

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
Marina Lane, Town of Union Senior Planner

A brief work session was held at 6:30pm. 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 February 28, 2017 regular meeting was made by Mr. Sheredy and seconded by Mr. Slota. 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

Hameed Alsaidi, 205 Main Street
Lead Agency, Unlisted Action, SEQRA, Site Plan Review

Hameed Alsaidi has submitted an application to open a deli and grocery store in an approximately 450 square foot commercial space on the first floor of an existing mixed-use building located at 205 Main Street. The space has been vacant for some time, and therefore a site plan review is required. The property is zoned Central Business District (CBD) and the retail use is permitted. The building has two commercial spaces on the first floor facing Main Street, and apartments on the second floor over the retail space, and additional residential space in the rear of the building on three floors. There will be no seating in the store, and the proposed deli hours are 8:00 am until 10:00 pm, seven days a week. Under Chapter 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. There is a public parking lot within 400' of the building. The building is served by public water, sanitary sewer, and storm sewer drainage. The parcel is 0.11 acres, and the only area not covered by the building is an ally in the rear of the building. No post-renovation stormwater remediation is required.

The applicant, Mr. Hameed Alsaidi was present.



Lead Agency

A motion to declare the Planning Board Lead Agency for the purposes of SEQRA for 205 Main Street was made by Mr. Sheredy and seconded by Mrs. Drimak.

Motion Carried - Vote:

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

SEQRA

The property is located in the historic district so therefore, a SEQRA Full Environmental Assessment Form has been prepared and reviewed.

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 Mrs. Drimak declaring the action a Type 1 action and 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 – 4 (*Sheredy, Drimak, Holbert, Slota*) **No** – 0 **Absent** – 1 (*Putman*)

Site Plan Review

Vice Chairman Holbert read the staff memo and the department head comments.

Department Head and 239-Review Comments

The project was subject to a 239-Review as it is located on State Route 17C. The applicant's proposal is considered a Type 1 Action under SEQRA as it is in an historical district, and the Planning Department recommends a Negative Declaration. The following comments are from the Department heads and the 239-Review:

Code Enforcement: The applicant shall use plumbing and electrical contractors licensed by the Village of Johnson City, and apply for appropriate building permits. Plans for all interior improvements shall be submitted to the Building Official for review prior to any related work. All equipment shall comply with the NYS Building Code. Must obtain Certificate of compliance prior to opening.

Fire Department: The Fire Marshal must do an inspection prior to opening. Call him at (607) 729-9512.

Police Department: No compelling interest.

Public Works & Water: A backflow prevention device is required on the water service prior to the issuance of a Certificate of Compliance. Your plumber shall contact the water department for the pre-approved plan and health department form that needs to be completed. The backflow prevention device shall be test annually and a report submitted to the Water Department (607-797-2523). It is be required that garbage is 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 Dept: The Planning Department recommends approval of the site plan with the requirements from Code Enforcement, Fire Chief, the Department of Public Works and Water, and the following stipulations:



1. The owner of the business shall display at all times the appropriate license to process food from the Division of Food Safety and Inspection of the NYS Agriculture & Markets, Article 20-C.
2. 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.
3. All 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.
4. If any new outdoor lighting is proposed, the applicant shall first submit a lighting plan and cut sheets to the Code Enforcement Officer for review and approval.
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 Building Permit. The applicant agrees to construct the project in strict accordance with the site plan approved by the Johnson City Planning Board.

B. C. Planning: The Planning Department has reviewed the case and has not identified any significant countywide or inter-community impacts associated with the proposed project.

Mr. Sheredy asked what items will be sold. Mr. Alsaidi explained that he will be serving Halal food and explained that Halal is a specialty type of food that is Kosher food. He will also be selling American food such as subs, hamburgers and fries, chips, salads, soda, etc. He will also have breakfast items for sale.

Mr. Alsaidi explained that the property owner will be fixing the building up.

Senior Planner Lane explained that no signs can go up without a permit. Mr. Alsaidi stated that 3i Graphics is doing the signs.

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

Motion Carried - Vote:

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

Jeff Bird/Defiant Designs – 44 Broad Street
Site Plan Review

Jeff Bird submitted an application to open a tattoo and arts studio in the former medical office building located at 44 Broad Street. The site is in a Neighbor Commercial Zoning District and personal services is a permitted use. Mr. Bird will use six of the former exam rooms as personal service stations. Minimal interior modifications are necessary and no exterior construction is planned. The property is 0.14-acres (6,250 s.f.), and the building occupies half the site (3,262 s.f.). Parking is required at a rate of 1.5 spaces per service room. There is no parking on site but Mr.



