

Present: Gerald Putman, Chairman
John Walker, Vice Chairman
Joanne Drimak
Andrew Holbert

Absent: Lee Briggs, Secretary

Also Present: Diane Salva, Clerk to the Planning & Zoning Boards
Nathan VanWhy, Attorney for the Village
Marina Lane, Town of Union Senior Planner

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

Reorganization of Officers

A motion to nominate Mr. Jerry Putman as Chairman, Mr. John Walker as Vice Chairman and Mr. Lee Briggs as Secretary was made by Mrs. Drimak and seconded by Mr. Walker. The motion carried with all those present voting in the affirmative.

Chairman Putman called the meeting to order at 7:30pm & noted the emergency exits.

MINUTES - A motion to approve the minutes of the December 16, 2014 regular meeting was made by Mrs. Drimak and seconded by Mr. Walker. The motion passed with all those present voting in the affirmative.

PRIVILEGE OF THE FLOOR - None

COMMUNICATIONS – None

CONTINGENCIES - None

OLD BUSINESS - None

NEW BUSINESS

Maria & Vasile Opris, & Marian Georgescu – 401 & 405 Grand Avenue

Maria and Vasile Opris and Marian Georgescu have submitted an application to use the existing warehouse/storage building at 401 Grand Avenue for an automobile sales business with accessory body work in the warehouse itself. The adjacent property at 405 Grand Avenue will be for vehicular storage. The properties are zoned Industrial and the automobile sales with accessory body work use are permitted by Special Permit from the Planning Board.

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 disturbed area for this project is approximately 0.38 acres maximum, and therefore a full Stormwater Pollution Prevent Plan (SWPPP) is not required, but erosion control measures during construction of the gravel lot shall be required. The total acreage is 0.92 acres and the properties



are adjacent to a Johnson City easement in the rear of the lots, and a NYS DOT parking lot to the west of 405 Grand Avenue. 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 no need for toxic or flammable fluids.

The applicants to not intend to add lighting to the site. Landscaping planters no higher than three feet shall be placed along the front property line.

Sarah Grace Campbell with the law firm of Hinman, Howard & Kattell, LLP, attorney for the applicant, Maria and Vasile Opris and Marian Georgescu, the applicants, were present.

Lead Agency

A motion to declare the Planning Board as Lead Agency for the purposes of SEQR was made by Mr. Walker and seconded by Mr. Holbert.

Motion Carried - Vote:

Yes – 4 (Walker, Drimak, Holbert, Putman) No – 0 Absent – 1 (Briggs)

SEQR

Chairman Putman explained that a SEQR Short Environmental Assessment Form has been prepared.

The board, having reviewed Part I and Part II of the SEQR Short Environmental Assessment Form ("Short EAF") has determined that there will not be any significant adverse environmental impacts with respect to the project, therefore a motion was made by Mr. Walker and seconded by Mrs. Drimak finding that the proposed action will not have a significant adverse environmental impact and authorizing the Chairman to sign the Negative Declaration.

Motion Carried - Vote:

Yes – 4 (Walker, Drimak, Holbert, Putman) No – 0 Absent – 1 (Briggs)

Public Hearing – Development in a flood plain Special Permit

The location of the facility is within the one-hundred year floodplain, and therefore the applicants are required to apply for a Special Permit from the Planning Board to develop in the floodplain, in addition to submitting an application for site plan review. The facility finished floor elevation is 836.5 feet above sea level (ASL). The base flood elevation at the facility is 837 feet ASL, and the surrounding ground elevation is between 832 feet and 834 feet ASL.

Chairman Putman opened the public hearing.

Attorney Campbell reviewed the request. There will be no new construction.

Senior Planner Lane read from a report she prepared for the Board detailing the project.

Mrs. Drimak asked about flammable liquids. Attorney Campbell explained that essentially there will not be any. There will be a paint booth. They will be doing straight body work.

Chairman Putman closed the public hearing and read the staff recommendations.



