

City of Syracuse
Office of Zoning Administration

VARIANCE APPLICATION

City Hall Commons - Room 500 * 201 E. Washington Street * Syracuse, NY 13202-1426
315-448-8640 * zoning@syrgov.net * www.syrgov.net/Zoning.aspx

Office Use Filing Date: 12-28-2022 Case: V-91-67M1 Zoning District: RB (1922)

VARIANCE REQUESTED (Check applicable and briefly describe.)

- Area Variance: _____
Cited Zoning Ordinance _____
Part(s), Sec(s), Art(s): _____
- Use Variance: _____
Cite Zoning Ordinance Part B, Section I, Article 7; Part C, Section III, Articles 1 and 2
Part(s), Sec(s), Art(s): _____

<u>TAX ASSESSMENT ADDRESS(ES)</u>	<u>TAX MAP ID(S)</u> (000.-00-00.0)	<u>OWNER(S)</u>	<u>DATE ACQUIRED</u>
1) 408-410 Lodi Street	018.-06-20.0	Dik Cool	2/27/2002
2) <u>414 LODI ST</u>	<u>018.-06-22.0</u>	<u>DIK COOL</u>	
3) _____	_____	_____	_____
4) _____	_____	_____	_____

As listed in the Department of Assessment property tax records at <http://syrgov.net/Assessment.aspx> - 315-448-8280.

COMPANION ZONING APPLICATION(S) (List any related Zoning applications, if applicable, e.g., Resubdivision, Special Permit, Project Site Review, etc.)

- 1) Building permit review, Project#46393 2) _____ 3) _____

PROJECT CONSTRUCTION (Check all that apply and briefly describe.)

- Demolition (full and partial): _____
- New Construction: _____
- Façade (Exterior) Alterations: _____
- Site Changes: Install a rain garden/bioretenion to manage the stormwater runoff from the parking lot

PROJECT INFORMATION (Briefly describe, as applicable.)

Business/Project Name: Syracuse Cultural Workers' One-Million-Gallon Green Infrastructure Project

Current Land Use(s): Vacant Commercial Land, with approved conditional use as parking lot (for general use) by the variance V-91-67

Proposed Land Use(s): The proposed project will not change the land use permitted by the Variance V-91-67

Number of Dwelling Units: 0

Days and Hours of Operation: 24

Number of Onsite Parking Spaces: Currently 12, proposed project will change it to 9, including one designated handicapped parking spot

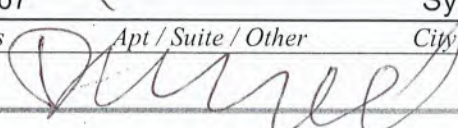
PROJECT DESCRIPTION (Provide a brief description of the project, including purpose or need.)

The proposed project is funded by One Million Gallons! (OMG!) program, a joint program by Atlantic States Legal Foundation and Onondaga County, to install a rain garden/bioretenion area on this site to capture the stormwater runoff from the parking lot. The project is a part of the effort to manage the combined sewer overflows of the sewer system. The installation of the rain garden will eliminate 2 parking spaces from the current layout permitted by the Variance V-91-67. In addition, one parking space will become the access aisle for a designated handicapped parking space. As a result, the total available parking spaces will be reduced by 3.

City of Syracuse Office of Zoning Administration

PROPERTY OWNER(S) (required)

As listed in Department of Assessment property tax records (<http://syrgov.net/Assessment.aspx> - 315-448-8280). If not listed as the owner, please provide proof of ownership, e.g., a copy of the deed. Attorney's signing on behalf of the owner must include a letter describing the legal arrangement. If the property owner is a Corporation or Organization, the person signing must provide member verification. **Contract purchasers, tenants, architects, engineers, contractors, etc. CANNOT sign on behalf of the owner.**

Dik	Cool	Owner	Syracuse Cultural Workers		
<i>First Name</i>	<i>Last Name</i>	<i>Title</i>	<i>Company</i>		
PO Box 6367		Syracuse	NY 13217	Phone: 315-708-5508	
<i>Street Address</i>	<i>Apt / Suite / Other</i>	<i>City</i>	<i>St</i>	<i>Zip</i>	<i>Email: dikcool1982@gmail.com</i>
* Signature: 			Date: 11/22/22		