Bird was granted a variance for (9) nine parking spaces on March 13, 2017. Trash will be handled by municipal garbage service. Hours of operation have been proposed as 11:00 am to 7:00 pm.

The applicant, Mr. Jeff Bird, was present.

Vice Chairman Holbert read the staff memo and the department head comments.

Department Head and 239-Review Comments:

The project was subject to a 239-Review as it is within 500 feet of NY State Route 17C. The applicant's proposal was declared a Type 1 Action under the New York State Environmental Quality Review Act (SEQRA) because it is in an historic district, and the Planning Board issued a Negative Declaration on February 28, 2017. A stormwater plan was not required as there will be no soil disturbance. The following relevant comments are from the Department Heads:

Code Enforcement: The applicant shall use plumbing and electrical contractors licensed by the Village of Johnson City, and apply for appropriate building permits.

Fire Department: The Fire Marshal shall inspect the building prior to the issuance of a Certificate of Compliance from the Building Permits Office. Call the Fire Department to arrange the inspection at (607) 729-0428.

Police Department: No compelling interest.

Public Works & Water: Since this is a commercial property, the water service requires a backflow device. The device will be required to be installed by a plumber licensed by the Village of Johnson City and tested by a certified backflow device tester. The NY State Health Department forms for the application of the installation of backflow devices can be obtained from the water department (607-797-2523). The backflow prevention device shall be test annually and a report submitted to the Water Department.

Planning Department: The Planning Department recommends approval of the site plan for 44 Broad Street, with the requirements and recommendations from Code Enforcement, Public Works and Water, and with the following stipulations:

- 1) If any changes are proposed to the existing outdoor lighting, cut sheets for outdoor lighting fixtures shall be submitted to the Code Enforcement Office for review and approval prior to installation.
- 2) For any proposed signage, a sign permit application shall be submitted to the Building Permits office 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.
- 3) Hours of operation shall be limited to 8:00 am through 9:00 pm.
- 4) 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.
- 5) Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan.
- 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 shall agree to follow stipulations of approval in strict accordance with the site plan approved by the Planning Board.

Mr. Slota asked if he will be painting the building. Mr. Bird explained that he will paint it in the next year. He will be fixing the wood siding and re-staining it.

Senior Planner Lane explained that Mr. Bird's current location is across from Town Hall and it is always well maintained.

A motion to approve the site plan including the department head comments was made by Mr. Slota and seconded by Mr. Sheredy.

Motion Carried - Vote:

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

Jessica Reinartz, 157 Ackley Avenue
Advisory Opinion to the ZBA for a Sign Variance

Jessica Reinartz submitted a sign permit application to place a sign on an existing awning on the front of the building located at 157 Ackley Avenue. The property is zoned Urban Single Family and an education use was granted for the building by the Planning Board on February 23, 2016. Awning signs are not permitted in an Urban Single Family zoning district; therefore, an area variance is required to place the sign on the awning.

The applicant, Jessica Reinartz, was present.

Vice Chairman Holbert read the staff memo and the department head comments.

Department Head Comments:

Police: No compelling interest.

Public Works & Water: No compelling interest.

Planning Dept: The Planning Department staff recommends that the Planning Board recommend approval of the area variance for an awning sign on the front of the existing building at 157 Ackley Avenue. Only monument signs and wall signs are permitted in Urban Single Family zoning. A wall sign would difficult, and a monument sign may be cost-prohibitive.

No Board members asked any questions of the applicant.

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

Motion Carried - Vote:

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



*Thomas & Kathryn Sheredy, 158 Albany Avenue
Advisory Opinion to the ZBA for a Use Variance*