Staff Recommendations

The Planning Department finds that the base flood elevation is only about one-half foot higher than finished floor elevation. The Planning Department recommends approval of the Special Permit for the development in the floodplain with the following stipulations:

- 1) Any flammable or toxic fluids shall be stored no less than three feet above ground level in the garage due to the height of the base flood elevation.
- 2) Absorbent pads shall be maintained and used on site in the event of any fluid leakage.
- 3) The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Certificate of Occupancy. The applicant agrees to maintain the site 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.

A motion to approve the special permit for development in a flood plain, including the staff recommendations, was made by Mrs. Drimak and seconded by Mr. Walker.

Motion Carried - Vote:

Yes – 4 (Walker, Drimak, Holbert, Putman) No – 0 Absent – 1 (Briggs)

Public Hearing – Automobile Sales with Accessory Body Shop Special Permit

Chairman Putman opened the public hearing.

Senior Planner Lane asked how many spaces would be available for display in the front vs. customer parking. Attorney Campbell explained that there will be 2 spaces per bay and there are 2 bays plus 2 employee spaces. In the front there will be 6 cars for display and 2 for customer parking. They will need to maintain a handicap space.

Chairman Putman closed the public hearing and reviewed the criteria for granting a special permit.

Chairman Putman read the staff recommendations and department head comments.

Staff Recommendations

The project meets the requirements for a Special Permit to sell automobiles in an Industrial zone. The staff recommendation is to approve the Special 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 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 apply for a dealer's license from the NYS Department of Motor Vehicles prior to selling any vehicles from the site.
 - 3) No vehicle motor repairs shall take place on the property, and vehicles must be washed off-site. (Attorney Campbell stated that they do not wash any vehicles on-site)
 - 4) The Planning Board reserves the right to request renewal of the Special Permit to sell automobiles 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.

A motion to approve the Special Permit for 401/405 Grand Avenue for automobile sales with an accessory body shop to include the following conditions was made by Chairman Putman and seconded by Mr. Walker.

Motion Carried - Vote:

Yes – 4 (Walker, Drimak, Holbert, Putman) No – 0 Absent – 1 (Briggs)

- 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 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 apply for a dealer's license from the NYS Department of Motor Vehicles prior to selling any vehicles from the site.
 - 3) No vehicle motor repairs shall take place on the property, and vehicles must be washed off-site. (Attorney Campbell stated that they do not wash any vehicles on-site)
 - 4) The Planning Board reserves the right to request renewal of the Special Permit to sell automobiles 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.

Site Plan Review

Attorney Campbell explained that they modified the site plan since their previous appearance in front of the Board. There will be no lighting on the site other than the street lights. They are proposing to add planters in the 10ft area. There will be no exterior storage of tires. The demarcation between the property and the DOT property will be with chain and bollards. They will not put a fence on the north side of the property. The dumpster will have a 5ft fence around it. The applicant is also purchasing the parcel on the west side of the property. Tractor trailers waiting for service will wait at this site.

Chairman Putman asked how the trucks will get into the building. Senior Planner Lane explained that there are 2 very large overhead doors.

Chairman Putman read the staff recommendations and the department head comments.

Department Head & 239-Review Comments:

This project was subject to a 239-Review as it is within 500-feet of a state road (SR 201).



- **Code Enforcement:** Lots should be combined; number of cars should be limited, and the Code regulations followed:
 - § 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.

What is 405 grand going to be used for?

Since property is in floodplain, any services for building-electrical, heating and the like should be located above BFE or past flood levels in building.

- **Fire Dept:** Has a concern with the 401 and 405 Grand Ave application. There has to be permanent NO PARKING- FIRE LANE signs posted on both sides on the access road bordering the NY State property. The reference codes are NYS Fire codes D103.6 and D103.6.1
- **Police Dept:** No comments.
- **Public Works & Water:**
 1. A backflow prevention device is required to be installed on the water service and the required Department of Health form must be submitted to the Director of Public Services.
 2. A list of proposed materials / chemicals shall be supplied for review (N.A.)
 3. Short EAF, Part 1, Pg. 2 of 4, Item 17b: YES is checked, a brief description is required (DONE).



