TOWN OF ONONDAGA
Planning Board

TOWN HALL
5020 Ball Road · Syracuse, NY 13215

Marc A. Malfitano, Chairman
Alfred Fuller David Hillery
James Hagan Otey Marshall

Meeting Conducted at 7:00 p.m.
October 26, 2026

DRAFT

Present:
Marc Malfitano, Chairman
David Hillery
James Hagan
Otey Marshall
Nadine Bell, Attorney
Bill Perrine, Engineer

Chairman Malfitano called the Planning Board to order at 7:01 p.m. noting that Mr. Fuller is excused.

Oak Ridge Farms Re-Subdivision

Ms. Susan DeRienzo, applicant, appeared before the Planning Board seeking approval of the proposed re-subdivision of the property located at 3430 Case Road. An updated plan was provided.

Mr. Perrine's comment letter dated October 26, 2026, was reviewed. Chairman Malfitano explained that because the applicant is seeking to reconfigure the lots, Mr. Perrine is asking that a note be added to the plan indicating that the tax maps will have to be modified to reflect the changes. Chairman Malfitano asked if Mr. Perrine reminded the surveyor of the required size for the finalized plans of 24" x 36". He indicated that he had noted that requirement on the July 15, 2026, letter and again on the October 26, 2026, letter. It was noted that a 3-Mile Review will not be required; however, the Health Department will need to stamp the final plan.

The Short Environmental Assessment Form for the Oak Ridge Farms Re-Subdivision signed by Ms. Susan DeRienzo and dated June 17, 2026, was reviewed and completed. A motion was made by Mr. Hagan and seconded by Mr. Marshall accepting the Short Environmental Assessment Form, declaring the matter an unlisted action and a negative declaration was issued. With all in favor the motion passed unanimously.

Chairman Malfitano then made a motion to grant preliminary approval, waive further public hearing and grant final approval to the Oak Ridge Farms Re-Subdivision based upon a map prepare by Mr. Olszewski, Land Surveyor, dated October 12, 2026, with two conditions: the noted listed in Mr. Perrine's October 26, 2026, letter be added to the plan and as previously indicated to the surveyor, the plan needs to be a minimum of 24" x 36" to be compliant with the Town Regulations. Mr. Hillery seconded the motion which passed unanimously.

Cassella Subdivision

The applicant requested to postpone this matter until the January 25, 2027, Planning Board meeting.

Chairman Malfitano explained that when we received this subdivision application the address sounded familiar to him. After reviewing his records, he noted that he spoke with a person named Rebecca Gleff previously regarding this property and she was interested in putting in an offer on this property which was listed for sale at the time. She was inquiring if the property could be subdivided and if a duplex could be built on it. Chairman Malfitano was not able to fully answer her questions with limited information. The person told Chairman Malfitano that there are currently two separate houses on one lot and she emailed him a picture of the listing. He responded to her indicating if there are two separate houses on one lot there is a problem.

Receiving this subdivision application reminded Chairman Malfitano about the prior communication. He asked Mr. Perrine if the property is connected to the sewer line that runs around the property. That is not yet known. Meanwhile, the current applicant asked to postpone this matter until January.

Prior to considering this subdivision application and after reviewing the plan that was provided, Chairman Malfitano noted that the property fronts on both Fay Road and Onondaga Road and currently has two separate dwellings with two separate addresses. It appears from the application that they are proposing to subdivide the back piece out and create a separate lot. We will need to know additional information prior to considering the proposal, such as, if they are connected to public sewer and public water. Additionally, the details surrounding the two homes is unknown so we do not know if a zoning violation exists with the current zoning of R1 which permits single family homes.

There was discussion regarding the application and the Planning Board decided to send a letter to the applicant asking for additional information prior to the applicant making a trip here in January. Chairman Malfitano dictated a letter to the applicant, Jennifer Cassella. A copy is attached hereto.