<i>First Name</i>	<i>Last Name</i>	<i>Title</i>	<i>Company</i>		
					<i>Phone:</i>
<i>Street Address</i>	<i>Apt / Suite / Other</i>	<i>City</i>	<i>St</i>	<i>Zip</i>	<i>Email:</i>
* Signature:			Date:		

<i>First Name</i>	<i>Last Name</i>	<i>Title</i>	<i>Company</i>		
					<i>Phone:</i>
<i>Street Address</i>	<i>Apt / Suite / Other</i>	<i>City</i>	<i>St</i>	<i>Zip</i>	<i>Email:</i>
* Signature:			Date:		

<i>First Name</i>	<i>Last Name</i>	<i>Title</i>	<i>Company</i>		
					<i>Phone:</i>
<i>Street Address</i>	<i>Apt / Suite / Other</i>	<i>City</i>	<i>St</i>	<i>Zip</i>	<i>Email:</i>
* Signature:			Date:		

*** OWNER SIGNATURE 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 be considered null and void.

APPLICANT(S) (if applicable)

Andy	Mager	Coordinator and Social Movements Liaison	Syracuse Cultural Workers		
<i>First Name</i>	<i>Last Name</i>	<i>Title</i>	<i>Company</i>		
400 Lodi Street		Syracuse	NY 13203	Phone: 315.474.1132 x22	
<i>Street Address</i>	<i>Apt / Suite / Other</i>	<i>City</i>	<i>St</i>	<i>Zip</i>	<i>Email: andy@syracuseculturalworkers.com</i>

<i>First Name</i>	<i>Last Name</i>	<i>Title</i>	<i>Company</i>		
					<i>Phone:</i>
<i>Street Address</i>	<i>Apt / Suite / Other</i>	<i>City</i>	<i>St</i>	<i>Zip</i>	<i>Email:</i>

REPRESENTATIVE(S)/CONTACT(S) (if applicable)

<i>First Name</i>	<i>Last Name</i>	<i>Title</i>	<i>Company</i>		
					<i>Phone:</i>
<i>Street Address</i>	<i>Apt / Suite / Other</i>	<i>City</i>	<i>St</i>	<i>Zip</i>	<i>Email:</i>

<i>First Name</i>	<i>Last Name</i>	<i>Title</i>	<i>Company</i>		
					<i>Phone:</i>
<i>Street Address</i>	<i>Apt / Suite / Other</i>	<i>City</i>	<i>St</i>	<i>Zip</i>	<i>Email:</i>

USE VARIANCE TEST (see [https://www.dos.ny.gov/lg/publications/Zoning Board of Appeals.pdf](https://www.dos.ny.gov/lg/publications/Zoning_Board_of_Appeals.pdf))

A Use Variance is permission to establish a land use which is not allowed by the Zoning Rules and Regulations, as amended. New York State law requires applicants to prove that this has caused an unnecessary hardship using all of the four tests below. *Briefly describe below how each of the required Use Variance tests is met and attach all supporting materials.*

1. Describe how the property is incapable of earning a **reasonable return** on initial investment if used for any of the allowed uses in the district (actual "dollars and cents" proof must be submitted):
The property has been used as a parking lot for all 20 years that it has been owned by me, and was used as a parking lot for many years beforehand. As such it has little capacity to earn a return, particularly in a neighborhood with ample on-street parking. The full capacity of the parking lot is rarely used, so eliminating three spaces is a very good exchange for the environmental benefits offered by this project.

2. Describe how the property is being affected by **unique circumstances**, or at least highly uncommon circumstances:
This project seeks to enhance the quality of life for the immediate neighborhood, the city and the region. The goal is to capture stormwater runoff which would otherwise overburden the sewer system and waste treatment plant. It is a small, simple project with significant benefits.

3. Describe how the variance, if granted, will not alter the essential **neighborhood character**:
The project will enhance the character of the neighborhood by adding additional greenspace through the creation of a rain garden in part of a parking lot. The slightly less than 600 square feet rain garden, prioritizing indigenous plants will be a benefit to the neighborhood.

4. Describe how the hardship is not **self-created**:
The variance doesn't seek to overcome a "hardship," so much as to enable a small project with significant environmental impact to move forward. This is an enhancement for the immediate neighbors and the city as a whole.

