

Minutes  
City of Syracuse  
Board of Zoning Appeals  
Thursday, February 22<sup>nd</sup>, 2024  
1:00 p.m.  
Common Council Chamber

I. Meeting called to order at 1:03 p.m.

Members Present

Mr. Stewart Koenig, Chairman	Yes
Mr. Michael Stanton	Yes
Mr. Michael Cheslik	Yes
Ms. Honora Spillane	Yes
Ms. Karen Gillette	Yes
Mr. Ronald O. Jennings	No
Mr. Timothy Rudd	Yes

Staff Present

Mr. Jake Dishaw	Yes
Mrs. Meira Hertzberg	Yes
Mr. Cristian Toellner	Yes
Mr. Patrick Voorheis	Yes
Mr. Zhitong Wu	Yes
Mr. Nate Pan	Yes

II. Approval of Minutes

A motion to approve the January 11<sup>th</sup>, 2024, meeting minutes was made by Mr. Cheslik and seconded by Mr. Stanton. The motion carried unanimously.

III. Old Business

1.) V-23-23

An Area Variance to allow building 1 to exceed the maximum allowable length and to allow buildings 3-6 to deviate from the required height and setbacks standards for ground floor residential uses.

301-311 East Taylor Street

William Simmons, Executive Director, Syracuse Housing Authority (Owner)

Michael Saunders, Vice President, McCormack Baron Salazar (Applicant/Project Sponsor)

Zone District, MX-2

Chairman Koenig noted that the board would need further time to review the latest edition of the project, which was recently submitted, and that they would not be taking an action today.

Melanie Ray from Hord Coplan Macht, was present to introduce the Area Variance. She described the changes made to the application.

Mr. Stanton asked for further clarification on what changes were made to building 2 from when they presented in December. Mrs. Ray stated that the placement of the building has changed so it is at least nine feet away from the property line. Mr. Dishaw also added that by moving the building back, building 2 is now compliant with code despite not changing in elevation. Mr. Stanton asked for confirmation that the rest of the buildings are still not compliant, and Mr. Dishaw confirmed that is correct.

No members of the public spoke in favor of against the proposed Area Variance application. Chairman Koenig held the public hearing open.

IV. Public Hearings

1.) V-23-18

An Area Variance to exceed the 50-foot maximum height allowed in an R5 Zone District, for the installation of 2 steeples at St. Patrick's Church.

216 North Lowell Avenue

Chris White (Applicant)

Zone District R5

Father Kevin Maloney, of 216 N Lowell Ave, Patrick O'Brien, of 2350 Olanco Rd, Marietta, NY, and Chris White, of 2373 Route 174, Marietta, NY, introduced the application.

Janice McKenna, of 110 S. Lowell Ave, spoke in favor of the Area Variance application.

Patrick Hogan, of 212 Bryant Ave, spoke in favor of the Area Variance application.

Nick Masterpole, of 1524 W. Fayette St. spoke in favor of the Area Variance application.

No members of the public spoke in opposition of the Area Variance application. Chairman Koenig closed the public hearing.

Asst. Corporation Counsel Hertzberg confirmed that the Board had reviewed Part 1 of the Short EAF and confirmed that the Board was familiar with the questions in Part 2 of the EAF. Mr. Cheslik moved to declare the BZA lead agency and made a negative SEQR declaration. Mr. Rudd seconded the motion. The motion passed unanimously.

Mr. Cheslik made a motion to approve the Area Variance application, V-23-18, and Mrs. Spillane seconded. Mr. Cheslik reviewed the area variance criteria and felt the applicants satisfied all five. The motion passed unanimously.

2) V-24-00

A Use Variance to allow for ground floor dwelling units in existing structures.

420-430 East Genesee Street

Phillip Gardiner (Owner's Representative)

Brian Bouchard, CHA Consulting (Applicant)

Zone District, MX-5

Brian Bouchard, of CHA Consulting, introduced the application.

Mr. Stanton asked if there are residential uses on the first floor of the newer building located on the east side of the project site. Mr. Bouchard stated although he was not involved in the project, he believed there was a café on the first floor of that structure. Mr. Cheslik asked if the windows would be able to open. Mr. Bouchard stated they would be privacy screened from the interior, as they can't make changes to the exterior to get their historic tax credits. He also stated that the bedroom spaces in all but one of the units would

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be in portions of the building not directly facing a street. Mr. Cheslik asked if they would be able to open for air, and Mr. Bouchard confirmed that is correct. Mr. Stanton asked for clarification on what uses are allowed in the first-floor space. Asst. Corporation Counsel Hertzberg clarified that they are more constrained by the historic nature of the building and not so much by what commercial uses are or aren't allowed there. Chairman Koenig asked if it doesn't matter what commercial uses are allowed or proposed there, but because they can't alter the exterior, all commercial uses are not able to be introduced. Asst. Corporation Counsel Hertzberg confirmed that is correct.

The board discussed amongst themselves and staff what they believed the intent of the MX-5 Zone District is, what commercial uses are allowed on the ground floor and the possibility of any commercial uses being allowed that wouldn't require the applicants to lose out on their historic tax credits.

