

Minutes of a regular meeting of the
Johnson City Planning Board held on
March 22, 2016 at 7:30pm at
243 Main St., Johnson City, NY

Present: John Walker, Vice Chairman
Joanne Drimak
Andrew Holbert
Donald Slota

Absent: Gerald Putman, Chairman

Also Present: Diane Busko, Clerk to the Planning & Zoning Boards
Nathan Van Why, Attorney for the Village
Mayor Gregory Deemie
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.

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

MINUTES – A motion to approve the minutes of the February 23, 2016 regular meeting was made by Mrs. Drimak and seconded by Mr. Holbert. The motion passed with all those present voting in the affirmative.

COMMUNICATIONS – None

CONTINGENCIES - None

OLD BUSINESS - None

NEW BUSINESS

SAXTON SIGN CORP. FOR MAVIS TIRE SUPPLY, LLC – 230 REYNOLDS ROAD
ADVISORY OPINION – AREA VARIANCE

Saxton Sign Corporation has submitted an application on behalf of Mavis Tire Supply, LLC, to install one 64 square-foot pylon sign and one 72 square-foot illuminated wall sign at 230 Reynolds Road. The second wall sign of 72 square feet is located on the west elevation facing Reynolds Road. The property is zoned General Commercial and only one wall sign per business is permitted. In addition, a pylon sign is shown on the site plan and the sign plan has been submitted and accepted. Therefore, Saxton Sign Corporation is requesting an area variance as follows: 1.) Area variance for a second wall sign; and 2.) Area variance for a third sign on the lot, as only two signs per business are permitted.

Ms. Bridgett Shoemaker with the Saxton Sign Corporation was present of behalf of the applicant.

Ms. Shoemaker explained that the main frontage of the building is tucked back from the street and stated that their request is consistent with the surrounding businesses.

Vice Chairman Walker read the department head comments.



Department Head Comments:

Police: No compelling interest.
Fire: No compelling interest.
Code Enforcement: Proposed sign meets other size and coverage requirements.
Public Works & Water: No compelling interest.
Planning Staff: The Planning Department staff recommends: 1.) Approval of a second wall sign, to be located on the west elevation facing Reynolds Road; and 2.) Approval of a variance for a third sign for a single business. The front entrance to the building is perpendicular to Reynolds Road, although it faces into the plaza and towards north-bound traffic. The permitted wall sign faces into the plaza, mounted over the front entrance. The owners would like visibility from the Oakdale Mall across Reynolds Road for potential clients.

Attorney Van Why reviewed the variance recommendation process.

Mrs. Drimak asked for clarification on the pylon sign. Senior Planner Lane explained that it will be located in the south west corner of the property and will face north/south.

A motion to recommend approval to the Zoning Board of Appeals for a second wall sign and a third business sign was made by Mr. Holbert and seconded by Mrs. Drimak.

Motion Carried - Vote:

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

RAPP SIGNS, INC. FOR OAKDALE LRM, INC. – 569 HARRY L. DRIVE REAR
ADVISORY OPINION – AREA VARIANCE

Rapp Signs Inc. has submitted an application on behalf of Best Western to change the existing wall sign to the new corporate "Best Western Plus" sign at 569 Harry L Drive-rear. The property is zoned General Commercial and permits a wall sign of 80 square feet. Therefore, Rapp Signs, on behalf of Best Western, is requesting a variance to increase the size of the allowable wall sign to 218 square feet, 138 square-feet greater than permitted. The existing sign is 243 square feet, and the new sign would be 25 square-feet less than the existing sign. On behalf of Best Western, Rapp Signs Inc. is requesting a variance as follows: An area variance to increase the size of the wall sign by 138 square feet greater than is permitted.

Mr. Patrick Doyle with Rapp Signs, Inc. was present on behalf of the applicant.

Mr. Doyle explained that the location of the property, which is 700ft from the intersection, is the reason for the size of the sign. It is a 10% decrease from what is already there. Their business caters to mostly out of town guests. The signs are needed because there is a new corporate logo.

Vice Chairman Walker asked if the remaining signs on the property are changing because of the new logo. Mr. Doyle stated that yes they are but they are just changing the faces of those signs.

Vice Chairman Walker read the department head comments.



Department Head Comments:

BC Planning: Did not identify any significant countywide or inter-community impacts associated with the project.

Police: No compelling interest.

Fire: No compelling interest.

