

PLEASE TYPE OR PRINT (LEGIBLY)

For Office Use Only:

Tax map Section: 101Block: 12Lot: 03.2Application Number: V- 16 - 02M3Zoning District: CBD-GSA1. Address of subject property: 530 S. Clinton St. (rear)2. Year property was purchased by current owner: 2010

3. Applicant/contact information:

a. Owner(s) (current titleholder):

Name(s): IC Land Fund LLCMailing Address: 120 E. Washington St., STE 8 10th FloorZip: 13202Daytime phone number: 426-2624

home phone number: _____

E-mail (alternate contact for additional information request): Joe@washingtonpartners.comb. Contract purchaser(s) ☐, Lessee ☐, or Co-applicant ☐ (if applicable)***note: Copy of contract to purchase must be included with application if this contract purchaser or lessee applies.**

Name(s): _____

Mailing Address: _____

Zip: _____

Home phone number: _____

Day Phone: _____

E-mail (alternate contact for additional information request): _____

c. Representative: Attorney ☒, Architect ☐, Contractor ☐, Other ☐

(Only if involved in this application)

Name(s): Timothy Frateschi, Baldwin, Stephen & Frateschi, PLLCMailing Address: 126 N. Salina St., Syracuse NYZip: 13202 Telephone number: 315. 477. 0100

4. Current use of property: (i.e., 1 family, 2 family, grocery store, etc.): _____

VacantProposed use and occupancy of property: Gallery & Event / Assembly spaceCurrent number of onsite (off-street) parking spaces: See previous application

Proposed number of onsite (off-street) parking spaces: _____

Days and hours of operation (for any business uses): Opened for events

Explain in detail what (if any) new additions or construction is proposed on the site: None

Reason for request:

The courts have distinguished between use variances (for uses which are not permitted) and area variance (for excess lot coverage, additions into required yards, etc.). Be aware that *the standards of proof for a use variance are much more demanding* than for an area variance and that *the burden is on the applicant* to provide such proof in arguing their case. (See Standard of Proof requirements on required submittal page.)

Use additional sheets of paper to present proof if necessary.

See Attached Supplemental / Amendment

The following affirmation must be signed and dated by the CURRENT PROPERTY OWNER or the owner's LEGAL representative (attorney, power of attorney, partner in the business, etc.).

DECLARATION

I understand that false statements made herein are **punishable as a Class A Misdemeanor, pursuant to section 210.45 of the Penal Law of the State of New York**. I declare that, subject to the penalties of perjury, any statements made on this application and any attachments are the truth and to the best of my knowledge correct.

I also understand that any false statements and/or attachments presented knowingly in connection with this application **will make consideration of this application null and void**.

Timothy A. Frateschi, Esq., Baldwyn, Stephen & Frateschi 10-10-10
Signature of CURRENT PROPERTY OWNER (or owner's LEGAL representative) Date

Timothy A. Frateschi
Printed or typed name of person whose signature is above (if legal representative, also state relationship to owner).

SYRACUSE BOARD OF ZONING APPEALS
CITY HALL COMMONS, ROOM 101
201 EAST WASHINGTON STREET
SYRACUSE, NY 13202
(315) 448-8640

Board of Zoning Appeals application Procedures

Variance applications involve public hearings with the Board of Zoning Appeals. A variance application will not be considered complete on the applicant's part until all required submittals have been received and have been through a preliminary review by Zoning Office staff (and possibly other departments), including an evaluation of the application under the New York State Environmental Quality Review Act (SEQR).

Once an application has been determined to be ready for a public hearing with the Board of Zoning Appeals, it will be scheduled for the **next available** hearing date (allowing the necessary time from for the Board's authorization, newspaper publication, mailing schedules, etc.). A "Public Notice" regarding the hearing date will then be mailed to the applicant (and representative, if any), approximately ten (10) days prior to the hearing date.

The public notice is also published in the Syracuse Post Standard newspaper ten (10) days prior to the hearing date. Public notices are also sent to property owners contiguous to any property subject to a public hearing, and to other city departments and neighborhood organizations.

The application, and its contents, will then be open for inspection at the Syracuse Office of Zoning Administration during regular office hours.

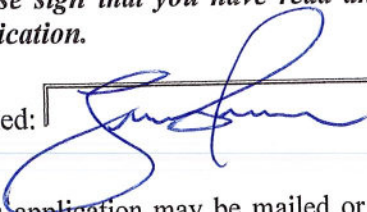
Unless otherwise notified, all meetings at which public hearings are to be held will begin at 1:00 p.m. in the Common Council Chambers on the third floor of City Hall.

The applicant or his or her representative **must attend** the public hearing to explain the case request to the Board of Zoning Appeals. (The rules of the Board of Zoning Appeals **do not permit postponements** due to the absences of applicants or their representatives.) A variance decision is not final until a written resolution is adopted by the Board of Zoning Appeals and filed with the secretary to the Board. Depending upon the situation, the resolution may possibly not be adopted until a later meeting. A copy of the resolution will be mailed to the applicant.

Depending upon the type and complexity of the application, additional necessary reviews, and the hearing schedule, the entire variance application process from the submission of the application to the release of the resolution may take approximately two months.

Please sign that you have read and understand the above information and return this page with the application.

