Minutes of a regular meeting of the Johnson City Planning Board held on July 26, 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 via Zoom
David Michalak via Zoom
Lori Thorn

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

Absent: None

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 in person and Trustee Jacyna via Zoom.

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 June 28, 2022 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 - *None*

NEW BUSINESS

210 Baldwin Street – Michael Abettan
Recommendations to the ZBA Regarding Two (2) Area Variance Requests

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

Variance Request:

It is understood, Michael Abettan has submitted an application for site plan review with two (2) variance requests for a multi-family residence at 210 Baldwin Street. The project involves the addition of a

wooden fire escape to the front and side of the building to meet building code requirements for a third-story unit. The home is no longer in conformance with building code as a multi-family residence.

The applicant has requested variances from the following sections of the Village Code:

- Section 300-51.3 – A multi-family residence with a total of five (5) bedrooms required 5.5 parking spaces. The lot currently only has a driveway that would be taken up by the proposed fire escape. A full parking variance is requested.
- Section 300-20.4 – For a multi-family residence in the Urban Multi-Family Zoning District, a minimum of 10 feet is required for a side-yard setback. The proposed fire escape would require a full variance of this portion of the Village Code as it goes almost completely to the lot line.

Michael Abettan appeared on behalf of the application via Zoom. Mr. Abettan explained his proposed plan for the fire escape and explained the layout of the building and the third-floor proposal. Mr. Abettan advised the Board it is not a three family today and it is currently occupied on both sides as a two family and the third floor is a completely separate apartment. He believes he can fit one car in the driveway even with the fire escape. He stated that Mr. Shear advised him he would rather have them use the street for parking.

Chairman Putman explained the Planning Board's job is to provide a recommendation to the Zoning Board. The Zoning Board will be the lead agency and do the SEQR.

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

239-R and Department Head Comments:

The project is considered an Unlisted action under SEQR. The application has been submitted to department heads for comment but does not require a 239 review by the County.

- Public Works – No compelling interest.
- DPW & Water – No compelling interest.
- Fire Department – Not yet received.
- Police Department – No compelling interest.
- Code Enforcement – Comments detailed in Planning Staff recommendations.

Planning Staff Recommendations:

The Planning Department recommends the Planning Board advise the ZBA to deny the requested variance to Section 300-20.4 as the lack of a side yard will be less than 0.5' to the lot line and minimal spacing to the next home. This is a substantial request that would affect the neighborhood character. The need for the variance is self-created as there is another alternative to keep the structure as a two-family home.

The Planning Department recommends the Planning Board advise the ZBA to approve an amended variance for two parking spaces should the applicant move forward with a two-family building rather than a multi-family building. A multi-family building would need a variance of the required 5.5 spaces in full. A two-family building would require a variance of only two spaces while the side of the building would accommodate the other two.

Chairman Putman stated if he kept it as a two family, no variances would be required. Mr. Abettan responded he wants to bring it back to its original state with a third floor. Because of the dilapidated stairway, he wants to rebuild it.

Chairman Putman again explained the Planning Board is to make a recommendation to the Zoning Board of Appeals and that will take place on August 8th.

Attorney Coughlin, the Board and Mr. Abettan discussed the lack of side yard and the setback being 6" from the property line.

A motion that the Johnson City Planning Board recommend to the Zoning Board of Appeals denial of the area variances from Section 300-20.4 as the lack of a side yard will be less than 6 inches to the lot line for 210 Baldwin Street was made by Ms. Thorn and seconded by Ms. Ward.

Motion Failed - Vote:

***Yes** – 2 (Ward, Thorn)* ***No** – 3 (Matyas, Michalak, Putman)* ***Absent** – 0*

A motion that the Johnson City Planning Board recommend to the Zoning Board of Appeals approval of the area variances from Section 300-20.4 for 210 Baldwin Street was made by Mr. Matyas and seconded by Mr. Michalak.

Motion Failed - Vote:

***Yes** – 2 (Matyas, Michalak)* ***No** – 3 (Ward, Thorn, Putman)* ***Absent** – 0*

Chairman Putman said the Planning Board is not going to approve a 6" variance from the property line. It is going to have to be more than that.

Chairman Putman asked that since the Planning Board cannot come to an agreement, is they could request Mr. Abettan to go back to his engineer and find if there is some way to make it so the side setback is more than 6" and it is acceptable to code. He is happy to hold a special meeting if needed to determine this so it can still meet the Zoning Boards meeting on the 8th. At this time, he is going to make a motion to hold it over until such time that they get such information.