Phillip Gardiner, with Douglas Development who are the owners of the parcels, came to the microphone to address the Board's concerns. Mr. Gardiner stated that the interior swimming pool at 430 E Genesee Street takes up roughly a third of the first-floor space. The pool also needs to be maintained to qualify for the historic tax credits, making the development of any commercial uses difficult. Mr. Bouchard stated that even though there are many uses permitted by right, the unique historic aspects of the site are the reasons they have been vacant for several years. Chairman Koenig asked for clarification on who owns the property, Mr. Gardiner stated that they own the properties. Mr. Gardiner also spoke to the challenges they have had finding commercial tenants for other properties they own in the area. Mrs. Spillane asked what the square footage of the first floor on 430 E Genesee St. is, and if there are four dwelling units on the first floor. Mr. Bouchard stated that there are four dwelling units and that the square footage of the first floor is 6,600 square feet, but 1,500 square feet of the space is taken up by the pool. Mr. Bouchard stated he believed the leasable space is about 3,800 Square feet. Mr. Stanton asked if any windows are going to be added. Mr. Bouchard stated they would be adding back windows that were there historically but have since been infilled.

Steve Case, of 155 Xavier Circle, spoke in favor of the application.

No members of the public spoke in opposition to the application. Chairman Koenig closed the public hearing.

Mr. Stanton made a motion to approve the Use Variance Application, V-24-00; Mr. Cheslik seconded the motion. Mr. Stanton reviewed the use variance criteria and felt the applicants satisfied all four. The Board discussed the application further. Chairman Koenig stated he felt considering the historic restrictions on the project that the project is unique and satisfies the other use variance criteria. Mrs. Spillane noted for the record that although she believes this is a unique case and is inclined to approve, she believes going forward, the Board should be evaluating the intent of ReZone and try to promote commercial, and retail uses where it was intended to go. Mr. Rudd asked if the constraints of the historic status made it, so they are unable to do anything else with the space. Mrs. Spillane stated she believed it would be hard to introduce any commercial use to the spaces.

The motion passed by a vote of 5-1 with Mr. Rudd voting against the application.

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3) V-24-01

An Area Variance to allow a one story structure  
210 Hamilton Street  
Stephen Case, 315 Development, LLC (Owner)  
Joseph M. Cavender, QPK Design (Applicant)  
Zone District, MX-3

Joe Cavender, from QPK Design, and Stephen Case, from 315 Development, LLC, introduced the application.

Chairman Koenig asked staff what the rationale for having a two-story minimum is. Mr. Dishaw stated that was the requirement in ReZone. Asst. Corporation Counsel Hertzberg went on to explain the definition of a story, and Mr. Dishaw read the exact definition of a story from ReZone. Chairman Koenig asked again what the rationale for the two-story minimum is, Mr. Stanton stated that he believes it is because we are trying to avoid sprawl-type development. Mrs. Spillane asked what the resolution at the planning commission was. Mr. Cavender stated it was conditionally approved, pending approval of this variance. Mr. Stanton asked if this style of store is the future of Starbucks locations. Mr. Cavender said he couldn't answer that, but that Starbucks saw this type of location as a benefit to this community. Mr. Rudd asked for clarification if there was a pickup option inside the store and no seating available. Mr. Cavender confirmed that is correct. Mr. Cheslik asked if the project is limited by this type of design. Mr. Cavender stated that is correct. Asst. Corporation Counsel Hertzberg explained that the layout of the neighborhood does not matter, it is the MX-3 Zone District which is governing the decision. Mrs. Spillane asked if there was a bus stop nearby, and Mr. Cavender stated there was one on West Genesee Street. Chairman Koenig asked staff if the intention of mixed-use districts is to have residential mixed with commercial uses. Asst. Corporation Counsel Hertzberg clarified that mixed use districts allow for mixed use buildings, but they are not required to be mixed. Mr. Stanton asked if the two-story requirement is in there to promote greater density. Mr. Dishaw stated that the code specifies it is to promote greater horizontal or vertical integration of uses, but the MX-3 Zone District is the Mixed-Use Transition Zone District. So, we consider residential uses but also compatible non-residential development. Mr. Dishaw noted that staff has concluded it does add a commercial use to this collector street, and that the building would be compatible with surrounding structures. Asst. Corporation Counsel Hertzberg stated that this application is unique as it is still a relatively new zoning code. Mr. Dishaw confirmed that the use of the structure will be a beverage café. Mr. Rudd asked the applicants how they are encouraging mixed-use development if they only have one story. Mr. Case stated he wants to do what ReZone intends, but after doing initial work he concluded he would not be able to generate the required rents to make the project financially viable. He spoke to the different attempts they made to make the site financially viable, but the Starbucks project being presented is what they believe is the best project for the site. Mr. Stanton asked if they wanted to put tables inside the location, would Starbucks not allow that. Mr. Case stated that was correct.

No members of the public spoke in favor or in opposition of the application. Chairman Koenig closed the public hearing.

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Mr. Rudd made a motion to approve the Area Variance, V-24-01. Mrs. Spillane seconded the motion. Mr. Rudd reviewed the area variance criteria and felt the applicants satisfied all five. The motion passed unanimously.

V. Adjourn

A motion to adjourn was made by Mrs. Spillane and seconded by Mr. Rudd. The motion carried unanimously. Meeting called to adjourn at 2:42 pm.

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