Use Variance Request

Thomas and Kathryn Sheredy own an existing side-by side two-family house at 158 Albany Avenue. The unit on the north side of the building has two bedrooms, and the unit on the south side of the building has three bedrooms, of which one bedroom is presently located in the finished basement. They have applied to split the south unit into two, changing the two-family into a three-family dwelling. The property is zoned Urban Single-Family (USF) and the three-family use is not permitted. The Sheredys have applied for a use variance to have the multi-family use. The proposed one-bedroom unit would have a separate entrance door, a living room, kitchen area, a bathroom and a bedroom. The minimum lot area for a two-family building in an USF zoning district is 3,000 square feet per unit (6,000 square feet total). There are no requirements for multi-family buildings in USF zoning districts, but in a Suburban Multi-Family zoning district, 3,000 square feet per unit is also required. Therefore a 9,000 square-foot lot for a three-family is preferable in a neighborhood that is largely made up of single-family homes. The property is 7,405.2 square feet. The lot width for a two-family house in USF districts is 35-feet per unit. Therefore, the existing use should be a minimum of 70-feet wide, and it is 60-feet wide. A multi-family building in SMF zoning requires 40 feet width per unit. The two bedroom units require two parking spaces each, and the proposed single bedroom unit requires 1.5 spaces. This results in a requirement of six parking spaces. There are five parking spaces in the rear of the building, and although someone could park in the driveway, this would be cumbersome for unrelated tenants. Finally, a 400 square-foot recreation area is required for a multi-family building with three units, and there does not appear to be any recreation area.

The applicants, Thomas and Kathryn Sheredy, were present. Mr. Sheredy recused himself from the Board at this point.

Vice Chairman Holbert read the staff memo and the department head comments.

Department Head Comments

Environmental Summary: 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.

Planning Dept: Recommends the Planning Board recommend to the ZBA denial of the use variance. There is neither sufficient acreage, parking, nor recreational area. In addition, the applicant cannot satisfy the self-created hardship test, as described below.

“No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,

- (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;



- (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- (4) that the alleged hardship has not been self-created.”

Mrs. Sheredy explained that one side is so large that they are having a hard time renting that unit. The bottom part doesn't get used. There is room for another parking space on the left hand side of the property.

Senior Planner Lane explained that when they go the Zoning Board they should bring any financial documentation to support their argument and stated that there appeared to be mostly single family houses in the neighborhood. Mrs. Sheredy stated that there are 16 two families, one three family and one five family dwellings in the area.

Attorney Jacobs explained that Mr. Sheredy is a member of the Planning Board and will not be voting on the application.

A motion to recommend denial of the use variance was made by Mr. Slota and seconded by Mrs. Drimak.

Motion Carried - Vote:

Yes – 3 (Drimak, Holbert, Slota) No – 0 Absent – 1 (Putman) Abstain – (Sheredy)

***United Health Services, 503 Main Street
SEQRA, Site Plan Review***

Karen McElwee, Facilities Coordinator for United Health Services, submitted an application for the relocation of some administrative offices from 507 Main Street to 503 Main Street. The exiting building is a two-family house, but the property is in an Office Overlay district and the office use is permitted. Parking will be shared between the two properties, and meets the required number of spaces. One handicapped accessible space with the associated access space will be added to the rear of the property, along with a handicapped-accessible ramp.

Mrs. Karen McElwee was present on behalf of the applicant.

Vice Chairman Holbert read the staff memo and the department head comments.

Department Head Comments

Environmental & 239-Review: The project was subject to a 239-Review as it is within 500 feet of NY State Routes 17C and 201. The applicant's proposal is considered an Unlisted Action under the NYS Environmental Quality Review Act (SEQRA), and the Planning Department recommends a Negative Declaration. A SWPPP was not required as there will be no soil disturbance. The following relevant comments are from the Department Heads:

Code Enforcement: The applicant shall use plumbing and electrical contractors licensed by the Village of Johnson City, and apply for appropriate building permits. Parking is acceptable.



Fire Department: No compelling interest.

Police Department: No compelling interest.

Public Works & Water: Since this is a commercial property, the water service requires a backflow device. The device will be required to be installed by a plumber licensed by the Village of Johnson City and tested by a certified backflow device tester. The NY State Health Department forms for the application of the installation of backflow devices can be obtained from the water department. Call (607) 797-2523.

Planning Staff: The Planning Department recommends approval of the site plan for 503 Main Street, with the requirements and recommendations from Code Enforcement and Public Works and Water, with the following stipulations:

- 1) The parking lot shall be striped and posted according to the site plan prior to the issuance of a Certificate of Compliance.
- 2) The handicap ramp shall be constructed prior to the issuance of a Certificate of Compliance.
- 3) 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.
- 4) A sign permit shall be submitted to the Building Permits office prior to installation of any 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) Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan.
- 6) 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.

Senior Planner Lane explained that the Fire Department Comments need to be changed to Exit signs must be posted, and maintain required smoke and CO detectors and fire extinguishers.

Mrs. McElwee stated that she does not anticipate any exterior signage. There will be no patients at the building, just administration.

No Board members asked any questions of the applicant.

