

Present: John Walker, Vice Chairman
Joanne Drimak
Andrew Holbert

Absent: Gerald Putman, Chairman
Lee Briggs, Secretary

Also Present: Diane Salva, Clerk to the Planning & Zoning Boards
Nathan VanWhy, Attorney for the Village
Mayor Greg Deemie
Trustee Bruce King
Paul Nelson, Town of Union Planning Director
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.

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

MINUTES – A motion to approve the minutes of the April 28, 2015 regular meetings was made by Mrs. Drimak and seconded by Mr. Holbert. The motion passed with all those present voting in the affirmative.

COMMUNICATIONS – None

CONTINGENCIES - None

OLD BUSINESS - None

NEW BUSINESS

St. James Church – 131 Main Street
Advisory Opinion – Variance

Reverend John P. Donovan, Pastor of St. James Catholic Church, Johnson City, submitted a sign application for a new sign with masonry materials selected to closely resemble the architectural details of the church, and which will incorporate LED sign panels. The proposed sign will be in the same location as the existing old wood sign at 131 Main Street at the corner of Main Street and Lester Avenue. The proposed sign would require two area variances, both concerning the LED display. Digital signs are permitted in a General Commercial zoning district. The first variance is to allow for multiple colors to be displayed instead of only one color on the LED display. This is to allow for the display of logos and graphics used to announce church, school, and community events. The second requested variance is to allow the sign graphic to be changed a few times per day, versus one change daily as is permitted. The LED sign will improve the ability of St. James Church to display announcements and events.

The proposed sign would require the following variances:



- 1) Area Variance to permit an LED Sign to have more than one color in a General Commercial District;
- 2) Area Variance for a scrolling sign that will change a few times per day.

Michael Haas with Haas Landscape Architects, Rev. John Donovan, and Mr. Jim Brosious with St. James Church were present on behalf of the applicant.

Mr. Brosious explained that the new sign will be masonry to match the church building. They are requesting the sign graphics to be allowed to change multiple times a day not only for the various events they have but also to allow them to have the messages appear in Spanish and Vietnamese as well as in English.

Vice Chairman Walker asked about the brightness of the sign and light spillage. Mr. Haas stated that it is not a flashing type of light.

Mr. Holbert asked about the size of the messages and expressed concern over message that may be too long and would continue onto the next screen.

Vice Chairman Walker read the Department Head Comments and Planning staff recommendations.

Department Head Comments

Code: No comments at this time
Police: No compelling interest
Public Works & Water: Zoning App and narrative address should be 131 Main Street.

239-Review - Broome County Recommendation

The Broome County Planning Department staff recommends approval of the area variances for the LED sign because it will be a dignified and restrained sign which will display Church offerings in several languages to best serve the members. Since the LED sign will be impervious to the wind and vandalism which the current sandwich signs experience when advertising community and school functions, the new LED sign will serve to reduce the visual clutter in the area. The Broome County Planning Department made no determination as to whether the applicant meets the four (4) tests of a use variance for LED Digital Message Sign per section 300-52.7 A 5 (c).

Planning Staff Recommendation

The Planning Department staff recommends that the Planning Board recommend:

- 1) Approval of the area variance for an LED Sign with more than one color only for the display of logos and not for the text; and
- 2) Approval of the area variance for a scrolling sign to change a few times a day, but limited to no more than three times per day, as that appears to the maximum number of events per day on the Church's calendar of events.

The Board had a long discussion on “scrolling signs” vs. “rolling signs”.

A motion to recommend to the Zoning Board of Appeals approval of a variance to allow multiple colors for the sign display area was made by Mrs. Drimak and seconded by Mr. Holbert.



Motion Carried - Vote:

Yes – 3 (Drimak, Holbert, Walker) No – 0 Absent – 2 (Briggs, Putman)

A motion to recommend to the Zoning Board of Appeals approval a variance to allow for an LED sign to change the message up to 3 times per hour was made by Mr. Holbert and seconded by Mrs. Drimak.

