

Minutes of a regular meeting of the
Johnson City Zoning Board of Appeals
held on September 10, 2018 at 7:30pm
at 243 Main St., Johnson City, NY

Present: Edward Mazanek, Chairman
Leonard Sas, Vice Chairman
Dr. Steve Holowinski
Vernon Rowlands, Secretary

Also Present: Kim Cunningham, Clerk to the Planning & Zoning Boards
Nathan VanWhy, Attorney for the Village
Daria Golazeski, Town of Union

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

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

MINUTES

A motion to approve the minutes of the July 9, 2018 regular meeting was made by Dr. Holowinski and seconded by Mr. Sas. The motion carried with all those present voting in the affirmative.

PRIVILEGE OF THE FLOOR – None

COMMUNICATIONS - None

CONTINGENCIES - None

OLD BUSINESS

1 Chrisfield Ave

Public Hearing Continued – Sign Variances – Two Rivers Church

Chairman Mazanek continued the public hearing.

Discussion: Connor Foran with TJ Sign Solutions and Pastor John Snyder of Two Rivers Church appeared on behalf of the application. In July, they removed their request for a second sign on the roof. They are still requesting a sign variance for the north side sign facing traffic circle for identification of the church. Requested sign is 75 square feet, code limits are 25 square feet. The only sign that is illuminated is the monument sign which is on a timer and it goes off at 9:00pm.

Chairman Mazanek closed the public hearing.

A motion to approve an area variance for a monument sign 29.14 square feet greater than permitted, an area variance for an internally illuminated monument sign, an area variance for the height of a monument sign 4.3 feet greater than permitted and an area variance for a wall sign 50.13 square feet greater than permitted



taking into consideration the Department Head Comments was made by Mr. Rowlands and seconded by Dr. Holowinski.

Motion Carried – Vote:

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

59 Lester Ave

Public Hearing – Parking Variance

Chairman Mazanek opened the public hearing.

Attorney Sarah Campbell and Conan Cerretani, Project Manager, appeared on behalf of the application. This is the former EJ Victory Building, an adaptive reuse with the first floor retail office with the upper floors 232 age restrictive one bedroom apartments. This is in the Historic District so the project is governed aesthetically on the exterior by the state preservation office. The goal is to restore it to its historic character. They have submitted a landscaping plan and they will go back to the Planning Board for Site Plan Review.

They are appearing for a parking variance. The parking requirement for senior population is 1.5 cars per dwelling unit which equals a requirement of 302 parking spaces; retail requirement is four per 1,000 square feet, 60,000 square feet on the ground floor for a total of 240 parking spaces. The senior requirement does require more than one per unit, but given the affordable housing component, it is likely that a large population of the residential use may not have cars at all. Example: If we have 232 units and half of units have cars, we would only need 116 spaces. They are unsure as to the correct square footage of the building, they have seen anywhere from 50,000 to 60,000 square feet. If it is 50,000 square feet, the parking requirement is 212 spaces for first floor and 116 for the upper floors totaling 328 and they have 303.

There is bus transportation nearby. The owner is hoping to purchase other parcels nearby. They need to move forward in terms of the project. No one can meet the parking requirement for any use for the square footage of this building. There are many benefits to the project:

- Unique residential component
- Positive change in the character of the neighborhood associated with the redevelopment of this project
- New vibrant population coming to the neighborhood both workers on ground floor and the residents on the upper floors.

A traffic analysis was completed and there were no negative effects on existing traffic patterns. The development is a significant reduction in traffic generation as compared to the previous manufacturing years. It is a positive benefit to the neighborhood and the Village of Johnson City as a whole.

Helen Drive is a private drive and the owner owns the road. The police uses this road frequently to access their location. The owner has no reason to keep the road private and it is probably to his advantage to have it turned over to the Village so the Village can maintain it.

