

Present: Marcia Ward, Vice Chair
David Michalak, Secretary
Michael Sheredy
Jen Reinhart

Also Present: Keegan Coughlin, Esq., Attorney for Village
Kim Cunningham, Planning Board Clerk

Absent: Gerald Putman, Chairman

A brief work session was held starting at 7:00pm.

The board discussed the agenda and reviewed the applications.

- 345 Grand Avenue
- 5 Endicott Avenue
- 76 N. Broad Street
- 5 Mill Place
- 75 N. Baldwin Street
- 33-57 Harrison Street

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

A motion for approval of the August 26, 2025 meeting minutes was made by Mr. Michalak and seconded by Mr. Sheredy. The motion carried with all those present voting in the affirmative.

OLD BUSINESS

345 Grand Avenue – Amanat Afsar

Site Plan Review

Amanat Afsar appeared on behalf of the project.

Vice Chair Ward stated the Board needs to do SEQR, review an Aquifer Permit and complete Site Plan Review.

Vice Chair Ward read the Site Plan Review and Department Head Comments.



Site Plan Review:

The applicant is seeking to open an enclosed motor vehicle repair shop at the property located at 345 Grand Avenue. The use is an allowed use within the industrial zoning district in which the property is located. The business proposes to operate out of a portion of an accessory structure on the property previously purposed for storage.

Department Head Comments:

The SEQR Review for the project is an unlisted action, the Planning Board shall claim lead agency conduct SEQR analysis at this time.

The application was routed to the department heads and Broome County Planning Department for 239 Review and comment. The following has been received.

- **239 Review:** See attached comments.
- **Police Department:** No compelling interest.
- **Fire Department:** Knox box key entry system shall be obtained from the Fire Marshal's office. Facility will be required to have a fire inspection prior to opening and annually thereafter.
- **Water Department:** The building will require the applicant to install a testable backflow prevention device on the domestic water line. If a separate line is required for a fire suppression system the applicant will need to refer to the referenced village codes. The applicant will need to contact the water department for information on Backflow applications and water meter installation
- **Code Enforcement:**
 - **§ 300-40.3 Automotive service station, motor vehicle repair shops, gasoline stations, or gasoline service stations.** Gasoline stations, service stations, motor vehicle repair shops, motor vehicle sales agencies, and drive-in businesses shall comply with the following:
 - A. No such use shall be located within 150 feet from any lot or parcel occupied by a hospital, library, school or church. Measurement shall be made between nearest respective lot lines.
 - B. Any such use shall be buffered from adjacent uses by no less than 10 feet.
 - C. The entire site area that is traveled by motor vehicles shall be hard-surfaced (i.e., asphalt, concrete, or any other dust-free surface).
 - D. Rubbish, oil cans, tires, discarded motor vehicle parts and components and other waste materials may be stored up to one month in a completely fenced-in opaque enclosure adjacent to the building, provided that the area of such enclosure shall not exceed 5% of the area of the principal service station building. There shall be no storage of any items, at any time outside of such enclosure or building.
 - E. Landscaping (Article **54**), signage (Article **52**), and lighting (Article **55**) shall meet the requirements of their respective sections.
 - F. Motor vehicle repair shops and service stations shall comply with the following regulations:
 - 1) The number of vehicles that can be accommodated on site for repair and storage is to be determined by the Planning Board.
 - 2) Motor vehicle repair garages shall not be used for the storage, sale, rental or display of automobiles, trucks, trailers, mobile homes, boats, snowmobiles or other vehicles.
 - 3) All maintenance, service and repairs of motor vehicles shall be performed fully within an enclosed structure. No motor vehicle parts or unlicensed motor vehicles shall be stored outside of an enclosed structure.
 - 4) A spill prevention plan is provided.



- 5) No vehicle in for repair may remain outside longer than 10 days.
- The applicant has taken steps to remedy the existing violations as well as providing the Village with a plan to continue to repair/rehabilitate the portion of this parcel that is to remain vacant. If the Planning Board approves the proposed site plan, Code Enforcement requests a condition of approval is added to require the applicant to continue making steps towards the remediation of the vacant portions of the parcel. If the applicant does not comply with the condition, the Village can reissue a violation and challenge the initial site plan approval.
- Signage advertising any business at the property requires permits to be obtained thru the code enforcement office
- Any renovations to any primary or accessory building requires permits to be obtained from the code enforcement office. All contractors shall be registered with the Village of Johnson City.

