

Present: Gerald Putman, Chairman  
Andrew Holbert, Vice Chairman  
Joanne Drimak, Secretary  
Thomas Sheredy

Absent: Donald Slota

Also Present: Diane Busko, Clerk to the Planning & Zoning Boards  
Jeff Jacobs, Attorney for the Village  
Mayor Gregory Deemie  
Trustee John Walker  
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.

### ***Reorganization of Officers***

Due to Vice Chairman Walker's appointment to the Village Board, the Planning Board needed to elect a new Vice Chairman and Secretary.

A motion to nominate Andrew Holbert as Vice Chairman, and Joanne Drimak as Secretary was made by Chairman Putman and seconded by Mrs. Drimak. The motion carried with all those present voting in the affirmative.

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

### **MINUTES**

A motion to approve the minutes of the April 26, 2016 regular meeting was made by Mrs. Drimak and seconded by Mr. Holbert. The motion passed with all those present voting in the affirmative.

### **PRIVILEGE OF THE FLOOR**

Chairman Putman introduced and welcomed Mr. Thomas Sheredy as a new Planning Board member, filling the remainder of the term of John Walker who has been appointed to the Village Board. Chairman Putman also announced that the Planning Board has elected Andrew Holbert Vice Chairman.

**COMMUNICATIONS** – None

**CONTINGENCIES** - None

**OLD BUSINESS** - None



## NEW BUSINESS

### *Regan Development - 135-139 Baldwin Street*

#### *Lead Agency, SEQRA Determination, Site Plan Review (revision)*

Regan Development Corporation has submitted a revised parking plan to accompany an application for the adaptive re-use of a former factory building and a former warehouse building at 135-139 Baldwin Street into 105 residential units and 7,745 square feet of potential commercial or office space, originally approved by the Planning Board on December 15, 2015. The property is zoned General Commercial and a mixture of commercial and residential uses is permitted. The buildings are on the National Register of Historical Places, and the developer is working with the NYS Historic Preservation Office to preserve the historic nature of the buildings and the site as much as possible. Based on the area of the proposed commercial/office space and the number of apartments and bedrooms, the site was required to have 226 parking spaces. On December 14, 2015, the ZBA granted an area variance of 36 spaces, lowering the required number of parking spaces to 190. The revised site plan, including parking to the north and northwest on leased railroad property, has a minimum of 190 parking spaces. The project site is largely impervious at this time, and the applicant anticipates a 0.17-acre increase in impervious surface. A full Stormwater Pollution Prevention Plan (SWPPP) is not required, but erosion control measures and stormwater quality measures shall be required during construction. The project will not have significant negative environmental impacts but will improve the area by reusing large vacant warehouse structures with a mix of primarily affordable residential and secondary commercial/office uses.

Attorney Sarah Campbell with Hinman, Howard & Kattell, LLP and Mr. Jeff Stafford with Delta Engineering were present on behalf of the applicant.

Attorney Campbell explained that they received a parking variance with offsite places located at the adjacent Mosque. Unfortunately the Islamic Organization is unable to guarantee those spaces for the length of the mortgage. They were able to secure the lost spaces on adjacent railroad property.

#### *Lead Agency*

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

*Motion Carried - Vote:*

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

#### *SEQR*

Chairman Putman explained that a SEQR Full Environmental Assessment Form has been prepared and reviewed.

The board, having reviewed Part I, Part II and Part III of the SEQR Full 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 Mr. Holbert and seconded by Mrs. Drimak declaring the action a Type I action and 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 (Sheredy, Drimak, Holbert, Putman) No – 0 Absent – 1 (Slota)*





**Revised Site Plan**

Mrs. Drimak asked about fencing. Mr. Stafford explained that there is already a fence there. Mrs. Drimak asked if there are access points in the fence to the railroad tracks. Attorney Campbell stated no. Mr. Stafford explained that the fence belongs to UHS. Senior Planner Lane asked if the fence was removed would Mr. Regan be willing to replace it with approval from the railroad and the Planning staff. Attorney Campbell stated yes, he would.