4. Short EAF, Part 2, Pg. 3 of 4, Item 7b cannot be answered until the body work/service work, materials/chemicals and how the waste material will be collected and disposed of is known.
5. The property lines must be defined/located and or surveyed prior to the installation of the proposed fence, to ensure that the fence will not be placed on Village or NYSDOT property.
6. Dig Safely New York must be called prior to any exterior work. There are three large sewer pipes located between the railroad tracks and the north property line.
7. The type of fencing is not listed on the site plan.
8. The site plan is not a 1" = 20' scale, in accordance with §300-63.3.C(3) the plan shall contain the scale. The plan also does not have the required north arrow, the elevation of the building, the flood plain elevation, signs, utility locations, the number of required parking spaces and size of the spaces. (REVISED)
9. What does the 10' dimension from the south property line north represent? (SETBACK)
10. If the proposed gravel parking areas are paved in the future a revised site plan is required with storm water reduction shown.
11. The width of the ingress/egress is not shown. (REVISED)
12. The proposed new gas service must have at least 5 feet separation from the sewer and water laterals. (ALREADY INSTALLED)
13. When clearing the area of the proposed gravel parking areas, appropriate Sedimentation & Erosion Control measures must be utilized to prevent the depositing of debris onto NYSDOT property and Grand Avenue.

- **B. C. Planning:** No significant county-wide or inter-community impacts associated with the project; however the department has the following recommendations:

1. B.C. Planning recommends that the project include a landscaping plan (DONE) and lighting plan (N.A.).
2. B.C. Planning recommends that the site plan include the dumpster location and screening (DONE), tire storage (N.A.), and the storage location of to be repaired. No tires should be stored outdoors, and that no vehicles to be repaired be stored outdoors.
3. B.C. Planning recommends that the site plan include 405 Grand Avenue (DONE).
4. B.C. Planning recommends that the Village Planning Board ensure that the facility includes proper ventilation and that the paint booth and facility in general comply with all appropriate state and federal air quality and hazardous materials regulations.
5. The project site is located almost entirely with the Existing FEMA 100-year Floodplain and entirely with the Preliminary New FEMA 100-Year Floodplain. B.C. Planning recommends that the applicant should be informed of the risks of placing the project in the 100-year floodplain.

- **BMETS:** No issues with site access or traffic impact.

- **Broome County Health Department:** Found that the 401 Grand Avenue building was inspected by the USEPA in 1990. At that time there were 4 floor drains inside the building that were connected to the public sewer, which is a good thing. If chemical storage is planned for the facility, it should be inside if at all possible to avoid accidental spillage from impacting the local soils and groundwater.



- **NYS DOT:** All vehicles and other items must be kept outside the state right-of-way. Please be advised that a Highway Work Permit must be obtained from our Department prior to the commencement of work on any activity in the state right-of-way. Further information regarding Highway Work Permits can be obtained by contacting Tom Laskowski, Assistant Resident Engineer at the Broome County Residency, at 607-775-0522.

Planning Staff Recommendations

The Planning Department recommends approval of the site plan, with the unaddressed comments from the Code Enforcement Officer and the Department Head of Public Works and Water 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 Occupancy.
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.

Mr. Walker expressed concern over the lack of lighting for the lot where the trucks will be parking. Attorney Campbell stated that they could put a wall pack on the building but it is far away from the lot so they may have to add a pole light.

Chairman Putman asked about the time frame for completion. Mr. Georgescu stated that it would be about a month from when they receive approval.



A motion to approve the site plan, including the department head comments and the staff recommendations, with a completion date of July 31, 2015, was made by Mrs. Drimak and seconded by Mr. Walker.

Motion Carried - Vote:

Yes – 4 (Walker, Drimak, Holbert, Putman) No – 0 Absent – 1 (Briggs)

Pacemaker Steel & Piping Company, Inc. – 16 Wells Avenue

SEQR

Chairman Putman explained that a SEQR Short Environmental Assessment Form has been prepared.

