

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

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

Also Present: Kim Cunningham, Clerk to the Planning & Zoning Boards  
Cheryl Sacco, Attorney for the Village  
Marina Lane, Town of Union Senior Planner

A brief work session was held at 7:02pm. 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 June 26, 2018 meeting was made by Mrs. Jacyna and seconded by Mr. Slota. The motion passed with all those present voting in the affirmative.

**PRIVILEGE OF THE FLOOR**

Chairman Putman opened the privilege of the floor.

Naima Kradjian presented information regarding the Good Will Theatre Project and the direction they are going.

Chairman Putman closed the privilege of the floor.

**COMMUNICATIONS** - None

**CONTINGENCIES** - None

**OLD BUSINESS**

**A&E Auto – 176 Main Street – Withdrawn**

Close Public Hearing for Special Permit to Increase Number of Vehicles parked on site.

The Applicant has withdrawn the application.

Chairman Putman closed the public hearing.



## **NEW BUSINESS**

### **Raja Tariq - 1 Adams Avenue**

SEQRA, Public Hearing for a Special Permit to Construct a Two-Family Building

Chairman Putman reviewed Parts I, II and III of the short Environmental Assessment Form (EAF).

A motion to declare a Negative Declaration under SEQRA for the property at 1 Adams Avenue was made by Mr. Holbert and seconded by Mr. Matyas.

*Motion Carried - Vote:*

*Yes – 5 (Matyas, Jacyna, Holbert, Slota, Putman) No – 0 Absent – 0*

Chairman Putman opened the public hearing.

Joe Fron, 25 Adams Ave. – Stated that he moved here in 1958. There are dozens of children in the neighborhood. He wants to see a one-family house and keep the neighborhood safe. Five Adams Avenue is abandoned. He doesn't want added traffic or noise and doesn't want to see 1 Adams Avenue rezoned. A wrecked auto was put in the yard at 5 Adams Avenue a couple of days ago and covered with a tarp. One house along the street is a five-family house as it has five electric meters. It is listed for sale as a four-family house.

Ms. Lane stated that she spoke with Code and it is listed in the assessor's office as a three-family but Code Enforcement believes it is a four-family. The real estate listing has been taken down.

Janet Kent, 80 Greenridge St. – It is a quiet neighborhood. She does not see it as a good setting for a two-family. It is a peaceful and harmonious neighborhood. She doesn't see the validity of putting a two family house there. That property is on much higher ground than properties around it. Neighborhood homeowners take very good care of their properties.

Sean Meaney, 14 Adams Ave – Has lived there for four years. Five Adams Avenue is an eyesore. Questioned whether the owner will try to use the two lots together? Is Mr. Tariq going to use the back part of 5 Adams Avenue for parking? There is not enough parking on a Saturday night as it is. It is quiet there and he likes it like that.

Leo Cotnoir, 138 Greenridge St – He would like his neighbor's letter entered into the record. He has lived here since 2010. He believes the Board should reject the application. He discussed and showed photographs of other properties that Mr. Tariq owns. Putting in two-family rental properties fundamentally changes the neighborhood. It would be owned by an absentee landlord who is the owner of several properties that are in bad condition. The social impacts will be devastating.

Lori Kendrick, 123 Greenridge St – Has lived here for 32 years. Mr. Tariq hasn't done anything with 5 Adams Avenue since two years ago. He started painting it and never



finished it. The front porch isn't finished. He shouldn't be able to build on another property when he can't take care of the one there now.

Adam Barnfather, 2 Adams Ave – Stayed at Mr. Tariq's motel for a month before he moved to Adams Avenue. He doesn't think anything good will come out of it.

Chairman Putman read a letter from Tammie Hein of 134 Greenridge Street asking that the Planning Board "please support our desire to maintain single family homes in the area."

Chairman Putman read a letter from Scott Campbell of 139 Greenridge Street. Mr. Campbell is adamantly opposed to the request for a special permit.

Chairman Putman read a letter from Pat Antal of 10 Adams Avenue. She hopes that the owner rents to decent people and maintains the property. She wants the property to be an asset to Adams Avenue.

