

Minutes of a meeting of the Johnson City
Planning Board held on June 27, 2023 at
7:00pm at 243 Main Street, Johnson City, NY.

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

Also Present: Keegan Coughlin, Attorney for the 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:

- 561 Harry L Drive
 - Attorney Coughlin explained the change in the exit location and traffic pattern.
- 660 Riverside Dr
 - No further information received
- 290 Main St
- 601 Harry L Drive
- 601-629 Harry L Drive
 - Discussed previous variance for Kaufman's
 - Treat this sign as a wall sign

Chairman Putman called the Planning Board meeting to order at 7:30pm.

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

Approval of the May 23, 2023 meeting minutes of the Johnson City Planning Board was made by Ms. Ward and seconded by Mr. Michalak. The motion carried with all those present voting in the affirmative.

Chairman Putman noted the fire exits.

OLD BUSINESS

561 Harry L Drive – Splash Car Wash

Public Hearing, SEQR Unlisted, Special Use Permit, Site Plan Review

Chairman Putman stated it remained open due to not receiving all comments. He stated we have now



received all documents regarding traffic flow.

Chairman Putman continued the public hearing.

Mason Eberhart, Engineer for DDS and Jeff Arnold representative of Splash Car Wash appeared on behalf of the project. He stated the Department of Transportation gave the go ahead.

Mr. Eberhart reviewed the project and explained the traffic flow plan. Mr. Arnold spoke about the gate control system, traffic control and car stacking.

Chairman Putman closed the public hearing.

Chairman Putman reviewed Part 2 of SEQRA.

Chairman Putman read Part 3 of SEQRA.

The proposal to locate a Splash Car Wash, on property zoned General Commercial, was reviewed for any significant adverse impacts to the environment. The project requires a Special Permit for a car wash with no variances.

The proposed project will not adversely impact the use of energy, natural resources, wildlife nor create a hazard to environmental resources or human health. Electrical loading calculations will be provided to NYSEG by the developer.

There will be no increase in flooding, erosion, nor impacts on wetlands. The site is not located in a Special Flood Hazard Area.

The uses are either permitted or require special use permits and are not out of character for the area. The traffic impacts due to the queue in the car wash have been mitigated with the update site plan submitted on June 13. DOT has reviewed and supports the updated traffic pattern.

Public water and sewer shall not be impacted. Utilities have already been discussed and approved by the Department of Public Services including DPW and Water Departments respectively. The wastewater treatment plant has the capacity to serve the project.

There will not be any significant impact to any Critical Environmental Area. Similarly, there will not be any significant impact on important historic, archaeological, architectural or aesthetic resources. After review, it was determined that the proposed car wash will not have significant adverse impacts to the environment that will not be mitigated.

Chairman Putman stated if the Board agrees with this it would be appropriate that a motion be made that the proposed action will not have any detrimental impacts and we will declare a negative declaration.

A motion that the Johnson City Planning Board declare a negative declaration for SEQRA for 561 Harry L Drive was made by Ms. Ward and seconded by Ms. Thorn.

Motion Carried - Vote:

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



Site Plan Review and Special Use Permit:

The Applicant, Clifton Land Company, LLC is proposing to demolish an existing Friendly's Restaurant to construct a Splash Car Wash to serve the community. The project includes construction of a new +/- 4500 square foot vehicle washing facility as well as new drive and parking areas. Upon completion, the building and site improvements will optimize traffic flow and vehicle wash operations. Vehicular access to the site will be via the existing curb cut to the private road that runs along the south end of the property.

Splash is dedicated to providing a car wash experience that is both practical and aesthetically pleasing for customers. A variety of landscaping will be proposed to meet Village guidelines. The development will utilize connections to existing public utilities for sanitary sewer, storm, gas, and electric. The water service will tap in to an existing private main and has been discussed with the Water Department in detail.

Environmental Summary:

The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA). A Full Environmental Assessment Form (EAF) has been required for the review of the car wash facility. The Planning Board has declared themselves Lead Agency in an uncoordinated review under SEQRA. Parts II and III shall be completed at this time.

Chairman Putman read the 239 Review and Department Head Comments.

