

TOWN OF ONONDAGA

Planning Board

ALFRED J. FULLER
4564 Cole Road
Syracuse, NY 13215

TOWN HALL
5020 Ball Road • Syracuse, NY 13215

PATRICK BRITT
401 Broadview Drive
Syracuse, NY 13215

DAVID HILLERY
4832 Breckenridge Run
Syracuse, NY 13215

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

JAMES HAGAN
5091 Webster Mile Drive
Syracuse, NY 13215

**Meeting Conducted at 7:00 p.m.
June 23, 2025**

Present:

Marc Malfitano, Chairman
Alfred Fuller
David Hillery
James Hagan
Nadine Bell, Attorney
Bill Perrine, Engineer

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

Omelian Subdivision

Chairman Malfitano stated that this is a continuation of the Public Hearing for the Omelian Subdivision which was opened at the prior meeting and no one appeared. The applicants, Mr. and Mrs. Michael and Emily Cullen, presented their plan to subdivide the Omelian's property into two lots, one of which is being acquired by the Cullens, and it was noted that the plan has not changed. Chairman Malfitano was provided with an updated plan prepared by Ianuzzi and Romans last revised June 19, 2025.

It was noted that this matter does not require a referral to the County Planning Board and the SEQR determination was done on May 12, 2025. The applicant noted that the inspection for the pool has been done and a Certificate of Occupancy has been received. There being no further questions or comments, Chairman Malfitano closed the Public Hearing.

Chairman Malfitano made a motion to approve the preliminary plan for the Omelian Subdivision based upon a plan prepared by Ianuzzi and Romans Land Surveying P.C., last revised June 19, 2025, with the conditions that the title block be changed to Omelian Subdivision, and that parcel 8C is to be combined with their existing Lot 10 and a recombined deed be filed in the Onondaga County Clerk's office within 30 days of the filing of the map, to incorporate our SEQR determination of May 12, 2025, and waive further public hearing. Mr. Fuller seconded the motion which passed with all in favor.

Limestone-Norton Subdivision

Mr. Jay Holbrook, Land Surveyor, presented a plan for a proposed subdivision located on the northwest corner of Norton Road and Abbey Road. Chairman Malfitano asked if this is in the area where the water line extension is proposed. Mr. Perrine indicated that part of it is located in that area.

Chairman Malfitano asked why the configuration for the lots at the intersection are being proposed as triangles as the plan shows. Mr. Holbrook noted that the County wants the driveway locations as they are shown due to limited sight distance so the configuration was switched to accommodate the driveways. Mr. Holbrook indicated that Lot 7 is 2.7 acres, Lot 6 is 2.5 acres, Lot 8 is 3.2 acres, and Lot 5 will be combined with the Storie property to give 20 more feet of property on the side of their existing barn. The lot that is being created will be combined with an existing lot.

There was some discussion about the lot configuration and possible placement of houses on the lots to meet the setback requirements. It was noted that all of this land is in the Agriculture District but not all of it is in the proposed extended water district. Mr. Perrine noted that Lots 1 through 4 are located in the extended water district. Chairman Malfitano asked if this would violate the new restriction that the Town adopted. Ms. Bell stated that she does not believe so because only 4 lots are in the water district and the resolution is only specific to the water district. Chairman Malfitano noted that the next question is if those 4 lots will be allocated a share of the cost of the water district. Mr. Hillery noted that it will if they become residential. Ms. Bell stated that because the resolution just passed at the last Town Board meeting, she will clarify everything before she commits answers to the Planning Board.

Chairman Malfitano asked Mr. Perrine, just for informational purposes, what the per-lot allocation will be. Mr. Perrine stated that the approved number is changing because there are 5 or 6 parcels that are deemed in the Agriculture District. The approved number is \$2985 per year for 30 years allocation per single family home connected to the water service.