Motion Carried - Vote:

Yes – 3 (Drimak, Holbert, Walker) No – 0 Absent – 2 (Briggs, Putman)

Oakdale Crossings – 157 Oakdale Road

Lead Agency, SEQRA Determination, Advisory Opinion - Variances

Crux Properties, LLC, has submitted a plan to construct a new 14,211 square foot 4-story mixed use building in the General Commercial zoning district located at 157 Oakdale Road. The building will be a modular building and will feature two floors of commercial office space, one floor of residential apartments, and a penthouse apartment unit set back on the top roof level. As the property is wholly in the 100-year floodplain, the building will be set on piers, which also allows for ground level parking under the building. Due to the size of the building and to allow for an efficiently designed building parking lot two area variances requested are as follows:

1. An area variance to alter the minimum side setback on the south side of the property from twenty (20) feet to fifteen (15) feet to allow for the space necessary to so the parking lot will have adequately sized aisles.
2. An area variance to change the maximum building height from fifty (50) feet to (56) feet to accommodate the penthouse level apartment.

Michael Haas with Haas Landscape Architects, Gina Curcio, George Schambach and Gary Bush were present.

Mr. Haas explained the project. The building will have a green roof which will be able to hold 1 inch of rainfall/hour and solar panels. Mr. Haas explained how the stormwater will be managed on site. There will be pervious pavers in the parking lot and several basins to collect water. The rain harvesting system will collect the rain water and filter it, then it will be used in the toilets in the building. The center strip will be pervious asphalt. The applicants are applying for a state grant for green infrastructure. If they are successful, the state will pay for 90% of the green infrastructure.

Vice Chairman Walker asked that, instead of asking for a side setback variance, why not just move the building. Mr. Haas explained that they do not want to move the building because of the parking requirements (size of the aisles and spaces), the buffer and an ornamental fence.

Vice Chairman Walker asked about the number of parking spaces. Senior Planner Lane explained that they have 6 too few spaces but the Planning Board can waive this requirement because the applicant has the room to add the spaces if needed. It will be a mixed use building so during the day the parking spaces will be used by office workers during the day and tenants at night.

Mr. Holbert asked about angles parking. Mr. Haas said it was considered but they can't do it.



Vice Chairman asked about the building being modular. Mr. Bush explained that the building will consist of 14ft x 56ft precast concrete units.

Vice Chairman Walker asked about emergency vehicle access. Mr. Haas explained that they are keeping the landscaping away from the building. They can do a “roll curb” for 15ft which should be enough room for a fire truck. Mr. Bush stated that the building will be sprinklered.

Lead Agency

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

Motion Carried - Vote:

Yes – 3 (*Drimak, Holbert, Walker*) **No** – 0 **Absent** – 2 (*Briggs, Putman*)

SEQR

Vice Chairman Walker 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 Mrs. Drimak and seconded by Mr. Holbert finding that the proposed action will not have a significant adverse environmental impact and authorizing the Vice Chairman to sign the Negative Declaration.

Motion Carried - Vote:

Yes – 3 (*Drimak, Holbert, Walker*) **No** – 0 **Absent** – 2 (*Briggs, Putman*)

Vice Chairman Walker read the planning staff recommendations and the department head comments.

Planning Staff Recommendation:

The Planning Department staff recommends that the Planning Board recommend to the Zoning Board Appeals:

1. Approval of the side setback variance as proposed. In order to provide the required parking space dimensions and access aisle dimension of 24', the proposed building would be located such that the projecting balconies on the third floor extend by five feet into the southern side setback. Recommend approval of the five-foot side setback variance on the south side of the building with the recommendation that the balconies be enclosed with railing rather than solid walls in order to minimize the bulky appearance encroaching towards 153 Oakdale Road.
2. Approval of the height variance for the penthouse. The penthouse is located in the center of the building and should not have a significant visual impact on the neighboring properties.

