

Minutes of a regular meeting of the
Johnson City Planning Board held on
February 28, 2017 at 7:30pm at
243 Main St., Johnson City, NY

Present: Andrew Holbert, Vice Chairman
Joanne Drimak, Secretary
Donald Slota
Thomas Sheredy

Absent: Gerald Putman, Chairman

Also Present: Diane Busko, Clerk to the Planning & Zoning Boards
Nate VanWhy, Attorney for the Village
Keegan Coughlin, Attorney with Coughlin & Gerhart
Marina Lane, Town of Union Senior Planner
Mayor Greg Deemie
Trustee John Walker
Fire Marshal Paul Hlebica

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

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

MINUTES

A motion to approve the minutes of the January 31, 2017 regular meeting was made by Mrs. Drimak and seconded by Mr. Slota. The motion carried with all those present voting in the affirmative.

PRIVILEGE OF THE FLOOR

Terry Deamer, developer of proposed project at 117 Oakdale Road – Spoke about the proposed storage facility at 117 Oakdale Road. Explained that he has been working with the Village and the Town for 6 weeks now on getting his final plans done. Asked if anyone had any questions that he could answer right now. Attorney VanWhy explained that Mr. Deamer's application is not yet complete so it is too early to come in front of the board. Mr. Deamer stated that he has received responses back from NYS DOT and Code Enforcement and is looking for any final or additional comments. Senior Planner Lane explained that the plan he did with her yesterday has been scanned and sent to the department heads. She is awaiting their final comments. She explained that there are items of concern that Mr. Deamer has not addressed. Mr. Deamer stated that he is confused because he has a letter from Daria Golazeski in Code Enforcement and everything has been addressed already. Ms. Lane stated that he does not have all the comments yet. Ms. Golazeski is writing him another letter and she told Mr. Deamer that he should make an appointment to see her again.

COMMUNICATIONS - None

CONTINGENCIES - None

OLD BUSINESS - None



NEW BUSINESS

Steven Leung - 207 Grand Avenue Public Hearing for a Special Permit & Site Plan Review

Special Permit

Steven Leung has submitted an application to open a restaurant with limited seating in an existing commercial building located at 207 Grand Avenue in a Neighborhood Commercial zoning district. The 2,762 square-foot, single story building was formerly used by the VFW. A restaurant use in a Neighborhood Commercial district is permitted by a Special Permit from the Planning Board.

The building has existing public utilities. There is existing outdoor lighting beneath the front canopy that shines directly onto the ground and does not impact residents. The project will use municipal garbage service. The proposed hours of operation are between 12 p.m. and 9 p.m.

The seating space is approximately 800 square-feet, and the rest of the building is taken by the kitchen, cold and dry storage, and restroom facilities. The floor plan shows thirty-two seats for patrons, and therefore sixteen parking spaces are required. Although the parcel has no parking, there is metered and unregulated parking nearby, and the ZBA will determine whether to grant an area variance for the sixteen (16) required parking spaces on March 13, 2017. There will be between three to five staff, as needed.

The applicant, Steven Leung and Ms. Sarah Campbell, Attorney with Hinman, Howard & Kattell, LLP were present.

Vice Chairman Holbert opened the public hearing.

Attorney Campbell reviewed the project. There is no parking available on site. They will be changing the opening sizes of the doors and the windows and they are planning on using the existing sign structure. They are changing the hours of operation to 11:00am – midnight.

Vice Chairman Holbert closed the public hearing.

Vice Chairman Holbert read the department head comments.

DEPARTMENT HEAD AND 239-REVIEW COMMENTS

Environmental Review: The applicant's proposal was an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA). Under the requirements of Section 617.7(c), the proposed action was reviewed (Short Environmental Assessment Form), and was found to not have a significant impact on the environment. The Planning Board made a Negative Declaration on January 31, 2017. The property is not subject to a 239-Review. As there will be in no increase in impervious area, there is no post-renovation stormwater remediation required.

Code Enforcement: Electricians and Plumbers licensed by Johnson City are required.

Fire Department: The building will have to pass the Fire Code inspection from the Fire Marshal's Office prior to the issuance of the Certificate of Compliance. Please call (607) 729-0428 to arrange the inspection.



Public Works & Water:

A backflow prevention device is required on the water service. The backflow prevention device shall be test annually and a report submitted to the Water Department (607-797-2523). A grease trap on the sink is required before issuance of a Certificate of Compliance. It is required that garbage be placed in cans with tight fitting lids. Contact the Public Works Department at (607) 797-3031 to schedule an on-site meeting to discuss garbage can placement locations.

Planning Department:

The Planning staff recommendation is to approve the Special Permit for a sit-down restaurant with take-out at 207 Grand Avenue, contingent on the granting of the parking variance by the ZBA, with Department Head requirements and the following stipulations:

- 1) No patron seating shall be permitted in the identified storage rooms.
- 2) No cooking shall take place outdoors.
- 3) The building and kitchen shall be inspected by the Fire Marshal (607-729-0428) and Code Enforcement (607-786-2920) prior to the issuance of a Certificate of Compliance.
- 4) Garbage cans shall weigh no more than 50 pounds, be no larger than 35 gallons, and shall not have hinged lids. Cans with stored grease shall be disposed of separately. All cans intended for recycling shall be cleaned and dry before being put out for recycling. Contact the Department of Public Services at (607) 797-3031 for additional requirements.
- 5) A maximum of six garbage cans may be put out for municipal garbage service. If it is determined that this is not adequate, private trash pick-up shall be arrange by the owner.
- 6) The hours of public operation shall be between 12 p.m. and 9 p.m.
- 7) Special permit modification approval will be required if there are any changes to the site plan or change in use of the property.
- 8) The Special Permit shall expire should the property or business be sold or transferred to another entity, per § 300-66.11. Transferability:
 - a. A special permit is not transferable except upon approval by resolution of the issuing board.
 - b. A special permit shall authorize only one special use and shall expire if the special use ceases for more than three months for any reason.
- 9) The applicant shall be required to acknowledge all of the above stipulations, in writing, prior to the issuance of a Building Permit.