Signed:

 Esq. Baldwin
Stephen E. Fredericks

Date:

10-12-18

This application may be mailed or delivered in person to the Syracuse Office of Zoning Administration, located in Room 101 at City Hall Commons, 201 East Washington Street, Syracuse, NY 13202-1426. If you wish to discuss the application with a member of our staff, please call ahead for an appointment (448-8640).

BALDWIN, SUTPHEN & FRATESCHI, LLP

ATTORNEYS AT LAW

126 North Salina Street, Suite 400
Syracuse, New York 13202

Robert F. Baldwin, Jr. *
Timothy A. Frateschi
Anthony L. Germano **
Charles M. Sprock, Jr.
Jamie Lynn Sutphen ***

Joseph V. Frateschi

William F. Drexler, of Counsel

* Admitted in FL; ** Admitted in NJ
*** Admitted in PA & NJ

October 12, 2018

Heather A. Lamendola
Syracuse Zoning Administrator

Hand Delivered

RE: D-Train Building Use Variance Modification/Interpretation

Dear Ms. Lamendola:

Enclosed please find the Use Variance Modification Application and/or interpretation petition to allow for event/assembly space in the D-Train Building, located at 530 South Clinton Street.

As discussed in my email to you today, my client is very interested in creating an art gallery in the Building, which we believe would avoid the need for this Use Variance modification.

I would like to discuss this with you further.

In the meantime, however, I respectfully request that this Application be considered at the October 24, 2018 meeting.

Thank you and please call with any questions.

Very truly yours,

BALWIN, SUTPHEN & FRATESCHI, PLLC



Timothy A. Frateschi

Enclosure

SUPPLEMENT/AMENDMENT TO THE
JC LANDFUND, LLC
USE VARIANCE APPLICATION
[Doggy Daycare]
Event/Assembly Space
530 S. Clinton Street (rear)

Application Number V-16-02; V-16-02 M1

October 10, 2018

TO: Heather A. Lamendola, Zoning Administrator

FROM: Baldwin, Sutphen & Frateschi, PLLC
Timothy A. Frateschi, Esq.
Attorney for JC Landfund, LLC

BACKGROUND:

JC Landfund, LLC (the “Applicant”) is the owner of an irregular shaped 55,666 sq. ft. property at 530 South Clinton Street (the “Property”). The Property had been an unproductive lot for many decades. In 2010, the Applicant purchased the Property with the intention of improving the lot and this section of South Clinton Street. The Member of the Applicant, Joseph Hucko, has developed several abandoned and unproductive properties in Downtown Syracuse (“Downtown”).

The Applicant has invested a considerable amount of time and resources to construct a 4,000 +/- sq. ft. building on an abandoned elevated railroad platform (the “Building”). The Property and Building are unique in terms of location, configuration and construction.

In 2016, the ZBA granted the Applicant a use variance to allow for a Doggy Day Care facility at the Building in the Central Business District, General Service A District. The ZBA further supplemented and amended the use variance on September 8, 2016 ((V-16-02 M1) to also allow for two additional uses – (a) Dog Friendly Event/Assembly Space and (b) Sale/Charitable Distribution of Vegetable Grown at the Property.

Unfortunately, after considerable expense and time invested in the business, the Doggy Day Care concept proved to be an unsuccessful venture.

However, the Applicant has recently entered a long-term lease to use the Building for Event/Assembly Space, separate and distinct from a doggy day care business. The lessee, a well-known restaurateur in Syracuse, would like to use the Building to display and/or sell art from primarily local artist and to provide a gathering space for events, in conjunction with the art displays, which may include music, food and/or entertainment/art (the “Proposed Use”).

I. INTERPRETATION OF PART B, SECTION IV, ARTICLE 9

It is our position that the Proposed Use should be allowed “as of right” under the current CBD, General Service A District (the “Zoning District”).

In Zoning District, the following use is allowed:

“2. Uses Permitted

- a. Retail and service stores, including but not limited to studios, galleries and restaurants; catering services.”

Under the common meaning, studios, galleries (“9. a long, relatively narrow room, especially one for the public use” – Webster Dictionary) and restaurants are places where events and public assembly naturally take place. This is exactly what is contemplated for the Building – a open room concept that will display art and have space for the public to congregate/assemble, mingle and to enjoy food or refreshments that will be brought to the site. The Zoning Code language explicitly says, “including but not limited to studios, galleries and restaurants.” This was clearly an attempt by the City Council to allow uses that would be ordinary and customary in a downtown location. It would be very reasonable (if not logical and obvious) to allow the Proposed Use in this Zoning District based on the plain reading of the section cited above.

Adding more evidence to this argument, other uses allowed in this Zoning District “as of right” include *hotels, motels, colleges, universities, churches, non-profit community centers*. These are all institutions that hold events and allow the assembly of people. It would be irrational to not allow people to congregate or assemble in a church, for instance, after a service. As a case in point, we can think of several places in the Zoning District that allows events and or assembly of people within walking distance of the Building – either as part of another use or as a stand-alone use.

Finally, under the previous use variance granted by the ZBA, event and assembly space has already been approved, albeit in conjunction with the Doggy Day Care. If it is allowed with Doggy Day Care, there is little reason to deny it without the concept of a Doggy Day Care. Especially since the event/assembly space already approved would have been used at night, when the Doggy Day Care would not be in operation.

