

Minutes of a regular meeting of the
Johnson City Planning Board held on
January 31, 2017 at 7:30pm at
243 Main St., Johnson City, NY

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

Absent: None

Also Present: Diane Busko, Clerk to the Planning & Zoning Boards
Jeff Jacobs, Attorney for the Village
Keegan Coughlin, Attorney with Coughlin & Gerhart
Kurt Schrader, Attorney for the Village (100 Oakdale Road)
Marina Lane, Town of Union Senior Planner
Paul Nelson, Town of Union Director of Planning
Mayor Greg Deemie

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 December 27, 2016 regular meeting was made by Mrs. Drimak and seconded by Mr. Sheredy. The motion carried with all those present voting in the affirmative.

PRIVILEGE OF THE FLOOR

Julie Deemie, Zoa Avenue – Spoke about the proposed storage facility at 117 Oakdale Road. She noticed that there were similar storage containers in Vestal if anyone wanted to see what these containers really look like. She feels that they are not very pretty and do not stack closely or neatly. She also still has concerns about the containers not being placed on a slab and bolted with anchor bolts to that slab because of 2011 flood. Concerned with them coming loose and banging into houses in a flood. Feels that they are unsightly and was hoping that there was something in the code that would require them to have sidewalls and a roof over them. Chairman Putman explained that the Planning Board has not addressed the site plan yet and there are several questions about the project including screening, layout, etc.

COMMUNICATIONS – None

CONTINGENCIES - None

OLD BUSINESS - None



NEW BUSINESS

HOCHO Recycle Co., Ltd. – 100 Oakdale Road

Public Hearing – Special Permit for Manufacturing Waste Products or Materials/Public Hearing – Aquifer Permit/Site Plan Review

Due to a conflict of interest for Coughlin & Gerhart, LLP & Attorney Jeff Jacobs, Attorney Kurt Schrader represented the Village for this application.

HOCHO Recycle Inc. has submitted an application to operate a tire recycling business in a former distribution warehouse located at 100 Oakdale Road. HOCHO Recycle Inc. has submitted an application to operate a tire recycling business in a former distribution warehouse located at 100 Oakdale Road. The applicant will use 25,632 square-feet of the building for shredding and pulverizing tires, the extraction of metal and nylon fibers, and finally, the production of de-vulcanized rubber. There will be an office, machines for processing the tires and repurposed materials, and storage areas for the chemicals used in the production of the rubber sheeting. The building is sprinklered, and there are no indoor drains in the building. This property is located in the current 500-year floodplain, and in the preliminary 100-year floodplain. In 2011, the flood rose as high as one cinderblock above lowest level floor grade

This project is also subject to a permitting process by the N.Y.S. Department of Conservation (DEC) for a Solid Waste permit (tire storage and processing), a Beneficial Use Determination (for finished products) and an Air registration application for minor air emissions. The DEC's engineer will conduct regular inspections of the facility, and they require that the site be secured to prevent unwanted haulers from dumping unwanted solid waste at the facility. Truck traffic will be an average of two per day, one bringing in tires, and one shipping out product. The DEC solid waste permit will strictly monitor the path that each tire takes. Due to limitations in available storage and permitting requirements, a maximum 120 tons of tires per day can be stored on site. Once the tires are in the crumb rubber stage, they are no longer considered solid waste by the DEC and so do not fall under the DEC's Solid Waste permit. Per the project engineer, Paul Woodward, the offloading and processing will be done by the plant staff and not the hauler. The staff will utilize equipment to unload, sort, separate and prepare the tires for processing. The tires will be unloaded from the trucks and inspected. Any tire that has been determined to have acceptable service life left will be moved to the outside covered tire storage and classification area. Tires to be processed will have the sidewalls removed (the sidewalls will also be moved to the storage and classification area) and the tire thread will be moved to the conveyor belt which will load them for initial processing down to the chip stage. The sidewall and serviceable tires will be removed from the site at least once a week.

