

Minutes of a regular meeting of the
Johnson City Planning Board held on
December 27, 2016 at 7:30pm at
243 Main St., Johnson City, NY

Present: Gerald Putman, Chairman
Andrew Holbert, Vice Chairman
Joanne Drimak, Secretary
Thomas Sheredy

Absent: Donald Slota

Also Present: Diane Busko, Clerk to the Planning & Zoning Boards
Jeff Jacobs, Attorney for the Village
Kurt Schrader, Attorney for the Village (100 Oakdale Road)
Marina Lane, Town of Union Senior Planner
Mayor Greg Deemie

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

A motion to approve the minutes of the November 22, 2016 regular meeting was made by Mrs. Drimak and seconded by Mr. Sheredy. The motion carried with all those present voting in the affirmative.

PRIVILEGE OF THE FLOOR - None

COMMUNICATIONS – None

CONTINGENCIES - None

OLD BUSINESS - None

NEW BUSINESS

Oakdale Road Holdings, LLC – 100 Oakdale Road
SEQR/Public Hearing for Special Permit for Contractor's & Building Material Storage/Public
Hearing for Special Permit for Aquifer Permit, Site Plan Review

Due to a conflict of interest for Coughlin & Gerhart, LLP & Attorney Jeff Jacobs, Attorney Kurt Schrader represented the Village for this application.

SEQR

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

The board, having reviewed Part I, Part II and Part III of the SEQR Short Environmental Assessment Form has determined that there will not be any significant adverse environmental impacts with respect to the project, therefore a motion was made by Mr. Sheredy 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 (Sheredy, Drimak, Holbert, Putman) No – 0 Absent – 1 (Slota)

Public Hearing - Special Permit for Contractor's & Building Material Storage

Oakdale Road Holdings, LLC has submitted an application to relocate their landscaping business to an existing 120,729+/- square-foot former distribution warehouse, located at 100 Oakdale Road. The applicant will use approximately 95,100 square-feet for the main office and indoor bulk storage of chemicals used in the landscaping business. Landscaping supplies such as mulch, stone and fleet vehicles will be stored at 900 Riverside Drive. Although no outdoor storage is planned for 100 Oakdale Road, in the event that circumstances make it a temporary necessity, the applicant has applied for a Special Permit for a contractor's and building material storage yard in an Industrial (I) zoning district.

Mr. Paul Woodward, project engineer with Keystone Associates, and the property owners and applicant, Mr. & Mrs. Sacco, were present.

Chairman Putman opened the public hearing.

Chairman Putman - explained that no outdoor storage is planned but if in the event that any circumstances make it a temporary necessity, this permit will allow the applicant to do something on a temporary basis.

Terry Deamer (address not given) – Asked about the amount and location of the storage.

Chairman Putman - explained that the storage will be in the rear or to the back side of the building. There will be screenage so it will not be seen from public view. They do have trucks but they will be stored at 900 Riverside Drive.

Paul Woodward – Explained that the owners, the Saccos, have also purchased 900 Riverside Drive in the Town of Union. That has been approved for storage of outside building materials and fleet vehicles. This would only be in an emergency situation. There are no long term plans to store anything at that site (100 Oakdale Road) other than to use it as their office and some inside storage of chemicals.

Chairman Putman closed the public hearing.

Chairman Putman read the department head comments.

Department Head and 239-Review Comments:

Environmental and 239-Review:

The project was subject to a 239-Review as it is within 500 feet of New York State Route 17 and the Town of Union. The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA), and the Planning Department recommended a Negative Declaration. A SWPPP was not required as less than 1-acre shall be disturbed for a new water lateral.

B. C. Planning: Found no significant county-wide or inter-community impacts associated



with the project. The department did recommend the Planning Board should remind the applicant of the hazards of development in the floodplain, and ensure the project does not affect the NWI wetlands (on adjacent land). B.C. Planning also recommended that an appropriate spill prevention plan be provided, *which one has been*, and recommended compliance with state and federal laws regarding hazardous materials storage, handling, and disposal. Conditions of approval should include no outdoor storage within setback areas. The recommended compliance with NYSDEC conditions of approvals and permits are not relevant to this project. The Broome County Planning Department also recommended that the site plan should include the following elements: the potential future contractor's and building material storage area; screening; and the dumpster enclosure.

BMTS: No comments.

BCHD: No comments.

NYSDOT: If any work is proposed within the State Right-of-Way, the applicant will require an approved Highway Work Permit prior to the commencement of this work.

Code Enforcement: The applicant shall use licensed contractors, apply for appropriate building permits. Post signs for the handicap spot and access aisle. *Indicated on the site plan.* Handicap access shall be indicated. A "Trucks No Left Turn" sign shall be posted as indicated on the site plan, prior to the issuance of any Certificate of Compliance.

Fire Department: Prior to the issuance of any building permit, the building plans shall be submitted to the Fire Marshal for review of the fire alarm systems, fire truck access to the building and the sprinkler systems that will be used in the building design.

Police Department: No compelling interest.

Public Works & Water: The water and sanitary sewer laterals shall be added to the site plan, and are a requirement of the proposed water connection that will not be discharging to the sewer. There is a sewer easement in the rear of the property. *Has been added to the site plan.* There is a \$150 reinstallation fee for the water meter. Backflow preventer paperwork shall be submitted and approved prior to the meter being re-installed. Contact the Water Department at (607) 797-2523 for more information.

