

Minutes of a meeting of the Johnson City
Planning Board held on January 23, 2024 at
7:00pm at 60 Lester Avenue, Johnson City, NY.

Present: Gerald Putman, Chairman
Marcia Ward, Vice Chair
David Michalak
Lori Thorn

Also Present: Keegan Coughlin, Attorney for Village
Kim Cunningham, Planning Board Clerk
Stephanie Yezzi, Director of Planning

Absent: Greg Matyas, Secretary

A work session was held at 7:00pm.

The Board discussed the agenda and the applications.

- 8 Narwood Street
 - 20' addition, 5' rear variance
- 14-18 Broad Street
 - Granted variance for 12' in 2019, they want an additional 7' leaving 5' setback.
 - Attorney Coughlin stated Coughlin & Gerhart have a waivable conflict on this matter. It is up to the Board if they want to waive it.
 - Why do they need additional variance?
 - 2,500 sq foot addition.
 - How can they change so they don't need the additional variance.
 - Why they can't they move it seven foot to the right.
 - GBF Funds and DRI funds to assist with cost
 - Questions regarding the interior
 - Recommend denial unless they get satisfactory answer as to why 12' variance is unacceptable.
- Attorney Coughlin stated assuming you are ok with the waivable conflict he can assist with some answers.
 - The Board agreed
- Attorney Coughlin advised if the Board wanted to recommend denial unless HCA is able to provide satisfactory explanation for why the existing 12' variance is not satisfactory.
- Sambursky Dental
 - Variance needed
 - At Yoga Body Shop building near Window World and Performance Auto
 - Flood plain issues
 - Combine 3 parcels

Dan Griffiths at Griffiths Engineering and George Pappas appeared on behalf of Dr. Sambursky to discuss the plan for a new doctor's office.

Mr. Griffiths handed out site plan to the Board.

- Gave overview of concept plan.



- 60 x 80' new proposed building. Nothing else is going to change. The existing building will remain the same.
- Reviewed variances they think they need. Variances for sides and lots.
- Stormwater drainage is the same
- Access is the same

The Board, Attorney Coughlin, Mr. Griffiths and Mr. Pappas discussed:

- Location of new building
- Parking spaces are for the existing and new building.
- Three different parcels
 - Attorney Coughlin stated we would make you combine them, at least the top two.
- Variances needed
- Maintenance in back
 - Will have small lawn mower/weed eater
- Design/Layout
- Setbacks
- SWPPP
 - Mr. Griffiths stated the only disturbance will be where the building is. They are not going to be filling anything.
- Drainage
- Flood wall
- Signage would be added to the different building so people know where things are.
- Can it be done as an addition onto existing building

The Board's biggest issue is the two-foot variance.

Chairman Putman called the Planning Board meeting to order at 7:38pm.

Chairman Putman noted the fire exits.

PRIVELEGE OF THE FLOOR

Chairman Putman opened the privilege of the floor. There being no one who wished to speak, Chairman Putman closed the privilege of the floor.

MINUTES

A motion for approval of the November 28, 2023 meeting minutes of the Johnson City Planning Board was made by Ms. Ward and seconded by Ms. Thorn. The motion carried with all those present voting in the affirmative.

OLD BUSINESS – None

NEW BUSINESS

8 Narwood Street – David R. Gamache

Advisory Opinion to ZBA – Setback Area Variance



David Gamache appeared on behalf of the project.

- Existing rear porch they are looking to tear down and a deck that needs to be replaced and they are concerned with the area, going over the 30%, to be able to build an apartment that would go right off the kitchen.
- Remove back deck and turn into green space
- Build a removable wheelchair ramp on front of house
- Gas meter direct center in front of the house; looking into cost of having it moved to put ramp closer to the house.
- No closer than 19' from the sidewalk
- Setback in back
- Lot coverage variance
- Attorney Coughlin asked if the Board wanted to proactively give an opinion to the applicant for few percentages they could and we could add that onto the application for the Zoning Board meeting, if necessary, rather than them to have to go through another month of meetings. The applicant would just have to amend his application.

Chairman Putman read the Variance Request, Environmental Summary and Department Head Comments and Staff Recommendations.