DEPARTMENT HEAD COMMENTS:

Code Enforcement: The sign should not be approved as part of site plan as it appears to not comply with setback.



DPW & Water:

1. Short EAF, Part 1, 2. A SWPPP is also required.
2. There is no municipal storm drainage with Oakdale Road in the area of the site. The former trailer park was graded to flow to the storm drainage in Harry L. Drive, therefore the proposed on-site storm drainage design shall ensure that all on-site storm drainage is held on site.
3. The south entrance should be signed "enter only".
4. The north entrance/exit should be striped to indicate ingress and egress.
5. The proposed road side sign appears to be within the street boundary, if so, it must be located outside of the street boundary.
6. If there is not an existing sewer lateral to connect to, the Sewer Plant Flow Credit program shall be met.
7. A maintenance program shall be development and adhered to regarding the proposed pervious pavement.
8. Size and material of proposed fire service and domestic service is required and must enter the building at right angle to water main. The existing water service shown on the plan cannot be utilized.
9. Location of the water meter / mechanical room must be supplied to the Water Department, it must be on the east side of the building.
10. The flowing sections of the water code apply: No permits shall be granted until the department is supplied with detailed plan and engineers report for backflow device.
11. The following sections of Code apply:

§ 270-28. Piping installation from main to curb stop and box; expense.

The installation of all service piping from the water main to and including the curb stop and curb box shall be made by the Department at the expense of the owner of the premises served. Charges for services and meters are payable in advance and at rates established from time to time by the Department.

§ 270-29. Services to be constructed at right angles to main.

All water services shall be constructed at right angles to the main for their entire length into the premises.

§ 270-56. Charge for private fire line. [Added 5-18-1991 by L.L. No. 4-1991]

The following charges for private fire lines connected to sprinkler systems shall be payable annually for service in arrears:

ARTICLE VI, Fire Services

§ 270-74. Submission of plans for fire services.

Original installation plans and any later revisions which fully meet fire underwriter's requirements must be submitted to the Department.

§ 270-75. Application required.

An applicant will be required to sign an application form that will be furnished upon request.

§ 270-78. Installation of detector check.

In all instances of fire services over two (2) inches in size and of a distance greater than seventy-five (75) feet from the main to the premises, a detector check will be installed. No charge will be made for water used to extinguish accidental fires.

§ 270-79. Installation of detector check bypass to handle leakage; damage caused from leakage.



The owner must provide and install a detector check bypass or similar device acceptable to the Department which will suitably handle fire flows and leakage. Owners must pay for maintenance, leakage and any damage caused by leakage of the fire service.

Vice Chairman Walker asked about a start date. Mr. Bush stated that they hoped to start at the first of the year.

A motion to recommend approval to the Zoning Board of Appeals of a variance to increase the maximum allowable height for a building from 50ft to 56ft. and including the department head comments was made by Mrs. Drimak and seconded by Mr. Holbert.

Motion Carried - Vote:

Yes – 3 (Drimak, Holbert, Walker) No – 0 Absent – 2 (Briggs, Putman)

A motion to approve a variance to reduce the minimum required side setback from 20ft. to 15ft. so that the parking lot will have adequately spaced aisles and including the department head comments was made by Mr. Holbert and seconded by Mrs. Drimak.

Motion Carried - Vote:

Yes – 3 (Drimak, Holbert, Walker) No – 0 Absent – 2 (Briggs, Putman)

CAC Properties, LLC – 257 – 259 Floral Avenue
Advisory Opinion - Variance

The Village Diner is located at 257-259 Floral Avenue in a Neighborhood Commercial Zoning District, and the use is a grandfathered use, normally permitted only by Special Permit. CAC Properties, LLC, the owner of the building which houses the Village Diner, has submitted an application to expand the diner into the adjacent space, a former hair salon. The building currently consists of three commercial spaces on the first floor and two apartments on the second floor. The proposed diner expansion would increase the seating capacity by 34 seats, and this requires an additional 17 parking spaces. There is currently space for only one handicapped accessible parking space on the property. The new required parking spaces cannot be placed on the parcel, and so an area variance for 17 parking spaces is requested. Currently, a minimum of 20 spaces are required. There are approximately 20 parking spaces on the municipal lot across the street, which cannot be counted to meet the parking required on site. If the variance is granted, a site plan review is required.