Planning Staff: The Planning Department recommends approval of the Special Permit with the following conditions: Outdoor storage shall not be allowed in the front yard forward of the building. This shall not include attractive displays meant to advertise samples of the landscaping business. All outdoor storage shall be screened to ensure the area is not visible from the public right-of-way or adjacent residential districts or uses. Screening shall be of sufficient height and density to hide the storage from public view. All screening shall be maintained in such a manner as to present a neat and orderly appearance at all times. The Special Permit shall expire should the property or business be sold to another entity, per § 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 3 months for any reason.

A motion to approve a special permit for Contractor's & Building Material Storage for Great Choice Landscaping for outdoor operations and storage at 100 Oakdale Road was made by Chairman Putman and seconded by Mr. Sheredy.

Motion Carried - Vote:

Yes – 4 (Sheredy, Drimak, Holbert, Putman) No – 0 Absent – 1 (Slota)



Public Hearing - Special Permit for Aquifer Permit

Oakdale Road Holdings, LLC has submitted an application to relocate their landscaping business to an existing 120,729+/- square-foot former distribution warehouse, located at 100 Oakdale Road. The applicant will use approximately 95,100 square-feet for the main office and indoor bulk storage of chemicals used in the landscaping business. Per Chapter 272-5A of the Village Code, for any development within the Village of Johnson City Aquifer District, any use of property which uses, distributes or stores petroleum products, toxic materials or hazardous materials when such distribution, storage or use exceeds 25 gallons or 220 pounds per month, whichever is less, requires an aquifer permit. This property is located in Zone 1 of the Aquifer district, and with the storage of greater than 25 gallons of hazardous and toxic chemicals, the project requires an aquifer permit. The entire building has 110,000 square-feet of pallet racks for storage. The building is sprinklered, and there are no indoor drains in the building. This property is located in the current 500-year floodplain, and in the preliminary 100-year floodplain. In 2011, the flood rose as high as one cinderblock above lowest level floor grade. Two fertilizer trucks will be stored in the building away from any fertilizers, and other fleet vehicles will be stored at 900 Riverside Drive.

On December 15, 2016, the Wellhead Advisory Committee met with the applicant to review the specific chemicals to be used and stored on site. The hazardous chemicals are primarily weed-killing/control and fertilizer liquid solutions, or powders/crystals that will be mixed with water via a small inductor bowl and directed by hose into a distribution container, whether truck or sprayer. Chemicals that are proposed to be stored on this property are Burn Out II, Dimension Plus Fertilizer, Lesco Eliminate LO, Diamond Crystal Greenmelt Ice Melter, Lesco Pre-M, Lesco Three-Way, Primera Triplet SF, Mallet 0.5G, and Ranger Pro. The following recommendations and proposals were discussed. The pesticides will be stored separately from the fertilizers. The pesticides will be kept in a secured room located in the northwest corner of the warehouse and the pelletized fertilizer chemicals will be in the eastern end of the warehouse. All chemicals shall be elevated and stored in secondary containment, particularly once opened. All material will be stored in accordance with the manufacturers' recommendations and standard practices for these types of chemicals. Liquid chemicals are usually stored in 30 to 55 gallon containers for weed killer, and 275 gallon containers for fertilizer (stated at 11/22/16 PB meeting). The MSDS or SDS sheets for all the chemicals indicate that contamination of waterways should be strictly avoided. Potential contamination can occur in several ways: Spillage of liquids during transfer from delivery truck, into fleet vehicle, or smaller container; Leakage from a holding container. In the event of a fire, heavy water usage could dilute and spread exposed dry chemicals that are in opened containers, such as bags from which some chemicals were already used, but not the whole bag; and should the building flood again, there is the potential for exposed dry chemicals or tipped-over liquid chemicals to mix with the flood waters.

Chairman Putman read the department head comments.

Department Head and 239-Review Comments:

Environmental and 239-Review:

The project was subject to a 239-Review as it is within 500 feet of New York State Route 17 and the Town of Union. The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA), and the Planning Department recommended a Negative Declaration. A SWPPP was not required as less than 1-acre shall be disturbed for a new water lateral.



B. C. Planning: Found no significant county-wide or inter-community impacts associated with the project. The department did recommend the Planning Board should remind the applicant of the hazards of development in the floodplain, and ensure the project does not affect the NWI wetlands (on adjacent land). B.C. Planning also recommended that an appropriate spill prevention plan be provided, *which one has been*, and recommended compliance with state and federal laws regarding hazardous materials storage, handling, and disposal. Conditions of approval should include no outdoor storage within setback areas. The recommended compliance with NYSDEC conditions of approvals and permits are not relevant to this project. The Broome County Planning Department also recommended that the site plan should include the following elements: the Preliminary FEMA Special Flood Hazard Area; adjacent NWI Wetlands; the potential future contractor's and building material storage area; screening and buffering; and the dumpster enclosure.

BMTS: No comments.

BCHD: No comments.

NYSDOT: If any work is proposed within the State Right-of-Way, the applicant will require an approved Highway Work Permit prior to the commencement of this work.