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			
Name of Action or Project: Syracuse Cultural Workers One-Million-Gallons Green Infrastructure Project			
Project Location (describe, and attach a location map): 408 Lodi Street, Syracuse NY 13203			
Brief Description of Proposed Action: The proposed green infrastructure project will install a 420-sf bioretention area with a trench drain to intercept stormwater runoff from 5420 sf of paved surface of this lot. Once completed, the project will capture 92,000 gallons of runoff annually, to help reduce the combined sewer overflows from the combined sewer system that serves this area. The project is funded by the One Million Gallons! (OMG!) program, a joint effort between Atlantic States Legal Foundation and Onondaga County, to use green infrastructure projects to capture 1,000,000 gallons of runoff each year.			
Name of Applicant or Sponsor: Andy Mager		Telephone: 315.474.1132 x22 E-Mail: andy@syracuseculturalworkers.com	
Address: 400 Lodi Street			
City/PO: Syracuse		State: NY	Zip Code: 13203
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? 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.		NO <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: City of Syracuse, building permit		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____		0.12 acres	
b. Total acreage to be physically disturbed? _____		0.01 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____		0.12 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" 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			

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input 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: N/A _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	NO YES
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ No potable water will be provided in this parking area	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ No wastewater will be generated in this parking area. The proposed green infrastructure project will intercept all stormwater runoff from the lot, allowing rain water to infiltrate or overflow if it reaches the capacity.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
	<input checked="" 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: _____ _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO 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	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<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: _____ Stormwater runoff of the entire lot will be intercepted and directed to the bio-retention area. Stormwater will only overflow into the storm sewer system when the bio-retention area reaches its capacity, which is holding 1.25" of rain	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: The proposed bio-retention area is a stormwater infiltration practice that allows maximum ponding depth of 6". The ponding water should infiltrate into the subgrade within 24 hours after a storm	NO	YES
	<input type="checkbox"/>	<input checked="" 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: _____ Although the Environmental Assessment Form (EAF) Mapper shows remediation work on the property, the owner is not aware of any remediation work that has been done on site, or that needs to be done.	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Andy Mager</u> Date: <u>12/22/2022</u> Signature: <u>Andy Mager</u> Title: <u>Coordinator</u>		

Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Map data provided by: Garmin, USGS, OpenMap, INCREMENTP, NRCAN, Esri, Japan, METI, Esri, China (Hong Kong), Esri, Korea, Esri, Thailand, NSCC, (300+ OpenStreetMap Contributors) and the GIS User Community (300+ OpenStreetMap contributors, and the GIS User Community)

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

Welch, Lisa

From: Andy Mager-SCW <andy@syracuseculturalworkers.com>
Sent: Thursday, January 19, 2023 11:41 AM
To: Welch, Lisa; Hongbin Gao
Cc: Thomas, Kyle (info@naturalsystemsengineering.com)
Subject: [EXTERNAL] Re: [EXTERNAL] RE: [EXTERNAL] RE: RE: Syracuse Cultural Workers OMG GI Project at 408- Project #46393_variance application

Hi Lisa:

Apologies for the delay in responding, but I was away for the first half of the month.

The parking lots are still used primarily for parking for the employees and customers at Syracuse Cultural Workers. In addition, we have given permission for adjacent neighbors who don't have off street parking to use them and they are occasionally used as overflow parking for events at the ArtRage Gallery around the corner on Hawley Ave.

If you need a more formal letter spelling out these details, please let me know.

All the best,

Andy Mager
Coordinator and Social Movements Liaison
Pronouns: He, Him, His

[Syracuse Cultural Workers](#)