239 Review and Department Head Comments:

The application has been sent to Broome County Planning for 239-review. The following comments have been received:

- **BC Planning Department:** The Planning Department has reviewed the above-cited case and has determined that this project as submitted includes outstanding uncertainties and concerns related to traffic as outlined in the enclosed comments from BMTS and NYSDOT and approval should be contingent on resolving these issues. We recommend the Village withhold taking action until these have been addressed. In addition, we provide the comments below.
 - The site plan should show compliance with the BMTS and NYSDOT requirements and recommendations.
 - Information in the SEQR should be verified for completeness (see blank responses), including the traffic responses which should include the BMTS and NYSDOT comments for the full environmental review.
- **BMTS:** BMTS supports NYSDOT's May 2, 2023 comments and share their concerns regarding potential traffic impacts. We may have additional comments if the applicant provides a traffic analysis as requested by NYSDOT. – No additional comments were received with the submittal of the updated site plan.
- **NYSDOT:**
 - NYSDOT has reviewed the revised site plan, with the facility exit located away from the intersection, and has determined that the proposed exit driveway location will adequately address our concerns regarding potential traffic conflicts at the intersection.
 - NYSDOT has also reviewed the revised report and models and has found them to be acceptable. However, please note that the June 14, 2023 Traffic Letter of Findings includes the incorrect site plan, which displays a third access point close to the signal, and this report should be updated to include the current site plan.



- **BC Health Department:** Applicant should contact the local water purveyor for backflow prevention requirements.
- **Code Enforcement:**
 - Demolition of the existing building will require a demolition permit; Construction of the new structure will require a building permit. Permits can be obtained thru the code enforcement office Plumbers and electricians must be licensed within the Village of Johnson City.
 - Code enforcement office requests a pre-construction meeting with local officials prior to start of construction.
 - Garbage shall be disposed of in accordance with Local village ordinances, if using a dumpster, no contractor shall be on the property until 6am Village ordinance 236-20
 - Separate sign permit required for the proposed signage.
- **Public Works:**
 - Sewer and Drainage Permits will also be required for this work.
- **Water Department:**
 - As this is a new commercial building, there is no backflow prevention device on site. They will need to go through the application process through the Department of Health. The backflow prevention device shall be tested annually by a certified backflow prevention device tester, and a report submitted to the Water Department (607-797-2523).
 - Also, their letter said they would be connecting to the Private Water Main; this will require an easement, and I would recommend they tie the new water service into the Village's existing main like their existing service. Either way, I need to see their water line plans. They will also be required to obtain a Water Line Permit. – **Applicant provided a Utility Plan with proposed water connection and snippet of water connection.**
- **Fire Department:**
 - No additional comments.
- **Police Department:**
 - Satisfied with the June 13 sheet set submitted by the applicant with exit moved further away from the intersection.

Chairman Putman read the Planning Staff Recommendations for the special use permit.

Planning Staff Recommendations

The Planning Department recommends approval of the **special use permit** for a Splash Car Wash at 561 Harry L Drive with the following stipulations:

- The applicant shall construct the project in strict accordance with the subsequent site plan approval, including all comments and stipulations presented herein.
- Per Chapter 300-66.11. Transferability of Special Permits
 - A special permit is not transferable except upon approval by resolution of the issuing board.
 - A special permit shall authorize only one special use and shall expire if the special use



ceases for more than three months for any reason.

- 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, whichever shall come first. The applicant shall agree to follow stipulations of approval in strict accordance with the special use permit approved by the Planning Board. Changes to the use following approval may require a new special permit or site plan review, depending on the change.

Chairman Putman stated we have a recommendation for the special use permit at 561 Harry L Drive. We do need a motion of the permit.

Attorney Coughlin read the special permit standards:

- Whether the development is consistent with the goals of the comp plan since it is to stay a commercial area, so it is not a major concern for the Planning Board.
- Will it be in harmony with the general purpose of the Zoning Code?
It is a specially allowed use in a commercial area and the Planning Board should not have a problem there.
- Will not tend to depreciate the value of adjacent property
- Will not create a hazard to the health or safety or general welfare
- Will not alter the essential character of the neighborhood nor be detrimental to neighborhood residents and will not be otherwise detrimental to public convenience and welfare.

Attorney Coughlin stated the only thing in this type of application the Planning Board may be concerned about is really the traffic stuff if you agree it has been mitigated successfully, wouldn't have any major concerns.

There were no further questions from the Board.

Attorney Coughlin asked about the queuing time and leaving time. Is that something they can alter or could alter if the traffic did become an issue there?

Mr. Arnold responded if the traffic is a problem at the exit, they will slow the conveyor down.

Chairman Putman asked how have they determined the queuing? They typically try to leave ample space and try to have it in the 30+ range. Extremely busy days happen about 15 times per year. There is not separate lane for express lanes, but they are set up with really sufficient queuing.

