

Minutes of a meeting of the Johnson City
Planning Board held on March 28, 2023 at
7:00pm at 243 Main Street, Johnson City, NY.

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

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

Absent: Gerald Putman, Chairman

A work session was held at 7:00pm.

The Board discussed the agenda and the applications:

- 219 Main Street
 - Reviewed SEQRA – Part 2 Questions
 - 16a answer is moderate to large because there are a number of properties within 1500 feet. Attorney Coughlin stated with balancing the entire thing, it is definitely not a negatively impact by having the parking lot.
 - The Board is in agreement with the answers
 - Attorney Coughlin stated someone can make a motion to accept the Part 2 responses into the record. We'll go through Part 3 and someone can make a motion regarding SEQRA and if the Board found there were no negative impacts, a negative declaration should be issued.
- Josh will be here at 7:30pm to talk about the DOTs comments regarding stormwater outflows with everything sloping down toward the back of the property to lessen the amount of discharge onto the road. Will not increase the outflow onto the road.
 - Stormwater outflow
- Landscape Plan
- 19 Avenue D – Coral Reef Labs
 - Marijuana testing company for market research
 - Can submit samples to them to get results
 - No SEQRA because it's the reuse of a commercial building.
 - Looking to have it be an office suite.
 - Parking spaces, how many are going to be onsite?
 - Parking waiver needs to be issued. A variance is not needed because it is in the central business district and it is within certain number of feet of the municipal parking. It will be a waiver of four parking spaces.
 - Bathrooms?
 - Mr. Shenk confirmed
 - There is a bathroom in the suite. He showed Attorney Coughlin where the bathroom was located. It was unmarked on the drawing as the 8x8 room.



- Three parking spaces out front
- Two people are in the office space

Attorney Coughlin and Stephanie Yezzi spoke regarding the DRI Grant.

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.

Stephen Fenson, *Grand Blvd, Binghamton* – Spoke regarding the hardship of landlords and the inability to get rid of squatters.

Tony Shenk, *property owner of 19 Avenue D* – Questioned the retaining wall on N. Broad St. He said when they knocked the houses down, took some trees out, and pulled some of the bottom lot out, LCP came in and pushed gravel and dirt was put down and they tried to reseed it. The runoff is eroding the middle of the lot. He asked who he should contact. Mr. Holland responded he would speak with him.

Vice Chair Ward closed the privilege of the floor.

MINUTES

Approval of the February 28, 2023 meeting minutes of the Johnson City Planning Board was made by Ms. Thorn and seconded by Mr. Michalak. The motion carried with all those present voting in the affirmative.

OLD BUSINESS

219 Main Street – Village of Johnson City

Site Plan Review

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

Site Plan Review:

It is understood, the Village of Johnson City would like to construct a municipal parking lot at 219 Main Street. The demolition of the previous structure was completed through the Restore NY program; therefore, the project was submitted to the NYS Office of Parks, Recreation and Historic Preservation for review. A no impact letter was provided from their office for consideration during SEQR and no other requirements were to be met from the grant.

The parking lot includes 10 angled parking stalls and 6 parallel parking stalls. Access will be one way in from Main Street, with departure into the existing public lot that fronts Avenue C.



239-R and Department Head Comments:

The project is considered an Unlisted action under SEQR and requires further review by the Planning Board as lead agency. The application was sent to Broome County Planning for 239 review as well as department heads for comment. The following comments were received from all parties:

- **Brome County Planning:** The Planning Department 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 Village of Johnson City National Register Historic District and near the National Register of Historic Places Goodwill Theatre. The project site is also located within the Johnson City i-District BOA. The Village should consider the Village of Johnson City i-District BOA Plan and Downtown Design Guidelines, Village of Johnson City Historic Preservation Guidebook, and any other applicable plans to the extent necessary.
 - The SEQR parks response should include CFJ Park and Carousel.
 - The site plan should show compliance with BMTS and NYSDOT, the entire adjacent municipal parking lot and pedestrian and vehicle circulation to show safe access to and from the two lots, and the other adjacent lots and uses.
- **NYSDOT:**
 - The applicant will be required to obtain a Highway Work Permit from NYSDOT prior to the commencement of work for the proposed driveway modifications or any other work within the State right-of-way. Please direct the applicant to contact the NYSDOT Region 9 Permit Office at 607-721-8082 to apply for this permit.
 - All new or existing driveway openings shall be designed and constructed or reconstructed in accordance with the *NYSDOT Policy and Standards for the Design of Entrances to State Highways*, which can be found at www.dot.ny.gov/permits. Pursuant to this requirement, the site's driveway shall conform to NYSDOT standards regarding one-way driveway width and spacing from adjacent properties.
 - Post-development stormwater outflows to the State right-of-way may not exceed the pre-development condition. Therefore, NYSDOT will require a drainage study, prepared by a licensed engineer, for review as part of the Highway Work Permit application process. Drainage study requirements can be found at www.dot.ny.gov/permits.
- **BMTS:** BMTS suggests that the Village consider requiring the addition of Complete Streets elements to this parking lot, including bicycle parking and landscaped buffers along the public right-of-way. Does the Village Code include bike parking requirements and screening/landscaping requirements for parking lots?
- **BCHD:** No comments.
- **BC Transit:** If the bus shelter remains as shown, the plan should be workable. Given the one-way traffic flow and relatively small number of spaces, I do not anticipate the need to move our stop to accommodate the new lot. Our average boarding time is about 45 seconds so our bus would not block the entrance for long at all. I have no objections to this project as proposed.
- **Code Enforcement:** Code has no concerns with the plans.
- **Police Department:** No compelling interest.