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

The project is a Type 1 Action under SEQRA because the buildings are on the National Historic Register. The Planning Board made a Negative Declaration on November 30, 2015, for the original application. Planning staff recommends a Negative Declaration for the revised EAF, primarily pertaining to the change in location of the parking spaces. The project was subject to a 239-Review as it is adjacent to the NYS Pharmacy School property. The following comments are from the internal and 239-Review:

- Code Enforcement:** A stop sign, stop bar, and the word "STOP" shall be placed at the exit from the railroad parking area on to Baldwin Street. *Site plan has been revised.*
- Fire Dept:** No comments.
- Police Dept:** No compelling interest.
- Public Works & Water:** What is the distance from the edge of parking lot to Domino's building? Curb and sidewalk needs to be extended from end of existing curb south to as close to the RR tracks as is allowed with detectable warning units in the sidewalk at the RR tracks. Sidewalk and crosswalk should be added to direct those using the proposed parking to the complex. If the intent of the area at the west end is for a turn-a-round, there should be "no parking" signs placed in this area.
- Planning Staff:** The Planning Department recommends approval of the revised site plan, with the requirements from Code Enforcement and the Department of Public Works and Water, and the following stipulations:
1. No building permits shall be issued until all leases required for parking have been reviewed and approved by the Village Attorney.
  2. Proposed stormwater quality and erosion control measures shall be provided and approved by the Village Engineer prior to the issuance of any building permit.
  3. Per Public Works and Water, the developer-owner should consider separating the stormwater and the sanitary sewer if the Village can separate the sewers in Baldwin Street. If the main is separated, the site stormwater shall be connected to the Village's storm system.
  4. The site plan shall be revised as follows: the curb and sidewalk need to be extended from the end of the existing curb south, to as close to the railroad tracks as is allowed, with detectable warning units in the sidewalk at the railroad tracks.



5. The site plan shall be revised as follows: the sidewalk and crosswalk shall be added to direct those using the proposed parking to the complex.
6. The site plan shall be revised as follows: a "No Parking" sign shall be placed at the west end turn-a-round of the railroad parking area.
7. Per Code Enforcement, the developer-owner shall use licensed contractors and apply for appropriate building permits.
8. A Knox box shall be provided for each of the two buildings.
9. Outdoor construction activity shall be limited to the hours of 7am to 8pm to minimize the impact to these area residents.
10. All proposed signage shall be submitted to the Code Enforcement Officer for review and approval prior to installation.
11. If any new outdoor lighting is proposed in the future, the developer-owner shall first submit a lighting plan to the Code Enforcement Officer for review and approval.
12. All new striping of any parking lot shall conform to the Property Maintenance code of NYS and include the new accessibility symbol.
13. 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 Review Team prior to installation.
14. Should the existing fencing be removed by the property owner to the north of the railroad, the owner-developer of 135-139 Baldwin Street shall add fencing along the north side of the parking lots on railroad property, with railroad approval, following consultation with Planning staff.
15. Landscaping shall be completed according to the landscaping plan by October 30, 2017. Landscaping shall be added to the parking lot islands in the railroad parking lot to the northwest of the buildings. That landscaping shall be either no higher than two-feet, or trees whose lowest limbs are no less than ten feet from the ground, in order to not obstruct visibility.
16. The landscaping plan 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.
17. If any approved site improvements are not complete prior to





the request for a Certificate of Compliance, the Building Official may issue a Temporary Certificate of Compliance, and the applicant shall provide a performance bond, or other form of guarantee approved by the Village Attorney for the cost of site improvements not completed. The bond shall be posted to the Village Board of Trustees prior to the issuance of the temporary or permanent Certificate of Occupancy. The bond shall cover a period of one (1) year.

18. Site plan approval shall be valid for two years, unless substantial improvements have been made pursuant to the approved site plan and a valid building permit. The applicant may request an extension of site plan approval from the Planning Board.
19. The development of the site shall conform to all details noted on the approved site plan. Any proposed minor changes shall first be submitted to the Planning Review Team.
20. The developer-owner shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Building Permit. The developer-owner agrees to construct the project in accordance with the site plan approved by the Planning Board. Should the developer-owner change the site plan approved by the Planning Board, even if by petition to the Village's Zoning Board of Appeals, the site plan approval will become null and void and the applicant must resubmit a new site plan to the Village of Johnson City Planning Board.