Mr. Ed Gent and Mr. Matt Smith were present.

Mr. Gent explained reviewed the request. He stated that Mr. Smith owns the diner and Mr. Ray Codero owns the building. The diner is only open until 3pm. He feels that there is plenty of parking in the area; on street parking, parking spaces around the Fire Station across the street and the Village owned spaces. They will have 2 handicap spaces at the rear of the building. Vice Chairman Walker stated that the Village has added 19 more spaces to the park parking across the street. Attorney VanWhy explained that off-site parking cannot be counted as part of the parking requirements. Senior Planner Lane explained the variance being requested.

Vice Chairman Walker explained that this will be an uncoordinated review. The Zoning Board will be doing their own review for this project.



Vice Chairman Walker read the staff recommendations and department head comments.

Planning Staff Recommendations

The Planning Department staff recommends that the Planning Board recommends denial of the area variance for seventeen parking spaces to the ZBA with the following recommendation:

1) The applicant removes some of the proposed seats from 257-259 Floral Avenue Diner expansion and revises the variance application to a more reasonable number of parking spaces. The seating in the diner at this time could be spaced apart more and provide a more open feeling to the dining area. Although there is street parking and limited municipal parking, the overall number of required parking spaces for the building places a burden on the immediately adjacent residential neighborhood.

DEPARTMENT HEAD COMMENTS

Code Enforcement: Correct address. Should have 1 handicap space in rear, properly signed and paved. Large variance.

Police: No compelling interest

Vice Chairman Walker asked how many seats were being added to the diner. Mr. Smith stated that he wants to add as many as he will be allowed to. Mr. Gent stated that the plan shows 34. Vice Chairman Walker asked how many seats are there now. Mr. Smith stated there are 32 and he would like to double that number.

Attorney VanWhy reviewed the criteria for granting an area variance.

Mr. Smith explained that he will be losing 6 seats in the “old” space after the renovations. His number of total seats would be closed to 50 total seats. Adding 18 seats would require 9 parking spaces. Mr. Gent expressed his frustration with how long the process is taking. He stated his first contact with the Town of Union was on April 8th and they made him do so much before he applied which is not required for getting a variance. Planning Board Clerk Salva stated that the Zoning Application was received on June 9th.

A motion to recommend approval to the Zoning Board of Appeals of a variance to reduce the minimum required number of off street parking spaces from 10 (ten) to 0 (zero) including the department head comments was made by Mr. Holbert and seconded by Mrs. Drimak.

Motion Carried - Vote:

Yes – 3 (Drimak, Holbert, Walker) No – 0 Absent – 2 (Briggs, Putman)

Terranova – Terranova JCSR, LLC – 239 Main Street **Lead Agency, SEQRA Determination, Site Plan Review**

Konstantina Terranova of Terranova JCSR LLC has submitted an application for building renovations of the existing two-story structure at 239 Main Street, including the conversion of office space on the second story to two apartments. The commercial space on the first story shall remain. The property is located in a Central Business Zoning District and the commercial and upper-story residential uses are permitted uses. The building is served by public water, sanitary



sewer, and storm sewer drainage. The parcel is 30' x 90' feet and the only area not covered by the building is an ally in the rear of the building, and therefore the site plan does not provide parking on site. The applicant plans to provide residential tenants with monthly parking passes in the municipal lot behind the building, as is permitted by Village Code for buildings in Central Business districts, with Planning Board approval and Village permission. In addition, two clauses in the Code apply to the parking situation. Under 300-51.4, with Planning Board approval, uses within 400 feet of a municipal parking lot or designated on-street parking may be wholly or partially exempt from the off-street parking requirements in the Central Business district. Secondly, 300-51.2 B refers to an increase in the intensity of uses triggering the need for additional required parking spaces. In this case, the former office use required more spaces (9) than the proposed residential use (4).