Tools for Justice and Liberation since 1982
Phone: 315.474.1132 x22

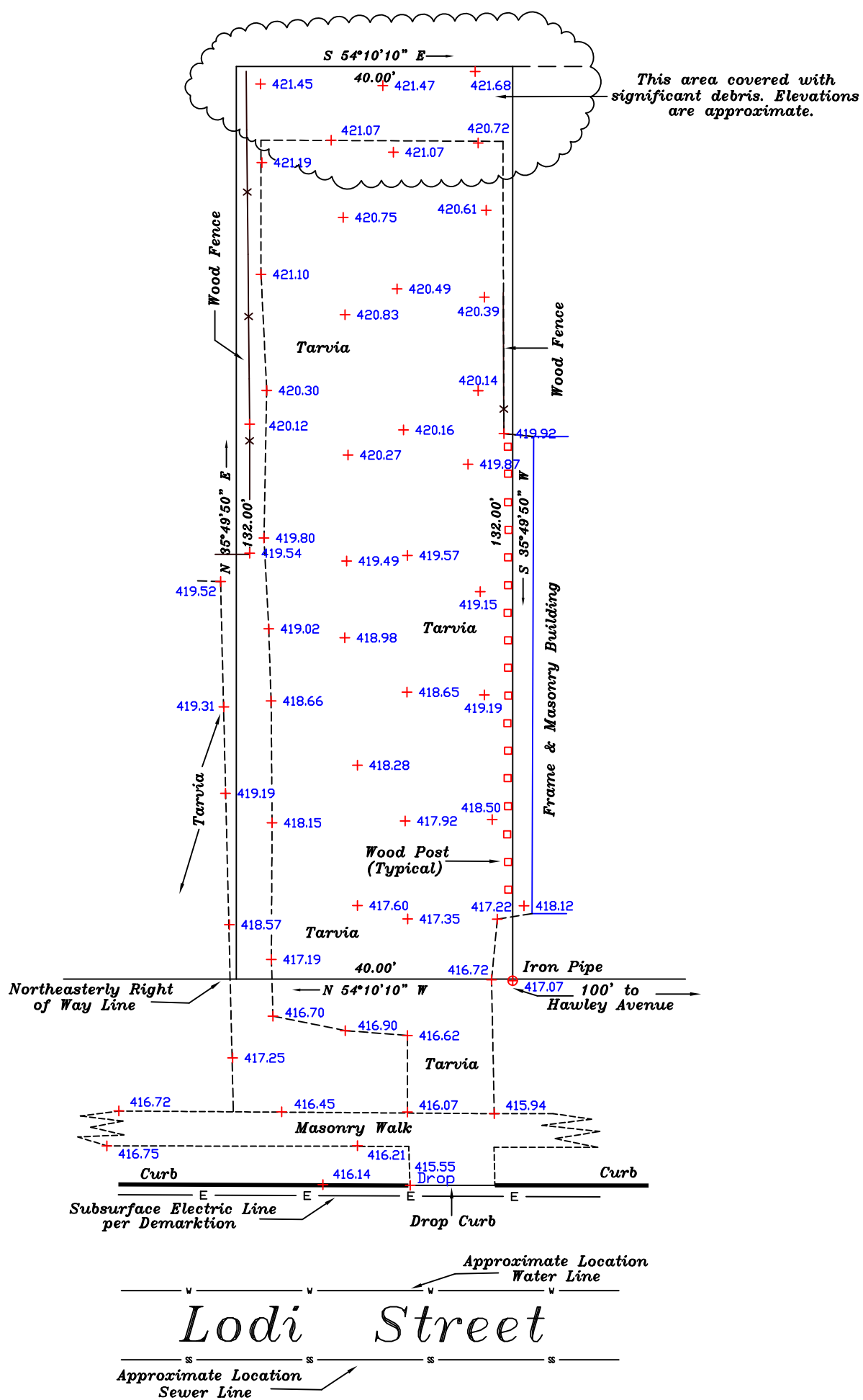
Operating on land stolen from the sovereign [Onondaga Nation](#), Haudenosaunee Confederacy. And working for justice and Land Back.

On 1/10/2023 10:24 AM, Welch, Lisa wrote:

The owner will need to provide a description of what exactly these parking lots are used for now. At one time they were for the employees and patrons of the restaurant at 400-02 Lodi. That is the ultimate purpose of the Use Variance. Thanks.

