

Present: Gerald Putman, Chairman  
Joanne Drimak  
Andrew Holbert  
Donald Slota

Absent: John Walker, Vice Chairman

Also Present: Diane Busko, Clerk to the Planning & Zoning Boards  
Jeff Jacobs, Attorney for the Village  
Mayor Gregory Deemie  
Paul Nelson, Town of Union Planning Director  
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 March 22, 2016 regular meeting was made by Mr. Slota and seconded by Mrs. Drimak. The motion passed with all those present voting in the affirmative.

### **PRIVILEGE OF THE FLOOR**

Mr. Charles Campbell – submitted a request to get a special permit to operate a pizza business at 111 Riverside Drive and asked if it would be included on next month's agenda. He presented the Board with additional information on his request.

### **COMMUNICATIONS** – None

### **CONTINGENCIES** - None

### **OLD BUSINESS** - None

### **NEW BUSINESS**

#### ***Goudarzi Motors - 26 Main Street***

#### ***SEQR, Public Hearing for a Special Permit & Site Plan Review – contingent upon the granting of the Special Permit***

Pouya Goudarzi has submitted an application to open a motor vehicle sales business at 26 Main Street, Johnson City. In addition to site plan review, a Special Permit from the Planning Board is required to sell vehicles in a General Commercial (GC) zoning district. Mr. Goudarzi has been issued a license to sell automobiles from the Department of Motor Vehicles. The application is for thirteen (13) display vehicles, and a maximum of two (2) employees on site. The vehicle sales use requires two parking spaces per sales person, and the site plan shows the required four parking spaces for employees. In addition, per prior approvals, the site plan shows four (4)



parking spaces for the retail business at 14 Main Street. Handicapped-accessible parking must be included. 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. Although there is access to public water at the site, the water has not been turned on due to lack of site plan approval. Mr. Goudarzi was told on February 23, 2016, in an Order to Remedy from Code Enforcement that a Special Permit is required to sell vehicles. On March 8, 2016, Mr. Goudarzi was told by the Planning Department that he was not permitted to use the building without water, nor sell vehicles from the site without a Special Permit and site plan review. On April 7, 2016, the Planning Department sent Mr. Goudarzi a letter, formally reminding him of these facts.

Mr. Goudarzi has been displaying a commercial sign on the building without a permit. He was issued a violation letter from Code Enforcement on April 11, 2016, regarding the illegal sign and reminding him that his first letter of violation from Code Enforcement regarding selling autos was sent on February 23, 2016. Subsequently, Mr. Goudarzi met with Code Enforcement, Public Services and Planning to resolve the issue of site plan and Special Permit application submittal. On April 15, the application was submitted. On April 28th, Mr. Goudarzi was reminded by Code Enforcement that he must take down the business sign. As of May 6, the sign was still displayed on the building.

Attorney Jacobs explained that his office has done work with the applicant and therefore he will be recusing himself from this application. His office has not been asked to assist with the application.

### ***SEQR***

Chairman Putman explained that a SEQR Short Environmental Assessment Form has been prepared and reviewed and the Planning Board assumed the position of lead agency.

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

Chairman Putman opened the public hearing.

*Michael Spencer, Beverly Place* – Explained that Beverly Place is a dead end street. Expressed his concerns regarding visibility. There have been issues the last year or 2. The cars provide a blockade if you are turning on to Beverly Place with the traffic from the store at 14 Main Street.

Mr. Slota asked how many cars can fit in the lot. Mr. Spencer stated that in the past there have been as many as 20 cars with 8 cars in a row.

The Board reviewed photographs that Mr. Spencer provided and discussed the traffic issues.

Senior Planner Lane explained that the Planning staff directed the traffic flow to be as it is now.



*Milan Brutvan, Beverly Place* – Expressed concerns with the cars. Large vehicles block the line of sight turning onto Main Street. The lot is clear now but in the past there were a lot of cars there and he used to see fluids on the ground all the time going into the gutter.

Chairman Putman explained that the lot was part of a clean-up years ago and the applicant would need to have a way to collect fluids.

