

Minutes
City of Syracuse
Board of Zoning Appeals
Thursday, April 25th, 2024
1:00 p.m.
Common Council Chamber

I. Meeting called to order at 1:08 p.m.

Members Present

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

Staff Present

Mr. Jake Dishaw	Yes
Ms. Meira Hertzberg	Yes
Mr. Cristian Toellner	Yes
Mr. Zhitong Wu	Yes
Mr. Nate Pan	Yes

II. Approval of Minutes

A motion to approve the April 4th, 2024, meeting minutes was made by Mr. Jennings and seconded by Mr. Rudd. Ms. Gillette absented herself from the vote due to her absence of the April 4th, 2024, meeting. The motion carried unanimously.

III. Public Hearings

A. New Business

1.) V-24-03

A Use Variance to allow a “Parking Lot” use in R2 Zone District
1201-1499 Salt Spring Rd & Springfield Rd
Le Moyne College (Owner)
Fouad Dietz, Campus Architect of Le Moyne College (Applicant)
R2 Zone District

Fouad Dietz, from Le Moyne College, presented the Use Variance application.

Mr. Rudd asked whether there are existing sidewalks on the subject property along the Salt Spring Road. Mr. Dietz responded that currently there are no sidewalks. Mr. Dietz further explained that because the campus is on a hillside, it is difficult to have sidewalks that meet ADA requirements in some area; therefore, there are no sidewalks on the subject property along the Salt Spring Road. Mr. Koenig asked, based on the variance approval criteria, the reason why the applicant cannot receive a reasonable return from other allowed land uses on the property but the proposed parking lot use. Mr. Dietz explained that the Le Moyne College had a covenant with the Jesuits At Le Moyne, Inc. to establish “No Build Zone” at the northeast and southwest of the Loyola Jesuit Residence, and the only allowed use in the “No Build Zone” is parking lot. Mr. Koenig asked the staff whether the covenant supersedes the zoning law. Ms. Hertzberg explains that the covenant does not supersede the zoning law, but it adds more restrictions on the allowed land use on the property; the zoning law and the covenant should both be taken into consideration when reviewing the application. Mr. Rudd asked if the covenant is permanent. Ms. Hertzberg confirmed with

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Mr. Rudd that the covenant is permanent, and the property owner has to abide by it because the covenant acts as a condition of the conveyance of the land. Mr. Dietz supplemented that the Jesuits At Le Moyne, Inc. and the Le Moyne College are separate entities, and the Jesuits At Le Moyne, Inc. has a few restrictions on the campus. Mr. Koenig asked for an explanation from Mr. Dietz about whether the project will alter the essential character of the neighborhood. Mr. Dietz replied that the Le Myne College tries hard not to let the parking lot affect the character of the neighborhood by planting a tree line, keeping the parking lot far from the neighborhood and adding additional planting. Mr. Cheslik mentioned some comments from the public, saying that Le Moyne was going to plant trees in the past when the college did parking lot work, and asked for a response from the applicant. Mr. Dietz explained that the project those public comments refer to happened before he began working for Le Moyne College and he cannot comment on those public comments. Mr. Cheslik asked if the project is going to make two parking lots smaller and remove the street parking. Mr. Dietz explained that Le Moyne College is not making any parking lot smaller and is removing the street parking to make way for bike lanes in order to improve the neighborhood, to remove street parking around the campus and to help eliminating cars parking in front of nearby residents' properties which has created a burden on the neighborhood. Mr. Jennings asked whether the installation of bike lane is a request of City of Syracuse, or it is a motivation from the Le Moyne College. Mr. Dietz explained that Le Moyne College agrees with the City of Syracuse, Town of Dewitt and an overall master plan for the neighborhood in the Le Moyne College area and part of the master plan is to narrow the roadways, install sidewalks, improve utilities and street lighting, improve pedestrian experience and allow for sustainable transportation. Mr. Dietz continued explaining that these planned improvements are to be carried out with the different projects of the Le Moyne College, but the college is collectively agreed with the future effects of the master plan. Mr. Jennings asked if the neighborhood community participated in making the master plan. Mr. Dietz explained that the covid pandemic hits when making the master plan and there were 2 online sessions held for the public; at the same time, the report of the master plan is also available online for the public to review. Mr. Rudd asked whether the new parking lot will be connected to the nearby parking lots. Mr. Dietz explained that the traffic can enter the parking lot by Ignatian Way and exit by the road of the parking lot in the southeast. Mr. Dietz confirmed with Mr. Rudd that the new parking lot is not connected to the nearby parking lot but located across the driveway from it.