+=====+

Lisa Welch, Planner
City of Syracuse Office of Zoning Administration
201 East Washington, Suite 512
Syracuse, NY 13202
lwelch@SyrGov.net
P: 315.448.8636 - F: 315.448.8621



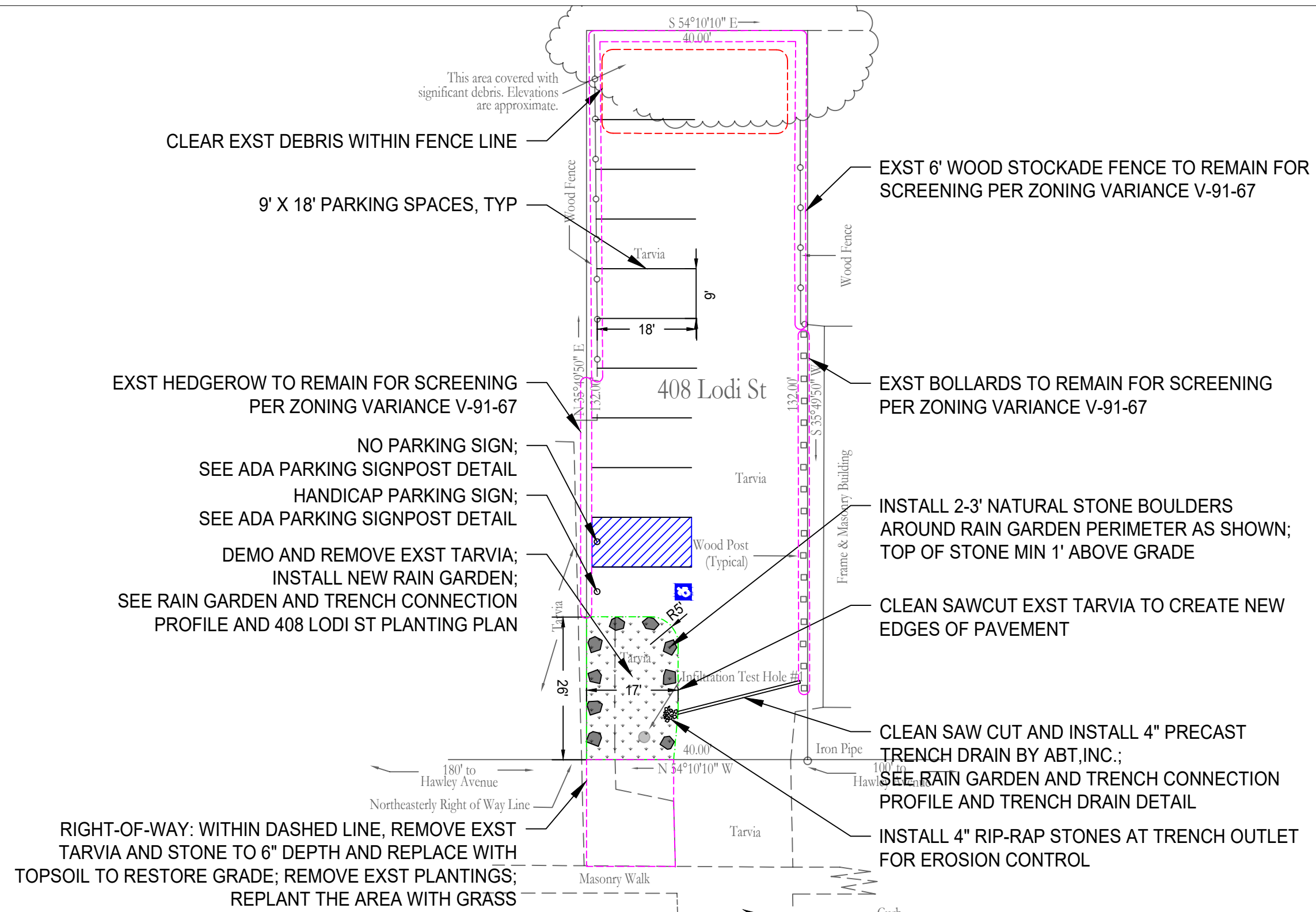
Notes/References

- *Elevations as depicted hereon based on NAVD88 Vertical Datum.
- *Subsurface utilities as depicted hereon based on field location and the City of Syracuse Engineering Department.
- *Elevations as depicted hereon at the curb line are on the top unless otherwise indicated.
- *Survey prepared without the benefit of an up-to-date abstract of title.
- *Parcel - Tax Id 18-6-20, Area=5280.0 Sq.Ft.
- *Deed Reference - 4681/175.
- *Vehicular presence at time of survey.
- *Parcel Owner - Dik Cool.



