

Minutes of a meeting of the Johnson City
Planning Board held on February 27, 2024 at
7:00pm at 60 Lester Avenue, Johnson City, NY.

Present: Gerald Putman, Chairman
David Michalak
Lori Thorn

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

Absent: Marcia Ward, Vice Chair
Greg Matyas, Secretary

A work session was held at 7:00pm.

The Board discussed the agenda and the applications.

- 8 Narwood Street
- 14-18 Broad Street
 - Neighbor comments
 - Applicant is unsure who lives there. Ms. Kost sent a letter and went to the door herself.
 - Attorney Coughlin stated Coughlin & Gerhart have a waivable conflict on this matter. It is up to the Board if they want to waive it.
- 759 & 761 Harry L Drive - Sambursky Dental
 - No variance needed. They changed their application because they are combining parcels.
 - Possibility of needing side setbacks
 - Parking
 - EAF
- 401 Grand Avenue
 - Amount of cars allowed

Attorney Coughlin asked for recess to discuss ongoing litigation in the Village.

EXECUTIVE SESSION #1

A motion to enter executive session at 7:10pm for ongoing litigation was made by Chairman Putman and seconded by Ms. Thorn.

Motion Carried - Vote:

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

A motion to exit executive session at 7:29 pm was made by Chairman Putman and seconded by Mr. Michalak. The motion carried with all those present voting in the affirmative.



Chairman Putman called the Planning Board meeting to order at 7:30pm.

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 January 23, 2024 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.

Chairman Putman welcomed Trustee Walker and Zoning Board member Don Slota.

OLD BUSINESS – None

NEW BUSINESS

8 Narwood Street – David R. Gamache

Site Plan Review

David Gamache and Pat Gamache appeared on behalf of the project. Mr. Gamache explained and showed the site plan and 3d renderings of the addition:

- Includes ramp and deck and the addition in its entirety
- Addition
 - Single floor
 - Part is ½ bath accessible from inside the house
 - Office space
 - No oven, small cooktop and small refrigerator.
- Exterior will be kept in line with the new house and will match the addition. They will be dark green.
- Hopefully they will start in the Spring and have it done by July.

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

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. A 239 Review was required for this property; however, Broome County Planning and the City of Binghamton had no objections and found no significant countywide or inter-community impacts.

Department head comments are detailed below:

- **DPW & Water:** No compelling interest



- **Fire:** No compelling interest
- **Police:** No compelling interest
- **Code Enforcement:** All building permits shall be obtained through the Code Enforcement Office. Plumbers and electricians shall be licensed through the Village.

Staff Recommendations

Planning Department staff recommends approval of the site plan for the front porch as the area variances have been approved by the ZBA on February 26. The following stipulations shall be added to the above department head comments:

- The applicant shall submit a planning and zoning application for any future changes in size or location of the front porch and steps as well as any new additions or substantial alterations to the building.
- The applicant shall be required to acknowledge all of the above conditions, in writing. The applicant shall agree to follow stipulations of approval in strict accordance with the site plan approved by the Planning Board.

The Board had no further questions.

A Motion to approve the site plan at 8 Narwood St for the front porch and addition including the Department Head Comments and stipulations was made by Mr. Michalak and seconded by Ms. Thorn.

Motion Carried - Vote:

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

Attorney Coughlin told Mr. Gamache he can apply for permits through Randy.

14-18 Broad Street – Lisa Kost, HCA

Site Plan Review

Mark Parker of Keystone Associates and Jamie Berkeley-Hartjen of the Architectural Department at Keystone Associates and Lisa Kost of HCA appeared on behalf of the project.

Mark Parker stated they are seeking site plan approval for a 2400 sq ft addition. They were granted a variance at last night’s Zoning Board meeting.

Chairman Putman asked what time table is.

Mr. Parker responded they would like to bid later this spring and would like have completion by year end.

Ms. Berkeley-Hartjen pending grants that may stipulate what they will do regarding bidding and contracting. It will take months for bid process.

The Board had no further questions.

Chairman Putman read the Site Plan Review, Environmental Summary, 239 Review and Department Head Comments and Staff Recommendations.



Site Plan Review:

The Applicant, HCA, has hired Keystone Associates to design and assist through the area variance and site plan review process for a new addition to their existing facilities. HCA plans to construct a 2,477 +/- square-foot addition at 14-18 Broad Street. The parcel is zoned Neighborhood Commercial and the addition is an extension of the existing use.