The board, having reviewed Part I and Part II of the SEQR Short Environmental Assessment Form ("Short EAF") has determined that there will not be any significant adverse environmental impacts with respect to the project, therefore a motion was made by Mr. Walker and seconded by Mrs. Drimak finding that the proposed action will not have a significant adverse environmental impact and authorizing the Chairman to sign the Negative Declaration.

Motion Carried - Vote:

Yes – 4 (Walker, Drimak, Holbert, Putman) No – 0 Absent – 1 (Briggs)

Site Plan Review

Pacemaker Steel and Piping Co., Inc., has submitted an application to construct an addition to the existing warehouse building located at 2 North Floral Avenue in the City of Binghamton, with the bulk of the new addition extending primarily onto 16 Wells Avenue (#143.67-1-13) in the Village of Johnson City. The property was rezoned from General Commercial (GC) to Industrial (I) by the Johnson City Village Board of Trustees on January 6, 2015, and the warehouse is a permitted use in the Industrial zoning district.

This Binghamton branch of Pacemaker Steel & Piping is a distributor of custom-made steel, aluminum, and other metal alloy products such as metal sheets, pipes, valves and beams. Other than custom cutting existing products, no production of the products is done on site. The building is principally used for warehousing and distribution.

The proposed addition is 10,118 square feet, 30-foot high metal panel building with a concrete foundation. Two downward-shielded wall-pack lights will light the one 14-foot by 16-foot loading door and one domestic door. Roof leaders will be directed into a perforated drainage pipe system flowing from highest elevation at the southeast corner to the lowest elevation at the northeast corner, and from there drainage will be directed into a drywell. There is an overflow design that will send stormwater to the sanitary sewer system as there is no available storm sewer system at this location. The total disturbed area for this project is approximately 0.43 acres, and therefore a full Stormwater Pollution Prevent Plan (SWPPP) is not required, but erosion control measures during construction and post-construction stormwater runoff mitigation shall be required.

An eight-foot high chain link fence with slats is proposed to surround the properties, located three feet from the property line. No landscaping is proposed.



Sarah Grace Campbell with the law firm of Hinman, Howard & Kattell, LLP, attorney for the applicant, and Todd Anderson with Chianis and Anderson Architects, were present on behalf of the applicant.

Mr. Anderson reviewed the changes made to the plan since the last meeting. The fence will have green inserts.

Chairman Putman read the department head comments and the staff report.

Department Head & 239-Review Comments

The project is subject to a 239-Review, both with the County and a coordinated review with the City of Binghamton. The City of Binghamton was notified twice, with the original submittal of the 239-Review form on December 3, 2014, and a second notification of Lead Agency designation on December 30, 2014. The City has not responded at this time, and therefore since the 30-day periods are complete, we can assume they have no concerns about the project. The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA). The Village Board of Trustees declared Lead Agency for the SEQRA review and made a Negative Declaration on January 6, 2015.

This project was subject to a 239-Review as it is on a state road (17C), and adjacent to the City of Binghamton's municipal border.

- **Code Enforcement:** Pertaining to the requested setback variances, "unique nature of project warrants, in my opinion, granting of variances."
- **Fire Dept:** No comments.
- **Police Dept:** No comments.
- **Public Works & Water:**
 1. Short EAF, 17b is marked yes. A brief description is required.
 2. The sanitary manhole located inside the building shall not have anything set on top of it.
 3. The owner shall supply the Village of Johnson City with emergency contact information in case the sewer line requires access after normal working hours.
 4. The contractor shall obtain a sewer permit from the Johnson City DPW prior to replacing the sewer line.
- **B. C. Planning:** No significant county-wide or inter-community impacts associated with the project; however the department requested the opportunity to review the final plan. The following comments were listed and addressed subsequent to their report:
 1. B.C. Planning recommends that the site plan be revised to show the following: new tax map boundary, entire project site encompassing 2 N. Floral Avenue and 16 Wells Avenue, enter building (existing building and propose addition), driveway entrances and exits, parking spaces, delivery drop off and pick



up, loading docks, dumpster location and screening, adjacent properties and drainage system for the entire project site.