Lead Agency

A motion to declare the Planning Board Lead Agency for the purposes of SEQRA for 503 Main Street was made by Mrs. Drimak and seconded by Mr. Sheredy.

Motion Carried - Vote:

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



Unlisted Action

A motion to declare the action an unlisted action under SEQRA was made by Mrs. Drimak and seconded by Mr. Sheredy.

Motion Carried - Vote:

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

SEQRA

Attorney Jacobs 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 Mrs. Drimak and seconded by Mr. Sheredy 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)

Site Plan Review

A motion to approve the site plan including the department head comments and the addition of the fire department comments was made by Mr. Sheredy and seconded by Mr. Slota.

Motion Carried - Vote:

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

***Fuad Nagi Mugali, 296 Main Street
SEQRA, Site Plan Review***

Mr. Fuad Nagi Mugali submitted an application to open a deli and convenience store in a 1,000 square foot space on the first floor of an existing mixed-use building located at 296 Main Street. The 0.11 acre property is zoned Central Business District (CBD) and the deli and convenience store is a permitted use. The applicant is entitled to park up to four vehicles in the rear of the building and there is a municipal parking lot across the street. The proposed hours of operation are 7 am to 2 am for hospital employees and visitors. The building is served by public water, sanitary sewer, and storm sewer drainage. No post-renovation stormwater remediation is required.

The applicant, Mr. Fuad Nagi Mugali, was present.

Lead Agency

A motion to declare the Planning Board Lead Agency and declare the action a type (Type) one action for the purposes of SEQRA for 296 Main Street was made by Mr. Sheredy and seconded by Mrs. Drimak.

Motion Carried - Vote:

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



SEQRA

The property is located in the historic district so therefore, a SEQRA Full Environmental Assessment Form has been prepared and reviewed.

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 Mrs. Drimak and seconded by Mr. Sheredy 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*)

Vice Chairman Holbert read the staff memo and the department head comments.

Department Head Comments

Environmental & 239-Review: The project was subject to a 239-Review as it is located on State Route 17C. The applicant's proposal is considered a Type 1 Action under SEQRA as it is in an historical district, and the Planning Department recommends a Negative Declaration. The following comments are from the Department heads:

Code Enforcement: The applicant shall use plumbing and electrical contractors licensed by the Village of Johnson City, and apply for appropriate building permits. Plans for all interior improvements shall be submitted to the Building Official for review prior to any related work. All equipment shall comply with the NYS Building Code. Must obtain Certificate of compliance prior to opening. No cooking is permitted at this location.

Fire Department: The Fire Marshal must do an inspection prior to opening. Call him at (607) 729-9512.

Police Department: No compelling interest.

Public Works & Water: A backflow prevention device is required on the water service prior to the issuance of a Certificate of Compliance. Your plumber shall contact the water department for the pre-approved plan and health department form that needs to be completed. The backflow prevention device shall be test annually and a report submitted to the Water Department (607-797-2523). It is be required that garbage is 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.

B. C. Planning: The Planning Department has reviewed the case and has not identified any significant countywide or inter-community impacts associated with the proposed project.

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

1. The owner of the business shall display at all times the appropriate license to process food from the Division of Food Safety and Inspection of the NYS Agriculture & Markets, Article 20-C.
2. 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.

3. All 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.
4. If any new outdoor lighting is proposed, the applicant shall first submit a lighting plan and cut sheets to the Code Enforcement Officer for review and approval.
5. Site plan approval shall be valid for one year, unless 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 Building Permit. The applicant agrees to construct the project in strict accordance with the site plan approved by the Johnson City Planning Board.

Mrs. Drimak asked about being open until 2am. Mr. Mugali stated that this is next to the hospital and is convenient for doctors, nurses and visitors.

Mr. Sheredy asked about the items he will be selling. Mr. Mugali stated that he will have ice cream, candy, subs, coffee and cappuccino, soda and a salad bar. Mr. Sheredy asked if he will be selling cigarettes or alcohol. Mr. Mugali stated he will sell cigarettes but not alcohol. He does not have a liquor license.

The Board discussed the hours of operation of other businesses in the area. Mr. Mugali stated that the rent is high and the extra hours will help him bring in more income.

Site Plan Review

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

Motion Failed - Vote:

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

A motion to approve the site plan with the hours of operation limited to 7:00am – midnight including the department head comments was made by Mr. Slota and seconded by Mr. Sheredy.

