

Present: Gerald Putman, Chairman
Andrew Holbert, Vice Chairman
Donald Slota

Absent: Joanne Drimak, Secretary
Thomas Sheredy

Also Present: Diane Busko, Clerk to the Planning & Zoning Boards
Nathan VanWhy, Attorney for the Village
Marina Lane, Town of Union Senior Planner
Mayor Greg Deemie
Trustee John Walker

A brief work session was held at 6:30pm. The board discussed the agenda and reviewed the applications.

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

MINUTES

The minutes from the March 28, 2017 regular meeting were held over to the next meeting.

PRIVILEGE OF THE FLOOR - None

COMMUNICATIONS - None

CONTINGENCIES - None

OLD BUSINESS - None

NEW BUSINESS

Verizon, 340 Main Street/9 Harrison Street **SEORA, Site Plan for Tower Special Use Permit**

Bell Atlantic Mobile Systems of Allentown, Inc. d/b/a Verizon Wireless has submitted an application to construct and operate a micro cell wireless telecommunications facility on a 30-foot wooden pole located at 340 Main Street in the Village of Johnson City. The pole will be installed within a 3-foot by 6-foot leased space and in addition to the single cell panel antenna mounted at the top of the pole, a GPS antenna, Remote Radio Head (RRH), shall be mounted on the pole with associated cables. An equipment cabinet shall be mounted at a point on the pole such that the bottom of the cabinet shall be at 10-feet above ground level. An electric meter, fiber box, electric panel, generator plug, and a GFI receptacle will be placed below the equipment cabinet. C & S Companies completed the structural analysis report for the pole and mounting equipment, and conclude that they are designed to support the equipment at as much as a 90 mph wind with no ice, and at 40 mph winds with 1" of ice. This meets the regulations of the TIA/EIA 222-G "Structural standards for steel antenna towers and antenna supporting structures." This telecommunications facility is not intended for co-location. An April 11, 2017, radio frequency emissions report by



Millennium Engineering found that the proposed telecommunications facility will comply with all applicable exposure limits and guidelines adopted by the FCC governing human exposure to radiofrequency electromagnetic fields. A radio frequency emissions report indicated that the total emissions shall be less than 1% of that permitted by the Federal Communications Commission. This includes the base of the proposed structure and any areas in proximity to the proposed structure. The Village of Johnson City Zoning Board of Appeals will review the request for the special permit.

Robert Brenner with Nixon Peabody, LLP and Tim Richmond with Pyramid Network Systems were present on behalf of the application.

Mr. Brenner reviewed the project.

Chairman Putman asked how the cabinet is served. Mr. Richmond stated either underground or overhead.

Chairman Putman asked why the tower can't be on an existing NYSEG pole. Mr. Brenner stated that there are no poles available in the vicinity for co-location. The signal will degrade if they go any higher.

Chairman Putman asked about putting the micro cell towers on the tops of buildings. Mr. Brenner explained that yes they can go on buildings however people prefer them in the right of ways. Mayor Deemie explained that there are 2 of these located on buildings in the Village already.

Chairman Putman stated that the target area for this tower is to the west but all of the new construction is to the east and south and asked what is next. Mr. Brenner stated that nothing is planned right now but they will be back.

Chairman Putman asked what the main reason for this location is. Mr. Brenner stated that the engineers determined that there is a weak spot.

Chairman Putman asked if the Village will receive revenue. Mr. Brenner stated yes. They will pay taxes as well.

Senior Planner Lane asked about the equipment underneath the cabinet on the pole. Mr. Brenner explained that there is the main antenna, GPS antenna, weather head, radio head and meter socket. Senior Planner Lane expressed concern regarding safety for people walking by this pole. Mr. Brenner explained that it is a standard meter like on a house.

Senior Planner Lane explained that the pole cannot be closer than 18 inches to the curb.

Chairman Putman stated that the applicant has not yet received approval from the Village Board for the license agreement. Mr. Brenner stated that is correct.

Mr. Brenner stated that in his opinion the action is an unlisted action and he feels they are exempt from SHPO review.



Lead Agency

A motion to declare the Planning Board Lead Agency, declare a Type 1 Action for the purposes of SEQRA and hold all other items over to the next meeting for 340 Main Street/9 Harrison Street was made by Mr. Holbert and seconded by Mr. Slota.

Motion Carried - Vote:

Yes – 3 (*Holbert, Slota, Putman*) ***No*** – 0 ***Absent*** – 2 (*Sheredy, Drimak*)

Mohammad Bashir, 144 Grand Avenue

Advisory Opinion for Use Variance

Mohammad J. Bashir owns a former commercial property (formerly Covey’s Garage) at 144 Grand Avenue, and he applied to use the existing motor vehicle repair garage for a retail business. The property was rezoned Urban Multi-Family in 2011 as part of a Town-wide rezoning, and because the building has been vacant for some time, the commercial use is no longer permitted as a legal non-conforming use. Mr. Bashir’s request to rezone the site from Urban Multi-Family to General Commercial was denied as spot zoning in 2016. Therefore, Mr. Bashir has applied for a use variance to allow a retail use in an Urban Multi-Family zoning district. The 1,416 square-foot building is single story, and 1,046 square feet would be for the retail space. The site plan has six parking spaces, including one handicapped-accessible space, required for a retail use.