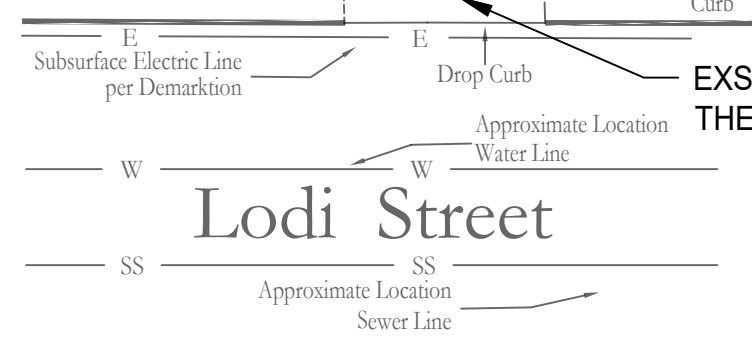
<p>Michael J. McCully Land Surveying PLLC 5875 Fieldstone Drive Cazenovia New York 13035 Phone : (315) 815-5034</p>		<p>Elevation Survey on Lot 22, Block 404A of the Finegan Tract. Map# 329.</p>
<p>I hereby certify that this map was made from an actual survey and same is correct.</p>		<p>Known as No. 408 Lodi Street, City of Syracuse, County of Onondaga, State of New York.</p>
<p>M.J. McCully NYSLLS 50696</p>		<p>Drawn by: MJM Scale: 1" = 20' Date(s): 01-02-22</p>

Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209, Subdivision 2 of the New York State Education Law. Only copies from the original of this survey marked with an original of the land surveyor's inked seal or his embossed seal shall be considered to be valid true copies. Certifications shall run only to the person or entities for whom the survey is prepared and are not transferable to subsequent persons or entities. Copyright 2022, Michael J. McCully Land Surveying, all rights reserved.



SURVEY LEGEND

- Cleanout/Vent
- ⊗ Hardwood > 12" Diameter
- + Spot Elevation
- E Electric Line
- W Water Line
- SS Sewer Line

