

Minutes of a regular meeting of the  
Johnson City Planning Board held on  
April 28, 2015 at 7:30pm at  
243 Main St., Johnson City, NY

Present: Gerald Putman, Chairman  
Lee Briggs, Secretary  
Joanne Drimak  
Andrew Holbert

Absent: John Walker, Vice Chairman

Also Present: Diane Salva, Clerk to the Planning & Zoning Boards  
Nathan VanWhy, Attorney for the Village  
Mayor Greg Deemie  
Deputy Mayor Luke Slota  
Paul Nelson, Town of Union Planning Director  
Marina Lane, Town of Union Senior Planner

A brief work session was held at 7:00pm. The board discussed the agenda and reviewed the applications.

Chairman Putman called the meeting to order at 7:30pm & noted the emergency exits.

**MINUTES** – The minutes from the February & March meetings were held over to the next meeting.

**COMMUNICATIONS** – Letter with photos received from Marie & Joe Lukasik regarding the Special Permit renewal for 103 & 111 Riverside Drive.

**CONTINGENCIES** - None

**OLD BUSINESS** - None

**NEW BUSINESS**

**Fritz Vail – 103 & 111 Riverside Drive**  
**Public Hearing – Renewal of Special Permit**

Frasier Vail was granted a Special Permit on January 28, 2014, to open a take-out restaurant (pizza shop) in a former hair salon in the lower level of the mixed-use building located at 111 Riverside Drive, in conjunction with the ice cream take-out shop at 103 Riverside Drive. The site plan approval for the project included a shared parking easement across the two properties.

The property is in a Neighborhood Commercial zoning district and the take-out restaurant required a Special Permit from the Planning Board. The Special Permit was issued for a temporary period and in order to maintain the business permitted by the Special Permit, Mr. Vail was required to submit a request for renewal by March 1, 2015.

**Environmental Review:**

The applicant's proposal was an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA). Under the requirements of Section 617.7(c), the proposed action was



examined (Short Environmental Assessment Form), and was found not to have a significant impact on the environment. The Planning Department issued a Negative Declaration January 28, 2014.

The applicant, Mr. Frasier Vail and his attorney, Sarah Campbell with the firm of Hinman, Howard & Kattell, LLP, were present.

Chairman Putman opened the public hearing.

*Attorney Campbell* - explained that Senior Planner Lane had sent them a list of concerns in advance of the meeting and they have already addressed them. The enter & exit signs were installed. The dumpster enclosure has been repaired, parking space in the southwest corner has been signed for no parking, bike rack installed and the “compact cars and motorcycles” sign has been put up at the spot indicated on the approved site plan. The business has been successful and the revitalization of the area has been positive.

*Marie Lukasik, Martin Ave.* – Stated that she turned in a letter and photos on Friday. The concerns they had a year ago regarding parking and traffic are still a problem. Cars were parked in spots they shouldn't have been even tonight. Delivery trucks are dangerous – they park on Riverside Drive near the intersection and cause a visibility issue and they have ripped out cable wires. There is room for the delivery trucks to pull in behind the ice cream building and make deliveries from there. They were told that cars could not back out onto Riverside Drive or Martin Avenue but it is still happening. They are concerned that Mr. Vail is not interested in being a good neighbor. Mrs. Lukasik also reviewed issues they had with Mr. Vail during the neighborhood's annual block party this past summer.

*Paul Riley, Burbank Ave.* – Explained that he is happy that Mr. Vail is there. The garbage is cleaned up all the time, the area has been cleaned up and beautified. 90% of the time the delivery trucks are behind the building. He has issues with other businesses but not with this place. Yes there are long lines of customers but he feels that is a good thing.

Chairman Putman closed the public hearing.

Planning Director Nelson stated that a small pole sign and striping may help the small space where there is a parking issue.

Attorney Campbell stated that they will put up a sign and stripe the area.

Senior Planner Lane stated that, regarding the delivery trucks, she called one of the distributors today about not parking on Riverside Drive. She also checked with Director of Public Services Bob Bennett who said that the trucks cannot park on Martin Ave. closer than 30 ft. to Riverside Drive.

