

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.
September 8, 2025**

Present:

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

Chairman Malfitano called the Planning Board to order at 7:00 p.m.

Old Towne Estates – Section 2

There was no one in attendance regarding this matter, however, Chairman Malfitano explained that the applicant proceeded under the alternate procedure for securities and the improvements have been constructed. A letter from the Town Engineer dated August 20, 2025, has been received and states that his review of the documents has been completed and the subdivision has been prepared in accordance with the Town of Onondaga Subdivision Rules and Regulations and with the exception of the final top course and some punch list items, the project has been constructed in conformance and the applicant is seeking approval of the final plan. It was noted that Mr. Perrine is in receipt of an electronic version of the plan and he will ask for a paper copy for the file.

Mr. Fuller made a motion to approve the final plan for Old Towne Estates – Section 2 based upon a plan dated January 30, 2023, as prepared by Ianuzi and Romans Land Surveying, PC, as a furtherance of the preliminary plan approval dated February 2022, and ratify and reaffirm the prior SEQR determination. Mr. Hillery seconded the motion which passed with all in favor.

Chairman Malfitano noted that there was supposed to be an aerator in the basin in Section 1 and the conduit was not installed under the road. The question was raised as to the possibility of the Town considering a solar installation to power the aerator since the technology of solar power has improved substantially. There was some discussion regarding the suggestion and also how effective it would be in the winter. Chairman Malfitano noted that even the electric ones are powered off during the winter months. The cost of installation is borne by the developer and the maintenance is the responsibility of the district. The Planning Board is interested in having the Town pursue the use of this technology.

Chairman Malfitano dictated a letter to the Town Board suggesting that they consider allowing a solar powered aerator in this location as a test bed to determine the long term efficiency. A copy of the letter is attached.

West Seneca Development, LLC

Mr. James Hagan recused himself from this matter due to his prior representation of the applicant and he stepped away from the dais. Chairman Malfitano explained that this was a referral from the Zoning Board of Appeals for a Special Permit to allow low density apartments on the vacant property at 4807 Castlebar Circle. This matter was discussed by the Board at the end of April and the Planning Board asked for additional information including a materials sheet, landscaping detail, and photometrics.

Mr. Kevin Hagan of Hagen Architects appeared for the applicant to provide the information that was previously requested. He noted that the site plan has not changed significantly. He provided a photometric plan and landscaping plan for review. Mr. Hagan explained that the proposed plan consists of two 8 unit buildings on property located in the OHB Zone and the West Seneca Turnpike Overlay District. The entry drive located at the south end of the property was shifted 5 feet to the north to allow for the 15 foot landscape buffer which will be made up of Austrian pines, and red maples and supplements the existing trees. The landscape plan also shows a line of red maples along each parking lot. There will be mulched landscape beds behind each building including shrubs, bushes and small trees such as boxwoods, and flowering crabs. There will be a retaining wall to the west of Building 1 to breakup the grade. Additionally, to the west of Building 1 they have incorporated two screen walls for the mechanical areas so they will not be seen from the road. The applicant intends to keep as much of the existing foliage as possible on the property. A list of all the proposed plants is present on the plan.

Mr. Hagan explained that there were minor modifications to the storm drainage system and it has now been sized for the full build out and will be fully constructed, rather than for one building as was previously presented. The photometric plan has been incorporated into the site plan. The plan includes decorative fixtures which are also functional along the entrance drive and along each parking lot. There are recessed lights and walk path fixtures on each building. There are also two existing streetlights on Castlebar Circle.

A sample board of the exterior finishes was provided. Mr. Hagan noted the mixture of materials for visual interest and an attractive appearance in earth tones. The materials will be of a high quality vinyl in various styles including shake siding, clapboard siding and board on batten siding, shutters with contrasting trim and architectural shingles for the roof. All deck railings will also be of a composite material.

Chairman Malfitano asked about the location of the proposed trash area. Mr. Hagan explained that they currently placed it near Building 1 with a board and batten enclosure. The plan was to move it to a more centralized area later after Building 2 is constructed. It was noted that the full parking area will be constructed initially as well as the full driveway. The Planning Board discussed the location of the trash and noted that they would prefer to see it closer to both buildings so it will be easier to get the tenants to comply.

After discussion with Board members, Chairman Malfitano noted that the plans provided are beyond what is required for the consideration of the Special Permit and meet the criteria for the West Seneca Turnpike Overlay District review by the Planning Board.

