

Minutes of a special meeting of the Johnson
City Planning Board held on August 8, 2022
at 7:00pm at Village Hall, 243 Main Street
and via Zoom Video Conference.

Present:

Marcia Ward, Vice Chair
Greg Matyas, Secretary
Lori Thorn

Also Present: Keegan Coughlin, Attorney for the Village
Kim Cunningham, Planning Board Clerk
Stephanie Yezzi, Senior Planner
John Walker, Village Trustee
Randy Shear, Code Officer

Absent: Gerald Putman, Chairman
David Michalak

Attorney Coughlin called the meeting to order at 7:00 p.m.

The Board, Attorney Coughlin and Ms. Yezzi discussed 210 Baldwin Street.

The Board, Attorney Coughlin and Ms. Yezzi talked about the upcoming projects.

PRIVILEGE OF THE FLOOR

Vice Chair Ward opened the privilege of the floor to the public and the attendees present at the Zoom meeting. There being no one who wished to speak, Chairman Putman closed the privilege of the floor.

UNFINISHED BUSINESS

210 Baldwin Street – Michael Abettan

Advisory Opinion to the ZBA

Vice Chair Ward explained the Planning Board's purpose is to make an advisory opinion to the Zoning Board of Appeals.

Michael Abettan appeared on behalf of the project. He advised the Board that he spoke with the designer and he said this is the correct way for the stairway.

Vice Chair Ward read the Variance Request, Environmental Summary, 239-R and Department Head Comments and Staff Recommendations.

Variance Request:

It is understood, Michael Abettan has submitted an application for site plan review with two (2) variance requests for a multi-family residence at 210 Baldwin Street. The project involves the addition of a



wooden fire escape to the front and side of the building to meet building code requirements for a third-story unit. The home is no longer in conformance with building code as a multi-family residence.

The applicant has requested variances from the following sections of the Village Code:

- Section 300-51.3 – A multi-family residence with a total of five (5) bedrooms required 5.5 parking spaces. The lot currently only has a driveway that would be taken up by the proposed fire escape. A full parking variance is requested.
- Section 300-20.4 – For a multi-family residence in the Urban Multi-Family Zoning District, a minimum of 10 feet is required for a side-yard setback. The proposed fire escape would require a full variance of this portion of the Village Code as it goes almost completely to the lot line.

Environmental Summary

The project is considered a Type II action under SEQR and does not require further review.

239-R and Department Head Comments:

The application has been submitted to department heads for comment but does not require a 239 review by the County.

- Public Works – No compelling interest.
- DPW & Water – No compelling interest.
- Fire Department – Comments detailed in Planning Staff recommendations.
- Police Department – No compelling interest.
- Code Enforcement – Comments detailed in Planning Staff recommendations.

Staff Recommendations:

The Planning Board recommends to deny the requested variance to Section 300-20.4 as the lack of a side yard will be less than 0.5' to the lot line with minimal spacing to the next home. This is a substantial request that would affect the neighborhood character. The need for the variance is self-created as there is another alternative to keep the structure as a two-family home.

The Planning Board recommends to approve an amended variance for two parking spaces should the applicant move forward with a two-family building rather than a multi-family building. A multi-family building would need a variance of the required 5.5 spaces in full. A two-family building would require a variance of only two spaces while the side of the building would accommodate the other two. If the applicant kept it at a two-family structure, he would not need a parking variance as it would be pre-existing, nonconforming.

Mr. Matyas questioned whether they could move this dimension in further or drop it down more.

Mr. Abettan responded due to the roof line they cannot change the stairway. He explained the drawing and why it cannot be changed. He purchased it based on that it was a three-family. It is currently housing two affordable housing tenants.

Attorney Coughlin stated ignorance of the law is not an excuse under self-created. If the non-conforming use was lost, it doesn't change the self-created factor of what it was when he bought it. It hasn't been used as a three-family for over a year.



Vice Chair Ward asked if there were any other comments. There were no further comments from the Board. Vice Chair Ward stated it would be appropriate to make a motion.

A motion that the Johnson City Planning Board recommend the Zoning Board for denial for both the Section 300-51.3 and Section 300-20.4 based on the self-created situation and how close it is to the lot line was made by Mr. Matyas and seconded by Ms. Thorn.

Motion Carried - Vote:

Yes – 3 (Matyas, Thorn, Ward)

No – 0

Absent – (Putman, Michalak)

Vice Chair Ward advised this will now go before the Zoning Board of Appeals in forty-five minutes.

Attorney Coughlin asked if there was any way to build the staircase inside.

Mr. Abettan replied that is the next thing he will explore.

ADJOURNMENT

A motion to adjourn the meeting was made by Mr. Matyas and seconded by Ms. Ward. The motion passed with all those present voting in the affirmative.

The meeting was adjourned at 6:40 pm.

Respectfully submitted,

Kim Cunningham
Planning Board Clerk

