

Minutes of the Meeting of the
City of Syracuse Planning Commission
City Hall, Syracuse, New York
01/22/2024

Summary of cases discussed herein:

R-23-76	R-22-63M1	MiSPR-23-18	SP-23-15	SP-23-10 (Withdrawn)
SP-24-00 (Withdrawn)	R-23-70 (Withdrawn)	MaSPR-23-07 (Withdrawn)	R-23-75	SR-23-07

Attendance

Commission Members Present

Mr. Steven Kulick, Chairman Yes
Mr. Barry Lentz Yes
Mr. Walter Bowler Yes
Ms. Kathy Murphy Yes
Mr. George Lynch No

Staff Present

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

I. Meeting called to order at 6:00p.m.

II. Approval of Minutes

A motion to approve the December 11th, 2023, meeting minutes was made by Commr. Bowler, the motion was seconded by Commr. Lentz. Commr. Kulick stated there was a minor typo in the minutes and requested that be corrected by staff. The motion passed unanimously.

III. Public Hearings

New Business

1. **R-23-76**

Resubdivision: 1400 Grant Blvd.
Almutasem Nagi, Purple Mountain Flower, LLC (Owner)
William Pitcher, Architect, Pitcher Architect, PLLC (Applicant)
MX-2 Zone District

Mr. Bill Pitcher, from Pitcher Architect, PLLC, introduced the project.

After Mr. Pitcher introduced the project, Commr. Murphy asked if the purpose of the Resubdivision was to eliminate the setback lines between the two existing lots. Mr. Pitcher confirmed that was correct. Commr. Murphy asked what the eventual use of the structure would be. Mr. Pitcher stated the first floor of the structure would be a grocery store, and the second floor would remain vacant. Commr. Murphy asked what the required parking would be. Asst. Corporation Counsel Hertzberg confirmed the required number of off-street parking spaces would be eight spaces. Commr. Lentz asked if there was a difference in required parking for a food and beverage retail or retail general. Mr. Dishaw confirmed the off-street parking

requirements were the same for both uses. Mr. Dishaw asked Mr. Pitcher for further clarification on the use of the structure as it was stated in the application that the applicant was proposing a corner store. Mr. Pitcher stated in his most recent conversation with the owner that the owner was not going to be dealing with tobacco, that the store would be a grocery store dealing with packaged food items. Commr. Murphy asked if that would be a change from their application. Mr. Pitcher stated that was correct. Commr. Lentz asked if the structure currently crosses the property line of the two involved parcels. Mr. Pitcher stated that was correct.

No public comments were offered in support of the Resubdivision.

Marty Nave, Syracuse 1st District Councilor, spoke in opposition to the proposed Resubdivision.

Angie Vigliotti-Martinez of 275 Dale Street, spoke in opposition of the proposed Resubdivision.

Mr. Pitcher addressed the comments made in opposition. He stated he believed the Resubdivision does not affect the eventual use. He stated regarding the proposed use, if it does require a Special Use Permit, then he will go through that process in the future.

Mr. Dishaw stated for the record, regarding comments made by councilor Nave, that corrected postcards with accurate meeting information were sent out to the required property owners in a timely fashion. Also, the website posting, and the legal notice in the newspaper was accurate.

Commr. Bowler asked if the board could act on the proposed Resubdivision tonight despite the possibility of the applicant requiring a Special Use Permit in the future. Mr. Dishaw stated the Special Use Permit application would be a separate application, but a Special Use Permit would require the applicant to come back before the commission. Commr. Murphy asked if the applicant would consider withdrawing their Resubdivision application until they begin their Special Use Permit application process. Mr. Pitcher stated he wanted to proceed with the Resubdivision tonight and would submit a Special Use Permit application if necessary.

The commissioners discussed that they believe this application should be denied based on the unclear use that the Resubdivision is being proposed for. Mr. Pitcher responded that when the eventual building permits for the project come through, zoning will determine at that time if it is a Special Use Permit, or just a regular building permit.

