Minutes of a regular meeting of the Johnson City Planning Board held on October 25, 2022 at 7:00pm at 243 Main Street, Johnson City, NY and via Zoom.

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
Isabella Paullay, Planning Coordinator

Absent: Gerald Putman, Chairman

A work session was held at 7:00pm.

The Board discussed the agenda and the applications.

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

Vice Chair Ward welcomed Trustee Jacyna.

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 September 27, 2022 meeting minutes of the Johnson City Planning Board was made by Mr. Matyas and seconded by Mr. Michalak. The motion carried with all those present voting in the affirmative.

OLD BUSINESS – None

NEW BUSINESS

265 Main Street – Gabriella's Cakes
SEQR Unlisted Action, Site Plan Review

No one appeared on behalf of the project.

Vice Chair Ward read the Site Plan Review, Environmental Review, 239-Review and Department Head Comments.

Site Plan Review:

It is understood that Gabriella LoPiccolo and Hana LoPiccolo are applying for site plan review for a bakery at 265 Main Street. The application proposes a sit-in restaurant with limited seating on the first floor. It will be a bakery that sells cakes, baked goods, refreshments, ice cream and savory items.

A mix of permitted uses is allowed in the Central Business District. The building, and its proposed uses, requires 14 parking spaces. Being located in a Central Business District, the Planning Board may waive some or all parking, per Article 300-51.4 of the zoning ordinance. There are two municipal parking lots within 400 feet. In addition, public parking is available on the street.

Environmental Review:

The applicant's proposal is considered an Unlisted Action under the NYS Environmental Quality Review Act (SEQR) and requires further review by the Planning Board in an uncoordinated review.

239-Review and Department Head Comments:

This project was subject to a 239-Review, being within 500-feet of a State Road. The application has been sent to Broome County Planning for 239-Review and to department heads for comment.

B.C. Planning: No significant countywide or inter-community impacts

BMTS: No comments

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:
- A food permit from 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.

Code Enforcement:
- All proposed signage will require a permit from the code enforcement office.
- Any renovation work to be performed to the space will require permits from the code enforcement office/plumbers and electricians are require to be licensed by the Village of Johnson City.
- Any garbage produced by the facility must be disposed of in accordance with all applicable village laws.
- Snow and ice accumulation on the sidewalks is the responsibility of the owner to remove.
- Certificate of occupancy required before the space is to be opened to the public.

Police Department: No compelling interest

Fire Department: They will require a fire safety inspection prior to opening for business, and we request the installation of a knox box on the building. Contact the fire marshal's office to make arrangements for both.

Public Works & Water: No compelling interest

Vice Chair Ward asked if the Board had any questions regarding Part 1 of SEQR.

The Board had no questions on Part 1.

Attorney Coughlin reviewed Part 2 of SEQR and the Board was in agreement with the responses.

Vice Chair Ward read Part 3 of SEQR.

Gabriella LoPiccolo and Hana LoPiccolo plan to utilize the existing building at 265 Main Street. The parcel is zoned Central Business District and the bakery is a permitted use.

The proposed use requires 14 parking spaces. There are two municipal parking lots within 400 feet and public parking is available on the street.
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.

The Board had no further questions regarding the project.

A motion that the Johnson City Planning Board declare a negative declaration for the purposes of SEQRA with the considerations as outlined in Part 3 at 265 Main Street was made by Mr. Matyas and seconded by Mr. Michalak.

Motion Carried - Vote:

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

Vice Chair Ward read the Planning Department Comments.

Planning Department Comments:

The Planning Department recommends approval of the Site Plan and the approval of the waiver for the 14 required parking spaces for the sit in restaurant with department 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. 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.
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.

Vice Chair Ward asked if the Board had any concerns or comments on the site plan?

Attorney Coughlin asked if the Board had any thoughts or concerns relating to the parking requirement and waiver being sought by the applicant?

The Board had no concerns or comments.

Vice Chair Ward stated it would be appropriate for a motion. Attorney Coughlin added for the site plan and parking waiver.

A motion that the Johnson City Planning Board approve the site plan for 265 Main Street with a full parking waiver from the fourteen required spaces and including the Department Head and Planning Department Comments for 265 Main Street was made by Mr. Michalak and seconded by Mr. Matyas.

Motion Carried - Vote:

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

560 Harry L Drive – Great Clips
Site Plan Review

Philip Akel of Binghamton Giant Markets, Melinda Banick of Great Clips and Craig Wagner of EMR Engineers appeared on behalf of the project.

Ms. Banick explained the project.

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

Site Plan Review

It is understood, the applicant Two Cats Johnson City plans to enter a lease agreement with Binghamton Giant Markets to open a hair salon in the plaza at 560 Harry L. Drive. The space was previously used as a salon; however, it has been vacant for over a year and requires a site plan approval. The storefront space is 1,629 square feet and is a Personal Service Shop which is a conforming use allowed in the General Commercial Zoning District.

