

TOWN OF ONONDAGA
5020 Ball Road - Syracuse, NY 13215
ZONING BOARD OF APPEALS

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VICTORIA ROGERS, SECRETARY

ZONING BOARD OF APPEALS

Minutes of March 18th , 2026

Present:

Mitch Carmody
Bénédicte Doran
Carol Schattner
Ronald Ryan

Stacy Marris, Town Attorney

Victoria Rogers, Secretary

Acting chairman Mitch Carmody called the meeting to order at 7:00p.m.

Volodymyr Kachurenko – 4734 Cedarvale Rd. (023.-01-53.4)
Discussion:

Area Variance

The Board continued its consideration of the application submitted by the Kachurenko family for area variance relief pursuant to Section 285-4 of the Town of Onondaga Zoning Law. The applicants are proposing a 32-foot by 16-foot accessory structure totaling approximately 1,920 square feet. Under the applicable zoning provisions, the permitted accessory structure size is approximately 936 square feet, requiring area variance relief for the additional square footage requested. The proposed structure is located toward the rear of the approximately 8.33-acre property and does not appear to encroach upon the required setbacks.

The Board reviewed the drawing submitted with the application and discussed the importance of depicting the proposed structure accurately and to scale on the survey. The Board advised that drawings should not be made directly on an original survey and that any supplemental drawing should utilize the same scale as the survey so that the proposed structure is represented proportionately. The applicant indicated that the drawing was intended for reference purposes and that a final plan would be submitted if the application were approved. The Board requested that a properly scaled plan be provided for the next meeting.

The Board also discussed the size of the property in relation to the requested variance and noted that the impact of a larger accessory structure is substantially different on an approximately 8.33-acre parcel than it would be on a smaller residential lot. The Board

discussed the applicable standards and the need to consider the proposed structure in the context of the surrounding area. The Board also inquired regarding agricultural activities on the property, including whether the applicants currently have or intend to have animals. The public hearing was continued and the matter was scheduled for further consideration at the next meeting upon receipt of a properly scaled drawing.

Travis Martin- 4691 Fairbanks Dr. (012.-02-08.1)
Public Hearing:

Area Variance

The Board continued its consideration of the application submitted by Travis Martin, owner and applicant, for area variance relief from Section 285-4 of the Town of Onondaga Zoning Law to construct a 12,800-square-foot accessory structure in excess of 50 percent of the size of the principal structure on property located at 4691 Fairbanks Drive, Tax Map No. 012-02-08.1, in the R-1 One-Family Residential District.

The Board reviewed the proposed location of the structure and confirmed that the applicant's plans remain outside the applicable setback lines. During the discussion, the Board determined that the property may meet the zoning definition of a farm based upon the applicant's existing agricultural activities, including chickens. The Board discussed the distinction between the provisions applicable to a farm and the 50-percent limitation applicable to accessory structures on residential properties. It was noted that the determination could affect whether the requested area variance was necessary.

The Board also discussed an existing neighboring shed that appears to encroach upon the applicant's property. The Board emphasized that it could not approve or authorize an existing encroachment and strongly recommended that any encroachment be addressed and, if necessary, relocated onto the neighboring property to avoid future title or property-line issues.

The Board further discussed a wetland area shown on the property and the associated 100-foot buffer. The applicant was advised to contact the New York State Department of Environmental Conservation to obtain a jurisdictional determination regarding the wetland and to determine whether any additional permits or approvals would be required. The Board determined that the jurisdictional determination should be addressed as a condition of the approval.

Following discussion, a motion was made by Board member Ron Ryan to approve the requested relief with Board member Carol Schattner supporting his motion, subject to the conditions discussed by the Board, including addressing the existing property encroachment and completing the DEC jurisdictional determination process. The Board also noted that the matter constituted a Type II action for purposes of SEQR. The motion was unanimously approved.