The DEC requested that the site be secured against waste being brought to the site by unwanted haulers. Since this site is multi-tenant, access gates cannot be installed. Security cameras will be installed which provide full coverage around the exterior of the Tire Recycling portion of the building. In addition, this facility will only accept tires from a contracted source and will not accept "drop-off" tires. Signs will be installed to indicate that tires will not be accepted from individuals nor any other non-contracted source. The process for reviewing the contracted tire source is described above, and therefore allows for the immediate rejection of any unauthorized waste. The DEC also requires that the facility post financial security, a bond, for facility closure. The engineer for the project has estimated that the cost to remove waste tires, shreds and fibers from the facility



would cost approximately \$12,000. The DEC's engineer will approve the final cost and the DEC will require the bond.

Per Chapter 272-5A of the Village Code, for any development within the Village of Johnson City Aquifer District, any use of property which uses, distributes or stores petroleum products, toxic materials or hazardous materials when such distribution, storage or use exceeds 25 gallons or 220 pounds per month, whichever is less, requires an aquifer permit. This property is located in Zone 1 of the Aquifer District, and with the storage of greater than 220 pounds of petroleum-based and / or hazardous chemicals, the project requires an aquifer permit.

On December 15, 2016, the Wellhead Advisory Committee met with the applicants to review the specific chemicals to be used and stored on site, and then made recommendations for their safe use and storage. It should be noted that some of the chemicals will be used in large quantities (10-25 tons used on site biweekly) to mix with the pulverized rubber to make de-vulcanized rubber particles and rubber sheets. Other chemicals will be used only as testing reagents of the finished de-vulcanized product, and will be stored in small 500-gram bottles. Total consumption of these testing reagents amounts to approximately 22 pounds per year, and therefore the testing reagents are not subject to this review. In addition, these chemicals will be stored in reagent cabinets in the quality inspection room, sulfur and acetone separately, and bottled to prevent any cross exposure unless chemically required.

The applicant has offered two different formulas of the oils to be mixed with the pulverized rubber for the de-vulcanization process. The optimal first-choice formula uses tall oil and pine tar oil (maximum 530 gallons/day), colophony / raw resin (less than 20 tons stored), and diphenyl disulfide (less than 10 tons stored). This formula is neither toxic nor petroleum based, although it is slightly hazardous as an irritant if touched, inhaled, or comes into contact with the eyes. It must be used with a fume hood or ventilation. The second, last-choice formula of liquid chemicals greater than 220 pounds per month which fall under this review because they are either potentially hazardous or petroleum-based are Aromatic Oil and liquid Hydrocarbon Resin, also called C9 Petroleum Resin (up to 25 tons bi-weekly). Aromatic oil is a last resort in order to achieve the desired properties of the de-vulcanized rubber as it is potentially hazardous. Other liquids meeting the 25-gallon or 220 pound threshold are not hazardous and are derived from coniferous trees. These chemicals will be kept in secured rooms located in the western end of the leased portion of the warehouse. All material will be stored in accordance with the manufacturer's recommendations and standard practices for these types of chemicals. Liquid and solid chemicals will be stored in separate rooms. Within the liquid storage room, there will be a seepage control treatment, coffer dams, and spill collection devices. Liquid chemical containers will be stored in double containment storage areas that will have a minimum capacity of the largest container. Barrels containing the emulsifier oils for the de-vulcanization process will be delivered on pallets via the loading docks, and moved by forklift to the storage rooms. Only one barrel will be open at a time during the de-vulcanization process, and the barrels vary between 53 gallons to a maximum of 270 gallons. Should there be a spill, it is most likely that only one barrel will be open at a time, and if it is tall oil that spills, it is plant-based and not a concern for the aquifer. Should aromatic oil be spilled, the container will have secondary containment, and there is a spill plan in place. It is unlikely that any hazardous chemicals will be spilled outside. The dry chemicals being stored at greater than 220 pounds per month are crystalline Diphenyl Disulfide, which is classified only as an irritant (Level 1 out of 0-4 in the hazardous classification) and granular C5 Petroleum Resin which is not hazardous but is a petroleum-based product. C5 Petroleum Resin does need to be



handled carefully as there is the potential for dust explosion. This is not subject to the Aquifer Permit, but the fire department has been made aware of this potential.

Representatives from HOCHO Recycle Inc. and Mr. Paul Woodward, project engineer with Keystone Associates, were present.