A motion that the Johnson City Planning Board approve the special use permit for Splash Car Wash at 561 Harry L Drive including all stipulations and department head comments 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 confirmed the Board has the site plan. Chairman Putman asked about the landscaping. Attorney Coughlin questioned what type of trees will be planted. Mr. Eberhart described the landscaping plan and the trees that will be planted.



That Board had no further questions.

Chairman Putman read the Planning Staff Recommendations for the site plan.

The Planning Department recommends approval of the **site plan** for the Splash Car Wash 561 Harry L Drive with department head comments and the following stipulations:

- For any proposed signage, a sign permit application shall be submitted to the Building Permits office prior to installation. All temporary 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.

Chairman Putman questioned the monument sign that has Friendly's, hotels and OTB on it. He said they need to check into that sign since Friendly's is the biggest sign on the monument.

- Lighting
 - All outdoor lighting fixtures shall be shielded or otherwise contained on the property from which it originates (known as "light trespass limitations").
 - Parking lots. Parking lots shall not exceed light levels necessary for safety and for locating vehicles at night. The lighting plan shall be designed so that the parking lot is lit from the outside perimeter inward and/or incorporate design features with the intent of eliminating off-site light spillage.
 - Prior to the installation of any new outdoor lighting, cut sheets for outdoor lighting fixtures shall be submitted to the Code Enforcement Office for review and approval.
- The parking lot shall be striped and landscaped according to the approved site plan.
- Landscaping
 - All landscaping and plant material that is missing, dead, decaying, or injured as of September 30 shall be replaced by June 30 of the following year at the owner's expense. The replacement shall be of the same species and size unless otherwise approved.
 - All required landscaping shall be maintained in healthy condition by the property owner. Failure to maintain such landscaping or to replace dead or diseased landscaping required by this chapter shall constitute a violation of these regulations.
- Per Chapter 236-20(B), all dumpsters shall be kept in a place easily accessible to private collection contractors, shall be clean, neat, painted and kept in good repair; any spilled materials are the responsibility of the property owner or occupant and shall be cleaned immediately. No garbage, rubbish, trash, yard waste or other items of refuse shall be located outside of a dumpster. All dumpsters located on a property for reasons other than temporary construction shall be fully enclosed and all doors and lids must be in working order and lids must be securely closed at all times. Dumpsters not in use must be removed within 30 days.
- Per Chapter 236-20(D), the collection of garbage or other material from dumpsters shall not commence on any day prior to the hour of 6:00 a.m. nor past the hour of 9:00 p.m.
- Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan.
- 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, whichever shall come first. The applicant shall agree to follow stipulations of approval in strict accordance with the site plan approved by the Planning Board. Changes to the use following approval may require a new special permit or site plan review, depending on the change.



Chairman Putman asked what the dates are regarding this project.

Mr. Arnold responded they will take possession at the end of September first part of October. There is a good chance they will start construction by the end of the year or Spring of 2024. He confirmed Friendly's contract is through the end of September.

A motion that the Johnson City Planning Board approve the site plan for Splash Car Wash at 561 Harry L Drive including department head comments and all stipulations from the planning staff was made by Ms. Ward and seconded by Mr. Michalak.

Motion Carried - Vote:

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

NEW BUSINESS

290 Main Street – JK Furniture & Consignment, Inc.

Site Plan Review

Joe Wang appeared on behalf of the project. He explained the project.

- Furniture Store
- Owns 11 Arch Street which would address parking issues in terms of loading and unloading. 11 Arch has two parking spots.
- Doesn't plan on consigning big furniture items due to limited space.
- He is a third-party contact who lists the item.
- Can get items from his warehouse in NJ. Will ship from his warehouse in NJ.
- Online marketing
- Services college students and landlords
- Deliveries are done by Amazon or third-party contractors.
- Loading and unloading will not be done in the front of the building.
- There are enough spaces in the alley to do deliveries.

Chairman Putman asked when they plan to start.

Mr. Wang said depending on the approval they would open in September.

The Board had no further comments.

Chairman Putman read the Site Plan Review, 239-R and Department Head Comments and Planning Staff Recommendations.

Site Plan Review:

It is understood, JK Furniture & Consignment has submitted an application for site plan review of retail space for a home furnishing store and consignment shop at 290 Main Street. This will be a retail store with products varying from bedframes, mattresses, dressers, etc. The store will be open 7 days a week with the hours of 10:00 AM to 6:30 PM. No employees will be hired in the early stages; however,



independent contractors may be brought in for deliveries. The store will be doing minor interior work including installing vinyl plan flooring and painting the walls.