Chairman Putman read a letter from Mary Lou Roberts at 21 Adams Avenue. She objects to the proposal for the two lots. It has been a family neighborhood for seventy years and the design is not suitable for the area. There will be a problem with parking and the permit should not be granted.

Chairman Putman read a letter from Grace Rossi, 24 Adams Avenue, to Trustee Balles. They are concerned about the property. "This would ruin the neighborhood. Please do not allow this to go through."

William Hill, 122 Greenridge St. – His concern is that rain runs off to his lower lot. He is worried about the new construction and if it will add to the drainage problem on Greenridge Street.

Chairman Putman closed the public hearing.

George Haus, architect on behalf of Raja Tariq, explained the plans for 1 and 5 Adams Avenue.

Chairman Putman read the Department Head comments.

A motion to recommend denial of the special permit to construct a two-family home at 1 Adams Avenue based upon Chapter 300.66.7 of the Johnson City Village Code in that the proposed use will not be in harmony with the general purpose of this chapter (66.7 D); will tend to depreciate the value of the adjacent property (66.7 E); will create a hazard to health, safety or the general welfare (66.7 F); it will alter the essential character of the neighborhood or be detrimental to the neighborhood residents (66.7 G); and will otherwise be detrimental to the public convenience and welfare (66.7. H) was made by Mrs. Jacyna and seconded by Mr. Matyas.

*Motion Carried - Vote:*

*Yes – 5 (Matyas, Jacyna, Holbert, Slota, Putman) No – 0 Absent – 0*

**Oakdale Valley Assoc., LLC – 153 Oakdale Road**

Lead Agency, Unlisted Action; SEQRA, Site Plan Review

Oakdale Valley Associates submitted an application to renovate a building located at 153 Oakdale Road into a new medical office. Ed Gent and Mark Lane were present on behalf of Oakdale Valley



Associates. The building will be a medical facility offering pain management and physical therapy.

A motion to declare the Village of Johnson City Planning Board as lead agency for 153 Oakdale Road was made by Mr. Matyas and seconded by Mr. Holbert.

*Motion Carried - Vote:*

**Yes – 5 (Matyas, Jacyna, Holbert, Slota, Putman) No – 0 Absent – 0**

The Board, having reviewed Part I, Part II and Part III of the SEQR Short Environmental Assessment Form, determined that there will not be any significant adverse environmental impacts with respect to the project.

*Discussion:* Chairman Putman asked how they plan to flood proof the building.

Ms. Lane explained that flood proofing could include the walls being made of a material that will be resistant to flooding, or that the electrical outlets will be above flood levels.

A motion to accept a negative declaration for the project at 153 Oakdale Road 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 – 5 (Matyas, Jacyna, Holbert, Slota, Putman) No – 0 Absent – 0**

*Discussion:* Chairman Putman confirmed the site plan is exactly the same as the one we have seen before. There are no exterior changes to the building and there are no interior changes to the building besides minor work.

Chairman Putman reviewed the staff report.

## ***I. SITE PLAN REVIEW***

Oakdale Valley Associates, LLC, submitted an application to renovate a 4,372 square foot building located at 153 Oakdale Road (#143. 37-1-5) into a new medical office. The property is zoned General Commercial (GC), and the medical office is a permitted use.

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 used for a future sign. The property is currently in the 500-year floodplain, but it is also in the preliminary 100-year floodplain; therefore the renovation will include flood-proofing measures.

Based on the area of the building, the site is required to have 22 parking spaces (5/1,000sf). The site plan shows 34 parking spaces, including two handicapped accessible spaces. Additional landscaping shall be planted, as shown on the site plan.



## **II. 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 recommends a Negative Declaration. The following comments are from the internal and 239-Review:

- **Code Enforcement:** The applicants shall use plumbing and electrical contractors licensed by the Village, and apply for appropriate building permits.
- **Fire Dept:** The building must follow all fire codes. Contact the Fire Marshal at 607-729-9512 to inspect the building prior to the issuance of a Certificate of Occupancy.
- **Police Dept:** No compelling interest.
- **Public Works & Water:**
  - Water meter is old type ARB meter; it must be upgraded at cost to a radio read meter.
  - Existing water service is a 1 inch diameter and requires a backflow device. Engineer should verify that the service is adequate for proposed usage.
  - 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.
- **B. C. Planning:** No significant county-wide or inter-community impacts associated with the project; however the department had the following comments:
  - recommends that a landscaping plan be included.
  - recommends that the applicant should be made aware of the risks of developing in the Preliminary FEMA 100-year floodplain.
- **BMTS, NYS DOT, and BCHD:** No comments.

