

Minutes of a meeting of the Johnson City
Planning Board held on August 27, 2024 at
7:00pm at 60 Lester Avenue, Johnson City, NY.

Present: Marcia Ward, Vice Chair
David Michalak, Secretary
Michael Sheredy

Also Present: Keegan Coughlin, Attorney for Village
Stephanie Yezzi, Director of Planning

Absent: Gerald Putman, Chairman
Lori Thorn
Kim Cunningham, Planning Board Clerk

A work session was held at 7:00pm.

Attorney Coughlin, Stephanie Yezzi and the Board discussed the agenda and the applications:

- 5 Endicott Avenue
 - Advisory opinion to the ZBA about a parking variance.
 - 33 parking spaces needed for one-bedroom units
 - 14 spaces needed for two-bedroom units
 - Handicapped accessibility
- 214 Reynolds Road
 - Site plan review

Vice Chair Ward called the Planning Board meeting to order at 7:30pm.

Vice Chair Ward noted the fire exits.

PRIVELEGE OF THE FLOOR

Vice Chair Ward opened the privilege of the floor. There being no one who wished to speak, Vice Chair Ward closed the privilege of the floor.

MINUTES

A motion for approval of the July 23, 2024 meeting minutes was made by Mr. Michalak and seconded by Mr. Sheredy. The motion carried with all those present voting in the affirmative.

OLD BUSINESS - None

NEW BUSINESS

5 Endicott Avenue – ABODEVELOPMENT LLC

Advisory Opinion to ZBA – Parking Area Variance



Michael Abettan, owner of 5 Endicott Avenue and Chris Lynch, Project Manager at Delta Engineering appeared on behalf of the project.

Mr. Lynch presented rendering for 29 units:

- Mr. Abettan would like to take the dilapidated building with decent structure and add three additional floors.
- An elevator would be installed
- Building footprint goes right up to three sides of property line. Do not have an option to build out and there is not an option to park onsite without tearing down part of the building.
- Mr. Abettan acquired a vacant parcel, 43 Endicott Avenue, on the same side as 5 Endicott where they currently have twelve spots that can be dedicated for the parking for this building. There are four street spots immediately out in front. They will ask if they can dedicate two of those spaces as the accessible spaces for the building.
- Attorney Coughlin questioned the garage door and the possibility of indoor parking.
- Vice Chair Ward questioned the target market for tenants
 - Mr. Abettan responded affordable, market. 60-80% AMI
 - Mr. Lynch added \$53,000 - \$75,000.
- Parking for the building will be mostly street parking.
 - Mr. Michalak stated alternate street parking will cut available parking in half. Attorney Coughlin added that will hamper the accessible parking issue.

Attorney Coughlin asked if they contemplated doing the project without the addition so they needed less parking?

Mr. Abettan answered yes, but then they wouldn't be able to use the beams. They were oversized for the building itself. They were able to use the setbacks to their advantage.

Mr. Abettan confirmed twelve spaces on the vacant lot is the max with two ADA compliant spots and a two-way drive.

Ms. Yezzi advised there is a concern that with twelve spaces there is a rule in the Village that you cannot back out onto a Village road. So, the back spaces wouldn't have any other way than to back out into that road. Attorney Coughlin stated you would have to design around that and the ADA spaces wouldn't count over there.

Mr. Lynch said they will show turning radius.

Attorney Coughlin confirmed under the current application they are asking for 100% variance. Ms. Yezzi stated for a multi-family units you can have parking within 200 feet from the building.

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

Variance Request:

It is understood, Michael Abettan, a representative from ABODEVELOPMENT LLC, has submitted an application for site plan review with a parking area variance request for a multi-family residence at 5 Endicott Avenue. The project involves the rehabilitation of an existing multi-family building with



addition of two floors to include 22 studio or one-bedroom units and 7 two-bedroom units. As such, the Village Zoning Law requires a total of 47 spaces, two of which shall be ADA compliant. Building code has separate ADA regulations currently under evaluation by the Code Enforcement Department.

The property owner has also purchased 43 Endicott Avenue to construct a 12-space parking lot for the building. A separate site plan review will be conducted for the property; however, the initial concern is that the back spaces of the lot would need to back up onto the roadway in order to exit. Backing into the roadway is prohibited in the Village, so 1-2 spaces may need to be removed from the final site plan for the lot. This would require an even larger variance than requested.

