

Minutes of a meeting of the Johnson City
Planning Board held on May 23, 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

Absent: Gerald Putman, Chairman
Stephanie Yezzi, Director of Planning

A work session was held at 7:00pm.

The Board discussed the agenda and the applications:

- 561 Harry L Drive
 - Attorney Coughlin stated the public hearing will be kept open because there isn't enough information about the traffic study to complete SEQRA. We need time to review the BMTS and DOT comments.
- 226 Baldwin Street
 - Advisory opinion to the ZBA
 - Site Plan
- 246 Main Street
 - Site Plan Review
 - No SEQRA reoccupation of commercial space
 - Parking Waiver – Retail space increased number
 - How many employees
 - Are they buying parking passes
- 660 Riverside Dr
 - Storage mall off circle
 - Looking to expand is in floodway and major flood hazard
 - SEQRA
 - Attorney Coughlin stated they need to provide us with more backup information or possibly issuing a positive declaration for SEQRA.
 - Hold off on making a decision on SEQRA
 - Environmental impact study
 - Declare Lead Agency
 - Request more information
- 18 Park Street
- Rezoning
 - Attorney Coughlin advised it was multiple parcels. They are looking to make it all general commercial.

Vice Chair Ward called the Planning Board meeting to order at 7:30pm.



Vice Chair Ward welcomed Trustee Walker.

Vice Chair Ward noted the fire exits.

PRIVELEGE OF THE FLOOR

Vice Chair Ward opened the privilege of the floor. There being no one who wished to speak, Vice Chair Ward closed the privilege of the floor.

MINUTES

Approval of the April 25, 2023 meeting minutes of the Johnson City Planning Board was made by Mr. Matyas and seconded by Ms. Thorn. The motion carried with all those present voting in the affirmative.

OLD BUSINESS

561 Harry L Drive – Splash Car Wash

Open Public Hearing

Vice Chair Ward read the Site Plan Review and Special Use Permit

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 as well as proposed new curb cut on the same stretch of private road.

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.

Vice Chair Ward opened the public hearing.

Mason Eberhart, Engineer for DDS and Jeff Arnold representative of Splash Car Wash appeared on behalf of Clifton Land Company, LLC. Mr. Eberhart explained the project.

- Lighting
- Curb cuts – additional one is for emergency vehicles.
- Traffic analysis
 - To be completed in two weeks
- Traffic patterns
- Drainage
- Site Plan

Mr. Arnold spoke regarding:

- Location
- Vacuums



- Noise level
- 100% manned
- Lights off when closed
- Hours 7am – 8pm
- No outside prepping
- Drainage goes to sanitary sewer
- Showed color combination of building
- 35 cars for stacking
- Snow removal

Mr. Eberhart and Mr. Arnold discussed the traffic pattern.

The Board had no further questions.

A motion that the Johnson City Planning Board hold open the public hearing for 561 Harry L Drive until the next meeting on June 27, 2023 was made by Mr. Matyas and seconded by Mr. Michalak.

Motion Carried - Vote:

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

226 Baldwin Street – Doak Engineering Design, PC

Advisory Opinion to the ZBA – Bulk Area Variance

Vice Chair Ward read the Site Plan Review and Special Use Permit, Environmental Summary, Department Head Comments, and Planning Staff Recommendations.

Site Plan Review and Special Use Permit:

The Applicant, Doak Engineering PC, on behalf of AIHAM, LLC, plans to renovate a 4,410 square-foot multi-family residential building and parking lot at 226 Baldwin Street. The parcel is zoned Urban Multi-Family.

The building will contain 6 units with 3 two-bedroom units, and 3 three-bedroom units. Village Code requires 12 parking spaces due to the number of bedrooms in each unit. The property has 12 spaces on site. As part of the application, Doak Engineering PC has requested an area variance for the number of allowed units as detailed in Section 300-20.4 Table 20-3. This table requires 2,500 square feet of land per dwelling unit. According to this section, the property is only allowed three dwelling units when brought back up to code. The ZBA has set the public hearing for Monday, June 12, 2023.

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 site plan for the multi-family residential building and corresponding area variance request. The ZBA has claimed lead agency for the SEQR review.

Department Head Comments:

The previous application was sent to department heads for comment. The following was submitted at that time; however, no new comments have been received.



- **Code Enforcement:** Code Enforcement supports Planning Department recommendations as detailed below.
- **Fire Department:** Due to the period of time the structure has set vacant, it would have to meet all current fire and building codes.
- **DPW, Public Services and Police Department:** No compelling interest.
- **Water Department:** There has been no water to the premises since 2011, so I would like to inspect the incoming water service prior to any restoration of services. Due to the size of the building, they may be required to upgrade their domestic water line, water meter and install a possible fire service as well. If a fire service is required and installed, they will also need to go through the application process for a backflow prevention device on the fire line and have it tested annually.