Code Enforcement: Location of the building is over 350 feet back from Harry L. Drive. The proposed sign is slightly smaller than the existing sign.

Public Works & Water: No compelling interest.

Planning Staff: The Planning Department staff recommends, due to the large size of the property and distance from the adjacent roadways: At 218 square-feet, approval of the area variance for one wall sign to be 138 square feet greater than is permitted.

A motion to recommend approval to the Zoning Board of Appeals for an area variance to increase the size of the wall sign by 138 square feet greater than is permitted including the department head comments and staff recommendations was made by Mrs. Drimak and seconded by Mr. Holbert.

Motion Carried - Vote:

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

SEAN E. WALTER - 80 HARRY L. DRIVE
LEAD AGENCY DESIGNATION, SEQR REVIEW & SITE PLAN REVIEW

Mr. Sean Walter owns a mixed-use building at 80 Harry L Drive. The building has approximately 1000 square feet of commercial space on the first floor, and Mr. Walter submitted an application to use the commercial space for a retail shop for appliance parts. The property is located in a Neighborhood Commercial zoning district (NC), and retail sales is a permitted use.

In addition, there is an existing three-bedroom apartment on the second floor, and small office space for the owner of the property. The retail use requires four parking spaces, and the residential and office uses require an additional three parking spaces. There are ten parking spaces on site, including a handicapped parking space and access aisle, and two additional parking spaces in an existing garage.

The applicant, Mr. Sean Walter, was present.

Lead Agency Designation

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

Motion Carried - Vote:

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

SEQR

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



Vice Chairman Walker asked about refrigerators and if there will be any CFCs or chemicals of that nature that will be stored on site. Mr. Walter stated that no there will not be because you need a special license to deal with those.

Vice Chairman Walker asked if the apartment upstairs will be rented out. Mr. Walter stated that yes it will be.

Vice Chairman Walker asked if the garage will be for personal use or storage. Mr. Walter stated that it will be for his use and the appliance store if they need extra space. Vice Chairman Walker asked if any appliances will be stored outside. Mr. Walter stated no. No hazardous materials will be stored inside or outside.

Attorney Van Why asked what would be the procedure if the applicant did add refrigerators. Senior Planner Lane explained that they would need to talk to Code Enforcement.

The board, having reviewed Part I, Part II and Part III of the SEQR Short 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 Mr. Holbert and seconded by Mr. Slota 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, Slota, Walker) No – 0 Absent – 1 (Putman)

Site Plan Review

Vice Chairman Walker read the department head comments.

Department Head and 239-Review Comments:

The project was subject to a 239-Review as it is within 500 feet of State Route 17/86. The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA), and the Planning Department recommended a Negative Declaration. The following comments are from the internal and 239-Review:

- | | |
|----------------------------------|---|
| B.C. Planning: | No concerns about intercommunity impacts. Recommend landscaping. |
| Code Enforcement: | Licensed plumbers and electricians are required; Apply for appropriate building permits; Meets the parking requirement. |
| Fire Dept: | Comply with current NYS Fire Codes. |
| Police Dept: | No compelling interest. |
| Public Works & Water: | A double check valve is required on the water service. Contact the Water Department at (607) 797-2523. Garbage service will be provided by the Village. No more than 12 items can be placed for pick-up, or the building will need to arrange private pick-up. Owner will have to pay for a new meter and prove that there is adequate heat before the Village Water Department will turn the water on at the curb. |
| Planning Staff: | The Planning Department recommends approval of the site plan, with the requirements from Code Enforcement and the Department of Public Works and Water, and the following stipulations: 1.)Plans |



for a handicap-access ramp shall be submitted and approved by the Building Permits Office. 2.) The handicapped-accessible parking space and access aisle shall be painted and striped to conform to the Property Maintenance code of NYS and include the new accessibility symbol. 3.) Wheel stops shall be provided no less than 18 inches from the front of those parking spaces that are against the building. 4.) All future plans for signage shall be submitted to the Code Enforcement Officer for review and approval, prior to installation. All temporary signs (including price signs), portable signs, search lights, balloons, sidewalk and curb signs shall be reviewed and approved by the Code Enforcement Office prior to being placed on the property. Signs that blink, rotate, or move are not permitted. 5.) If any new outdoor lighting is proposed, the applicant shall first submit a lighting plan to the Code Enforcement Officer for review and approval. 6.) If any approved site improvements are not complete prior to the request for a Certificate of Compliance, the Building Official may issue a Temporary Certificate with terms and conditions deemed appropriate, and for a period no longer than six months. 7.) Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan and a valid building permit. 8.) The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Certificate of Compliance. The applicant agrees to construct the project in strict accordance with the site plan approved by the Planning Board. Should the applicant change the site plan approved by the Planning Board, even if by petition to the Village's Zoning Board of Appeals, the site plan approval will become null and void and the applicant must resubmit a new site plan to the Village of Johnson City Planning Board. 8.) If the appliance business proposes storage of CFCs in the future, the business owner shall first contact Code Enforcement to review storage methods.