That being said, the applicant has requested a variance from the following section of the Village Code:

- Section 300-51.3 – A multi-family residence, with the number of one- and two- bedroom units mentioned herein, requires 47 parking spaces (22 one-bedroom units x 1.5 spaces = 33 spaces, and 7 two-bedroom units x 2 spaces = 14 spaces). The proposed lot at 43 Endicott Avenue only contains 12 spaces (2 ADA compliant).

239-R and Department Head Comments:

The project is considered an Unlisted action under SEQR to be reviewed by the ZBA at their regular September 16 meeting. The application has been submitted to department heads for comment as well as to Broome County Planning and the City of Binghamton for a 239 review.

- Broome County Planning – The Planning Department has reviewed the above-cited case and has not identified any significant countywide or inter-community impacts associated with the proposed project. However, we have the following comments:
 - The project site is located within the Johnson City i-District BOA The Village should consider the Johnson City i-District BOA Plan and Downtown Design Guidelines to the extent necessary.
 - The site plan should include the drainage plan for the parking lot to the extent necessary.
- NYSDOT - The Regional Site Plan Committee has no comments on this proposal at this time. However, as these sites are located next to the railroad right-of-way, the applicant should ensure that any necessary coordination is undertaken with Norfolk Southern.
- BMTS & BCHD: No compelling interest.
- City of Binghamton - We have no concerns with the site plan or requested variance.
- Public Works – If they are adding two floors and some units to this building, I will need to see water and sewer calculations to verify that the service laterals they have are correctly sized and to ensure they do not need additional sewer credits.
- Water Department – 5 Endicott Ave has been vacant/inactive prior to 2011. Since this is slated to be a residential use only, we do not require a backflow on the domestic line. However, due to the size increase of the building it may require a fire service which will need a testable backflow device. There will also most likely need to be an upgraded domestic line to accommodate the anticipated flow for 29 units. If the service inside is over 2", they will also be required to install a metered bypass.
- Fire Department – Awaiting comment.
- Police Department – Awaiting comment.
- Code Enforcement – 5 Endicott is going to require accessible units that also have a parking requirement and distance from the building. Additional comments forthcoming.



Planning Staff Recommendations:

The Planning Department recommends the Planning Board recommend that the ZBA deny the requested variance to Section 300-51.3 as the addition of three floors results in an even larger variance request. The large parking variance then becomes self-created. It is a substantial request and there are concerns for ADA compliance regarding the distance from the building.

Attorney Coughlin reminded the Board that they are just providing an advisory opinion to the Zoning Board on the area variance. It is a 100% variance request for parking due to that clarification we had from the section of the code that says parking can count within 200 feet. Attorney Coughlin stated the balancing test that they follow is:

- Whether or not a substantial change will happen to the character of the neighborhood or a detriment to nearby properties by the granting of this variance.
- Whether the request is substantial.
- Whether the relief sought can be achieved by some other means for the applicant.
- Whether the alleged difficulty is self-created.
- Whether there will be a change to the environment in the neighborhood.

These are the factors the ZBA will be balancing and the Planning Board is providing a recommendation for how they should decide.

There were no further questions or comments from the Board.

Vice Chair Ward said it would be appropriate for a motion at this point.

Motion that the Johnson City Planning Board recommend that the Zoning Board of Appeals deny the requested variance at 5 Endicott Avenue as a result of the adequate parking considerations was made by Mr. Michalak and seconded by Mr. Sheredy.

Motion Carried - Vote:

Yes – 3 (Sheredy, Michalak, Ward) **No** – 0 **Absent** – 2 (Thorn, Putman)

Vice Chair Ward stated this will be going to the Zoning Board of Appeals in September and they will be making the final decision.

214 Reynolds Road – Hassan Wraich

Site Plan Review

Hassan Wraich appeared on behalf of the application. Mr. Wraich explained the project. He said it will be a German, Italian restaurant. He wants to have an outdoor freezer and he may want outside seating in the future. Attorney Coughlin said the outdoor freezer will require minor site plan and advised he speak with Randy Shear to make sure it is up to code. He continued the outdoor seating will be an application for a special use permit. Attorney Coughlin advised if he does put in a bar, there is a waiting period for the liquor license. He said that once he gets approved, he can ask the Village of Johnson City to waive the maturing period so once he gets the license he can start selling.



Vice Chair Ward read the Site Plan Review, 239-R and Department Head Comments and Planning Staff Recommendations.