Public Hearing – Special Permit for Manufacturing Waste Products or Materials

Mr. Woodward explained that there was a last minute change tonight. They have a verbal contract for the supply of the tires which will change the sorting process. They would now only receive the tire treads, not the entire tire so they will no longer need the outside storage. There would only be storage if any of the treads are deemed unacceptable.

Chairman Putman opened the public hearing. There being no one wishing to speak, Chairman Putman closed the public hearing.

Public Hearing - Aquifer Permit

Chairman Putman opened the public hearing. There being no one wishing to speak, Chairman Putman closed the public hearing.

Chairman Putman read the department head comments for Manufacturing Waste Products or Materials

Department Head and 239-Review Comments

239-Review:

The project was subject to a 239-Review as it is within 500 feet of N.Y. State Route 17 and the Town of Union. The applicant's proposal is considered an Unlisted Action under the N.Y.S. Environmental Quality Review Act (SEQRA), and the Planning Board made a Negative Declaration on December 27, 2016. A SWPPP was not required as less there will be no ground disturbance.

B. C. Planning:

Found no significant county-wide or inter-community impacts associated with the project. The department did recommend periodic onsite inspections, a decommissioning and reclamation plan, all of which are required by the NYS DEC. The B. C. Planning Department also recommended that the stipulations of approval include restrictions on the number of tires permitted on site. Such a limitation falls under the jurisdiction of the DEC.

BC Health Department:

Comments related to air emissions and odors. The NYS DEC will issue an Air Quality permit. In conversation with the DEC, it is only a registration permit which is required due to the fact that there will be a small amount, less than one ton per year, of emissions. No lead is released, and no hazardous chemicals are released.

Planning Department:

The Planning Department recommends approval of the Waste Materials Special Permit for the tire recycling business, with the following stipulations to manage the storage of waste tires in a safe manner that will not impact surrounding businesses or homes:



- 1) All tires and related materials stored outdoors shall be covered. The applicant shall adhere to the 2015 NYS Fire Code, Chapter 34, Tire Rebuilding and Tire Storage.
- 2) HOCHO Recycle, Inc. shall arrange for annual safety tours by the Johnson City Fire Department. Contact the Johnson City Fire Marshal's Office at 607-729-0428.
- 3) The applicant shall stay compliant with any NYS DEC permits.
- 4) The Special Permit shall expire should the property or business be sold to another entity, per § 300-66.11. Transferability:
 - a) A special permit is not transferable except upon approval by resolution of the issuing board.
 - b) A special permit shall authorize only one special use and shall expire if the tire recycling use ceases for 3 months for any reason.
- 5) The applicant shall be required to acknowledge all of the above stipulations, in writing, prior to the issuance of a building permit. The applicant agrees to maintain the site in strict accordance with the Special Permit approved by the Planning Board.

Chairman Putman read the department head comments for the Aquifer Permit.

Department Head and 239-Review Comments

239-Review:

The project was subject to a 239-Review as it is within 500 feet of N.Y. State Route 17 and the Town of Union. The applicant's proposal is considered an Unlisted Action under the N.Y.S. Environmental Quality Review Act (SEQRA), and the Planning Board made a Negative Declaration on December 27, 2016. A SWPPP was not required as there will be no ground disturbance. The following comments are from the internal review and 239-Review:

B. C. Planning:

Recommended that an appropriate spill prevention plan be provided, *which one has been*, and recommended compliance with state and federal laws regarding hazardous materials storage, handling, and disposal. Regarding recommended periodic onsite inspections and a decommissioning plan, the DEC has already built this requirement into their permit approval.

Fire Department:

Prior to the issuance of any building permit, the building plans shall be submitted to the Fire Marshal for review of the fire alarm systems, fire truck access to the building and the sprinkler systems. Contact the Fire Marshall at (607) 729-0428.

