

Present: Gerald Putman, Chairman
Andrew Holbert, Vice Chairman
Thomas Sheredy
Donald Slota

Absent: Joanne Drimak, Secretary (present at work session)

Also Present: Diane Busko, Clerk to the Planning & Zoning Boards
Nathan Van Why, Attorney for the Village
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 September 27, 2016 regular meeting was made by Mr. Sheredy and seconded by Mr. Slota. The motion carried with all those present voting in the affirmative.

PRIVILEGE OF THE FLOOR - None

COMMUNICATIONS – None

CONTINGENCIES - None

OLD BUSINESS - None

NEW BUSINESS

Frank Sedlacek, Jr./SEDLA, LLC – 320 Grand Avenue

Frank Sedlacek, Jr. has submitted an application to open a neighborhood sports restaurant/bar located at 320 Grand Avenue. The property is in an Urban Multi-Family zoning district, and the use was permitted by a variance from the Zoning Board of Appeals in 1976. The former Side Lines Pizza and Wings restaurant last occupied the 1,840 square-foot building. The building has existing public utilities. There is existing outdoor lighting on the front of the building that does not impact nearby residents as there is a large parking lot across from the building. The project will use a commercial garbage pick-up company, and will store 90-gallon garbage cans on wheels in a shed behind the building. The proposed hours of operation are between 8am - 11pm Monday through Thursday, 8am – 1am Friday and Saturday, and 11am – 9pm on Sunday.

The applicant, Mr. Frank Sedlacek, was present.



Lead Agency

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

Motion Carried - Vote:

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

SEQR

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

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. Sheredy 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 (*Sheredy, Holbert, Slota, Putman*) **No** – 0 **Absent** – 1 (*Drimak*)

Site Plan Review

Mr. Sedlacek explained that he and his family plan to run family bar and grill at the location. They would like to open early to serve breakfast. They will cook lunch and dinner and will close early – between 10:30 – 11pm during the week, 1am on the weekends. He has the NFL package for sports – they will also have a lot of JCHS sports memorabilia.

Senior Planner Lane expressed concern regarding the adjacent residents and is wondering if there is a significant amount of sports on TV between 12am and 1am. Mr. Sedlacek stated not that he knows of.

Mr. Slota asked about using the rear of the property. Mr. Sedlacek explained that they cleaned that area up and have some picnic tables out there. They have had some interest from some guys who are in a corn hole league about using that space – that is usually done around 8:30-9pm. People can go out there if they want to smoke.

Chairman Putman read a letter from the Village to the previous owner in 2004 reiterating that the use of the rear patio area was for a smoking area and that no seating or tables are to be placed in that area. Additionally, no food or drink is to be served in that area. It is not permitted for the non-conforming use to be expanded into this area.

Chairman Putman stated that it is a neighborhood bar and he understands that Mr. Sedlacek will be doing some good things there but it is still a neighborhood. No bands or music will be allowed outside. Mr. Sedlacek explained that his family will be running this and he wants to keep it safe. He has met with the Police Chief and he has given him some ideas to keep it safe. Senior Planner Lane recommended that Mr. Sedlacek meet with Daria Golazeski in Code regarding the outside space.

Chairman Putman read the department head and staff comments.



DEPARTMENT HEAD & STAFF COMMENTS:

The project was not subject to a 239-Review. The applicant's proposal is considered an Unlisted Action under SEQRA, and the Planning staff recommends a Negative Declaration. The following comments are from the internal review:

- Code Enforcement:** Maximum occupancy for the restaurant is 86 people.
- Public Works & Water:** Plumbing will have to be redone to install a backflow prevention device by a plumber licensed by the Village, and tested by a certified backflow tester. The required DOH-347 form shall be obtained at the Village Water Department. A grease trap is required, to be installed by a plumber licensed by the Village. A dumpster or trash can location shall be added to the site plan. If using a dumpster, it shall be enclosed.
- Police:** No compelling interest as long as the establishment obtains all proper licenses necessary to establish a bar and grill.
- Fire Department:** Shall meet Fire Code.
- Planning Staff:** The Planning Department recommends approval of the site plan, with the requirements from the Department of Public Works, and the following stipulations:
1. The dumpster pick-up shall be restricted to no earlier than 6 a.m., and no later than 7 p.m. The dumpster area shall be maintained in a neat and clean condition, especially due to the proximity of residences adjacent to the property.
 2. If not using a commercial, private dumpster, garbage cans shall weigh no more than 50 pounds, be no larger than 35 gallons, and shall not have hinged lids. Cans with stored grease shall be disposed of separately. All cans intended for recycling shall be cleaned and dry before being put out for recycling. Contact the Department of Public Services at (607) 797-3031 for additional requirements.
 3. All plans for new signage shall be submitted to the Code Enforcement Officer, prior to installation, for review and approval. 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.
 4. If any new outdoor lighting is proposed, the applicant shall first submit a lighting plan to the Code Enforcement Officer for review and approval.
 5. 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.
 6. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Building Permit.



