

Minutes of a regular meeting of the
Johnson City Planning Board held
on March 23, 2021 at 7:00pm
via Zoom Video Conference

Present: Mary Jacyna, Vice Chair
Greg Matyas
Marcia Ward
Adam Brown

Also Present: Keegan Coughlin, Attorney for the Village
Marina Lane, Town of Union Senior Planner
Kim Cunningham, Planning Board Clerk

Absent: Gerald Putman, Chairman

A work session was held at 7:00pm. The Board discussed the agenda and the applications.

Vice Chair Jacyna discussed the following:

- 416 Harry L Drive is an advisory opinion to the Zoning Board regarding signage. It is going in to the old Toys R Us building.
 - Marina Lane, Town of Union Senior Planner, said they first came to us with a minor site plan review, and now they want a sign that doesn't quite meet code, which comes to this Board formally. They asking for two signs and are also asking to put their name on the directory.
 - Attorney Coughlin said it is an advisory opinion, so the board will consider the area variance factor test.
 - Whether it fits into the character of the neighborhood
 - Whether it could be achieved by other means
 - Whether the request is substantial
 - Whether it is self-created
 - Whether it will have an adverse effect or impact on physical or environmental conditions in the neighborhood
- 218 Reynolds Road, Suite 4. There is a tobacco business going into the plaza where the ice cream shop used to be.
 - Ms. Lane stated it is a simple retail use.
- 601 Harry L Drive, Broome County Auto Mall. We need to declare lead agency. This is an unlisted action, but we are not doing the SEQRA tonight. We will call for a public hearing at our next meeting.
 - Ms. Lane discussed auto show room versus sales and outside the mall versus inside. This is auto sales, so he would require a special permit.
 - Attorney Coughlin explained to the Planning Board SEQRA regulations and definition of expansion. If you are occupying a commercial building under 100,000 sq ft it can be considered a Type 2 action if it is a similar use. If it is an expansion of the building or project, it would be an unlisted action and the short environmental form would be used.



- 101 – 105 Lester Avenue, which is right across from CFJ Park. It looks like they want to be receiving, shipping and storing non-hazardous merchandise 24 hours 7 days a week.
 - Attorney Coughlin stated this was already an industrial use and it is becoming a different industrial use, so it can be listed as a Type 2 action for reuse of a commercial structure.
- Vice Chair Jacyna confirmed this is a Type 2 action and the Board will be declaring lead agency and calling for a public hearing.

Ms. Lane informed the Board of another possible project to come before the Board. In the Gander Mountain building, it's a gentleman out of PA who builds custom cabinets and other items out of barn wood and he would like to do that from the Gander Mountain building. Small area of retail space, small area of cabinet making and the largest percentage of the building, roughly 80%, is storage/warehousing of the materials. It is a use that wasn't permitted, but wasn't prohibited. It would fall under special permit. It will need a 239 Review.

Attorney Coughlin said the big Lester Ave project will be coming up to the Planning Board.

Vice Chair Jacyna asked if there were any questions.

The Board did not have any further questions.

Vice Chair Jacyna called the meeting to order at 7:30p.m. Vice Chair Jacyna took roll call and determined there was a quorum.

Vice Chair Jacyna read the Recommended Procedure and Executive Order regarding virtual meetings.

Vice Chair Jacyna welcomed Trustees Meaney and Walker and thanked them for joining us.

MINUTES

A motion to approve and place on file the February 23, 2021 meeting minutes of the Johnson City Planning Board was made by Ms. Ward and seconded by Mr. Matyas. The motion carried with all those present voting in the affirmative.

PRIVILEGE OF THE FLOOR

Vice Chair Jacyna opened the privilege of the floor to the public and the attendees present at the Zoom meeting. There being no one who wished to speak, Vice Chair Jacyna closed the privilege of the floor.

UNFINISHED BUSINESS - None

NEW BUSINESS

416 Harry L Drive – OSJ Sign Variance

Advisory Opinion to the ZBA regarding area variances for signage

Tony Lafo of American Sign appeared on behalf of the Applicant. He confirmed everyone had the drawings of the site. He stated this is the former Toys R Us site which Ocean State Job Lot has purchased. Mr. Lafo explained the proposed signage and reviewed the drawings. They are new to NY



and want to have adequate signage and view. Mr. Lafo confirmed the signs will not be distracting signs; they are standard signs with channel letters, no light shining anywhere else and no changing colors.

