

Minutes of the Meeting of the  
City of Syracuse Planning Commission  
City Hall, Syracuse, New York  
07/29/2024

Summary of cases discussed:

SP-24-06	R-24-26	PS-24-01	SP-24-13	R-24-41	3S-24-17
R-24-23	SP-24-09	R-24-43	MaSPR-24-26	3S-24-15	
MaSPR-24-08	MaSPR-24-16	Z-2870	R-24-39	3S-24-16	

Attendance

Commission Members Present

Mr. Steven Kulick, Chairman      Yes  
 Mr. Barry Lentz                      Yes  
 Mr. Walter Bowler                    Yes  
 Ms. Kathy Murphy                    Yes

Staff Present

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

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

II. Approval of Minutes

A motion to approve the July 8<sup>th</sup>, 2024, meeting minutes was made by Commr. Bowler, and seconded by Commr. Lentz who wished to correct some details. On page 11 MaSPR-24-16 regarding information for a flat bay, the function is the opposite of what is stated in the minutes. Regarding agenda items SP-24-14 and SP-24-10, the language for declaration of action by the Common Council should include the phrase “positive declaration for action” instead of “action”. The motion to approve the minutes was passed unanimously.

III. Public Hearings

Before the hearing for the agenda items began Zoning Administrator Jake Dishaw commented there will be a change in order of the agenda, with the PS-24-01 and Syracuse University Residence Hall items being the last two items that will be discussed during the meeting.

A. Old Business

**1) SP-24-06**

Special Use Permit  
 1133-37 Salina St. S & Raynor Ave.  
 Mark E. Mondo (Owner)  
 James Owen (Applicant)  
 MX-3 Zone District

James Owen, the applicant for the project presented the application. They have previously presented in front of the CPC and wish to change land use from an existing 3-bay service gas station to expand the convenience store on the property. They will make exterior improvements and additional parking. There are also street and sidewalk improvements around the property.

Commr. Lentz asked where the bike racks will be located on the property. The applicant replied they are located next to the handicap parking space.

Commr. Kulick added that the county planning board recommended incorporating green infrastructure to the project, and wondered if the applicant found any way of doing that. The applicant replied that there is already green infrastructure included from the previous improvements down Raynor Avenue. They believed there was not much of an opportunity to add any more.

Commr. Murphy asked if it was feasible for the business to close at 10 pm instead of midnight. Zoning Administrator Jake Dishaw added that it seemed appropriate considering what other hours of operation in the area are and how previous events have changed the operating hours of surrounding businesses, and that they have accepted the hours of operation to be no later than 10pm. If the hours are amended to 10pm closing, Commr. Murphy added there is always an opportunity to extend the hours of operation. The owner of the property, Mark Mondo, commented that a gas station near the property has a sign saying they are open 24 hours.

Zoning Administrator Jake Dishaw added enforcing times of operation and parking along the ROW has been a previous struggle, and that there are buffers in place to prevent that behavior.

The applicant added there is a new barrier along the S Salina St sidewalk to prevent people from parking on the sidewalk, and there is addition of 6 parking spaces.

A member of the public spoke in opposition to the application. They are a lawyer representing nine convenience stores in the neighborhood. They believe it will be detrimental to the businesses already in the neighborhood. They posed the question of whether this service is necessary with the businesses already in the neighborhood.

Commr. Bowler talked with the member of the public about business competition and the saturation of convenience stores in the area, and whether it is viable to govern the amount of convenience store competition in a certain radius.

Another member of the public spoke in opposition to the application. They believe the business would bring more of the same type of services to the area that would take away from the services already available. They believe 10 pm is a more reasonable hour to close the business. The violence in the neighborhood they believe would increase because the store would become another hangout spot for solicitors. They are concerned about this property having an absentee landlord.

Another member of the public spoke in opposition to the application. They want the youth of the neighborhood to have a place to convene for the good of the community rather than another convenience store to solicit at. They believe there is no need for another convenience store that will add nothing to the community.