Wellhead Advisory Committee and Planning Department Recommendations:

The Wellhead Advisory Committee and the Planning Department recommend approval of the Aquifer permit for the use and storage of specified chemicals with Code Enforcement and Public Works and Water Department head comments, and the following stipulations to prevent contamination of the Primary Aquifer and ground:



- 1) No chemicals or materials subject to the Aquifer Permit shall be stored on site until proper storage has been approved by the Building Official.
- 2) Chemical containers which have been opened and only partially used shall be stored in approved secondary containment, and stored in the indicated chemical storage rooms.
- 3) Liquid chemical vessels that are truck mounted and enter the property shall have secondary containment of at least 100% of the volume of the vessel.
- 4) When transferring liquid chemicals into and out of all trucks, a trained employee of the company shall monitor the transfer of the liquid chemicals.
- 5) Testing reagent chemicals shall be stored on shelving no lower than 3 feet above existing base flood elevation, based upon current FEMA floodplain mapping. This is a Zone B Non-Special Flood Hazard Area. Zone B is defined as the 500 year flood areas and areas of 100 year with less than one (1) foot of flooding. Therefore using the following: ground elevation (830.0) plus the one (1) foot to determine an approximate 100 year high water level for this area, therefore it would be $830.0 + 1.0$, or 831.0. The finished floor of the building is +/- 833.5 (or 2.5' above the above calculated high water elevation). Compliance will require that chemicals be stored at least 6" above the floor.
- 6) As the methods vary, first aid, storage, clean-up and disposal measures for each chemical shall be clearly posted adjacent to each chemical. The Spill Prevention and Emergency Response Plan shall be reviewed with employees routinely and posted in a highly visible location.
- 7) The discharge or disposal of any toxic or hazardous materials, and/or petroleum products on or below the surface of the ground is prohibited.
- 8) HOCHO Recycle, Inc. shall arrange for annual safety tours by the Johnson City Fire Department. Contact the Johnson City Fire Marshal's Office at 607-729-0428.
- 9) § 272-9 Change in use or ownership. The applicant is responsible for amending an existing permit if petroleum products, hazardous or toxic materials not listed in the original permit are subsequently used or stored at the site or if there is a change in ownership. Any proposed changes to the chemicals used or stored on site must be reported to the Code Enforcement Office and Planning Department at least 30 days before in order to evaluate for safety precautions
- 10) The applicant shall stay compliant with any NYS DEC permits.
- 11) § 272-16. The owner of any development found not in compliance with the provisions of this section or any other person who commits or permits acts in violation of any of the provisions of this section or any other person who commits or permits acts in violation of any of the provisions of this section shall be deemed to have committed an offense and shall be liable for any such violation and the penalty therefore
- 12) The Special Permit shall expire should the property or business be sold to another entity, per § 300-66.11. Transferability:
 - a. A special permit is not transferable except upon approval by resolution of the issuing board.
 - b. A special permit shall authorize only one special use and shall expire if the tire recycling use ceases for three months for any reason.
- 13) The applicant shall be required to acknowledge all of the above stipulations, in writing, prior to the issuance of a building permit. The applicant agrees to maintain the site in strict accordance with the Aquifer Permit approved by the Planning Board.



A motion to approve a special permit for manufacturing waste products or materials including the department head comments was made by Mr. Sheredy and seconded by Mr. Holbert.

Motion Carried - Vote:

Yes – 5 (Sheredy, Drimak, Holbert, Slota, Putman) **No** – 0 **Absent** – 0

A motion to approve the aquifer permit for HOCHO Recycle, Inc., 100 Oakdale Road, including the department head comments and the comments from the Wellhead Advisory Committee, was made by Mrs. Drimak and seconded by Mr. Sheredy.

Motion Carried - Vote:

Yes – 5 (Sheredy, Drimak, Holbert, Slota, Putman) **No** – 0 **Absent** – 0

Site Plan Review

This site plan review is specific to the proposed tire recycling project, although a separate landscaping business has been approved for the bulk, and west-end, of the property. Truck routes will be determined by the vendors that will frequent the business. Smaller vehicles could access the site from either direction. Tractor trailers will need to access the site from the north. The applicant estimates one-two tractor trailers per day at peak operation with a number of smaller trucks delivering raw materials and chemicals, and picking up processed materials. This will be well below the former warehouse traffic load. A “No-Left Turn” sign shall be posted at the entrance to remind drivers. The facility will have its own parking area dedicated to employees. Ten parking spaces are provided, one per employee at maximum shift. The facility will operate 24-hours a day, with 10 employees per the three shifts. A tarp-covered fenced area (1,075 sf) will be used to store waste tires prior to processing. Finished products consisting of de-vulcanized crumb rubber and rubber sheets will be stored in a portion of the indoor leased space for sale to end users. The site plan shows an enclosed dumpster for general trash, and additional dumpsters for scrap tires, scrap metal, and scrap fiber. Outdoor conveyor belts will be used to move the outdoor scrap tires into the building for processing. The covered scrap tire storage area will be maintained 50-feet from the building, per NYS Fire Code. No tires shall be burned on site. Finally, an outdoor chiller that will recirculate chill water for the equipment, minimizing the usage of public water.

Chairman Putman asked if there will be an enclosed dumpster. Mr. Woodward stated yes, it is shown on the site plan.

Mrs. Drimak asked for clarification about storage. Mr. Woodward explained that they will have the covered area for storage just in case. Chairman Putman asked if, once the tires are chipped inside, are they still in a covered area. Mr. Woodward stated yes.

Mr. Slota asked about the separation between this business and the landscaping business. Mr. Woodward stated it is a full separation.

Chairman Putman read the department head comments for the site plan review.

Department Head and 239-Review Comments

239-Review:

The project was subject to a 239-Review as it is within 500 feet of New York State Route 17 and the Town of Union. The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA), and the



Planning Department recommended a Negative Declaration. A SWPPP was not required as less than 1-acre shall be disturbed for a new water lateral. The following comments are from the internal and 239-Review:

B. C. Planning:

Found no significant county-wide or inter-community impacts associated with the project. The Broome County Planning Department recommended that emergency access and fire lanes be shown on the site plan. The only one way for trucks to access the building is from the driveway along the north of the building. Johnson City Fire will be visiting the site and will be aware of the locations of products, and where to enter the building in the event of a fire.

Code Enforcement:

The applicant shall use contractors licensed by the Village of Johnson City, and shall apply for all appropriate building permits prior to any construction;

- Post signs for the handicap spot and access aisle. *Indicated on the site plan.*
- A "Trucks No Left Turn" sign shall be posted as indicated on the site plan, prior to the issuance of any Certificate of Compliance.

Fire Department:

Prior to the issuance of any building permit, the building plans shall be submitted to the Fire Marshal for review of the fire alarm systems, fire truck access to the building and the sprinkler systems that will be used in the building design.

Police Department:

No compelling interest.

Public Works & Water:

Backflow preventer paperwork shall be submitted and approved prior to the meter being re-installed. Contact the Water Department at (607) 797-2523 for more information.

Planning Department:

The Planning Department recommends approval of the site plan for HOCHO Recycle, Inc. at 100 Oakdale Road, with the requirements from Code Enforcement, Public Works and Water, and the Fire Department, with the following stipulations:

- 1) All comments from the Code Enforcement Officer shall be addressed, and a revised final site plan and floor plan shall be submitted and approved prior to the issuance of any building permit.
- 2) The site shall be maintained in a neat and orderly manner. The dumpster enclosures shall be maintained in good repair, any spillage shall be removed daily, and if waste is generated faster than expected, appropriate action shall be taken to provide adequate disposal.
- 3) The parking lot shall be striped and posted, per the approved site plan, prior to the issuance of a Certificate of Compliance.
- 4) If any changes are proposed to the existing lighting, cut sheets for outdoor lighting fixtures shall be submitted to the Code



Enforcement Office for review and approval prior to installation.

- 5) A sign permit shall be submitted to the Building Permits office for all proposed signage prior to installation. 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.
- 6) The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a building permit. The applicant shall agree to follow stipulations of approval in strict accordance with the site plan approved by the Planning Board.

A motion to approve the site plan for 100 Oakdale Road including the department head comments was made by Mrs. Drimak and seconded by Mr. Sheredy.

