

Minutes of a regular meeting of the Johnson City
Planning Board held on June 28, 2022 at 7:00pm
at 243 Main Street, Johnson City, NY and via Zoom.

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

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

Absent: Kim Cunningham, Planning Board Clerk

A work session was held at 7:00pm.

The Board discussed the agenda and the applications.

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

Chairman Putman welcomed Trustee Walker.

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 in person or on Zoom, Chairman Putman closed the privilege of the floor.

MINUTES

Approval of the May 24, 2022 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.

OLD BUSINESS

19 Avenue D, Suite 3 – ACS Binghamton LLC

Public Hearing, Special Use Permit, Site Plan Review

Chairman Putman opened the public hearing.

Tony Shenk appeared on behalf of the application. He explained the project. He stated the hours of operation will be 6:00pm – 9:00pm Monday through Thursday. They plan on opening this summer.

Attorney Coughlin spoke regarding the parking waiver.

Chairman Putman read Ms. Yezzi's Memorandum.



Special Use Permit and Site Plan Review:

It is understood, ACS Binghamton LLC has submitted an application for site plan review of a martial arts facility at 19 Avenue D, Suite 3. The tax map address for the property is listed at 22 N Broad Street. The project involves no additions or changes externally and only proposes internal use for a lobby, weight room, locker room, two bathrooms and office space.

The suite is 2,716 square feet and would require 16 spaces per the Village Code. The applicant is seeking a parking waiver from the Planning Board per Section 300-51.4 of the Code. The Planning Board shall hold the public hearing for an indoor recreation Special Use Permit at this time.

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** found no significant countywide or inter-community impacts associated with the project. However, they have the following comment: The site plan should include the signage and landscaping or planters to the extent feasible.
- **NYSDOT, BCHD & BMTS:** No comments.
- **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.
 - Signage shall conform to the Central Business District design standards detailed in Section 300-57.6 of the Village Code.
 - 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.
- **Public Works and Water:** There is a backflow device on the water line that has been out of inspection since August 2019. They will need to submit a test report for the current year to keep in compliance with NYSDOH requirements. The backflow prevention devices shall be tested annually by a certified backflow prevention device tester, and a report submitted to the Water Department (607-797-2523).



Planning Staff Recommendations:

The Planning Department staff recommends approval of the Special Use Permit for indoor recreation with all department head comments and the following stipulations:

- 1) Per Chapter 300-66.11. Transferability of Special Permits
 - 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 special use ceases for more than three months for any reason.
- 2) The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Special Use Permit. 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.

The Planning Department staff recommends approval of the Site Plan for indoor recreation with all department head comments and the following stipulations:

- 1) Prior to any outdoor lights being installed, cut sheets for the lights shall be provided to the Code Enforcement Official for review and approval.
- 2) All signage must be submitted to and approved by the Code Enforcement Officer.
- 3) 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.
- 4) 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 closed the public hearing.

A motion that the Johnson City Planning Board approve the Special Use Permit for indoor recreation at 19 Avenue D, Suite 3 to include all Department Head Comments and Planning Staff Recommendations was made by Ms. Ward and seconded by Ms. Thorn.

Motion Carried - Vote:

Yes – 5 (Matyas, Ward, Michalak, Thorn, Putman) **No** – 0 **Absent** – 0

Chairman Putman asked what they are doing about trash. Attorney Coughlin questioned if they knew where the cans should be placed.

Mr. Shenk responded the Village picks up the trash. They put it out the road right by the telephone pole.

Mr. Shear confirmed there have been no code issues.



Chairman Putman advised it does require a parking waiver, so any motion must include the parking waiver to use the existing Village lots.

Attorney Coughlin stated there are two parking lots within walking distance of the building.

The owner of ACS Binghamton LLC informed the Board the hours of operation will be 6:00pm – 9:00pm Monday through Thursday and Saturday 9:30am to 11:00am.

A motion to approve the site plan at 19 Avenue D, Suite 3 to include all Department Head Comments and Planning Staff Recommendations and incorporating the parking waiver to use existing Village of Johnson City parking lots was made by Mr. Matyas and seconded by Mr. Michalak.

Motion Carried - Vote:

Yes – 5 (Matyas, Ward, Michalak, Thorn, Putman) No – 0 Absent – 0

215 Main Street – Nawaf Mohamed

Site Plan Review

Nuwaf Mohamed appeared on behalf of the application. He confirmed the store will have no smoking or vaping inside and will not be selling cigarettes. He stated the hours of operation will be 7:00am – 10:00pm seven days a week.

Chairman Putman read Ms. Yezzi's Memorandum.