Another member of the public spoke in opposition to the application. He commented that there is a plethora of gas stations and convenience stores in the neighborhood already. The neighbors will get no additional benefits from this store.

Another member of the public spoke in opposition to the application. They commented that the community will be hurt from the additional convenience store, and that there are enough of them around already. This will bring more drugs and solicitors to the area.

The applicant responded to the comments in opposition. They wish to change the use due to the owner aging and their automobile service business is no longer a viable profession for him. A convenience store is more viable for them. There is a free enterprise system, which does not limit the number of convenience stores in a certain area. They argue the stores would help the area through competition. The owner said they have been in this business a majority of their life and would put a trustworthy landlord in the property.

Commr. Murphy asked how many locations SNK has currently in Onondaga County. The owner responded that there is currently two SNK locations he is aware of.

Commr. Bowler asked if SNK sells under different gas brands and what the brand of the gas would be at this location. The owner responded that they use the Sunoco brand and Citgo brands as well as their own. The S Salina Street location will be a Citgo brand. The applicant corrected Mr. Mondo that the gasoline brand will be SNK. He then stated that there are four SNK locations in the county.

Chairman Kulick closed the public comment.

Zoning Administrator Jake Dishaw added that is application is considered Food and Beverage Retail according to the Zoning Ordinance. This type of land use requires a Special Use Permit in the MX-3 district the property is located in. It must also meet the approval criteria listed in the code. Admin. Dishaw reiterated that the CPC is reviewing and commenting to make a recommendation to the Common Council for a final decision on the Special Use Permit.

Commr. Lentz asked staff about the conditions concerning landscaping buffers and parking, asking if the conditions have been met. Admin. Dishaw replied that he believes they have met the conditions and that it will be easier to enforce these should someone find a way to illegally park on the lot.

Commr. Kulick added the CPC should contemplate whether closing and opening time should be more in convert with the surrounding neighborhood if there is a motion to approve.

Commr. Murphy moved to approve the special use permit with a positive recommendation for action by the Common Council with the conditions listed in the staff report and to be included in the resolution, and also with a condition for the opening hours to be 6am to 10pm. Commr. Lentz seconded the motion. Commr. Bowler clarified that Common Council make the final decision on whether or not a convenience store will be approved. The motion passed with a vote of 3 in favor and 1 opposed.

## 2) University Avenue Mixed-Use Project

R-24-23

Resubdivision

MaSPR-24-08

411 & 413 University Avenue

Jack Mamiye, Gem Holdings, LLC. (Owner)

Dave Mosher, Mosher Architects, P.C. (Applicant)

Jack Mamiye, the owner for the project presented the application. This application has appeared before the board before but needed SLPB approval. The SLPB recommendations for the application were accepted and approved by the SLPB.

Commr. Kulick asked if there were any further changes to the application since it was last presented to the Commission regarding the impact on Grace Episcopal Church or the changes the SLPB wished to incorporate.

Commr. Lentz asked whether stormwater plans have been created or approved yet. The owner responded that no plans have been made yet, and that they will address it as part of the construction. It will be part of the permitting process.

Commr. Murphy included 10% of the units will be designated at 80% AMI, and asked the applicant whether all of the units designated towards this will be all studios, because the requirements state that the affordable housing has to be distributed evenly throughout the complex. The owner stated that he will defer to the staff to make sure he is in compliance with the affordable housing requirements.

No member of the public spoke in favor to the application.

One member of the public wrote a letter in opposition to the application. Commr. Kulick closed public comment.

Asst. Corporation Counsel Hertzberg assisted the Commission in its SEQR review and determination of the proposed Type II action. Commr. Lentz moved to declare a negative SEQR declaration. Commr. Bowler seconded the motion. The motion passed unanimously.

Zoning Administrator Jake Dishaw noted the recommended conditions around the affordable units with a special notation that currently the affordable units are shown as studios, moving forward this will be adjusted to meet the recommended conditions.