Woodland Hills Subdivision

Mr. Marshall made a motion at 7:36 p.m. to enter into executive session for the purpose of obtaining advice from legal counsel. Mr. Hillery seconded the motion which passed with all in favor. At 8:17 p.m. public session resumed.

Ms. Bell stated that after meeting to obtain advice of counsel as a preliminary matter, it is the determination of the Planning Board that the action that was taken on September 28, 2026, which was a 2 to 1 vote (2 in favor and 1 against) was a non-action and given that non-action, that means that the matter is before the Board. Ms. Bell noted for the purposes of the record and to make it clear, asked if there is any more discussion on this including if the Public Hearing was closed. Ms. Bell asked if it is the Board's pleasure to close the Public Hearing.

Chairman Malfitano stated that prior to that meeting the Public Hearing has not been closed. Based upon discussion, now we will close the Public Hearing. He asked if there is consensus on that from the Planning Board members. There was consensus to close the Public Hearing.

Ms. Bell stated, with the fact that the Public Hearing is closed and the Board's determination of a non-action, she asked if it is the Board's pleasure to have the resolution that was considered at the last meeting heard again. Chairman Malfitano asked Ms. Bell to read the resolution which read as follows:

Ratify and reaffirm the prior SEQR determination, to grant preliminary plat approval and to waive a Public Hearing for the final plat approval, and to grant final plat approval on a subdivision knows as Woodland Hills Subdivision based upon a plan entitled Woodland Hills Subdivision dated June 20, 2026, last revised July 16, 2026, as prepared by Ianuzi and Romans Land Surveying, PLLC, subject to the recording with the Onondaga County Clerk's Office, a Maintenance Covenant and Easement Agreement and a submission of a recorded agreement with the Town Clerk's Office. And further that the Planning Board does approve the construction drawings, grading plans, and engineering plans that were submitted by the applicant, to wit:

- C-101 – Layout & Utility Plan, dated May 16, 2026, as prepared by Calocerinos Engineering, PLLC
- C-102 – Grading & Erosion Control Plan, dated May 16, 2026, as prepared by Calocerinos Engineering, PLLC
- C-501 – Site Details, dated May 16, 2026, as prepared by Calocerinos Engineering, PLLC
- Preliminary Plan, Woodland Hills, dated June 20, 2026, last revised May 7, 2025, as prepared by Ianuzi & Romans Land Surveying, P.C
- Stormwater Pollution Prevention Plan, dated August 10, 2026; be it further

Ms. Bell stated that is the resolution that is for Board consideration. Chairman Malfitano asked if anyone wanted to make the motion. Mr. Hillery made the motion and Mr. Hagan seconded the motion. Chairman Malfitano asked if there was any further discussion regarding the motion and there was none. The motion was duly put to vote and carried with 3 ayes and 1 nay. Chairman Malfitano stated that there was no further discussion regarding this specific application.

Chairman Malfitano stated that applications like this are very difficult. We had a property owner who came and sought to develop 6 lots and filed an application before the Board and received full approval but then changed the plan because it was going to be expensive. The Town Board gave an accommodation but it was not good enough. The problem that we face as a public body is that simply because someone claims something is expensive or they don't want to do it, we do not have any standards to accept that. Here apparently we have and it goes beyond a variance application in and of itself. Reality is we are not empowered to do that and if anybody does not like a standard their only recourse is to go to the Town Board and convince the legislative body to change the standards. As a practical matter let alone a legal matter that there is any alternative to that and if we have standards in the Town Codes we are responsible to uniformly enforce them. If we grant anything to anybody then there will be a precedent issue. That is the challenge that we face on a going forward basis that transcends Mr. Harper and company in terms of what we are responsible to do and how we can act.