Ms. Lane said the Toys R Us signs, which are larger than the proposed signs, were put up before the current sign code.

Variance Request:

American Sign Inc., on behalf of OSJ of Johnson City NY, LLC, submitted a sign variance application for the retail business at 416 Harry L Drive. The parcel is zoned General Commercial, and the code allows for one wall sign at 80-square-feet and a maximum of two signs on one property. The application is to allow two wall signs, 175-square-feet for the front sign and 112-square-feet for the rear sign, and to permit three business signs including one on the existing pylon sign for the plaza.

§ 300-52.6. *Specific provisions by zoning category., B. Nonresidential districts.*

(2) Malls or plazas. Where groups of two or more contiguous stores are located together, one sign per use shall be permitted in addition to a single freestanding sign for the mall or plaza, subject to the Table of Sign Regulations (Table 52-1).

Vice Chair Jacyna read the Planning Staff Recommendation.

Planning Staff Recommendation

The Planning Department staff recommends that the Planning Board recommend to the ZBA approval of the following variances:

1. To have two walls signs;
2. An area variance of 95 square-feet to have one sign 175 square-feet;
3. An area variance of 32 square-feet to have one sign 112 square-feet; and
4. An area variance to permit three business signs.

Granting the requested variances will not have negative impacts on the surrounding uses. The signs are set back from the road by over 500 feet, and would not interfere with traffic or residences.

A motion that the Johnson City Planning Board recommend to the Zoning Board approval of the area variances including Planning Staff Recommendations for 416 Harry L Drive was made by Mr. Matyas and seconded by Ms. Ward.

Motion Carried - Vote:

Yes – 4 (Matyas, Ward, Brown, Jacyna) No – 0 Absent – 1 (Putman)

218 Reynolds Road – T & J Tobacco Inc.

Declare Lead Agency, Type II Action under SEQRA, Site Plan Review for Retail Use



Tommy Liu appeared on behalf of T & J Tobacco, Inc. It is going to be a general retail store for tobacco products, e-cigarettes and cigars. They are not doing any major renovation because the place is set up for what they need. They are just putting on a new coat of paint, putting in counters to put display cases. The previous owner has already set up the plumbing and electric.

Vice Chair Jacyna asked if anyone had any questions.

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

Site Plan Review

Tommy Liu applied to open a retail tobacco and cigar shop in the former ice cream take-out restaurant in the multi-tenant commercial building located at 218 Reynolds Road. The 0.71-acre property is zoned General Commercial and the retail use is permitted by right. The existing building has public water, sanitary sewer, and storm sewer drainage.

Mr. Liu will occupy the easternmost commercial space, and does not plan to make any structural changes inside the store. The floor plan indicates that it is 75-feet by 25-feet. The parking lot, approved in 2013, has 23 parking spaces including two accessible spaces that serve the four-unit commercial building. Mr. Liu plans to be open seven days a week between 10:00 a.m. and 7:00 p.m., and he will operate the business with his wife.

Environmental Review:

The applicant's proposal is considered a Type II Action under the New York State Environmental Quality Review Act (SEQRA), as the project is the reuse of an existing commercial building.

239-Review and Department Head Comments:

The project was subject to a 239-Review because it is within 500-feet of State Route 201.

- **B. C. Planning:** found no significant countywide or inter-community impacts associated with the project.
- **Code Enforcement:** Plans for all interior improvements shall be submitted to the Building Official for review prior to the issuance of any building permit. The applicant shall use plumbing and electrical contractors licensed by the Village of Johnson City.
- **Police Department:** No compelling interest.
- **Fire Department:** The Fire Marshal shall inspect the building prior to the issuance of a Certificate of Compliance. Call the Fire Department to arrange the inspection at (607) 729-0428.
- **Public Works & Water:** No comments

Planning Staff Recommendations:

The Planning Department recommends approval of the retail use with the comments from the Department Heads, and the following stipulations:



- 1) For any proposed signage, a sign plan shall be submitted to the Building Permits office prior to installation. All temporary signs, portable signs, banners, or flutter flag signs shall be reviewed and approved by the Code Enforcement Office prior to being placed on the property.
- 2) Signs that flash, blink, rotate, or move are not permitted.
- 3) The property owner shall have one backflow prevention device installed for the entire building. The backflow prevention device shall be tested annually by a certified backflow prevention device tester, and the report shall be submitted to the Johnson City Water Department. Contact the Water Department at 607-797-2523 for further information.
- 4) Site plan approval shall expire after one year if the Certificate of Compliance has not been issued within that time.
- 5) The applicant and owner shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Certificate of Compliance. The applicant and owner shall agree to follow the stipulations of approval in strict accordance with the project approved by the Planning Board. Changes to the site plan or uses 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 Jacyna asked if any of the Board had any further comments. There were no further comments or questions from the Board.