As part of the application, HCA has requested an area variance for the side setback. In 2019, the property was granted a variance allowing a 12-foot side setback. The applicant is requesting an additional variance of seven feet to allow for a 5-foot side setback. The Zoning Board of Appeals held a public hearing and reviewed the variance at the February 26 meeting.

Ms. Kost stated she did attempt to contact the neighbor. She wrote a letter and went to the door, but does not know if anyone is living there.

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 addition. The ZBA declared themselves Lead Agency under SEQRA, and completed parts II & III at the February 26 meeting.

239 Review and Department Head Comments:

The application was submitted for 239 review as well as department head review and the following comments were provided:

- **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. They had no comments.
- **Code Enforcement:**
 - The request for the variance is significant and the applicant has not demonstrated another alternative that could potentially eliminate the need for a variance.
 - In reviewing the drawing, the zoning notes indicate the building will be < 30 ft, maximum height within that zoning district is exactly 30 feet. We would need to have construction drawings to eliminate the potential need for another variance.
 - All building permits shall be obtained through the Code Enforcement Office. Plumbers and electricians shall be licensed through the Village.

Ms. Yezzi confirmed the code issues were resolved at the Zoning Board meeting.

- **Public Works/Water Dept:** This property is overdue for their annual backflow test (due 1/9/2024). They will need to submit a current test report.

Ms. Yezzi confirmed the water department has received a backflow test.

- **Fire Department:** From a fire standpoint, the close proximity of a school building to a garage is somewhat of a concern, in the event a vehicle in the garage was to catch fire; however, the fact that the garage is of block construction reduces the danger of fire-spread. In the same token, the existing school building already appears to sit much closer to the garage than the proposed addition would.
- **Police Department:** No compelling interest.



Planning Staff Recommendations

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

- 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.
- 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.
- 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 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.
- Should drainage from the existing building and the addition exceed the capacity of the proposed drywell system addition mitigation measures will be employed.

Attorney Coughlin asked if they are retaining all runoff on site. Attorney Coughlin advised the Board that could be an additional condition that the runoff should be directed onsite. The condition was added to the record. It would require downspouts and let-offs towards the Arch Street parking lot. They could flow into the drywells off the building.

Mr. Parker said yes. They have two drywells out there now and they have to relocate them to put the addition. There is not a water issue out there.

Ms. Kost confirmed the current drywells do not overflow.

Attorney Coughlin said if that does become a problem that the neighbor is not negatively impacted. They can work with Public Works to get that squared away in the future.

A motion that the Johnson City Planning Board approve the site plan at 14-18 Broad Street for the HCA building including the Department Head Comments and stipulations with the additional stipulation regarding runoff was made by Ms. Thorn and seconded by Mr. Michalak.

Motion Carried - Vote:

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

Attorney Coughlin advised if the grant timeline messes up the one year, talk to Stephanie.

759 & 761 Harry L Drive – Sambursky Dental

SEQR Unlisted Action, Site Plan Review

Chairman Putman asked if the Board had any questions on Part 1.



The Board had no questions.

Attorney Coughlin stated on the County reference specifically, in their 239 Review, that the Broome County Department of Public Works comments should be incorporated into Part 1. Is everyone ok with incorporated those into Part 1. It is specifically related to the MS4 Part. The Board is fine with the addition.

Ms. Yezzi stated those were forwarded to Joshua Holland as well and they are part of our local regulations.

The Board had no further questions.

Chairman Putman read Part 2. The Board agreed with the answers.

Chairman Putman read Part 3.

-The proposal to construct a 4,800 square foot building at 759, 761 & 765 Harry L Drive for a dental office use. The site will include a total of 74 parking spaces for use by all buildings on the three lots. The application did not require any variances as long as all three lots are combined.

- The site is located in a 2010 preliminary mapped floodplain. Though this is not in a formerly adopted FIRM (1977), the applicant proposes that the lower level will be unfinished basement and all living/commercial space will be raised above flood level. They will also be putting in a small bioretention or infiltration area to mitigate the stormwater created by the new impervious surface with the new building.

-The proposed project will not adversely impact geological features, transportation, air quality, the use of energy, natural resources, wildlife nor create a hazard to environmental resources or human health.

-Any proposed outdoor lighting shall be dark-sky and regulation-compliant and shall be shaded, as needed, to avoid light spillage onto adjacent properties.