Motion Carried - Vote:

Yes – 3 (*Sheredy, Drimak, Slota*) **No** – 1 (*Holbert*) **Absent** – 1 (*Putman*)

Terry Deamer, 117 Oakdale Road SEQRA, Site Plan Review

Terry Deamer submitted a proposal for a self-serve storage facility on the parking lot of an existing 5,800 square foot, single story building located at 117 Oakdale Road. The property is in an Industrial zoning district and the use is permitted. The parking area and building take up approximately 1.7 acres of the 5.54-acre property. The remainder of the lot is wooded. The rental



office will be located in the building. The proposal also refers to the use of the existing building as a self-serve storage facility, or for the display of vehicles. The display of vehicles would require a Special Permit, and therefore is not considered as a part of this review. The existing building envelope will remain as is. The majority of the interior partitions in the building were removed following the 2011 flood; however, the existing mechanical room, vault and the two existing restrooms will remain for future use. The site plan shows 22 parking spaces remaining from the existing parking lot, including one handicap parking space and access space. All parking spaces are located forward of the building. Mr. Deamer proposes having two employees, and therefore parking exceeds the requirement of one space per employee. Existing exterior site lighting will remain, although several light poles shall be relocated. Sign structures will remain, although one lighted wall sign is proposed to be relocated. Businesses are limited to one wall sign. The area of the self-serve storage units will be enclosed by eight-foot high chain link fencing around the south and west perimeter of the paved area, which will connect to an existing chain link fence on the north side. Eight-foot high, black ornamental steel fencing shall be installed along the front of the storage units, and landscaping shall be planted on the street side, or forward, of the steel fence. Twelve-foot wide cantilevered gates shall open via a keypad controller at both the entrance and exit into the facility. Other proposed modifications to the site will be to make the north driveway for entrance only and the south driveway for exit only. Trucks will be limited from turning to the south due to the low bridge under the railroad. Mr. Deamer proposes a total of sixty-eight (68) 8' x 40' storage structures and fifteen (15) 8' x 20' storage structures placed on the site, providing up to approximately 300 self-serve storage units in varying sizes. The proposed units are metal, built specifically as storage units, not sea containers. The landscaping will provide an attractive look to the industrial style of the storage units, and will also complement the brick building.

The applicant, Terry Deamer, was present.

Attorney Jacobs explained that his firm, Coughlin & Gerhart, LLP represents Mr. Deamer however they have not been asked to represent him on this application.

Lead Agency

A motion to declare the Planning Board Lead Agency and declare the action an unlisted action for the purposes of SEQRA for 117 Oakdale Road was made by Mr. Sheredy and seconded by Mrs. Drimak.

Motion Carried - Vote:

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

SEQRA

Attorney Jacobs 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 Mrs. Drimak and seconded by Mr. Sheredy 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)



Attorney Jacobs read the staff memo and the department head comments.

Department Head Comments

Environmental and 239-Review: The project was 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 NYS Environmental Quality Review Act (SEQRA), and the Planning Department recommends a Negative Declaration. A SWPPP is not required. The following comments are from the department heads and 239-Review:

B. C. Planning: Found no significant countywide or inter-community impacts associated with the project. The department did recommend the conditions of approval should include: maximum number of storage units and square footage of storage units allowed onsite at any given time, no storage in the setbacks area or in front of the principal building, prohibited uses and activities, no outdoor storage of goods, screening requirements and no electrical service to storage units.

NYS DOT: Nothing is to be placed within the State Right-of-Way along NYS route 17, including signage or items in storage. The applicant may contact Tom Laskowski of the NYS DOT Broome Residency at (607) 775-0522 for assistance in locating the highway boundary.

Code Enforcement: The business shall not open until the office space with applicable functioning restrooms is complete and the building has been issued a Certificate of Occupancy. The applicant shall use plumbing and electrical contractors licensed by the Village of Johnson City, and apply for appropriate building permits. Plans for all interior improvements shall be submitted to the Building Official for review prior to the issuance of any building permit. Post signs for the handicap spot and access aisle. Handicap access shall be indicated. Storage of items outside of the units is not permitted. Storage structures must meet the NYS Uniform Fire Prevention and Building Code for snow load and wind load. Your engineer should determine if anchoring of the units is required. Double-stacking will not be permitted without approval from the Code Enforcement Officer and Building Official. Double-stacking may not be permitted for advertising purposes.

Fire Department: All access lanes shall be a minimum of 24 feet wide. A fire hydrant shall be installed for fire protection at the west end of the property. Contact the Fire Chief and Fire Marshal at 607-729-9512 to consult on site for the best location. The Fire Marshal shall inspect the building prior to starting the business.