We, therefore, respectfully request the ZBA to authorize the Proposed Use through its authority to interpret the Code and to determine that the Proposed Use is allowed in the Central Business District, General Service A District.

II. USE VARIANCE:

AMENDMENT/SUPPLEMENT TO THE USE VARIANCE

In the event the ZBA determines that it will not interpret the CBD General Service A District to allow the Proposed Use, we request use variance for the Proposed Use based on the following:

1. After several attempts to use the property for the use granted by the 2016 variance for Doggy Day Care, the Applicant has shown that it cannot realize any reasonable return on investment in the property for the Doggy Day Care use. This is evidenced by the fact that the Doggy Day Care use failed to make any economic return despite the diligent efforts on the part of the Applicant. The Building was configured specifically for the use of the Doggy Day Care and therefore limits the functionality of the Building for other uses. An art gallery with event and assembly space is appropriate for the current configuration of the Building. The Applicant has been able to find a long-term lessee who would use the Building for the Proposed Use without the need to make any substantial changes to the Building to accommodate the Proposed Use. Accordingly, the Proposed Use has the capacity to generate a reasonable return on the Applicant's investment. Moreover, this Proposed Use has already been granted with the amended use variance, albeit it in connection with the Doggy Day Care proposal;

2. The Property and the Building are unique based on where it is situated, the position of the Building on an elevated railroad platform and the configuration of the lot and the configuration of the space within and without the Building. Because of the uniqueness of the site, the use variance requested would be limited to this Application and its precedential value would be minimal;

3. The property and the Building are in the Downtown area and there are several assembly/event spaces within close proximity to the Building; therefore, granting the use variance would not change the character of the neighborhood;

4. The nature and difficult placement of the Building was not self-created in that the Applicant, with the consent and encouragement of the City, took an unproductive property and invested significant time and resources to improve what was otherwise an eyesore. Now that the Building has been constructed, it is incumbent upon the City and the property owner to make this improved property into an asset for the City. This use variance will allow the property to yield a reasonable economic return that will keep the property viable.

DENIAL OF PERMIT

REFERENCE ADDRESS 530 S. Clinton St Crear

WARD NO. _____

OWNER JC Landfund LLC

OWNER'S ADDRESS 120 E. Washington St
Syracuse NY 13202

TELEPHONE _____

APPLICATION FOR PERMIT TO:

erect () convert (✓) maintain () operate ()
Establish a gallery + event/Assembly Space