Attorney Coughlin confirmed the Board reviewed Part 1 of SEQRA. The Board had no questions.

Attorney Coughlin reviewed Part 2 with the Board. The Board was in agreement.

Motion that the Johnson City Planning Board issue a negative declaration for the purposes of SEQRA for 345 Grand Avenue was made by Mr. Michalak and seconded by Mr. Sheredy.

Motion Carried - Vote:

Yes – 4 (Reinhart, Sheredy, Michalak, Ward) No – 0 Absent – 1 (Putman)

Vice Chair Ward read the Wellhead Advisory Committee and Recommendations.

Wellhead Advisory Committee and Recommendations:

The Wellhead Advisory Committee recommend approval of the Aquifer Permit for the storage of greater than 25 gallons of petroleum-based used motor oil and antifreeze, with the following stipulations to prevent contamination of the Primary Aquifer and ground:

- 1) All conditions contained within department head comments have been satisfied.
- 2) Any hazardous materials/wastes stored on site should utilize primary and secondary containment systems and be registered with the NYS DEC as required. Any vehicle/machinery associated with this project should be stored inside the facility on an impermeable surface to prevent the contamination of groundwater from accidental spills or releases of hazardous chemicals. A spill response plan and equipment should be readily available onsite for any spills, leaks or other discharges of hazardous materials/wastes.
- 3) Stationary tanks storing waste oil of any size and for any use must be registered with the NYS DEC. The storage of used motor oil shall be contingent on issuance of NYSDEC approvals. In particular, the facility shall be in compliance with the DEC’s Used Oil Requirements for Service and Retail Establishments, Subpart 374-2.
- 4) Above-ground tanks and drums must be in good condition, not visibly leaking, and shall be labeled “USED OIL.” The label must also include the tank’s design and working capacities.
- 5) Above-ground tanks located within 500-feet of a sensitive receptor, such as an aquifer, are required to have secondary containment.
- 6) Proper clean-up and disposal measures for the used motor oil and antifreeze shall be clearly posted adjacent to their storage tanks and/or drums. The Spill Prevention and Emergency Response Plan



shall be reviewed with employees routinely and posted in a highly visible location. The NYS DEC provides an auto recycler's manual with pollution prevention tips for managing spills and using absorbents and floor dry.

- 7) Proper storage of used motor oil shall be approved by the Village of Johnson City Code Enforcement Department.
- 8) The purposeful discharge or disposal of any toxic or hazardous materials, and/or petroleum products on or below the surface of the ground is prohibited. In the event of a spill to the environment, call the DEC Spills Hotline at (800) 457-7362.
- 9) Change in use or ownership. The applicant is responsible for amending an existing permit if petroleum products, hazardous or toxic materials not listed in the original permit are subsequently used or stored at the site or if there is a change in ownership. Any proposed changes to the chemicals used or stored on site must be reported to the Code Enforcement Office and Planning Department at least 30 days before in order to evaluate for safety precautions.
- 10) All requirements by the Planning Board shall be in compliance prior to the issuance of a Certificate of Compliance. Contact the Village of Johnson City Code Enforcement Department to arrange a final inspection for the Certificate of Compliance.

Mr. Afsar confirmed:

- he took care of the code violations.
- The Spill Prevention Plan was sent in.
- Make sure storage is compliant
- He does not think there are any floor drains. He said if there are, he will bring them up to code standards.

