

Present: Gerald Putman, Chairman
John Walker, Vice Chairman
Joanne Drimak
Andrew Holbert

Absent: Lee Briggs, Secretary

Also Present: Diane Salva, Clerk to the Planning & Zoning Boards
Jeff Jacobs, Attorney for the Village
Mayor Gregory Deemie
Trustee Bruce King
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 – A motion to approve the minutes of the July 28, 2015 and October 27, 2015 regular meetings was made by Mr. Walker and seconded by Mrs. Drimak. The motion passed with all those present voting in the affirmative.

COMMUNICATIONS – None

CONTINGENCIES - None

OLD BUSINESS - None

NEW BUSINESS

ZIAUL QAMAR – 656 RIVERSIDE DRIVE
Advisory Opinion – Use & Area Variances

Ziaul Qamar, the owner of Halal Bites, submitted a sign application to replace the face of a pylon sign located at 656 Riverside Drive, the location of an existing take-out restaurant use. The existing sign became legally nonconforming with the adoption of the new zoning code in 2011, as pylon signs are not permitted in the property's current zoning district, Neighborhood Commercial. The replacement of the pylon sign face results in the loss of the nonconforming status. Monument signs are the only free-standing sign permitted, with a maximum height of 8-feet, and the top of the existing sign frame is 24-feet in height.

The requested variances are:

- 1) A Use Variance for a pylon sign in a Neighborhood Commercial zoning district; and
- 2) An Area Variance for sixteen-feet (16') greater than the permitted eight-feet (8') height for a freestanding sign in a Neighbor Commercial zoning district.



Mr. Ziaul Qamar was present.

Chairman Putman asked if just the face of the sign was changing. Mr. Qamar stated that is correct. Chairman Putman explained that if the sign was to be removed it would have to be replaced with a monument sign.

Chairman Putman asked if Mr. Qamar owned both of the properties. Mr. Qamar stated no, he was just renting.

Chairman Putman stated that it would be good to combine the two properties. Senior Planner Lane explained that in order to combine the properties, both parcels would have to have the exact same owner listed. These do not.

Attorney Jacobs asked if Mr. Qamar had looked into the cost of removing the signs. Mr. Qamar explained that it would be approximately \$3,000. To just put in new faces would be \$1,000.00.

A motion to recommend approval of a Use Variance for a pylon sign in a Neighborhood Commercial zoning district and an Area Variance for sixteen-feet (16') greater than the permitted eight-feet (8') height for a freestanding sign in a Neighbor Commercial zoning district to the Zoning Board of Appeals was made by Mr. Walker and seconded by Mr. Holbert.

Motion Carried - Vote:

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

REGAN DEVELOPMENT – 135-139 BALDWIN STREET

SEQR

Advisory Opinion - Variances

Regan Development Corporation submitted an application to renovate two former warehouse buildings at 135-139 Baldwin Street into 104 residential units and 7,745 square feet of potential commercial space. The property is zoned General Commercial and a mixture of commercial and residential uses is permitted. Due to existing conditions, the proposal does not conform to the Village of Johnson City zoning requirements with regard to the number of parking spaces provided on site, and the required setbacks for parking spaces and recreation areas. Therefore the following variances are requested for this project:

- 1) Per Table 300-51.3, the minimum number of parking spaces required is 226, therefore area variance of 36 spaces to allow 190;
- 2) Per Section 300-40.13.C, a multifamily use requires a 20-foot parking setback from property lines:
 - a) variance of 20-feet for a zero parking setback along north and south property lines;
 - b) variance of 13-feet for a 7-foot parking setback along the east property line; and
 - c) variance of 10-feet for a 10-foot parking setback along the west property line;
- 3) Per Section 300-40.13.C, parking may be located in any yard other than the front yard, and this property has two front yards. The applicant requests an area variance to allow parking in the front yards along Willow Street and Baldwin Street;
- 4) Per Section 300-40.13.B, no recreational area may be within 50-feet of a property line. The



applicant is seeking an area variance of 35-feet from the south property line in lieu of 50' setback, allowing a 15-foot setback from the south property line for the recreation area.

David Chase with Delta Engineers, Attorney Sarah Campbell with Hinman, Howard & Kattell, LLP and AJ Copolla, the project architect, were present on behalf of the applicant.

Mr. Chase reviewed the plans and the proposed parking plan.

Mr. Copolla explained that the Sunrise Building is 5 stories with 4 of the levels above ground and 1 level partially below ground. The Century Building is 4 stories. SHIPO will not allow them to put holes in the buildings for new windows so the existing window locations will remain.

Planning Director Nelson asked if they will be applying for historic tax credits. Mr. Copolla stated that yes they will be.

Mr. Chase explained that 2,300 sq. ft. of recreation space is required. They will have an outdoor area with picnic tables and a BBQ area. There will be 1,500 sq. ft. of indoor space for a fitness/recreation area.