*Milan Brutvan, Beverly Place* – Previously repair work was not done in the building. He also asked why the need for the new special permit.

Chairman Putman explained that the code has changed since the previous business use stopped. The current code does not permit the use without the special permit.

Mr. Goudarzi stated that he will not have more than 13 cars. There will be 4 cars on Main Street. No repair work will be taking place outside or inside the building. Bays will only be used to detail cars for sale. Cars will be sent out for repairs. He does not want to aggravate the neighborhood.

Chairman Putman asked if the sign was still up. Mr. Goudarzi stated that yes it is. Chairman Putman stated that Code asked him to take the sign down.

Mrs. Drimak asked why the sign was not taken down. Mr. Goudarzi stated that he had already submitted the paperwork and there is a cost to take it down.

Mr. Slota asked if there are plans to finish the building inside. Mr. Goudarzi stated that he needs to add a bathroom. The water meter cracked so he also needs a new meter.

Chairman Putman closed the public hearing.

Chairman Putman read the department head comments.

**DEPARTMENT HEAD AND 239-REVIEW COMMENTS:**

The project was subject to a 239-Review as it is within 500 feet of State Route 17C and the City of Binghamton. 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 board approves, limited number of cars allowed on lot for sale. Concerned about compliance with any conditions since past violation notices have been ignored. One handicap parking space and access aisle must be indicated on the site plan and shall be posted/signed. Necessary permits must be obtained for any renovations, signs. JC licensed Electricians and Plumbers are required.

**Fire Dept:** No comments.

**Police Dept:** No compelling interest.

**Public Works & Water:** The water is still off at the site. Must show adequate heat because the last meter froze. The water meter also requires a backflow prevention device. Contact the JC Water Department for more



information (607-797-3031).

**Planning Staff:**

The Planning Department recommends temporary approval of the special permit to expire in six months, with the possibility of renewal, and with the requirements from the Department of Public Works and Water, Code Enforcement, and the Broome County Health Department, and the following recommended stipulations:

- 1) § 300-40.2. Automotive sales.
  - A. The sale of new or used vehicles may be allowed by special use permit for six months from this date, provided the following:
    - (1) The sales area shall be paved, suitably graded and drained, and maintained in a neat and orderly manner.
    - (2) The number of cars that may be for sale on the premises must be specified on the special use permit. An increase in the number of cars to be sold shall require a new permit. A request was made for ultimately displaying 13 vehicles on site. Planning Staff recommends the approval be issued for a maximum of 12 display vehicles so that a handicapped-accessible space and associated access aisle can be added to the site plan.
    - (3) A spill prevention plan shall be provided to the Planning and Code Enforcement offices. The applicant shall provide proof of spill cleanup materials during inspection for a Certificate of Compliance.
  - B. 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.
  - C. 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. Prior to the issuance of a Certificate of Compliance, screening shall be added along the south property line on the site plan and the site to protect neighbors at 2 Beverly Place.
  - D. The retail sale of fuel shall not be permitted.
- 2) No vehicle repairs shall take place on the property, other than to the vehicles owned by the dealership that are or will be for sale.



- 3) All potentially hazardous fluids, including oils, shall be stored with secondary containment.
- 4) § 300-66.11. Transferability.
  - (a) The special permit is not transferable except upon approval by resolution of the issuing board.
  - (b) The special permit shall authorize only one special use and shall expire if the special use ceases for more than three months for any reason.
- 5) The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of plumbing and electrical permits. The applicant agrees to construct the project in strict accordance with the site plan approved by the Planning Board.

**B. C. Planning:**

The B.C. Planning Department has reviewed the case and has not identified any significant countywide or inter-community impacts associated with the proposed project; however, B.C. Planning recommends that the Village Planning Board withhold taking action until the following comments are addressed:

1. The width of the driveway on Main Street should be addressed. *Note that the referenced entrance on Main Street is at 14 Main Street, under different ownership.*
2. Landscaping should be required.
3. The site plan should include the driveway dimensions, curb cuts, entrances and exits; parking spaces for customers, employees, and vehicle storage and display; building, dumpster enclosure, setbacks, landscaping, exterior lighting, signage, vehicle loading and unloading area; and drainage. *These suggestions are addressed in the proposed stipulations of site plan approval.*
4. The conditions of approval should stipulate the maximum allowed number of vehicles to be stored onsite at any one given time, and allow no vehicle repair to occur outdoors, not outdoor storage of tires, chemicals, or other hazardous materials; and no storage or display within the setback areas. *This a part of the Special Permit approval.*
5. The project should include a spill prevention plan and compliance with state and federal laws regarding hazardous material storage, handling, and disposal.