It was noted that the current owner of the property is Limestone Ridge, LLC. Chairman Malfitano asked where the Storie's water comes from and Mr. Holbrook stated there is a hydrant in front of the house but he is not positive. Mr. Perrine clarified that the existing water main is on Abbey Road and heads west on Norton Road to the Storie property. The water district begins there and goes to Bussey Road. Chairman Malfitano noted that this will create 4 more lots within the proposed water district and they will then be subject to a unit charge. The Storie property is proposed to go into the new proposed water district.

Chairman Malfitano asked Mr. Holbrook to reconsider the configuration of the new building lots at the intersection and work on perc tests and septic approvals. Mr. Perrine also noted that this subdivision will require a SWPPP.

A subdivision application for Limestone-Norton Subdivision will be filed and this matter will be added to the agenda for the July 14, 2025, Planning Board meeting for preliminary plan presentation.

Michael Bonacci Subdivision

Mr. Vince Mangan, real estate agent for the applicant, appeared before the Planning Board regarding the Michael Bonacci Subdivision. Chairman Malfitano asked if he represents the buyer or the seller. Mr. Mangan stated both, but then stated he represents Mr. Bonacci. Chairman Malfitano asked who the buyer is and Mr. Mangan declined to identify a buyer other than to state it is someone from out of town.

Chairman Malfitano noted that in trying to obtain information to make a determination on this subdivision, the buyer does not want to obtain septic approval which is required to approve the subdivision. Mr. Mangan stated that there is no plan to build a house at this time. Chairman Malfitano explained that it was suggested that the applicant obtain septic approval by basing it on a generic 4 – 5 bedroom house. He also noted that you do not need a set of house plans to do that. To create a legal lot septic approval is required. An engineered septic plan is required but you do not need a set of building permit house plans to go to the Health Department.

Chairman Malfitano noted that now Mr. Bonacci wants to change this to a 5 acre lot. He stated that a new subdivision application will be required and then another Public Hearing will have to be held. If approval is granted, there will be a condition on the plan that states, "This lot is not an approved building lot due to the absence of a septic approval." Additionally, the new owner of Lot 1 will have to return to the Planning Board again and start the process all over if they decide to build a house on the lot. They will also have to pay filing fees again to get the note removed from the plan.

Ms. Bell noted that the concern from the Planning Board's perspective is that from the beginning the Applicant represented that he wants to subdivide the property because he had somebody that was interested in purchasing it for purposes of building a home. That was the representation. You can go down the path that the applicant is now taking, but does the purchaser know what they are buying? In the future will they come in irate because they bought a piece of property that they cannot build on? The Planning Board is trying to protect that from happening and that is the concern. The Planning Board is saying that you do not need specific floor plans if you just say, for example, a four bedroom home with two and a half baths. That will get you to where you need to go with the septic approval. The Planning Board tried to explain to Mr. Bonacci, and now Mr. Mangan, that he does not have to have specifics for the house.

Mr. Mangan reiterated that the buyer of land does not want to build a house at this time. Chairman Malfitano noted that we are just suggesting the most economical and the most practical way for this to be handled. Additionally, that would be the buyers cost not Mr. Bonacci's. In the future if the buyer comes to the Codes Office seeking a building permit they will not be granted one because there will be a note on the plan that the adequacy of septic was not addressed at the time of subdivision approval. Ms. Bell also noted that a lot that is an approved building lot is worth a lot more than a farm lot. Chairman Malfitano added that this does not even qualify as a farm lot because it will not consist of 7 acres or more under our Town Code.

Chairman Malfitano explained that the Planning Board has to pass on the adequacy of water and sewer to approve a subdivision. Mr. Bonacci does not want to go through that and is now trying to find a different way to address it and we are just saying that this does not make it

easier in the long run. Mr. Mangan stated that it addresses it on the County level but it does not address it on the Town level. Chairman Malfitano agreed. He also noted that it is the Town Planning Board that approves the subdivision, not the County. The County approves the septic plans. Mr. Hagan asked if the ultimate plan is to put a house on the property or something else. Mr. Mangan said when talking with the buyer he said it was but he doesn't really know.

