

Minutes of a regular meeting of the  
Johnson City Planning Board held on  
April 24, 2018 at 7:30pm at  
243 Main St., Johnson City, NY

Present: Gerald Putman, Chairman  
Donald Slota  
Greg Matyas  
Mary Jacyna

Absent: Andrew Holbert, Vice Chairman

Also Present: Kim Cunningham, Clerk to the Planning & Zoning Boards  
Nate VanWhy, 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 and noted the emergency exits.

**MINUTES**

A motion to approve the minutes from the March 27, 2018 meeting was made by Mr. Matyas and seconded by Mr. Slota. The motion passed with all those present voting in the affirmative.

**PRIVILEGE OF THE FLOOR** - None

**COMMUNICATIONS** - None

**CONTINGENCIES** - None

**OLD BUSINESS** - None

**NEW BUSINESS**

**Mark Dellapenna – 7 Burns St.**

***Advisory Opinion for Area Variance (Fence height at lot line)***

Mark Dellapenna was present on behalf of the application. He stated that they have an existing page link fence across the front of the construction storage yard. They put a solid wooden fence 15 feet on either side of the 20 feet wide gate, which they would like to keep. Code said the solid fence needs to be 8 feet back from the edge of the sidewalk, or they need to apply for a variance to have a solid fence higher than three-feet at the property line. The 20-foot entrance gate will stay chain link, the same as it was.

A motion that the Planning Board recommend to the Zoning Board approval of the area variance as presented was made by Mr. Matyas and seconded by Mrs. Jacyna.

*Motion Carried - Vote:*

*Yes – 4 (Matyas, Jacyna, Putman, Slota) No – 0 Absent – 1 (Holbert)*



**Chris Butora – 757 Harry L. Dr.**

***Advisory Opinion for Area Variance (Setbacks for accessory building and principle building)***

Chris Butora was present on behalf of the application. He built stairs to access the second floor of the principal building that requires a side setback variance. The other variances are for the accessory building that is on the backside of the property for distances to the existing building, as well as property line. There is no attachment from the steel building to the accessory building.

Mr. Butora stated his apartment is on the second floor. Chairman Putman confirms Mr. Butora built accessory building without the proper permit.

Marina Lane confirms there are three different variances. The stairs are within the required 20 foot side setback because the stairs are a part of the principle building. They encroach into the side setback, so they need an area variance of 13 feet to be able to keep the stairs 7 feet from the property line. Regarding the accessory building, NYS Building Code requires 8 feet between two buildings on the same lot and they are about a foot apart, so they need a variance of 7 feet to have a one foot distance between the two buildings. The accessory building is only required to have 10 foot side setback, but falls within 6 of the side property line, so he needs a 4 foot area variance. Mr. Butora confirmed Window World has parking out back and they have a dumpster back there. There is no issue of trucks getting back there.

Chairman Putman read the Department Head Comments.

Chris Butora built exterior stairs on his commercial building, leading to the second story without a building permit. The stairs are within the required 20-foot side setback. Mr. Butora also erected a metal structure without a building permit for an accessory pipe molding business. The second structure, located at the rear of the primary building, is within the NYS Building Code required eight-foot separation between buildings. Finally, the second building was erected within the 10-foot side setback.

Mr. Butora is seeking the following area variances:

- 1) a 13-foot area variance for a side setback of 7-feet for the stairs on the principal structure;
- 2) a 7-foot area variance for one-foot distance between the principal building and the second building; and
- 3) a 4-foot area variance for a side setback of 6-feet for the accessory building.

**239-Review and Department Head Comments:**

- **Broome County Planning:** The Planning Department has reviewed the above-cited case and has not identified any significant countywide or inter-community impacts associated with the proposed project; however, they had the following comments:
  - The project site is located entirely within the Preliminary FEMA Special Flood Hazard Area. The applicant should be informed of the risks of placing the project within the Special Flood Hazard Area.
  - The Village Zoning Board of Appeals should ensure that the project would not impede emergency access.
  - The Village Zoning Board of Appeals should ensure that the project complies with all applicable laws for the storage, handling, and disposal of hazardous materials.



- The Village Zoning Board of Appeals should ensure the project include appropriate drainage.
- **NYS DOT:** The Region 9 Site Plan Review Committee has no comments on this proposal at this time.
- **Public Works & Water:** No comments.
- **Police:** No compelling interest.
- **Fire Department:** No comments.
- **Code Enforcement:** No comments.
- **Planning Department:** Recommends approval of all area variances. The structures are already constructed. The Zoning Board of Appeals may want to require that the structures be inspected for structural safety.

A motion for an advisory opinion to the Zoning Board to approve all area variances with the recommendation the structures be examined for structural safety and include the Department Head Comments was made by Mrs. Jacyna and seconded by Mr. Slota.

*Motion Carried - Vote:*  
*Yes – 4 (Matyas, Jacyna, Putman, Slota) No – 0 Absent – 1 (Holbert)*

**U-Haul – 631 Field Street**  
***Declare Lead Agency, Unlisted Action - Call for a Public Hearing for Motor Vehicle Rental***

A motion for a Public Hearing for U-Haul at 631 Field Street was made by Mr. Matyas and seconded by Mr. Slota.

*Motion Carried - Vote:*  
*Yes – 4 (Matyas, Jacyna, Putman, Slota) No – 0 Absent – 1 (Holbert)*

A motion to declare the Planning Board as the Lead Agency for 631 Field Street was made by Mrs. Jacyna and seconded by Mr. Matyas.

*Motion Carried - Vote:*  
*Yes – 4 (Matyas, Jacyna, Putman, Slota) No – 0 Absent – 1 (Holbert)*

**ADJOURNMENT**

The meeting was adjourned at 7:56pm.

Respectfully submitted,

Kim Cunningham  
 Planning Board Clerk