Code Enforcement: The applicant shall use licensed contractors, apply for appropriate building permits. Post signs for the handicap spot and access aisle. *Indicated on the site plan.* Handicap access shall be indicated. A "Trucks No Left Turn" sign shall be posted as indicated on the site plan, prior to the issuance of any Certificate of Compliance.

Fire Department: Prior to the issuance of any building permit, the building plans shall be submitted to the Fire Marshal for review of the fire alarm systems, fire truck access to the building and the sprinkler systems that will be used in the building design.

Police Department: No compelling interest.

Public Works & Water: The water and sanitary sewer laterals shall be added to the site plan, and are a requirement of the proposed water connection that will not be discharging to the sewer. There is a sewer easement in the rear of the property. *Has been added to the site plan.* There is a \$150 reinstallation fee for the water meter. Backflow preventer paperwork shall be submitted and approved prior to the meter being re-installed. Contact the Water Department at (607) 797-2523 for more information.

Chairman Putman opened the public hearing.

Julie Deemie, Zoa Avenue – Asked if the secondary containment will be located directly on the ground or will it be elevated. Mr. Woodward explained that all of the chemicals will be stored 3 – 4 feet on a shelf above the floor. This is in a Zone B flood area. A Zone B is a non-special flood hazard area. A 100 year flood is a depth of 1 foot or less. The building itself is elevated 3 feet. A 100 year flood in this area won't even be up to the finished floor itself. It will be 2 feet below it. In 2011 the water came up to 1 block above the finished floor but that was above a 100 year flood event. The secondary containment itself is a mat that is rolled out and everything is contained in it and there are containers that go around the perimeter and all of the chemicals will be within those. Secondary containment for some of the stuff that is open will be in an undamaged secondary 5 gallon bucket or larger to contain those. All of the chemicals are for use by the company itself. They are not for retail sale to the public. They are not to be used on site.



Julie Deemie, Zoa Avenue – Asked for clarification of the rolled out mat. Mr. Woodward explained that it is a type of a foam mat that stands about a foot high that self contains any spill. Senior Planner Lane stated to picture a kiddie pool.

Senior Planner Lane – Explained that some of those containment mats could be as large as a room that trucks could drive on so when the chemicals are being mixed and put in the trucks it would have secondary containment there and the stored chemicals would have secondary containment. The trucks also have secondary containment in the truck itself.

Chairman Putman closed the public hearing.

Chairman Putman read the Wellhead Advisory Committee & Planning Staff Recommendations.

Wellhead Advisory Committee & Planning Staff Recommendations:

The Wellhead Advisory Committee and the Planning Department recommend approval of the Aquifer permit for the use and storage of specified chemicals with Code Enforcement and Public Works and Water Department head comments, and the following stipulations to prevent contamination of the Primary Aquifer and ground: No chemicals or materials subject to the Aquifer Permit shall be stored on site until proper storage has been approved by the Building Official. A hazardous waste permit shall be obtained from the Broome County Hazardous Waste Facility. All contaminated waste shall be disposed of per the manufacturers' disposal requirements. Chemical containers which have been opened and only partially used shall be stored in approved secondary containment, e.g. undamaged 5-gallon buckets. Liquid chemical vessels that are truck mounted shall have secondary containment of at least 100% of the volume of the vessel. When transferring liquid chemical solutions into and out of all trucks, it shall be performed in a room prepared with secondary containment, such as a rubberized, pillow-rimmed mat, to capture any spillage. A trained employee of the company shall monitor the transfer of the liquid chemicals. Chemicals shall be stored on shelving no lower than 3 feet above proposed base flood elevation, as applicable. As the methods vary, first aid, storage, clean-up and disposal measures for each chemical shall be clearly posted adjacent to each chemical. The Spill Prevention and Emergency Response Plan shall be reviewed with employees routinely and posted in a highly visible location. Vehicles shall be cleaned off site at a location where contaminated run-off shall not affect the Aquifer. The applicant shall follow the pertinent sections of the International Fire Code, including but not limited to the placement of diesel trucks in separate rooms from any stored fertilizer and the location of man-doors within the prescribed distance from the storage of any chemicals. The discharge or disposal of any toxic or hazardous materials, and/or petroleum products on or below the surface of the ground is prohibited. The uncovered outdoor storage of pesticides, herbicides, fungicides and fertilizers, except compost, is prohibited. The outdoor storage of more than 100 pounds of chloride salt is prohibited. Oakdale Road Holdings, LLC, shall arrange for annual safety tours by the Johnson City Fire Department. Contact the Johnson City Fire Marshal's Office at 607-729-0428.

§ 272-9 Change in use or ownership.

The applicant is responsible for amending an existing permit if petroleum products, hazardous or toxic materials not listed in the original permit are subsequently used or stored at the site or if there is a change in ownership. Any proposed changes to the chemicals used or stored on site must be reported to the Code Enforcement Office and Planning Department at least 30 days before in order to evaluate for safety precautions.

The applicant shall stay compliant with any NYS DEC or NYS DOH permits.



For every violation of any provision of the Aquifer Chapter, the person violating the same shall be subject to a fine of not more than \$1,000. Each week's continued violation of these provisions shall be deemed a separate offense.