**BMTS:**

Has no issues with traffic impact. BMTS did state that the driveway along Main Street is too wide, but again, it is on a different property.

Chairman Putman asked, if cars are driving across 26 Main Street, how do we stop that? Senior Planner Lane explained that both properties used to be owned by the same person and at that time the owner signed an agreement to allow the display vehicles and to allow people to park at 26 Main Street if they were going to the store at 14 Main Street. 14 Main Street was sold off without an easement. Chairman Putman stated that the properties are now are separated and there is a problem.



Senior Planner Lane explained that the driveway has been there a long time and 26 Main Street has no curb cut on Main Street. She hasn't heard any complaints about the arrangement up to this point. Chairman Putman asked if there is a written agreement between the owners. Senior Planner Lane stated that there is no formal written agreement between the owners of the two properties.

Mr. Spencer stated that he has lived on Beverly Place for 50 years and there have been 2 other car lots at that site. Those lots never used the Beverly Place exit on the corner. There is another exit 50 ft. down Beverly Place that was always used.

Chairman Putman suggested installing bumpers across the first driveway entrance at the corner.

Mr. Brutvan stated that he is more concerned with the pedestrians that frequent the store at 14 Main Street.

Mr. Goudarzi stated that he is willing to have the parking lot marked up and put arrows in.

Mr. Brutvan stated that he has been speaking to the NYS DOT and they will be resurfacing Main Street. They will be putting in a crosswalk on Beverly Place.

**NYS DOT:** Commented that any work proposed within the state right-of-way requires a Highway Work permit from their Department prior to the commencement of such work. In addition, the highway boundary needs to be verified by the applicant to ensure nothing is placed within the state right-of-way, including signage, landscaping, etc.

**B.C. Health Department:** If the applicant plans to have fuel or motor vehicle fluids on site, these materials should be stored inside the building to prevent accidental spillage from contaminating soils or groundwater.

**City of Binghamton:** Although the City's Planning Department did not note any impacts from the project on the City, they did recommend reducing the width of the driveway entrance at 14 Main Street to 30 feet, and planting a five-foot wide landscaping buffer along Main Street and Beverly Place.

Chairman Putman explained that the decision to make this permit a 6 month permit is because the track record so far has not been great and we need to make sure that what needs to get done is done.

Mr. Goudarzi gave his personal guarantee that they will follow any conditions the Village and the Town want and he apologized for getting off on a rocky start with this project.

A motion to approve the special permit for a period of 6 months including the department head comments and staff recommendations was made by Mr. Holbert and seconded by Mr. Slota.

*Motion Carried - Vote:*

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



## *Site Plan Review for Auto Sales*

Chairman Putman read the site plan comments.

**Planning Staff:** The project meets the requirements for a Site Plan to sell and repair automobiles in a General Commercial zoning district. The staff recommendation is to approve the Site Plan, contingent on approval of the Special Permit, and the following stipulations:

1. The automobile sales parking lot shall be striped according to the plan by June 30, 2016.
2. 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 before the issuance of a Certificate of Compliance.
3. If the applicant wishes to add additional outdoor lighting, the lighting plan shall be submitted to Code Enforcement for their approval prior to installation.
4. The applicant shall apply for a sign permit from the Building Official no later than May 27, 2016. All temporary signs (including 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.
5. Site plan approval shall be valid for the life of the Special Permit.

The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Certificate of Compliance. The applicant agrees to construct the project in strict accordance with the site plan approved by the Planning Board.

Senior Planner Lane stated that she would not want to make any changes to the access to Beverly Place without first consulting with Bob Bennett and Daria Golazeski. Mr. Brutvan stated that the upper curb cut was put in when Beverly Place was redone in 1997 at the request of the Coury Family.