The proposed retail space is approximately 1,743 square feet and would require 7 spaces per the Village Code. The property owner is seeking a parking waiver for the required 7 spaces from the Planning Board per Section 300-51.4 of the Code.

239-R and Department Head Comments:

The project is considered a Type II action under SEQR and requires no further environmental review. The application has been submitted to the Broome County Planning Department for 239-m 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 remediation yes response should be addressed. See BCHD email.
- **BCHD:** The BCHD has no records for contamination on this site or an adjacent site. If the applicant has information on such contamination, we would appreciate a follow up with those specifics. Otherwise, BCHD has no comments.

Chairman Putman questioned Mr. Wang's knowledge of contamination at the site.

Mr. Wang stated there shouldn't be any contamination. He explained the history of the site.

- **BMTS** concurs with NYSDOT's comments.
- **NYSDOT:**
 - Please note that the sections of NYS Route 17C and Arch Street along the building's frontage and side are designated no parking zones. Parking for deliveries to or from the site or for customers will not be allowed in these zones.
 - If any work is to be conducted within the State right-of-way, the applicant will require a Highway Work Permit from NYSDOT. The applicant may contact the NYSDOT Broome Residency at 607-775-0522 to apply for this permit.
 - No signs or any other items may be placed within the State right-of-way or obstruct traffic on the nearby sidewalk.
- **Code Enforcement:**
 - The applicant should provide us some information on how they plan to dispose of garbage and materials from the store.

Chairman Putman asked if he has done that yet.

Mr. Wang responded he addressed it in his email and added it is mostly going to be cardboard boxes so there won't be massive amounts of garbage.

- Any new construction remodel of the store area including plumbing and electricity (plumbers and electricians must be licensed) will require a permit from the Code Enforcement Office.
- The store will require one (1) handicapped accessible bathroom to be installed.



- The sprinkler system must be completed, tested and in service prior to opening of the store.
 - Signage will require a permit from the Code Enforcement Office.
 - Façade and store front shall conform to the design standards of the Central Business District outlined in section 300.57 of the Zoning Code.
 - Store and building owners are responsible for clearing snow and debris from the sidewalk in front of and on the side of the building.
- **Police Department and Public Works:** What are their plans for customers' and employees' handling and moving of furniture in/out of the business? The proposed location is on the corner within a busy intersection. The Main St frontage is a No Stopping zone and the Arch St side is No Standing. Loading/unloading furniture will not be possible from the front or side of the business. The only potential access is the alleyway behind the business (off-street). Please provide more information.
 - **Fire Department:** Building will require a fire safety inspection prior to opening. Fire Department requests installation of a Knox Box, contact the Fire Marshal's office for Knox Box information and to schedule the safety inspection.
 - **Public Works and Water:** Under previous ownership back in 2016, the Water Dept installed a new 4" fire service and 1.5" domestic service to the building. The owners also paid for a new 1.5" water meter. When it came time to upgrade the interior plumbing and install the new meter, all work was stopped. I have had the meter here in my office. I understand that it has changed ownership, however we will be requiring the interior plumbing be made adequate to install the 1.5" meter as well as domestic and fire backflows. An application for a backflow device on the fire line was submitted and approved by the BCDOH in 2016, but I have no record that was installed or tested. A backflow is required on the domestic and must go through the application process separately.

Planning Staff Recommendations:

The Planning Department received the following applicant responses on May 10, 2023:

For the Police Department and Public Services question, the moving of inventory in and out of the business would be done in the alley way behind the business as my family owns both 290 Main St and 11 Arch St which is the green apartment building directly adjacent to the potential storefront. Also, the furniture would be in boxes so they're not pre-manufactured like traditional furniture (more like Ikea; where the furniture is assembled by the consumers). As for customers depending on the item most items can be walked out the store with one able bodied individual and we would help if needed to take it to their car.

As for the Water Department and issues regarding that I have contacted Petcosky & Sons for the sprinkler system and could also have them do the necessary plumbing for the 1.5" meter main and back flows as needed.

For Code Enforcement inquiries, the garbage shouldn't be excessive and should be able to be taken as regular trash also to reaffirming the furniture isn't pre-assembled and thus does not take up excess space than regular garbage. As for the current layout of the property's layout, electric system and plumbing system we plan on keeping it the same with the exception of installing new flooring and repainting the walls. Also have been in talks with Joe Moody for the



restoration of the facade later down the line and we will file the necessary paperwork with Code for signage, also can confirm I will take care of removal of debris in front of the store!

