

# 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.  
July 28, 2025**

### Present:

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

Chairman Malfitano called the Planning Board to order at 6:59 p.m.

### **Michael Bonacci Subdivision**

Having received proof of publication dated July 24, 2025, of the Notice of Public Hearing in the matter of the Michael Bonacci Subdivision, Chairman Malfitano opened the Public Hearing.

Mr. Bonacci appeared to propose the subdivision of a 5 acre lot from his property located on Tucker Road which he intends to sell. That was the extent of his presentation. Chairman Malfitano asked if the applicant received a water letter from OCWA. Mr. Bonacci stated he did not. Chairman Malfitano clarified that the applicant also did not obtain an approved septic plan. Mr. Bonacci stated he did not get the septic plan because the buyer did not want to. Chairman Malfitano asked why that was determinative of his obligation as a subdivider. Mr. Bonacci stated it is because he is not the one doing anything with the property and it is up to the buyer.

Chairman Malfitano noted that Mr. Bonacci is the one who is asking for approval to subdivide the property and create a lot which he can convey to the prospective buyer. Chairman Malfitano asked if the applicant received a driveway permit. Mr. Bonacci stated he did not and he did not know he needed one. Chairman Malfitano stated he believes it was noted on the record at one time but Mr. Bonacci stated he did not see it in the notes or anything about OCWA.

Chairman Malfitano asked the applicant if he looked at the subdivision regulations as the applicant. Mr. Bonacci stated he filled out an application at the Codes Office and they told him what he needed to do. Chairman Malfitano noted that the Planning Board also told him what he needed to do at prior meetings. Chairman Malfitano noted that Mr. Bonacci has been to the Town Offices and also submitted a FOIL request and received copies of the minutes. He agreed, but stated he did not see anything about the requirement of a driveway permit. Ms. Bell noted that the approved minutes from the meeting of June 23, 2025, do acknowledge that the

Planning Board needs to address the adequacy of both the water and sewer as well as the applicant's obligation to apply for a driveway permit.

Mr. Bonacci stated that he was confused because this is not going to be a building lot so he did not know that he needed those things. Mr. Bonacci also stated it was his oversight that he did not go online and review the minutes of the June 23, 2025 Planning Board meeting. His representative who attended the meeting did not follow up with him regarding these items.

There being no further questions or comments, Chairman Malfitano declared the Public Hearing closed.

Chairman Malfitano stated he is troubled by this application and what has happened. He noted that there is a clear record that it has been discussed that the Planning Board has the right and the obligation to make determinations on drainage, water and septic and/or sewage. Additionally, the Subdivision Regulations state in the affirmative that the subdivider shall obtain those items. We verbally explained the requirements to evidence adequate water and sewer and the driveway permit which also reinforces the situation. Additionally, Chairman Malfitano explained that the regulations provide in Section 3, C-13 that before approval of a preliminary plan, the subdivider shall submit certificates or other evidence as to the adequacy of the water system and sewage system. On a final plat, there shall be a determination of the adequate acceptability of the sanitary sewer system. Additionally, in the definitions section for both final plat and otherwise, it includes the reference of development data which includes sanitary sewer disposal system.

Chairman Malfitano explained that Mr. Bonacci is the subdivider and he is the one who needs to do these things as a condition of being able to get the approval from the Planning Board and to get an approval to file a map that shows the delineated lot as a condition precedent of conveyance. The explanation that the buyer does not know the specifics of how many bedrooms the house will have does not get the Planning Board to the point of adequacy and coupled with the fact that no water letter or driveway permit was obtained. Based upon those reasons, Chairman Malfitano stated he is not in favor of approving this subdivision.

Mr. Hagan stated he feels the ordinance is clear. Mr. Hillery stated that it is a problem and he has reviewed notes he has taken and he does not understand why the applicant does not put some finality to this by getting the septic system approved. He also noted that it leaves so much ambiguity on what the applicant is doing with this property and it leaves doubt to him.