Chairman Putman asked about landscaping. Mr. Goudarzi stated he will pave and stripe the lot.

Mr. Slota asked if Mr. Goudarzi is comfortable with the traffic from 14 Main Street coming through his lot. Mr. Goudarzi stated that he would rather not have that but he will deal with it. Chairman Putman suggested that the Village consider monitoring it for 6 months. Then if it is a problem we can fix it. Mr. Brutvan asked about the line of sight required by the Code. Senior Planner Lane explained that it is 25 feet. Mr. Brutvan restated his visibility concerns. Mr. Goudarzi stated that he would be willing to install a speedbump.

A motion to approve the site plan including the department head and planning staff comments was made by Mr. Slota and seconded by Mrs. Drimak.

*Motion Carried - Vote:*

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



**Friendly's Restaurants, LLC - 561 Harry L. Drive**

**Declare Lead Agency, Declare Unlisted Action, SEQR, Site Plan Review & Advisory Opinion for a Sign Variance**

Patrick Mitchell, VHB Engineering, has submitted an application on behalf of Friendly's Ice Cream, LLC, to construct a new drive-through window at the Friendly's Restaurant located at 561 Harry L Drive. The proposed drive-through lane will replace an existing two-way lane, changing the two-way lane to a 13-foot wide one-way lane with angled parking. The proposal results in a reduction of six (6) parking spaces. The proposed drive-through lane is 12-foot wide and will be located along the eastern face of the restaurant. The existing 25' wide two-way lane along the south side of the building will be reduced to one 13-foot wide one-way lane and one 12-foot wide stacking lane. All utilities for the drive-through will be fed from the building and there will be no change in the stormwater drainage. The property is zoned General Commercial (GC), and the addition of a drive-through window is a permitted use.

The building has existing utilities. Although 0.02 of an acre will be changed from landscaped area to allow for the radius of the stacking/drive-through lane, the applicant proposed additional landscaped area along the drive-through lane, and there is no post-renovation stormwater remediation required. Based on the restaurant with a drive-through use, 41 parking spaces are required at 1 space per employee and 4 per every 1,000 square feet. The site plan shows 55 spaces, including four handicapped-accessible spaces with access aisles. A new sign package has been submitted, and two area variances are required and therefore the signage will not be a part of this site plan review.

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

*Motion Carried - Vote:*

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

A motion to declare the project an unlisted action under SEQR was made by Mr. Holbert and seconded by Mr. Slota.

*Motion Carried - Vote:*

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

**SEQR**

Chairman Putman explained that a SEQR Short Environmental Assessment Form has been prepared and reviewed and the Planning Board assumed the position of lead agency.

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 Mrs. Drimak 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 – 4 (Drimak, Holbert, Slota, Putman) No – 0 Absent – 1 (Walker)**





### *Site Plan Review*

Mr. Michael Petrin, project manager and Mr. Dave Houser, construction management, were present on behalf of the applicant.

Mr. Petrin reviewed the project and explained that the majority is restriping. The site work will take 1 – 2 weeks. With the new angled parking there will be a small loss of spaces but they still meet the minimum requirements. There will be a limited menu at the drive-thru. Mr. Houser explained that there are 3 drive-thru Friendly's open now. So far the traffic has been slow with 9 – 10 additional trips on average.

Chairman Putman stated that you won't be able to cut around the front of the building – you will have to go around. Mr. Slota commented that the return does not seem to be enough for the investment. Mr. Houser explained that it will also include a full kitchen remodel. There has been a 25 – 40% growth in the Boston area after the project.

Chairman Putman asked about the 9ft. menu board. Mr. Petrin explained that if it were smaller you couldn't read it.

Chairman Putman asked about landscaping. Mr. Petrin stated it will be dressed up a little. There will be a small loss of landscaping on the side.

A motion to approve the site plan for 561 Harry L. Drive subject to the department head comments and planning staff recommendations was made by Chairman Putman and seconded by Mrs. Drimak.