Vice Chairman Walker asked if any of the parking spaces in the back will be used for the business in the front. Mr. Walter explained which spaces he will be using and which ones are municipal parking spaces.

Mr. Slota asked about the types of vehicles that will be parked there. Mr. Walter stated that there will be no large trucks. They will be work vans, box trucks. Mr. Slota asked if the vehicles will be parked overnight. Mr. Walter stated no, just the tenants will be parked overnight.

Senior Planner Lane pointed out that in the rear there is a double length space by the garage.

Mrs. Drimak stated that the garage appears to be in bad shape. Mr. Walter stated that it is in bad shape. He has a permit to replace the roof and will be fixing it as funds become available.

Mrs. Drimak asked if the tenants will have access to the garage. Mr. Walter stated no, not at this time. He does not want to store other people's stuff.



A motion to approve the site plan including the department head comments and staff recommendations, including the stipulation that if the appliance business proposes storage of CFCs in the future, the business owner shall first contact Code Enforcement to review storage methods, was made by Mrs. Drimak and seconded by Mr. Holbert.

Motion Carried - Vote:

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

OAKDALE VALLEY ASSOCIATES, LLC – 801 VALLEY PLAZA DRIVE
PROJECT EXTENSION REQUEST

An application by Oakdale Valley Associates, LLC, to convert a former daycare facility into a multi-family building located at 801 Valley Plaza (#143. 37-1-47) was approved on March 24, 2015, with the stipulation that approval would be good for one year unless substantial improvements have been made pursuant to the approved site plan and a valid building permit. The developer was since that time approached by a potential purchaser, and the project was put on hold. Recently, the potential purchaser withdrew their interest in the building, and Mark Lane, on behalf of Oakdale Associates, LLC, has submitted a request that the original approval be granted an extension of the approval. The property is zoned General Commercial (GC), and the multi-family is a permitted use by right. The property will be managed by the developer, and will provide various amenities such as internet access and washer and dryer. The building has existing utilities, but an additional fire water line will be added. As there will be no increase in impervious area, there is no post-renovation stormwater remediation required. The only soil that will be disturbed is during installation of the fire line, and that will be extended through existing pavement and will be replaced as is. The existing sign base will be used for a future sign.

The project was declared an Unlisted Action and a Negative Declaration under SEQRA was approved on March 24, 2015.

Mr. Ed Gent and Mr. Mark Lane were present on behalf of the application.

Vice Chairman Walker read the department head comments.

Department Head Revised Comments:

Code Enforcement: Apartments cannot be a rooming house. How is that going to be prevented?

Public Works & Water: The following sections of the Village Code for a fire service shall be met: Chapter 270. WATER; Part 1. General Provisions; Article VI. Fire Services

§ 270-26. Installation of lines and connections.

The Department shall not be required to install any service lines or service connections between November 15 and April 15 except by special arrangement, in which case the customer shall pay for any excess over normal costs.

§ 270-33. Service on applicant's property.

A. Piping installation and maintenance from curb box shutoff to premises; expenses; performance of work. At his or her own



expense, the applicant shall install the service pipe from the curb box shutoff to the premises and a valve to be located preferably just inside the building wall, permitting control of the water supply by the customer. At the expense of the customer, this property shall be maintained and when necessary replaced. For this installation and maintenance thereof, the customer shall see to it that all work is performed in a manner satisfactory to the Department.

B. Size of piping; material; construction, etc. The minimum size, materials, depth of cover and method of construction shall be the same as specified in this Article for a service pipe installed by the Department.

C. Defects in workmanship or materials. If any defects in workmanship or materials are found or if the customer's service pipe has not been installed in accordance with such specifications or with the Department's requirements, water service either will not be turned on or will be discontinued if such defects are not remedied.