DENIED UNDER ARTICLE (s) _____

_____ of the zoning ordinance for the following reasons: _____

☐ PLANS ATTACHED, APPROVED BY _____
ON _____

☐ SURVEY ATTACHED

☐ ZONING REVIEWED BY _____

LOCATION OF REFERENCE ADDRESS:
ASSESSOR'S ATLAS

BOOK (S) NO. _____

PLATE (S) NO. _____

PARCEL (S) NO. _____

DATE 10/29/2018 SIGNATURE Paul L. Swistak

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

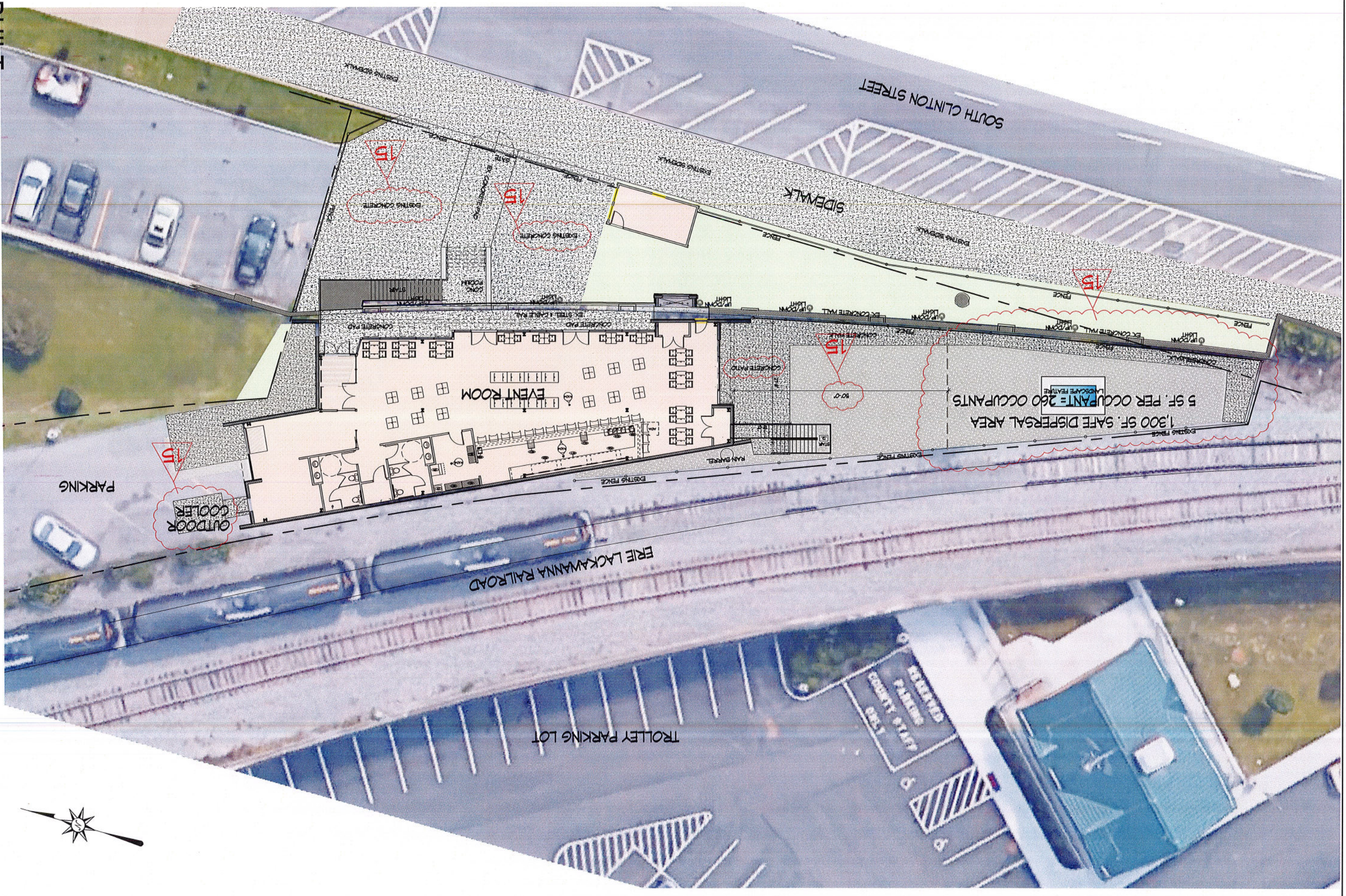
Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
D-Train - Gallery & Event Space			
Name of Action or Project:			
Use Variance			
Project Location (describe, and attach a location map):			
530 S. Clinton St. (rear)			
Brief Description of Proposed Action:			
Use existing 4,000 sq. ft Building as a gallery for event space.			
Name of Applicant or Sponsor:		Telephone: 426-2624	
Jc Land Fund LLC		E-Mail: Joe@washingtonstpartners.com	
Address:			
120 E. Washington St.			
City/PO:		State:	Zip Code:
Syracuse		NY	13202
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<input checked="" type="checkbox"/> <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?			NO YES
If Yes, list agency(s) name and permit or approval:			<input type="checkbox"/> <input checked="" type="checkbox"/>
28A and codes			
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input checked="" type="checkbox"/>	N/A <input type="checkbox"/> <input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?		NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____		NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>TC Land Fund, LLC</u> Date: <u>10-12-18</u> Signature: <u>Baldwin Sutphen & Frateschi, PLLC</u>		



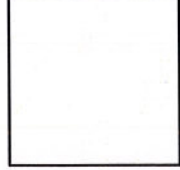
AS-BUILT

REVISIONS

NO.	DATE	BY	DATE	BY
10	6/26/11	JFA		
11	4/20/16	JH		
12	5/10/16	JH		
13	6/12/16	JH		
14	6/25/16	JFA		
15	10/31/16	JH		

DATE 07/26/16
SCALE AS NOTED
DRAWN arm
PROJ
TITLE SITE PLAN

D-TRAIN
SOUTH CLINTON STREET
SYRACUSE, NEW YORK 13202



IT IS A VIOLATION OF THE
NEW YORK STATE ESTATE
EDUCATION LAW FOR ANY
PERSON, UNLESS ACTING
UNDER THE DIRECTION OF A
LICENSED PROFESSIONAL
ARCHITECT, TO ALTER OR
ADD TO THIS DOCUMENT IN
ANYWAY.