## **III. PLANNING STAFF RECOMMENDATION:**

The Planning Department recommends approval of the site plan with the requirements from the Department Heads, and the following stipulations:

1. Any proposed signage shall be submitted to the Code Enforcement Officer for review and approval prior to installation.
2. If any new lighting is proposed, the applicant shall first submit a lighting plan to the Code Enforcement Officer for review and approval.
3. If the parking lot should be repaved or seal-coated, the new striping shall delineate parking spaces at a minimum of nine (9) feet wide by eighteen (18) feet long, including the handicapped-accessible spaces, and eight (8) feet wide handicap access spaces adjacent to the handicap parking spaces, per the approved site plan.



4. The required handicap parking shall conform to the Property Maintenance code of NYS, and shall be provided with signage displaying the international symbol of accessibility. The access aisle shall be provided with signage reading “No Parking Anytime.” Signs shall be permanently installed at a clear height of between 60 inches and 84 inches above grade and shall not interfere with an accessible route from an access aisle.
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. Cut sheets for the dumpster enclosure shall be submitted to the Planning Department prior to the issuance of a Certificate of Compliance.
6. A landscaping plan shall be submitted for review prior to the issuance of a Certificate of Compliance. The landscaping shall be planted by June 30, 2019.
7. The landscaping 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. 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.
9. 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.

*Discussion:* Chairman Putman questioned the date of completion.

Mr. Lane responded that they are trying to finalize the lease. The businesses would like to open January 1, 2019.

A motion to approve the site plan including Department Head comments for 153 Oakdale Road was made by Mr. Holbert and seconded by Mr. Slota.

*Motion Carried - Vote:*

**Yes** – 5 (*Matyas, Jacyna, Holbert, Slota, Putman*)    **No** – 0    **Absent** – 0

**59 Lester Empire LLC – 59 Lester Avenue**

SEQRA Determination, Advisory Opinion to Village Board of Trustees re: Rezone

Attorney Sarah Campbell, Isaac Anzaroot, Project Sponsor, and Mark Parker, Engineer from Keystone Associates, appeared on behalf of 59 Lester Empire LLC. The building has not changed; it is still the old factory. They did make minor changes to the site plan in response to the 239 comments that came back from Broome County.



Mark Parker stated they submitted a landscape plan which includes cross walks, a bike rack, a dumpster pad, and a fence in the back on the property line. They also changed the parking requirement notation because Code Enforcement updated the parking requirements. They also had a traffic analysis prepared.

Chairman Putman stated that, at the last meeting, Attorney Campbell indicated the housing was categorized as affordable housing.

Attorney Sarah Campbell confirmed the housing is age restricted affordable housing.

The age restriction is 55 years old.

The parking requirement for senior housing is less than that for regular apartments, but it had been originally overlooked, and Code Enforcement has corrected the determination for the parking variance. Parking for senior housing is 1.3 spaces per unit, versus 1.5 per unit.

Attorney Campbell stated that this is a big building and there is no place in the area that could accommodate all the required parking. They will never achieve 100% parking.

Chairman Putman reviewed Parts I, II and III of the full Environmental Assessment Form.

There was some discussion regarding the potential need for groundwater monitoring wells. The evaluation resulted in no or small impact.

Mr. Matyas questioned if there was ever an asbestos issue.

Mr. Cerretani confirmed there is an asbestos report from Delta Engineers and there will be extensive asbestos cleanup.

A motion to declare a Negative Declaration under SEQRA for the properties at 59 Lester Avenue and 28 Avenue B was made by Mr. Holbert and seconded by Mr. Matyas.