§ 270-47. Deposit required for fire protection service connections. A deposit is required to cover the estimated connection costs contracted by the Department. (from the main to a location near the property line).

§ 270-56. Charge for private fire line. The following charges for private fire lines connected to sprinkler systems shall be payable annually for service in arrears:

Size (inches)	Charge
2	\$100.00
4	\$200.00
6	\$300.00
8 or larger	\$400.00

§ 270-74. Submission of plans for fire services. Original installation plans and any later revisions which fully meet fire underwriter's requirements must be submitted to the Department.

§ 270-77. Installation to be at applicant's expense. The Water Department will install fire service at the applicant's expense.

§ 270-78. Installation of detector check. In all instances of fire services over two (2) inches in size and of a distance greater than seventy-five (75) feet from the main to the premises, a detector check will be installed. No charge will be made for water used to extinguish accidental fires.

§ 270-80. Control and operation of fire service. The service shall be controlled by a valve located in a manhole or a valve box as the Department may prescribe and located outside the premises and to be operated only by persons authorized by the Department.



Planning Department:

The Planning Department recommends extension of the revised approved site plan, with the requirements from the Department of Public Works and Water and from Code Enforcement included with the following stipulations: 1.) The 26 parking spaces on the site plan shall be maintained. Any new striping of any parking lot will have to conform to the Property Maintenance code of NYS and include the new accessibility symbol. 2.) A copy of the filed utility easement for the fire service shall be supplied to the Village prior to the issuance of the Certificate of Compliance. This easement shall be reviewed by the Village attorney prior to being filed with the deeds for 145 Oakdale Road and 801 Valley Plaza. 3.) A copy of the filed access and egress easement for the parking spaces at the north end of the building shall be supplied to the Village prior to the issuance of the Certificate of Compliance. This agreement shall include access to the shared dumpster. This easement shall be reviewed by the Village attorney prior to being filed with the deeds for 153 Oakdale Road and 801 Valley Plaza. 4.) A minimum five (5) feet horizontal separation between the proposed fire service line and the gas and/or electric line is required. 5.) The existing sewer line shall be added to the site plan prior to the issuance of the building permit. 6.) Any proposed signage shall be submitted to the Code Enforcement Officer prior to installation for review and approval. 7.) If any new lighting is proposed, the applicant shall first submit a lighting plan to the Code Enforcement Officer for review and approval. 8.) The required recreational area shall be maintained as such for as long as the building is used as a multi-family structure. 9.) Details for the dumpster enclosure shall be submitted to the Planning Department for review prior to installation and prior to the issuance of the Certificate of Occupancy. Per Code 300-54.6, dumpsters in or adjacent to residential uses shall be screened from view with either a wall, a solid fence or a combination of fencing and evergreens creating a solid visual barrier to a height of at least five feet above grade. 10.) A landscaping plan shall be submitted to the Planning Department for review and approval, and shall be planted prior to the issuance of the Certificate of Compliance. This plan may include existing landscaping and shall follow the spirit of Article 54, Landscaping, Screening and Buffering Regulations. 11.) If any approved site improvements are not complete prior to the request for a Certificate of Compliance, the Building Official may issue a Temporary Certificate with terms and conditions deemed appropriate, and for a period no longer than six months. 12.) Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan and a valid building permit. 13.) The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Certificate of Compliance. The applicant agrees to construct the project in strict accordance with the site plan approved by the Planning Board.



Should the applicant change the site plan approved by the Planning Board, even if by petition to the Village's Zoning Board of Appeals, the site plan approval will become null and void and the applicant must resubmit a new site plan to the Village of Johnson City Planning Board.

Senior Planner Lane explained that a copy of the filed utility easement for the fire service was just provided to her tonight so comment #2 under the Planning Staff is no longer applicable.

Regarding comment #5 under the Planning Staff comments, Mr. Lane stated that the sewer line is there and he will show it on the plan.

A motion to approve the request for a one year extension of the approval including the department head comments and staff recommendations, eliminating comment #2 under the Planning Staff, was made by Mr. Walker and seconded by Mrs. Drimak.