Commr. Bowler moved to approve the major site plan application with the 6 recommended conditions in the staff report packet. Commr. Murphy seconded the motion. The motion to approve the major site plan was passed unanimously.

Commr. Bowler moved to approve the resubdivision application. Commr. Lentz seconded the motion. The motion to approve the resubdivision was passed unanimously.

### 3) Cuse Cars

R-24-26

Resubdivision

SP-24-09

Special Use Permit

MaSPR-24-16

Major Site Plan Review

1585, 1601 & 1601 Lemoyne Avenue

Michael Pierce, Cuse Cars, LLC. (Owner)

Jared McCormick, Daniel Manning Architect, PLLC. (Applicant)

MX-3 Zone District

The applicant introduced the project. This project has been to the CPC several times before and have received the approval needed from the Town of Salina to be the lead agency on this project.

Commr. Lentz commented the county made a comment regarding the Lemoyne Ave entrance is not clearly defined. The applicant replied that they are repaving the whole lot which is being combined from several smaller lots and will have one entrance and exit. The entrance will be defined by curbing. Commr. Lentz also added there was a comment regarding egress and if there was egress between the two properties. The applicant replied there is no way to travel between the two properties due to a retaining wall between them.

Commr. Kulick asked for clarification regarding the number of stories a building is required to have two story in the MX-3 district, there is a previous submission of a structure only having one story in the plans. The applicant replied that they revised the plans and there are now two stories on the structure. The two-story building will be added on the back of the one-story.

Commr. Bowler asked if the staff communicated the project's recommended conditions to the applicant. Admin. Dishaw said they have alerted the applicant to the conditions.

No member of the public spoke in favor or in opposition to the application. Commr. Kulick closed public comment.

Asst. Corporation Counsel Hertzberg noted that the original building is nonconforming, so it is subject to all the nonconforming structure regulations in the Zoning Ordinance. The new building is two stories and is considered a new build.

Commr. Lentz moved to approve the special use permit with a positive recommendation for action by the Common Council with the 7 conditions listed in the staff report. Commr. Murphy seconded the motion. The motion to approve the special use permit was approved unanimously.

Asst. Corporation Counsel Hertzberg assisted the Commission in its SEQR review and determination of the proposed Type II action. Commr. Lentz moved to declare a negative SEQR declaration. Commr. Murphy seconded the motion. The motion passed unanimously.

Commr. Bowler moved to approve the resubdivision application. Commr. Lentz seconded the motion. The motion to approve the resubdivision application was passed unanimously.

## B. New Business

### **4) South Ave New Gas Station and Convenience Store**

SP-24-13

Special Use Permit

MaSPR-24-26

Major Site Plan Review

900 South Ave. & Crescent Ave.

Katelyn E. Wright, Greater Syracuse Property Development Corporation (Owner/Applicant)

MX-3 Zone District

The applicant Katelyn Wright introduced the project. They would like to purchase the gas station and make it functional again. It has been unused for at least 20 years.

Commr. Kulick asked what brand the gas would be under. The applicant replied it will be a Sunoco.

Commr. Lentz asked if the gas tanks currently there are being reused or if they will be new tanks. The applicant replied they will be new tanks. It will be all new infrastructure.

Commr. Kulick commented there was a type in the application regarding the street name the property is on, and that may be a problem down the road.

No member of the public spoke in favor or in opposition to the application. Commr Kulick closed public comment.

The commission received one letter in support of the application from the Common Councilor for the district.

Commr. Lentz moved to approve the special use permit with a positive recommendation for action by the Common Council with the conditions listed in the staff report. Commr. Murphy seconded the motion. The motion passed unanimously.

Asst. Corporation Counsel Hertzberg assisted the Commission in its SEQR review and determination of the proposed Type II action. Commr. Lentz moved to declare a negative SEQR declaration. Commr. Bowler seconded the motion. The motion passed unanimously.