Asst. Corporation Counsel Hertzberg confirmed that the Commission had reviewed Part 1 of the Short EAF and confirmed that the Commission was familiar with the questions in Part 2 of the EAF. Commr. Lentz moved to declare the CPC lead agency and made a negative SEQR declaration. Commr. Bowler seconded the motion. The motion passed unanimously.

Commr. Murphy moved to deny without prejudice the application, R-23-76. Commr. Lentz seconded the motion. The motion passed unanimously.

2. **R-22-63M1**

Resubdivision: 1030-60 E. Genesee St.

Gary Brandeis, President, Scholar Syracuse, LLC (Owner/Applicant)

MX-4 Zone District

Mr. Brandeis, President of Scholar Syracuse, LLC, introduced the project.

Commr. Lentz asked if the two businesses had been separated. Mr. Brandeis stated they have not been, and they are still both owned by Scholar Syracuse, LLC.

No public comments were offered in support of nor in opposition to the requested Resubdivision modification. Chairman Kulick closed the public comment.

Asst. Corporation Counsel Hertzberg confirmed that the Commission had reviewed Part 1 of the Short EAF and confirmed that the Commission was familiar with the questions in Part 2 of the EAF. Commr. Bowler moved to declare the CPC lead agency and made a negative SEQR declaration. Commr. Lentz seconded the motion. The motion passed unanimously.

Commr. Lentz moved to approve the application, R-22-63M1. Commr. Murphy seconded the motion. The motion passed unanimously.

3. **MISPR-23-18**

Minor Site Plan Review: 400 Burnet Ave.
Tom Hornstein, Cashe, LLC. (Owner/Applicant)
MX-3 Zone District

Mr. McCormick, from Daniel Manning Architects, and Mr. Hornstein, from Cashe, LLC, introduced the project.

Commr. Lentz asked if the Property was for sale. Mr. Hornstein stated that they have listed the property for sale. Commr. Lentz asked if the antique store has been operating without permits. Mr. Hornstein stated that he has been attempting to obtain his certificate of use.

Asst. Corporation Counsel Hertzberg interrupted discussion to say that since this was a referral from the Zoning Administrator the commission had to first accept the referral formally.

Commr. Lentz. made a motion to accept the referral from the Zoning Administrator. Commr. Bowler seconded the motion. The motion passed unanimously.

Mr. Dishaw continued the discussion by noting that there has been an open notice of violation case on the property for operating the antique store without proper permits. Mr. Dishaw also stated that that there was a previous Site Plan Review application under the previous zoning administration, which is nearly identical to the present application. Mr. Dishaw stated there were two public hearings for that application which the applicant did not attend, resulting in the application being denied without prejudice. Mr. Dishaw went on to explain that there are concerns from several city departments regarding the involved parcel. Mr. Dishaw stated that the city is unaware of what tenants are currently operating in the structure. Commr. Murphy asked if the sidewalk work shown in the site plan is work that the applicant was planning to complete. Mr. Hornstein stated that work would be done after his user permit is granted. Mr. Hornstein mentioned other aspects included in his plans for the entire parcel, but that those are all pending the approval of his use permit for the antique store. Commr. Murphy asked if the driveway that Mr. Hornstein is referring to is the drive aisle leading to the upper floors of the structure. Mr. Hornstein confirmed that is correct. Mr. Dishaw confirmed that there was a building permit for the driveway being discussed, but it was ultimately canceled. Mr. Dishaw continued to say that some work was done on the ramp despite the cancelation of the permit, and that some of the work done was not in compliance with the comments provided by city engineering. Mr. Dishaw stated that both the previous site plan application and building permit need to be revisited. Mr.

Hornstein stated that Tom Steinberg informed him that his previous building permit would be reopened. Mr. Hornstein stated that after his permit for the ramp was canceled nobody from the city came out to tell him what work he had done was wrong and if it needed to be fixed, he would fix it. The commission members had no other questions at this time.