*Motion Carried - Vote:*

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

### **DEPARTMENT HEAD AND 239-REVIEW COMMENTS:**

The project was subject to a 239-Review as it is within 500 feet of State Route 201. 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 Department heads and the 239-Review:

- Code Enforcement:** Add the word "Stop" to the stop bar locations. *Completed.*  
To prevent cars entering the drive-up (thru) lane from the southeast entrance from stopping at entrance to merge into the drive-up lane without going around the building, add a striped crosswalk to the sidewalk, across the drive-up lane, so cars in the drive-up lane don't block pedestrians. *Completed.*  
Licensed Electricians and Plumbers are required.
- Fire Dept:** No compelling interest.
- Police Dept:** No compelling interest.
- Public Works & Water:** Replace curbs/retaining wall along south side of access road.
- B.C. Planning Department:** Has reviewed the case and has not identified any significant countywide or inter-community impacts associated with the proposed project; however, B.C. Planning recommends that the Village Planning Board withhold taking action until the following comments are addressed:



- The project should include a site plan which clearly shows Harry L Drive, the access road, driveway entrance and exist, drive-thru lane, drive-thru window, menu board, parking spaces, vehicle stacking, signage, directional signage, drainage, exterior lighting, curbing, and landscaping. *Updated site plan includes revisions.*
- The Village Planning Board should ensure that the project provides safe pedestrian access. *Corrected with crosswalk.*
- The site plan should be revised to address the confusing internal vehicular circulation, per BMTS comments. *Directional arrows added on revised site plan.*
- The applicant should be required to repair the drainage and concrete wheel stops located along the southerly boundary as a condition of approval. *There are no wheel stops and drainage is not an issue.*

**BMTS:**

Has no issue with traffic impacts or site access at Harry L Drive. Questioned whether all traffic entering from the western driveway be forced to turn right or is that area two-way traffic? Will vehicles entering from the south be able to get into the drive-thru lane right there or will they be forced to go around the building and enter the lane at the southwest corner? *These questions from May 3rd were addressed on the revised site plan.*

**NYS DOT:**

No comments.

**B.C. Health Dept:**

No comments

**Planning Staff:**

The Planning Department recommends approval of the site plan, with the requirements from the Department of Public Works and Water and Code Enforcement, and the following stipulations:

1. The parking lot renovations, including striping and posting, shall be complete prior to the issuance of the Certificate of Compliance for the use of the drive-through window.
2. At the time of, and in areas of any new black-top pavement, the new striping of the parking lot shall conform to the Property Maintenance code of NYS and include the new accessibility symbol. The handicapped parking space and access aisle shall be posted as required.
3. The landscaping shall be planted no later than October 30, 2016. The landscaping shall be maintained in good health, and shall be replaced due to any poor health. Any proposed changes to the landscaping plan shall be submitted to the Code Enforcement office before planting.
4. The existing easement between the property to the north (569 Harry L Drive-Rear), shall be submitted to Ms. Diane Busko, Clerk to the Planning Board, prior to the issuance of the Certificate of Compliance for the use of the drive-through window.
5. In the future, any proposed new signage shall be submitted to the Code Enforcement Officer for review and approval prior to installation. If any changes to signage are proposed,



the applicant shall apply for a sign permit from the Building Official. 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.

6. If any new lighting is proposed, the applicant shall first submit a lighting plan and cut sheets to the Code Enforcement Officer for review and approval.
7. 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.
8. 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 Village of Johnson City Planning Board.

### ***Advisory Opinion for a Sign Variance***

Friendly's Ice Cream restaurant had submitted an application for new signage along with a proposed new drive-through window. The property is zoned General Commercial and the drive-through use is permitted. They wish to replace the face of the existing, nonconforming 128 square-foot pylon sign, and the maximum size allowed by code is 80 square-feet. At this time, changing the face of a nonconforming sign is not permitted without a variance. The proposed menu board sign is 45 square-feet and code only permits a 24 square-foot menu board. Therefore, Friendly's restaurant is requesting area variances as follows: 1. An area variance for a menu board sign 21 square-feet greater than permitted; and 2. An area variance for an existing pylon sign 48 square-feet greater than permitted.