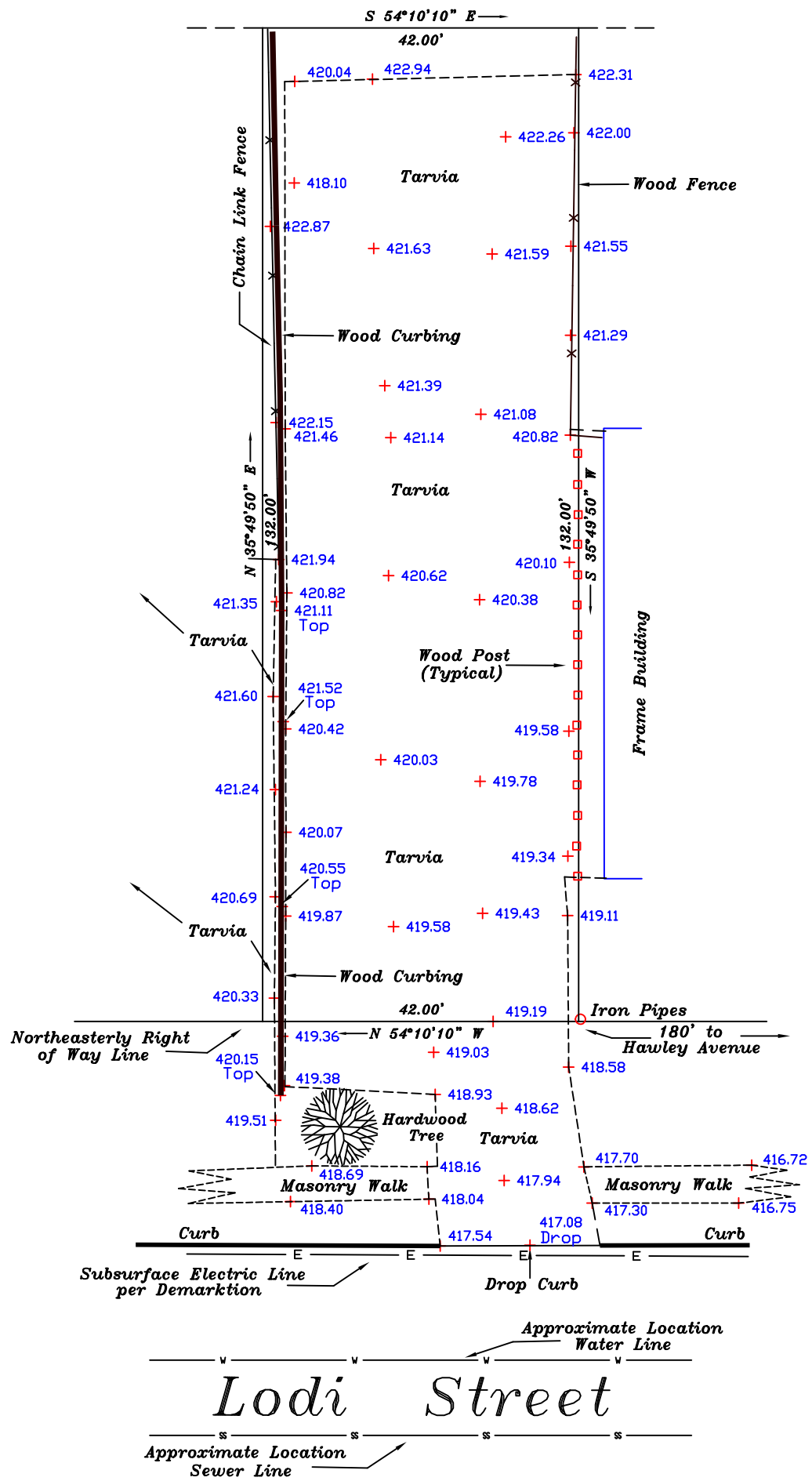


SITE PLAN

Stormwater Bio-Retention
408 Lodi Street

OMG-01: Syracuse Cultural Workers
One-Million-Gallons (OMG) Green Infrastructure Project





Notes/References

*Elevations as depicted hereon based on NAVD88 Vertical Datum.

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*Elevations as depicted hereon at the curb line are on the top unless otherwise indicated.

*Survey prepared without the benefit of an up-to-date abstract of title.

*Parcel - Tax Id 18-6-22, Area=5544.00 Sq.Ft.

*Deed Reference - 4681/175.

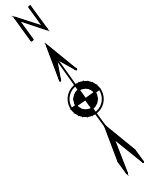
*Vehicular presence at time of survey.

*Parcel Owner - Dik Cool.



<p>Michael J. McCully Land Surveying PLLC 5875 Fieldstone Drive Cazenovia New York 13035 Phone : (315) 815-5034</p>		<p>Elevation Survey on Lot 20, Block 404A of the Finegan Tract. Map# 329.</p>
<p>I hereby certify that this map was made from an actual survey and same is correct.</p>		<p>Known as No. 414 Lodi Street, City of Syracuse, County of Onondaga, State of New York.</p>
<p>M.J. McCully</p>	<p>NYSLS 50696</p>	<p>Drawn by: MJM Scale: 1" = 20' Date(s): 01-02-22</p>