Mr. Bonacci explained that he can appreciate the concern but noted he is an average guy and he does not speak our language so half of what we say he does not understand. He is not a builder or an engineer and he did not read the code line by line. All he can do is be guided by the Board and the Codes Office. When he initially wanted to do this project, the septic issue was not known to him and he was told that it was approved by the Onondaga County Health Department who sets those requirements. He reached out to them and was told that if he subdivided a 5 acre lot the septic system would not be required and the buyer agreed to that to get things moving and if they decided in the future to do something on the land, the Health Department would go through the approval at that time. Mr. Bonacci never bought this property with the intention to sell any of it, but due to personal circumstances he needed to get this process done as quickly as possible. There was a bit of urgency and the buyer was aware of that. He could not change what the buyer wanted to do and they went by what the County stated and what Mr. Mangan, the realtor who is representing the property told him, which was that it could be approved as a non-building lot. He went by what was advised during the last meeting and did not review the notes from the June meeting. He is not looking for trouble and

does not have any ill intention over this 5 acre parcel. Mr. Bonacci also noted that he is building a new house which is being handled by an engineering firm because it is his own home. This is something he was trying to do to make that possible. He also noted that he met with the Town Supervisor and the Codes Officer and he understands that there were things done on his property by him in the past that the Town was not in favor of. He did not mean to do anything in ill format and he apologizes for it. He also noted that he is in regular contact with the Codes Officer pertaining to agricultural procedures. They know him and he is not hard to reach.

Ms. Bell suggested that the applicant could reach out to his surveyor, Mr. Cottrell, who does a lot of work in this town and he is very well acquainted with our Subdivision Regulations. She also explained that while the applicant may have certain circumstances, the Planning Board does not have the authority to waive the obligation to follow our regulations. Mr. Bonacci is the developer as defined by our Subdivision Regulations. There is also case law that substantiates the importance of water and sanitary sewer and it would be inappropriate for the Planning Board to approve a proposal that does not meet those provisions.

Chairman Malfitano stated that the Planning Board has made very clear to the applicant and to his representative the obligation for the septic, water and driveway. Based on the record before us, and what we do not have, a septic plan, a water letter or a driveway permit, Chairman Malfitano made a motion that the Planning Board deny this application. Mr. Hillery seconded the motion.

Mr. Fuller asked if the applicant could obtain the requirements. Chairman Malfitano stated he could submit a new subdivision application.

Mr. Bonnacci asked why he wasn't told he needed a septic plan to get this done. Chairman Malfitano stated that we made it clear at prior meetings, specifically at the June 9<sup>th</sup> and June 23<sup>rd</sup> meetings, that we have this responsibility and it is stated in the County Sanitary Code. Provisions shall be made for drainage, water supply, sewage and other appropriate utility services. Mr. Bonacci stated he feels the confusion is because of a meeting he had with the Supervisor and Codes Officer in between meetings with the Planning Board. There were no further comments by members of the Planning Board.

The motion to approve the motion to deny this application passed unanimously by roll call vote:

Marc Malfitano	Yes
Alfred Fuller	Yes
Patrick Britt	Yes
David Hillery	Yes
James Hagan	Yes

### **Lands of Flynn Subdivision**

Mr. Shane Martin, Engineer, appeared representing the applicants regarding the Lands of Flynn Subdivision. He provided a plan showing a driveway location for the proposed subdivision. Chairman Malfitano stated that we previously had a subdivision application but we were advised that the Town Engineer received confirmation that the application was withdrawn.

Mr. Martin indicated he is new to the plan but it is his understanding that there was an application previously to subdivide a lot and possibly build a house, but now the applicants asked him to appear to discuss the driveway placement.

Chairman Malfitano explained that we had a formal application previously. The applicants

bought this large piece of property, and as we understood it, they were planning to build a two-story house and the plan showed 2 additional lots off of Thundercloud. He believes the current plan proposes building a house in the confines of the 33+ acre lot. If that is the question, the Planning Board can give some guidance but it is unclear if there is a subdivision matter.

Mr. Martin believes that this plan is meant to discuss a driveway at the end of the hammerhead. Chairman Malfitano noted that it was discussed back in March and the question about the driveway off of the hammerhead is actually a question for the Town Board. Since there are no new lots being added and the road is not being extended, the question of whether a driveway would be allowed off an existing hammerhead is something that the applicants should go to the Town Board with and request their approval of because it is not a cul-de-sac.

Mr. Perrine noted that previous conversations regarding the prior application included a subdivision of lots and this does not. The guidance he received from the Highway Superintendent at the time was to put the driveway off the center of the hammerhead so during snow plow operations they can come in and push the snow.

Previously there was also discussion about utilities but that was when they were seeking to create new lots. Chairman Malfitano noted that the meeting minutes of March 24, 2025, at which Mr. Flynn was present, confirmed that initially he was asking about extending the road a short distance because he thought he could not get a driveway off of a hammerhead. He indicated if he could get a driveway permit off the hammerhead he will not sell the lot and it will be removed from the plan. The minutes also stated: "Chairman Malfitano noted that typically the easement that the Town takes for the road will be to the end of the hammerhead. Mr. Perrine will coordinate with their engineer." And also, "Chairman Malfitano stated that the location of the hammerhead has to be determined and the applicant should obtain permission from the Town for the driveway off the hammerhead."