Variance Request:

It is understood, the applicant David Gamache is requesting an area variance for the removal of an existing back porch and front steps to accommodate the construction of a new front porch and ramp as well as a back addition. The addition will include one bedroom, a full bathroom with laundry and a living room. The front porch and ramp will be built no closer than 15 feet (10-foot variance) from the front property line while the addition will be located 20 feet (5-foot variance) from the rear property line. Variances from Section 300-20.4 Table 20-3 are requested. The Zoning Board of Appeals will hold a public hearing and review the variance requests at their February 26 meeting. If approved, the site plan review will be conducted by the Planning Board at the February 27 regular meeting.

Environmental Summary and Department Head Comments

The applicant's proposal is considered a Type II Action under the New York State Environmental Quality Review Act (SEQRA) and requires no further review.

239 Review was required for this property; however, Broome County Planning and the City of Binghamton had no objections and found no significant countywide or inter-community impacts.

Department head comments are detailed below:

- **DPW & Water:** No compelling interest
- **Fire:** No compelling interest
- **Police:** No compelling interest
- **Code Enforcement:** Pending

Staff Recommendations

The Planning Department recommends the Planning Board support ZBA approval of the proposed variance as it does not impact the environment or neighborhood and cannot be implemented through an alternative.



Attorney Coughlin confirmed the lot coverage under the law is 30%.

Ms. Yezzi said Mr. Shear added any building permits must be obtained through the code office.

Attorney Coughlin advised if you want to recommend approval of the front and rear setback request as well as potential lot coverage variance up to 3%, or up to 5%, then that number would be widdled down by doing the math with Randy before the Zoning Board meeting.

The Board had no further questions.

A motion that the Johnson City Planning Board recommend to the Zoning Board of Appeals approval of the front and rear setbacks and potential lot coverage variance up to 35% with required building permits including the Department Head Comments and staff recommendations was made by Ms. Thorn and seconded by Ms. Ward.

Motion Carried - Vote:

Yes – 4 (Thorn, Michalak, Ward, Putman) **No** – 0 **Absent** – 1 (Matyas)

Chairman Putman stated the applicant will go to the Zoning Board on February 26th.

Mr. Gamache thanked the Board for their consideration and time.

14-18 Broad Street – Lisa Kost, HCA

Advisory Opinion to ZBA – Setback Area Variance

Mark Parker of Keystone Associates and Jamie Berkeley-Hartjen of the Architectural Department at Keystone Associates and Lisa Kost of HCA appeared on behalf of the project.

- 2,477 square feet addition on the west side of the existing facility.
- Going to restripe some parking spaces to provide some accessible spaces.
- On west side there is an emergency exit door where there is a sidewalk. They want to not have the sidewalk and put some fencing.
- Required to have 53 spaces and they have 57.
- Utilize two existing drywells that roof drains go into. They will have to remove those because the addition will go on top of them and they will be putting new drywells to tie in the roof drains.
- Variance for the setback. Current variance allows it to be 12' and they want an additional 7' variance.
 - Chairman Putman questioned the additional 7' variance.
 - Ms. Berkeley-Hartjen responded, one of the key features is that the main entrance of the existing building is 2 1/2' lower than the playground area. One the things that was really important with the addition is being able to ramp up to the playground. Currently if they have any children with special needs, they would need to go out the front door and all the way around to the playground. This way with how the addition is the whole class can go together on the ramp.
- Ms. Berkeley-Hartjen explained the Floor plan



Chairman Putman stated four or five years ago, the Board gave the 12' variance and they were going to put a significant addition on and at that time you were going to do it with a 12' variance. What has changed that you are requiring a smaller variance?

Ms. Berkeley-Hartjen responded the design of the building in 2019 did not include the ramp so the scope of the addition slightly changed. That concept was adding classroom space but it wasn't solving the circulation issue. This design is adding the classroom space but also solving another issue that the previous design was not.

Chairman Putman questioned the neighbor.

Ms. Berkeley-Hartjen said the neighbor has a garage there and isn't using that space. They have not talked to him about this project. They said he was supportive of the last project.

Attorney Coughlin asked if they moved it 7' does the ramp not work?

Ms. Berkeley-Hartjen answered she isn't going to say it couldn't possibly work, it would make this not work. The ramp would have to curve. They would have to cut out more of the physical therapy space. She confirmed it would be more difficult to accomplish. Ms. Kost stated utilizing the ramp with some of them having mobility issues, making them navigate a winding path instead of straight run is a little more difficult. Trying to keep everyone together in the class rather than splitting them up do to some having mobility issues. Ms. Berkeley-Hartjen added and that it is part of the mission of HCA to try and include people.