The applicant shall be required to acknowledge all of the above stipulations, in writing, prior to the issuance of a building permit. The applicant agrees to maintain the site in strict accordance with the Aquifer Permit approved by the Planning Board.

A motion to approve the aquifer permit including all of the Department Head, Wellhead Advisory Committee and Planning Staff recommendations was made by Mrs. Drimak and seconded by Mr. Holbert.

Motion Carried - Vote:

Yes – 4 (Sheredy, Drimak, Holbert, Putman) No – 0 Absent – 1 (Slota)

Site Plan Review

Oakdale Road Holdings, LLC, and John Sacco, owner of A Great Choice landscaping company, submitted a proposal to relocate their business to a former distribution warehouse. The applicant will use part of the building as their office and for indoor storage of two fertilizer trucks and chemicals used in the landscaping business. The site is zoned Industrial (I) and the office use is permitted. The applicant has also applied for a Special Use Permit for contractor's and building storage yard, and an Aquifer Permit as the site is located in Zone I of the Aquifer District.

Mr. Woodward stated that there was a comment about a secondary water source to fill the vehicles. That may or may not happen. It is in the plan just in case. They are meeting with the staff next week to discuss it further to see if it would be feasible or not.

Mr. Woodward clarified the section of the building in the front that they are taking for office space.

Chairman Putman asked about a time frame. Mr. Sacco stated that they are not going to start construction until the weather breaks so probably late spring.

Chairman Putman read the department head and staff comments.

Department Head and 239-Review Comments:

Environmental Review: The project was subject to a 239-Review as it is within 500 feet of New York State Route 17 and the Town of Union. The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA), and the Planning Department recommended a Negative Declaration. A SWPPP was not required as less than 1-acre shall be disturbed for a new water lateral. The following comments are from the internal and 239-Review:

B. C. Planning: Found no significant county-wide or inter-community impacts associated with the project. The department did recommend the Planning Board should remind the applicant of the hazards of development in the floodplain, and ensure the project does not affect the NWI wetlands (on adjacent land). B.C. Planning also recommended that an appropriate spill prevention plan be provided, *which one has been*, and recommended compliance with state and



federal laws regarding hazardous materials storage, handling, and disposal. Conditions of approval should include no outdoor storage within setback areas. The recommended compliance with NYSDEC conditions of approvals and permits are not relevant to this project.

BMTS: No comments.

BCHD: No comments.

NYS DOT: If any work is proposed within the State Right-of-Way, the applicant will require an approved Highway Work Permit prior to the commencement of this work.

Code Enforcement: The applicant shall use licensed contractors, apply for appropriate building permits; Post signs for the handicap spot and access aisle. *Indicated on the site plan.* Handicap access shall be indicated. A “Trucks No Left Turn” sign shall be posted as indicated on the site plan, prior to the issuance of any Certificate of Compliance.

Fire Department: Prior to the issuance of any building permit, the building plans shall be submitted to the Fire Marshal for review of the fire alarm systems, fire truck access to the building and the sprinkler systems that will be used in the building design.

Police Department: No compelling interest.

Public Works & Water: The water and sanitary sewer laterals shall be added to the site plan, and are a requirement of the proposed water connection that will not be discharging to the sewer. There is a sewer easement in the rear of the property. *Has been added to the site plan.* There is a \$150 reinstallation fee for the water meter. Backflow preventer paperwork shall be submitted and approved prior to the meter being re-installed. Contact the Water Department at (607) 797-2523 for more information.

Planning Staff: The Planning Department recommends approval of the site plan for 100 Oakdale Road, with the requirements from Code Enforcement, Public Works and Water, Fire Department and the NYS DOT, with the following stipulations:

- 1) All comments from the Code Enforcement Officer shall be addressed, and a revised final site plan and floor plan shall be submitted and approved prior to the issuance of any building permit.
- 2) The site plan shall be revised to show two water lines, one for domestic and one for specialized water consumption not related to the sanitary sewer system. Any water service over 2” in diameter must be ductile iron. Prior to the issuance of a building permit, plans shall be submitted for review and approval by the Public Works Department.
- 3) The sewer lateral shall be added to the site plan prior to the issuance of a building permit.
- 4) The parking lot shall be striped prior to the issuance of a Certificate of Compliance.
- 5) Approved landscaping shall be installed by May 31, 2017.
- 6) Per § 300-54.2.E, all required landscaping shall be maintained in healthy condition by the property owner. Failure to maintain such landscaping or to replace dead or diseased landscaping required by this chapter shall constitute a violation of these regulations.
- 7) Dumpster enclosure details shall be submitted to the Planning Department prior to the issuance of a building permit.



- 8) If any changes are proposed to the existing lighting, cut sheets for outdoor lighting fixtures shall be submitted to the Code Enforcement Office for review and approval prior to installation.
- 9) A sign permit shall be submitted to the Building Permits office for all proposed signage prior to installation. 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.
- 10) The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a building permit. The applicant shall agree to follow stipulations of approval in strict accordance with the site plan approved by the Planning Board.

Chairman Putman asked about the hours of operation. Mr. Sacco stated 7am – 5pm. Chairman Putman asked if he does plowing in the winter. Mr. Sacco stated yes.