Chairman Malfitano dictated a response letter to the Zoning Board of Appeals regarding this referral which also included the West Seneca Turnpike Overlay District review. All members of the Planning Board were in agreement with the contents of the letter. A copy is attached hereto.

Such a Lush, LLC

Chairman Malfitano explained that Such a Lush LLC is a landscaping company and they have a contract to purchase a piece of land located on Salina Street at the corner of Elton Avenue, north of and contiguous to the Dollar General. The land is vacant and has been used for storage of road construction equipment. The applicant is proposing to acquire the property for a use in accordance with a section of the Zoning Code. The Neighborhood Shopping Nedrow District says that a parking facility is a use permitted by Special Permit which requires approval by the Zoning Board. A parking facility is defined in the Zoning Code as a parcel with or without structures thereon used for storage or parking of motor vehicles on a short or long-term basis.

The applicant wants the parcel so their employees don't have to drive far and to store trucks and equipment. Based upon a small plan that was shared, the applicant wants to put up a metal structure which is essentially a metal frame that is covered with plastic or canvas and use it as a garage. They are proposing in the future to potentially offer flowers or plants for sale from the location.

The Zoning Board of Appeals had questions regarding this proposal and the applicability of the Zoning Code for this particular use. The applicant was asked for the location of their current facility and there was no answer. Specifically the request is for the property to be used as a parking facility for vehicles of Such a Lush LLC and its employees' vehicles, a local small contractor for landscaping and gardening. Employees would park there during the day and work off site using company vehicles. Future upgrades are planned improving utilities and aesthetics such as landscaping and adding a garage.

The applicant's request specifies parking for trailers and trucks. Chairman Malfitano raised the question, is a trailer a motor vehicle? According to the DMV Law a trailer is defined as a vehicle not propelled by its own power drawn on public highways by a motor vehicle. Chairman Malfitano noted that the storage of trailers and equipment would not fall within the zoning category.

Chairman Malfitano reviewed the September 3, 2025, comments from the County Planning Board and it states that the applicant needs to contact the State DOT regarding coordinating access requirements and they also offered the comment that parking or garage structures are not optimal use of lands within a neighborhood corridor and do not generally add to the economic, social or aesthetic value of the corridor. Should the Town wish to allow the proposed parking lot and garage, the municipality is encouraged to ensure high quality screening and upkeep of the site to reduce negative impacts to the extent practicable.

Chairman Malfitano noted that he does not believe that the proposed use meets the criteria of the Zoning Code even by Special Permit. A Public Hearing was held regarding this matter and the applicant submitted pictures in support of its application which show that across the street there is an existing used car dealership with cars parked outside and down the street there is also an existing used car operation. The applicant specifically provided pictures of those noting the stated position that they are similar in use to what they are proposing. Chairman Malfitano does not agree with that interpretation because accessory parking is a permitted use meaning it is accessory to a primary use. The car dealerships are operating pursuant to the Zoning Code or a use variance and parking of vehicles short-term or overnight is an accessory use. He noted

that under our Code there is no definition of a landscaping company but there is a broad definition of a nursery which includes land, building or storage of not less than 3 acres for the growing or display including storage of ancillary materials and the providing of landscape services. That is not a permitted use so the parking cannot become a primary use.

Mr. Hagan concurred with Chairman Malfitano's analysis and also noted that if there is a structure constructed, will it meet the setback requirements? It was also noted that there are no toilet facilities indicated on the plan. Chairman Malfitano noted that the definition of motor vehicle does not include equipment and trailers which is clearly proposed on the request.

The Town attorney stated that this was summarized appropriately and appropriate questions were raised by the Zoning Board as well as the Planning Board. Apart from the definition and if this meets the criteria, from a practical standpoint whether or not it is appropriate as the County Planning Board noted and based on their comments it seems they do not believe that to be the case.

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

Jon Diaz Community Center

This matter was requested to be removed from the agenda.

Woodland Hills Subdivision

Mr. Michael Harper of Dwell Equity Group, appeared for a discussion regarding the property located at 4774 Cleveland Road. He explained that this section is a 5 parcel setting consisting of 32 acres. The intent originally was to build three homes on the property for himself and his children and two other lots for sale. A road would be constructed to achieve road frontage for each lot and end in a cul-de-sac. The original estimate was reasonable but now two years later pricing has nearly doubled. A cover letter was provided outlining the details and the expenses which would now reach approximately \$900,000.