-Public water and sewer shall not be impacted. The proposed building will need its own domestic water line and fire line (if it is to be sprinklered).

- It is determined that the proposed project will not result in any significant adverse environmental impacts.

If the board agrees it would be appropriate for a motion to be made that the proposed action will not result in any adverse environmental impacts and that a negative declaration be declared.

A motion to issue a negative declaration for 759, 761 & 765 Harry L Drive was made by Mr. Michalak and seconded by Ms. Thorn.

Motion Carried - Vote:

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

George Pappas of Griffiths Engineering appeared on behalf of the project. He spoke regarding:

- Rear and side setbacks.
- Combining lots



- Owner prefers to keep them separate.

Attorney Coughlin said they would need a substantial side setback. The Board could hold over and apply for variances and maybe get them, maybe not. The option would be to move forward or hold this over or withdraw the application and apply for the variance first. We do not want to do a site plan conditioned on a variance.

Mr. Pappas will reach out to client, but the owner seemed adamant to keep the lots separate.

Attorney Coughlin said the applicant will need an access plan and an agreement between the two parcels. It would be recorded as an easement in the event the ownership was ever not the same.

Mr. Pappas confirmed they will be doing a new lateral.

Attorney Coughlin, Mr. Putman and Ms. Yezzi discussed moving forward with combining 3 lots as a stipulation.

Attorney Coughlin advised Ms. Yezzi to talk to Joshua Holland regarding credits.

Mr. Pappas asked if it was fair to say there is no problem with approval provided the lots are combined?

Chairman Putman said approval would be contingent upon combining the three lots. This plan requires all parcels to be combined. He does not want a conditional approval.

Ms. Yezzi confirmed it is a stipulation that the three parcels need to be combined and it would have to be signed off on.

Mr. Pappas stated just in order to save the applicant time and the Board time, he suggested if it's possible to go back to him and if he's okay with the combination they move forward with the approval, if not, they go back to the drawing board and they start the process differently.

Attorney Coughlin stated the Board could say it's not complete because they don't have that information, that's up to the Board. You could move forward with that as a stipulation.

Mr. Michalak and Ms. Thorn agree to moving forward as long as the stipulation is a requirement.

Site Plan Review:

It is understood, Griffiths Engineering & Architecture, PLLC has applied for a 4,800 square foot building at 759, 761 & 765 Harry L Drive for a dental office use. The use is allowed within the General Commercial district through site plan review.

If the applicant combines all properties, they meet all setback and coverage requirements. There are 64 parking spaces required with 74 proposed (for all uses on the three properties). No variances are required.

The property is part of a preliminary mapped floodplain. Since it is a preliminary map, the applicant is not required to meet NFIP standards; however, the applicant shall provide additional flood mitigation measures. They have stated that the lower level will be unfinished basement and all living/commercial



space will be raised above flood level. They will also be putting in a small bioretention or infiltration area to mitigate the stormwater created by the new impervious surface with the new building.

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 review by the Planning Board as lead agency. The application has been sent to Broome County Planning and the Town of Union for 239-Review and to department heads for comment. The following has been received:

- **Town of Union:** The Town of Union has no concerns about the proposed dental office.
- **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 proposed project site is located entirely within the Preliminary FEMA Special Flood Hazard Area. While not the regulatory floodplain, the Village should exercise caution in approving projects located within flood prone areas and the applicant should know the risks.
 - The SEQR SEAF should include and address the DPW comments.
 - The site plan should show compliance with the DPW comments, include the complete site plan (e.g., erosion control measures, grading, drainage, utilities, landscaping, signage, building elevations, and site renderings), confirm the lot combination, and note the uses of the existing and proposed buildings. See DPW comments.

Broome County Comments have been added to SEQRA:

- **Broome County DPW:** The applicant should be aware that the parcel is in the Municipal Separate Storm Sewer Systems Permit Area (MS4 Area) and as such, should adhere strictly to erosion and sedimentation control guidelines set forth by the New York State Department of Environmental Conservation (NYSDEC). Details for erosion control measures should be included in the proposed site plan and can be found in the NYSDEC publication “New York State Standards and Specifications for Erosion and Sediment Control (2016 Blue Book)” Section 5. The United States Environmental Protection Agency National Menu of Best Management Practices (BMPs) for Stormwater – Construction website contains additional guidance on erosion and sedimentation control. These measures should remain in place and be maintained until work is complete and/or final stabilization of the disturbed soil achieved; whichever applies to the implemented measure. Pollutant discharges from construction activities should be minimized to the greatest extent possible.
 - There are no apparent impacts to Broome County infrastructure, therefore the Broome County Department of Public Works Engineering Division has no additional comments related to the project located at Tax Map #'s 142.12-1-4, 142.12-1-5, and 142.12-1-6.
- **NYS DOT, BMTS & BCHD:** No comments.
- **Code Enforcement:**
 - A building permit will be required for construction of the new building. Plumbers and electricians shall be licensed within the Village of Johnson City. Fire alarm and sprinkler systems will require permits to be issued through the Fire Marshal’s Office.
 - The applicant has 74 available parking spaces of which 3 are required to be ADA accessible spaces.
 - All Signage requires a permit from the Code Enforcement Office.
 - Waste generated from the facility will need to be disposed of in accordance with the Village Code.



- **Police Department:** No compelling interest.
- **Fire Department:** Applicant must comply with all current New York State Fire Regulations. The project also requires a fire safety inspection prior to opening, and the installation of a Knox Box on the exterior of the building.
- **DPW & Public Services:** No comments as long as there are no changes to the entrances/exits to the existing parking lots.
- **Water Department:** It is my understanding that this proposed building will need its own domestic water line and fire line (if it is to be sprinklered). They will need to install testable backflows on any water line coming into the building and go through the application process for each with the Health Department. They will also need to purchase a new water meter through the Village. If there are any questions about water service installations, they can contact Dennis Anderson at (607) 797-2523.

Planning Staff Recommendations:

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

- The applicant shall combine all three parcels prior to the issuance of a building permit or certificate of occupancy. All other comments and stipulations aside from this comment were made with the assumption this comment is complied with the Village and other involved agencies will consider the project a new application with the potential for new or differing comments in the event all three properties are not combined.
- All drainage, grading and utility plans shall be submitted to, reviewed and approved by the Director of Public Services prior to the issuance of building permit or Certificate of Occupancy.
- 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
- 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.
- 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.
- A landscaping plan shall be submitted to the Code Enforcement Officer for review prior to the issuance of a building permit or Certificate of Occupancy.
- The parking shall be striped prior to the issuance of a Certificate of Occupancy according to Village Code Chapter 300, Article 51, Off-Street Parking, Loading and Stacking Regulations. The required handicapped-accessible parking spaces shall conform to the Property Maintenance Code of NYS, and shall be posted with signage displaying the international symbol of accessibility.
- 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 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.

The Board had no further questions.

A motion that the Johnson City Planning Board approve the site plan at 759, 761 & 765 HLD with all the Department Head Comments, stipulations and the additional comments as stated for the first stipulation related to the combination of all three parcels was made by Mr. Michalak and seconded by Ms. Thorn.

Motion Carried - Vote:

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

Chairman Putman stated just to be clear, if these parcels are not combined, you will have to go back to the Zoning Board for variances

401 Grand Avenue – Maria Opris

Public Hearing, SEQR Unlisted Action, Special Use Permit, Site Plan Review

Mrs. Opris and her husband appeared on behalf of the project. Most of the problems they have had are when she was part owner. She has been the sole owner since 2021.

Chairman Putman opened the public hearing.

Attorney Coughlin asked if the Board wanted to go through some of the questions that were discussed in the work session portion and leave the public hearing open and that way we aren't under a sixty two day shot clock. The Board agreed.

The public hearing remains open.

Attorney Coughlin and Mr. Opris discussion and question and answers:

- Part of lot still going to stay gravel
Yes
- Drainage
- How many vehicles are repaired on the property?
10-12 per month
- How many total vehicles on the property at one time?
15
- 6 for sale?
Yes
- Total of 21 vehicles
Yes
- How many vehicles inside?
7-8
- Outside awaiting repair
10



- Vehicle awaiting repair would be in gravel area?

Correct, in the back of the building.

- Plans to screen in parking lot so vehicles are not visible from the neighborhood across the street? If they have to, they can, but no one can see anything behind.

Mr. Opris explained the site plan.

- Are they parking anything under underpass? We are making sure it's not the applicant. He said they never park under there.
- What type of repair work do you do on site?
Body work
- What type of cars?
All types, tractor trailers. They have hazardous materials kept in the fireproof cabinets.
- What type of hazardous materials are kept on site?
Just paint
- You don't do any type of engine repair?
No, sometimes they need to remove it so they can straighten the frame, but they don't work with oil.
- How do you make sure oil doesn't spill?
They do not take apart the engine.