Mr. Jeffrey Smith and Ms. Kaitlyn Connors with Chianis & Anderson Architects were present on behalf of the applicant.

Mr. Smith reviewed the request. There will be no exterior changes to the building. There is off street parking in the municipal lot behind the building. They talked to the Village this morning. The alley is privately owned. They are working on trash removal and storage.

Vice Chairman Walker asked about egress. Mr. Smith explained that per Code, only one means of egress is required.

Vice Chairman Walker asked about a start date. Mr. Smith stated that the family wanted to begin in the fall.

Vice Chairman Walker asked about the back deck. Mr. Smith explained that it is on the one story roof below. They would put sides on it.

Mrs. Drimak asked about apartment access. Mr. Smith stated that the front door in on Main Street.

Lead Agency

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

Motion Carried - Vote:

Yes – 3 (*Drimak, Holbert, Walker*) **No** – 0 **Absent** – 2 (*Briggs, Putman*)

SEQR

Vice Chairman Walker explained that a Full Environmental Assessment Form has been prepared.

A RESOLUTION DETERMINING THE ENVIRONMENTAL SIGNIFICANCE UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT OF THE PROPOSED RENOVATIONS OF 239 MAIN STREET

WHEREAS, Terranova – Terranova JCSR, LLC, has filed a site plan for building renovations of the existing two-story structure at 239 Main Street, including the conversion of office space on the second story to two apartments in the Village of Johnson City (the “Project”); and



WHEREAS, in order to aid the Planning Board in determining whether such Project and other related actions of the Village in connection therewith (“Action”) may have a significant effect on the environment, the Planning Board has caused to be prepared a Full Environmental Assessment Form (“EAF”), together with the Site Plan Drawings and other submissions related thereto; and

WHEREAS, the Planning Board has heretofore identified the Project as a Type I Action pursuant to the State Environmental Quality Review Act (“SEQR”) and expressed its desire to act as Lead Agency for SEQR review purposes; and

WHEREAS, the Planning Board has duly reviewed the EAF, all Project submissions and other reports and documents submitted by the Project Engineer, the Village Planning Department and Village Director of Public Services, and others with respect to the above-referenced Project, and has duly considered the impacts which may be expected from the proposed Action and compared the same with the criteria set forth in the applicable SEQR Regulations, including but not limited to 6 NYCRR 617.7.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Village of Johnson City, Broome County, New York, as follows:

1. The Planning Board hereby declares that as of its June 23, 2015 meeting it has and is acting as Lead Agency for the purposes of SEQR review concerning the Project and all actions related thereto.
2. Based upon its review and consideration of the EAF and other necessary criteria, the Planning Board hereby finds that (a) the proposed Project constitutes a Type I action and that (b) the object of the above-referenced Action will result in no significant adverse impacts and, therefore, is not an Action which “may have a significant effect on the environment” and that since said Action will not have a “significant effect on the environment”, no “environmental impact statement” need be prepared, as such quoted terms are defined in the applicable SEQR Regulations. The Planning Board’s findings are set forth in greater detail in the Determination of Significance attached hereto and incorporated by reference herein.
3. By reason of the foregoing, the Planning Board hereby authorizes and directs the Planning Board Chairman to execute and file a Determination of Significance in the form attached hereto and to sign and date the Full Environmental Assessment Form (EAF) submitted by the Applicant, confirming that the Project and all actions related thereto will not have a significant impact on the environment.
4. The Planning Board hereby authorizes and directs the Village of Johnson City Village Clerk, Planning Department and the Counsel for the Village of Johnson City to forward copies of this Resolution and the Determination of Significance to all appropriate agencies.
5. The Village Clerk is hereby directed to maintain for public inspection a file containing a copy of this Resolution, the Determination of Significance and all submissions to date concerning the Environmental Review of this Project and all Actions related thereto.
6. This Resolution shall take effect immediately.