2. B.C. Planning recommends that the bulk table presented on the site plan include the City of Binghamton zoning designation and required and existing dimensions. The required and proposed parking spaces per the Village of Johnson City and the City of Binghamton should also be noted on the site plan.

3. B.C. Planning recommends that the existing and proposed daily truck trips be noted in the application and that the traffic circulation be included on the site plan.

4. B.C. Planning recommends that the project include a landscaping plan. They recommend that the project include landscaping buffering and/or decorative fencing between the project site and adjacent residential properties. The approvals should indicate the party(s) responsible for maintaining the entire screening.

5. B.C. Planning recommends that the project include an exterior lighting plan. The Village of Johnson City should ensure that the project does not result in spillover light and glare impacts to neighboring residents.

6. B.C. Planning recommends that the Village of Johnson City ensure consistency between the two properties, including drainage, parking, lighting, zoning and code enforcement.

- **BMTS:**

No issues with site access or traffic impact.

- **Broome County Engineering:**

1. The applicant should be advised that the adjacent property on Floral Ave. is currently owned by Broome County and used for document storage. This county-owned property has been prone to recurrent flooding problems, primarily due to the City of Binghamton's combined sewer system overflow capacity issues. The municipalities who own the systems serving these properties should review any proposed changes to the storm / sanitary system carefully.

2. Based on their review, there are no other impacts to County infrastructure, and the DPW-Engineering Division has no comments or objections pertaining to the rezoning or site plan review of the project.

- **NYSDOT:**

No concerns. Please be advised that a Highway Work Permit must be obtained from our Department prior to the commencement of work on any activity in the state right-of-way. Further information regarding Highway Work Permits can be obtained by contacting Tom Laskowski, Assistant Resident Engineer at the Broome County Residency, at 607-775-0522.



Planning Staff Recommendations

The Planning Department recommends approval of the site plan, contingent on the granting of setback variances by the Zoning Board of Appeals, with the comments from the Department Head of Public Works and Water and the following stipulations:

1. The entrance /exit on North Floral should be the preferred access to the site whenever possible due to the residences on Wells Avenue.
2. The fence, which will require either a setback of eight feet from the property line or a variance, must be erected prior to the issuance of the final Certificate of Occupancy.

A motion to approve the site plan, including the department head comments and the staff recommendations, contingent upon the applicant receiving the necessary variances from the Zoning Board of Appeals, and the stipulation that the fence must be maintained in a reasonable manner, was made by Mrs. Drimak and seconded by Mr. Walker.

Motion Carried - Vote:

Yes – 4 (Walker, Drimak, Holbert, Putman) No – 0 Absent – 1 (Briggs)

Eckelberger Towers - 156, 166, 168 Corliss Avenue, & 177 St. Charles Street
Advisory Opinion – Rezone Urban Multi-Family to Neighborhood Commercial

The application is a rezone request to change the zoning of the property from multi-family to neighborhood commercial. Sarah Grace Campbell with the law firm of Hinman, Howard & Kattell, LLP, attorney for the applicant, and Karen McElwee, were present on behalf of the applicant. The properties involved are as follows:

<u>Property</u>	<u>Owner</u>	<u>Tax Map #</u>
•156 Corliss Avenue 1.6 (a)	Eckelberger Tower, Inc. will be United Health Services Hospitals, Inc. (“UHS”)	143.64-4-33
•166 Corliss Avenue 0.07 (a)	UHS, Inc.	143.64-4-30
•168 Corliss Avenue 0.07 (a)	UHS, Inc.	143.64-4-29
•117 St. Charles Street 0.57 (a)	UHS, Inc.	143.64-4-28
130 Baldwin Street 0.95 (a)	Kradro Realty Corp.	143.64-4-37

- These properties will be combined.

