

Minutes of a special meeting of the
Johnson City Planning Board held
on January 12, 2021 at 6:00pm
via Zoom Video Conference

Present: Gerald Putman, Chairman
Mary Jacyna, Vice Chairman
Greg Matyas
Marcia Ward

Also Present: Keegan Coughlin, Attorney for the Village
Kim Cunningham, Planning Board Clerk
Marina Lane, Town of Union Senior Planner
Trustee Martin Meaney
Trustee John Walker

Absent: None

Chairman Putman stated there is one item on the agenda for this evening.

Chairman Putman called the meeting to order at 6:11p.m.

Chairman Putman asked that we take a moment of silence and remember our good friend and colleague Matt Cunningham and to you Kim they express their deepest sympathies.

Chairman Putman took roll call and determined there was a quorum.

Chairman Putman read the Recommended Procedure and Executive Order regarding virtual meetings.

PRIVILEGE OF THE FLOOR

Chairman Putman 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.

Chairman Putman welcomed special guest Mayor Deemie.

UNFINISHED BUSINESS – None

NEW BUSINESS

Sarah Jane Johnson Methodist Church – 308 Main Street, 15 Baldwin Street and 16 Arch Street
Advisory opinion to the Village Board with regard to rezoning from CBD to NC



Rezoning Petition:

Sarah Jane Johnson Memorial United Methodist Church and the Johnson City Community Action Team propose an emergency before and after school childcare program at the church, due to restrictions during the COVID-19 pandemic. Under the current Central Business District zoning, childcare is not a permitted use. The church has applied to rezone 308 Main Street, 15 Baldwin Street and 16 Arch Street from Central Business District to Neighborhood Commercial, which allows youth day care programs. The church properties, 308 Main Street, 15 Baldwin Street and 16 Arch Street, are surrounded on two sides by Neighborhood Commercial zoning, so this application would not result in spot zoning.

Chairman Putman asked for any representative from Sarah Jane or a representative to speak on this.

Steven Contento appeared on behalf of the Johnson City Community Action Team. They are a non-profit organization that is collaborating with Sarah Jane Church to provide childcare at the location.

Chairman Putman said they are in a district that typically this is not allowed and it must be rezoned. How many children do you expect to have there, he knows we are not into site plan yet, but how many children do you expect to have at the site.

Mr. Contento responded collaborating with Sarah Jane, we are looking for an additional total of up to 30 children.

Chairman Putman stated the request was for emergency childcare, is this something you are looking to do long term?

Mr. Contento answered the future will help us in determining that. Normally our operations were housed at the Middle School in the Johnson City School District. The pandemic forced them out of that location and this would be a temporary location. At this point, the end time is open-ended because they aren't sure when the school will be ready for them, so they are looking for a place that they can provide this necessary care.

Mr. Matyas questioned the ramifications of changing the zoning?

Marina Lane, Senior Planner replied she sent everyone the chart on commercial zoning districts. If you have that, you will see that and it appeared to her at a fairly rapid scan of that that a number of uses in neighborhood commercial do require special permits and it's a little more restrictive than central business district because the whole concept behind the neighborhood commercial zoning is that its next to in with a mixture or a number of homes. So, the use is permitted in the neighborhood commercial district.

Mr. Matyas said so in a neighborhood commercial district like Aldi's was not applicable with lot width and lot length where it isn't applicable in the commercial district and there are restrictions on it in neighborhood commercial looking at the chart you sent.

Chairman Putman asked when we did Doggie Daycare, that was in the Central Business District; we did not rezone that.



Ms. Lane responded no because Ms. Golazeski made the determination that it fell under this fairly new clause in Johnson City where properties that are zoned either General Commercial, Industrial or Central Business District if there is a use that is not prohibited, and not permitted in those zoning districts depending on what the property is zoned, that it is up to the planning board to decide whether the use is appropriate or not. So that should be up near the top of the paperwork she sent in the second email. It was zoned Central Business District and that's why it required a special use permit. That was why we initially only gave it a six-month approval because we weren't sure what the impacts would be on the neighborhood and we did extend that so that fell under that clause of a use that was neither permitted nor not permitted. So that is a perfect example of something that can happen in the Central Business District that probably wouldn't be permitted under neighborhood commercial.