Ms. Yezzi stated that the screening request from Code was for anywhere they are storing vehicles including tractor trailers.

Attorney Coughlin said anywhere the service vehicles are being parked; behind the building where the vehicles are parked and to the side where the tractor trailers are parked. Having a fence that is screened so people can see through the fence because the Code Office gets a number of complaints from the neighborhood about the vehicles that are awaiting repair.

Mr. Opris said the screen would have to be 14 feet high, taller than the building.

Ms. Yezzi confirmed for non-residential districts, up to 10 feet in height above the average natural grade provided they do not create a traffic hazard.

Attorney Coughlin confirmed:

- No more than 10 vehicles for repair outside at one time.
- No more than 15 vehicles on site.
- No more than 6 vehicles for sale.
- OK with fencing
- No vehicles awaiting repair to be parked in front
- All vehicles awaiting repair would stay in those two areas behind the building and to the side.

Applicant confirmed location of asphalt and crushed stone on the drawing. Nothing is being changed.

Chairman Putman closed the public hearing.

Chairman Putman stated this is an unlisted action, therefore we need to go through Part 1, Part 2 and Part 3 of the SEQRA.



Chairman Putman asked the Board if they had any questions regarding Part 1.

The Board did not have any questions regarding Part 1.

Chairman Putman asked how many vehicles are out front now. Mr. Opris said seven, one is his, not for sale.

Chairman Putman read Part 2.

CP The Board was in agreement with the answers.

CP read Part 3.

This project for a used auto sales business with accessory body shop was reviewed for potential negative impacts to the environment, including potential impacts to the floodplain because the project location is in the 100-year floodplain. The property is 0.92 acres with an 11,480 square foot existing warehouse/storage facility, and a paved parking lot in the front of the property.

The applicants do not propose to do any additional construction or renovations to the building; however, they have requested additional parking for vehicles awaiting service. NYSDOT has stated that that nothing may be placed within the State right-of-way near the site, which includes the vegetated area immediately west of the parcel and the paved area underneath the NYS Route 201 overpass. The applicants plan to continue using the existing structure as an office for the sale of a limited number of used automobiles, and for body work on those same vehicles.

Water and sanitary sewer are available at the garage, and the Health Department has provided clear direction on the use of the four existing floor drains, with the requirement from the Department of Public Works that a back-flow prevention device be installed. A spill response plan and equipment will be readily available in the case of any on-site spill.

The review of the project found no significantly negative impacts to the environment with the mitigation factor that the Planning Board set a specific number of vehicles to be parked on site while awaiting maintenance.

Based on this it has been determined that the proposed action will not result in a significant environmental impact and it would therefore be appropriate if a motion is made to make a negative declaration with respect to SEQRA.

A motion to issue a negative declaration with respect to SEQRA for 401 Grand Ave was made by Ms. Thorn and seconded by Mr. Michalak.

Motion Carried - Vote:

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

Chairman Putman read the Site Plan Review and Special Use Permit, Environmental Summary, 239-m and Department Head Comments and Planning Staff Recommendations.



Site Plan Review and Special Use Permit:

Maria Opris has submitted an application to renew the special use permit for auto sales at 401 Grand Avenue. The property will be used for accessory body work as well as vehicular storage while awaiting service.

The applicants propose placing gravel on the rear of 401 Grand Avenue and on 405 Grand Avenue to stabilize it as there will be no customers in that area, and it allows for better drainage. The total acreage is 0.97 acres and the property is adjacent to a Johnson City easement in the rear of the lots, and a NYS DOT parking lot to the west. The building is 11,480 square feet, metal building with a concrete foundation and four floor drains. No engine work will be done in the structure, so there will be no need for toxic or flammable fluids.

The property is wholly within a flood zone and has raised concerns for the number of vehicles being parked on the lot. The applicant is requesting an increase in the allowed number of vehicles on the lot as part of the application. Code enforcement has provided strict guidance on this matter (see below).

Environmental Summary:

The applicant's request is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA). A Full Environmental Assessment Form (EAF) has been required. The Planning Board shall claim lead agency for the application and complete SEQR at this time.