The applicant agrees to construct the project in strict accordance with the site plan approved by the Planning Board.

Mr. Sedlacek stated that he would be storing his garage cans in a shed in the back of the property.

A motion to approve the site plan including the department head comments and staff recommendations and contingent with the applicant meeting with Daria Golazeski in Code Enforcement regarding the use of the outdoor space was made by Mr. Holbert and seconded by Mr. Sheredy.

Motion Carried - Vote:

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

Priceline Autos/Anatoliy Pradun – 750 Harry L. Drive

Anatoliy Pradun has submitted an application to add spaces to the parking lot of an existing automobile sales business at 750 Harry L Drive, Johnson City. Priceline Auto is located in a General Commercial zoning district, and a Special Permit to sell vehicles was approved by the Planning Board in 2007. The building has an office space, restroom, and two garage bays for vehicle maintenance. There is also a small retail space separate from the auto sales business. The project is subject to site plan review due to the proposed increase in approved parking spaces. The site plan shows forty-nine (49) parking spaces for display vehicles, and six (6) sales parking spaces required for three employees on site. There are also four spaces for the two garage bays (2 per bay) located on site. In addition, per prior approvals, the site plan shows three (3) parking spaces for the retail business, Sequins and Sweats, located at 750 Harry L Drive. The site plan includes one handicapped-accessible space with an access aisle. The sales office is an existing building on the site and no change in impervious area is proposed; therefore, no post-renovation stormwater remediation is required. There is public water, sanitary sewer, and storm sewer at the site.

The applicant, Mr. Anatoliy Pradun was present.

Lead Agency

A motion to declare the Planning Board Lead Agency for the purposes of SEQR for 750 Harry L. Drive was made by Mr. Holbert and seconded by Mr. Sheredy.

Motion Carried - Vote:

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

SEQR

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

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. Sheredy 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 (Sheredy, Holbert, Slota, Putman) **No** – 0 **Absent** – 1 (Drimak)



Site Plan Review

Mr. Pradun explained that he took over the business and expanded it a little bit. Chairman Putman asked if there will be any repairs done at the site. Mr. Pradun stated yes they will repair the vehicles that they sell and could do minor repairs to other vehicles.

Chairman Putman explained that the scale on the site plan drawing is incorrect. Senior Planner Lane explained that Mr. Pradun will need his engineer to fix it and submit a corrected drawing.

Chairman Putman asked if the curb cuts to enter the property (access to the south) cross over the handicap parking space. Mr. Pradun stated that the opening is huge - 15ft. wide. There is also a curb that will prevent someone from going over that space.

Chairman Putman asked about the number of employees. Mr. Pradun stated that he is not sure yet.

Chairman Putman read the department head and staff comments.

DEPARTMENT HEAD & STAFF COMMENTS:

The project was not subject to a 239-Review. The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA), and the Planning Department recommends a Negative Declaration.

- Code Enforcement:** If approved, the number of cars allowed on the lot for sale shall be limited to forty-nine (49). Any changes in the building use may require a change in the parking ratios, and site plan amendment may be required.
- Fire Department:** No concerns. The building will have to pass the Fire Code inspection from the Fire Marshall's Office
- Police Department:** No compelling interest.
- Public Works & Water:** Pending
- Planning Staff:** The staff recommendation is to approve the Site Plan, with Department Head comments and the following stipulations:
- 1) The automobile sales parking lot shall be striped according to the plan by November 30, 2016.
 - 2) All maintenance of motor vehicles shall be performed fully within an enclosed structure. No motor vehicle parts or partially dismantled motor vehicles shall be stored outside of an enclosed structure or screened area.
 - 3) No vehicles shall be displayed for sale within 10 feet of the front property lines. The display of vehicles shall be contained to the spaces shown on the site plan, unless a new site plan is submitted and approved.
 - 4) Hazardous materials, such as waste oils, solvents, acids, batteries, paints or tires, shall not be stored outdoors at any time. Secondary storage for accessory maintenance automotive fluids shall be provided.



- 5) If the applicant wishes to add additional outdoor lighting, the lighting plan shall be submitted to Code Enforcement for their approval prior to installation.
- 6) Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan for the parking lot.