Attorney Coughlin read the Broome County Comments:

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 contingent upon compliance with the BCHD comments; Village Flood Damage Prevention, Wellhead Protection, and Motor vehicle repair regulations; NYSDEC; NYSDMV; and with all other applicable agency requirements. We also have the following comments:

- The building for the auto repair shop is located entirely within the Existing FEMA Special Flood Hazard Area and partially within the Preliminary FEMA Special Flood Hazard Area. As noted in our 2011 comments for the same use for this site, the project site was flooded in Tropical Storm Lee. The Village should exercise caution in approving and the applicant should know the risks in placing this use and future uses within this flood-prone area. The Village should ensure the project complies with all applicable floodplain regulations and would not negatively affect flood conditions onsite or to the surrounding (including residential) properties. These uses may become a hazard during a flood and stored materials can become waterborne debris during a flood endangering adjacent properties and creating potential debris blockages. The NYS Uniform Fire Prevention and Building Code restricts the placement of hazardous materials in the floodplain.
- The SEOR EAF should show compliance with the BCHD comments and with all other applicable agency requirements, include the applicable NYSDEC and NYSDMV permits and approvals, and address the floodplain in the floodplain response and outdoor storage.
- The site plan should show compliance with the BCHD comments and with all other applicable agency requirements; show the parking spaces for employees and customers and the vehicle storage area; address site clean-up and maintenance as noted in the application; and address outdoor storage.



- The Village should ensure the site plan and SEQR EAF address the applicant's plans for future commercial use and, in the absence of a future definite plan, consider the most intensive uses allowed onsite to the extent necessary. The Village should also ensure the applicant knows the applicable regulations, floodplain risks and any other constraints to future development on this site, and the site plan requirement for future development.

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. BMTS and NYSDOT had no comments.

BCHD comments:

Any hazardous materials/wastes stored on site should utilize primary and secondary containment systems and be registered with the NYS DEC as required. Any vehicles/machinery associated with this project should be stored inside the facility on an impermeable surface to prevent the contamination of groundwater from accidental spills or releases of hazardous chemicals. 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.

Attorney Coughlin advised the Wellhead Advisory Committee recommended approval of the Aquifer Permit for the storage of greater than 25 gallons of petroleum-based with the stipulations and Department Head Comments.

Motion that the Johnson City Planning Board approve the aquifer permit at 345 Grand Avenue for the storage of greater than 25 gallons of petroleum-based used motor oil and antifreeze including all Broome County and Department Head and 239 Comments and stipulations Mr. Michalak and seconded by Mr. Sheredy.

Motion Carried - Vote:

Yes – 4 (*Reinhart, Sheredy, Michalak, Ward*) **No** – 0 **Absent** – 1 (*Putman*)

Vice Chair Ward read the Recommendations.

Recommendations

Planning Department and Code Enforcement staff recommends approval of the proposed site plan with all stipulations set forth in this memorandum and the attached 239-m review. Staff further recommends the approval of the proposed site plan includes the contingency that the applicant continue to remedy all existing code violations and maintain vacancy on the portion of the property that is to remain vacant. The following stipulations are also added by the Planning Department:

- Submission of a landscaping plan;
- Lighting



- All outdoor lighting fixtures shall be shielded or otherwise contained on the property from which it originates (known as "light trespass limitations").
- Parking lots. Parking lots shall not exceed light levels necessary for safety and for locating vehicles at night. The lighting plan shall be designed so that the parking lot is lit from the outside perimeter inward and/or incorporate design features with the intent of eliminating off-site light spillage.
- Prior to the installation of any new outdoor lighting, cut sheets for outdoor lighting fixtures shall be submitted to the Code Enforcement Office for review and approval.
- The parking lot shall be striped and landscaped according to the approved site plan.
- Landscaping
 - All landscaping and plant material that is missing, dead, decaying, or injured as of September 30 shall be replaced by June 30 of the following year at the owner's expense. The replacement shall be of the same species and size unless otherwise approved.
 - All required landscaping shall be maintained in healthy condition by the property owner. Failure to maintain such landscaping or to replace dead or diseased landscaping required by this Chapter shall constitute a violation of these regulations.
- Per Chapter 236-20(B), all dumpsters shall be kept in a place easily accessible to private collection contractors, shall be clean, neat, painted and kept in good repair; any spilled materials are the responsibility of the property owner or occupant and shall be cleaned immediately. No garbage, rubbish, trash, yard waste or other items of refuse shall be located outside of a dumpster. All dumpsters located on a property for reasons other than temporary construction shall be fully enclosed and all doors and lids must be in working order and lids must be securely closed at all times. Dumpsters not in use must be removed within 30 days.
- Per Chapter 236-20(D), the collection of garbage or other material from dumpsters shall not commence on any day prior to the hour of 6:00 a.m. nor past the hour of 9:00 p.m.
- Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan.
- 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, whichever shall come first. The applicant shall agree to follow stipulations of approval in strict accordance with the site plan approved by the Planning Board. Changes to the use following approval may require a new special permit or site plan review, depending on the change.