Commr. Bowler moved to approve the major site plan application with the recommended conditions in the staff report packet. Commr. Lentz seconded the motion. The motion to approve the major site plan was passed unanimously

**5) R-24-39**

Resubdivision

1025 Sunnycrest Rd. & Nichols Ave. & Avon Rd.

Matt Oja, City of Syracuse (Owner/Applicant)

R5 Zone District

The applicant, Michael Layman introduced the application. They wish to resubdivide 1025 Sunnycrest Rd. & Nichols Ave. & Avon Rd.

Commr. Murphy asked what the purpose of the resubdivision is. The applicant replied that the City wishes to retain the north portion of the land to be part of Sunnyside Park and contemplating disposition of the southern portion to modernize the apartments currently there.

Commr. Kulick asked if the north portion will be incorporated into the park. The applicant replied it will.

No member of the public spoke in favor or in opposition to the application. Commr Kulick closed public comment.

Asst. Corporation Counsel Hertzberg assisted the Commission in its SEQR review and determination of the proposed Type II action. Commr. Lentz moved to declare a negative SEQR declaration. Commr. Bowler seconded the motion. The motion passed unanimously.

Commr. Lentz moved to approve the resubdivision application. Commr. Bowler seconded the motion. The motion to approve the resubdivision was passed unanimously

**6) R-24-41**

Resubdivision

618 and 624 Sedgwick Dr.

David Scharoun and Maureen Scharoun (Owners/Applicants)

R1 Zone District

The applicant David Scharoun introduced the project. They wish to combine two lots to put an addition on their house and put everything on the first floor.

Commr. Bowler commented he is familiar with the applicants and understands the time and effort they have put into the property, but he believes he can make a fair assessment of the situation.

One member of the public spoke in favor of the application. He commented the applicant got rid of an eyesore on the property they wish to combine with. The expansion would improve the

neighborhood. No member of the public spoke in opposition to the application. Commr Kulick closed public comment.

Asst. Corporation Counsel Hertzberg assisted the Commission in its SEQR review and determination of the proposed Type II action. Commr. Lentz moved to declare a negative SEQR declaration. Commr. Bowler seconded the motion. The motion passed unanimously.

Commr. Bowler moved to approve the resubdivision application for the reasons stated on the record. Commr. Murphy seconded the motion. The motion to approve the resubdivision was passed unanimously.

#### **7) PS-24-01**

Designation of Protected Site

727 Comstock Ave.

Syracuse University (Owner)

Kate Auwaerter, Syracuse Landmark Preservation Board (Applicant)

PID Zone District

The applicant Kate Auwaerter introduced the application. She is the preservation planner for the City of Syracuse, and secretary and staff to the landmark preservation board. In 2021 the property became eligible for the National Register. In May of this year, they submitted a demolition application for a non-landmarked property to the LPB. The LPB determined there was sufficient information to move the property into the designation process. During the LPB public hearing in May regarding this designation, two members of the public spoke in favor for the designation. They also received 18 letters in support and 1 letter of opposition. If the property meets at least one of the criteria and designation of protected site and preservation districts according to the Syracuse Zoning Ordinance of Article 6, Section 3(A) then it is eligible for historic designation. The LPB determined it meets 3 of the criteria listed in the Ordinance (criterion 1, 2 and 3). Ms. Auwaerter explained in detail the history of the property and how it meets each of the three criteria.

Commr. Lentz asked about the certified local government program and national register and what the obligation is of the planning board and the city with respect to these programs. Ms. Auwaerter replied that the national and state registers are separate from the local designation process. The City of Syracuse is a certified local government and thus participates in the certified local government program. Article 6 of the Syracuse Zoning Ordinance was vetted by the state historic preservation based on model language. Commr. Lentz also asked about the difference in property characteristics between now and when the house was first erected. Ms. Auwaerter replied that with respect to the integrity argument, it is a combination of the seven factors previously discussed. You do not have to have excellent integrity of every aspect. Changes have taken place, but there is sufficient overall integrity, and the property can still communicate its historic significance through a number of factors that remain.

