

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

Absent: Lee Briggs, Secretary
Diane Salva, Clerk to the Planning & Zoning Boards

Also Present: Jeff Jacobs, Attorney for the Village
Mayor Gregory Deemie
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.

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

MINUTES – The minutes from the previous meeting

COMMUNICATIONS – None

CONTINGENCIES - None

OLD BUSINESS - None

NEW BUSINESS

REGAN DEVELOPMENT – 135-139 BALDWIN STREET
SITE PLAN REVIEW

Regan Development Corporation submitted an application for the adaptive re-use of a former factory building and a former warehouse building at 135-139 Baldwin Street into 104 residential units and 7,745 square feet of potential commercial space. The property is zoned General Commercial and a mixture of commercial and residential uses is permitted. The buildings are on the National Register of Historical Places, and the developer is working with the NYS Historic Preservation Office to preserve the historic nature of the buildings and the site as much as possible. Based on the area of the proposed commercial/office space and the number of apartments and bedrooms, the site is required to have 226 parking spaces. The developer will lease property to help meet the parking requirement. To the north, the developer will lease 40 full parking spaces and a portion of five more spaces from the Norfolk-Southern railroad company. That leased property also includes a driveway from Baldwin Street to Willow Street, most of which is one-way. To the south, the developer will lease a strip along the property line of 147 Grand Avenue from the Islamic Organization of the Southern Tier (noted on the site plan as IOST) to accommodate 35 parking spaces, all halfway on each parcel. In addition, the Islamic Organization will lease 19 unspecified parking spaces in their parking



lot to the developer. Finally, on December 14, 2015, the ZBA granted an area variance of 36 spaces, lowering the required number of parking spaces to 190. Other variances were necessary to address existing conditions that do not meet today's Code requirements. Per Section 300-40.13C, a multifamily use requires a 20-foot parking setback from property lines and the following area variances were also granted: a variance of 20-feet for a zero parking setback along the north and south property lines; an area variance of 13-feet for a 7-foot parking setback along the east property line; and a variance of 10-feet for a 10-foot parking setback along the west property line. In addition, the applicant was granted an area variance to allow parking in the front yards along Willow Street and Baldwin Street. The project also required an area variance for the recreational area since no recreational area may be within 50-feet of a property line. The ZBA granted an area variance of 35-feet from the south property line allowing a 15-foot setback from the south property line for the recreation area. Most of the renovation of the site will be interior and may take up to 24 months. The exterior site work will take approximately three months, and therefore the impact to the adjacent neighborhood during construction should be minimal. The construction will temporarily increase the level of noise in the neighborhood during outdoor construction activities. The developer is agreeable to limiting outdoor construction activity to the hours of 7am to 8pm to minimize the impact to the area residents. The site is largely impervious at this time, and the applicant anticipates a 0.17-acre increase in impervious surface. A full Stormwater Pollution Prevention Plan (SWPPP) is not required, but erosion control measures and stormwater quality measures shall be required during construction. The site is located in a combined sewer area, and the Village has proposed that a joint sewer separation project would help mitigate the impacts due to the increased sanitary sewer usage and the increase in impervious surface resulting in a slight increased rate of stormwater runoff. The project will not have significant environmental impacts and the project will improve the area by reusing large vacant warehouse structures with a mix of primarily affordable residential and secondary commercial/office uses.

David Chase with Delta Engineers, Attorney Sarah Campbell with Hinman, Howard & Kattell, LLP and AJ Copolla, the project architect, and Mr. Larry Regan were present on behalf of the applicant.

Attorney Campbell explained that they have received all of the requested variances from the Zoning Board of Appeals. They added bike racks to the site plans and clarified a few items on the plan. Attorney Campbell explained that they looked at the retaining wall and there are a few bad spots. They will fix the areas that need to be fixed and replace what needs to be replaced.

Chairman Putman asked if they have the leases for parking yet. Attorney Campbell stated they are not finalized yet. Mr. Regan explained that they are having good communications with the railroad and their attorneys are working together on drafting the easement agreements. They are hoping to have them in the next 60 days to submit to the Village. The leases are also needed for their financing. They are also in the process of drafting the lease agreement with the Islamic Association and they have been a pleasure to work with. They hope to have that one in 45 days. Mr. Regan stated that they need to submit all of their local board approvals to the State as part of their financing package. They hope to have the financing commitment in the late spring or early summer. Attorney Campbell stated that this project is slated to receive funds as part of the half billion competition that the region recently won. Mr. Regan stated that they received \$1 million.