Attorney Coughlin stated the difference here with respect to why a special permit would not be appropriate is because daycare adult and youth is specifically not a permitted use in the Central Business District so we couldn't do the same type of special permit.

Chairman Putman said, but doggie daycare is.

Attorney Coughlin responded the code is silent on that. It is not expressly allowed or not allowed, so a special permit worked.

Chairman Putman's concern is if we zone this neighborhood commercial, that provides potential future restrictions for the owners.

Mr. Matyas asked are we opening this up now to a bunch of future special permits?

Attorney Coughlin answered, the church has more restrictions than the code under non-profit corporation's law and their own regulations anyways too. Those would be all factored in to any future use out of the church use anyways.

Chairman Putman read the Department Head Comments and 239-Review and Planning Staff Recommendation.

Department Head and 239-Review Comments:

The application to rezone is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA). The Village Board of Trustees will be Lead Agency for the environmental review of the rezoning under SEQRA. The project was subject to a 239-Review as it is within 500 feet of State Route 17C (Main Street). The following comments are from Department heads and the 239-Review.

- **Code Enforcement:**
 - Necessary permits must be obtained for any signs.
- **Fire Dept.:** The Fire Marshal shall inspect the building prior to the issuance of a Certificate of Compliance from the Building Permits Office. Call the Fire Department to arrange the inspection at (607) 729-0428.
- **Police Dept.:** No compelling interest.
- **Public Works & Water:**



- The backflow prevention device shall be test annually by a certified backflow device tester, and a report submitted to the Water Department.
- **B. C. Planning:**
The B.C. Planning Department has reviewed the case and has not identified any significant countywide or inter-community impacts associated with the proposed project; however, they suggest that the Village Board should consider the use and dimensional requirements of the Neighborhood Commercial District.
- **BMTS:** No comments
- **NYS DOT:** No comments.

Staff Recommendation:

Planning Staff recommends the Planning Board recommend the Village Board of Trustees rezone 308 Main Street, 15 Baldwin Street and 16 Arch Street from Central Business District to Neighborhood Commercial. The Neighborhood Commercial zoning would not permit undesirable uses, and are in keeping with the surrounding uses.

Should the Village Board of Trustees vote to rezone the properties, the Planning Board will hold a site plan review for the childcare program, as proposed by the Johnson City Community Action Team.

Chairman Putman stated with all the things that are going on with the Village and with this pandemic, there is a great need and when you have a need for close to 2,000 childcare slots we have to do something about it.

A motion that the Johnson City Planning Board recommend to the Village Board that Sarah Jane Methodist Church at 308 Main Street, 15 Baldwin Street and 16 Arch Street be rezoned from Central Business District to Neighborhood Commercial District including the Department Head and 239 Review Comments was made by Ms. Ward and seconded by Mrs. Jacyna.

Motion Carried - Vote:

Yes – 4 (Matyas, Jacyna, Ward, Putman) **No** – 0 **Absent** – 0

Chairman Putman questioned Mr. Contento when he would be going to NYS OCFS?

Mr. Contento responded basically according to NYS OCFS, they would need an approval letter from the Zoning and Planning Boards and the fire inspection which the Fire Marshal would take care of. They have done some other preliminary tests and things already such as testing fire alarms and they have been working very closely with Sarah Jane so they are hoping that February 1st would be a good target date for them.



Chairman Putman asked if the Office of Children and Family Services give you an indication that they could approve this thing in a quick manner.

Mr. Contento replied they have already been to Sarah Jane over a month ago and met with Pastor Caroline and him and have been working closely with them.

Chairman Putman informed Mr. Contento his recommendation will go to the Village Board on Tuesday night and we shall talk further.

Ms. Lane confirmed the Planning Board will see them on January 26th.

ADJOURNMENT

Chairman Putman adjourned the meeting with all those present voting in the affirmative.

The meeting was adjourned at 6:25 pm.

Respectfully submitted,

Kim Cunningham
Planning Board Clerk