The applicant, Mohammad Bashir, his tenant (name unintelligible) and attorney Sarah Campbell with Hinman, Howard & Kattell, LLP were present.

Attorney Campbell reviewed the project. She explained that due to the size of the building and the availability of residential options in the area it is unlikely that it would be converted to a residential use. The applicant plans a Halal grocery store. Hours will be limited from Monday – Sunday from 7am -11pm. There will be no alcohol sales and no lottery sales. They will have neighborhood groceries items. There will be no tables inside. There is sufficient parking and is a good fit for the neighborhood.

Chairman Putman stated that the hours of operation for deli’s have been limited to 10pm except for the last one that was approved.

A motion to approve recommend approval of the use variance to the Zoning Board of Appeals was made by Mr. Holbert and seconded by Mr. Slota.

Motion Carried - Vote:

Yes – 3 (*Holbert, Slota, Putman*) ***No*** – 0 ***Absent*** – 2 (*Sheredy, Drimak*)

Oakdale Road Holdings, LLC, 100 Oakdale Road

Request for extension of deadlines

Oakdale Road Holdings, LLC, and John Sacco, owner of A Great Choice landscaping company, were approved to relocate their business to a former distribution warehouse at 100 Oakdale Road on December 27, 2016. The landscaping was required to be installed by May 31, 2017.

The applicant, John Sacco, was present.



Mr. Sacco explained that the closing on the building was significantly delayed and he is requesting an extension of his deadline to May 31, 2018.

Chairman Putman asked if there were any changes to the site plan comments. Senior Planner Lane explained that there will be a second business (Oasis Stonescapes) but it will be by name only. There will be no additional employees.

A motion to approve the extension of the deadline to May 31, 2018 was made by Mr. Slota and seconded by Mr. Holbert.

Motion Carried - Vote:

Yes – 3 (Holbert, Slota, Putman) No – 0 Absent – 2 (Sheredy, Drimak)

Hannah Enterprises, 71 Baldwin Street
Request for extension of deadlines

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. Properties owned by the developers have since been combined as required. Per the developers' request, on July 26, 2016, the Village of Johnson City Planning Board approved the extension of site plan approval through May 31, 2017, for a proposed medical office at 71 Baldwin Street with the condition that all structures on 71 Baldwin Street be demolished by December 30, 2016. The structures have since been demolished. The Kradjians have requested that the completion of the site plan and landscaping approval be extended through May 31, 2018. The developers and the Village have already made significant improvements, including street work and the demolitions. In addition, having an approved site plan keeps the property more marketable.

Attorney Sarah Campbell with Hinman, Howard & Kattell, LLP was present on behalf of the applicant. The applicant is still trying to secure a tenant.

Chairman Putman asked if there are any changes. Attorney Campbell stated no. Chairman Putman stated that if there are any changes they will have to come back before the board.

Chairman Putman expressed the board's thanks to the applicant for demolishing the buildings they requested.

A motion to approve the extension of the deadline to May 31, 2018 was made by Mr. Holbert and seconded by Mr. Slota.

Motion Carried - Vote:

Yes – 3 (Holbert, Slota, Putman) No – 0 Absent – 2 (Sheredy, Drimak)



Penn Granite, 733 Azon Road

SEQRA, Advisory Opinion to the ZBA for two Variances, Set 2 public hearings

Penn Granite is a countertop business based in Wilkes-Barre, and has opened a sales office at 733 Azon Road. They wish to display the granite, marble and quartz slabs outdoors. The retail use requires a Special Permit, and outdoor display is permitted in the Industrial zoning district by Special Permit at an area equal to 10% of the building's footprint. Cevat Guncikan has submitted an application for an outdoor display area of 76.8% of the building footprint (3,044 square feet display to 3,963 square feet of building), therefore 66.8% greater than permitted. In addition, they wish to have two wall signs, one on each of the south and west faces of the building.

Mr. Brian Doak, design engineer, was present on behalf of the applicant.

Senior Planner Land and Mr. Doak explained the project and reviewed the site plan. Senior Planner Lane explained that they worked to bring the parking spaces into compliance.

A motion to recommend approval of a variance to allow for an outdoor display area of 76.8% of the building footprint (66.8% greater than permitted) and a variance to allow a second wall sign to the Zoning Board of Appeals was made by Mr. Holbert and seconded by Mr. Slota.

Motion Carried - Vote:

Yes – 3 (Holbert, Slota, Putman) No – 0 Absent – 2 (Sheredy, Drimak)

A motion to set a public hearing on Tuesday, June 27, 2017 at 7:30pm for a special permit to allow for retail sales and a public hearing for a special permit to allow outdoor display in an industrial zoning district was made by Mr. Holbert and seconded by Mr. Slota.

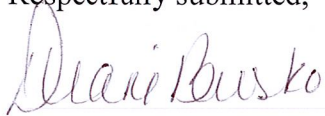
Motion Carried - Vote:

Yes – 3 (Holbert, Slota, Putman) No – 0 Absent – 2 (Sheredy, Drimak)

ADJOURNMENT

The meeting was adjourned at 8:25pm.

Respectfully submitted,



Diane Busko
Planning Board Clerk