Planning Staff Recommendations

The Planning Department suggests the Planning Board recommends denial of the requested area variance on the basis of the following balancing test:

- Impact on the character of the surrounding neighborhood – The existing structure is no longer pre-existing nonconforming, per the Village Code. That being said, granting the variance and significant reconstruction of the existing building would maintain the only large multi-family building on this block of Baldwin. It does not match the character of the surrounding neighborhood as it currently stands, in compliance.
- Alternatives that would not require the variance requested – The applicant did not provide sufficient information with alternatives that would not require a variance.
- Is this a substantial request? – Yes, the applicant is requesting double the number of allowed residential units, a 100% variance to this section of the Zoning Law.
- Impact on physical or environmental conditions in a neighborhood – There are no significant physical or environment impacts to the neighborhood from the proposed project.
- Is this a self-created difficulty? – Yes, this property has not been code compliant for years. If brought up to code, more than a 50% change in the property would be required. This is no longer a pre-existing, nonconforming structure and would need to adhere to this section of the Zoning Law. The property was purchased in this condition.

Brian Doak of Doak Engineering appeared on behalf of the project. Mr. Doak explained the project and discussed:

- Reconstruction
- Reviewed the Memorandum
- Planning Staff Recommendations
- Alternatives
- Parking
- Tenants – target is young families
- Apartments in vicinity
- Property size
- Building has been secured
- Roof



- Confirmed there will be 3 apartments on each side

The Board and Mr. Doak discussed:

- Village code
- Layout
- Square footage
- Parking
- Ingress/Egress
- 2-bedroom apartments vs. 1-bedroom apartments
- ADA compliance – Mr. Doak thinks there only needs to be one.

A motion that the Johnson City Planning Board recommend to the Zoning Board approval of the area variance including the Department Head Comments and Staff Recommendations for 226 Baldwin Street was made by Mr. Matyas and seconded by Ms. Thorn.

Motion Carried - Vote:

Yes – 3 (Thorn, Matyas, Ward) **No** – 1 (Michalak) **Absent** – 1 (Putman)

Vice Chair Ward confirmed the Planning Board is giving an advisory opinion to the Zoning Board.

NEW BUSINESS

246 Main Street – Greenery Spot, LLC

Site Plan Review

Vice Chair Ward read the Site Plan Review.

Site Plan Review:

It is understood, Greenery Spot LLC has submitted an application for site plan review of retail space for a NYS Adult legalized cannabis dispensary at 246 Main Street. This will be a retail store with 3 point of sale counters and a pickup window. The store will be open 7 days a week with the hours of 10-9 (10-5 on Sundays), possibly adjusted by customer flow. The store will be doing minor interior work, and installing a new State of the art Security System with Cameras and alarm.

The suite is approximately 1,934 square feet and would require 8 spaces per the Village Code. There are also six, 1-bedroom, studio apartments on the upper floors of the building requiring an additional 9 spaces. The property owner is seeking a full parking waiver for the required 17 spaces from the Planning Board per Section 300-51.4 of the Code.

Greg Myers, Chris Myers and Brandon Myers appeared on behalf of the project.

Greg Myers spoke regarding:

- Security
- Renovation
- High end (not a smoke shop)
- 10am – 9pm Monday through Saturday and 10am – 5pm Sunday



- Welcome letter from Chief Dodge
- No onsite consumption
- Access control
- 12-15 employees, 6-7 onsite at one time
- Security guard
- 21 and over
- Visits will be short
- Parking
- Impact resistant film on glass
- Fire inspection was done in March for the alarm panel
- Will get a knox box
- Sprinkler system will be inspected yearly, June 6 is the inspection.
- Opening June 22nd
- Sign
- Cannot see product from the street

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

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 project site is located within the Johnson City National Register Historic District and 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 in the review of the signage and any other changes to the extent necessary.
 - The SEQR historic response should reflect that the project site is located within the historic district.
- **BCHD & BMTS:** No comments.
- **NYSDOT:**
 - If any work is to be conducted within the State right-of-way, or any temporary equipment is to be stored in the parking area in front of the building, 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:**
 - 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:** This property had a new domestic and fire service installed in July/August 2022. Per their application, both backflows were to be tested and proper forms submitted to BCDOH and the Water Department once the systems had been put into service. I have not seen anything come through. I would strongly recommend they comply with the Health Department and Village standards before they get the go ahead.

Planning Staff Recommendations:

The 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.

A motion to approve the site plan and parking waiver at 246 Main Street including the Department Head Comments and Staff Recommendations was made by Mr. Michalak and seconded by Ms. Thorn.

Motion Carried - Vote:

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

660 Riverside Drive – SROA 660 Riverside NY, LLC

Claim Lead Agency, SEQR Unlisted, Site Plan Review

Vice Chair Ward read the Site Plan Review.

Site Plan Review:

The Applicant, SROA 660 Riverside NT, LLC is proposing to expand an existing self-storage facility by adding one (1) 3-story, -27,700 SF footprint (total 83,100 SF), self-storage building. The proposed project is limited to the western portion of the site, disturbing 1.64 acres. Associated site improvements include asphalt paving, concrete curbing and utilities. Excess storm water



runoff due to these improvements will be managed by a system of storm inlets and pipes, with an underground stormwater management system, which will tie into the existing combined sewer system on site.