A motion that the entire project be held over was made by Mr. Putman and seconded by Ms. Thorn.

Motion Carried - Vote:

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

629 Harry L Drive – Panera Bread
Recommendations to the ZBA Regarding Four (4) Area Variance Requests

Dee Golazeski appeared on behalf of the application. Ms. Golazeski informed the Board the proposal is for two drive up lanes. One will be for online ordering/rapid pickup and will not need a menu board. The other lane will be for ordering and it will have a menu board. Ms. Golazeski explained the placement of the five wall signs and the traffic flow pattern.

Ms. Golazeski and the Board discussed the number of wall signs, the location and size of the signs.

Area Variance Requests:

The following area variances are being requested from the Zoning Board of Appeals (ZBA) by Spark JC LLC for proposed signage at an outparcel building located at 629 Harry L. Drive:

- Section 300-52.5 Table 52-4: Increase the number of wall signs from 2 to 5.
- Section 300-52.4 L: Vary the number of drive-up signs in one drive-up lane from 1 to 2.
- Section 300-52.5 Table 52-6: Increase the size of one drive up menu from 24 sf to 36.5 sf
- Section 300-52.3 I: Increase the size of directional signs from 12sf to 13.6 sf.

The Panera Bread building is not accessed directly from Harry L. Drive as it is accessed from the internal perimeter road. The additional wall signage is to identify the building from both east- and west- bound Harry L. Drive. The Code permits a total of 200 sf of wall signage, 100 sf per wall, the total wall signage of the 5 signs is 197.04 sf.

The wall directional signage exceeds the allowable area because the sign is a directional arrow, and the point of the arrow is included in the area calculation.

The Rapid Pick-up Lane will not have a menu board. The Drive Thru lane will have a preview board and a menu board, 36.5 sf is the size needed to be fully legible to the customer. A sign would be permitted for each lane of 24 sf. The 2 signs will be for 1 lane with a total area of 50.34, 2.34 sf more than allowed for 2 lanes.

Chairman Putman read the Environmental, Department Head Comments and Staff Recommendations.

Environmental Summary and Department Head Comments

The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA). The Zoning Board of Appeals has claimed lead agency and shall complete the SEQRA review at the August 8 meeting. The application has been sent to Broome County for 239 Review though comments have not yet been submitted.

Department head comments are detailed below:

- Public Works – No compelling interest.
- DPW & Water – No compelling interest.
- Fire Department – Not yet received.
- Police Department – No compelling interest.
- Code Enforcement – Not yet received.

Staff Recommendations

The Planning Department recommends that the Planning Board provide the following advisory opinions to the ZBA:

- Section 300-52.5 Table 52-4: Increase the number of wall signs from 2 to 5.
    - The Planning Department needs clarification on the total number of signs proposed. The description of the proposal is for 5 wall signs and 2 drive-thru menu signs. This would be a total of 7 signs.

- Number of wall signs – The Planning Department recommends the Planning Board support approval of the variance as this is not a substantial request and would not impact the environment or neighborhood character of the neighborhood. The total square footage of wall signs is less than the allowed square footage although the number of signs is greater than what is permitted.
- Total number of signs – TBD

- Section 300-52.4 L: Vary the number of drive-up signs in one of the drive-up lanes to two (2) as the "rapid pick-up" lane does not need a menu board.
  - The Planning Department recommends the Planning Board support approval of the variance as this is not a substantial request and would not impact the environment or neighborhood character of the neighborhood.

- Section 300-52.5 Table 52-6: Increase the size of one drive up menu from 24 sf to 36.5 sf
  - The Planning Department recommends the Planning Board support approval of the variance as this is not a substantial request and would not impact the environment or neighborhood character of the neighborhood.

- Section 300-52.3 I: Increase the size of directional signs from 12sf to 13.6 sf.
  - The Planning Department recommends the Planning Board support approval of the variance as this is not a substantial request and would not impact the environment or neighborhood character of the neighborhood.

Ms. Yezzi advised the Board that she received the 239-M comments from today and the Broome County Planning Department did not identify any countywide or intercommunity impacts and no other agency had any comments.