Police Department: No compelling interest.

Public Works & Water: Contact the Johnson City Water Department at (607) 797-2523 to meet onsite to verify the location of the connection to the water main, once it is determined where the fire hydrant shall be placed. The water department will supply you with an estimate to connect the fire hydrant to the water main and install the line to just of the edge of pavement with a valve. This work will be completed once the Village receives payment from the owner. The fire line from the valve into the property and hydrant shall be installed by the owner's contractor. The Village water department will inspect the contractor's installation to ensure that is done in accordance with JC water requirements. The owner's contractor is required to obtain a work permit from the Johnson City Department of Public Works. The wheel chair symbol needs to be the ADA required "Active Wheelchair Symbol." The Director of Public Services reserves the right to require all improvements to the site meet Village Code, as is noted in the application cover letter.



Planning Staff:

The Planning Department recommends approval of the site plan for 117 Oakdale Road, with the requirements from Code Enforcement, Public Works and Water, Fire Department, with the following stipulations:

- 1) A final revised site plan shall be submitted once the location of the fire hydrant has been approved by the fire department, and the final location of light poles has been determined.
- 2) The new fire hydrant shall be inspected every year, per the 2015 ICC Fire Code, as amended by the 2016 Amendment.
- 3) The number of storage structures is limited to those spaces shown on the site plan.
- 4) The parking lot shall be striped prior to the issuance of a Certificate of Occupancy. The required handicapped-accessible parking shall conform to the Property Maintenance code of NYS, and shall be provided with signage displaying the international symbol of accessibility. The access aisle shall be provided with signage reading "No Parking Anytime." Signs shall be permanently installed at a clear height of between 60 inches and 84 inches above grade and shall not interfere with an accessible route from an access aisle.
- 5) To meet the Fire Department requirements, the areas beyond the access drive shall be paved. The drive shall be striped and signs posted saying "Do not Block." Ensure there is room to pull over on each side.
- 6) Approved landscaping shall be installed by August 31, 2017.
- 7) 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.
- 8) If using municipal trash service, garbage cans shall weigh no more than 50 pounds, be no larger than 35 gallons, and shall not have hinged lids. There shall be no more than six items for pick-up at any time. Contact the Department of Public Services at (607) 797-3031 for additional requirements
- 9) Per Section 236-14, the fee for garbage collection shall be levied and assessed against and collected from the owner(s) of all parcels identified on the Broome County Tax Map for the Village of Johnson City, provided that if the parcel consists of unimproved land or land principally improved by a residential dwelling or commercial building which had been abandoned and from which the Village water service has been disconnected, there shall be no charge for garbage collection for so long as the parcel remains unimproved or the residential dwelling or commercial structure remains abandoned and disconnected from the Village water liens. In addition, if the parcel is improved by a multiple-residence dwelling or commercial structure and the owner, with the approval of the Superintendent of Public Works, provides private removal of all garbage, refuse, trash, recyclables, yard waste and tires as approved, the fee assessed and levied shall be the minimum residential collection fee.
- 10) If eventually necessary, all dumpsters shall be kept in a place easily accessible to private collection contractors, shall be clean, neat, painted and kept in good repair; any spilled materials are the responsibility of the property owner or occupant and shall be cleaned immediately. No garbage, rubbish, trash, yard waste or other items of refuse shall be located outside of a dumpster. All dumpsters located on a property for reasons other than temporary construction shall be fully enclosed and all doors and lids must be in working



order and lids must be securely closed at all times. Dumpsters not in use must be removed within 30 days.

- 11) If any changes are proposed to the exterior lighting fixtures, cut sheets for the proposed fixtures shall be submitted to the Code Enforcement Office for review and approval prior to installation.
- 12) 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.
- 13) 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.
- 14) 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

Senior Planner Lane asked about the relocation of the light poles. Mr. Deamer explained that he may need to move them a couple of feet. Senior Planner Lane stated that the Fire Chief asked if the hydrant can be moved closer to the access road.

Mr. Slota stated that double stacking is not allowed. Mr. Deamer stated that those units are for his own use and storage. Vice Chairman Holbert asked how those units would be accessed. Mr. Deamer stated it would be by a lift.

Mr. Slota asked about the access lane size. Mr. Deamer explained that it is 24ft. There is clear access for a fire engine to get in there.

Mrs. Drimak asked about the height of the stacked units. Mr. Deamer stated that it would be equal to the height of the building.