Dallas Bryson, the Executive Director of NEHDA, Inc. spoke in favor of the Minor Site Plan Review application.

No public comments were offered in opposition to the Minor Site Plan Review application.

Commr. Murphy asked if the antique store was owned and operated by a different owner. Mr. Hornstein stated that a different company, owned by him, was the owner of the store. He went on to explain that he leases space within the store to different antique vendors. Commr. Murphy asked if a code inspection had been completed inside the property. Mr. Dishaw confirmed that no code inspection has been done. Commr. Lentz asked if the existing code violations outside of the antique store have been addressed. Mr. Hornstein stated he addressed some of the code violations. Mr. Hornstein went on to explain that there was a motorcycle club operating in the structure that the city removed, and he supported the city in that instance. He went on to explain that the surrounding blocks were zoned commercial. Commr. Murphy asked confirmation that the whole block was zone commercial. Mr. Hornstein confirmed that, but that they were all landlords. Mr. Hornstein went on to explain his relationship with other landlords in the area, and that he plans to turn the area into "Burnett Square," similar to a project he did in the past called "Harold Square."

Chairman Kulick noted the adverse comments from city reviewing departments and asked the other commissioners how they would like to proceed with application. Commr. Bowler asked if there is a technical reason why they would be unable to take action. Asst. Corporation Counsel Hertzberg stated that there is nothing explicit that would prohibit the commission from taking action, but the commission has discretion to make a determination on how to act based on the circumstances of the property. Mr. Dishaw added that the purpose of the zoning ordinance is to determine what requirements there are for site layout, parking, effects on the neighborhood, etc. and that although Mr. Hornstein has worked to correct some of the code violations a more comprehensive review may be necessary to determine what uses are operating in the structure, what code violations are still existing, and what ROW work needs to be done. Mr. Hornstein stated that once he has the retail space permitted, he would then apply for permits for the entire structure, but he can't do that until he knows what the antique shop space will be allowed to be. Commr. Lentz stated there are code violations outside of the antique store operating without a permit dating back years. Mr. Hornstein stated that some of the code violations have been resolved, and that his attorney's are working with the corporation counsel's office to resolve the code violations remaining. Mr. Hornstein added he can't resolve all code violations because he still doesn't know what the use of the whole building is. Mr. Hornstein added that he submitted a comprehensive plan and signage plan for the whole building and that he would allow code enforcement to go through the building and work towards resolving code violations. Mr. Hornstein concluded by explaining work he had already done to the site.

Chairman Kulick asked if there was a motion. Commr. Lentz made a motion to hold the application until the zoning and codes violations could be resolved. Commr. Murphy added that they may need more clarity on what the specific planned uses are for the entire parcel. Mr. Hornstein stated it was all going to be industrial uses and that the structure is currently 95% occupied. Commr. Murphy stated that they would need confirmation through code inspection to determine what the uses are, and what parking would be necessary. Mr. Hornstein stated that Mr. Dishaw already approved of the parking plan that Mr. Hornstein provided. Commr. Murphy recalled Mr. Dishaw saying they don't know what the existing uses are, so they would not be able to determine required parking. Mr. Dishaw confirmed that further clarification was needed and that right now the plan shows several on-street parking spaces and curbing, which it is currently

unknown as to who will be doing that work. Mr. Dishaw added that a key plan showing what each tenant space is would be useful in evaluating the whole project. Mr. Hornstein stated he agreed with that, but he has been unable to get in contact with DPW. Chairman Kulick agreed that there is some information missing that would be required to make a decision at this time.

Commr. Lentz restated his motion to hold the application. Commr. Murphy seconded the motion. The motion passed unanimously.

Commr. Lentz clarified that the hearing remained open.

4. SP-23-15

Special Use Permit: Unaddressed parking lot
Ryan Benz, 1117 MGMT, LLC. (Owner/Applicant)
MX-3 Zone District

Mr. Ryan Benz, from 1117 MGMT, LLC., introduced the project.