<b>B. C. Planning:</b>	No significant county-wide or inter-community impacts associated with the project.
<b>BCHD:</b>	No additional comments.
<b>BMTS:</b>	No additional comments.
<b>B.C. Public Works:</b>	No comments

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

*Motion Carried - Vote:*

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

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**Quick Stop Deli/Fuad Nagi Mugali - 96 Harry L. Drive**  
**Site Plan Review revision**

On November 17, 2015, the Village of Johnson City Planning Review Team approved the site plan application for a convenience store in an existing building at 96 Harry L Drive. Due to the residential nature of the surroundings, the convenience store hours were limited to be open no later than 10 PM. The applicant, Mr. Faud Mugali, has submitted an application to appeal the approved hours of operation, and would like to extend the hours of operation from 7 AM to 12 AM (midnight).



The applicant, Mr. Fuad Mugali, was present.

Mr. Mugali stated that he has customers that are requesting the later hours. He believes that he could make an additional \$130 - \$150 by staying open until midnight.

Chairman Putman explained that a SEQR Short Environmental Assessment Form has been prepared.

## **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 Mr. Holbert and seconded by Mrs. Drimak 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 (Sheredy, Drimak, Holbert, Putman) No – 0 Absent – 1 (Slota)*

Chairman Putman read the department head comments.

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

The applicant's original proposal was considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA). Under the requirements of Section 617.7(c), the proposed action was examined (Short Environmental Assessment Form), and was found not to have a significant impact on the environment. The Planning Review Team made a Negative Declaration under SEQRA on November 17, 2015. This project was subject to a 239-Review as it is within 500 feet of State Route 17/86.

**B.C. Planning Department:** Has reviewed the case and has not identified any significant countywide or inter-community impacts associated with the proposed project.

**Code Enforcement:** Recommends denial.

**Fire Dept:** No concerns were expressed.

**Police Dept:** Had no compelling concerns.

**Public Works & Water:** Recommends denial.

**Planning Staff:** The Planning Department recommends denial of revised hours of operation for 96 Harry L Drive, for the following reasons:

- 1) The subject property is within a residential area, which was the reason behind the original approved hours of operation.
- 2) The business has generated off-site parking complaints at other nearby businesses. Limiting the hours of operation may curtail some of these complaints or related concerns.

Chairman Putman stated that he did some research on area deli hours – the Floral Avenue Market closes at 10pm, King Deli on Floral Avenue closes at 10pm – most area deli/corner type markets





close at 10pm. Mr. Mugali stated that the deli on Main Street near the Arch is open 24 hours a day. Chairman Putman explained that his location is in a residential area compared to that location.

Attorney Jacobs explained that items such as cleaning and restocking shelves can be done outside of operating hours.

A motion to deny the revised hours due to the business being in a residential area and complaints from the neighboring businesses was made by Mrs. Drimak and seconded by Mr. Sheredy.

*Motion Carried - Vote:*

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

Chairman Putman asked Mr. Mugali to do more research and talk to the neighboring businesses about their complaints.

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### **Charles Campbell - 111 Riverside Drive**

#### **Transfer of Special Permit**

Mr. Charles Campbell submitted a request for the transfer of the Special Permit for a take-out restaurant from Fritz Vail, who was granted the original Special Permit for the existing take-out restaurant in the lower level of the mixed use building located at 111 Riverside Drive in 2014. 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 take-out ice cream business, 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. Per Code Section 300-66.11, "*TRANSFERABILITY OF SPECIAL PERMITS. A special permit is not transferable except upon approval by resolution of the issuing board.*" For the record, at this time 103 Riverside Drive is not in compliance with the approved site plan nor the agreement reached on November 24, 2015, to replace required missing fencing with shrubbery. The Special Permit subject property at 111 Riverside Drive is in conformance.

The applicant, Mr. Charles Campbell, was present.

Mr. Campbell explained that Mr. Vail runs the pizza shop and a small catering business where he goes to peoples' homes. There are 2 kitchens in the building. Mr. Vail wants to keep the catering business. There will be no change to the business itself and he will have his own tax ID number. He understands that there are outstanding code issues and violations and he will talk to Mr. Vail and see if he can get him into compliance.