Vice Chairman Holbert asked about electric at the site. Mr. Deamer stated that there is no electric.

Mr. Slota asked about hours of access. Mr. Deamer explained that there will be limited access and would be controlled by an access key pad. Normal hours will be 6:00am – 9:00pm.

Senior Planner Lane asked about the number of employees. Mr. Deamer stated that there will be 2 staff to start while renting it out(;) then it will be one person and a floating manager.

Mr. Slota asked about the classic cars. Mr. Deamer stated that this is just for the storage not the classic cars. Senior Planner Lane explained that the property was rezoned to allow that use but that use has not been approved. If Mr. Deamer wants to pursue the classic cars he will need to contact her.

Attorney Jacobs reviewed the comment from Code Enforcement regarding the double stacking of units and advertising signs. Mr. Deamer asked for the definition of an advertising sign. Senior Planner Lane suggested that Mr. Deamer speak to Daria Golazeski about that.



Mr. Slota stated that the area will be fenced which will screen the units. Stacking units will defeat the purpose. Mr. Deamer stated that screening is required for outdoor storage and this is not outdoor storage. They agreed to add the plantings and the screening in exchange for being allowed to double stack units.

Senior Planner Lane reviewed the proposed screening. Mr. Deamer stated that the plantings would screen the units.

Mr. Deamer stated that he received correspondence from Ms. Golazeski asking for further information to make sure that the bottom unit can hold the weight of the upper unit.

Mr. Deamer stated that he has no intention of putting signs on the stacked units.

Site Plan Review

A motion to approve the site plan for 117 Oakdale Road including the department head comments was made by Mr. Sheredy and seconded by Mr. Slota.

Motion Carried - Vote:

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

Al Amin, LLC, 226 Baldwin Street SEQRA, Site Plan Review

Mr. Fred Brown, III, has applied on behalf of Al Amin GK, LLC to renovate eight apartments in an existing multi-family building at 226 Baldwin Street. The property is zoned Urban Multi-Family and the use is permitted, but the property does not meet area requirements for eight units. Area variances were granted by the ZBA on February 13, 2017, so the building may now house up to eight apartments. The multi-family building includes one studio apartment, one two-bedroom apartment, and one three-bedroom apartment on the first floor, one studio apartment, one two-bedroom apartment, and one three-bedroom apartment on the second floor, and two three-bedroom apartments on the third floor. A fire suppression system is required. Fifteen parking spaces are required for the apartments, and are provided on the site in the rear of the building. A new drywell for drainage will be installed in the parking lot, a supportive wall along the south perimeter will be repaired, and reinforced fencing will be installed around the rear of the parking lot. A dumpster is shown on the site plan, and cut sheets for a dumpster enclosure shall be required. A recreation area of 174 square feet, 226 square feet less that required, was approved by the ZBA.

Lead Agency

A motion to declare the Planning Board Lead Agency and declare the action an unlisted action for the purposes of SEQRA for 226 Baldwin Street was made by Mrs. Drimak and seconded by Mr. Sheredy.

Motion Carried - Vote:

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

SEQRA

Attorney Jacobs 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 Mrs. Drimak and seconded by Mr. Sheredy 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)

Attorney Jacobs read the staff report and the department head comments.

Department Head & 239 Comments

Environmental & 239-Review: The project does not require a 239-Review. The applicant's proposal is considered an Unlisted Action under the NYS Environmental Quality Review Act (SEQRA), and the Planning Department recommends a Negative Declaration. An approved stormwater management plan includes the installation of a second drywell. The following relevant comments are from the Department Heads.

Code Enforcement: The applicant shall use plumbing and electrical contractors licensed by the Village of Johnson City, and apply for appropriate building permits. Plans for all interior improvements shall be submitted to the Building Official for review prior to any related work. The parking lot shall be screened per Code requirements. Cut sheets of the screening material shall be approved by the Code Enforcement Officer prior to installation. The dumpster shall be screened per Code requirements. Cut sheets of the screening material shall be approved by the Code Enforcement Officer prior to installation.

Fire Department: No compelling interest.

Police Department: A local property manager is required.