A motion that the Johnson City Planning Board recommend to the Zoning Board approval of the variance for: 1) Section 300-52.5 Table 52-4: Increase the number of wall signs from 2 to 5, 2) Section 300-52.4 L: Vary the number of drive-up signs in one drive-up lane from 1 to 2, 3) Section 300-52.5 Table 52-6: Increase the size of one drive up menu from 24 sf to 36.5 sf and 4) Section 300-52.3 I: Increase the size of directional signs from 12sf to 13.6 sf was made by Ms. Ward and seconded by Mr. Matyas.

Motion Carried - Vote:

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

123 Bernice Street – Broome County Council of Churches
Recommendations to the ZBA Regarding Area Variance Request

Chairman Putman read the Area Variance Requests, Environmental Summary and Department Head Comments and Staff Recommendations.

Area Variance Requests:

It is understood, The Broome County Council of Churches requests a variance for a handicap ramp setback (300-53.4 G) of 8 feet to allow a proposed handicap ramp to terminate 2 feet from the property line. The proposed ramp will require a variance of 6 feet.

The proposed ramp design will meet full ADA requirements and will be free standing without attachment to the existing house structure. The measured drop from the porch surface to exit footpath at the sidewalk is 37.5 inches in which ADA requires a 37.5-foot ramp. As the property width is only 46 feet, it is not possible to make any use of the side of the property. The ramp will wrap on the front yard and reach the access footpath 2 feet from the front property line.

The occupant (Regina Watrous) of 123 Bernice St is in dire need of a handicap access ramp. She Cannot exit or enter the property without physical assistance of The Office for Aging and BC Lift.

Environmental Summary:

The applicant's proposal is considered a Type II action under the New York State Environmental Quality Review Act (SEQRA) and does not require further review.

Department Head Comments:

239 Review was not required for this property. Department head comments are detailed below:

- Public Works – No compelling interest.
- DPW & Water – No compelling interest.
- Fire Department – Comments detailed in Planning Staff recommendations.
- Police Department – No compelling interest.
- Code Enforcement – Comments detailed in Planning Staff recommendations.

Planning Staff Recommendations:

The Planning Department and Planning Board recommends the approval of the proposed variance as it is an ADA access need and does not impact the environment, is not self-created, and cannot be implemented through an alternative (described in the application).

A motion that the Johnson City Planning Board recommend to the Zoning Board approval of the variance for a handicapped ramp for 123 Bernice Street was made by Mr. Michalak and seconded by Ms. Ward.

Motion Carried - Vote:

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

200-210 Main Street – Company Center Property Company LLC
Site Plan Review

Chairman Putman read the Site Plan Review.

Site Plan Review:

It is understood, Collection Center Property Company LLC has submitted an application for site plan review of a plasma collection center at 200-210 Main Street and 27 Lewis Street. The project involves no structural changes or changes to the parking lot. Remodeling would include interior division walls, new bathrooms, a reception area, staff and donor areas and examination rooms. No structural changes

are required. Floor will be resurfaced with ceramic tile and vinyl flooring. There will be a minor need for additional doors either for access or egress. There will be a new sign on the front of the building, roof and sign on the existing pole which is to be handled by a sign permit. Overall signage will be approximately the same as existing signage.

The site includes 51 existing delineated parking spaces in the existing paved parking lots with 3 handicap spaces. No changes to the parking lot are proposed. Vehicles can exit either onto Main Street or to the rear Lewis Street.

Chairman Putman questioned if the Board reviewed Part 1 of SEQRA and if they had any questions.

The Board reviewed Part 1 and they did not have any questions.

Chairman Putman reviewed Part 2 of the SEQRA.

Ms. Yezzi addressed the questions with regard to the historic district.

Chairman Putman read Part 3 of the SEQRA.

Collection Center Property Company, LLC plans to build out a plasma collection center for the collection of the raw product used by fractionators to manufacture medications used to treat patients with a number of blood related illness at 200-210 Main Street. The parcel is zoned Central Business District and the collection center is proposing to be considered a medical office use.

The site includes 51 existing delineated parking spaces in the existing paved parking lots with 3 handicap spaces. No changes to the parking lot are proposed. Vehicles can exit either onto Main Street or to the rear Lewis Street. Thru traffic is discouraged. Traffic generated will not change significantly.

The restaurant is located in the Village's historic district; however, it will not impact any of the registered historic structures.

