

Minutes of a meeting of the Johnson City
Planning Board held on November 28, 2023 at
7:00pm at 60 Lester Avenue, Johnson City, NY.

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

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

Absent: Greg Matyas, Secretary

A work session was held at 7:00pm.

The Board discussed the agenda and the applications.

- 239 Main Street
- 267 Main Street
 - Condition that they provide the Village with any required licenses from the New York State Office of Cannabis Management
- 269 Main Street

Chairman Putman called the Planning Board meeting to order at 7:30pm and 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, Chairman Putman closed the privilege of the floor.

MINUTES

A motion for approval of the October 24, 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.

OLD BUSINESS – None

NEW BUSINESS

239 Main Street – Vivian Hu

Site Plan Review – Residential Use

Vivian Hu and Chris Lynch, Project Architect with Delta Engineers and Architects appeared on behalf of the project.



Mr. Lynch explained the project.

- Minor change to storefront entrance – updating storefront glass
- Location of kitchens
- Reviewed the site plan with the Board
- Location of windows in apartments
- Garbage cans will be in back
- Parking waiver
 - Ms. Yezzi confirmed the waiver was given in 2016 for the parking

Attorney Coughlin advised when they come back for site plan for the commercial space, they will need an amendment of the existing waiver depending on the use.

Chairman Putman read the 239-R and Department Head Comments and Planning Staff Recommendations.

Site Plan Review:

It is understood, Vivian Hu has submitted an application for site plan review to reuse the 2nd floor residential spaces and update the storefront of the building at 239 Main Street. The reuse will include two 2-bedroom apartments on the second floor. The commercial use of the two vacant first-floor spaces will come before the Planning Board once uses have been determined. The Planning Board, as Historic Review Board, will ensure the design (i.e., colors & materials) is consistent with iDistrict design standards.

The property owner received a parking waiver for the required 4 spaces from the Planning Board in 2015 per Section 300-51.4 of the Code. The applicant is aware that an additional waiver would be required with a new proposed commercial use.

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. The case file was routed to the Binghamton Metropolitan Transportation Study (BMTS), New York State Department of Transportation (NYSDOT), and Broome County Health Department (BCHD) for review. Enclosed are comments from the NYSDOT that need to be addressed.
- **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:**
 - Garbage from the property shall be disposed of in accordance with Section 236 of the Local Law.



- Property requires bi-annual fire and safety inspections through the Code Enforcement Office.
- **Police Department:** Tenants will need to purchase parking permits directly at villageofjc.com/parking or the building owner can apply for a 'Fleet' account and provide permits at a discounted rate to tenants by going to jcnypd.org/parking and clicking the link for "Business & Tenant Permits".
- **Fire Department:** Building will require fire safety inspections bi-annually through the Code Enforcement Office. The building shall comply with all current building and fire codes.
- **Water Department:** I do not have record of a backflow device at this location. If there is one already on site, they will need to provide a current test report. If there is not one present, they will need to go through the application and approval process prior to being issued a COC.

Planning Staff Recommendations:

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

- 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. There shall be no more than six items per dwelling unit for pick-up at any time. Contact the Department of Public Services at (607) 797-3031 for additional requirements.
- Prior to any outdoor lights being installed, cut sheets for the lights shall be provided to the Code Enforcement Official for review and approval.
- 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 that the Johnson City Planning Board approve the site plan for residential use at 239 Main Street with the Department Head Comments and stipulations was made by Ms. Thorn and seconded by Ms. Ward.

Motion Carried - Vote:

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

267 Main Street – Wayne Kerber

Site Plan Review – Retail Use

No one appeared on behalf of the project.

The Board had no questions.

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



Site Plan Review:

It is understood, Wayne Kerber has submitted an application for site plan an added retail use to the existing office use at 267 Main Street. The business will include the relocation of three (3) businesses from the Binghamton Koffman Incubator for the purpose of manufacturing and selling cannabidiol (CBD). The first company is Comprehensive CBD Advisors, which consults with patients referred by doctors and medical groups on the proper use of CBD products. The second company is a small retail outlet for the products. The third is a “test” lab for products described by the applicant as,

“A place where we create small or special product runs. Some clients need more concentration than our standard tinctures so we can accommodate them. We are always looking for additional products to help our clients and their pets. Be assured all our bases and compounds are all natural and pose no harm to persons or the environment. The base of our products are Italian olive oil and sunflower seed oil. The harshest chemical we have on premise is a little lye for one of our cosmetic offerings.”

