

Minutes of a regular meeting of the
Johnson City Zoning Board of Appeals
held on November 18, 2019 at 7:30pm at
243 Main St., Johnson City, NY

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

Also Present: Daria Golazeski, Town of Union
Tom Cortese, Attorney for the Village
Trustee Marty Meaney
Matthew Cunningham, Planning Board

Absent: Nathan VanWhy, Attorney for the Village

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 October 21, 2019 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 - None

NEW BUSINESS

290 Grand Ave – Harvinder Singh

Public Hearing

Use Variance for 2 chair barber shop, Parking Variance
SEQRA

Mr. Mazanek reviewed the SEQRA forms, with no questions, he asked for a motion.



A motion to accept SEQRA and issue a negative declaration for 290 Grand Avenue was made by Mr. Sas and seconded by Dr. Holowinski.

Motion Carried – Vote:

Yes – 5 (*Holowinski, Sas, Rowlands, Slota, Mazanek*) **No** – 0 **Absent** – 0

Mr. Mazanek opened the public hearing.

Harvinder Singh bought property in 2010 trying to make a living and make the property better. They did not know they would not be able to open any sort of business there. They applied for a smoke shop that was denied because of parking. They were advised by Code Enforcement to apply for smaller business which wouldn't require much parking. They can do an appointment-based business which wouldn't require a lot of parking. They tried to sell the property a couple times and no one wants to buy it because they can't do anything with it. It would be a daytime business only. They applied for two chairs, but would change it to one if they could get it approved.

Exit Realty submitted a letter on behalf of the applicant.

Dr. Holowinski asked why converting to an apartment or residence would be cost prohibitive.

Mr. Singh responded, the small size of the building and that it doesn't have a full bathroom. To construct a full bathroom, the estimate was over \$7,000. In order to have a studio apartment they also have to have a stove hookup. There is not kitchen. After putting all of that in there, there would be no space for a bed. No one will want to live in a space that small. The lot is 40 x40 and the building is 20 x 20.

Mr. Mazanek and the applicant discussed road frontage, curb cut and parking spaces. Ms. Golazeski confirmed there is not enough space for parking in front of the building, there is not enough room and you have to allow room for egress.

Mr. Mazanek closed the public hearing.

Mr. Mazanek read the Department Head Comments.

Department Head Comments:

Code Enforcement: The partial existing driveway is not a legal parking space, as vehicles cannot back out of spaces, per Village Code. The applicant should be made aware that any parking on the street is a privilege, not a right.

Public Works & Water: No concerns over the proposed use. If approved, it would need a backflow prevention device on the water service.

Police: No concerns with the proposed use.

Fire Department: The property does not have off street parking and in that case, I do not support a use variance. When a business does not have proper parking, the patrons will pull



over any place they like and cause a problem for our emergency equipment to pass through.

Planning Board: Recommends to the ZBA approval of the use variance, and approval of the area variance for three parking spaces. The proposed use tends to service local clients who could walk to the shop. The use variance should specifically exclude pet grooming services, which is found under the definition for commercial kennels.

Before making the motion if anyone thinks one chair would be a better fit for this application, please mention that when making a motion.

Dr. Holowinski asked if one chair would be viable economically. If there is only one chair, that would reduce the parking.

Mr. Singh responded, just by having one chair, they can get the use and they wouldn't mind it and it would be start producing some kind of income and they would be able to make the payments on the property. Now, they are making the payments, but not using the property.

A motion to grant a use variance for a barber shop with two chairs at 290 Grand Avenue including the Department Head Comments was made by Mr. Rowlands and seconded by Dr. Holowinski.

Motion Carried – Vote:

Yes – 5 (*Holowinski, Sas, Rowlands, Slota, Mazanek*) **No** – 0 **Absent** – 0

A motion to grant an area variance for 0 parking spaces was made by Mr. Rowlands and seconded by Dr. Holowinski.

Motion Carried – Vote:

Yes – 5 (*Holowinski, Sas, Rowlands, Slota, Mazanek*) **No** – 0 **Absent** – 0

ADJOURNMENT

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

The meeting was adjourned at 7:47 pm

Respectfully submitted,

Kim Cunningham
Zoning Board Clerk