Attorney Campbell explained the request. Eckelberger Towers is a 7 story residential building that houses medical residents who are completing their residencies at the hospital. UHS intends to convert former first-floor residences to office space in this UHS owned facility to allow for more patient centered care at the hospital. There will be no additional employees and no new parking.



Chairman Putman reviewed the criteria for rezoning a property.

A motion to recommend approval of the rezoning request to the Village Board was made by Mr. Walker and seconded by Mr. Holbert.

Motion Carried - Vote:

Yes – 4 (Walker, Drimak, Holbert, Putman) No – 0 Absent – 1 (Briggs)

All Saints Church, 475 Main Street
Advisory Opinion – Variances

All Saints Episcopal Church is proposing to have an LED sign replace 2 existing signs. The proposed sign is 4 feet by 8 feet with a 7 feet by 1 foot 3 inch base and a 9 inch high top for a total height of 6 feet. The property is zoned Urban Single Family (USF) with an Office Overlay.

Section 300-52.4, table 52-1 lists the permitted signs in an USF district. Religious Institutions are permitted a monument sign, 12 square feet in area, with a maximum height of 5 feet and externally illuminated. Section 300-52.3 R permits a notice bulletin board of 24 square feet for a Religious Institution.

Section 300-52.7 A 5 (c) lists the construction and design standards for an LED digital message sign.

(c) Digital messages:

[1] Digital messages or graphics are only permitted on monument style signs in the General Commercial Zoning District. Digital messages are prohibited on all other sign types and in all other zoning districts.

[2] The message shall change no more than once per day and shall consist of a single color.

[3] Digital message signs shall not be located within 500 feet of a residentially zoned property as measured along the street line on which the sign is located.

[4] The illumination from a digital message sign shall be controlled not to be visible from or cast light or shadows onto adjacent properties or cause unwanted glare in accordance with Article 55.

[5] The use of any digital messages on a site shall result in an overall reduction in the allotted sign area of 25%.

The proposed sign would require the following variances:

- Maximum height from 5 feet to 6 feet
- Maximum size 12 square feet to 19.2 square feet for the church name
- Digital message in an USF zoning district
- Digital message within 500 feet of residential zoned property-located in residential zone and properties on the corner of Second and Third Streets are zoned residential
- Single color sign - proposed multicolor sign
- Externally illuminated permitted-internal illumination proposed

Mr. Thomas Johnson and Mr. Donald Thorp were present on behalf of the applicant.

Mr. Thorp reviewed the request and explained that the church is willing to make any changes to the sign that the Planning Board requests.



Chairman Putman asked if they would be using one color at a time. Mr. Thorp stated that the sign is capable of mixing colors but if they can only use one color at a time they would be ok with that. The message will only change once a day.

Attorney Van Why referenced the section of the code addressing the use of more than one color.

Chairman Putman stated that the current signs are, in total, greater square footage than what the code allows already.

Mr. Walker asked if there is any animation on the sign. Mr. Thorp stated that no there is not.

Mr. Walker asked if the name of the church will be LED illuminated as well. Mr. Thorp was unsure if it will be.

A motion to recommend to the Zoning Board of Appeals approval of the variance to increase the maximum height from 5 feet to 6 feet was made by Mr. Walker and seconded by Mrs. Drimak.

Motion Carried - Vote:

Yes – 4 (Walker, Drimak, Holbert, Putman) No – 0 Absent – 1 (Briggs)

A motion to recommend to the Zoning Board of Appeals approval of the variance to increase the maximum size from 12 square feet to up to 19.2 square feet for the church name was made by Mr. Walker and seconded by Mrs. Drimak.

Motion Carried - Vote:

Yes – 4 (Walker, Drimak, Holbert, Putman) No – 0 Absent – 1 (Briggs)

A motion to recommend to the Zoning Board of Appeals approval of the variance to allow a digital message in an USF zoning district as the sign would be located on a state highway and there are no residences in the immediate vicinity was made by Chairman Putman and seconded by Mr. Walker.