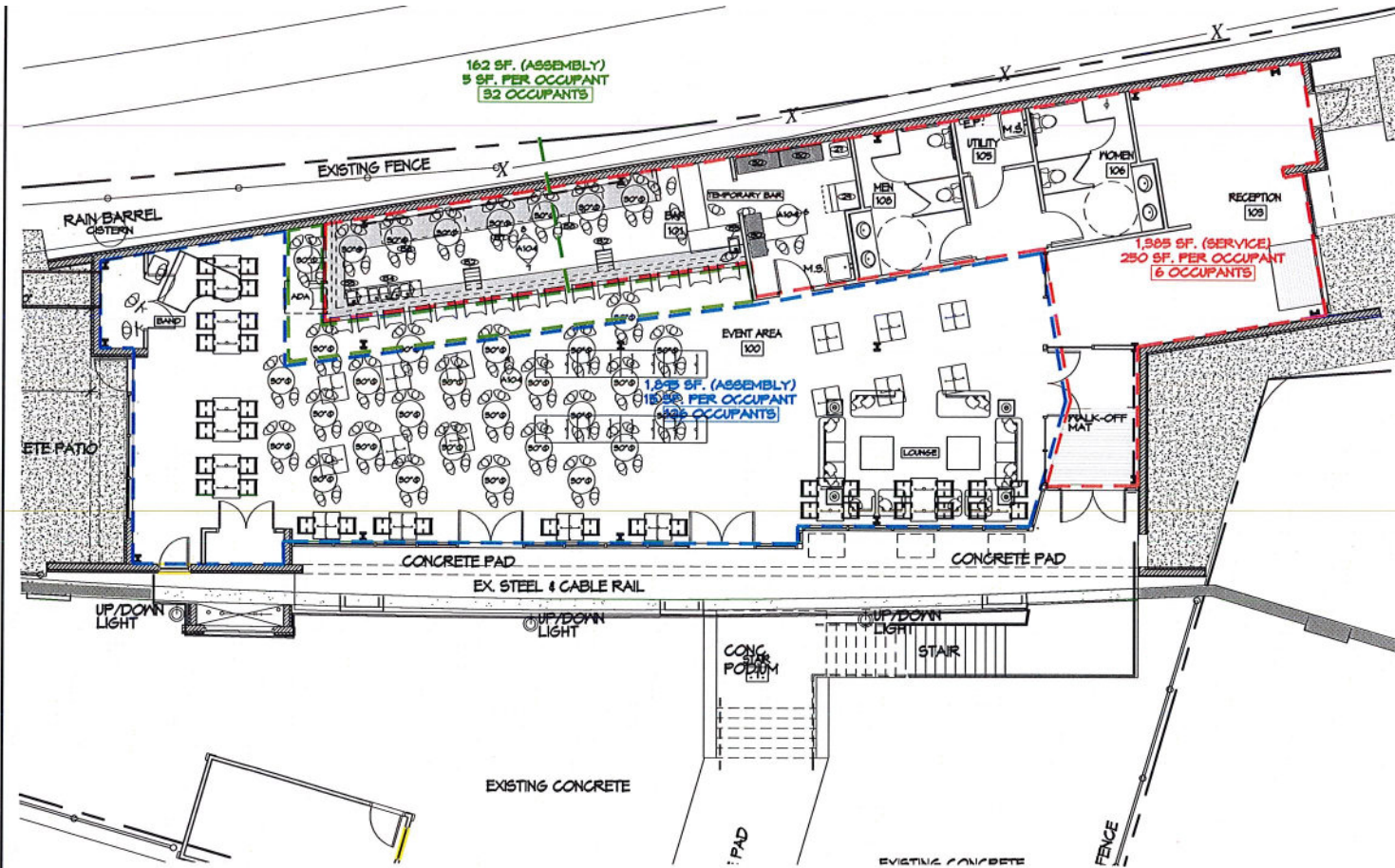
120 E. Washington Street
Syracuse, New York 13202
P. 315.426.2624
F. 315.476.2034



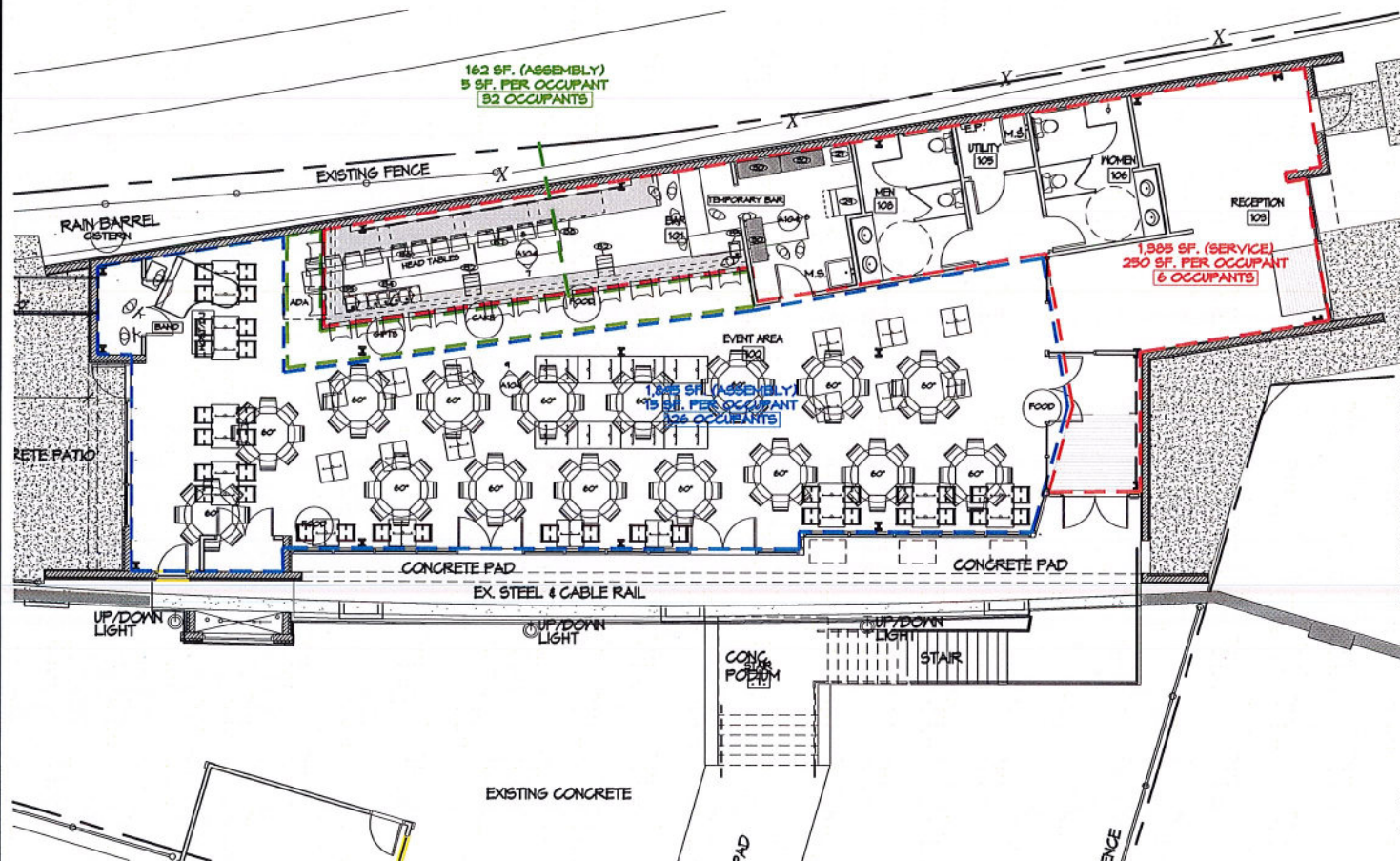
225 West Jefferson St
Syracuse, New York 13202
P. 315.424.0018
F. 315.472.3756
macknightarchitects.com