Chairman Putman reviewed come the code issues and explained that the special permit is for a pizza and catering business and it cannot be split. It's all or nothing. Mr. Campbell stated that he spoke to Mr. Vail today and he is still unwilling to give up the catering business.





Mr. Holbert asked why Mr. Campbell can't get his own permit. Senior Planner Lane explained that there is a parking issue with the property and a parking variance was already given. Mr. Campbell stated that there will be no additional people working there.

Mr. Holbert asked how separate the 2 kitchens are. Mr. Campbell explained that they are totally separate spaces.

Mr. Campbell asked if he could apply for his own separate permit. Senior Planner Lane explained that additional variances and approvals would be needed. Mr. Campbell asked if he could work under Mr. Vail's permit. Attorney Jacobs explained that that sounds like a transfer or assignment.

Mr. Campbell stated the with Mr. Vail's unwillingness to part with the catering business he would need to rethink his purchase of this business.

**Planning Staff Recommendations:**

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, including any type of catering or food delivery, to be conducted from 111 Riverside Drive.
- 2) The Special Permit for a take-out restaurant shall be issued for one year. The applicant must submit a request to renew the Special Permit by May 1, 2017.
- 3) No cooking shall take place outdoors.
- 4) 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.
- 5) 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.
- 6) Delivery trucks shall park only on Martin Street, and no closer than thirty (30) feet from the intersection with Riverside Drive.
- 7) 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.
- 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.

No action was taken on this application.





**Hannah Enterprises – 71 Baldwin Street**  
***Request for amendment of deadline extension request***

On April 26, 2016, the Village of Johnson City Planning Board approved the extension of site plan approval for a proposed medical office at 71 Baldwin Street and a portion of 55 Baldwin Street through May 31, 2017. A condition of approval was that the four buildings on the project site would be demolished by December 31, 2016. The Kradjian family, Hannah Enterprises LLC, is appealing the requirement to demolish all four buildings by December 31, 2016, and have proposed the demolition of only the fire-damaged building by the deadline date.

Attorney Sarah Campbell with Hinman, Howard & Kattell, LLP was present on behalf of the applicant.

Attorney Campbell explained that the buildings other than the fire-damaged building are full of asbestos and are not generating any income. They were unable to get Code Enforcement to declare them unsafe.

Chairman Putman stated that just a month ago the applicant came to the board and said all of the buildings would come down at the same time. Attorney Campbell explained that it is a financial issue.

Planning Director Nelson asked about asbestos testing. Attorney Campbell stated that Keystone did a report and sent it to Daria Golazeski in Code Enforcement. Asbestos is the biggest expense.

Chairman Putman pointed out that this process has been going on for a long time and the Village has already done the work on Corliss Avenue as agreed on by the Village and the Kradjian family. Attorney Campbell stated that the Kradjian family did help pay for that work. Attorney Campbell asked about a compromise. Chairman Putman stated that Code has stated that the white building is in really bad shape. Attorney Campbell stated that Daria Golazeski will not condemn it.

Chairman Putman said it seems that it would be more cost effective to take all four buildings down at the same time.

Attorney Jacobs asked how long ago the determination was by Dee in regards to the white building. Attorney Campbell stated that it was within the last month. Attorney Jacobs asked about the cost of asbestos removal and demolition. Attorney Campbell stated that she does not know the costs.

Attorney Campbell explained that they do not understand how and why the demolition of all 4 four buildings became tied to the approval of the project.

A motion to table the application until the receipt of additional information including financial details as to the costs of demolition was made by Mrs. Drimak and seconded by Mr. Holbert.

*Motion Carried - Vote:*

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



**Family Enrichment Network – 51 Roberts Street**  
**Schedule Public Hearing for Special Permit renewal**

A motion to set a public hearing on July 26, 2016 for the renewal of the special permit for 51 Roberts Street was made by Mrs. Drimak and seconded by Mr. Sheredy.

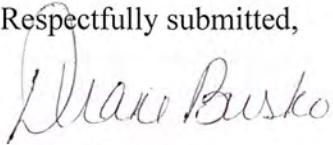
*Motion Carried - Vote:*

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

**ADJOURNMENT**

The meeting was adjourned at 8:45pm.

Respectfully submitted,



Diane Busko  
Planning Board Clerk