Commr. Lentz asked what the shaded area in the plans were showing. Mr. Benz stated those were indicating elevations. Commr. Lentz asked where the bike racks were located on the plan, Mr. Benz pointed out on the plan where the bike racks were located. Commr. Lentz asked about the water runoff concerns regarding Harbor brook and if the applicant was aware of what they would have to do. Mr. Benz confirmed that the engineers they hired for the project were aware of what they would need to do. Commr. Murphy asked if those engineers would be handling the required permitted. Mr. Benz confirmed that was correct. Commr. Murphy asked if long term the applicant was prepared to handle water runoff. Mr. Benz confirmed that was correct. Asst. Corporation Counsel pointed out there were conditions attached to the previously approved Resubdivision for this project. Mr. Benz explained that their plans to separate from an adjacent parcel included landscaping and curbing.

Chairman Kulick closed the public comment.

Asst. Corporation Counsel Hertzberg confirmed that the Commission had reviewed Part 1 of the Short EAF and confirmed that the Commission was familiar with the questions in Part 2 of the EAF. Commr. Lentz moved to declare the CPC lead agency and made a negative SEQR declaration. Commr. Murphy seconded the motion. The motion passed unanimously.

Commr. Bowler moved to approve the application, SP-23-15, with conditions previously discussed on the record. Commr. Murphy seconded the motion. The motion passed unanimously.

5. SP-23-10

Special Use Permit: 1001 E. Brighton Ave.
Joe Hucko, Brighton Mews, LLC. (Owner/Applicant)
CM Zone District

This application was withdrawn prior to the hearing.

6. SP-24-00

Special Use Permit: 210 Hamilton St.
Stephen Case, 315 Development, LLC. (Owner/Applicant)
MX-3 Zone District

This application was withdrawn prior to the hearing.

Old Business

7. R-23-70

Resubdivision: 301-11 E. Taylor St.

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

Michael Saunders, Vice President, McCormack Baron Salazar (Applicant)

MX-2 Zone District

This application was withdrawn prior to the hearing.

8. MaSPR-23-07

Major Site Plan Review: 301-11 E. Taylor St.

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

Michael Saunders, Vice President, McCormack Baron Salazar (Applicant)

MX-2 Zone District

This application was withdrawn prior to the hearing.

9. R-23-75

Resubdivision: 1024-1124 Court St.

The Kimberly at Grant Blvd., LLC (Owner)

Adam Driscoll, Development Manager, Home Leasing, LLC (Applicant)

MX-2 Zone District

Asst. Corporation Counsel Hertzberg confirmed that the Commission had reviewed Part 1 of the Short EAF and confirmed that the Commission was familiar with the questions in Part 2 of the EAF. Commr. Lentz moved to declare the CPC lead agency and made a negative SEQR declaration. Commr. Bowler seconded the motion. The motion passed unanimously.

Commr. Bowler moved to approve the application, R-23-75. Commr. Lentz seconded the motion. Commr. Murphy stated for the record that she was not present for the previous meeting when this application and companion Major Site Plan review application were discussed, however she reviewed the minutes and video of the previous hearing and feels prepared to cast her vote. The motion passed unanimously.

10. SR-23-07

Major Site Plan Review: 1024-1124 Court St.

The Kimberly at Grant Blvd., LLC (Owner)

Adam Driscoll, Development Manager, Home Leasing, LLC (Applicant)

MX-2 Zone District

Asst. Corporation Counsel Hertzberg confirmed that the Commission had reviewed Part 1 of the Short EAF and confirmed that the Commission was familiar with the questions in Part 2 of the EAF. Commr. Bowler moved to declare a negative SEQR declaration. Commr. Lentz seconded the motion. The motion passed unanimously.

Commr. Lentz moved to approve the application, SR-23-07. Commr. Bowler seconded the motion. The motion passed unanimously.

V. Adjourn

A motion to adjourn was made by Commr. Bowler and seconded by Commr. Murphy. The motion carried unanimously. The meeting was called to adjourn at 7:19pm p.m.

DRAFT