*Motion Carried - Vote:*

*Yes – 5 (Matyas, Jacyna, Holbert, Slota, Putman) No – 0 Absent – 0*

A motion to make a recommendation to the Village Board for approval of the rezone of 59 Lester Ave from Industrial to General Commercial, including the Department Head comments, was made by Mr. Slota and seconded by Mr. Holbert.

*Motion Carried - Vote:*

*Yes – 5 (Matyas, Jacyna, Holbert, Slota, Putman) No – 0 Absent – 0*

### **Munchies Express – 111 Riverside Drive**

Transfer of Special Permit from Happy Tomato to Munchies Express

Paul Della Penna was present on behalf of the application. He will serve pizza, wings and subs to the community from a business that is already established. He is requesting that the Special permit be transferred from Mr. Vail to himself. The name of the new business is Munchies Express. He has everything in place including the food service permits.



Chairman Putman confirmed with Fritz Vail that he will not cook for his catering business out of this location as the special permit does not allow it.

Chairman Putman read the Special Permit Transfer Report.

**Special Permit Request:**

Frazier Vail was granted a temporary Special Permit for a take-out restaurant, the Happy Tomato, in 2013. The property is in a Neighborhood Commercial zoning district and the proposed take-out restaurant is a permitted use only by Special Permit. Mr. Vail also owns the adjacent property at 103 Riverside Drive with a pre-existing take-out ice cream business, Sugar Lips, and the two properties have a reciprocal parking easement agreement filed with the deeds in order to better meet the parking requirement for each business and the apartments at 111 Riverside Drive. In addition, the property at 111 Riverside Drive was granted a 10 space parking variance by the Zoning Board of Appeals on February 10, 2014, with the stipulation of filing the shared parking easement agreement.

The original Special Permit approval included an accessory kitchen use for the preparation of food for Mr. Vail's catering business. The Special Permit was re-approved in 2015 with the stipulation, per Code Section 300-66.11, that the Special Permit can be transferred only upon approval by resolution of the issuing board.

Mr. Paul Della Penna submitted a request for the transfer of the Special Permit for a new take-out restaurant, Munchies Express. This request does not include the accessory catering business.

**Additional Notes for Special Permits:**

300-66.8. CONDITIONS ON SPECIAL USE PERMITS

- A. The Planning Board may impose such conditions upon the premises benefited by a special use permit as may be necessary to prevent or minimize adverse effects upon other property in the neighborhood, including limitations on the time period for which the permit is granted.
- B. Such conditions shall be expressly set forth in the motion authorizing the special use permit.

**Staff Recommendation:**

The Planning support staff recommends approval of the transfer of the Special Permit, with the following stipulations:

- 1) The Special Permit for a take-out restaurant business shall be for one and only one take-out restaurant operation to be conducted from 111 Riverside Drive. Food preparation for other businesses shall not be permitted. Any request by another business shall require submission of the zoning application, including a site plan showing additional parking.
- 2) No cooking shall take place outdoors.
- 3) 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 after 11:00 pm.



- 4) 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 good condition at all times.
- 5) Delivery trucks shall park only on Martin Street, and no closer than thirty (30) feet from the intersection with Riverside Drive.
- 6) If any new signage is proposed, a sign permit shall first be submitted to the Building Permits office. 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 flash, blink, rotate, or move are not permitted.
- 7) Parking in the striped space identified as a “No Parking” space on the site plan shall be prohibited. It is in the 25-foot visibility triangle.
- 8) Special permit modification approval will be required if there are any changes to the site plan or change in use of the property.
- 9) The Special Permit shall expire should the property or business be sold to another entity, per § 300-66.11. Transferability:  
A special permit is not transferable except upon approval by resolution of the issuing board. 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.
- 10) The applicant shall agree to the stipulations of approval in writing prior to the issuance of a certificate of compliance.

A motion to grant the transfer of the special permit from Happy Tomato to Munchies Express at 111 Riverside Drive was made by Mr. Slota and seconded by Mrs. Jacyna.

*Motion Carried - Vote:*

*Yes – 5 (Matyas, Jacyna, Holbert, Slota, Putman) No – 0 Absent – 0*

## **ADJOURNMENT**

The meeting was adjourned at 9:23pm.

Respectfully submitted,

Kim Cunningham  
Planning Board Clerk