Chairman Malfitano noted that the basic number of bedrooms and bathrooms determines the size of the leach field. That is how the County calculates how big the leach field needs to be. Mr. Mangan asked if in this Town you cannot buy 5 acres without a septic plan. Ms. Bell said no. We are saying that in this Town, seeking the approval down this path, this will not be an approved building lot and it cannot be used for agricultural purposes either because it does not have sufficient acreage. Mr. Mangan asked if the unapproved building lot holds for the duration of the property or can the owner come back to seek approval. Ms. Bell stated that is what has been advised previously, the buyer will have to come back and go through this process again. Chairman Malfitano added that ultimately it is costing everyone more. Additionally, he asked that Mr. Mangan or Mr. Bonacci disclose to the buyer that the Town explained the process in great detail and they will have to come back and have the lot approved for it to be a building lot. Chairman Malfitano also noted that no accessory building can be built on the property prior to a primary structure being built.

Chairman Malfitano also stated that the Town subdivision regulation, consistent with the State statute states that the division of land into two or more parcels is a subdivision. Selling property has to be done properly and it requires subdivision approval which is pretty much the rule in every municipality. A farmer can transfer a piece of land for agricultural purposes but what it does not mean is that you can take a 7 acre piece of land and then come in and get a building permit because it is not for agricultural purposes. Mr. Mangan stated that he understood but that it is Mr. Bonacci's goal to sell a piece of land to a buyer. Not his goal to have a building permit. Chairman Malfitano noted that as long as the buyer understands and the information about what they are buying is conveyed to them.

Chairman Malfitano noted that Mr. Bonacci will need to apply to the Highway Department for a driveway permit. The Town Engineer will provide a comment letter. Ms. Bell noted that the June 9, 2025, Public Hearing was adjourned. Chairman Malfitano declared that the Public Hearing that was held open is now closed. It was noted that the new Public Hearing will have to be scheduled.

Upon further review of the application that was left for the Planning Board with the updated plan dated June 11, 2025, Chairman Malfitano noted that the application is dated May 19, 2025, and the receipt for the fees is also dated May 19, 2025. Since we do not have a new application or record of fees being paid, Chairman Malfitano asked that the Public Hearing not be scheduled for July 14, 2025, but that this matter be added to the July 14, 2025 Planning Board meeting agenda for Preliminary Plan review.

Woods Way Subdivision

Mr. Kevin Ryan, Attorney for the applicant appeared regarding the Woods Way Subdivision. He stated that Mr. Delay has been working with an engineer to submit an application that is responsive to this body's needs and his understanding is that since the last appearance the scope of what is being sought has now shifted. He explained that Mr. Delay was seeking a multi-parcel subdivision but now he is seeking a 2 parcel subdivision taking a portion of the

property and moving it to a non-realty subdivision. He stated that the applicant turned in the new application.

Chairman Malfitano explained that the applicant appeared at the last Planning Board meeting with his engineer, Mr. Rudy Zona. At that meeting Ms. Bell reviewed everything and nothing had changed at that time. Mr. Ryan stated that previously Mr. Delay was doing 3 to 5 lots which required water and sewer lines to be installed. Since he has been working with Mr. Zona, now he has shifted to a non-realty subdivision. Because the size of the lot will be so large, whoever purchases it will be responsible for installing the water and sewer.

Chairman Malfitano noted that we were not aware of the current proposal. Additionally, he asked Mr. Ryan to explain the assumption based upon the size of the property. Mr. Ryan said it is not based on size but it is based upon it not being a building lot but being a non-realty subdivision. If someone wanted to begin the process later on, then they can determine the location of the water and sewer. He also acknowledged the reduced value of the property selling it this way.

Chairman Malfitano noted that the plan still shows 3 driveways on the larger parcel that is being proposed that is inconsistent with the applicant's theory of now one lot. The water line will still need to be brought up the road even if it is one lot. They will also have to connect to the trunk sewer because the property is in the County sewer district. The issue before was that the applicant does not see himself as the developer because he just wanted to subdivide the land and not install the water and sewer. That is not how the process works.