The Board had no further questions.

Vice Chair Ward asked for a motion.

Motion that the Johnson City Planning Board approve the site plan for 345 Grand Avenue including all department head comments and stipulations was made by Mr. Michalak and seconded by Mr. Sheredy.

Motion Carried - Vote:

Yes – 4 (*Reinhart, Sheredy, Michalak, Ward*) **No** – 0 **Absent** – 1 (*Putman*)

Attorney Coughlin stated he will receive the approval letter within roughly five business days from the Code Enforcement Office.

Mr. Afsar confirmed the business will be named ASF Auto Repair.



NEW BUSINESS

5 Endicott Avenue – Meadowsweet Montessori, Inc.

Advisory Opinion to ZBA for Parking Variance

Heather Frost and Samantha Knop of Meadowsweet Montessori, Inc. appeared on behalf of the project. They have confirmation from Olums that they would allow them to utilize some of their parking for employees written email permission from Crescent to park for staff members as well as if they have any events, they can use their parking lot. They have written emails, but are working on getting a document.

Attorney Coughlin stated historically, the Zoning Board not necessarily the Planning Board has required a copy of the lease agreement. If they have that, that would be great. They would be concerned more about the staff parking not the event parking.

Ms. Ward questioned the number of students at first will be 21 students and they may be expanding to twice that. Ms. Cross confirmed it will be 21 students and they will not be adding more students anytime soon.

Mr. Michalak thanked Ms. Cross and Samantha for the extra work they have done and it was difficult without any type of plan to handle the concerns they had last time put and he thought it was very clear what they did and he feels like it should work.

Vice Chair Ward read the Variance Requests, Environmental Summary and Department Head Comments and Staff Recommendations.

Variance Requests:

The applicant is seeking to open a portion of 5 Endicott Avenue for the operation of an OCFS licensed Child Day Care Center from this space post renovation. The application requires a full parking variance from ten (10) spaces to (0) zero. The organization has provided a clear parking plan with details regarding student pick-up and drop-off.

The Planning Board shall review plans and provide an advisory opinion on the parking variance to the ZBA. The project has been routed to Broome County Planning for 239-m review. The ZBA has set the public hearing for their October 20 meeting, and the site plan will be considered at the October 28 Planning Board meeting in the event the applicant's variance application is approved.

Environmental Summary and Department Head Comments

The applicant's proposal is an unlisted action under SEQRA, and the ZBA has claimed lead agency with Parts II and III to be completed at the October 20 regular ZBA meeting. The project requires a 239-m review; however, only the following department head comments have been received at this time:

• Fire Department –

- o Will need to submit life safety and evacuation plans to the Fire Marshal prior to the issuance of a Certificate of Occupancy.
- o Drop off and pick up to the facility shall not hinder emergency vehicle access to the proposed facility including connections to the Fire Department connection for the sprinkler system.
- o Knox box key entry system shall be obtained from the Fire Marshal's office.
- o Facility will be required to have a fire inspection prior to opening and annually thereafter.



• **Code Enforcement Office** –

- o All work requires licensed contractors, plumbers, and electricians
- o Garbage is to be disposed of in accordance with Section 236 of the Village Law.
- o Tenant must obtain a Certificate of Occupancy from the Code Enforcement Office and any other applicable agency prior to occupancy.
- o Any Signage proposed by the applicant will require permits from the Code Enforcement Office.

• **Water Department** – The building will require the applicant to install a testable backflow prevention device on the domestic water line. If a separate line is required for a fire suppression system the applicant will need to refer to the referenced village codes. The applicant will need to contact the water department for information on Backflow applications and water meter installation.

Staff Recommendations

The Planning Department staff advises that the Planning Board recommends the ZBA’s approval of the requested parking area variances with all received and forthcoming 239-m and department head comments. Granting the requested variance will not have negative impacts on the surrounding uses or neighborhood character if the proposed drop-off and pick-up plan is implemented. The applicant should be instructed to provide all parking agreements for staff and families to the Village for our records.

