

Minutes of a regular meeting of the
Johnson City Zoning Board of Appeals
held on February 11, 2019 at 7:30pm
at 243 Main St., Johnson City, NY

Present: Leonard Sas, Vice Chairman
Dr. Steve Holowinski
Vernon Rowlands, Secretary
Donald Slota

Also Present: Nathan VanWhy, Attorney for the Village
Daria Golazeski, Town of Union
Trustee Martin Meaney
Trustee John Walker

Absent: Kim Cunningham, Clerk to the Planning & Zoning Boards
Edward Mazanek, Chairman

A brief work session was held at 7:00pm. During the work session the board reviewed the applications on the agenda.

Reorganization of officers

A motion to nominate Mr. Edward Mazanek as Chairman was made by Dr. Holowinski and seconded by Mr. Sas. The motion carried with all those present voting in the affirmative.

A motion to nominate Mr. Leonard Sas Vice Chairman was made by Dr. Holowinski and seconded by Mr. Sas. The motion carried with all those present voting in the affirmative.

A motion to nominate Mr. Vernon Rowlands as Secretary was made by Dr. Holowinski and seconded by Mr. Sas. The motion carried with all those present voting in the affirmative.

Vice Chairman Sas called the meeting to order at 7:31pm & noted the emergency exits.

MINUTES

A motion to approve the minutes of the November 12, 2018 regular meeting was made by Mr. Rowlands and seconded by Dr. Holowinski. 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

Mai Thai Restaurant – 207 Grand Avenue
SEQRA Review



Public Hearing – Area Variance – For eight parking spaces

Mr. Sas opened the public hearing. There being no one wishing to speak, Mr. Sas closed the public hearing.

No one was present on behalf of the application.

Attorney VanWhy reviewed the Short EAF Parts I and II. No or small impact to the environment.

Steven Leung arrived and is the owner of Mai Thai Restaurant and was present on behalf of the application requesting an area variance for eight additional parking spaces.

A motion to declare the project at 207 Grand Avenue an unlisted action and issue a negative declaration was made by Mr. Rowlands and seconded by Dr. Holowinski.

Motion Carried – Vote:

Yes – 4 (*Holowinski, Sas, Rowlands, Slota*) **No** – 0 **Absent** – 1 (*Mazanek*)

Mr. Leung explained when they first got approved for a variance of 32 parking spaces it was officially 8 tables times four seat which equates to 16 parking spaces that were needed for variance. They were operational for one year and they saw a pickup of business. People would walk over to the business; use Uber or mass transit and due to the development of the Pharmacy School and apartment there is an overwhelming need for additional tables. There are a lot of times where there are people standing and waiting. Request for 8 additional parking spaces equates to four additional tables, 16 official seats.

Vice Chairman Sas questioned if Mr. Leung looked for solutions to parking question.

Mr. Leung responded they looked across the street where there is an old garage and is looking into buying the property. He is unsure he wants to sell and Mr. Leung understands there may be environmental issues.

Vice Chairman Sas read the Planning Board findings including the Department Head Comments.

Steven Leung opened a 1,600 square-foot sit-down restaurant with take-out at 207 Grand Avenue in a Neighborhood Commercial Zoning District. The original floor plan showed 32 seats. There is no parking available on the site, and a 16-space parking variance was granted by the ZBA in 2017. Mr. Leung has submitted a revised floor plan providing seating for an additional sixteen (16) customers, for a total of 48 seats, which requires an additional eight (8) parking spaces. Therefore, Mr. Leung has applied for an area variance for those eight (8) parking spaces.

Code Enforcement: – Maximum seating is 48 based on square footage of dining room. On street parking cannot be ear-marked for restaurant and can go away if conditions warrant. Maximum total occupancy is 52.

DPW – It should be considered that if this variance is granted, there will be an increased demand for parking spaces upon the public streets. How will this increased demand affect the adjoining properties?



J.C. Police – No compelling interest. I have not observed any issues with the current variance and I do not foresee any issue if the additional variance was granted.

J.C. Fire Dept. – Patrons shall comply with the “No Parking” signs at the corners of the intersection to ensure all emergency vehicles have clear access through the intersection.

Broome County Planning Department – Has not identified any significant countywide or intercommunity impacts.

NYS DOT: - Have no comments due to the project’s distance from the State right-of-way and minimal traffic impact.

Planning Department staff recommends approval of the area variance for eight parking spaces. Attendees of the former uses in the building, a pharmacy and then VFW Hall, were able to park on the street or walk to the building without significant impact on the adjacent uses. Many patrons of the restaurant live nearby and walk to the restaurant for both sit-down and take-out service.

Mr. Rowlands questioned the recommendation for eight parking spots and whether they are in addition to the eight. Ms. Golazeski confirmed the eight parking spots are in addition to the original sixteen spaces granted.

A motion to grant the area variance for eight additional parking spaces including the Department Head Comments was made by Mr. Rowlands and seconded by Mr. Slota.

Motion Carried – Vote:

Yes – 4 (*Holowinski, Sas, Rowlands, Slota*) **No** – 0 **Absent** – 1 (*Mazanek*)

ADJOURNMENT

A motion to adjourn the Zoning Board meeting was made by Mr. Rowlands and seconded by Dr. Holowinski. The motion passed with all those present voting in the affirmative.

The meeting was adjourned at 7:42pm.

Respectfully submitted,

Kim Cunningham
Zoning Board Clerk