Motion Carried - Vote:

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

OAKDALE VALLEY ASSOCIATES, LLC – 153 OAKDALE ROAD
SEQR REVIEW & SITE PLAN REVIEW

Oakdale Valley Associates LLC submitted an application to renovate a 4,560 square foot building located at 153 Oakdale Road (#143. 37-1-5) into a multi-family building in 2015. Prior to final review, the owners were approached by a potential purchaser with an alternate plan for a medical office. Following approval of the medical office, the purchasers are no longer interested, and Mark Lane of Oakdale Valley Associates LLC has requested the withdrawal of the medical office approval, and the continuation of the original plan for a multi-family use. The property is zoned General Commercial (GC), and the multi-family residential use is permitted.

The building has existing utilities. As there will be in no increase in impervious area, there is no post-renovation stormwater remediation required. The existing sign base will be removed. Although the property is currently in the 500-year floodplain, it is in the preliminary 100-year floodplain; therefore, the renovation will include flood-proofing measures. The building did flood in 2011.

The building proposal includes sixteen bedrooms, and the site plan shows 32 parking spaces, including two handicapped accessible spaces. A landscaping plan shall be submitted to the Planning Department and Code Enforcement office for review, and the landscaping shall be planted prior to the issuance of a Certificate of Compliance.

Mr. Ed Gent and Mr. Mark Lane were present on behalf of the application.

Lead Agency Designation

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

Motion Carried - Vote:

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



SEQR

Vice Chairman Walker explained that a SEQR Short 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 Short 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 Mr. Holbert and seconded by Mrs. Drimak 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, Slota, Walker) No – 0 Absent – 1 (Putman)

Vice Chairman Walker read the department head comments.

Department Head and 239-Review Comments:

The project was subject to a 239-Review as it is within 500 feet of State Route 17. The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA), and the Planning Department recommended a Negative Declaration. The following comments are from the internal and 239-Review:

- B. C. Planning:** No significant county-wide or inter-community impacts associated with the project; however the department had the following comments: 1.) recommends that the project include a landscaping and lighting plan. 2.) recommends that the applicant should be made aware of the risks of developing in the Preliminary FEMA 100-year floodplain.
- BMTS:** No comments.
- Code Enforcement:** Apartments cannot be a rooming house. How is that going to be prevented?
- Fire Dept:** Must comply with the current NYS Fire Codes.
- Police Dept:** No compelling interest.
- Public Works & Water:** 1.) Water meter is old type ARB meter; it must be upgraded at cost to a radio read meter. 2.) Existing water service is a 1 inch diameter and requires a backflow device. Engineer should verify that the service is adequate for proposed usage. 3.) The following sections of the water code apply: No permits shall be granted until the department is supplied with detailed plumbing and utility plan and the engineer's report for backflow device. Contact the Water Department for information at 607-797-2523.
- Planning Staff:** The Planning Department recommends approval of the site plan, with the requirements from the Department of Public Works and Water and Code Enforcement, and the following stipulations: 1.) Licensed plumbers and electricians shall be used. Consult with the Building Permit officers when applying for a building permit. 2.) Any proposed signage shall be submitted to the Code Enforcement Officer for review and approval prior to installation. 3.) If any new lighting is proposed, the applicant shall first submit a lighting plan to the Code Enforcement Officer for review and approval. 4.) Any



new striping of any parking lot shall conform to the Property Maintenance code of NYS and include the new accessibility symbol. The handicap parking spaces and access aisle shall be painted and striped prior to receiving a Certificate of Compliance. The handicap spaces on the site plan shall be revised with the new accessibility symbol prior to the issuance of a building permit. 5.) The dumpster enclosure shall be maintained at all times. Per Code 300-54.6, dumpsters shall be screened from view with either a wall, a solid fence or a combination of fencing and evergreens creating a solid visual barrier to a height of at least five feet above grade. The cut sheet for the dumpster enclosure shall be submitted to the Planning Department prior to installation. 6.) A landscaping plan shall be submitted to the Planning Department and Code Enforcement office for review, and the landscaping shall be planted prior to the issuance of a Certificate of Compliance. 7.) The landscaping plan shall be maintained at all times. Should plants die or weaken substantially, they shall be replaced. Should the property owner wish to change types of plantings, a new landscaping plan shall be submitted to the Planning Department for review and approval prior to the change of plants, and shall follow the spirit of Article 54, Landscaping, Screening and Buffering Regulations. 8.) If any approved site improvements are not complete prior to the request for a Certificate of Compliance, the Building Official may issue a Temporary Certificate with terms and conditions deemed appropriate, and for a period no longer than six months. 9.) Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan and a valid building permit. 10.) The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Certificate of Compliance. The applicant agrees to construct the project in strict accordance with the site plan approved by the Planning Board. Should the applicant change the site plan approved by the Planning Board, even if by petition to the Village's Zoning Board of Appeals, the site plan approval will become null and void and the applicant must resubmit a new site plan to the Village of Johnson City Planning Board.