Motion that the Johnson City Planning Board recommend approval to the Zoning Board of the parking variance for 5 Endicott Avenue including all department head comments and stipulations was made by Mr. Michalak and seconded by Mr. Sheredy.

Motion Carried - Vote:

Yes – 4 (Reinhart, Sheredy, Michalak, Ward) No – 0 Absent – 1 (Putman)

Vice Chair Ward stated their next step is the Zoning Board and then coming back to the Planning Board for Site Plan Review.

Attorney Coughlin advised they need to discuss handicapped parking and signage with the Code Office.

76 N. Broad Street – Meeza Ghor (NY LLC)

Advisory Opinion to ZBA for Use Variance

Mr. Michalak made a motion to enter the Memorandum into the record as written.

Variance Requests:

The applicant is seeking to construct an additional four (4) residential units on the first floor of the building, resulting in a total of nine (9) units. The application requires a full parking variance from eighteen (8) spaces to zero (0). The applicant has not provided a clear parking plan or agreement from the Senior Center for consideration.

In addition, the project requires an area variance for lot size. Section 300-20.4 Table 20-3 requires 2,500 square feet per unit, totaling 22,500 for this project. The lot is only approximately 4,792 square feet in size.



The Planning Board shall review plans and provide an advisory opinion on the variances to the ZBA. The project has been routed to Broome County Planning for 239-m review and to department heads for comment. The ZBA has set the public hearing for their October 20 meeting, and the site plan will be considered at the October 28 Planning Board meeting in the event the applicant's variances are approved.

Environmental Summary and Department Head Comments:

The applicant's proposal is an unlisted action under SEQRA, and the ZBA has claimed lead agency with Parts II and III to be completed at the October 20 regular ZBA meeting.

The project has been routed to Broome County Planning. The Department Head Comments are below:

- **Police Department:** concerned about the density of residents being packed into a lot that is only a fraction of the size required. Add to that the lack of parking and the vulnerability of that block on top if its proximity to a neighborhood of single-family homes and he sees great potential for this to become a nuisance property.
- **Fire Department:** Knox box key entry system shall be obtained from the Fire Marshal's office. Facility will be required to have a fire inspection prior to opening and annually thereafter.
- **Water Department:** Concerned with the increase in units is the capability of the water meter being able to keep up with nearly double the demand. They would recommend a larger size water meter or even possibly upgrading the service size if necessary. The owner must supply an engineering report, completed by a NYS PE, stating the water and sewer demand. The water service/meters/backflow and sewer lateral should be sized according to the report, and if the sewer connection size changes, they will be required to complete an APPLICATION FOR NEW/MODIFIED SEWER CONNECTION PERMIT for additional flow credits that must be approved by the Village.
- **Code Enforcement:** He suggests the applicant seek out an opinion of an engineer as the demand from sewer would be the same existing utilities not being able to handle the demand. If we have a favorable decision this could be a condition of the approval.

Staff Recommendations

The Planning Department staff advises that the Planning Board recommends the ZBA's denial of the requested area variances. Granting the requested variances will have negative impacts on the surrounding uses and neighborhood character. Parking is the primary concern at this time as it is a busy intersection with no parking plan in place. If the Senior Center provides parking, there will still be concerns with crossing the street in this area. The applicant should be instructed to provide all parking agreements for staff and families to the Village for our records if they proceed with the ZBA.

Motion that the Johnson City Planning Board recommend denial to the Zoning Board of the requested use and area variances at 76 N. Broad Street was made by Mr. Michalak and seconded by Mr. Sheredy.

Motion Carried - Vote:

Yes – 4 (Reinhart, Sheredy, Michalak, Ward) No – 0 Absent – 1 (Putman)

5 Mill Place – Catherine Lewis

Advisory Opinion to ZBA for Setback Area Variance

Vice Chair Ward read the Variance Requests, Environmental Summary and Department Head Comments and Staff Recommendations.



Variance Requests:

It is understood, the property owner at 5 Mill Place would like to build a garden shed at the back of her property. The lot is on a dead end with two “front” yards, so the setback no longer meets the front yard setback requirement, nor is a shed typically permitted in a front yard. The applicant is asking for an area variance for the shed as there are other properties in the area that do not meet the setbacks.