The following concern shall be addressed before proceeding:

- If the store has a consignment component, the applicant response does not adequately address the Police Department concern.

If the concern is sufficiently addressed by the applicant, Planning Department staff recommends approval of the Site Plan for general retail use with all department head comments and the following stipulations:

- Prior to any outdoor lights being installed, cut sheets for the lights shall be provided to the Code Enforcement Official for review and approval.
- All signage must be submitted to and approved by the Code Enforcement Officer.
- 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.
- The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a building permit. The applicant agrees to construct the project 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.

Ms. Ward asked if someone purchases an item it will come in a cardboard box? Will he have some already assembled furniture.

Mr. Wang answered normally when the younger generation buys something they get it and they build it themselves. This is for the beginners starting out. He will have a certain amount assembled and they will be pictured online.

Chairman Putman confirmed this will be effective September 2023. What are the hours?

Mr. Wang responded yes. The hours are 10:00am to 6:30pm but could change depending on traffic. He confirmed he will just start out with himself as the only employee. If needed he will add employees. He does real estate full-time. He graduated from Johnson City and went to Binghamton University. Nancy, his sister, owns the property together with him.

Chairman Putman stated because they are in the Central Business District, they need a parking waiver.

A motion that the Johnson City Planning Board approve the site plan for 290 Main Street for JK Furniture & Consignment, Inc. to include the Department Head Comments and Staff Recommendations and approve the parking waiver for seven parking spaces at was made by Ms. Ward and seconded by Ms. Thorn.

Motion Carried - Vote:

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



601 Harry L Drive (Oakdale Commons) – GiGi's Playhouse

Site Plan Review

Sam Pomerantz appeared on behalf of the project. He works for Fahs Construction, and is here on behalf of GiGi's Playhouse. They are seeking site plan approval for the planned space at Oakdale Commons. He explained the project which will consist of teaching labs, kitchen, gym, reception area, three new bathrooms.

Chairman Putman stated the drawings are in front of the Board. He said currently GiGi's is in Vestal located next to JoAn Fabrics. It is a small space and they are looking to increase the amount of space because they have had a tremendous increase in the number of families. Looking for a place that gives them more exposure. There are a lot of families that could use GiGi's, but they need more space. The location they are at now is small and the cost of them going to the mall is less expensive.

Sam Pomerantz continued it is a great space and it will give them room to grow. He explained the entrance/exit and signage.

Chairman Putman read the Site Plan Review, 239-R and Department Head Comments and Planning Staff Recommendations.

Site Plan Review:

It is understood, GiGi's Playhouse has submitted an application for site plan review for an educational space for individuals with down syndrome at 601 Harry L Drive, Oakdale Commons. The application states, "All ages are welcome from pre-natal to adults. The positive and uplifting environment of GiGi's Southern Tier will empower those with Down syndrome to reach their best of all. Gigi's Playhouse is moving from their current Vestal location into the Oakdale Mall, increasing their programming space and ability to serve the surrounding communities."

Chairman Putman stated they are looking to increase the ages.

The 4,000 sq ft renovation will consists of interior architectural, mechanical, electrical and plumbing demolition. The new space will consist of a new aluminum door/glass entrance through the mall, new interior partitions, new ceilings, lighting, carpeting, a fitness area, individual learning labs, offices and a reception area. There will be three new bathrooms and a kitchen area used for classes and educational purposes. New lighting fixtures will be installed as well as various sprinkler and HVAC modifications to accommodate a new ceiling tile layout. The main entrance will be through the inside of the mall with an existing exit to the exterior.

Parking requirements are part of the lease agreement with Oakdale Commons (Spark JC, LLC).

239-R and Department Head Comments:

The project is considered a Type II action under SEQR and requires no further environmental review. The application has been submitted to the Broome County Planning Department for 239-m 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.



- **BCHD:** Based on the use of a kitchen for this facility a Food Permit with the Health Department may be required for the project. Applicant may contact the Food Program Manager, Ben Holden, at 607-778-3923 for more information.
- **BMTS & NYSDOT:** No comments.
- **Code Enforcement:**
 - Any new construction or remodel including plumbing and electricity (plumbers and electricians must be licensed) will require a permit from the Code Enforcement Office.
 - Signage will require a permit from the Code Enforcement Office.
- **Police Department:** No compelling interest.
- **Fire Department:** Requests they maintain a fire lane outside the entrance, installation of a knox box, and a fire safety inspection conducted prior to opening. Contact Fire Marshal's Office to arrange for knox box and schedule fire inspection.
- **Public Works and Water:** No compelling interest.