National Grid – 4310 Onondaga Blvd. (004.-06-54)

Area Variance/Special Permit/ Interpretation

Continuation:

The Board continued its review of the applications associated with the proposed National Grid project, including the requested special permit, interpretation concerning whether the proposed gas apparatus constitutes a building for purposes of setback requirements, and related area variance applications. The Board reviewed updated survey and site-plan materials and discussed outstanding issues previously identified by the Board and Planning Board, including the depiction of the road right-of-way, setback lines, property boundaries, fencing, safety barriers, drainage, utility infrastructure, and other site-plan details.

The applicant's representatives provided updated plans and explained that the plans had been revised to address comments raised by the Planning Board. The Board reviewed the proposed safety measures, including bollards and barriers, and discussed concerns relating to emergency access, line of sight, construction security, equipment storage, and the proposed modification to the existing pipeline. The applicant confirmed that the proposed work involves modification and relocation of an existing pipeline rather than the installation of a new pipeline across the property. The Board also discussed the need for final stamped plans and a full-size survey reflecting the revisions. The Board discussed the Town Attorney's recommendation that the special permit and area variance applications be deferred until the proposed subdivision had been approved and the new lot legally existed. The applicant's representatives disagreed with that interpretation and requested that the Board proceed with the special permit, subject to appropriate conditions, because of the project's construction schedule. The Board reviewed the applicable special permit criteria and determined that it had sufficient information to consider the special permit application.

The Board declared the action an unlisted action for purposes of SEQRA and determined that a negative declaration was appropriate. Following review of the special permit criteria and the information submitted, the Board determined that the requirements for the special permit had been adequately addressed. The special permit was approved subject to conditions, including submission of a full-size survey, completion of the DEC wetland jurisdictional determination process, and approval of the proposed subdivision creating the property on which the special permit would apply.

The Board then addressed the interpretation request concerning whether the proposed gas apparatus constitutes a building for purposes of the Town's setback requirements. The Board reviewed the prior discussion and the definition of a front yard as an open and unoccupied area. Although the applicant's position was that the proposed apparatus did not constitute a building under the ordinance, the Board determined that the apparatus would occupy the required yard area and therefore would be subject to the applicable setback requirements. The Board approved that interpretation. The public hearing on the related area variance applications remained open because the proposed lot configuration had not yet been finalized through the subdivision process.

The Board discussed the timing of the Planning Board subdivision review and the applicant's construction schedule. The applicant explained that the project is subject to a limited construction window because the existing gas service can only be shut down and the pipeline work completed when temperatures are sufficiently warm. The applicant requested that the Board consider a special meeting following Planning Board action so that the area variance applications could be addressed without further delay. The Board agreed to consider scheduling a special meeting following the anticipated Planning Board subdivision action.

Dwell Equity – 4774 Cleveland Rd. (029.-05-11.0)
Continuation:

Area Variance

The Zoning Board of Appeals considered the application of Dwell Equity Group LLC, Michael Harper, Managing Member, for property located at 4774 Cleveland Road, requesting area variances to allow a proposed two-lot subdivision in the R-1 One-Family Residential District. The proposed subdivision would create Lots 100A and 101A. The proposed lots are approximately 30 feet in width at the required front-yard setback line and approximately 30 feet of frontage along Cleveland Road, whereas the Town Code requires a minimum lot width of 125 feet at the front-yard setback line and a minimum road frontage of 90 feet for lots served by public water and sewer along a designated collector road.

The Board reviewed the history of the property and the prior subdivision proposal. The property had previously received approval in June 2025 for a six-lot subdivision, with five lots proposed to be accessed from a cul-de-sac known as Woodland Way. The Board discussed how the current proposal differs from the prior six-lot subdivision and noted that the current application would result in only two lots and substantially less development and disturbance than the previously approved concept.

The Board discussed the determination that the proposed subdivision requires area variances. After review of the applicable zoning requirements and the proposed lot configuration, the Board agreed with the determination of Code Enforcement that the proposed subdivision could not comply with the required lot width and frontage requirements without variance relief.