Mrs. Drimak asked about flood proofing measures. Mr. Gent explained that the floor will be raised and there will be a buffer around the doors and a slotted entrance way.

A motion to approve the site plan including the department head comments and staff recommendations was made by Mrs. Drimak and seconded by Mr. Walker.

Motion Carried - Vote:

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



CRUX PROPERTIES, LLC – 157 OAKDALE ROAD
ADVISORY OPINION – AREA VARIANCE

Crux Properties, LLC, has submitted a plan to construct a new 37,969 square foot 3-story General Commercial zoning district located at 157 Oakdale Road. The proposed building would feature three floors of commercial office space. As the property is in the Preliminary 100-year floodplain, the developer intends to set the building on piers, which also allows for ground level parking under the building. Due to the parking requirements based on the size of the building which is on a limited parcel area, a parking area variance is requested as follows: 1. An area variance to reduce the required number of parking spaces from 190 to 140 spaces. The parking requirement is based on 5 spaces per 1,000 square feet, and all non-office space was excluded from the total of office space.

Mr. Michael Haas with Haas Landscape Architects, Mr. George Schambach, Ms. Gina Curcio, property owner and Ms. Karen Klecar with Bridgeway Commercial Realty were present on behalf of the application.

Mr. Haas reviewed the changes to the application. The residential space on the original application has been removed and the entire building will now be commercial space. Mr. Haas also explained that they did not receive the grant they applied for the green roof. They may still pursue a green roof in the future.

Vice Chairman Walker asked if they had a tenant yet. Ms. Klecar explained that they do not have anything signed with a tenant yet.

Vice Chairman Walker expressed his concerns over a variance of this size. There is no other alternative area for parking. Ms. Curcio explained that there is a potential tenant that would take over the entire building. They would need 100 parking spaces for employees and 20 spaces for visitors.

Mr. Haas spoke at length about parking regulations in other areas and how restrictive the Village is in comparison. Ms. Lane explained how the Code changed in 2011 after much review and deliberation.

Mr. Haas stated that this project is a good investment in the community and will bring good paying jobs.

Vice Chairman Walker stated that if a potential tenant needs parking spaces and they are not available at a location, then they will not rent that space. Ms. Curcio stated that no tenant will rent if there will be a parking issue.

Mr. Holbert asked about the housing project on Baldwin Street and the parking issues there. Senior Planner Lane explained that the applicant for that project received a variance and is also providing lease agreements for additional spaces on neighboring properties.

Vice Chairman Walker stated that there is a bus stop on Valley Plaza and that the County buses go up and down Oakdale Road all day.

Vice Chairman Walker read the department head comments.



Department Head Comments:

Code Enforcement: The variance represents a 26% reduction in required parking.
Police: No compelling interest.
Fire: No compelling interest
Public Works & Water: No new comments
Planning Staff: The Planning Department staff recommends that the Planning Board recommend to the Zoning Board Appeals: 1. denial of the area variance to reduce the required number of parking spaces by 50 spaces to 140 spaces. The former alternative site plan had provided 146 parking spaces for the formerly mixed use building which would have had alternating parking requirements between day and evening. The current site plan has reduced the available parking and increased the number of tenants who will require parking during the day. The current site plan will not provide adequate parking spaces for three floors of commercial tenants and there is no off street parking available to absorb the overflow.

The Board and the applicant discussed parking options at length including placing a maximum capacity on the occupancy. Senior Planner Lane stated that the applicant would need to work that out with Code Enforcement. The applicant is willing to contact the neighboring property owners to lease additional spaces.

A motion to recommend approval of the area variance to the Zoning Board of Appeals with a stipulation that a maximum occupancy be determined by the Code Enforcement Officer based on NYS Building Code Requirements and the available parking.

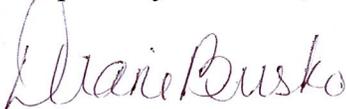
Motion Carried - Vote:

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

ADJOURNMENT

A motion to adjourn the meeting at 9:20pm was made by Mrs. Drimak and seconded by Mr. Slota. The motion passed with all those present voting in the affirmative.

Respectfully submitted,



Diane Busko
Planning Board Clerk