No members of the public spoke in favor of the area variance application. 4 members of the public spoke in opposition to the application. Mr. Dietz responded to the public comments that the Le Moyne College is amenable to do a traffic study to address the public concerns on the impact of the project on local traffic, to build a real berm to minimize the vehicle headlights and the view of the parking lot. Mr. Rudd asked why Le Moyne College does not build parking garages instead, especially when there is a lot of green area around the college already covered by parking lots. Mr. Dietz explained that the cost of parking garage construction is expensive, and the college has not reached the stage of constructing a garage in need of 50 parking spaces. Mr. Rudd refuted that based on the public comment, the cost can be paid by the college, or it will impact the neighborhood, therefore the variance application does not meet the criteria that the project will not alter the essential of community character.

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At the request of Mr. Koenig, Ms. Hertzberg explained the Short Environmental Assessment Form Part 2 regarding the public comment and the SEQR review procedure. Ms. Hertzberg suggested that the Le Moyne College should go through the four criteria of use variance application again and make a more comprehensive presentation about how the college's growth plan fits in with the master plan, and what the college has done to designate both college's goal and goals in master plan for the Le Moyne neighborhood; the Board are also allowed to ask the Le Moyne College to address the concerns about the project will alter the essential of community character. Mr. Dietz added that the Le Moyne College is part of the neighborhood character as well, so the development of Le Moyne College will not alter the community character; and the college always tries to be good to the neighborhood.

The Board members did not agree with the staff's decision on Short Environmental Assessment Form Part 2 and modified the answer to third and fifth question on the form to be "Moderate or Large Impact". Mr. Rudd moved to declare the BZA as lead agency and made a positive SEQR declaration. Mr. Cheslik seconded the motion. The motion passed unanimously.

Mr. Rudd made a motion to deny the use variance application. Mr. Cheslik seconded the motion. The motion passed by 4 ayes vs 1 nays.

2.) V-24-07

An Area Variance to allow a multi-unit residential apartment to exceed maximum impervious structural coverage and maximum density requirements.

301 Cortland Ave

Robert and Marjorie Jones Community Development Organization (Owner)

John J. Warren (Applicant)

R5 Zone District

Ben Harrell, from CHA Consulting, Inc., presented the Area Variance application.

Mr. Jennings asked, based on the opposition letters from the public, if the project is proposing to have primarily low-income units with unrestricted market-rate units. Mr. Harrell clarified that the all the units will be affordable, and these units is for people with income level between 40,000 to 55,000 dollars which is not a threshold for poverty; therefore, these units are not for the poor but to provide affordable housing. Mr. Rudd explained that based on his experience in housing study, it will have negative impact on the neighborhood when concentrate housing for the low-income in a low-income area. Mr. Rudd asked how the applicant thinks the project is not going to have an adverse effect on the low-income neighborhood when the project proposes to concentrate the low-income units in a low-income area. Mr. Harrell explained that the threshold of poverty is the household income level at between 15,000 to 30,000 dollars, while people who live in the proposed affordable units will be making 40,000 to 55,000 dollars. Mr. Harrell believed that there is a misconception to confuse the units for poverty and affordable units, and people in poverty will not live in these units. Mr. Rudd asked whether the affordable units are for people who make up to or at least 40,000 to 55,000 dollars. Mr. Dehmler, development consultant, replied that the affordable units for people who are making 60%

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AMI, and the rent can only be 30% of their income; therefore, these units are for people who making at least 40,000 dollars a year and they will need to apply in a lottery system to have the affordable units. Mr. Dehmler confirmed with Mr. Rudd that people cannot apply for the affordable units if they are making less than 40, 000 dollars a year. Mr. Dehmler further explained that this project is specifically for the working-class family with moderate income, and the reason to have this kind of project is because less than 10% of the family in the City of Syracuse that making between 40,000 to 55,000 dollars yearly have regulated housing available to them. Mr. Rudd asked if there is another project in the city that is comparable to this project. Mr. Dehmler introduced that the Star Park on State Fair Boulevard can be an example because the Star Park has 60 units and also regulated to the same income bands; the Katherine Street Apartments is a little different to this project, but it has the same categories of low-income housing tax credit residents. Mr. Dehmler further explained that the variance application is not seeking relief to build a multi-unit dwelling apartment but is requesting to add a few more units than the allowed number of units in zoning code. Mr. Dehmler also indicated that because the property is located in flood plain area, it adds significant cost to the project; therefore, the additional units as requested in the variance application will help alleviate the burdens of cost caused by the flood plain. Mr. Dehmler confirmed with Mr. Rudd that the nominal difference in the unit number is critical to the economic viability of the project. Mr. Dehmler stated that the allowed number of units is 62 and the project is proposing 67 units, and the applicant is spending far more than building a market-rate apartment to make the affordable apartment to be beautiful as the Star Park, green, energy efficient and sustainable.

As requested by Mr. Koenig, Ms. Hertzberg clarified the misconception in the letter from the public that based on the zoning code, it is required to have affordable units in new multi-unit dwelling apartment if the total unit exceeds 20 units; however, there is no limitation on the maximum number of affordable units and it is acceptable to have a multi-unit dwelling apartment with 100% affordable units from the perspective of zoning code.