Mr. Harper explained that they are now coming back to open the discussion of taking the 32 acres and breaking it into two lots equally and using a common driveway off of Cleveland Road and work through an easement to get to the two lots. They own property down to Castlebar but they do not own the 30 feet that has road frontage on Castlebar. They would not seek to remove the foliage or disturb the property off of Castlebar, they are just seeking to get that road frontage allowed in the description for two lots so two houses can be built that would be accessed through Cleveland Road.

Mr. Harper noted that this would eliminate a road that the Town would have to maintain. There would be no added traffic on Castlebar. He is proposing an easement to the road with all buffers kept in place and less disturbance to the property in terms of developing the land as previously proposed. A plan was presented illustrating the proposal. Mr. Harper noted that the town controls the portion of the property that has frontage on Castlebar. A proposed easement would create frontage on paper only and it would remain forever wild. He pointed out that he is the largest property holder in that area and he is seeking to build only two houses on 25 acres and additionally his proposal would not add any traffic to Castlebar Circle. If the intent of the Town is to keep the traffic down in that area, the integrity of that plan would still be held up. Mr. Harper stated that he understands that the Planning Board is not the only board that would need to approve of the proposed plan, but he started with this board.

Mr. Fuller asked what the need is to acquire the access on Castlebar if the driveway will be on Cleveland Road. Mr. Harper stated that they do not need access but they need to acquire it for a legal description to meet the road frontage requirement. Chairman Malfitano noted that every lot requires a minimum width of frontage and that frontage is measured at the building set back line. Two flag lots have effectively been created. The Town has faced some of these issues previously and outlawed flag lots by requiring that the width of the lot be measured at the building set back line, which in this case, is 35 feet from the road right of way. These lots as proposed do not meet the code so a variance would be needed. Chairman Malfitano noted that the proposal would still not change this because no driveway is being proposed on Castlebar. The ingress and egress would be from Cleveland Road.

Mr. Harper referred to a house on Chickadee that has a driveway on Chickadee but the road frontage is a couple hundred of feet on Kasson Road. It is his understanding that the Town owns the property on Chickadee that the driveway goes through. Chairman Malfitano respectfully disagreed with the applicant.

Mr. Harper stated that he is trying to gain agreement from the Planning Board prior to seeking a variance with the Zoning Board and approval from the Town Board. Chairman Malfitano noted that the cost of the project could be offset by extending the road and selling some of the lots and amortizing the cost over some of the lots. Mr. Harper stated that the initial intent is to have a private situation for the family. Chairman Malfitano believes that the numbers provided are somewhat high and it is not up to the Planning Board to determine the economic liability. When the applicant met with Chairman Malfitano and Supervisor Maher it was related to concept and they were in agreement with that but there is a way to make it more economically viable by extending the road and adding more lots.

Mr. Harper stated that the intention was not to create more disruption in the neighborhood on Cleveland Road. With the proposed plan, Castlebar would remain untouched and there would only be two houses built. Chairman Malfitano noted that from a Codes standpoint, what the applicant is proposing does not comply with the Zoning Code and would require variances by the Zoning Board and a decision by the Town Board to relinquish value and sell off the frontage on Castlebar.

Chairman Malfitano recognized that the parcel in question is large but a lot of it is not usable or developable due to the topography. The applicant explained that they are trying to find a happy medium to leave Castlebar the way it is and try and get two houses built off of Cleveland Road with one driveway. They are just seeking a little support from the Planning Board side.

Mr. Hagan asked how the Town regulations have evolved regarding flag lots. Chairman Malfitano responded that in his opinion they are prohibited because of concern about access and density which was address by an amendment to the Zoning Code which clarified that lot width had to be measured from the building set back line.

Mr. Perrine asked if the applicant could acquire the roughly 30 foot wide 550 foot long strip of property from the Town, and he had 100 feet at the building set back line on Castlebar, would those two lots be acceptable? The applicant stated that they own 240 feet along Castlebar. Chairman Malfitano asked if they would still want the access to be from Cleveland Road. Mr. Harper stated that he would mainly to keep the integrity of Castlebar. Chairman Malfitano stated that the entire property is zoned for R1 and if a road is put in than they could have 20 or 30 lots and that is the legislative framework that we are in. In response to Mr. Perrine's question, Chairman Malfitano stated he would not be making a legal determination.

Additionally, following the Zoning Code, access has to face the road you have frontage on. Mr. Harper believes that there are multiple instances of houses with access from different streets than they are facing. Chairman Malfitano determined that such circumstances were not created by this Board and he does not know how or if that is accurate information.