The ZBA has set their public hearing for the regular October 20 meeting. The size of the shed is small, requiring no site plan review following the area variance review.

Environmental Summary and Department Head Comments

The applicant’s proposal is an unlisted action under SEQRA, and the ZBA has claimed lead agency with Parts II and III to be completed at the September 29th ZBA meeting.

The project has been routed to Broome County Planning for 239 review. Department head comments indicated no compelling interest in the project with no concerns.

- **Code Enforcement** – Code enforcement officers found several similar circumstances within the area. Directly across the street on Balch a garage was constructed prior to the adoption of the zoning code well within the setback. Examples of these circumstances also exist on Miriam and Virginia.

Staff Recommendations

The Planning Department staff advises that the Planning Board recommends the ZBA’s approval of the requested setback area variance. Granting the requested variance will not have negative impacts on the neighborhood character or environment.

Motion that the Johnson City Planning Board recommend approval to the Zoning Board of the setback area variance at 5 Mill Place including all department head comments and stipulations was made by Mr. Michalak and seconded by Mr. Sheredy.

Motion Carried - Vote:

Yes – 4 (Reinhart, Sheredy, Michalak, Ward) No – 0 Absent – 1 (Putman)

75 N. Baldwin Street – Abdul Karim

Advisory Opinion to ZBA for Lot Size Area Variance

Abdul Karim appeared on behalf of the project.

Vice Chair Ward stated when the applicant purchased the property it was his understanding it was an approved two-family property. received the letter

Mr. Michalak questioned the layout of the house, is it going to be an upstairs and a downstairs? And how many bedrooms would be upstairs.

Mr. Karim confirmed:

- Two bedrooms upstairs and one bedroom downstairs. One of the rooms doesn’t have a window so it failed.
- Two entrances, one to the upstairs and one to the downstairs.



- There is parking in the front of the house; three cars can be accommodated at the property.
- There are kitchens and bathrooms are in both apartments.

Exit Home Realty also said it was a two-unit house.

Mr. Michalak questioned if it is approved for a two-family what is the applicant going to do.

Mr. Karim stated the upstairs apartment is currently rented. The downstairs residents are moving out tonight.

Variance Requests:

It is understood, upon inspection of the residential structure at 75 N. Baldwin Street, the Code Enforcement Officer observed a second unit on the property. In order for the second unit to function in compliance with the Zoning Law, the property owner is seeking an area variance to the lot size requirements in Table 300-20.3, requiring 3,000 square feet per dwelling unit. The lot size is 4,800 square feet.

In addition, a two-dwelling unit on the property requires a Special Use Permit. The ZBA has set their public hearing for the regular October 20 meeting. If approved, the project will come back to the Planning Board for Special Use Permit and Site Plan Review on October 28.

Environmental Summary and Department Head Comments

The applicant’s proposal is an unlisted action under SEQRA, and the ZBA has claimed lead agency with Parts II and III to be completed at the October 20 regular ZBA meeting.

The project does not require a 239 review; however, it has been sent out for department head comment. At this time, no comments have been received.

Staff Recommendations

The Planning Department staff advises that the Planning Board recommends the ZBA’s denial of the requested lot size area variance. Granting the requested variance will have negative impacts on the neighborhood character which is primarily single-family homes on smaller lots.

Vice Chair Ward said the Board had concerns about the parking, The fact they do have parking on site it is one factor that is in his favor.

Mr. Karim replied they have plenty of parking.

Motion that the Johnson City Planning Board recommend approval to the Zoning Board of the requested lot size variance at 75 N. Baldwin Street including all department head comments and stipulations was made by Mr. Michalak and seconded by Mr. Sheredy.

Motion Carried - Vote:

Yes – 4 (Reinhart, Sheredy, Michalak, Ward) No – 0 Absent – 1 (Putman)



Vice Chair Ward stated they are recommending to the Zoning Board that they approve the variances the applicant is asking for. She added it is up to the Zoning Board at this point.

Attorney Coughlin advised they will be on the Agenda for October 20th and they will make a decision as to whether it is approved or not.

33-57 Harrison Street - UHS

Advisory Opinion to ZBA for Sign Area Variances

The Memorandum was added to the record.