The applicant shall be required to acknowledge all of the above conditions, in writing, by November 11, 2016. The applicant agrees to construct the project in strict accordance with the site plan approved by the Planning Board.

A motion to approve the site plan for 750 Harry L. Drive including the department head comments and staff recommendations was made by Mr. Slota and seconded by Mr. Sheredy.

Motion Carried - Vote:

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

Jeffrey Feinberg – 185 Main Street
Recommendation to ZBA – Area Variance

Jeffrey Feinberg has submitted an application to install three 12-foot by 6-foot real estate signs on the building at 185 Main Street. One of the proposed signs would replace a 16 square-foot real estate sign that is currently located on the front of the building, and which does meet Code requirements. The other two proposed real estate signs would be placed on the east and west side walls of the building. The property is zoned General Commercial and only one sixteen square-foot real estate sign per parcel is permitted. Mr. Feinberg is requesting two area variances as follows:

- 1) Area variance to increase the size of a real estate wall sign from 16 square-feet to 72 square-feet; and
- 2) Area variance to approve two additional real estate signs.

The applicant, Mr. Feinberg, was present.

Mr. Feinberg explained that the building used to house a Family Dollar but they left due to a problem with crime/theft. He has tried for 26 months to rent the building. There was a meth lab in the building behind this one. He feels that the existing signs look like a postage stamp in comparison to the building size. The sign on the front of the building cannot be seen because you are focusing on the cars in front of you as you drive. The temporary signs will attract visibility to get a tenant. He does not feel that it will negatively impact the Village.

Chairman Putman asked if the property is listed on the MLS. Mr. Feinberg stated that he is not sure. They have called the commercial brokers. It's a 9,000sq. ft. building that has parking. He had a tenant a year ago – an adult daycare facility. They went through the process to have the property rezoned but the tenant “evaporated”.

Chairman Putman asked if the building was being shown. Mr. Feinberg stated yes it is. Chairman Putman asked what difference will bigger signs make if it is being shown all the time.



Chairman Putman asked what period of time Mr. Feinberg was asking for the sign. Mr. Feinberg stated that he is not sure but it will be temporary.

Mr. Sheredy expressed mixed feelings because the building is being shown, it is being noticed based on the existing signage. Mr. Feinberg explained that he has tried it this way and would like to try something different. They will paint the exterior of the building.

Attorney VanWhy explained that the Zoning Board of Appeals must give the minimum variance possible.

Mr. Feinberg stated that the signs now are not effective because of the size.

Chairman Putman expressed concern over setting a precedent. Mr. Feinberg stated that he did not think it would be an issue because very few buildings on Main Street are stand-alone buildings like this is.

Chairman Putman read the Department Head, Staff & 239 Review Comments:

Department Head, Staff & 239 Review Comments:

Police:	No compelling interest.
Fire:	No compelling interest.
Code Enforcement:	Proposed sign is larger than the Code permits.
Public Works & Water:	No compelling interest.
NYS DOT:	No comments.
Broome County Planning:	Recommends denial of the requested area variances because they would run contrary to the Village of Johnson City efforts to improve the local signage and to the purpose of the sign regulations to reduce visual clutter through the prevention of excessive sign displays.
Planning Staff:	The Planning Department staff recommends that the Planning Board recommend to the ZBA: <ol style="list-style-type: none">1) Denial of a variance for a real estate sign that is 4.5 times larger than permitted, for a 72 square-foot temporary real estate sign; and2) Denial of a variance for two additional real estate signs. The request for a sign that is four and half times larger than permitted seems excessive. Planning staff recommend that one additional real estate sign be permitted, for a total of two, on separate walls.

Mr. Slota explained that he is okay with bigger signs but not as big as being requested.



A motion to recommend approval of a variance to the Zoning Board of Appeals for three signs two and one half times larger than the size permitted was made by Mr. Slota and seconded by Mr. Sheredy.

Motion Carried - Vote:

Yes – 3 (*Sheredy, Holbert, Slota*) **No** – 1 (*Putman*) **Absent** – 1 (*Drimak*)

Pouya Goudarzi/Goudarzi Motors – 26 Main Street
Set public hearing for special permit renewal

A motion to set a public hearing at 7:30pm on November 22, 2016 for a special permit renewal was made by Mr. Sheredy and seconded by Mr. Holbert.

Motion Carried - Vote:

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

ADJOURNMENT

The meeting was adjourned at 8:40pm.

Respectfully submitted,



Diane Busko
Planning Board Clerk