Chairman Malfitano stated that the water still has to be brought in front of the lot. Mr. Ryan asked if the applicant still has to incur that cost if this is a non-realty subdivision. Chairman Malfitano asked for clarification of what the lot will be potentially available for as a non-realty subdivision. Mr. Ryan stated whatever a buyer wants to buy it for. Chairman Malfitano stated we cannot approve it without a water line in front of it. This is an R1 district and the only thing permitted are single family homes and if it were large enough, a farm, which it is not large enough. Mr. Ryan stated that subdividing it in this fashion as a non-realty subdivision that way it has less value but the potential buyer would know that they will need to incur the cost of running the waterline and sewer. Chairman Malfitano noted that this has been the rationale in the past because the applicant does not want to pay for it but the water has to be available when someone wants to develop the property. As a subdivider, the applicant has to make the property compliant with the local code in order to get a subdivision.

Mr. Ryan asked if it is the applicant's responsibility even if this is a non-realty lot. Chairman Malfitano asked for the definition of a non-realty lot. Mr. Ryan did not have the information because he was asked to the meeting on short notice. Mr. Delay stated that Mr. Zona advised him to do it this way. Chairman Malfitano reviewed the definition of a subdivision which includes that it is two or more lots for the purpose of conveyance, transfer, improvement, building development or sale. Mr. Ryan asked if it is our position that regardless of the manner in which he subdivides, it is his obligation as a subdivider to bring the water line down to the property line. Chairman Malfitano stated that we have the right under our local code to determine adequacy of every lot for water and septic whether it is public or septic. In order to do that, the Planning Board makes the determination as to if there is water available or if there is no water at all in the area, then you can dig a well. This property is in the County water district and the County sewer district so it has to be tied in.

Mr. Ryan clarified that we will not approve the subdivision if the water is not brought to the property line. Chairman Malfitano agreed and it was noted that is in compliance with the ordinance. Mr. Ryan stated he will discuss this with Mr. Zona. A new plan was provided and a new Short Environmental Assessment Form that will be included with the file.

PlugPV, LLC

A referral regarding this matter from the Zoning Board of Appeals was received via a letter dated June 20, 2025, noting a request for a Special Permit for a solar array. The ZBA reviewed the request on April 25, 2025 and on May 20, 2025, the ZBA as lead agency issued a negative declaration for a type II unlisted action.

The details of the proposal were not provided such as an updated survey with dimensions. The criteria for a Special Permit was reviewed and it was determined that no further decision could be made without additional information.

Chairman Malfitano then dictated a response letter to the Zoning Board of Appeals. A copy is attached hereto.

Planning Board Minutes

A motion was made by Mr. Hillery, seconded by Mr. Fuller, that after minor changes, the Board approve and accept the meeting minutes of the June 9, 2025, meeting. The motion passed with Mr. Hagan abstaining.

A motion was made by Mr. Hagan, seconded by Mr. Hillery, 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 8:30 p.m.

Respectfully submitted,

Melinda L. Mayer
Secretary

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June 23, 2025

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

Re: PlugPV, LLC, 4058 Cherry Valley Road

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

We are responding to your letter of June 20, 2025, regarding the application of PlugPV, LLC for a ground mount solar for the property owned by Donald Moreth.

What was forward to us was a copy of the application with no information other than the reference that it is a ground mount solar and a survey is required.

We did receive multiple copies of the site plan prepared by Spaulding Land Survey dated April 1, 2025.

We note that the requirements of the Town Code at 285-36.1 subparagraph E identified the criteria that are needed to apply for a ground mounted solar system. That the information is listed in that section of the Code, we cannot find any referral or reference to in what was provided to us. We cannot complete a review until the information that is otherwise required is provided.

Very truly yours,

Town of Onondaga Planning Board

Marc A. Malfitano
Chairman

cc N. Bell, Town Attorney