant easement agreement for the detention facility on one lot will also need to be drafted.

There being no further comments or questions, Chairman Malfitano closed the Public Hearing. Mr. Freeman noted that the application for the Consolidated Drainage District extension was submitted. Mr. Perrine noted that will be a Town Board action.

Chairman Malfitano made a motion to approve the preliminary plan (Sheet 1 and 2) of Woodland Heights of March 20, 2024, last revised May 7, 2025, prepared by Ianuzzi and Romans, based upon the plans as listed, and the SWPPP last revised May 7, 2025; grant preliminary approval subject to the conditions that there is a declaration of covenants conditions and restrictions, a draft which has been received, which needs approval as to form by the Town Attorney; the form of a private drainage maintenance agreement prepared and accepted between the Town and the Applicant; and the legal description of the area that encompasses the private maintenance agreement should be added to the preliminary plan. Mr. Fuller seconded the motion which passed with all in favor.

## **CONTRACT DRAWINGS**

- L-000 – Title Sheet, dated September 18, 2024, last revised April 9, 2025
- L-100 – Site Preparation Plan, dated September 18, 2024, last revised May 7, 2025
- L-200 – Grading, Drainage, & Utilities Plan, dated September 18, 2024, last revised May 7, 2025
- L-201 – Partial Plan – Entry Drive, dated September 18, 2024, last revised April 24, 2025
- L-300 – Layout and Planting Plan, dated September 18, 2024, last revised April 24, 2025
- L-500 – Erosion & Sediment Control Plan, dated September 18, 2024, last revised May 7, 2025
- L-600 – Details, dated September 18, 2024, last revised April 24, 2025
- L-601 – Details, dated September 18, 2024, last revised April 9, 2025
- Preliminary Plan, Sheet No. 1 of 2 and Sheet No. 2 of 2, Woodland Hills, dated March 20, 2024, last revised May 7, 2025, as prepared by Ianuzi & Romans Land Surveying, P.C.
- Stormwater Pollution Prevention Plan (SWPPP) for Woodland Hills Subdivision, dated August 21, 2024, last revised May 7, 2025

## **Woods Way Subdivision**

Mr. Derm Delay appeared regarding the proposed subdivision located at 4690 McDonald Road. Ms. Bell had provided his attorney with a letter stating the outstanding requirements for the Woods Way Subdivision. He believes that all items were addressed with the exception of the SWPPP. He also asked if the submission of payment and the application had been located in the file.

Ms. Bell stated that on June 19, 2024, she emailed Attorney Kevin Ryan in response to his email requesting a comprehensive list of all remaining requirements that remain unfulfilled in order to get the Town to grant subdivision approval. There were 8 items noted in Ms. Bell's response: 1) New subdivision application form as there was no record of a new form being submitted although there was a record of fees being paid, 2) Short Environmental Assessment Form, 3) SWPPP, 4) Written confirmation that the expense and installation of water system improvements required by OCWA including the 8 inch extension as set forth in communication from OCWA was going to be born by the applicant (referred to an email from Mr. Drake to the Town Engineer), 5) Contract drawings for the public sanitary sewer extension prepared by a licensed engineer with deposit of construction securities with inspection fees for the Town Engineer, 6) Documentation evidencing approval from WEPP and the Department of Health for the contract drawings, 7) Payment of park fees in the amount of \$2400, and 8) Confirmation of plans to either proceed under the traditional subdivision approval or the alternate.

Ms. Bell further indicated in her email to Mr. Ryan that once these items were provided, a Public Hearing would be scheduled. She noted that she received an email back from Mr. Ryan stating that Mr. Delay asked that he get clarification regarding items 4 and 5. He stated, it is his understanding that as a sub-divider as opposed to a developer, that he would not be responsible for the cost of installing the water system and the sewer extension on the proposed subdivided land. He asked if that understanding is correct or if it is the Towns position that he is in fact responsible for those costs. Ms. Bell confirmed back by email the same date stating the Mr. Delay is responsible for the cost of the items associated with items 4 and 5, being the contract drawings for public sanitary sewer extension and confirmation of the expense and installation of the water system improvements.