Chairman Putman asked if they would take the bike rack and put it in the striped area at the corner to prevent cars from parking there. Attorney Campbell stated they would do that.

Chairman Putman reviewed the original conditions of approval of the site plan.

Mrs. Lukasik stated that the dumpster is being emptied too early.



Chairman Putman read the staff recommendations.

**Staff Recommendation:**

The Planning staff recommendation is to approve the Special Permit for the take-out restaurant use at 111 Riverside Drive, with the following stipulations:

- 1) No cooking shall take place outdoors.
- 2) The hours of public operation shall be between 10 a.m. and 11 p.m., due to the proximity of residences. Delivery operation only is permitted until 1 a.m., with parking only at 103 Riverside Drive.
- 3) The dumpster pick-up shall be restricted to no earlier than 7 a.m., and no later than 7 p.m. The dumpster enclosure shall be maintained in a neat and clean condition, especially due to the proximity of residences both on and adjacent to the property.
- 4) The parking space at 111 Riverside Drive closest to Riverside Drive shall be maintained as a "No Parking" space, with the painted striping maintained, and a "No Parking" sign shall be installed within two weeks following the re-approval of the Special Permit.
- 5) The "Enter Only" and "Exit Only" signs shown on the site plan for the ice cream shop at 103 Riverside Drive shall be installed within two weeks following the re-approval of the Special Permit.
- 6) Parking space number 16 on the site plan has been shown to be a potential hazard when vehicles back out of the space. This parking space shall be posted to restrict parking to compact cars only.
- 7) Special permit modification approval will be required if there are any changes to the site plan or change in use of the property.
- 8) The Special Permit shall expire should the property or business be sold to another entity, per §300-66.11. Transferability:
  - a. A special permit is not transferable except upon approval by resolution of the issuing board.
  - b. A special permit shall authorize only one special use and shall expire if the special use ceases for more than three months for any reason.

Mr. Briggs asked about the white truck that was parking in front of the pizza place. Mr. Vail stated that it belongs to his brother and he has told him he cannot park there anymore.

A motion to approve the special permit renewal, adhering to the staff recommendations.

**Greenstate Properties – 515/519 Columbia Drive**

Theodore Lauve, P.E. with Lauve Engineering was present on behalf of the applicant.

Mr. Lauve gave a brief presentation of the proposed project for a 6,200 sq. ft. office building. Chairman Putman asked if there were any stormwater concerns with 520 Columbia Drive. Mr. Lauve stated that there are not. They have been working closely with Bob Bennett.



**Lead Agency**

A motion to declare the Planning Board as Lead Agency for the purposes of SEQR was made by Mrs. Drimak and seconded by Mr. Briggs.

*Motion Carried – Vote:*

**Yes – 4 (Drimak, Holbert, Briggs, Putman) No – 0 Absent – 1 (Walker)**

**SEQR**

Chairman Putman explained that a SEQR Short Environmental Assessment Form has been prepared.

The board, having reviewed Part I and Part II of the SEQR Short Environmental Assessment Form (“Short EAF”) has determined that there will not be any significant adverse environmental impacts with respect to the project, therefore a motion was made by Mrs. Drimak and seconded by Mr. Holbert finding that the proposed action will not have a significant adverse environmental impact and authorizing the Chairman to sign the Negative Declaration.

*Motion Carried – Vote:*

**Yes – 4 (Drimak, Holbert, Briggs, Putman) No – 0 Absent – 1 (Walker)**

**Set Public Hearing – Subdivision**

A motion to set a public hearing at 7:30pm on May 26, 2015 for a subdivision was made by Mr. Briggs and seconded by Mrs. Drimak.

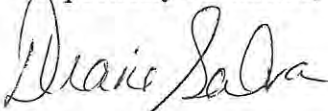
*Motion Carried – Vote:*

**Yes – 4 (Drimak, Holbert, Briggs, Putman) No – 0 Absent – 1 (Walker)**

**ADJOURNMENT**

Chairman Putman adjourned the meeting at 8:15pm.

Respectfully submitted,



Diane Salva  
Planning Board Clerk