Motion Carried - Vote:

Yes – 5 (Sheredy, Drimak, Holbert, Slota, Putman) No – 0 Absent – 0

Mark Suer/Innovative Bottling, Inc. – 114 Brown Street
SEQRA & Site Plan Review

Mark E. Suer, owner of 114 Brown Street, submitted an application for approximately 1,400 square-feet within the existing building at 114 Brown Street to be used as a wine infusion and bottling facility, Innovative Bottling Inc. The wine will be delivered to the building, the wine will be infused with non-narcotic oil derived from hemp, the infused wine will be bottled on site, and then shipped to retailers. The CEO of the business, Kaelan Castetter, will use 934 square feet as a production room, in addition to two offices, a conference room, and a reception area. The property is zoned Industrial (I) and the infused wine production and packaging is a permitted use. This business will not be a retail shop for the public, will not hold wine tastings, and will not have signage to direct the public to the facility. Three parking spaces are required for the bottling business (one space per maximum number of employees per shift). Additional spaces are required for the adjacent auto repair business and the two residential apartments on the second floor. Parking is provided for the residents on the adjacent parcel at 27 Burns Street, and for the vehicle repair business on site and at 129 Brown Street. Both of these parcels are owned by Mr. Suer and are within the 400-foot requirement. This property is in the 100-year floodplain, and the interior walls of the building have been repaired following flood damage in 2011. Mr. Castetter is aware of the potential for future flood events. Trash will be handled by municipal garbage service.

Mr. Suer and Mr. Castetter were present.

SEQRA

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



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 Mr. Sheredy 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 – 5 (*Sheredy, Drimak, Holbert, Slota, Putman*) **No – 0** **Absent – 0**

Site Plan Review

Mr. Suer stated that no structural changes are needed to the building. Mr. Castetter explained the process for infusing the wine with a small extract of hemp. They will get their wine from the Glenora Winery. Mr. Castetter explained the taste of the wine and the possible health benefits.

Chairman Putman asked about the storage of the wine. Mr. Castetter explained that it will be in 275 gallon tanks. They will retail to liquor and grocery stores and will appear at wine festivals and trade shows. There will be no retailing at the site.

Mr. Castetter reviewed the history of the hemp wine and stated that they are fully permitted in NYS. Chairman Putman asked if they will use local hemp. Mr. Castetter stated yes they will, when it becomes available. They are in talks with Assemblywoman Lupardo and Governor Cuomo regarding hemp production in NYS.

Planning Director Nelson asked what name will be on the bottle. Mr. Castetter stated it will be Sovereign Wines. There will be a launch party on February 10th.

Chairman Putman read the department head comments for the site plan review.

Department Head and 239-Review Comments

239-Review:

The project was subject to a 239-Review as it is within 500 feet of NY State Route 17. 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. A SWPPP was not required as there will be no soil disturbance. The following relevant comments are from the Department Heads and 239-Review:

BC Health Department:

The Health Department does not have jurisdiction over this operation. The applicant should contact the NYS Department of Agriculture and Markets at 315-487-0852 for more information.

Code Enforcement:

The applicant shall use plumbing and electrical contractors licensed by the Village of Johnson City, and apply for appropriate building permits. Parking is acceptable.

Fire Department:

No comments.

Police Department:

No compelling interest as long as the business adheres to any laws applicable to the industry.

Public Works & Water:

Since this is a commercial property, the water service requires a



backflow device. The device will be required to be installed by a plumber licensed by the Village of Johnson City and tested by a certified backflow device tester. The NY State Health Department forms for the application of the installation of backflow devices can be obtained from the water department (607-797-2523). *A licensed plumber has already applied to install the backflow prevention device.*

Planning Department:

The Planning Department recommends approval of the site plan for 114 Brown Street, with the requirements and recommendations from Code Enforcement, Public Works and Water, Broome County Health Department, with the following stipulations:

- 1) All comments from the B.C. Health Department and Department heads shall be addressed, and a revised final floor plan shall be submitted prior to the issuance of a Certificate of Compliance.
- 2) The parking lot shall be striped prior to the issuance of a Certificate of Compliance.
- 3) If any changes are proposed to the existing lighting, cut sheets for outdoor lighting fixtures shall be submitted to the Code Enforcement Office for review and approval prior to installation.
- 4) Although at this time the business owner does not intend to post signage, in the future for any proposed signage, a sign permit shall be submitted to the Building Permits office prior to installation. 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.
- 5) Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan.
- 6) 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 shall agree to follow stipulations of approval in strict accordance with the site plan approved by the Planning Board.