A motion that the Johnson City Planning Board declare lead agency for the purposes of SEQRA and declare this a Type 2 Action under SEQRA so no further review under SEQRA is required for 218 Reynolds Road was made by Mr. Matyas and seconded by Ms. Ward.

Motion Carried - Vote:

Yes – 4 (Matyas, Ward, Brown, Jacyna) **No** – 0 **Absent** – 1 (Putman)

A motion that the Johnson City Planning Board approve the site plan for 218 Reynolds Road including the Department Head Comments and Planning Staff Recommendations was made by Mr. Matyas and seconded by Mr. Brown.

Motion Carried - Vote:

Yes – 4 (Matyas, Ward, Brown, Jacyna) **No** – 0 **Absent** – 1 (Putman)

601 Harry L Drive – Broome County Auto

Declare Lead Agency, Unlisted Action under SEQRA, Call for Public Hearing for Auto Sales SUP

Jason Duda appeared on behalf of the project. This is an indoor display lot for ten to twelve newer model vehicles. It is in the same location where the mall had their auto shows or RV shows. They have had boat shows in that area also. They sell the vehicles by appointment only. The only way to enter for appointments is through the mall entrance. The back entrance is used to bring cars in.



Vice Chair Jacyna stated we need to declare lead agency for that review.

A motion that the Johnson City Planning Board declare lead agency and Unlisted Action under SEQRA for 601 Harry L Drive was made by Ms. Ward and seconded by Matyas.

Motion Carried - Vote:

Yes – 4 (Matyas, Ward, Brown, Jacyna) **No** – 0 **Absent** – 1 (Putman)

A motion to call for a public hearing for 601 Harry L Drive on April 27, 2021 at 7:30pm was made by Mr. Matyas and seconded by Mr. Brown.

Motion Carried - Vote:

Yes – 4 (Matyas, Ward, Brown, Jacyna) **No** – 0 **Absent** – 1 (Putman)

101-105 Lester Avenue-Rear – DDL Associates

Declare Lead Agency, Type II Action under SEQRA, Call for Public Hearing for Transport & Freight SUP

Dana Ellis of DDL Associates appeared on behalf of the project. The building has been there since 1987. There was 10,000 for Ellis, 10,000 for Hank’s Warehouse and he has a tenant who is willing to take all 20,000 sq feet of one single building. There are two 20,000 sq ft buildings and one 4,000 sq ft building. The other two are occupied and this laser ship company will come in. They are a box delivery company. They bring tractor trailers in with boxes. They sort them and send the boxes back out on twenty-foot sprinter trucks, like a UPS truck. Mr. Ellis confirmed they will be coming in 24 hours a day, seven days a week. There will be about 25-35 trucks per 24-hour period. On Saturday and Sunday, it will be less.

Vice Chair Jacyna stated we need a motion to declare lead agency and list this as a Type 2 Action under SEQRA so there is no further action.

A motion to declare lead agency and list this as a Type 2 Action under SEQRA for 101-105 Lester Avenue was made by Mr. Matyas and seconded by Ms. Ward.

Motion Carried - Vote:

Yes – 4 (Matyas, Ward, Brown, Jacyna) **No** – 0 **Absent** – 1 (Putman)

A motion to call for a public hearing 101-105 Lester Avenue for April 27, 2021 at 7:30pm was made by Ms. Ward and seconded by Mr. Brown.

Motion Carried - Vote:



Yes – 4 (*Matyas, Ward, Brown, Jacyna*) *No* – 0 *Absent* – 1 (*Putman*)

Attorney Coughlin explained Type 2 Action.

ADJOURNMENT

A motion to adjourn the Planning Board Meeting was made by Mr. Matyas and seconded by Ms. Ward. The motion passed with all those present voting in the affirmative.

The meeting was adjourned at 8:00 pm.

Respectfully submitted,

Kim Cunningham
Planning Board Clerk