The owner of the property, Syracuse University's representative Jennifer Bybee then spoke in opposition to the landmark designation. They believe the property fails to meet any of the criteria for designated for a protected site. They argue the property does not have sufficient integrity and



has lost its historical value due to the physical alterations the structure and lot have undertaken the past century. They believe when most of the original features of the structure are lost, the integrity is lost with it. An architect hired by the university commented on the physical alterations and modifications the property has undergone in the last century. The month before the CPC meeting, they probed and inspected the property while documenting their findings. They focused on two major defining features when completing the inspection: what features are missing and what features are damaged beyond repair. They found approximately 85% of the original features of the house are missing or destroyed/damaged beyond repair. They believe the surrounding neighborhood has changed significantly as well, changing the character of the area in its entirety. They go into detail regarding the deteriorated and replaced materials and current state of the overall structure. They also brought in siding samples from the structure that show excessive weathering and material that is currently covered by vinyl. They also added the building is not currently occupied and cannot be legally used without significant improvement.

Commr. Murphy wished to clarify the owner's interpretation of the De Novo Review, and that is it limited to the criteria and does not pertain to the full documentation. They replied that they are solely considering the criteria.

Commr. Lentz asked how they calculated that only 10% of the original structure remains intact. The architect replied that their calculation was based off the drawing elevations to document what was either completely removed and what has been severely damaged. Commr. Lentz added that the physical condition of the structure only pertains to one of the criteria and that is what most of the presentation was concerning. The owner's representative added that there have been other significant changes, such as an addition to the structure, and the lot size is a fraction of what it used to be.

Eight members of the public spoke in favor of landmark designation for this property. The commented on the rich history of the building and that the property is architecturally and historically significant. This property is symbolic of Greek Life and Syracuse University, and its demolition would prevent Greek Life from being able to return and flourish on campus. They would like more time to understand the implications of the structure's demolition and what it means for the future of the City and the University. They also added that many of the alumni and past residents of 727 Comstock Ave have contributed to the community and demolishing the structure would impact the story history has to tell, for both the City and the University. Condition and Integrity are two different things which are incomparable when considering historic designation. Some of the members of the public specialized in historic preservation and believed the property meets the criteria listed in the Syracuse Zoning Ordinance.

A representative from Syracuse University commented that condition and historical integrity are not mutually exclusive. He says when you build something and then change or modify it, it loses its integrity.

Commr. Murphy asks if the CPC uses the criteria the landmark preservation board used, the definitions affiliated with integrity do not include condition, or financial costs to restore the existing structure. The representative replies that it deals with materials and workmanship, so

when you look at current condition, it has been repaired. If it hasn't used the same materials or design, they believe it is a loss of integrity.

Ms. Auwaerter commented that condition does not equal integrity. A property can be in poor condition but still retain important architecture and history. When the LPB looked at all seven aspects of integrity, they concluded it does retain significant integrity. When it comes to cost, if the property does get designated, the presentation made by Syracuse University could be presented to the LPB but is a separate consideration from the designation.

Commr. Murphy asked if condition was used as a factor in integrity. The applicant replied it was not.

Commr. Kulick closed public comment.

Zoning Administrator Jake Dishaw added that the staff received 10 letters in support of designation and two letters in opposition.

Commr. Bowler moved to recommend to Common Council to grant designation to the property located at 727 Comstock Ave. Commr. Lentz seconded the motion. Commr. Lentz commented that there are two sets of issues at play with this designation. The first is the Syracuse Zoning Ordinance and whether it provides a fair and good process for historical preservation. The issues with the code do not become apparent until applied to a particular case. The current process can set up an adversarial relationship between applicant and owner. The second issue is the historic integrity, and taking the time to understand what the potential changes would mean, and how to come to a unique and collaborative solution with the process the Zoning Ordinance has given. The motion to recommend the designation to Common Council was passed unanimously.