- **Fire Department:** No compelling interest.
- **Public Services:** No compelling interest.
- **Water & DPW:** The only interest the Water Department has is in the existing curb box located in the sidewalk. Once construction begins on the project, we will meet with contractors on site and assess whether or not we would like to retire the service.

Planning Staff Recommendations:

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

1. The lot shall be striped according to the approved site plan.
2. 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.
3. 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.

Joshua Holland, Director of Public Services for the Village of Johnson City appeared on behalf of the application. Mr. Holland explained the proposed drainage plan and assured the Board everything will be per Code and follow State Laws.

Attorney Coughlin asked if there were any landscaping plans.

Mr. Holland answered currently there is no landscaping, it is all concrete. They are going to add grass on the property lines where there is not asphalt. They will re-landscape the back exit but it will not change the street because there is a driveway, sidewalks and bus stops. The streetscapes will add bike parking up and down Main Street.

Attorney Coughlin stated we need to do the SEQRA. The Board went through the Part 2 in the Work Session and if someone would make a motion to accept the Part 2 questions as noted they were all no or small impact with the exception of 16a that was moderate to large due to the site's location within a number of schools, hospitals, daycare, group home, nursing home or retirement communities but if somebody would make a motion to accept those.

A motion to accept the Part 2 Questions as stipulated for 219 Main Street was made by Mr. Matyas and seconded by Ms. Thorn.

Motion Carried - Vote:

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

Vice Chair Ward read Part 3 of SEQRA.



Joshua Holland, on behalf of the Village of Johnson City, submitted a proposal to construct a new parking lot at 219 Main Street. The project was reviewed for any potential negative impacts to the environment, and a full E.A.F. was submitted.

The property is located in the Central Business District, and the parking lot is permitted with Site Plan approval by the Planning Board. The use will not have any impacts on wildlife, the air or ground, the floodplain, wetlands, aquifer, or archaeologically sensitive areas. There is no need for access to water, sewer, storm sewer. The location is not affected by any remediation sites. There will be a temporary increase in noise and vehicular odors during construction.

The proposed project is in a historic district; however, it will not affect the physical integrity of the building or site, it will not restrict any existing public access to the building or site, and it will not obstruct the view of the building or site. The project design is such that no disturbances or major changes to historic structures will occur. Though the project is within 5 miles of CFJ Park and Carousel, it will not be visible from the historic or recreational resources.

The project is located within 1500 feet of St. James Roman Catholic Church School (K-6), Wilson Hospital, Johnson City Senior Center, The Crescent Academy and Your Home Library; however, it is determined that the project will not have a substantial impact on human health from exposure to new or existing sources of contaminants.

After review, it was determined that the proposed parking lot will not have any significant negative impacts on the environment nor the historic district.

A motion to issue a negative declaration for the purposes of SEQRA for 219 Main Street including Department Head Comments and Planning Staff Recommendations was made by Ms. Thorn and seconded by Mr. Matyas.

Motion Carried - Vote:

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

Attorney Coughlin stated for site plan review, Vice Chair Ward has read the summary and the Board has heard Josh's comments in response to the 239 comments. Are there any other questions or concerns regarding this project?

There were no further questions from the Board.

Vice Chair Ward asked for a motion to approve or disapprove the site plan.

A motion that the Johnson City Planning Board approve the site plan for 219 Main Street including Department Head Comments and Planning Staff Recommendations was made by Ms. Thorn and seconded by Mr. Michalak.

Motion Carried - Vote:

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



NEW BUSINESS

19 Avenue D, Suite 1 – Coral Reef Labs

Site Plan Review

Tony Shenk, owner of 19 Avenue D appeared on behalf of the project. He stated they seem to be a good tenant, a good fit for the area, low key. They are marketing off the space. They have tried to develop that end of the street and hoping the Board will approve it. They are willing to follow the proposed stipulations and they have read the Memorandum and will follow that and make sure that is done.

Attorney Coughlin asked Vice Chair Ward to read the Memorandum. He noted two items from the Work Session. On the site plan submitted, at the bottom left corner there is an 8x8 bathroom on the property and that as part of this application they would be seeking a waiver of four required parking spaces as seven is required by Code. There are three on site.

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

Site Plan Review:

It is understood, Coral Reef Labs NY has submitted an application for site plan review of office space for market research and phone communications at 19 Avenue D, Suite 1. 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 office space and storage and bathroom.

The suite is approximately 1,300 square feet and would require 7 spaces per the Village Code. The Planning Board shall confirm how many parking spaces are located on site as the application suggests 3 spaces. The applicant is seeking a parking waiver for the additional 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 site plan should include the signage and landscaping or planters to the extent applicable and feasible.
- **NYS DOT & 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:** 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:** 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 Site Plan for offices 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.

Vice Chair Ward repeated that the site plan the Board was given the bathroom is in the lower left-hand corner and it is an 8x8 bathroom and they confirmed there are three parking spaces in front of the suite. She asked if the Board had any questions or comments. There were not.

A motion that the Johnson City Planning Board approve the site plan at 19 Avenue D, Suite 1 to include the parking waiver and to include the 8x8 bathroom and to include Department Head Comments and Planning Staff Recommendations was made by Mr. Matyas and seconded by Ms. Thorn.

Motion Carried - Vote:

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



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 7:56 pm.

Respectfully submitted,

Kim Cunningham
Planning Board Clerk