Planning Staff Recommendations:

Planning Department staff recommends approval of the Site Plan for educational use with all department head comments and the following stipulations:

- Prior to any outdoor lights being installed, cut sheets for the lights shall be provided to the Code Enforcement Official for review and approval.
- All signage must be submitted to and approved by the Code Enforcement Officer.
- 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.
- The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a building permit. The applicant agrees to construct the project 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.

Chairman Putman asked what is the operational date? Mr. Pomerantz responded prior to January 1, 2024. They are hoping to move in sometime in December. Their lease is up at the end of the year.

There were no further questions for the Board.

A motion to approve the site plan for GiGi's Playhouse at 601 Harry L Drive, Oakdale Commons including the Department Head Comments and stipulations to be completed by December 30, 2024 was made by Ms. Thorn and seconded by Mr. Michalak.

Motion Carried - Vote:

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



601-629 Harry L Drive (Oakdale Commons) – Dick’s House of Sports

Advisory Opinion to the ZBA

Dave Dimock appeared on behalf of the project. Mr. Dimock submitted the new drawing to the Planning Board.

Chairman Putman explained they are going to take the area of the hill from the new parking lot which was just planted. Subject to the owner visiting on Tuesday, he said he would like to see the hill with turf as opposed to the plants. Mr. Dimock confirmed.

Chairman Putman stated the issue is it’s another sign.

Chairman Putman read the Variance Request.

Variance Request:

The following area variance is being requested from the Zoning Board of Appeals (ZBA) by Spark JC LLC for proposed signage at the Dick’s House of Sports located at 629 Harry L. Drive:

- Section 300-52.5 Table 52-6: Increase the size of a wall sign to be constructed on the proposed permeable turf wall adjacent to the building.

The overall project is the redevelopment of the existing mall, which has already undergone extensive review. This application is a modification of the landscaping and signage for the Dick’s Sporting Goods location to create a more aesthetically pleasing, green-compliant design for signage. The Project includes removing existing mulch, planting, and topsoil, preparation of the bank and installation of 2-3” of crushed stone subbase, and installation of approximately 12,000 square feet of artificial turf with embedded Dick’s House of Sports logo.

Attorney Coughlin advised it is approximately 3,142 sq feet of logo.

239-R and Department Head Comments:

The project was routed to Broome County Planning for 239-review as well as department heads for comment. The applicant’s proposal does not require further review under SEQRA as the project has been reviewed in great detail during the site plan review process. The application has been sent to Broome County for 239 Review and the following comments were received:

- 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 variance seems substantial. Clear documentation of the particularly unique site and project circumstances justifying such a variance is recommended to avoid a precedent resulting in unintended consequences elsewhere, particularly in the General Commercial District.

Department head comments are detailed below:

- Public Services – I looked into the potential SWPPP impacts and I believe they will be negligible. From a runoff standpoint, this is the same as laying down landscape fabric before you’ve established grass on a new site. As long as it’s properly pinned, this will provide a runoff



improvement along that slope. I do not need a SWPPP update.

- DPW, Water Department, Fire Department & Police Department – No compelling interest.
- Code Enforcement – The landscaped sign shall be maintained in good condition.

Planning Staff Recommendation

On June 27, 2023, with the support of Planning Department staff, the Planning Board voted to recommend ZBA approval of the requested sign area variance with all department head comments and any stipulations added by the Village's legal team regarding the sign's maintenance. Granting the requested variance will not have negative impacts on the surrounding uses, including the historic district, recreational uses and natural environment.

The Board had no further questions.

Attorney Coughlin stated a condition of the sign variance approval be tied to the fact that this remain a landscaping sign. The intent of that is we are considering this a wall sign. If the building is sold and Dick's isn't there that theoretically we don't want somebody to be able to put a sign this big on the building. The real intent is that it is a landscaping sign.

A motion that the Johnson City Planning Board recommend to the Zoning Board of Appeals approval of variance including Department Head Comments and stipulations for 601-629 Harry L Drive effectuating the intent of the sign to remain a landscaping sign was made by Ms. Thorn and seconded by Ms. Ward.

Motion Carried - Vote:

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

ADJOURNMENT

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

The meeting was adjourned at 8:47 pm.

Respectfully submitted,

Kim Cunningham
Planning Board Clerk