Mr. Parker spoke regarding the setbacks.

Mr. Michalak said if the addition is put on there will be a 5' space between the addition and the neighbor's building.

They responded yes.

There were no other questions for the Board.

Chairman Putman read the Variance Request, 239 Review and Environmental Summary and Department Head Comments and Staff Recommendations.

Variance Request:

The Applicant, HCA, has hired Keystone Associates to design and assist through the area variance and site plan review process for a new addition to their existing facilities. HCA plans to construct a 2,477 +/- square-foot addition at 14-18 Broad Street. The parcel is zoned Neighborhood Commercial and the addition is an extension of the existing use.

As part of the application, HCA has requested an area variance for the side setback. In 2019, the property was granted a variance allowing a 12-foot side setback. The applicant is requesting an additional variance of seven feet to allow for a 5-foot side setback. The Zoning Board of Appeals will hold a public hearing and review the variance request at their February 26 meeting. If approved, the site plan review will be conducted by the Planning Board at the February 27 regular meeting.



Environmental Summary:

The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA). A Short Environmental Assessment Form (EAF) has been required for the review of the addition. The ZBA shall declare themselves Lead Agency under SEQRA, and shall complete parts II & III at their February 26 meeting.

239 Review and Department Head Comments:

A 239 review was required for this property; however, the County has not yet returned their comments. That being said, the following department head comments were provided:

- **Code Enforcement:** Awaiting comment.
- **Public Works/Water Dept:**
 - This property is overdue for their annual backflow test (due 1/9/2024). They will need to submit a current test report.
- **Fire Department:** Awaiting comment.
- **Police Department:** No compelling interest.

Planning Staff Recommendations

The Planning Department recommends the Planning Board support ZBA approval of the proposed variance as it does not impact the environment or neighborhood character.

A motion that the Johnson City Planning Board recommend approval to the Zoning Board of Appeals for the proposed variance at 14-18 Broad Street for the HCA building including the Department Head Comments and stipulations was made by Mr. Michalak and seconded by Ms. Thorn.

Motion Failed - Vote:

Yes – 2 (Michalak, Putman) **No** – 2 (Thorn, Ward) **Absent** – 1 (Matyas)

Attorney Coughlin said the motion failed so the Board needs to make a decision to deny or chose to not make a recommendation actively from a procedural perspective. Sounds like it would go 2-2, so if someone would make a motion to waive the right to provide a recommendation with the record of the 2-2 vote being provided to the Zoning Board.

A motion that the Johnson City Planning Board waive the right to provide a recommendation with the record of the 2-2 vote being provided to the Zoning Board of Appeals for the proposed variance at 14-18 Broad Street was made by Mr. Michalak and seconded by Ms. Thorn.

Motion Carried - Vote:

Yes – 4 (Thorn, Michalak, Ward, Putman) **No** – 0 **Absent** – 1 (Matyas)

Chairman Putman stated this will go forward to the Zoning Board of Appeals on February 26, 2024. There will be a public hearing. Attorney Coughlin advised they may or may not make a decision, but there will be a public hearing. The public hearing will be set administratively by the Planning Director.



759 & 761 Harry L Drive – Sambursky Dental

Concept Plan Discussion

Mr. Griffiths questioned the process going to the Zoning Board.

Attorney Coughlin advised the Zoning Board cannot give you an advisory opinion, this Board can.

Chairman Putman stated at the next meeting you would present the plan and this Board would make a determination to the Zoning Board whether they recommend approval of the variances or recommend denial of the variances or would make a motion to waive the right to provide a recommendation. The Board's biggest concern is the way the building is located with respect to the setbacks. If that were to be moved and you came back for different variances or if you needed variances, that would help. The biggest issues are where it is located on that lot.

Attorney Coughlin advised from a site plan perspective, there can be considerations on the fact that this building is the opposite askew to every other building on the road there and other environmental factors that Board would consider after the variance issues are overcome.

They will take a look at where to put that building and how to orientate it with the setbacks and come back with a better plan.

Chairman Putman said that would help.

Attorney Coughlin advised that would be wise.

ADJOURNMENT

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

The meeting was adjourned at 8:09 pm.

Respectfully submitted,

Kim Cunningham
Planning Board Clerk