Discussion between Zoning Board, Attorney Campbell and Mr. Cerretani:

- Parking Spaces – Mr. Rowlands questions the parking spaces and whether there will be set parking spaces for residents and retail customers. Attorney Campbell assumes there will be



parking spaces designated for residential component and designated spaces for commercial component.

- Retail Services – Mr. Sas asks whether the retail services will be restricted to residents. Attorney Campbell responds, the goal is to have services for residential use, but it can't be restricted to residents.
- Dumpster Pad - Mr. Sas is concerned that the dumpster pad will not be sufficient. Mr. Cerretani states they will have to look into this to see what will be sufficient for the residents and retail space.

Dennis Mitchell states he owns 10 adjoining properties and has had conversations with Isaac. As long as buyer meets a number of prerequisites he has, he will sell them all the properties on the street he needs. This would add 100-150 parking spaces. Mr. Mitchell is in support of this project.

Attorney VanWhy discusses the variance and whether the project meets the five factors the board has to consider

- Whether it would cause an undesirable change in the character of the neighborhood or be detrimental to the neighborhood residents
 - An adjoining neighbor confirms he is in support of the project
- We have touched on whether the benefits can be achieved by some other method that is feasible and whether the proposed would have an adverse effect on the conditions of the neighborhood.
- Traffic and impact has been discussed
- Is the alleged difficulty self-created?
 - Attorney Campbell states they didn't create the problem, they purchased the property knowing of its limitations and made a proposal. The structure is 220,000+ square feet. No matter who buys it, no one can meet the parking requirement. It was a built environment already and they did not create the square footage.

Chairman Mazanek closed the public hearing and read the department head comments.

DEPARTMENT HEAD COMMENTS:

The following are comments received that are relevant to the traffic, parking and/or the parking space variance.

- **B. C. Planning:** found no significant county-wide or inter-community impacts associated with the project, but made the following recommendation:
 - The site plan should show the following: driveway curb cuts, drainage plan, landscaping plan, lighting plan, delivery drop-off and pick-up areas for commercial spaces, dumpster enclosures, any fencing and exterior building materials and colors. (*Site plan is updated*)
- **BMTS:** requested that the applicant provide trip generation data for the proposed development. Following review of the trip generation data, BMTS had no additional comments related to traffic impacts and site access.
 - BMTS suggests the site plan be revised to include complete streets elements. Specifically, clear pedestrians connections in the form of sidewalks and painted



crosswalks should be provided between the parking areas and the building, and that these on-site pedestrian connections connect to the town's existing sidewalk network. A context appropriate pedestrian connection should be provided across Lester Avenue since it is likely that tenants will be walking to the park and shopping center located to the northeast of the site. The type and location of this pedestrian connection should be coordinated with the town. Other complete streets elements that the applicant should consider providing include exterior lighting, parking lot landscaping and buffering, and bicycle parking.

- **NYS DOT:**

- The applicant should establish pedestrian connections between the development and the surrounding sidewalk network, and should coordinate with the Village of Johnson City to ensure that the nearby sidewalks are appropriate to receive the pedestrian traffic to be generated by this development;
- It is likely that this development will generate a substantial number of pedestrian trips to and from the nearby Walmart, and the applicant and Village should coordinate to provide for safe pedestrian crossing of Lester Avenue;
- Do not anticipate any trip generation impacts to the Region due to existing traffic signals at three different access points to the project.

- **Code Enforcement:**

- The parking spaces shall be striped and posted according to the Accessibility section of the NYS Building Code.

- **Police Department:** Considering that the apartments are one-bedroom and are intended for senior housing, it is believed that most tenants will only have one vehicle, if any; therefore the Department does not foresee a parking issue.

A motion to approve an area variance for 239 parking spaces, including the Department Head Comments was made by Mr. Sas and seconded by Dr. Holowinski.

Motion Carried – Vote:

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

ADJOURNMENT

Chairman Mazanek adjourned the meeting at 8:02pm.

Respectfully submitted,

Kim Cunningham
Zoning Board Clerk