The property owner received a parking waiver for the required spaces from the Planning Board in 2022 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 provided the project complies with all applicable regulations. In addition, we have the following comments:
 - The site plan should show compliance with the NYSDOT comments and any new signage, exterior lighting, or other changes to the exterior.
- **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:**
 - Garbage from the new use will need to be disposed of in accordance with the local Village Code Section 236.
 - Final Certificate of Occupancy will need to be issued before the tenant can open. Certificate of Occupancy can be revoked at any time for violation of the site plan approval or local village codes and ordinances.
- **Police Department & DPW:** No compelling interest.
- **Fire Department:**
 - The building shall meet all NYS building and fire codes and is subject to a fire inspection prior to opening.
 - The installation of a knox box is required.



- **Water Department:** The water was turned on to the property on 11/8/23 and was inspected by Randy and Amanda. The backflow on site must be tested within 30 days of the initial inspection.

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:

- 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.
- Prior to any outdoor lights being installed, cut sheets for the lights shall be provided to the Code Enforcement Official for review and approval.
- 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.

Attorney Coughlin suggested the Board if they will approve, that the applicant give proof of any required licenses from the NYS office of cannabis management if necessary.

The Board had no further questions.

A motion that the Johnson City Planning Board approve the site plan for 267 Main Street including the Department Head Comments and stipulations together with the condition that they submit proof of the required licenses from the New York State Office of Cannabis Management was made by Mr. Michalak and seconded by Ms. Thorn.

Motion Carried - Vote:

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

269 Main Street – Olivia DiRienzo

Site Plan Review – Restaurant Use (take-out only)

Dan DiRienzo and Olivia DiRienzo appeared on behalf of the project.

Mr. DiRienzo explained the project.

- Take out only
- NY style counter service
- No outside changes
- May put in a commercial take out window for delivery services they may be using.



- 100% pizza, no fryers, no salads, only pizza.
 - Slices, half sheets, rounds, full pies, deep dish, tomato pies
 - Display cases
- Will only be updating the inside.
- Foot traffic
- Possible hours 11:00a.m. – 9:00pm six days a week
- They would like to open as soon as they get approval and after they buy equipment
- Name – Enzo’s Pizza
- Family has been in business for 120 years. They make their own bread and sauce.
- Garbage cans in back of the building

Chairman Putman read the 239-R and Department Head Comments and Planning Staff Recommendations.

Site Plan Review:

It is understood, Olivia DiRienzo has submitted an application for site plan review of a take-out only, restaurant use at 269 Main Street. The business will include a take-out pizza kitchen with counter service only for grab-and-go. The hours of operation will be Monday through Saturday from 11:00 AM to 8:00 PM; however, that is subject to change. The business will employ 3-5 full-time staff.

Improvements include facade painting with updated lighting. Inside, new construction will consist of a display counter, prep stations, pizza oven, mixer and 3-bay sink. Other interior updates will be completed to meet the aesthetic of the business.

The property owner received a parking waiver for the required spaces from the Planning Board in 2021 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 comment:
 - The site plan should show compliance with the NYSDOT and BCHD comments and any new signage, exterior lighting, or other changes to the exterior.
- **BCHD:** A food permit from the Broome County Health Department will be required for this project. A Floor Plan Review application will need to be submitted with the other food permit application items. Applicant may contact the Food Program Manager, Ben Holden, at 607-778-3923 for more information.
- **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.



- NYSDOT encourages the Village to ensure that customers do not use the bus stop area in front of the store for short-term parking or standing.
- **Code Enforcement:**
 - Garbage from the new use will need to be disposed of in accordance with the local Village Code Section 236.
 - Final Certificate of Occupancy will need to be issued before the tenant can open. Certificate of Occupancy is conditional upon abiding by conditions set forth in site plan approval and may be revoked at any time for violation of the site plan approval or local village codes and ordinances.
 - Cooking devices will need to be approved through Code Enforcement and the Fire Marshal's Office.
- **Police Department & DPW:** No compelling interest.
- **Fire Department:**
 - The building shall meet all NYS building and fire codes and is subject to a fire inspection prior to opening.
 - A fire safety inspection shall be required prior to the issuance of certificate of occupancy.
- **Water Department:** The existing backflow will need to be tested in March of next year. The Water Department will send a reminder notice approximately one month in advance.

Planning Staff Recommendations:

The Planning Department staff recommends approval of the Site Plan for restaurant use, take-out only with all department head comments and the following stipulations:

- 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.
- Prior to any outdoor lights being installed, cut sheets for the lights shall be provided to the Code Enforcement Official for review and approval.
- 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.

The Board had no further questions.

A motion that the Johnson City Planning Board approve the site plan for 269 Main Street for restaurant use, take-out only with the Department Head Comments and stipulations was made by Ms. Ward and seconded by Mr. Michalak.

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. Thorn. The motion carried with all those present voting in the affirmative.

The meeting was adjourned at 7:58 pm.

Respectfully submitted,

Kim Cunningham
Planning Board Clerk