macknight
architects

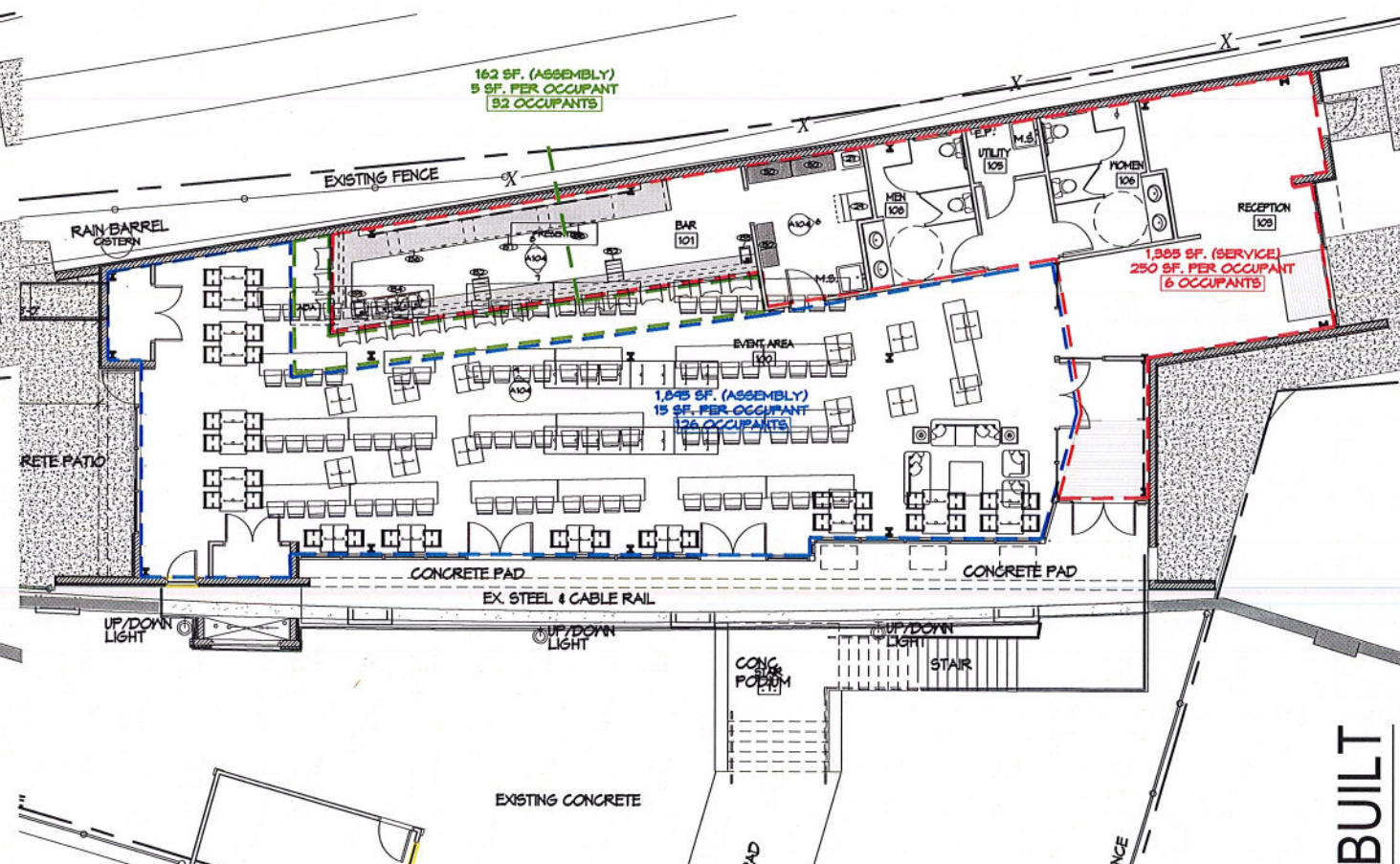




10 COCKTAIL PARTY PLAN
SCALE: 1/8"=1'-0"



20 CATERED EVENT
SCALE: 1/8"=1'-0"



22 CONFERENCE / TRAINING PLAN
SCALE: 1/8"=1'-0"

AS-BUILT

macknight
architects

225 west jefferson st
syracuse, new york 13202
p. 315.424.0018
f. 315.472.3756
macknightarchitects.com



120 E. Washington Street
syracuse, new york 13202
p. 315.426.2624
f. 315.476.2034

IT IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED REGISTERED ARCHITECT, TO ALTER AN ITEM ON THIS DOCUMENT IN ANYWAY.