1 member of the public spoke in favor of the area variance application. 5 members of the public spoke in opposition to the application. Mr. Dehmler responded to the opposition from the public that the property owners of 319 Cortland Avenue and 319 Cortland Avenue Rear is not willing to sell the properties so the applicant has to put proposed units onto 2 separate parcel lots which will certainly make the single-unit dwelling structure on 319 Cortland Avenue and 319 Cortland Avenue Rear to be sandwiched by the 2 multi-unit dwelling structures, and with the adoption of ReZone Syracuse, the project site has already been rezoned to High Density Residential, R5 Zone District where encourages multi-unit dwelling use and the applicant has the right to take advantage of the Zone District. Mr. Dehmler added that there are many people in the city who cannot find affordable housing and this project follows the rules and has had some community outreach to the local neighborhood. Mr. Harrell added that there will be security guards on site to address some of the safety concerns from the public.

Staff from the Office of Zoning Administration confirmed the Zone District and density requirements of the project site and surrounding properties with Mr. Rudd. Mr. Rudd asked why there are 4 properties in the area zoned as MX-1 Zone District when the surrounding parcels are all zoned as R5 Zone District. Mr. Dishaw and Ms. Hertzberg explained that because there is a store, and the city zones the property to MX-1 in order to prevent non-

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conforming land use and accommodate existing businesses when creating the new zoning map. Mr. Rudd asked if the city has developed any approach to measure the additional negative impact of adding units for poverty into the areas that already have high levels of concentrated poverty. Ms. Hertzberg explained that this type of issue may have been addressed in the Comprehensive Plan, but the Department of Planning is working to write a new Comprehensive Plan. Ms. Hertzberg emphasized that the zoning code requires multi-unit dwelling apartment to have a certain number of affordable units, but it does not require the applicant to not make all units affordable. Ms. Hertzberg further explained that the housing study came up after the zoning code was adopted and zoning code will address the issue with mixed-income housing requirement in following text amendments.

Based on the information provided by the applicant, Mr. Koenig concluded that the applicant does not believe the additional 10 more units on the property than what is allowed will not change the character of the neighborhood. Mr. Wu, as a staff from Office of Zoning Administration, clarified that on the Lot B of this project, the maximum allowed number of units is 27 and the applicant is requesting the area variance to exceed the maximum number in order to have 37 dwelling units on Lot B. As requested by the Board, Mr. Harrell explained that the applicant is seeking variance on Lot B to build 10 more units, while the applicant is proposing to have 6 less units than what is allowed in zoning code on Lot A. Mr. Harrell concluded that if looking at the whole project, the applicant is proposing to have 4 more dwelling units accumulatively; on Lot B, the applicant can build just 27 units but it will make the project not economically viable and the project will not exist. Mr. Jennings asked whether the 10 more units will dramatically affect the character of the neighborhood. Mr. Harrell responded that the 10 units will not alter the character of the neighborhood. Mr. Dehmler added that the applicant does not want to maximize the number of units on Lot A because he believes it will be easier and better for the community to have both buildings to be roughly similar. Mr. Rudd asked that what will happens if the variance is not granted. Mr. Harrell responded that the project will not financially work and will not be able to construct the building; the 10 units is the minimum to make the project work financially as a whole. Mr. Rudd stated that even through it may results fewer housing units in the city in short term, however, it feels uncomfortable to undermine the poor neighborhood with variance to put more units for the low-income into an area that has already been burdened by the poverty.

Mr. Rudd made a motion to deny the area variance application. Mr. Cheslik seconded the motion and then withdrew it to have the discussion. The motion passed by 4 ayes vs 1 nays.

Mr. Koenig made a motion to approve the area variance application. Mr. Cheslik seconded the motion. The motion did not pass due to 2 ayes vs 3 nays.

Mr. Rudd made a motion to deny the area variance application. Mr. Gillette seconded the motion. The motion passed by 4 ayes vs 1 nays.

3.) V-24-08

A Use Variance to allow a loading dock to be located in the front setback.

100 W Court St & N Clinton St

Doug Sedgwick (Owner)

Ed Keplinger, Keplinger Freeman Associates LLC (Applicant)

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MX-3 Zone District

Brian Manthey, representing Sedgwick Business Interiors, presented the use variance application.

No member of the public spoke in favor of or in opposition to the use variance application.

Mr. Jennings made a motion to approve the area variance application. Mr. Rudd seconded the motion. The motion passed unanimously.

Mr. Jennings made a motion to issue a negative SEQR declaration. Mr. Cheslik seconded the motion. The motion passed unanimously.

IV. Adjourn

A motion to adjourn was made by Mr. Jennings and seconded by Mr. Rudd. The motion carried unanimously. Meeting called to adjourn at 3:34 p.m.