A motion to approve the site plan for 100 Oakdale Road including the department head comments and staff recommendations and with a completion date of September 1, 2017 was made by Mr. Holbert and seconded by Mr. Sheredy.

Motion Carried - Vote:

Yes – 4 (Sheredy, Drimak, Slota, Holbert) No – 0 Absent – 1 (Putman)

HOCHO Recycle Co., Ltd. – 100 Oakdale Road

Declare unlisted action & SEQR/Set Public Hearings - Special Permit for Manufacturing Waste products or materials & Aquifer Permit/Advisory Opinion to the ZBA - Variance

Ron Cobb has submitted an application on behalf of HOCHO Recycle Inc., for a new tire recycling business to be located in 25,632 square-feet of the existing 120,729 square-foot warehouse at 100 Oakdale Road.

Per Section 272-5.A, for any development within the Village of Johnson City Aquifer District, any use of property which uses, distributes or stores petroleum products, toxic materials or hazardous materials when such distribution, storage or use exceeds 25 gallons per month or 220 pounds, whichever is less, requires an aquifer permit. This property is located in Zone 1 of the Aquifer district, and due to the use and storage of several tons of petroleum-based and/or hazardous/toxic chemicals, the project requires an aquifer permit. There is an additional restriction regarding uses and materials in the Aquifer District, per § 272-12, C. *The establishment of any solid waste management or waste treatment facility that would require a 6 NYCRR 360 permit is prohibited.* This project does require a 6 NYCRR 360 tire tracking permit from the NYS DEC because they plan to store used tires on site before they are shredded. The DEC requires that all used tires be tracked as they are moved and processed.

The applicant is requesting a variance from the Code to allow the storage of waste tires on site. § 272-17 Requirements for variances.

A. An owner who experiences unnecessary hardship as a consequence of the literal interpretation of the provisions of this chapter may request a hearing by the Zoning Board of Appeals of the Village of Johnson City. The Board of Appeals may grant a variance of the requirements of this chapter if the Board finds that the health, welfare and safety of the public will be protected.



Ron Cobb with Keystone Associates, project engineer for the applicant, was present.

SEQR

Chairman Putman explained that a SEQR Full Environmental Assessment Form has been prepared and reviewed.

The board, having reviewed Part I, Part II and Part III of the SEQR Full Environmental Assessment Form has determined that there will not be any significant adverse environmental impacts with respect to the project, therefore a motion was made by Mr. Sheredy and seconded by Mrs. Drimak declaring the action an unlisted action and 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 (Sheredy, Drimak, Holbert, Putman) No – 0 Absent – 1 (Slota)

Set Public Hearing – Special Permit for Manufacturing Waste Products or Materials

A motion to set a public hearing at 7:30pm on Tuesday, January 24, 2017 for a Special Permit for Manufacturing Waste Products or Materials was made by Mr. Holbert and seconded by Mrs. Drimak.

Motion Carried - Vote:

Yes – 4 (Sheredy, Drimak, Holbert, Putman) No – 0 Absent – 1 (Slota)

Set Public Hearing – Aquifer Permit

A motion to set a public hearing at 7:30pm on Tuesday, January 24, 2017 for an Aquifer Permit was made by Mr. Holbert and seconded by Mrs. Drimak.

Motion Carried - Vote:

Yes – 4 (Sheredy, Drimak, Holbert, Putman) No – 0 Absent – 1 (Slota)

Advisory Opinion to the ZBA – Variance to allow storage of tires on site

A motion to recommend to the Zoning Board of Appeals approval of a variance to allow the storage of waste tires was made by Chairman Putman and seconded by Mr. Holbert.

Motion Carried - Vote:

Yes – 4 (Sheredy, Drimak, Holbert, Putman) No – 0 Absent – 1 (Slota)

Mr. Cobb explained that, in regards to the waste management on the project, they have applied to the NYSDEC for a permit for that process. The tires will be coming on trucks and there will be a small storage area that will be completely fenced and covered where they will be stored for sorting. There may be 800 tires stored there any one time. That is enough for 2 – 3 days of operation. Mr. Cobb reviewed the process for breaking down the tires. The Beneficial Use document has to be filed for each end user. That is a tracing document for the DEC. There are separate containers for scrap metal and scrap fibers. They worked out an agreement with Ben Weitsman for the scrap metal and are working on an agreement for the scrap fibers. This is the first time this type of use will be in the US. There will be no burning in this facility.



Chairman Putman asked if the storage area will be covered. Mr. Cobb stated yes. DEC standards say that if the area is not covered then the tires have to be tarped.

Chairman asked about using the crushed rubber in the production of asphalt. Louis Yiu explained that they are looking into it.

Chairman Putman read the department head and staff comments.

Department Head Comments

Planning Staff Recommendation: The Planning Department staff recommends that the Planning Board recommend to the ZBA approval of the variance and allow the storage of waste tires on site.

The intent of the Code when written pertained primarily to large landfills and waste treatment plants. The applicants are working closely with the DEC to acquire the permit which requires that each tire be tracked. The intent of the shredding operation is actually to benefit the environment by preventing the dumping of tires which release toxic chemicals as they deteriorate or if they should burn, and can serve as breeding grounds for mosquitoes.