Variance Requests:

It is understood, UHS is requesting an area variance for window signs on the Baldwin Street sign of their building. The Zoning Law allows for 25% coverage; however, the proposed signs are approximately 90% coverage. We are awaiting final measurements on the full window sizes. The ZBA has set their public hearing for the regular October 20 meeting.

Environmental Summary and Department Head Comments

The applicant's proposal is an unlisted action under SEQRA, and the ZBA shall claimed lead agency with Parts II and III to be completed at the October 20 regular ZBA meeting. The project has been routed to Broome County Planning for 239 review and to department heads for comment; however, no comments have been submitted at this point.

Staff Recommendations

The Planning Department staff advises that the Planning Board recommends the ZBA's denial of the requested sign area variance. Granting the requested variance will have negative impacts on the neighborhood character as it is in nearby historic structures and a historic district. Additionally, the difficulty is self-created, the request is substantial, and there are alternatives that do not result in a variance. It is the opinion of the Planning Department staff that the signage would essentially function similar to a billboard on their building

Carrie Davis Vice President of Communications and Marketing and Rich Keehle and the contractor appeared on behalf of UHS. Ms. Davis said it is coverage so you can't see inside the building; they did it for privacy purposes. Mr. Keehle said its bare, it is shell space for future development. They don't have any immediate plans. They didn't want anyone to see it was vacant. Mr. Keehle stated they didn't look at it as a sign, just trying to prevent people from looking in the space; that's why they called it a window cover. Ms. Davis said it is full of boxes so they thought it looked better if they covered it instead vs. having all that stand out.

Mr. Keehle stated it has been a staging area that they have worked with Randy Shear on. It is not something that they typically store stuff in but they have used it as a staging area in the past when they were moving and activating the building.

Vice Chair Ward questioned whether when they talked to Randy whether they would need approval for this?

Mr. Keehle responded after the fact yes.



Mr. Keehle confirmed it is temporary and will come down when they occupy that space. They do not have any immediate plans. They are in the process of building those plans. He said it will probably be patient care space. It is right off the main entrance and they would have to have some sort of privacy and protection there as well. It would have to be shades or tinted windows. He wouldn't envision that as being marketing.

Ms. Davis confirmed the graphics would come down when they fill the space. Mr. Keehle said there are no immediate plans, but he speculates 3-5 years.

Mr. Michalak said it seems like a long time for the Board to make an exception in a way that is extremely in violation of the code. The code is only 25% of the windows allowed to be used for something like they have and this covers 90% roughly. That is why it's an issue. If it was something more temporary, like a year.

Ms. Davis stated the covering is so large so people couldn't see in the inside.

Vice Chair asked if there could be less coverage and people still can't see in? She stated it's on the second level; it's not the ground level where people can look in.

People were making comments they could see in and see they were storing items.

Attorney Coughlin questioned why would they build that big a building if they don't need the space. Mr. Keehle said it isn't in design mode. He can't say the plans will be done in a year. Ms. Davis stated you can still see in there even if it is the second floor.

Attorney Coughlin spoke regarding the sign code. He said the Board could approve a temporary sign permit that is subject to renewal periods similar to a site plan expiration time lines during construction. He can't find a shoehorn to fit it into our temporary sign definitions. He said it is similar to a grand opening that has a set period of time. He advised the Board could recommend approval with time restraints or you could recommend denial and have the Zoning Board make the decision.

The contractor confirmed it is peel and stick and most is stuck to the outside.

Vice Chair Ward stated either going temporary for a year or denial.

Motion that the Johnson City Planning Board recommend to the Zoning Board of Appeals that UHS be allowed a temporary sign on Baldwin Street for one year with potential extensions at the discretion of the Code Office and if temporary is not available, they would recommend of denial of the requested sign variance at 33-57 Harrison Street including all department head comments and stipulations was made by Ms. Ward and seconded by Mr. Sheredy.

Motion Carried - Vote:

Yes – 4 (Reinhart, Sheredy, Michalak, Ward) No – 0 Absent – 1 (Putman)

Vice Chair Ward asked for a motion to adjourn.



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 8:41 pm.

Respectfully submitted,

Kim Cunningham
Planning Board Clerk