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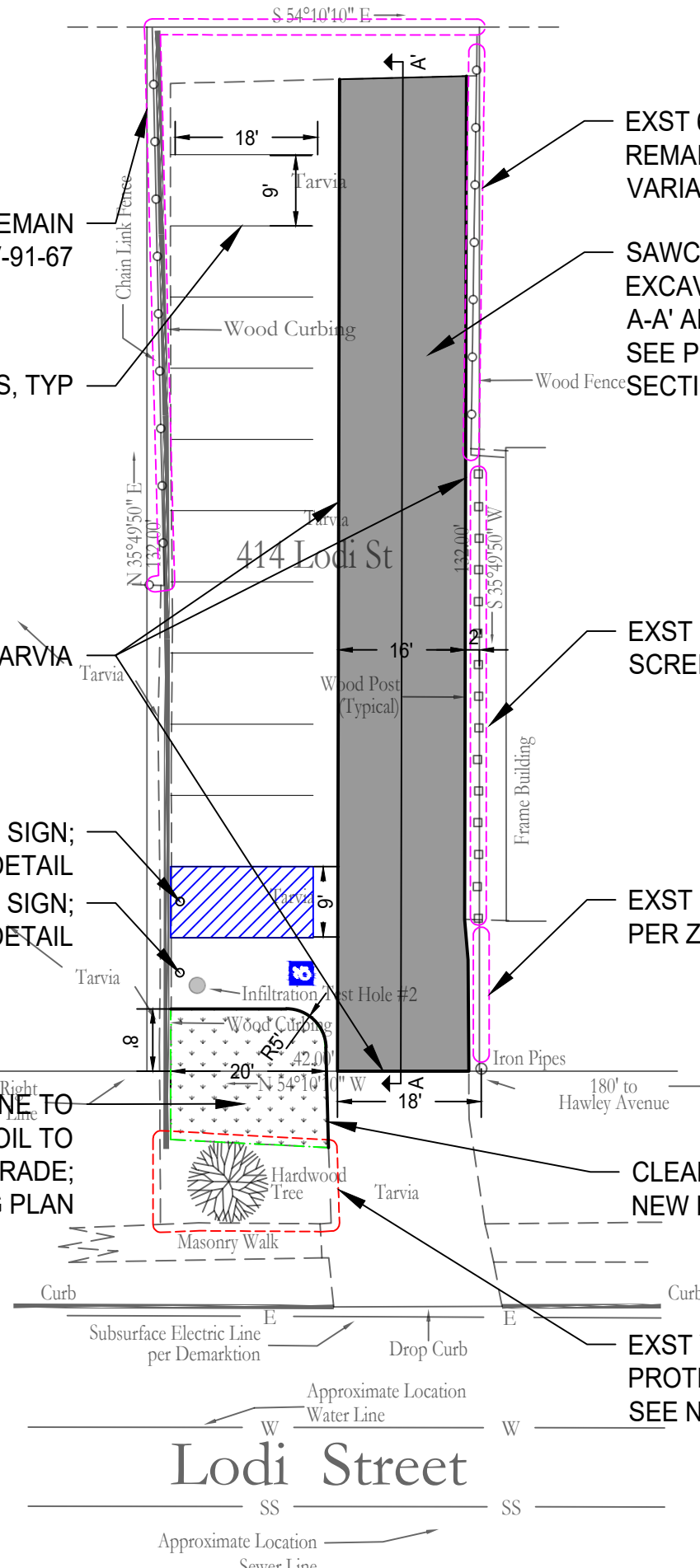


EXST VINES AND CHAIN LINK FENCE TO REMAIN FOR SCREENING PER ZONING VARIANCE V-91-67

9' X 18' PARKING SPACES, TYP

EXST 6' WOOD STOCKADE FENCE TO REMAIN FOR SCREENING PER ZONING VARIANCE V-91-67

SAWCUT AND DEMO EXST TARVIA; EXCAVATE TO DEPTH SHOWN ON SECTION A-A' AND INSTALL NEW POROUS ASPHALT; SEE POROUS ASPHALT DETAIL AND SECTION A-A'



MEET EXST TARVIA

EXST BOLLARDS TO REMAIN FOR SCREENING PER ZONING VARIANCE V-91-67

NO PARKING SIGN; SEE ADA PARKING SIGNPOST DETAIL
HANDICAP PARKING SIGN; SEE ADA PARKING SIGNPOST DETAIL

EXST SHRUBS TO REMAIN FOR SCREENING PER ZONING VARIANCE V-91-67

DEMO AND REMOVE EXST TARVIA AND STONE TO 6" DEPTH AND REPLACE WITH MIN 6" TOPSOIL TO RESTORE GRADE; SEE PLANTING PLAN

CLEAN SAWCUT EXST TARVIA TO CREATE NEW EDGES OF PAVEMENT

EXST VEGETATION IN THIS AREA TO BE PROTECTED DURING CONSTRUCTION; SEE NOTE 15

SURVEY LEGEND

- Cleanout/Vent
- ⊕ Hardwood > 12" Diameter
- + Spot Elevation
- E Electric Line
- W Water Line
- SS Sewer Line

SITE PLAN

**Porous Asphalt Parking Lot
414 Lodi Street**

OMG-01: Syracuse Cultural Workers
One-Million-Gallons (OMG) Green Infrastructure Project