Site Plan Review:

It is understood, Hassan Wraich has submitted an application for site plan review of the existing commercial space at 214 Reynolds Road (former OTB). The project involves applying aesthetic changes to the exterior and interior of the building.

No exterior renovations have been proposed; however, internal renovations include basic remodeling for a restaurant. The restaurant will include approximately 75-80 seats at 20-30 tables. An internal layout has been provided and includes commercial kitchen, storage/cooler spaces, staff room and office space, and bathroom facilities.

239-R and Department Head Comments:

The project is considered a Type II action under SEQR and requires no further review by the Planning Board. The application has been sent to Broome County Planning for 239-Review and to department heads for comment.

- **Broome County Planning:** The Planning Department has reviewed the above-cited case and has not identified any significant countywide or inter-community impacts associated with the proposed project. However, we have the following comments:
 - The SEQR SEAF should address the BCHD comments in the approvals and the responses to comprehensive plan consistency, character consistency, and habitat types.
- **NYSDOT & BMTS:** No compelling interest.
- **BCHD:** A food permit from the Broome County Health Department will be required for this project. A Floor Plan Review application will need to be submitted with the other food permit application items. Applicant may contact the Food Program Manager, Ben Holden, at 607-778-3923 for more information. In addition, the applicant should contact the local water purveyor for backflow prevention requirements.
- **Code Enforcement:**
 - Renovations to the space may require building permits that shall be obtained through the Code Enforcement Office. Plumbers and electricians shall be licensed by the Village of Johnson City.
 - Signage will require permits to be issued by the Code Enforcement Office.
 - Garbage shall be disposed of according to Section 208-3 A2 of the Village Code.
 - Yearly fire inspection shall be performed by the Fire Department.
 - Final Certificate of Occupancy inspection will need to be performed before the space can be occupied.
- **Police Department:** No compelling interest.
- **Fire Department:** The Department requests installation of a Knox Box. The facility shall be inspected by the Fire Department prior to opening. Contact Fire Marshal's Office at (607) 729-0428 to arrange for both.



- **DPW & Public Services:** I would like to see a complete drawing set and updated water and sewer use calculations from an engineer. I will assume they are not changing any of the exterior sewer piping but I would like to verify.
- **Water Department:** This plaza is fed by one domestic line and one fire line. There are existing backflows on each and they are currently up to date. Any internal work being done will need to be inspected by Code and the plumbing inspector.

Planning Staff Recommendations:

The Planning Department recommends approval of the Site Plan for the dine-in restaurant with all department head comments and the following stipulations:

1. If using municipal trash service, garbage cans shall weigh no more than 50 pounds, be no larger than 35 gallons, and shall not have hinged lids. Contact the Department of Public Services at (607) 797-3031 for additional requirements
2. If any changes are proposed to the exterior lighting fixtures, cut sheets for the proposed fixtures shall be submitted to the Code Enforcement Office for review and approval prior to installation.
3. A sign permit shall be submitted to the Building Permits office for all proposed signage prior to installation. All temporary signs, portable signs, and sidewalk 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.
4. Site plan approval shall expire after one year unless substantial improvements have been made pursuant to the approved site plan and a valid building permit.
5. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a building permit or Certificate of Compliance. The applicant shall agree to follow stipulations of approval in strict accordance with the site plan approved by the Planning Board. Changes to the site plan following approval may require a minor site plan review or resubmittal to the Planning Board, depending on the degree of change per Section 300-63.2. applicability.

There were no further comments from the Board.

Attorney Coughlin stated in relation to the County comments on the SEQRA forms, his suspicion is in line with the comp plan based on his recollection of it and that it was just the wrong box checked on the Short EAF Form. Ms. Yezzi confirmed it is a Type 2 action so no further action is necessary.

Motion that the Johnson City Planning Board approve the site plan at 214 Reynolds Road including the Department Head Comments and Staff Recommendations was made by Mr. Michalak and seconded by Mr. Sheredy.

Motion Carried - Vote:

Yes – 3 (Sheredy, Michalak, Ward) **No** – 0 **Absent** – 2 (Thorn, Putman)

Mr. Wraich confirmed the restaurant will be called Bread and Butter.



Attorney Coughlin stated be ready for a busy September and October.

ADJOURNMENT

A motion to adjourn the Planning Board Meeting was made by Mr. Michalak and seconded by Mr. Sheredy. The motion carried with all those present voting in the affirmative.

The meeting was adjourned at 8:11 pm.

Respectfully submitted,

Kim Cunningham
Planning Board Clerk