Mr. Petrin reviewed the sign variance request.

### **Planning Staff Recommendation:**

The Planning Department staff recommend approval of the following variances:

- 1) Approval of the area variance for menu board sign 21 square-feet greater than permitted; and
- 2) Approval of the area variance for a pylon sign 48 square-feet greater than permitted.

Changing the face of the existing pylon sign will not impact the area to any degree greater than it does at this time, and due to the large size of the property and distance from the adjacent highways, the original sign helps clients navigate to the restaurant. Should the structure of the sign be modified in the future, it is recommended that the replacement sign structure be smaller to more closely conform to code.

The menu board will face only the adjacent cemetery. The applicants have already reduced the size of other signage in order to conform with Code, but feel they need the menu board as proposed in order to fit the images on it. Planning staff does recommend that Friendly's corporate review the proposed images on the menu board to determine whether they are representative of items served, and whether they are actually necessary.



A motion to recommend approval to the Zoning Board of Appeals of an area variance for menu board sign 21 square-feet greater than permitted and an area variance for a pylon sign 48 square-feet greater than permitted was made by Mrs. Drimak and seconded by Mr. Holbert.

*Motion Carried - Vote:*

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

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**Mohammad Bashir – 144 Grand Avenue**  
**Advisory Opinion for a Rezone**

Mohammad Junaid Bashir submitted a petition to rezone 144 Grand Avenue from Urban Multi-Family (UMF) to General Commercial (GC) to allow for greater flexibility for development of the parcel. The applicant wishes to redevelop the former Covey’s Radiator Service property to a small commercial use and two apartments, which is not a permitted use in the Urban Multi-Family zoning district. If the Village Board of Trustees approves the petition to rezone, the project at 144 Grand Avenue shall require a Site Plan Review. At that time, the Planning Board shall impose any condition which it deems necessary, such as screening, landscaping, vehicular parking space, loading and unloading areas, operational hours, type and size of signs, method of refuse disposal, and general exterior appearance of buildings or structures.

The applicant, Mr. Mohammad Junaid Bashir, was present.

Mr. Bashir explained that when he purchased the property he did not know that it didn’t have commercial use. He tried to sell it with no luck. The area where the property is located is run down. He explained his plans for the having a small convenience store on the first floor and two apartments on the second floor.

Chairman Putman asked if the plan is to put a second story on the building. Mr. Bashir said yes, the building was a garage so it already has high ceilings. He will lower the floor and raise the roof up approximately 4ft.

Chairman Putman explained that in 2009 that area was all reclassified as high density residential. Mr. Bashir stated that across the street the area is commercially zoned. Attorney Jacobs explained that area was rezoned from industrial not long ago. That area is near the new Binghamton University Pharmacy School.

Chairman Putman read the department head comments and staff recommendations.

**Environmental Review:**

The project is subject to a 239-Review, and comments have not be prepared at this time, per the mandatory 30-day review period. The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA). The Village Board of Trustees will declared Lead Agency for the SEQRA review.

**Department Head Comments:**

<b>Police:</b>	No compelling interest (NCI).
<b>Fire:</b>	No comments at this time.
<b>Code Enforcement:</b>	No comments at this time.

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**Public Works & Water:** NCI. If the rezone is approved, the Supervisor of Public Works will have comments on site plan.

**Planning Staff:** Planning staff recommends denial at this time for the proposed rezoning. The 0.13-acre property and building do not appear to be large enough for the proposed multiple uses. In addition, the site plan does not appear to be drawn to scale, and it is difficult to verify whether the required parking would actually fit on the site. The proposed General Commercial zoning classification is not in accordance with the future land use plan indicating that area as High Density Residential in the Comprehensive Plan adopted in 2009. If the Village Board makes a favorable decision about the rezoning, a more complete and accurate site plan shall be submitted to the Planning Board for site plan review.

Mr. Holbert asked why the applicant was not applying for a use variance instead of a rezone. Attorney Jacobs explained that a rezone is better if that option is available as a use variance is difficult to get. Attorney Jacobs reviewed the criteria for a use variance.

Senior Planner Lane reviewed the comprehensive plan.