For the Planning Board's information, the Town-wide Wellhead Advisory Committee met with the applicants to determine best practice methods for the storage of the chemicals associated with end product of the shredded tires. The Broome County Health Department and the NYS DEC have determined the safe use and storage of the associated chemicals and tires is possible, and the Wellhead Advisory Committee shall make their recommendation to the Planning Board at the time when the Aquifer Permit is under review.

If the variance is granted, the application shall come to the Planning Board for a Special Permit for Manufacturing - Waste Products or Materials, an Aquifer Permit, and Site Plan review.

A motion to recommend approval of a variance to the Zoning Board of Appeals to allow the storage of waste tires on the site was made by Chairman Putman and seconded by Mr. Holbert.

Motion Carried - Vote:

Yes – 4 (Sheredy, Drimak, Holbert, Putman) No – 0 Absent – 1 (Slota)

Terry Deamer - 117 Oakdale Road
Advisory Opinion to the Village Board – Rezone

Mr. Deamer submitted a petition to rezone 117 Oakdale Road from Neighborhood Commercial (NC) to Industrial (I). The 5.63-acre property had been rezoned from Industrial to Neighborhood Commercial on October 7, 1986, to permit a financial institution use. The applicant wishes to rezone the property back to Industrial in order to use the existing vacant building for a motor vehicle sales business and a self-service storage facility, both uses being permitted in an Industrial zone. Self-service storage facilities are not a permitted use in the Neighborhood Commercial district. Mr. Deamer has a contract to purchase the property, contingent on the rezone and site plan approval.

The applicant, Mr. Terry Deamer, was present.



Attorney Jacobs explained that the firm of Coughlin and Gerhart, LLP does do work for Mr. Deamer but they have not been asked to assist with this application. If the Board feels that it needs or would like legal counsel on this matter, we can bring alternative counsel in.

Mr. Deamer reviewed his project.

Chairman Putman asked if automotive work will be done in the building. Mr. Deamer stated no. The main entrance of the building will be for the office. The back portion of building will be the showroom.

Mr. Sheredy asked if they are building facilities for storage. Mr. Deamer stated that is not their intention. They will be using portable storage containers. They are built specifically for storage. It has been used for years in the UK. They are also used in areas like Las Vegas and Palm Springs.

Mrs. Drimak asked about the location of the units. Mr. Deamer explained they will be outside of the building. Depending on how things go, they may someday want to come to build a heated and air-conditioned facility but that is not in the plans now.

Chairman Putman read the department head comments.

Department Head & 239 Review Comments:

Environmental Review: The project is subject to a 239-Review as it is within 500 feet of NY State Routes 17 and 17C, and the Town of Union. The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA). The Village Board of Trustees has declared Lead Agency for the SEQRA determination of the application to rezone.

Broome County Planning: No concerns about county or inter-community impacts, but did recommend the applicant be made aware of the risks of developing in the Special Flood Hazard Area, and that the Village Board of Trustees consider the most intensive use permitted in Industrial zoning when considering the application.

BMTS: No comments.

NYSDOT: No concerns, other than that any work in the right-of-way will require a Highway Work Permit.

B.C. Health Department: All chemical storage should be inside the building if motor vehicle repairs take place on the property now or in the future, and all floor drains and shop sinks must be connected to the public sewer.

Police: No compelling interest.

Fire: No comments submitted.

Code Enforcement: Parcel original zoned Industrial prior to construction of Credit Union. No objection to rezoning.

Public Works & Water: No compelling interest.

Planning Staff: Planning staff recommends that the Planning Board recommend to the Village Board of Trustees that the property be rezoned to Industrial. The proposed zoning district is consistent with the Future Land Use Plan adopted in 2009. The property



is surrounded on three sides by NYS State Route 17 and the Norfolk Southern Railroad. The properties to the east are zoned Industrial, so the proposed rezone to Industrial would be in character with the surroundings and would not be spot zoning. The existing building has been vacant for about five years, following the 2011 flood. The former credit union building also fits with commercial and light industrial uses. Any proposed use permitted in Industrial zoning that could be potentially undesirable in the area would most likely require a Special Permit, which could be denied if the Planning Board were to determine that it would have a negative impact on the surroundings.

A motion to recommend approval of the rezoning of the property to Industrial to the Village Board of Appeals including the department head comments was made by Mrs. Drimak and seconded by Mr. Sheredy.

Motion Carried - Vote:

Yes – 4 (Sheredy, Drimak, Holbert, Putman) No – 0 Absent – 1 (Slota)

DJS Properties, LLC - 201 Oakdale Road
Advisory Opinion to the ZBA – Variance

DJS Properties, LLC, submitted a sign permit application to add a new tenant sign for Allstate Insurance to the current plaza pylon sign located at 201 Oakdale Road. The property is zoned General Commercial and the maximum square footage of a pylon sign in a General Commercial zoning district is 80 square feet. Therefore, an area variance is requested to add the new sign to the 21st Century Sbarra & Wells signpost. The application is not clear. One view shows an educational sign, and another view shows the back of what appears to be an educational sign. The new sign measures 2' x 8' (16 square feet) and would be placed beneath the existing 21st Century sign. The existing sign is 198 square-feet, and the additional sign would result in a total of 214 square-feet. Therefore, DJS Properties LLC, is requesting an area variance as follows:

- 1) An area variance for an additional 16 square feet to existing pylon sign, for a total square footage of 214 square feet, or 2.67 times the permitted 80 square feet.