Planning Director Nelson asked if they have received any funding letters from the state yet. Mr. Regan stated that they have received the initial letter from ESD.

Mrs. Drimak asked about a completion date for the project. Mr. Regan stated hopefully 20 months from the start of the project.

Department Head and 239-Review Comments:

The project was subject to a 239-Review as it is adjacent to the NYS Pharmacy School property. Being on the National Historic Register makes the project a Type 1 Action under SEQRA, and the Planning Board made a Negative Declaration on November 30, 2015. The following comments are from the internal and 239-Review:

- Code Enforcement:** The applicants shall use licensed contractors and apply for appropriate building permits.
- Fire Dept:** We will require a Knox Box for each building.
- Police Dept:** No compelling interest.
- Public Works & Water:** The developer-owner should consider separating the stormwater and the sanitary sewer if the Village can separate the sewers in Baldwin Street. If the main is separated, the site stormwater shall be connected to the Village's storm system.

B. C. Planning:

No significant county-wide or inter-community impacts associated with the project; however the department had the following comments:

1. B.C. Planning recommends that the project should include bicycle facilities. *A bicycle rack has been added to the site plan.*
2. B.C. Planning recommends that the Village should ensure that the project does not result in light and glare impacts on the adjacent residences.
3. B.C. Planning recommends that it should be determined whether a Stormwater Pollution Prevention Plan is required for the project.

BCHD: Reports there is a NYSDEC listed spill for the site (046013) from 2004 and there was a woodworking shop on the site at one time.

BMTS: No comments.

Planning Staff Recommendations:

The Planning Department recommends approval of the site plan, with the requirements from Code Enforcement and the Department of Public Works and Water, and the following stipulations:

1. No building permits shall be issued until all leases required for parking have been reviewed and approved by the Village Attorney.
2. Proposed stormwater quality and erosion control measures shall be provided and approved by the Village Engineer prior to the issuance of any building permit.
3. Outdoor construction activity shall be limited to the hours of 7am to 8pm to minimize the impact to these area residents.



4. A Knox box shall be provided for the two buildings.
5. All proposed signage shall be submitted to the Code Enforcement Officer for review and approval prior to installation.
6. If any new outdoor lighting is proposed in the future, the developer-owner shall first submit a lighting plan to the Code Enforcement Officer for review and approval.
7. All new striping of any parking lot shall conform to the Property Maintenance code of NYS and include the new accessibility symbol.
8. The dumpster enclosure shall be maintained at all times. Per Code 300-54.6, dumpsters shall be screened from view with either a wall, a solid fence or a combination of fencing and evergreens creating a solid visual barrier to a height of at least five feet above grade. Cut sheets for the dumpster enclosure shall be submitted to the Planning Review Team prior to installation.
9. Landscaping shall be completed according to the landscaping plan by October 30, 2017.
10. The landscaping plan shall be maintained at all times. Should plants die or weaken substantially, they shall be replaced. Should the property owner wish to change types of plantings, a new landscaping plan shall be submitted to the Planning Department for review and approval prior to the change of plants, and shall follow the spirit of Article 54, Landscaping, Screening and Buffering Regulations.
11. 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 Occupancy. The bond shall cover a period of one (1) year.
12. Site plan approval shall be valid for two years, unless substantial improvements have been made pursuant to the approved site plan and a valid building permit. The applicant may request an extension of site plan approval from the Planning Board.
13. The development of the site shall conform to all details noted on the approved site plan. Any proposed minor changes shall first be submitted to the Planning Review Team.
14. The developer-owner shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Certificate of Compliance. The developer-owner agrees to construct the project in accordance with the site plan approved by the Planning Board. Should the developer-owner 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 as submitted including the planning staff memorandum dated December 22, 2015 was made by Mr. Walker and seconded by Mr. Holbert.