Site Plan Review:

It is understood, Nawaf Mohamed has submitted an application for site plan review of an electronics and vape shop at 215 Main Street. The project involves no additions or changes externally and only proposes internal use for retail and a showroom. Accessories for sale include vapes, hookahs, hookah products and phone accessories. It is recommended the Planning Board inquire about any tobacco or tobacco-related products. Further clarification about what the applicant means by "hookah products" and "vapes" is necessary.

The lot requires 13 spaces as there is a rear residential building and another commercial space in the same building. There are only four (4) spaces onsite. The applicant is seeking a parking waiver 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** found no significant countywide or inter-community impacts associated with the project. However, they have the following comment:
 - The site plan should show consistency with the newly adopted i-District sign and design standards regulations and should include, to the extent feasible, landscaping planters.



- **NYSDOT:**
 - Nothing may be placed within the State right-of-way, including signage or items for sale, and no items may obstruct traffic on the nearby sidewalk.
 - 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.
- **BCHD & BMTS:** No comments
- **Code Enforcement:**
 - Signage requires permits that shall be obtained through the Code Enforcement Office.
 - Signage shall conform to the Central Business District design standards detailed in Section 300-57.6 of the Village Code.
 - Work performed on the building will require permits issued by the Code Enforcement Office. Plumbers and electricians shall be licensed by the Village of Johnson City.
 - Yearly Fire inspection shall be performed by the Fire Department.
 - Garbage shall be disposed of according to Section 208-3 A2 of the Village Code.
 - Final Certificate of Occupancy inspection will need to be performed before the space can be occupied.
- **Police Department:** Not yet commented.
- **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.
- **Public Works and Water:** A backflow device is required. The backflow prevention devices shall be inspected and tested after installation and then tested annually by a certified backflow prevention device tester, and a report submitted to the Water Department (607-797-2523). If there is not one currently installed, the applicant shall submit an application to the Department of Health to have one installed by a licensed plumber. If there is already one on site, the applicant shall submit a test report for the current year to keep in compliance with NYSDOH requirements.

Chairman Putman confirmed they will be using Village of Johnson City trash service.

Planning Staff Recommendations:

The Planning Department recommends approval of the site plan 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.

Mr. Mohamed confirmed the store will be open from 7:00am to 10:00pm, seven days a week. It is the intention of the owner to not sell cigarettes or tobacco products with exception of cigars.

A motion that the Johnson City Planning Board approve the site plan for 215 Main Street including the Department Head Comments, Planning Staff Recommendations and Stipulations and incorporating the parking waiver to use existing Village of Johnson City parking lots was made by Mr. Michalak and seconded by Ms. Thorn.

Motion Carried - Vote:

Yes – 5 (*Matyas, Ward, Michalak, Thorn, Putman*) **No** – 0 **Absent** – 0

Mr. Mohamed informed the Board he expects to open in this summer.

NEW BUSINESS

333 Grand Avenue – Regan Development

Recommendations to the ZBA Regarding Four (4) Area Variance Requests

Chairman Putman read the Area Variance Requests.

Jamie Easton appeared on behalf of the project. He explained the purpose of the variances and their reasoning for the necessity of the variances.

Chairman Putman read the Memorandum of Ms. Yezzi.

Area Variance Requests:

Regan Development is entering a contract with the Village of Johnson to purchase tax parcel 143.71-2-13, located at 333 Grand Ave in the Village of Johnson of approximately 4.0 acres in size. As part of this project, Regan Development proposes to construct a mixed-use building on this parcel. The current zoning of the parcel is Neighborhood Commercial (NC) District.

The following four (4) area variances are being requested from the Zoning Board of Appeals (ZBA):



- Building height variance (Section 300-21.5)
- Reduction in number of landscape islands (Section 300-54.3 B3)
- A 14-foot rear and 19-foot side variance from (Section 300-40.13 B)
- Parking in front yard and 9-foot parking setback relief from (Section 300-40.13 C)

Per Village code section 300-21.5 the maximum height of structure allowed in this zone is 30 feet. The proposed mixed-use building will be 4-story structure with an approximate building footprint of about 23,000 sf and a maximum height of 48 feet. The mixed-use building will comprise of approximately 6,200 sf of commercial spaces on the first floor and 72 multi-family units on the 1st to 4th floor. The 72 units on the four floors will be comprised of 27 one-bedrooms, 41 two-bedrooms and 4 three-bedrooms units.

The project seeks relief from the Zoning Board of Appeal for a height variance of 18 feet. Of the 18 feet, 6.5 feet is Mansour roof. The 6.5 feet of Mansour roof hides from view the mechanical units and sometimes the solar array panels on top of the building.

The proposed project also seeks relief from Village code section 300-54.3 B3 which requires a minimum of one landscaped island, at least 200 square feet in size, for every 20 parking spaces contained within each single row of parking. Landscape islands are proposed on in the submitted site plan; however, they do not meet the requirement for one every 20 spaces. The applicant is proposing as much space between the proposed parking lot and existing homes as possible to reduce noise, provide better screening and reduce site lighting effects on these properties. There are 4 main landscaped islands as part of this project that total 2,781 sf. There are 158 parking stalls proposed, requiring 8- 200 sf islands or 1,600 sf in total size.