Chairman Malfitano stated that this brings us to a broader question. We do not get any support or direction as to what laws are enforced and what are not going to be enforced. We have a legal role in the process of doing site plans and special permit applications. When an administrator decides that we are not even going to require those applications and the requirements are not required to be enforced. There have been several instances of special permits or variances that should have been required that were not. The house on Howlett Hill for example, the Zoning Board is still holding it in abeyance because they don't know what size lot to apply because we do not know where it stands to get the sewer access. Chairman Malfitano asked if we are going to come together as a board and seek direction as to what rules and laws the Town is going to enforce and which ones we are not going to enforce. This question needs to be addressed.

Mr. Hagan added that there is too much going on now that needs to be done correctly and it is not being done correctly and there could be huge liabilities down the road. Not only zoning and subdivision issues but zoning code life safety issues.

Mr. Hillery asked if we should write a letter or go to the Town Board. He agrees that we want the Town Board to lead and provide support and for the Zoning Board to provide support. Another example of lack of support from the Town Board is the issue of the electronic signed which was pushed off. The Town Board will not be able to answer the question of what will be enforced and what will not. He noted agreement in addressing it but how we address it has to be a different approach.

Chairman Malfitano stated he did not believe we would reach a conclusion tonight. Mr. Marshall asked if the frustration is specific to the Codes Enforcement Office. Chairman Malfitano noted that is where a lot of it starts, but at the same time the Town Board is responsible for some of the questions. If the conditions that impose a special permit are there, there is no right of a Codes Officer to grant permits without having that process completed. This has been going on for a long time and there doesn't seem to be any difference of direction. Chairman Malfitano stated we are defacto like Otisco today where you can do anything you want. Mr. Hillery noted that flag lots are not allowed and there is a flag lot that the ZBA granted a variance for in error. That is where we have to address our problems. There has also been a problem with exceptions being granted for accessory buildings. There are still issues with the Codes Office and the ZBA. Perhaps the Planning Board could have a sit down with John Mahar and John Wheatley and share our concerns as a start.

Planning Board Minutes

A motion was made by Mr. Hillery, seconded by Mr. Hagan, that the Board approve and accept the meeting minutes of the October 12, 2026, meeting. The motion passed with all in favor.

A motion was made by Mr. Hillery, seconded by Mr. Marshall, 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 8:33 p.m.

Respectfully submitted,

Melinda L. Mayer
Secretary

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Planning Board

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5020 Ball Road · Syracuse, NY 13215

Marc A. Malfitano, Chairman
Alfred Fuller David Hillery
James Hagan Otey Marshall

November 2, 2026

Ms. Jennifer Cassella
878 Sunrise Boulevard
Forked River NJ, 08731

Re: 4300 and 4298 Fay Road
Syracuse, NY 13219
Tax Parcel 05.-01-04.0

Dear Ms. Cassella:

The Town of Onondaga Planning Board is in receipt of an application for a subdivision dated September 10, 2026, for the above referenced property. We discussed this application on a preliminary basis at our meeting of October 26, 2026.

We also know that you had requested a deferral to sometime in January as we do not have the authority to hold virtual appearances; however, there is some threshold information that is needed for us to better understand the application.

What is your relationship to the property and the person who is shown as record title holder by the name of Jennifer Leah Pagan? If you are not the record property owner and you are applying for yourself or someone else, we will require up front a consent letter from the record property owner authorizing you to make an application for this property.

In addition we have come to learn that there are two buildings which apparently represent separate single family residences on this property and as your application confirms, they each have a separate mailing address. Are those buildings occupied by one and the same family or are these rental units? Please identify how these buildings are occupied.

Please provide us information as to whether both structures are serviced by public sewer or septic systems. This makes a difference in terms of the evaluation of the lot size requirements under the applicable Zoning Code.

We understand that you want to split off the vacant portion of land which fronts on Onondaga Boulevard, but the availability to do this will be dependence on compliance with the Zoning Code, lot sizes and other considerations. In addition, can you disclose what the proposed plan is for the proposed Lot 2 which you are proposing to create?

Very truly yours,

Town of Onondaga Planning Board

Marc A. Malfitano
Chairman

cc: N. Bell, Town Attorney
B. Perrine, Town Engineer