A motion to recommend denial of the rezone request to the Village Board of Trustees consistent with the Planning staff recommendations and department head comments was made by Mr. Slota.

*The motion failed for lack of a second.*

Mr. Holbert asked what Mr. Bashir's plans are if the rezone is not approved. Mr. Bashir stated that possibly building housing but he will be financially ruined. Mr. Holbert stated that the zoning was changed for the Regan project. Mayor Deemie stated that the zoning change was not just for the Regan project. The entire area was rezoned – industrial uses are not coming back to that area so we did what was the next best thing for the area.

Chairman Putman stated that this becomes spot zoning and in the past we have recommended denial of spot zoning.

A motion to recommend approval of the rezone to General Commercial to the Village Board of Trustees was made by Mr. Holbert and seconded by Mr. Slota.

*Motion Failed- Vote:*

*Yes – 2 (Holbert, Putman) No – 2 (Drimak, Slota) Absent – 1 (Walker)*

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**Hargo Appliance/Jeremy Harris – 80 Harry L. Drive**  
**Advisory Opinion for a Sign Variance**

Jeremy Harris has submitted an application to install a second wall sign at 80 Harry L Drive. The second wall sign is 168 square-feet in size and is proposed for the east side of the building. The property is zoned Neighborhood Commercial and only one wall sign per business is permitted. In addition, the proposed sign is 120 square-feet greater than the 48 square-foot wall signs that are permitted in the Neighborhood Commercial zoning district. Hargo Appliance Company is



requesting two area variances as follows: area variance for a second wall sign; and area variance for a wall sign 120 square feet greater than permitted.

No one was present on behalf of the application.

Chairman Putman read the department head comments.

**Department Head Comments:**

<b>Police:</b>	No compelling interest.
<b>Fire:</b>	No concerns expressed.
<b>Code Enforcement:</b>	Size is excessive.
<b>Public Works &amp; Water:</b>	No compelling interest.
<b>Planning Staff:</b>	Recommend approval of a second wall sign, to be located on the east side of the building; and recommend denial of a variance for a wall sign 120-square-feet greater than permitted. The east side of the building faces the Harry L Drive ramp from Airport Road, which makes it a useful sign for clients trying to find the business. It is recommended that the size of the second wall sign meet wall sign regulations, considering that this neighborhood has a mixture of residential and commercial uses, and the neighborhood feel should be maintained as much as possible.

A motion to recommend denial of the wall sign 120-square-feet greater than permitted and recommend approval of a second wall sign to the Zoning Board of appeals was made by Mr. Slota and seconded by Mrs. Drimak.

*Motion Carried - Vote:*

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

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**Hannah Enterprises – 71 Baldwin Street**  
**Request for deadline extension**

On December 18, 2013, the Village of Johnson City Planning Board approved the Negative Declaration under SEQRA for a proposed medical office at 71 & 75 Baldwin Street, 72 & 76 Arch Street, and a portion of 55 Baldwin Street. On January 28, 2014, the Village of Johnson City Planning Board approved the site plan for the medical office building with stipulations. With the exception of 55 Baldwin Street which is under lease, the remaining properties have since been combined into 71 Baldwin Street. The properties are located in a Neighborhood Commercial zoning district and the medical office is a permitted use. The properties were granted setback variances and a landscape buffer variance. A parking variance was also approved, with the requirement that Corliss Avenue be changed to a one-way street and adding angled parking to the north side, which has since been completed. The water, fire, and sewer lines have been extended to the properties and the work has been paid for by the applicant, as was required. At this time, the applicant is requesting a two-year extension of the site plan approval to May 31, 2018, giving them more time to market the project.

No one was present on behalf of the application.



A motion to approve the extension per the applicants letter of May 16, 2016 was made by Chairman Putman and seconded by Mr. Slota.

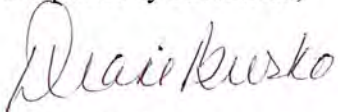
*Motion Carried - Vote:*

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

**ADJOURNMENT**

The meeting was adjourned at 9:22pm.

Respectfully submitted,



Diane Busko  
Planning Board Clerk