Ms. Bell stated that she did not receive a response, but the next day as a follow up she advised as follows; recognizing that Mr. Delay retained your services only recently, I know that in 2006

to 2007 Mr. Delay proposed an 8 lot subdivision on the same property that included construction of a new street and cul de sac and at that time Mr. Delay had submitted complete construction plans that had been prepared by a licensed engineer for the road, water and sewer utilities and an initial set was done by Steven Barber P.E. dated September 9, 2007, and a subsequent set was prepared by Mastrone Engineering dated March 30, 2008. These plans were specifically reviewed and approved and she advised Mr. Delay should be familiar with the process and the requirements. Ms. Bell indicated that she does not have any communication since the July 10, 2024, email to Mr. Ryan.

Mr. Delay indicated that he did acknowledge to Mr. Ryan that the expense for the water system would be his responsibility and perhaps he did not understand. Chairman Malfitano noted that it has been some time since his last appearance, but it was made clear at that time that the subdivider has to provide adequate water and sewer as part of the subdivision process. Also a modified highway agreement will need to be entered into between the applicant and the Town Board and also confirm the extension of the sewer line. Mr. Delay stated he will speak with Mr. Ryan.

Ms. Bell explained that the outstanding requirements have not been met. Mr. Delay noted that he gave a check for the fees in January of 2024. Ms. Bell stated that in her email she does acknowledge that, however, there was not a new application and in addition there was no evidence of payment of the park fees which is \$600 per lot for a total of \$2400 needed. We also need the SEAF and documentation of the arrangement for the work with OCWA. The engineering and application fees have been paid.

Chairman Malfitano asked if the applicant will be moving forward to provide the document that OCWA is requesting. Mr. Delay stated he was waiting to hear back from his attorney. Ms. Bell noted that she had an unrelated conversation with Mr. Ryan and he asked if there had been anything further for this subdivision. Ms. Bell stated that the email was the last communication. Mr. Ryan also noted that he had not been in communication with the applicant. Mr. Delay will reach back out to Mr. Ryan.

Mr. Delay noted that he has a sewer design prepared. Mr. Rudy Zona noted that there are 3 new residential lots and one lot that is existing. He asked about doing a SWPPP for the 3 lots and analyzing the hydrology on those 3 lots. Mr. Zona is seeking guidance for the storm water drainage and maintenance plan. Chairman Malfitano noted that it will depend on the size of the impervious surface. Mr. Zona noted that it will be 3 short driveways and the houses. Chairman Malfitano stated that the normal calculation of impervious surfaces should be used. A private maintenance agreement could be included if the size warrants. Mr. Zona noted that each lot could have their own possibly. Mr. Perrine noted a similar project on Beef Street where they calculated the impervious surface for all 4 lots and it consisted of a dry swale with a small extended linear detention basin and a private maintenance covenant easement agreement that stretched across all 4 lots and would be recorded with the county. Mr. Perrine noted that it is a suggested practice.

Chairman Malfitano noted that no one wants Mr. Delay to incur extra expenses with Mr. Zona or Mr. Ryan, but the main issue is the water line and the sewer. It was noted that OCWA has already designed the water system plan for the current proposed subdivision. Chairman Malfitano explained that the water line is on the opposite side of the street and the area is all rock. The applicant will need to agree to the cost of that plan prior to proceeding. The applicant's unwillingness to accept that expense has been the biggest issue and that needs to be addressed and worked out. Mr. Perrine added that there is a County trunk sewer on the opposite side of Furnace Brook and connection to each lot was not feasible so there is a

schematic extension of a sewer across Lots 2 through 4. The expense to extend that sewer which will be dedicated to the Town of Onondaga as a public sewer main will be expensive. Mr. Zona noted that he has a proposal for that and he will provide it to Mr. Perrine to review.

Mr. Zona asked what will fulfill the requirement on Mr. Delay's part. Chairman Malfitano stated he will need a service agreement with OCWA. For the sewer he will need to agree to the minor extension and there will need to be a modified highway agreement with the Town that will obligate that portion of it to be done. Those components are part of the subdivision approval.

For the record, Chairman Malfitano acknowledged receipt from Mr. Zona of 3 sheets, S-0, S-1 and S-2 for the proposed sewer extension. A copy for the file was received and a copy was provided to Mr. Perrine. Further discussion will be based upon comments from the Town Engineer. We still await input and information from the applicant on the major outstanding issues.

### **Planning Board Minutes**

A motion was made by Mr. Fuller, seconded by Mr. Hillery, that after minor changes, the Board approve and accept the meeting minutes of the May 12, 2025, meeting. The motion passed with Mr. Britt abstaining.

A motion was made by Chairman Malfitano, 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 8:08 p.m.

Respectfully submitted,

Melinda L. Mayer  
Secretary