239-m and Department Head Comments:

The applications were sent for 239-m review by Broome County Planning as well as department head comment. The following has been received:

- **Town of Union:** The Town of Union has no concerns about the proposed changes at 401 Grand Avenue.
- **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 almost entirely within the Existing FEMA Special Hazard Area and entirely within the Preliminary FEMA Special Flood Hazard Area. The Village PB should exercise caution in approving a project located within the Special Flood Hazard Area and the applicant should know the risks.
 - The Village Planning Board should ensure that the project complies with the Village Floodplain Development and Aquifer Protection regulations.
 - The SEQR FEAF should include the auto sales and the reason for the request for additional parking in the description, the BCHD comments in the appropriate responses, and overall provide/ensure complete and accurate responses (e.g., remediation responses) which are outstanding.
 - The site plan should show compliance with the BCHD comments and should clearly show the requested additional parking for vehicles awaiting repair.
- **NYSDOT:** NYSDOT has reviewed the materials for the above-referenced proposal. Please note that nothing may be placed within the State right-of-way near the site, which includes the vegetated area immediately west of the parcel and the paved area underneath the NYS Route 201 overpass. If you have any questions, or need further assistance, please contact the NYSDOT Broome Residency at 607-775-0522.



- **BCHD:**
 - Any hazardous materials/wastes stored on site should utilize primary and secondary containment systems and be registered with the NYS DEC as required.
 - A spill response plan and equipment should be readily available onsite for any spills, leaks or other discharges of hazardous materials/wastes. Plan to include notification to NYS Spill Hotline of any "Reportable Spill" as defined by NYS DEC.
 - Any floor drains in areas used for vehicle maintenance are to be connected to the municipal sewer system if available. Floor drains connected to a shallow absorption system are considered Class V Motor Vehicle Injection Wells under the USEPA. Floor drains must connect to an oil/water separator before entering the wastewater system.
- **Code Enforcement:** This property has had issues with the number of vehicles in various states of repair stored around the building. The additional spaces are for trucks awaiting repair. We should be pushing for the area to be fenced in/screened as it adjoins the residential neighborhood at the end of Grand Ave. Also, please ensure we set a number of vehicles that are going to be stored. I will have the inspectors follow up on a regular basis as we receive calls yearly about the storage of vehicles at this address.
 - Vehicles parked in the additional parking areas shall not be left in a state of disrepair.
 - The additional parking spaces are for vehicles waiting for repair, which qualifies as storage. That being said, the applicant shall screen the additional parking/storage of vehicles awaiting repair.
 - Ensure that the number of vehicles does not exceed the number of spaces provided on the application.
 - The certificate of occupancy is conditional upon abiding by conditions set forth in the special use permit and site plan approval and may be revoked at the discretion of the Code Enforcement Office.
- **Public Works:** No compelling interest.
- **Water Dept:** This property is overdue for their annual backflow test (due 8/2/23). They will need to submit a current test report.

Ms. Yezzi confirmed they have taken care of the backflow test.

- **Fire Department:** No compelling interest.
- **Police Department:** No compelling interest.

Planning Staff Recommendations

The staff recommendation is to approve the **Special Use Permit**, contingent on-site plan approval, with the following stipulations:

- 1) § 300-40.2. Automotive sales.
 - A. The sale of new or used vehicles may be allowed by special use permit, provided the following:
 - (1) The sales area shall be paved, suitably graded and drained, and maintained in a neat and orderly manner.
 - (2) The number of cars that may be for sale on the premises must be specified on the special use permit. An increase in the number of cars to be sold shall require a new permit. No more than **six (6)** vehicles may be displayed at any one time.
 - (3) A spill prevention plan is provided to the Planning and Code Enforcement offices.



- B. All maintenance of motor vehicles shall be performed fully within an enclosed structure. No motor vehicle parts or partially dismantled motor vehicles shall be stored outside of an enclosed structure or screened area.
 - C. No vehicles shall be displayed for sale within 10 feet of the property line. The display of vehicles shall be contained to the spaces shown on the site plan. No vehicles shall be displayed in the area adjacent to the NYSDOT property.
 - D. The retail sale of fuel shall not be permitted.
- 2) The applicant shall maintain a dealer's license from the NYS Department of Motor Vehicles while selling any vehicles from the site.
 - 3) No vehicle **motor** repairs shall take place on the property, and vehicles must be washed off-site.
 - 4) The Planning Board reserves the right to request renewal of the Special Permit to sell automobile on an annual basis.
 - 5) § 300-66.11. Transferability.
- A special permit is not transferable except upon approval by resolution of the issuing board. A special permit shall authorize only one special use and shall expire if the special use ceases for more than three months for any reason.
- 6) The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Certificate of Compliance. The applicant agrees to develop and maintain the project in strict accordance with the site plan approved by the Planning Board. Should the applicant change the site plan or specially permitted use approved by the Planning Board, even if by petition to the Village's Zoning Board of Appeals, the site plan approval will become null and void and the applicant must resubmit a new application to the Village of Johnson City Planning Board.