#### **8) Syracuse University Residence Hall**

R-24-43  
Resubdivision

Z-2870 Project Plan Review  
727 Comstock Ave.  
Jennifer C. Bybee, Syracuse University (Owner/Applicant)  
PID Zone District

Zoning Administrator Jake Dishaw commented that the Commission cannot take action on this application since all City Departments have yet to comment and review the application. SEQR cannot also not be completed until the LPB designation process is complete and a lead agency is established.

Jennifer Bybee introduced the project on behalf of Syracuse University. They would like to consolidate the University's property by resubdividing 14 parcels, which would be used for the new residence hall. The new residence hall would be used to bring sophomores from South Campus to the Main Campus. The add it would enhance the student environment. The proposed

hall would follow all the dimensional regulations. The architect for the applicant, Daniel Lee presented a site and location plan regarding the proposed residence hall. The height throughout the wings of the structure will differ. The shadow study done by the applicant was done to show the Equinox in April and September to verify the roses in E.M Mill Rose Garden will get an excess of eight hours of sunlight.

Commr. Lentz asked about the massing of the project, and how the applicant arrived at the number of students they wish to put at the dorm, and if there will be any consideration given to a smaller mass for this particular project, and also if it was possible to change the number of stories in some of the wings. Mr. Lee replied the A Wing is taller because it's beyond the residential footprint across the street.

Commr. Murphy asked if all the wings of building elevate visually at an equal height. Mr. Lee said that is correct, with the exception of the top stories. You would see as a pedestrian predominantly four stories along Ostrom.

In regard to Commr. Lentz' question, the number of students that will reside in the residence hall was based on campus optimization, and the height of the building still being in character with the surrounding buildings.

Commr. Murphy asked if it all students coming off of South Campus, or if there will be some from off campus as well. The applicant replied that a majority would be coming from South Campus, due to that part of campus being intended for upperclassmen originally. There is a total of 703 bedrooms. Commr. Murphy asked how parking for the residence hall would work. The applicant replied that in the PID Zoning District, parking does not have to be on site. They are maintaining 10 parking spaces on site for disability access, but the rest will be largely off site. Commr. Murphy also asked if utilities will be buried on site. Another representative from Syracuse University replied that they are currently investigating that. Since this is part of a larger project to bring more students onto main campus for a better student experience.

Commr. Lentz asked what amount of impervious coverage will be on the Comstock Ave side of the project. Mr. Lee replied that between the dorm and Comstock Ave will be a fire lane and land oriented towards pedestrian accessibility. The front of the building will be graded to be level with the curb.

One member of the public spoke in favor of the application. They believe more on campus housing would be beneficial to the City and add to the aesthetic of the neighborhood and student life. They add there would be less demand for cars. They believe that demolishing the Estabrook building would be in the best interest of the City due to the deteriorating condition from the fraternities who have neglected the structure.

The application was left open due to time constraints, and the MaSPR and Resubdivision applications will be considered at later dates.

C. Other Business

**9) 3S-24-15**

Three Mile Limit – Town of Onondaga  
4211 and 4217 Lafayette Rd.  
Kevin Glover and Mark Hartnagel (Owners/Applicants)

Zoning Administrator Jake Dishaw introduced the project and commented that city engineering did approve the application.

Commr. Murphy moved to approve the application. Commr. Lentz seconded motion. The motion was passed unanimously passed.

**10) 3S-24-16**

Three Mile Limit – Town of Dewitt  
4905 and 4915 Jamesville Rd.  
Gary Rothman, Midadas Holding CO., INC (Owners/Applicants)

Zoning Administrator Jake Dishaw introduced the project and commented that city engineering did approve the application.

Commr. Lentz moved to approve the application. Commr. Bowler seconded the motion. The motion was passed unanimously passed.

**11) 3S-24-17**

Three Mile Limit – Town of Dewitt  
7 Erregger Ter. Kelly Rose and Jeremy Rose (Owners)  
Kelly Rose (Applicant)

Zoning Administrator Jake Dishaw introduced the project and commented that city engineering did approve the application.

Commr. Lentz moved to approve the application. Commr. Murphy seconded the motion. The motion was passed unanimously passed.

**IV: 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 10:00 pm.