Attorney Campbell reviewed the parking variances. Mr. Walker asked about the status of leases with the Islamic Organization and the rail road for parking spaces. Attorney Campbell explained that the Islamic Organization is not willing to sell the spaces or sign a permanent lease. They will consider a 60 or 90 year lease. They are still working with the railroad. Attorney Campbell explained that without the parking variances, the project is not viable.

Mr. Walker asked, without the leases, where do they stand in the number of parking spaces. Mr. Chase stated that without the leases they would lose 54 spaces. Attorney Campbell stated that the area is well serviced by buses. Not everyone may have a car who lives in these buildings.

Attorney Jacobs stated that a previous project proposed for this site was granted a parking variance. Attorney Campbell stated that the previous applicant was granted a reduction of 153 spaces.

Chairman Putman asked when they expect to close on the property. Mr. Copolla stated that it should be in late spring. Mr. Copolla explained the financing process and stated that the funding approvals will not be granted until all the Village approvals are received.

Attorney Campbell explained that the developer is looking at an 18 month build out. The commercial tenant space will be "vanilla" and to SHIPO standards.

Mr. Walker asked about the status of the small building on the property. Mr. Copolla explained that they met with SHIPO at the site and SHIPO has determined that the building is considered "character defining" and it must remain. They have no use for the building so they will remove any hazards, shutter the inside, fix the roof, repoint the masonry and replace the windows and doors. Mrs. Drimak asked what the building was originally used for. Mr. Copolla stated that they do not know. Senior Planner Lane stated that Ms. Golazeski at the Town of Union said that the old sanborn maps indicate it was a warehouse.



SEQR

Chairman Putman explained that a SEQR Full Environmental Assessment Form has been prepared and reviewed and the Planning Board assumed the position of lead agency.

The board, having reviewed Part I, Part II and Part III of the SEQR Full Environmental Assessment Form 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. Walker 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 (*Walker, Drimak, Holbert, Putman*) **No** – 0 **Absent** – 1 (*Briggs*)

A motion to recommend approval of an area variance of 35-feet from the south property line in lieu of 50' setback allowing a 15-foot setback from the south property line for the recreation area to the Zoning Board of Appeals was made by Mrs. Drimak and seconded by Mr. Walker.

Motion Carried - Vote:

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

A motion to recommend approval of a variance of 20-feet for a zero parking setback along north and south property lines; a variance of 13-feet for a 7-foot parking setback along the east property line; and a variance of 10-feet for a 10-foot parking setback along the west property line to the Zoning Board of Appeals, contingent upon the successful negotiation of leases with neighboring property owners in a form acceptable to counsel for the Village was made by Mr. Walker and seconded by Mrs. Drimak.

Motion Carried - Vote:

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

A motion to recommend approval of an area variance to allow parking in the front yards along Willow Street and Baldwin Street to the Zoning Board of Appeals was made by Mr. Walker and seconded by Mrs. Drimak.

Motion Carried - Vote:

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

Chairman Putman read the staff recommendations.

Planning Staff Recommendations

The Planning Department staff recommends that the Planning Board recommend to the ZBA:

- 1) Approval of the parking space area variance of 36 spaces to allow 190;
- 2) Approval of the area variances:
 - a) variance of 20-feet for a zero parking setback along north and south property lines;
 - b) variance of 13-feet for a 7-foot parking setback along the east property line; and
 - c) variance of 10-feet for a 10-foot parking setback along the west property line;
- 3) Approval of an area variance to allow parking in the front yards along Willow Street and Baldwin Street; and
- 4) Approval of an area variance of 35-feet from the south property line in lieu of 50' setback, allowing a 15-foot setback from the south property line for the recreation area.



The Planning staff recommends that the Zoning Board of Appeals consider that the proposed conversion of these empty buildings into a mix of commercial and residential uses as desirable for the area. The project will actually improve the site since it has remained vacant for years and contributed to the urban blight in the area. The site also has access to two main roads and each has public bus service, providing access to transportation other than just personal vehicles.

A motion to recommend approval of the parking space area variance of 36 spaces to allow a minimum of 190 spaces including the staff recommendations was made by Mrs. Drimak and seconded by Mr. Walker.

Motion Carried - Vote:

Yes – 3 (Walker, Drimak, Holbert) No – 1 (Putman) Absent – 1 (Briggs)

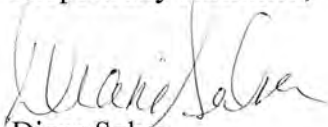
Attorney Jacobs asked if an office use in the commercial tenant space would be less extensive than a restaurant in regards to the required number of parking spaces. Attorney Campbell stated that yes it would be and if they should have a restaurant that wants to lease that space, they would come back to the board. Mr. Copolla stated that the commercial space is not vital to the project.

Chairman Putman asked who the owner of the property is. Mr. Copolla stated it is Affordable Housing Concepts and explained that it is not low income housing. He explained “affordable housing” and the income requirements. Attorney Campbell explained that this is not Section 8 housing.

ADJOURNMENT

Chairman Putman adjourned the meeting at 8:32pm.

Respectfully submitted,



Diane Salva
Planning Board Clerk