There will not be any significant impact to the land or any Critical Environmental Area. There will be no impact on historic resources or archaeologically sensitive areas. The area is not in the floodplain, has no wetlands, and stormwater management and erosion control measures shall be implemented.

The proposed project will not adversely impact the use of energy, water or wastewater utilities, natural resources, wildlife nor create a hazard to environmental resources or human health.

After review, it was determined that the proposed plasma collection center would not have significant adverse impacts on the environment.

A motion that the Johnson City Planning Board issue a negative declaration at 200-210 Main Street was made by Ms. Ward and seconded by Mr. Matyas.

Motion Carried - Vote:

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

Charles Fenson a professional engineer appeared on behalf of the application.

He explained the site plan for the project and discussed the traffic pattern.

Chairman Putman confirmed the hours are 8:00a.m. – 8:00p.m. Monday through Friday and 8:00a.m. – 1:00p.m. on Saturday and closed on Sundays. Chairman Putman advised because of the square footage they do need a parking variance, but they are using the existing Village parking lots.

Chairman Putman questioned the purchase of the property.

Mr. Fenson stated the purchase of the property has not been concluded. They need the approval in order to go through with the purchase.

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

239-R and Department Head Comments:

The project is considered an Unlisted action under SEQR and requires further review by the Planning Board in an uncoordinated review. The application has been sent to Broome County Planning for 239-Review and to department heads for comment.

- **Broome County Planning:** No countywide or inter-community impacts associated with the project; however:
    - The site plan should show a landscaping plan for the parking lot and the proposed signage.
    - The SEQR "N/A" response to consistency with the comprehensive plan and "no response" to historic resources should be addressed. 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.
- **NYSDOT:**
    - Nothing may be placed within the State right-of-way, including signage, 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 comment.
- **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 Services:** No compelling interest.
- **DPW and Water:** There is no record of a backflow prevention device on site. If one exists, they will need to submit a test report for the current year to keep in compliance with NYSDOH requirements. If there is not a testable backflow on site, they will need to go through the application process through the Department of Health. 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 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. Fenson stated his client is aware of all the requirements and will be installing a backflow preventer.

Attorney Coughlin advised in light of the County comments, the Board should consider an additional condition on the approval that indicates that a landscaping plan should be submitted to the Code Office and additionally under the Village Code, parking is required to be on site and asked if Mr. Fenson's client would be agreeable to combining the three lots.

Mr. Fenson responded he doesn't see a reason why not, but it is there decision.

Attorney Coughlin stated the Board will have to make a condition of approval that the three lots be combined. Otherwise, they will need a parking variance for 100% of the parking spaces.

Kathryn of Collection Center Property Company, LLC stated they have no issue with the combination of those lots.

Ms. Ward asked how many employees?

Mr. Fenson answered the highest amount would be 32.

Attorney Coughlin questioned of hazardous waste and if a company would come in.

Mr. Fenson responded they know the regulations and they have to follow them. There is no medical waste that would go into the dumpster and no medical waste that would go into the sewer.

Chairman Putman read there is some medical waste that would be stored inside with pickup facilitated by a regulated handler and a fenced in area for the dumpster is proposed and drawn on the plan. Chairman Putman added typically there would be less than 22-25 employees at one time and the hope is to have 32 donators per hour.

A motion that the Johnson City Planning Board approve the site plan for 200-210 Main Street and approve a 24-parking space waiver and include the Department Head Comments and Planning Staff Recommendations was made by Mr. Matyas and seconded by Ms. Thorn.

Motion Carried - Vote:

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

268 Main Street – Taimoor Khan
Site Plan Review

Taimoor Khan appeared on behalf of the project.

Chairman Putman read the Site Plan Review.

Site Plan Review:

It is understood, Taimoor Khan has submitted an application for site plan review of the Red Robin Diner Restaurant renovation at 268 Main St. The project involves applying aesthetic changes to the exterior and interior of the building.

Exterior renovations include repairs to the parking lot with new striping providing one ADA parking space and 12 additional parking spaces. The lot requires 12 spaces and there are 13 existing/proposed spaces onsite. There will also be new signage and branding.

Interior renovations include reduction of seating from 60 to 24, upgrading appliances and fixtures, and replacing necessary life safety devices (smoke and carbon monoxide detection, emergency lighting, exit signs, fire extinguishers and Ansul system). There will also be new energy efficient LED lighting throughout the restaurant.