Chairman Malfitano suggested that the Town Engineer can work with Mr. Martin or the applicant tapping into the existing sewer and water lines there if you get permission from the Town Board to have the driveway there. If there are no new lots being created, there is no need to go through the subdivision process. There is a Town form to seek driveway approval with the Town Highway Superintendent. The application can be obtained from the Codes Office and the applicant can coordinate with Mr. Perrine and also make a formal request to the Town Board to authorize the driveway off of the existing hammerhead by contacting the Town Clerk to get on their meeting agenda to request approval a driveway off of the existing hammerhead on Thundercloud Drive. Also complete and submit the driveway application as well.

If Mr. Flynn wants to subdivide a lot in the future, he would have to return to the Planning Board and complete the process. The difference is if he wants to add lots off of Thundercloud, he would have to extend Thundercloud and extend the hammerhead so that the new lots have the required frontage on the public road. Then his driveway would be in a revised location off of the extended hammerhead

### **Newton Subdivision**

Mr. Richard Riley, an attorney, appeared on behalf of Frederick Horning. Chairman Malfitano acknowledged that the Planning Board received an application and a copy of a portion of the survey that was mailed in but we were unsure of what was being requested.

Mr. Riley stated that they are seeking a lot line adjustment. The applicant owns everything to the south. The survey is of the Newton's property and Ms. Newton is going to sell Mr. Horning approximately 8+ acres of her property to be combined with his property, part of which was

purchased from the Nelsons. Ms. Newton is seeking to sell her house with the 2.5 acres that will remain with it. Spaulding Land Survey is the surveyor for this matter.

Chairman Malfitano noted that this is not the Horning Subdivision as noted on the agenda, but should be referenced as the Newton Subdivision. He requested that the Planning Board will need a plan that is a minimum of 24 by 36 inches that identifies all required information as set forth in the Subdivision Regulations and contains a title block. This is a 2 lot subdivision of the Newton property with the existing house and barn on one lot and the subdivided lot being conveyed to the Horning's. The lot containing the structures will be labeled Lot 1 and the other should be Lot 2. Chairman Malfitano noted that the rear yard should be a minimum of 50 feet from the furthest structure. Chairman Malfitano asked how big the Horning property is. Mr. Riley stated in excess of 100 acres.

Chairman Malfitano noted that our Zoning Code states that lots are from the right of way line, not from the center line of the road. The acreage being retained should be calculated based upon that adjustment. A plan should be prepared based upon the subdivision regulations and once that is presented a comment letter will be provided from the Town Engineer and a Public Hearing will need to be held. Mr. Riley noted that the purpose of purchasing this property is to add recreational area to the applicant's property and there are no plans to build anything on the property. Chairman Malfitano noted that this lot does not have road frontage and is being created for conveyance purposes only and once it is approved we will require that a recombined deed be filed so the new area does not appear as a separate tax lot.

Chairman Malfitano also noted that the surveyor will need to prepare a perimeter legal metes and bounds description of the entire Newton property for the purpose of the Notice of Public Hearing. Additionally, Mr. Riley or the applicant should obtain a letter from Ms. Newton authorizing them to represent her in this matter.

### **173 Enterprises, LLC**

No one appeared regarding the Special Permit referral for 173 Enterprises, LLC. Mr. and Mrs. Katie and John Cusik attended the meeting as spectators and stated they are interested parties in this matter as they reside across the street. They missed the last ZBA meeting. They are concerned and confused by the process and were attending because of their interest in the project.

Chairman Malfitano explained that the land is zoned PCO – Professional Commercial Office. Multi-family structures are a permitted use in that zone subject to obtaining a Special Permit which is under the authority of the Zoning Board of Appeals. They review the request and the code requires that they refer the matter to the Planning Board for comment and input as to if it meets the standards for the Special Permit which are set forth in the Zoning Ordinance. In addition to that, the applicant will need approval from the Town Board for site plan approval.

Chairman Malfitano noted that the matter is before us for comment and advisory input but we do not issue a permit. Mrs. Cusik noted that they were contacted in 2023 and have not been contacted since regarding any meetings. They have been trying to keep track of the various boards and she asked if at some point the school and the fire department will have an opportunity to comment. Chairman Malfitano stated generally yes, in accordance with the criteria.