Motion Carried - Vote:

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



DAVID PLANAVSKY – 8 MYRTLE AVENUE
DECLARE LEAD AGENCY, SEQR & ADVISORY OPINION – USE VARIANCES

David Planavsky recently purchased a former mixed-use building at 8 Myrtle Avenue. The building consists of three apartments and vacant commercial space on the first floor that received a use variance in 1987 specifically for an audio visual repair service, which has since been discontinued. Mr. Planavsky is proposing to use the first floor commercial space of approximately 928 square feet for a mobile application software business. The proposed office business would deal with phone and internet inquiries and there would be one or two employees in the office area. The property is located in an Urban Single Family zoning district (USF), and commercial uses are not permitted. The applicant is requesting a use variance to allow office use.

The applicant, Mr. David Planavsky, was present.

Mr. Planavsky explained his plans to use the vacant store front as office space.

Chairman Putman asked about the number of parking spaces. Senior Planner Lane stated it will be 3 or 4 spaces. They are working with Mr. Planavsky's engineer on that. Bob Bennett has been out to the site to check dimensions and look at the site drainage. Mr. Planavsky stated that there is a 3 car garage in the back of the property. Planning Director Nelson asked if the garage spaces would be for the tenants. Mr. Planavsky stated that yes they would be.

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. Walker.

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 Mr. Holbert 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)

Mr. Walker asked if there is on street parking as well. Mr. Planavsky stated that yes there is.

Mrs. Drimak asked if Mr. Planavsky will be paving the lawn area for a driveway. Mr. Planavsky stated he will if he is required to.



Chairman Putman read the Planning Staff Recommendations.

Planning Staff Recommendation

The Planning Department staff recommends that the Planning Board recommend to the ZBA:

- 1) approval of the use variance but restricted to office and studio uses, and on the first floor only.

Planning staff recommend that the Zoning Board of Appeals consider that previously the space has been used as a grocery store and in 1987 the site received a variance for an audio visual repair business. The owner proposes to keep the current configuration of two residential apartments on the second floor, a business/office space on the first floor and a residential apartment in the rear half of the first floor.

There are three single bay garages on the property and additional parking spaces for office staff and customers. Since the site has a long history as a converted residence in this neighborhood, the impact to current residents will be minimal. If the variance is granted, the application shall come to the Planning Board for site plan review.

Advisory Opinion

A motion to recommend to the Zoning Board of Appeals, approval of a use variance for professional office use only and with this use being limited to the first floor was made by Mrs. Drimak and seconded by Mr. Walker.

Motion Carried - Vote:

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

VIREO HEALTH – 589 HARRY L. DRIVE
DECLARE LEAD AGENCY, SEQOR & SITE PLAN REVIEW

Josh O'Neill, Chief Operating Officer of Vireo Health, has submitted an application to renovate 2,000 square feet within a three-unit existing plaza building located at 589 Harry L. Drive into a new pharmaceutical-grade cannabis-derived dispensary. The property is zoned General Commercial (GC), and the pharmacy/clinic is a permitted use.

The building has existing utilities. All construction will be interior, and therefore as there will be no change in impervious area, there is no post-renovation stormwater remediation required. Based on the three uses within the building and their square footage, the site is required to have 16 parking spaces. The site plan shows 25 parking spaces, including one handicapped parking space and access aisle. A wall sign plan has been submitted and meets Code.

Mr. Josh O'Neill was present on behalf of the application.

Mr. O'Neill explained that they are one of the 5 registered organizations in NYS to manufacture and distribute medical cannabis. Part of their license and application that was submitted to the State – one of the designated dispensary sites is 589 Harry L. Dive. The dispensary is a place where qualified patients who have already been certified by their doctor



of having one of 9 limited qualifying conditions can come to receive their medications. At this site there could be a consultation with the patient and the pharmacist. There is always a licensed pharmacist on site for all open hours in addition to pharmacy techs. Only finished products are distributed at this site. It will be an extremely secure facility with a lot of security. They have 8 of these facilities in the US with 4 of them in NYS. They are also licensed in Minnesota. They are a physician led group. Their manufacturing facility is in Johnstown in Fulton County.