A motion to approve a special permit contingent upon the granting of a variance from the Zoning Board of Appeals, including the department head comments and changing the hours of operation was made by Mr. Sheredy and seconded by Mrs. Drimak.

Motion Carried - Vote:

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

Vice Chairman Holbert read the department head comments for the site plan review.

PLANNING STAFF RECOMMENDATIONS:

The Planning Department recommends approval of the site plan, contingent on the granting of the parking variance by the ZBA, with the requirements from the approval of the Special Permit, and the following stipulations:

1. A building permit shall be required prior to any structural changes to the building.
2. Any electricians and/or plumbers shall be licensed by the Village of Johnson City.
3. The garbage pick-up area shall be maintained in a neat and clean condition at all times.
4. All plans for new signage shall be submitted to the Code Enforcement Officer, prior to installation, for review and approval. 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.
5. If any new outdoor lighting is proposed, the applicant shall first submit a lighting plan to the Code Enforcement Officer for review and approval.
6. 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.
7. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Building Permit. The applicant agrees to construct the project in strict accordance with the site plan approved by the Planning Board.

A motion to approve the site plan review contingent upon the granting of a variance from the Zoning Board of Appeals, including the Planning Staff recommendations and changing the hours of operation was made by Mr. Sheredy and seconded by Mrs. Drimak.

Motion Carried - Vote:

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

Jeff Bird/Defiant Designs – 44 Broad Street

Declare Lead Agency, SEQRA, Advisory Opinion for a Parking Variance

Jeff Bird has submitted an application to open a tattoo and arts studio in an existing commercial building located at 44 Broad Street. The site is located in a Neighborhood Commercial Zoning District and personal services is a permitted use. The building was previously used as a medical building and Mr. Bird will use six of the former exam rooms as personal service stations. A personal services requires 1.5 parking spaces per chair. There is no parking available on the site of the proposed tattoo studio, and therefore Mr. Bird has requested an area variance for nine (9) parking spaces.



The applicant, Mr. Jeff Bird, was present.

Lead Agency

A motion to declare the Planning Board Lead Agency for the purposes of SEQRA for 44 Broad Street was made by Mr. Sheredy and seconded by Mr. Slota.

Motion Carried - Vote:

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

SEQR

Attorney Van Why explained that the property is located in the historic district so therefore, a SEQRA Full Environmental Assessment Form has been prepared and reviewed.

Under Part 1 - Senior Planner Lane asked about the question on page 9 regarding the impact on human health. Mr. Bird explained that the Southern Tier Aids Program and most hospitals will do open needle exchanges and said that NYS is changing a lot of laws in the near future. Needle disposal is a huge problem for them. They will have a hand washing sink in every room and they already have a sterile room.

Under Part 2 – Mr. Sheredy asked if there is other medical waste besides the needles. Mr. Bird explained that every work space has stainless steel containers. Everything is wiped down after each use. They use alcohol swabs and green soap. The surfaces are cleaned with a hospital grade sterilant. They also have a hospital grade autoclave which is cleaned with a special disinfectant. Mr. Sheredy asked if there are medical waste disposal parameters. Senior Planner Lane stated that there are not from us. Mr. Sheredy expressed concern regarding medical waste with the people in the neighborhood and there is also a daycare near there. Mr. Bird stated that he is willing to do whatever he is asked to do for disposal. Mr. Slota asked what agency has oversight of this type of business. Mr. Bird stated that it is the NYS Board of Health.

The board, having reviewed Part I, Part II and Part III of the SEQRA 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 Mr. Slota declaring the action a Type 1 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, Slota*) **No** – 0 **Absent** – 1 (*Putman*)

Advisory Opinion for a Parking Variance

Mr. Slota asked how many employees there are. Mr. Bird stated that currently there are 4. He may need a couple more. He is hoping to start an arts program in the future as well. Senior Planner Lane explained that there are 9 parking spaces required for 6 beds. Attorney Van Why asked if employee parking is included. Senior Planner Lane stated no.

Vice Chairman Holbert read the department head comments for the advisory opinion.

DEPARTMENT HEAD COMMENTS

Code Enforcement:

Parking is required at a rate of 1.5 spaces per service room, and there are no parking spaces on site. The previous use was



a medical office, and in 1979, an addition was constructed. Minutes from that meeting state that a parking variance was not needed because of the location of municipal parking and metered parking on the street. Since that time, municipal code has changed and only permits the waiver of parking in Central Business districts. Therefore a variance for nine parking spaces is requested.

DPW:

No compelling interest for the variance; will provide comments during site plan review.

J.C. Police:

No compelling interest.

Broome County Health Dept:

No comments at this time.

Planning Department:

The Planning Department staff recommends that the Planning Board recommend to the ZBA approval of the area variance for nine parking spaces. Attendees of the former uses in the building, a medical office, were able to park on the street or walk to the building without significant impact on the adjacent uses. If the variance is granted, the Planning Board will review the site plan for the personal services use.

A motion to recommend approval of the variance to the Zoning Board of Appeals including the department head comments was made by Mrs. Drimak and seconded by Mr. Slota.

Motion Carried - Vote:

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

ADJOURNMENT

A motion to adjourn the meeting at 8:25pm was made by Mrs. Drimak and seconded by Mr. Sheredy.

Respectfully submitted,



Diane Busko
Planning Board Clerk