A motion that the Johnson City Planning Board claim lead agency for 660-662 Riverside Drive was made by Ms. Thorn and seconded by Mr. Michalak.

Motion Carried - Vote:

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

Kelly Esch, engineer with Kimley-Horn appeared on behalf of the project. Ms. Esch gave an overview of the project and spoke regarding the following:

- Two existing one-story climate-controlled buildings
- Eleven drive-up storage facilities on-site
- No improvements to entrance
- Gate controlled security
- Office will remain in same building
- Key pad entry during business hours or from 6am – 10pm.
- Providing loop road around three-story self-storage building
- Fully sprinklered
- Floodway
- Water access
- Water source is on site pulling from line near Boland
- 19 parking spaces on-site, adding six spaces
- Landscape plan
- Elevator access
- Architectural plans are still being created.
- Units are normally 10x10
- Climate controlled
- Building elevation
- Intent is to maintain the existing aesthetic on the site

The Board discussed the flood plain.

Attorney Coughlin advised that prior to this Board making a SEQRA determination, in light of those comments, it would be likely that an EIS would have been required so if the Board wanted to do after the work session discussion was wait and seek that additional information in response to those comments prior to making a SEQRA determination. He asked Ms. Esch if prior to making a SEQRA determination if she thinks her and/or her client would be open to that. Attorney Coughlin further explained if there was no additional information provided, based on the Planning Staff Recommendations, and this Board hasn't done the review yet, there would be a good chance for a positive declaration and a study needing to be done. The board was looking for additional information related to the impacts on the flooding conditions specifically in response to the 239 comments prior to making that determination to see if those questions can be answered.

Ms. Esch said they would definitely like to get the Board that information. She said they will definitely



provide the information prior to the SEQRA determination.

Attorney Coughlin asked the Board if they had a chance to review the Part 1, Part 2 and Part 3 of SEQRA that were drafted. Any changes or additions the Board would like to see?

Attorney Coughlin advised of actions for applicant in order to make a SEQRA determination:

- SWPPP
- Levels of flood way vs. flood plain and the building elevation, how that is avoided
- Height of trees
- Site line and visual impact of park and neighbors
- Site inspection related to bald eagles, bats and butterflies

Attorney Coughlin confirmed a motion was not needed because the applicant was willing to provide additional information. There will be no SEQRA determination at this time.

More information was requested and the Applicant was agreeable which delays the twenty-day shot clock after the lead agency designation.

Ms. Esch asked Attorney Coughlin to outline the next steps.

Attorney Coughlin responded: If the applicant is able to provide the information needed, the Board meets again June 27, 2023. At that meeting the Board could complete the SEQRA review and immediately following could complete site plan review. The Village's code does not require a public hearing for site plan for allowed uses. Attorney Coughlin advised Ms. Yezzi and Mr. Shear would be good points of contact.

18 Park Street – First Ward Action Counsel, Inc.

Advisory Opinion to Board of Trustees for Rezone

Vice Chair Ward read the Special Use Permit and Site Plan Review.

Special Use Permit and Site Plan Review:

It is understood, the First Ward Action Counsel, Inc. has requested a rezone for a multi-use facility to be located at 18 Park Street. The application requests a rezone from Industrial to General Commercial. The proposed mix-use building will be for renovations to the currently vacant Ozalid building into Senior Housing units, office spaces and classrooms to be used by Binghamton University. Part of the property is already zoned General Commercial.

After rezoning, the applicant will seek a site plan review from the Planning Board. During site plan review, additional permits from other governmental agencies will be obtained.

Mark Parker of Keystone and Jerry Willard of FWAC appeared on behalf of the project.

Mr. Parker stated this is a mixed use and explained the building will be owned by two entities, First Ward Action will own the residential part and Binghamton University will own the classrooms.

Mr. Willard stated the building will be structured as a condominium. There will be two condominium entities. One will be the classrooms and one the residential portion.



Mr. Parker explained the site plan. Mr. Parker and Mr. Willard discussed:

- Phase 1
- Phase 2 done in 2018
- DEC recommended a soil vapor intrusion evaluation on new buildings developed on the property.
- Will be built to education standards
- All construction will be done within the existing building.
- FWAC has done several historical properties. They have significant experience doing historic preservation.
- SHPO
- Working closely with Harve Senger
- Windows
- 29 units plus classroom space
- 52% of space will be for the apartments and 48% of the space will be classrooms.
- Pilot to pay real estate taxes to the Village

The Board did not have any further questions.

Vice Chair Ward read the Staff Recommendations

Staff Recommendations

The Planning Department and Code Enforcement Office recommend approval of the rezone from Industrial to General Commercial as the property is already zoned partially to this district. Any commercial/educational uses going into the building would pose a direct benefit to the neighboring properties.

A motion that the Johnson City Planning Board recommend approval of rezoning from Industrial to General Commercial to the Village Board for the property at 18 Park 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)

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 9:23 pm.

Respectfully submitted,

Kim Cunningham
Planning Board Clerk