Chairman Malfitano reviewed the file and noted the wetland delineation and a letter dated September 18, 2023, with a traffic impact analysis. He explained that this is a proposal for an apartment complex known as Onondaga Heights located on 13.94 acres and will have 4

buildings with a total of 94 one and two bedroom apartments. They need a wetlands permit and the agencies involved for the purpose of making an environmental determination are the Army Corp of Engineers, DEC, NYS DOT, NYS office of Parks, Recreation and Historic Preservation, Syracuse Onondaga Planning, Onondaga County DOT, the Sheriff's Department, Water Authority, WEP, Southwood Fire Department, Jamesville DeWitt Central Schools, Town of Onondaga Town Board and Town of Onondaga Planning Board.

The site layout was reviewed and it was noted that it is located on E. Seneca Turnpike across from the entrance to the Iroquois Nursing Home. The criteria for approval of a Special Permit were reviewed. Chairman Malfitano noted that the proposed plan is for 94 units in 4 buildings that are 3 stories each which meets the 7 units per acre maximum based upon the nearly 14 acres of land. The land is zoned to permit multi-family structures subject to no more than 7 units per acre and subject to the issuance of the Special Permit. It was noted that a traffic study was conducted in September of 2023 and it indicates that they looked at existing traffic volumes and took counts and project 10 to 30 vehicles during peak hours. Chairman Malfitano is aware that the assumption on parking includes 24 charging stations for EVs (electric vehicles). The Town has not yet made a determination as to if these will be counted as individual parking spaces. That is still subject to interpretation.

Chairman Malfitano noted in summary that the property is zoned to permit the use, the building height allowed is a maximum of 3 stories, architectural plans have not yet been presented, the buildings are set back from the road and show some garages up front parallel to the road as a positive visual buffer, the plan shows a center common area for recreation, the buildings are spaced out with a generous land buffer around the buildings, they are getting approval from the State and the County for the driveway and there is a traffic study that the ZBA has to evaluate. Ms. Bell acknowledged that they have received an email from Jeffrey Deep with the DOT stating that they have reviewed the 91823 TAS and offered conceptual approval. The Town Board will do a site plan review.

Chairman Malfitano dictated a response letter to the ZBA. All members of the Planning Board were in agreement with the contents of the letter. A copy is attached hereto.

Mr. and Mrs. Cusik asked for further explanation of the criteria which were reviewed. Chairman Malfitano offered that they are entitled to voice their opinion during the next Public Hearing regarding this matter.

### **Planning Board Minutes**

A motion was made by Chairman Malfitano, seconded by Mr. Fuller, that after minor changes, the Board approve and accept the meeting minutes of the July 14, 2025, meeting. The motion passed with all in favor.

### **West Seneca Development**

Chairman Malfitano received a letter today from the Zoning Board regarding West Seneca Development. He read the letter which explained that the matter was referred to the Planning Board for review and the Planning Board discussed the matter during the April 28, 2025, meeting. The minutes state the following, "The applicant will contact us when they are ready to present the updated plan. It was noted that we cannot give this matter back to the Zoning Board of Appeals until everything is approved; however, Mr. Perrine can give drainage and traffic comments and make recommendations to the ZBA without our referral completion tonight."

The letter noted that based upon Section 285-39 Section C2 reads that if no opinion is received

within 30 days of the date of transmittal, the Planning Board shall be deemed to have approved the action. As more than 30 days have elapsed since the date of transmittal and out of respect for the role and function of the Planning Board, the Zoning Board wish to determine if the Planning Board has completed its review of the application.

Mr. Hagan indicated that this matter went back to the Zoning Board and they referred it to the County. The County took more than 30 days normally allotted to them. They recently received a comment letter back from the County and there are some issues they are addressing. In the meantime, they are working on addressing the landscaping, lighting and drainage details.

Chairman Malfitano spoke with Mr. Ryan and he indicated that they received the referral back from the County Planning Board which indicated they should not grant the Special Permit until they have received all the comments.

Chairman Malfitano interpreted the letter as to mean that we were delaying this matter. Ms. Bell believes that what is meant by the letter is to make sure that the Planning Board still wants to offer comments and respond to the referral. That is her understanding. Chairman Malfitano felt that Mr. Ryan's comments meant otherwise.

Mr. Hagan that noted he had a discussion with Mr. Ryan as well and he indicated to him that the Zoning Board was going to look at the Special Permit at the next meeting except there are issues that the County raised that still need to be addressed. Chairman Malfitano indicated that Mr. Ryan stated that they were going to try and conclude this and issue the Special Permit. His reaction to that was that issues of landscaping and photo metrics, while they have some relation to site plan, are also a criteria of the Special Permit and impact adjoining properties. The minutes are clear that the applicant would get back to the Planning Board and the ZBA acknowledged that because they cut and pasted that portion of the minutes in the letter but they are saying we are holding up the matter.