D-TRAIN
SOUTH CLINTON STREET
SYRACUSE, NEW YORK 13202

REVISIONS		
NO.	DATE	BY
10	6/26/17	JFA
11	4/20/18	JH
12	5/10/18	JH
13	6/12/18	JH
14	6/25/18	JFA
15	10/31/18	JH

DATE 07/26/16
SCALE AS NOTED
DRAWN arm
PROJ. -
TITLE

EVENT PLANS

A-1

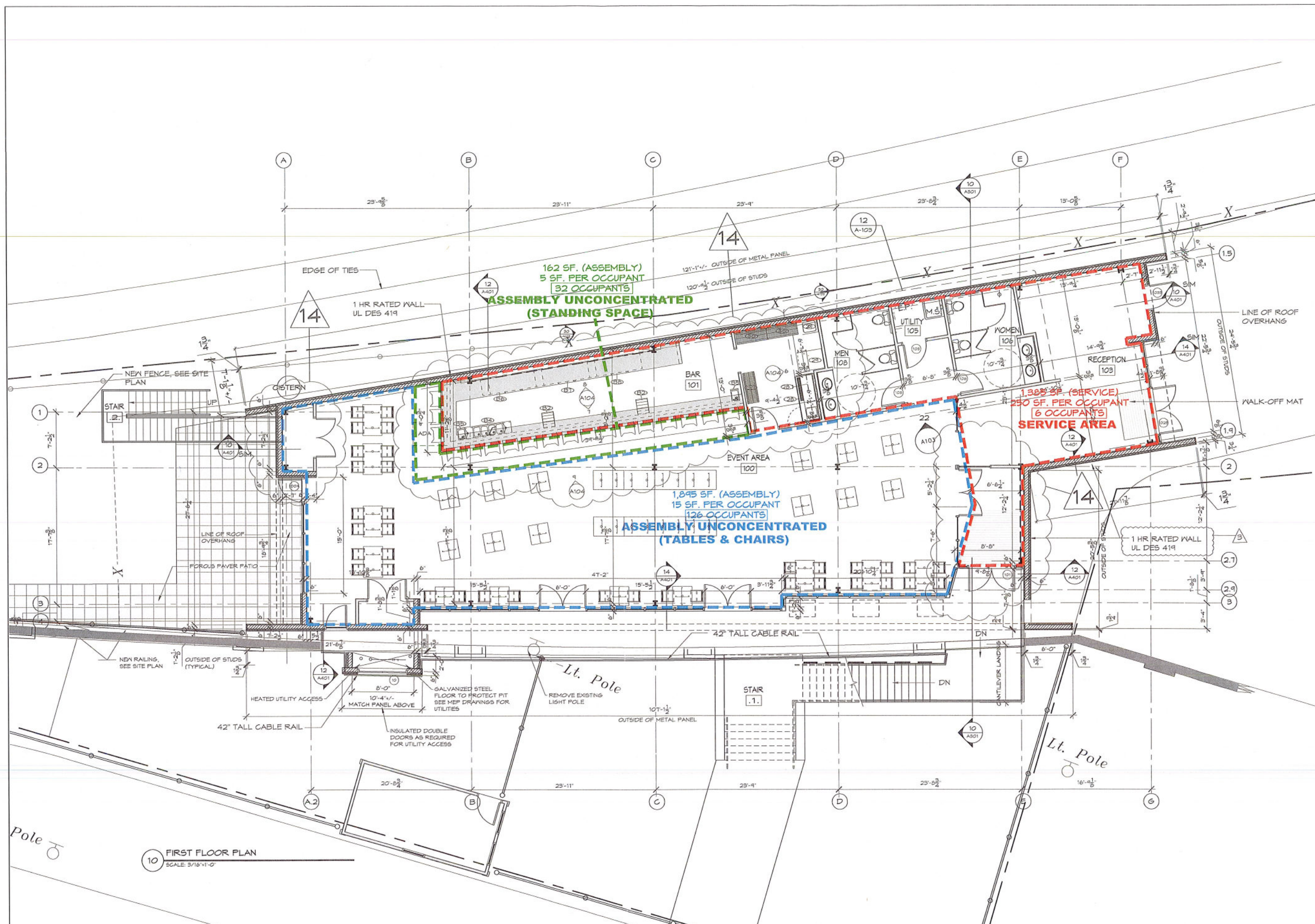
IT IS A VIOLATION OF THE
NEW YORK STATE
EDUCATION LAW FOR ANY
PERSON, UNLESS ACTING
UNDER THE DIRECTION OF A
LICENSED REGISTERED
ARCHITECT, TO ALTER AN
ITEM ON THIS DOCUMENT IN
ANY MANNER.