Attorney Coughlin stated based on the previous conversations, we have some additional conditions for both the Special Use Permit and the Site Plan which Mr. Michalak read as follows:

- 1) Any vehicles on site awaiting repairs shall be located in the fenced area with adequate screening.
- 2) No more than 10 vehicles shall be stored outside if awaiting repair. No more than 15 total vehicles awaiting repair shall be on site at any one time.
- 3) A ten-foot fence with adequate screening or adequate landscaping shall be installed enclosing any area where vehicles awaiting service are being parked and/or stored. Screening shall be maintained and installed in a form acceptable to Code Enforcement.
- 4) No vehicles awaiting repair shall be parked and/or stored in front of the building.

A motion to approve the special use permit including the Department Head Comments and Planning Staff Recommendations for 401 Grand Ave with additional conditions that were outlined was made by Ms. Thorn and seconded by Mr. Michalak.

Motion Carried - Vote:

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

Chairman Putman asked the Board if they had any questions regarding the site plan. The Board had no questions.



The Planning Department recommends approval of the **Site Plan**, with the comments from the Code Enforcement Officer and the other Department Head comments and the following stipulations:

- 1) The parking lot shall be striped according to the plan following the survey required by Public Works to ensure that the striping does not encroach into the adjacent lot, prior to the issuance of the final Certificate of Occupancy.
- 2) The dumpster shall be added back onto the site plan, at the end of the driveway, and shall be enclosed in a minimum of a five-foot high solid fence or landscaping, and shall be installed prior to the issuance of the final Certificate of Compliance.
- 3) If the applicants decide to add lighting in the future, the lighting plan and cut sheets shall be submitted to the Code Enforcement Officer for approval prior to being installed.
- 4) If the applicants decide to add signage in the future, the sign plan shall be submitted to the Code Enforcement Officer for approval prior to being installed.
- 5) Hazardous materials, such as waste oils, solvents, acids, batteries, paints or tires, shall not be stored outdoors at any time.
- 6) If any approved site improvements are not complete prior to the request for a Certificate of Compliance, the Building Official may issue a Temporary Certificate of Compliance, and the applicant shall provide a performance bond, or other form of guarantee approved by the Village Attorney for the cost of site improvements not completed. The bond shall be posted to the Village Board of Trustees prior to the issuance of the temporary or permanent Certificate of Compliance. The bond shall cover a period of one (1) year.
- 7) Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan and a valid building permit.
- 8) The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Certificate of Compliance. The applicant agrees to construct the project in strict accordance with the site plan approved by the Planning Board. Should the applicant change the site plan approved by the Planning Board, even if by petition to the Village's Zoning Board of Appeals, the site plan approval will become null and void and the applicant must resubmit a new site plan to the Village of Johnson City Planning Board.

Additional conditions:

- 1) Any vehicles on site awaiting repairs shall be located in the fenced area with adequate screening.
- 2) No more than 10 vehicles shall be stored outside if awaiting repair. No more than 15 total vehicles awaiting repair shall be on site at any one time.
- 3) A ten-foot fence with adequate screening or adequate landscaping shall be installed enclosing any area where vehicles awaiting service are being parked and/or stored. Screening shall be maintained and installed in a form acceptable to Code Enforcement.
- 4) No vehicles awaiting repair shall be parked and/or stored in front of the building.

The Board had no further questions.

Chairman Putman asked for a motion for site plan.



A motion to approve the site plan including the Department Head Comments and Planning Staff Recommendations for 401 Grand Ave with additional conditions that were outlined was made by Mr. Michalak and seconded by Ms. Thorn.

Motion Carried - Vote:

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

ADJOURNMENT

A motion to adjourn the Planning Board Meeting was made by Mr. Michalak. The motion carried with all those present voting in the affirmative.

The meeting was adjourned at 9:01 pm.

Respectfully submitted,

Kim Cunningham
Planning Board Clerk