Planning Board Minutes

A motion was made by Mr. Hagan, seconded by Mr. Britt, that after minor changes, the Board approve and accept the meeting minutes of the August 25, 2025, meeting. The motion passed unanimously.

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 8:35 p.m.

Respectfully submitted,

Melinda L. Mayer
Secretary

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September 8, 2025

Town of Onondaga, Town Board
5020 Ball Road
Syracuse, NY 13215

RE: Old Towne Estates Section 1 and Section 2

Dear Supervisor Mahar and Members of the Town Board:

It was brought to the attention of the Planning Board that there is still an open issue, for which securities are available to address the need for an aerator in the detention basin. We know that there has been discussion regarding continuing the mandated electric service and electric powered aerators. We know that there is emerging improvements in technology to support solar powered aerators.

We would suggest that the Town Board consider allowing a solar powered aerator in this location as a test bed to determine the long term efficiency that could provide guidance for future projects as opposed to the cost and challenges of getting electric service across the road and establishing a new electric service for that location.

Very truly yours,

Town of Onondaga Planning Board

Marc A. Malfitano
Chairman

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September 8, 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 Apartments - 4807 Castlebar Circle

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

The Planning Board reviewed a referral for the Special Permit criteria for this application on April 28, 2025, and during the minutes of that meeting identified additional items that the Board felt were relevant for review of the Special Permit criteria.

The applicant has submitted and has made a presentation to this Board on the additional requirements. We have relied on an updated package of plans revised as of August 13, 2025. In addition, the applicant has presented a color selection of exterior materials, a photometric plan, and the cuts of proposed exterior light fixtures. The applicant also addressed some individual items for the Planning Board.

Based upon our review, we believe that the applicant has complied with the Special Permit criteria under the jurisdiction of the Zoning Board. In addition, the Planning Board reviewed this application in light of the required criteria of the West Seneca Turnpike Overlay District requirements. This is reflected in the materials list and the photometrics and site layout characteristics. Based upon our review, we believe that the applicant has also complied with the spirit of the design reflected in the Overlay District requirements.

Very truly yours,

Town of Onondaga Planning Board

Marc A. Malfitano
Chairman

cc N. Bell, Town Attorney

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

Re: Chris Ghezzi - Such a Lush, LLC
6300-6306 S. Salina Street – Proposed Parking Facility

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

The Planning Board is responding to your referral by letter of August 21, 2025. We reviewed the referred file and we also have the benefit of the supplemental information that was submitted by the applicant at your public hearing in support of the application.

As the Board knows, the Town Zoning Code defines a parking facility. In the ordinary interpretation of the wording it appears that this would refer to a parking lot or parking structure as a commercial operation standing on its own for the parking of motor vehicles. Based upon the plan and the information, we believe that the applicant seeks something different. The applicant clearly wants to use the parking for employee parking of their vehicles and storing of its own trucks and trailers. There is no indication that the applicant has any other business location for the uses that it proposes.

The Code specifically refers to the parking of motor vehicles. We do not believe that trailers fall into the same category since Section 156 of the Vehicle and Traffic Law specifically defines trailers as any vehicle not propelled by its own power drawn on the public highways by a motor vehicle. Accordingly, trailers would not be permitted. In addition the Zoning language would not allow for the storage of equipment such as lawn mowers or other landscaping equipment. The proposal for a metal garage with electrical is also inconsistent with the idea of the property as a parking facility.

For these reasons we do not believe that it would be good planning to allow this use separate from the fact that we believe that the applicant does not comply with the Zoning Code.

We also were made aware of the action of the County Planning Board on September 3, 2025, where they issued a specific comment that “parking lots and garage structures are not an

optimal use of lands within a neighborhood corridor as they do not generally add to the economic, social or aesthetic value of the corridor.” We wholeheartedly agree.

We also note that the applicant has submitted pictures of properties in the area on which they are operating two car dealerships. We do not believe that those pictures showing the parking on those parcels in any way relates to the question for the Board. The reason is to the extent that the auto businesses are operating, either by code or by variance, parking vehicles is an accessory use and accessory parking is permitted by the code, but since those are accessory uses they do not provide legitimate support for the idea that any form of overnight parking of vehicles supports the applicant’s request.

Based upon this we do not believe that the applicant should have been entitled to submit a special permit, does not meet the criteria for a special permit, and third, proposes uses which are inconsistent with those requirements.

Very truly yours,

Town of Onondaga Planning Board

Marc A. Malfitano
Chairman

cc N. Bell, Town Attorney
 J. Herrick, Director, Building & Codes