No one was present on behalf of the applicant.

Chairman Putman stated that there are a lot of questions with this application and the Planning Staff has recommended denial.

Department Head Comments:

Police:

No compelling interest.

Public Works & Water:

No compelling interest.

Planning Staff:

The Planning Department staff recommends the Planning Board recommend denial of the area variance of 16 square feet larger than the existing sign. Although the proposed size of the sign is similar to the other tenant sign that is currently in place, Planning staff feels that the sign advertising educational opportunities could be replaced by the new sign. The legal, nonconforming existing sign is already significantly larger than that permitted by Code.



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

Motion Carried - Vote:

Yes – 4 (Sheredy, Drimak, Holbert, Putman) No – 0 Absent – 1 (Slota)

Al Amin GK, LLC - 226 Baldwin Street

Advisory Opinions to the ZBA – Multiple Variances

Mr. Fred J. Brown, III, has applied on behalf of Al Amin GK, LLC, for the renovation of apartments at 226 Baldwin Street. The property is zoned Urban Multi-family and the previous use was an eight-family dwelling. The property has been vacant for more than one (1) year and therefore has lost its grandfathering for eight family units. Area variances have been applied for so that the 226 Baldwin Street building will be permitted to have eight apartments again. The proposal includes one two-bedroom apartment, one studio apartment, and one three-bedroom apartment on the first floor, one two-bedroom apartment, one studio apartment and one three-bedroom apartment on the second floor; and two apartments: two three-bedroom apartments on the third floor. The lot area for an 8-unit building is 2,500 square feet per unit, therefore a 20,000 square foot lot is required. The lot width for a multi-unit building is 25 feet per dwelling unit, therefore 200 feet lot width is required. A 20 feet parking setback and a 20-foot access driveway are required for a multifamily unit. Either a 10-foot setback of the parking from one and two-family dwellings or screening is also required. Therefore, the following area variances are requested from the Zoning Board of Appeals.

- 1) A 10,400 square feet variance for the lot area for an 8-unit building
- 2) A 120 feet variance for the lot width
- 3) A 20-foot parking setback from any property line.
- 4) A recreation area for multi-family unit that is 226 square feet less than the 400 required.
- 5) A 5-foot variance for the access driveway
- 6) Screen of parking from 1 and 2 family dwellings of 10 feet

The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA). The Zoning Board of Appeals will be the Lead Agency for the variance application. The project does not require a 239-Review.

Mr. Fred Brown and Mr. Al Amin were present on behalf of the application.

Mr. Brown reviewed their plans for the building. Mr. Brown stated that he thinks there used to be 12 or 13 apartments in the building. They plan on putting new windows in the building, new drywall, new electric where needed, new fixtures and bathtubs, toilets, etc. In the spring or summer they plan on revamping the outside.

Chairman Putman asked if the building was vacant. Mr. Brown stated yes.

Mr. Brown reviewed the square footage of the units and explained that they are working with an engineer on the sprinkler system.



Chairman Putman asked if Code Enforcement has been in the building. Mr. Brown stated that Code was in there prior, with the previous owner. Chairman Putman stated that Code put a stop work order on the building. Mr. Brown stated yes, they had a group of guys working in there.

Chairman Putman reviewed the variances being requested.

Fred Brown stated that there is a shared driveway. Chairman Putman asked if there is a cross easement or any shared agreement for the driveway. Is it in the deed? Mr. Brown stated that he believes it is in the deed.

Chairman Putman read the department head comments.

DEPARTMENT HEAD COMMENTS

- Code Enforcement:** Garbage area must be screened. **§ 300-54.6. Screened dumpster or service area requirements.** In any district, all areas designated, used or intended to be used as dumpster or service areas for any building or land use, other than one-family and two-family dwelling units, 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 level on all sides where the adjacent land is in a residential district or a residential use. Plans, building permits, and Johnson City-licensed contractors will be required for plumbing and electrical work.
- Fire Department:** No compelling interest at this time. When 226 Baldwin St. comes up for site plan they will have comments at that time.
- DPW:** Parking concerns and solid waste concerns with 8 units. There is a documented history of solid waste and property maintenance. If approved, will need a property manager 24-hour contact phone number supplied to Code & DPW.
- J.C. Police:** With respect to public safety interests regarding to 226 Baldwin Street, the police have significant concerns due to the substantial history of problems that have occurred as a result of the actions of the past inhabitants of that building. During the past two decades, at any time 226 Baldwin has been inhabited, it has been a hotbed of disturbances and illegal activity. The police have gone door to door in that neighborhood in the past and spoken with several residents who were fearful of the day that 226 Baldwin was re-opened to tenants because of its long history of problems. A quick search of the current owner, Al Amin GK LLC, reveals that they have little history having only been formed last year. They also appear to be based out of the downstate area which raises a strong concern about them being absentee landlords. As we are sure the board is well aware, large apartment buildings with absentee landlords in this Village often pose quality of life problems for their neighbors which aren't easily addressable. Given the previous deplorable condition of the building, and the fact that it has been vacant for so many years during which time it has likely further degraded, the police are



Planning Staff:

concerned that it will be a slum-like property unless it is completely gutted and renovated, which was not indicated in the application. The concern is that this project does not sound extensive enough, and that it will not attract desirable tenants who are properly monitored by a local representative which will result in the further decline of a neighborhood that is already in need of assistance.