Chairman Malfitano noted that he understands the applicant being frustrated because this application was signed on November 5, 2024, and their file was received by the Codes Office on November 25, 2024. It was distributed to the ZBA members on November 26, 2024. The ZBA cancelled every meeting that they had in January, February and March. Six meetings in a row were cancelled. Ms. Bell noted that the SEQR letter was dated in January. Chairman Malfitano noted that if you look on the Town of Onondaga website it shows the ZBA meetings that were cancelled. It was clarified that there was one ZBA meeting held in January.

Chairman Malfitano then dictated a response letter to the ZBA. A copy is attached hereto.

### **Adjournment**

A motion was made by Mr. Fuller, 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 8:51 p.m.

Respectfully submitted,

Melinda L. Mayer  
Secretary

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## **Planning Board**

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July 29, 2025

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

Re: Application of 173 Enterprises, LLC, 5865 E. Seneca Turnpike – Special Permit

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

We received your referral and reviewed the materials that have been provided.

We note that no one appeared for or on behalf of the applicant. The only plans we had to review, for a 14 acre site, were 11"x17" in size.

We note that the property is zoned PCO – Professional Commercial Office. Multi family residential units are a permitted use subject to the 7-unit per acre maximum and subject to your issuance of the Special Permit. It appears that the number of units as proposed at 94 is at that limit. The buildings are shown as 3 stories and the renderings are attractive.

Since it is not a conflict with the land use plan and is permitted by zoning, the intensity of the use is consistent with the zoning.

We acknowledge that there has been a conceptual approval from the New York State DOT after submission of a traffic report.

We believe that the site design showing garages along the road frontage can act as both a visual and a sound buffer which is a positive on both aspects for noise and visibility for the apartments from the roadway. This assumes the back of the garages is tastefully designed and appropriately landscaped. In addition the buildings are themselves set back what appears to be about 100 feet from the road.



We note that the plan we have shows approximately 24 charging stations for electric vehicles. We believe that there is a question as to whether those charging stations can count as parking spaces under the provisions of the Zoning Law as currently written.

We do not see any plans for landscaping design nor site lighting details.

We don't see any impact of cultural or historical nature.

We suggest that the Board be presented with some type of opinion from the local fire department as to service for the size and height of the structures.

We see that there is evidence of available water and sewer along the site.

That is the sum total of our comment.

Very truly yours,

Town of Onondaga Planning Board

Marc A. Malfitano  
Chairman

cc N. Bell, Town Attorney

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JAMES HAGAN  
5091 Webster Mile Drive  
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July 29, 2025

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

Re: West Seneca Development, LLC  
Castlebar Circle - Special Permit

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

We want to acknowledge receipt of your letter of July 23, 2025.

As you specifically noted by cutting and pasting a portion of the Planning Board meeting minutes of April 28, 2025, the Planning Board was awaiting information from the applicant regarding landscaping and photometric detail of a lighting plan. The Planning Board believe that these elements address criteria that are among the categories that are listed in the Special Permit criteria (i.e., "will not be detrimental to the neighborhood" and "blend desirably with the neighboring property"). The applicant did not have this information but agreed to return with it. In addition, as can be noted from the minutes, the Planning Board was also addressing the review required for the West Seneca Turnpike Overlay District. This includes multiple references in Section 285-32 to landscaping specifically including fifteen (15) individual criteria in Subparagraph D4. There are also specific lighting criteria in D5 for which lighting photo metrics is necessary.

As we think you are aware, no "board of primary jurisdiction", which includes the Zoning Board, can make a project approval until the Overlay District requirements have also been complied with. We have not received any further information from the applicant on these criteria.

To the extent that there is any confusion over site plan criteria, it was made very clear by the minutes that if the Town Engineer had drainage or other information that it wanted to make in the form of a recommendation to the ZBA, our minutes reflect that we encouraged the Town Engineer to do so.

So as to your reference that more than 30 days has passed, we think it is quite clear that the applicant had not submitted necessary information, that should have been submitted to the ZBA for it to determine completeness of the application even before referral to the Planning Board for input. The applicant's representative acknowledged what was still needed and agreed to provide it. As a result, the time has not tolled or waived because we still need the other information both to complete review under the Special Permit criteria and the West Seneca Turnpike Overlay District.

Very truly yours,

Town of Onondaga Planning Board

Marc A. Malfitano  
Chairman

cc N. Bell, Town Attorney