Mr. Khan explained they will be doing major restoration, no demolishing, but giving it a new modern

aesthetic look on the inside and outside. They are reducing the number of seats because of occupancy issues. The majority of the focus will be on the historic container. Mr. Khan explained the site plan. The back seating will be replaced with modern art. There will be no structural changes.

Chairman Putman asked the Board if there are any questions regarding Part 1 of SEQRA. The Board did not have any questions.

Chairman Putman reviewed Part 2 of SEQRA. Attorney Coughlin discussed the historic aspect of the project. The Board did not have any questions.

Chairman Putman read Part 3 of SEQRA

Taimoor Khan plans to utilize the existing building (previously Red Robin Diner) at 268 Main Street. The parcel is zoned Central Business District and the restaurant is a permitted use.

Exterior renovations include repairs to the parking lot with new striping providing one ADA parking space and 12 additional parking spaces. The lot requires 12 spaces and there are 13 existing/proposed spaces onsite. There will also be new signage and branding.

Interior renovations include reduction of seating from 60 to 24, upgrading appliances and fixtures, and replacing necessary life safety devices (smoke and carbon monoxide detection, emergency lighting, exit signs, fire extinguishers and Ansul system). There will also be new energy efficient LED lighting throughout the restaurant.

The restaurant is located in the Village's historic district; however, it will not impact any of the registered historic structures.

There will not be any significant impact to the land or any Critical Environmental Area. There will be no impact on historic resources or archaeologically sensitive areas. The area is not in the floodplain, has no wetlands, and stormwater management and erosion control measures shall be implemented.

The proposed project will not adversely impact the use of energy, water or wastewater utilities, natural resources, wildlife nor create a hazard to environmental resources or human health.

After review, it was determined that the proposed restaurant would not have significant adverse impacts on the environment.

A motion that the Johnson City Planning Board issue a negative declaration for 268 Main Street was made by Ms. Ward and seconded by Mr. Michalak.

Motion Carried - Vote:

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

Mr. Khan explained the site plan.

The Board did not have any questions.

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

239-R and Department Head Comments:

The project is considered an Unlisted action under SEQR and requires further review by the Planning Board in an uncoordinated review. The application has been sent to Broome County Planning for 239-Review and to department heads for comment.

- **Broome County Planning:**
  - The Red Robin Diner is listed as a contributing feature of the Village of Johnson City National Register Historic District which the form states: "Red Robin Diner (built date 1950) a prefabricated streamline modern steel diner manufactured by Mountain View Diner Company of Singac, New Jersey. The neon sign is original. Concrete block rear addition."
  - The Village Board should ensure that the project follows the Village of Johnson City regulations for Historic Preservation Districts, Secretary of the Interior's Standards for the Treatment of Historic Properties, and SHPO where applicable.
  - The SEQR No responses to historic resources should be addressed.
  - The site plan should show the parking spaces; setbacks; proposed new exterior facade, doors, and signage; landscaping plan for the green space along Main Street; and to the extent feasible planter boxes or other landscaping elsewhere onsite.
- **NYSDOT:**
  - Nothing may be placed within the State right-of-way, including signage, 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.
- **BMTS:** No comment.
- **BCHD:** A food permit from the Broome County Health Department will be required for this project. Applicant may contact the Food Program Manager, Ben Holden, at 607-778-3923 for more information.
- **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.

- **DPW & Public Services:** No compelling interest.
- **Water Department:** There is no record of a 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).

Planning Staff Recommendations:

The Planning Department recommends approval of the Site Plan for the dine-in and take-out restaurant 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.

Attorney Coughlin recommended that the approval be conditioned up the landscaping plan be submitted to the Code Office and the parking design as well. It was indicated by the applicant that they are going to be restriping the parking lot and making one of the spaces ADA compliant. The Code Officer has not received plans for the parking lot.

Chairman Putman confirmed the landscaping plan and parking plan should be submitted to the Code Office.

Chairman Putman asked if the Board had any further questions. The Board did not have any questions.

A motion that the Johnson City Planning Board approve the site plan for 268 Main Street with additional submission of landscaping and parking plans along with the Department Head Comments and Planning Staff Recommendations was made by Mr. Michalak and seconded by Mr. Matyas.

Motion Carried - Vote:

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

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 8:48 pm.

Respectfully submitted,

Kim Cunningham
Planning Board Clerk