At a regular meeting of the Village of Johnson City Planning Board held on June 23, 2015, the foregoing motion was made by Mrs. Drimak and seconded by Mr. Holbert



Motion Carried - Vote:

Yes – 3 (Drimak, Holbert, Walker) No – 0 Absent – 2 (Briggs, Putman)

Vice Chairman Walker read the Department Head Comments and the Planning Staff Recommendations.

239-Review – Broome County Comments

- This project was subject to a 239-Review.
- Broome County Planning has not identified any significant county-wide impacts.
- BMTS, DOT, and the Broome County Health Department had no concerns.

Department Head Comments

Public Works & Water: Refuse collection is twice a week, Tuesdays and Fridays. For two apartments there should be six (6) cans, thirty two gallon maximum capacity with tight fitting lids. Contact the Public Works Department 797-3031 to schedule an on-site meeting to discussion can placement locations.

Code Enforcement: Former office use requires 9 parking spaces. Apartments only require 4. Section 300-64.3-F does not require an increase in parking. Construction shall comply with NYS Building Code.

Police: No compelling interests.

Fire Department: Expressed no concerns.

A stormwater pollution prevention plan (SWPPP) is not required as the construction will be only in the interior of the building and no earth shall be disturbed.

The application meets all the requirements for a site plan review under Section 300 of the Town Code.

Planning Staff Recommendations

The Planning Department recommends a Negative Declaration under SEQRA, and approval of the site plan with the following stipulations:

- 1) The owner of the property shall have a local property manager.
- 2) The applicant shall apply for permits, such as the building permit for the construction of the addition, and electrical and plumbing permits.
- 3) Any new exterior lighting fixtures shall be submitted to the Code Enforcement Office for review and approval prior to their installation.
- 4) A sign permit shall be submitted to the Building Permits office for all proposed signage. All temporary signs (including price signs), portable signs, search lights, balloons, sidewalk and curb signs shall be reviewed and approved by the Code Enforcement Office prior to being placed on the property. Signs that flash, blink, rotate, or move are not permitted.
- 5) Two hard-copy final versions of the site plan, as approved by the Village Planning Board, shall be submitted to be stamped and signed by the Village of Johnson City following approval. Once the applicant signs and returns the letter of decision, the applicant may apply for a building permit.



- 6) The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Building Permit for the building expansion. The applicant agrees to follow stipulations of approval 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.

A motion to approve the site plan including the staff recommendations and department head comments was made by Mr. Holbert and seconded by Mrs. Drimak.

Motion Carried - Vote:

Yes – 3 (Drimak, Holbert, Walker) No – 0 Absent – 2 (Briggs, Putman)

Village of Johnson City – Multiple Properties

Advisory Opinion - Rezone

Senior Planner Lane explained that this application is a rezone request for the area around the Binghamton University Pharmacy School. Vice Chairman Walker reviewed the criteria for rezoning a parcel.

A motion to recommend approval to the Village Board to rezone Tax Map #'s 143.65-3-3, 143.65-3-2, 143.73-1-1, 143.73-1-12.1, and 143.73-1-12.2, if combined together as one or more parcels, the parcels then remaining will be removed from the Industrial (I) Zoning District and added to the General Commercial (GC) District was made by Mr. Walker and seconded Mrs. Drimak.

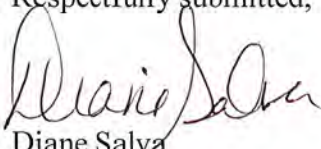
Motion Carried - Vote:

Yes – 3 (Drimak, Holbert, Walker) No – 0 Absent – 2 (Briggs, Putman)

ADJOURNMENT

Vice Chairman Walker adjourned the meeting at 9:31pm.

Respectfully submitted,



Diane Salva
Planning Board Clerk