Mr. Walker asked about the process of getting the medical cannabis. Does a doctor write a prescription or is it a recommendation? Mr. O'Neill stated that it is a recommendation. Mrs. Drimak asked who is able to write the recommendation. Mr. O'Neill explained that it can only be by a physician who has completed a 4 hour course the state has put together and paid \$250.00. Planning Director Nelson asked how the recommendation from the doctor gets to the dispensary. Mr. O'Neill explained that it comes from the Health Dept through a website. The patient is given a card which they must present along with a second form of ID before they can even get in the building. Planning Director Nelson asked if they have ever had an issue with vandalism or theft at any of their dispensaries. Mr. O'Neill stated no, there has never been anything like that at any dispensary in the country. This is not plant products, it is all oils. Attorney Jacobs asked if they have had any issues after the patient walks out the door, in the parking lot. Mr. O'Neill stated no. There are external cameras on the building as well. Mr. O'Neill explained the levels of security in the building. Mr. O'Neill explained there will be weekly transports from the manufacturing facility.

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, Part II, and Part III 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. Walker 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)

Chairman Putman read the department head comments and the Planning Staff Recommendations.

Department Head and 239-Review Comments:



The project was subject to a 239-Review as it is within 500 feet of State Route 201. The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA), and the Planning Department recommends a Negative Declaration. The following comments are from the internal and 239-Review:

Code Enforcement:

Permitted use - medical office/retail store. Handicap parking space must be signed. The building must comply with the new carbon monoxide code. Necessary permits must be obtained for any renovations, signs. JC licensed Electricians and Plumbers required.

Fire Dept: No comments.

Police Dept: No compelling interest.

Public Works & Water:

1. JC Water records indicate that there is no installed backflow prevention device for the water service. If there is a device, it must be tested by a certified backflow device tester and the required form submitted to the JC Water Department. If there is not a backflow device, one must be installed. Contact the JC Water Department for more information (607-797-3031). *There is an existing backflow prevention device that shall need to be tested per the Director of Public Works.*
2. How will office and medical waste be disposed? - *Per Josh O'Neill, there will be no medical waste, all products are finished and packaged goods. In the event a vial was broken and leaked, standard hazardous waste clean-up measures are taken to clean and dispose of it. There is an existing dumpster near the rear of the building for general trash.*

B. C. Planning:

The Planning Department has reviewed the above-cited case and has not identified any significant countywide or inter-community impacts associated with the proposed project; however, we have the following comments:

1. The site plan should include the dumpster location and enclosure, signage and delivery area. *There is no requirement for a dumpster enclosure unless the site is adjacent to a residential use. Signage has been submitted and approved as it meets code, and the delivery area shall be in the parking lot.*
2. The project should include a landscaping plan, exterior lighting plan, and signage plan. *This site cannot support landscaping as the entire parking lot and building fill the parcel and there is no landscaping permitted in the right-of-way. There is no change to the lighting and signage has been addressed.*
3. The Village Planning board should ensure that the project complies with all state and federal laws regarding the storage, handling and disposal of medical wastes. *There are no medical wastes.*

BMTS: No comments

NYS DOT: No comments

PLANNING STAFF RECOMMENDATIONS



The Planning Department recommends approval of the site plan, with the requirements from the Department of Public Works and Water and Code Enforcement, and the following stipulations:

1. Any proposed new signage shall be submitted to the Code Enforcement Officer for review and approval prior to installation. If any changes to signage are proposed, the applicant shall apply for a sign permit from the Building Official. 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 blink, rotate, or move are not permitted.
2. If any new lighting is proposed, the applicant shall first submit a lighting plan and cut sheets to the Code Enforcement Officer for review and approval.
3. Any new striping of the parking lot shall conform to the Property Maintenance code of NYS and include the new accessibility symbol. The handicapped parking space and access aisle shall be posted as required.
4. The hours of public operation shall not extend past 7 p.m. If the hours of operation need to be extended due to customer needs, the owner shall contact the Planning Review Team to revisit this issue.
5. 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.
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 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.

Chairman Putman asked when they plan to open. Mr. O'Neill stated the end of January.

Site Plan Review

A motion to approve the site plan as submitted including the memorandum dated December 22, 2015 was made by Mrs. Drimak and seconded by Mr. Walker.

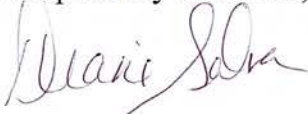
Motion Carried - Vote:

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

ADJOURNMENT

Chairman Putman adjourned the meeting at 8:12pm.

Respectfully submitted,



Diane Salva
Planning Board Clerk