The salon intends to employ 7-10 people with 5 being available per shift. Business will be conducted 7 days a week with the following hours: Monday through Friday 9 am to 9 pm, Saturday 9 am to 7 pm and Sunday 10 am to 6 pm. They expect an average of 400 customers per week. Improvements to the space are contained to the interior except for the installation of signage on the façade above the space. The proposed salon requires 282 parking spots as it is located in a shopping center. The property has 327 parking spots.

Environmental Summary & Department Head Comments:

The applicant's proposal 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:** No significant impacts
- **NYSDOT:** No comments
- **BCHD:** No comments
- **BMTS:** No comments
- **Code Enforcement:**
    - All proposed signage will require a permit from the code enforcement office.
    - Any renovation work to be performed to the space will require permits from the code enforcement office.
    - Any plumbers and electricians used are required to be licensed by the Village of Johnson City.
    - Any garbage produced by the facility must be disposed of in accordance with all applicable village laws.
    - Certificate of occupancy is required before the space is to be opened to the public.
- **Police Department:** No compelling interest
- **Fire Department:** A fire inspection is required before opening for business, and we request the installation of a knox box on the building. Contact Fire Marshal's office to make arrangements for both.
- **Public Works and Water:** Do not have record of a backflow device for this property. If there is not one currently installed, they will need to submit an application to the Department of Health to have one installed be a licensed plumber. If there is already one on site, they will need to submit a test report for the current year to keep in compliance with the NYSDOH requirements. If this is for account #034720 (Phil Akel has a list of accounts/meter info), my records indicate the meter for this space is in the Dollar Tree. If they have any further questions, they can contact Amanda Legenhausen at (607) 797-2523 ext 6003.

Planning Staff Recommendations:

The Planning Department staff recommends approval of the Site Plan for a hair salon 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.

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 asked if the Board had any questions or comments. The Board did not have any or comments.

A motion that the Johnson City Planning Board approve the site plan for 560 Harry L Drive to include the Department Head Comments and Planning Staff Recommendations was made by Mr. Matyas and seconded by Ms. Thorn.

Motion Carried - Vote:

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

Electric Vehicle Supply Equipment Local Law
Report to Board of Trustees

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

Local Law Amendment:

The Village of Johnson City Board of Trustees has requested a report from the Planning Board regarding the proposed law entitled "Electric Vehicle Supply Equipment Regulations." The purpose of the amendment is to set statutory requirements regarding the establishment, siting and operation of electric vehicle supply equipment in order to protect the public health, safety and welfare of the residents, to facilitate access to electric vehicle supply equipment, and to protect and promote the visual and aesthetic character of the Village.

239-R and Department Head Comments:

The application has been submitted to the Broome County Planning Department for 239-m review. The Board of Trustees will complete the SEQR evaluation for the Type I Action.

Planning Staff Recommendations:

The Planning Department recommends that the Planning Board supports the proposed amendments by submitting a report recommending its adoption. This will ensure that the goals of the health and cultural district are achieved and equipment is appropriately located throughout the Village.

Vice Chair Ward asked if the Board had any comments or questions.

Mr. Matyas commended the necessity of a special permit for rural residential and outlying areas.

A motion that the Johnson City Planning Board recommend to the Board of Trustees to adopt the Local Law adding a new Section 300-40.23 entitled "Electric Vehicle Supply Equipment Regulations was made by Mr. Matyas and seconded by Ms. Thorn.

Motion Carried - Vote:

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

85 Wren Street – Eric Creveling
Advisory Opinion to the Zoning Board of Appeals

No one appeared on behalf of the project.

Vice Chair Ward read the Variance Request, Environmental Summery, Department Head Comments and Planning Staff Recommendation.

Variance Request:

It is understood, the applicant Eric Creveling is requesting an area variance for the demolition and removal of an existing front porch, and reconstruction of a new front porch and steps. The proposed construction would require an area variance of 15 feet from the setback requirements of the zoning code 300-20.4.

Environmental Summary and Department Head Comments

The applicant's proposal is considered a Type II Action under the New York State Environmental Quality Review Act (SEQRA) and requires no further review.

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

- **DPW & Water:** The owner will need to call in a Dig Safe ticket to have all utilities marked. The water service seems to run under the proposed demolition and construction site of the front porch, so they will need to be mindful while completing the work.
- **Fire:** No compelling interest
- **Police:** No compelling interest
- **Code Enforcement:** Pending

Staff Recommendations

The Planning Department recommends the Planning Board support ZBA approval of the proposed variance as it does not impact the environment, is not self-created, and cannot be implemented through an alternative.

Vice Chair Ward stated this an advisory opinion to the Zoning Board of Appeals so it would be appropriate for a motion.

Attorney Coughlin advised the Board that Mr. Shear felt this was the only way it could be constructed. If it was an exact replica no variance would have been needed, but because they are expanding the porch a variance was needed.

A motion that the Johnson City Planning Board recommend approval to the Zoning Board of Appeals for 85 Wren Street of an area variance of 15 feet from the setback requirements of the zoning code 300-20.4 was made by Mr. Matyas and seconded by Mr. Michalak.

Motion Carried - Vote:

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

ADJOURNMENT

A motion to adjourn the Planning Board Meeting was made by Ms. Ward. 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