The applicant also seeks a variance from the side and rear yard setbacks. Section 300-40.13-B requires a 50-foot building setback from all property lines, requiring a variance of 19 feet from the side and 14 feet for rear. The larger setback requirement is only for multi-family residential buildings. Based upon the shape of lot, relief from the code cannot be sought in any other manner as moving the building east and south would result in no place to relocate the sewer line that transverse the property (from Cook Street to Railroad ROW).

The final variance is from Section 300-40.13-C, which requires a 20-foot parking setback and no parking in the front yard. Based upon location of recreation space required for NYSHCR funding, location of homes, and abutting businesses, placement of the parking lot in the front yard reduces those noise impacts to adjoining property owners and provides for better layout for fire/emergency services vehicles to enter and service the building. With three road frontages, it is difficult to meet this section of the code by not having parking in the front yard. A parking relief of 9 feet is also required for similar reasons. The applicant explored other designs for the development, all of which were less feasible with local zoning and HCR requirements.

Environmental Summary and Department Head Comments:

The applicant's proposal is considered a Type I Action under the New York State Environmental Quality Review Act (SEQRA).

Department head comments have not yet been submitted.



Planning Department Staff Recommendations

The Planning Department recommends the Planning Board advises the ZBA to approve the variances for the following reasons:

- Building height variance (Section 300-21.5)
 - The type of roof will hide mechanical equipment and help to ensure the building does not impact the character of the surrounding area. With four stories proposed, though self-created, it is not a substantial request nor does it have a significant impact on the environment. Again, since the project is for a proposed four-story development, there would be no alternatives that do not require a variance if planning to hide the rooftop mechanical equipment.
- Reduction in number of landscape islands (Section 300-54.3 B3)
 - There is no impact on the neighborhood character or environment as the overall proposed parking lot landscaping exceeds what is required for the islands. This is not self-created as additional recreational space is required for funding purposes. The requirement of recreational space, and the road frontage of the lot takes away any other alternatives that also may not require a variance. This is not a substantial request.
- A 14-foot rear and 19-foot side variance from (Section 300-40.13 B)
 - Based upon the shape of lot, there are no other alternatives that would not require a variance, nor is the need for the variance self-created. This would not impact the environment nor the neighborhood character as there are surrounding businesses near the lot lines as well as a railroad behind the parcel. Moving the building east or south would result in no place to relocate the sewer line that transverse the property (from Cook Street to Railroad ROW).
- Parking in front yard and 9-foot parking setback relief from (Section 300-40.13 C)
 - Based upon location of recreation space required for funding as well as the location of adjacent buildings, placement of the parking lot in the front yard reduces those noise impacts to neighbors and provides for better layout for emergency vehicles. With three road frontages, this is not self-created nor is it a substantial request. Again, due to the placement of buildings and parking on other lots, this would not impact the character of the neighborhood or the environment. There is no other alternative to parking in the front yard with three road frontages.

Mr. Michalak questioned the roof and whether it was mainly HVAC or solar panels.

Mr. Easton explained the possibilities for the roof depending on the energy code. He and reasoning for the peak.

Ms. Ward asked where vehicle would enter the property.

Mr. Easton responded they would enter the property across from Cook, at Cook and Grand. The secondary access is at Allen and Bennett.

Mr. Easton reviewed the site plan. He informed the Board that a traffic study was done and that no offsite improvements were required.



A motion that the Planning Board recommend approval to the Zoning Board of the area variances for building height, reduction in number of landscape islands, rear and side variances, parking in front yard and parking setback relief for 333 Grand Avenue was made by Ms. Ward and seconded by Mr. Matyas.

Motion Carried - Vote:

Yes – 5 (*Matyas, Michalak, Thorn, Ward, Putman*) **No** – 0 **Absent** – 0

Chairman Putman advised Mr. Easton this project will go to the Zoning Board meeting on July 11, 2022.

Sign Law Amendment

Report to Board of Trustees

Chairman Putman advised the Planning Board they have all received the amendment to the sign law and asked if the Board had any questions. The Board did not have any questions.

A motion that the Johnson City Planning Board recommend that the Johnson City Village Board approve the proposed sign law was made by Mr. Michalak and seconded by Mr. Matyas.

Motion Carried - Vote:

Yes – 5 (*Matyas, Michalak, Thorn, Ward, Putman*) **No** – 0 **Absent** – 0

ADJOURNMENT

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

The meeting was adjourned at 8:19 pm.

Respectfully submitted,

Kim Cunningham
Planning Board Clerk