The Planning Department recommends the Planning Board recommend to the ZBA denial of:

- 1) A 10,400 square feet variance for the lot area for an 8-unit building, and
- 2) A 120 feet variance for the lot width.

The Planning Department recommends the Planning Board recommend to the ZBA approval of:

- 3) A 20-foot parking setback,
- 4) A recreation area for multi-family unit that is 226 square feet less than the 400 required, and
- 5) A 5-foot variance for the access driveway.

The Planning Department recommends the Planning Board require screening of the parking from 1 and 2 family dwellings of 10 feet, should the project for a multi-family use progress to site plan review. The building is three-stories, and the lot can more easily support three (3) apartments, which would still require area variances, but fewer than requested. The lot meets the requirements for square-footage and lot width for a three-family. The driveway width, recreation area of 400 square feet, and screening for the parking lot are not unsurmountable. If the variances are approved, the Code Department has stated that plans, permits, and Johnson City-licensed contractors will be required for plumbing and electrical work.

Chairman Putman stated that an Environmental Assessment Form is still needed from the applicant. The one we have is not completed yet. Attorney Jacobs stated that on November 9th Daria Golazeski sent a letter. Mr. Brown stated that he had not received that letter. He then stated that he did have the letter.

Mr. Brown told the Board to not judge the project on the past history of the building. He is the property manager and they will have strict guidelines. They will run background checks on the tenants. Chairman Putman stated that it is important to recognize that the Village is trying to fix up this area. Mr. Brown stated that they realize this and in 6 months or so they hope to buy another building in JC or in Broome County and do the same thing.

Attorney Jacobs explained that there are very defined criteria that the Zoning Board must consider when looking at variances.

Mr. Brown stated that there are other buildings in the area that have issues that are grandfathered in.



Mr. Amin explained that they bought this property in October of this year. It is not a personal property. It belongs to an LLC. The LLC has a very strict rental agreement. This building is planned for hospital people. The whole building will be rented to hospital people and their standards are very high. There will be a 24/7 security system. This is a large investment. If it is less than 8 apartments it will not be feasible.

Mr. Sheredy asked how many properties he owns in the area. Mr. Brown stated that Mr. Amin also owns 21 Cherry Street and a building on Downs Avenue.

Mr. Sheredy asked what their plans for the exterior of the building were. Mr. Brown stated they will paint or side the building. They also have some repairs to do. Mr. Amin stated these will be luxury apartments.

Mr. Sheredy stated that what is hard is what the Village is trying to do and them not having much visual history.

Senior Planner Lane stated that Code's records show there were 8 apartments. Mr. Brown insisted that is wrong. There were several apartments in the building. Senior Planner Lane explained the thought that if there were fewer apartments it would be more family feeling. There were be fewer cars. Mr. Brown stated that there are only 2 studio apartments. He feels that the size of the apartments are large and he feels that the Code is ridiculous for apartment sizes.

Mr. Amin stated that they are doing the best they can. Senior Planner Lane asked if they have done a walk through with Code Enforcement. Mr. Brown stated no and said they wanted them to come here before they did that. Senior Planner Lane suggested that they contact code and do a walk through with them.

Senior Planner Lane asked if they have a relationship with anyone at the hospital. Mr. Amin stated no.

Mr. Brown argued with Senior Planner Lane regarding what he feels are ridiculous sizes for the apartments. Senior Planner Lane explained that he needs to meet with Code Enforcement.

A motion to recommend to the Zoning Board of Appeals, denial of a 10,400 square feet variance for the lot area for an 8-unit building, and denial of a 120 feet variance for the lot width was made by Mr. Sheredy and seconded by Mrs. Drimak.

Motion Failed - Vote:

Yes – 2 (*Sheredy, Drimak*) **No** – 2 (*Holbert, Putman*) **Absent** – 1 (*Slota*)

A motion to recommend to the Zoning Board of Appeals, approval of variances for a 20-foot parking setback, a recreation area for multi-family unit that is 226 square feet less than the 400 required, and a 5-foot variance for the access driveway was made by Mrs. Drimak and seconded by Mr. Sheredy.

Motion Carried - Vote:

Yes – 4 (*Sheredy, Drimak, Holbert, Putman*) **No** – 0 **Absent** – 1 (*Slota*)



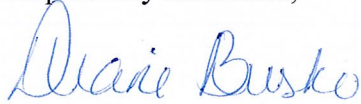
Attorney Jacobs explained what the failed motion meant and reviewed the Board's options. Mr. Sheredy explained that his motion was not a vote against the project.

A motion to reconsider a 10,400 square feet variance for the lot area for an 8-unit building, and a 120 feet variance for the lot width was made by Mr. Holbert. The motion failed for the lack of a second.

ADJOURNMENT

A motion to adjourn the meeting at 9:04pm was made by Mrs. Drimak and seconded by Mr. Sheredy.

Respectfully submitted,



Diane Busko
Planning Board Clerk