D-TRAIN
SOUTH CLINTON STREET
SYRACUSE NEW YORK 13202

NO.	DATE	BY
9	5/15/17	JFA
10	6/26/17	JFA
11	4/20/18	JH
12	5/10/18	JH
13	6/12/18	JH
14	6/25/18	JFA

TITLE	
-------	--

A-10





IT IS A VIOLATION OF THE
NEW YORK STATE
EDUCATION LAW FOR ANY
PERSON, UNLESS ACTING
UNDER THE DIRECTION OF A
LICENSED REGISTERED
ARCHITECT, TO ALTER AN
ITEM ON THIS DOCUMENT IN
ANYWAY.

D-TRAIN
SOUTH CLINTON STREET
SYRACUSE, NEW YORK 13202

NO.	DATE	BY
10	6/26/17	JFA
11	4/20/18	JH
12	5/10/18	JH
13	6/12/18	JH
14	6/25/18	JFA
15	10/31/18	JH

DATE 07/26/16

SCALE 1/8"=1'-0"

DRAWN arm

PROJ. -

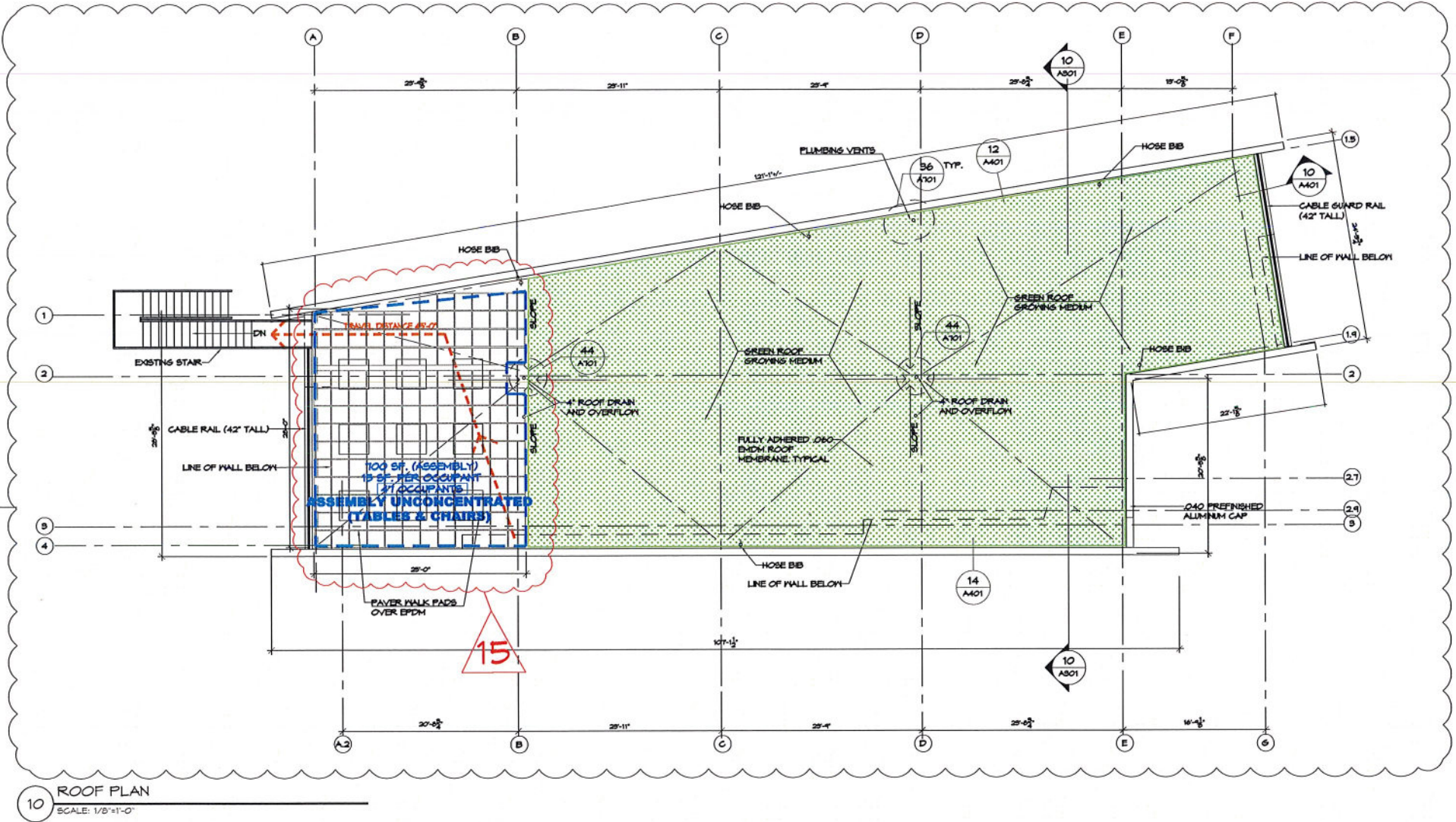
TITLE

CEILING PLAN

& ROOF PLAN

A-102

AS-BUILT



10 ROOF PLAN
SCALE: 1/8"=1'-0"