A motion to approve the site plan for Innovative Bottling, Inc. at 114 Brown Street including the department head comments was made by Mr. Sheredy and seconded by Mrs. Drimak.

Motion Carried - Vote:

Yes – 5 (*Sheredy, Drimak, Holbert, Slota, Putman*) **No** – 0 **Absent** – 0



Steven Leung - 207 Grand Avenue

SEQRA/Advisory Opinion – Parking Variance/Set Public Hearing for Restaurant Use

Steven Leung has submitted an application to convert a 1,600 square-foot space into a sit-down restaurant with take-out in an existing single-story building located at 207 Grand Avenue in a Neighborhood Commercial Zoning District. The restaurant use is permitted only by Special Permit from the Planning Board. The building was previously used by the VFW, but has been vacant for some time. There is no parking available on the site of the proposed restaurant. Mr. Leung has submitted a floor plan providing seating for thirty-two (32) customers, which requires 16 parking spaces. Mr. Leung has requested an area variance for sixteen (16) parking spaces.

Mr. Steven Leung and Attorney Sarah Campbell with Hinman, Howard & Kattell, LLP were present.

Attorney Campbell reviewed the project. The property has a 0' lot line. There will be 8 tables with 32 seats. It is anticipated that many people will walk to the restaurant. There would be no parking for any use at this building.

SEQRA

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

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 Mr. Sheredy 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 – 5 (Sheredy, Drimak, Holbert, Slota, Putman) No – 0 Absent – 0

Advisory Opinion – Parking Variance

Mr. Sheredy asked if there are plans to do any work on the outside of the building. Attorney Campbell stated that they are not sure yet.

Mr. Slota asked what the business hours will be. Mr. Leung stated it will be 12pm – 9pm.

Mr. Slota asked if they have approached the property owner next to them about parking. Mr. Leung stated no.

Mrs. Drimak commented that there appear to be a good number of parking spaces in the neighborhood.

Mr. Slota suggested talking to the Village about temporary parking being allowed at the meters on the street for carryout customers.

Chairman Putman read the department head comments.



Department Head Comments

- Code Enforcement:** Never had more than a space or 2 for off-street parking. Area in rear is not big enough for legal off-street parking because you can't back out into the street. Parking is required at a rate of 0.5 spaces per seat; therefore a variance for sixteen parking spaces is requested.
- DPW:** No comments.
- J.C. Police:** No compelling interest
- BC Health Department:** The applicant should contact Mark Mancini at 778-2810 for information on BCHD restaurant permitting requirements. This should happen before work begins on the facility.
- Planning Department:** Planning Department staff recommends that the Planning Board recommend to the ZBA approval of the area variance for sixteen parking spaces. Attendees of the former uses in the building, a pharmacy and then VFW Hall, were able to park on the street or walk to the building without significant impact on the adjacent uses. If the variance is granted, the Planning Board will hold a Public Hearing for a special permit for the sit-down restaurant use. If the Special Permit is approved, the Planning Board will conduct a site plan review.

A motion to recommend approval of the variance to the Zoning Board of Appeals including the department head comments was made by Mrs. Drimak and seconded by Mr. Sheredy.

Motion Carried - Vote:

Yes – 5 (Sheredy, Drimak, Holbert, Slota, Putman) **No** – 0 **Absent** – 0

Set public hearing for special permit

A motion to set a public hearing for a special permit to allow a restaurant use in a Neighborhood Commercial Zoning District at 7:30pm on Tuesday, February 28, 2017 was made by Mr. Holbert and seconded by Mrs. Drimak.

Motion Carried - Vote:

Yes – 5 (Sheredy, Drimak, Holbert, Slota, Putman) **No** – 0 **Absent** – 0

Reorganization of Officers

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

ADJOURNMENT

A motion to adjourn the meeting at 8:36pm was made by Mrs. Drimak and seconded by Mr. Sheredy.

Diane Busko

Respectfully submitted,
Diane Busko, Planning Board Clerk