The Board also discussed comments and concerns raised by the Town Planning Board. Planning Board Chairman Marc Malfitano's concerns regarding the proposed subdivision were noted. Mr. Malfitano had previously raised concerns regarding the application materials and the Planning Board's ability to adequately review the proposal, including the size and scale of the plans submitted for review. The Planning Board also raised concerns regarding the proposed lot dimensions, frontage, applicable zoning requirements, and the information depicted on the variance map. The Zoning Board considered these concerns as part of its review of the application and the applicable area

variance criteria. The Planning Board's correspondence indicated that the initial plan submitted with the application was an 8½-inch by 11-inch plan that the Planning Board considered insufficient in size and scale for meaningful review and that additional information and a larger plan were subsequently provided.

The Board reviewed the comments and recommendations received from the Onondaga County Planning Board pursuant to General Municipal Law §239-m. The County Planning Board reviewed the requested area variances and recommended that the applicant address matters including coordination with the Onondaga County Department of Water Environment Protection regarding sewer capacity and connection requirements, coordination with the Onondaga County Water Authority regarding water service and hydrant flow testing, compliance of the proposed driveways with applicable fire and building code requirements, and the presence of a federally protected Class C stream and associated 100-year floodplain crossing the property. The County also recommended that any required permits relating to wetlands, drainage or fill be obtained and that the applicant contact the New York State Office of Parks, Recreation and Historic Preservation regarding the environmental review.

The Board discussed the proposed access to the two lots and the fact that the proposed lots would utilize a flag-lot configuration. The Board considered the limited frontage and width of the proposed lots in relation to the surrounding property and the fact that the proposal would provide access to only two residential lots rather than the larger number of lots contemplated under the prior subdivision proposal. The Board also discussed the applicable Town highway requirements and information concerning the proposed road and access configuration. The Board noted that the Highway Superintendent, John Smith, had indicated that he preferred the proposed driveway access rather than construction of a new public road.

A member of the public raised concerns regarding drainage. The Board discussed the drainage implications of the current proposal and compared the anticipated impact of the two-lot subdivision with the substantially greater disturbance that would have resulted from the previously proposed six-lot subdivision and public road. The Board noted that the current proposal would involve fewer lots and less overall disturbance. The Board recommended that the neighboring property owner continue to communicate directly with Highway Superintendent John Smith regarding any drainage concerns so that those concerns could be considered as the project proceeds.

The Board reviewed the statutory balancing test for area variances pursuant to New York State Town Law §267-b. The Board considered whether granting the requested variances would result in an undesirable change in the character of the neighborhood or create a detriment to nearby properties; whether the benefit sought by the applicant could be achieved by some other feasible method; whether the requested variances were substantial; whether the proposed variances would have an adverse physical or environmental effect; and whether the alleged difficulty was self-created. After

consideration of these factors, the Board determined that the benefit to the applicant outweighed any potential detriment to the surrounding neighborhood. The Board found that the proposed subdivision would not result in an undesirable change in the character of the neighborhood, that there was no feasible alternative method that would provide the applicant with the same benefit without substantial modification of the proposal, and that the requested frontage and width relief was primarily necessary to permit access to the proposed lots. The Board further considered the size of the overall property and the reduced intensity of the current two-lot proposal compared with the prior six-lot subdivision.

The Board also considered the potential environmental impacts of the proposal. The proposed action was classified as an unlisted action for purposes of the State Environmental Quality Review Act (SEQR), and the Zoning Board of Appeals assumed lead agency status. Following its review, the Board determined that the proposed action would not result in significant adverse environmental impacts and issued a negative declaration. Following discussion and consideration of the application, the applicable zoning requirements, the comments received from the Planning Board, the Onondaga County Planning Board referral, public comments, and the statutory area variance criteria, a motion was made to approve the requested area variances and the associated resolution. The motion was seconded and approved by the Board. The requested relief was therefore granted subject to the conditions and requirements contained in the approved resolution and applicable requirements of the Town, County, and other regulatory agencies.

Respectfully submitted,

Victoria Rogers

Zoning Board Secretary