Motion Carried - Vote:

Yes – 4 (Walker, Drimak, Holbert, Putman) No – 0 Absent – 1 (Briggs)

A motion to recommend to the Zoning Board of Appeals approval of the variance to allow a digital message within 500 feet of residential zoned property-located in residential zone and properties on the corner of Second and Third Streets are zoned residential as the sign would be located on a state highway and there are no residences in the immediate vicinity was made by Mr. Walker and seconded by Mr. Holbert.

Motion Carried - Vote:

Yes – 4 (Walker, Drimak, Holbert, Putman) No – 0 Absent – 1 (Briggs)

A motion to recommend to the Zoning Board of Appeals approval of the variance to allow a multiple color sign with the color on the bulletin board section being changed once per day maximum was made by Mrs. Drimak and seconded by Mr. Walker.

Motion Carried - Vote:

Yes – 4 (Walker, Drimak, Holbert, Putman) No – 0 Absent – 1 (Briggs)



A motion to recommend to the Zoning Board of Appeals approval of the variance to allow an internally illuminated sign was made by Mrs. Drimak and seconded by Mr. Walker.

Motion Carried - Vote:

Yes – 4 (Walker, Drimak, Holbert, Putman) No – 0 Absent – 1 (Briggs)

JMR Properties of Johnson City, 51 Allen Street
Advisory Opinion – Variances

JMB Properties of Johnson City has recently purchased 51 Allen Street. The property is located in an Urban Multifamily Zoning District. The property is currently used as a two family. They are proposing to convert the first floor two bedroom apartment into two one bedroom apartments making the building a three family. The Urban Multifamily Zoning District permits a three family (multiple dwelling).

Section 300-20.4, table 20-3 sets forth the dimensional requirements for a three family as follows:

Minimum lot size-2,500 sq. ft. of lot area per dwelling
Minimum lot width-25 feet per dwelling

Section 300-51.7 C (2) requires an access driveway width of 20 feet for 2 way traffic serving a residential dwelling of 3 or more units.

Section 300-54.3 C requires screening between multifamily parking, maneuvering and driveways and abutting one or two family dwellings. To the rear of 51 Allen Street are one and two family dwellings. The required buffer is 10 feet but if there is insufficient space to accommodate a ten-foot landscaped area, the Planning Board may allow screening to consist of a wall, fence, berm, hedge, or other plant materials or combinations thereof no less than five feet high.

Therefore, area variances are required for the following:

Lot area from 7,500 sq. ft. to 5,640 sq. ft., a reduction of 1,860 sq. ft. or 24%
Lot width from 75 feet to 47 feet, a reduction of 28 feet or 37%
Access driveway width from 20ft to 12 feet, a reduction of 8 feet or 40%

Wade and Gretchen Kornet, the applicants, were present.

Mr. Kornet explained that they purchased the building a few months ago and have already remodeled the 2nd floor apartment. They brought the electric and plumbing up to today's code and put in a new heating system.

Senior Planner Lane explained that the property and the driveway do not meet the requirements for a 3 family.

Mr. Kornet stated that they will be targeting students, especially with the BU Pharmacy School coming.

Chairman Putman asked about snow removal. Mr. Kornet stated that they have a man who comes and plows. When snow is predicted they ask that their tenants park at the end of the driveway or on the street until the driveway is plowed. They do have a property manager.



Mr. Walker asked if there is a shared driveway. Mr. Kornet stated that there is a boarding house next door has a driveway attached to theirs that the neighbor does not use. It is not a shared driveway.

Attorney Van Why asked what the neighborhood is like. Mr. Kornet explained that there are a mix of 1-6 family buildings. The upstairs is rented to grad students already.

Chairman Putman reviewed the requirements in Daria Golazeski's letter.

A motion to recommend denial of the variances to the Zoning Board of Appeals was made by Mr. Walker and seconded by Mrs. Drimak.

Motion Carried - Vote:

Yes – 4 (Walker, Drimak, Holbert, Putman) No – 0 Absent – 1 (Briggs)

ADJOURNMENT

Chairman Putman adjourned the meeting at 9:59pm.

Respectfully submitted,



Diane Salva
Planning Board Clerk