Public Works & Water: The property manager's name, address and 24-hour contact phone number shall be provided to Code Enforcement and the Department of Public Works. Any changes shall be submitted within two business days of such change. A storm water permit is required to be obtained, by the installation contractor, from DPW prior to the work. The engineering design of the proposed dry well has been approved. The application for the storm water permit shall be in form prescribed by the Village of Johnson City and accompanied by plans and specifications prepared by a duly licensed engineer or surveyor. §136-6. Commencement of work. The Village Engineer shall be notified at least twenty-four (24) hours in advance of the commencement of the work in order that provision may be made for proper inspection thereof. Samples of material and every reasonable facility for ascertaining whether the work is in conformity with the provisions of this chapter shall be furnished to the Village Engineer as he or she may require. §136-7. Fees and costs. A fee of twenty-five dollars (\$25) shall be paid to the Village when the application is filed, and the owner shall also pay the actual cost of any material tests and reimburse the village for necessary inspection at the rate of five dollars (\$5.00) for each hour or portion thereof that a Village Inspector is engaged on the work. Water Meter – A new meter is required, cost = \$248.25. Contact JC Water Department at (607) 797-2523 to obtain a meter when needed. A design by an engineer of the sprinkler system along with the backflow prevention device design shall be submitted to the Director of Public Works for review and approval. The designs shall ensure that the Village water system can supply the required flow and pressure to the system. Backflow device specifications have been provided. Fire Service: § 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. §270-78 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. The handicap space must be striped and signs posted using the NYS required active wheelchair symbol. Dumpster – must supply JC DPW with a copy of the contract with the waste hauler. Site Plan Missing Requirements: Address – 226 Baldwin Street:

- a. A plan showing proposed utilities (location and size of the required fire service and location of other utilities, i.e. gas, sewer & domestic water line).
- b. Dimensions of parking spaces.

Planning Staff:

The Planning Department recommends approval of the site plan for 226 Baldwin Street, with the requirements from Code Enforcement and Public Works and Water, with the following stipulations:

- 1) A revised site plan shall be submitted prior to the issuance of a building permit, including requirements from the Department of Public Works, and to include labeling of the recreation area. Wheelstops shall be shown between the recreation area and parking spaces. Wheelstops shall not be less than 18-inches in from the front of the parking space. All parking spaces shall be noted as a minimum of 9-feet by 18-feet. The handicapped-access aisle shall be no less than 8-feet by 18-feet.
- 2) The recreation area of 174 square feet shall be maintained with grass at the rear, south corner of the building.
- 3) The new drywell shall be installed per the requirement by the Department of Public works. Wheel stops shall be installed between the parking spaces and recreation area. The parking lot shall be screened, with attractive side facing outwards, to prevent vehicle lights from shining onto adjacent residential properties, as required by the ZBA.
- 4) The parking lot shall be paved and striped prior to the issuance of a Certificate of Compliance. The parking lot striping shall be maintained annually.
- 5) The required handicapped-accessible parking shall conform to the Property Maintenance code of NYS, and shall be provided with signage displaying the international symbol of accessibility. The access aisle shall be provided with signage reading “No Parking Anytime.” Signs shall be permanently installed at a clear height of between 60 inches and 84 inches above grade and shall not interfere with an accessible route from an access aisle.
- 6) Per Section 236-14, the fee for garbage collection shall be levied and assessed against and collected from the owner(s) of all parcels identified on the Broome County Tax Map for the Village of Johnson City, provided that if the parcel consists of unimproved land or land principally improved by a residential dwelling or commercial building which had been abandoned and from which the Village water service has been disconnected, there shall be no charge for garbage collection for so long as the parcel remains unimproved or the



residential dwelling or commercial structure remains abandoned and disconnected from the Village water liens. In addition, if the parcel is improved by a multiple-residence dwelling or commercial structure and the owner, with the approval of the Superintendent of Public Works, provides private removal of all garbage, refuse, trash, recyclables, yard waste and tires as approved, the fee assessed and levied shall be the minimum residential collection fee.

- 7) All dumpsters shall be kept in a place easily accessible to private collection contractors, shall be clean, neat, painted and kept in good repair; any spilled materials are the responsibility of the property owner or occupant and shall be cleaned immediately. No garbage, rubbish, trash, yard waste or other items of refuse shall be located outside of a dumpster. All dumpsters located on a property for reasons other than temporary construction shall be fully enclosed and all doors and lids must be in working order and lids must be securely closed at all times. Dumpsters not in use must be removed within 30 days.
- 8) The dumpster 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, per Section 300-54.6.
- 9) Per Section 166-8A, no owner shall let to any occupant any vacant dwelling unit or rooming unit unless it complies with the provisions of said chapter, and provided that said owner of a non-owner-occupied dwelling unit has registered at least every two years, or more frequently where the code enforcement officer and conditions require it, his or her rental units and received for those units a rental permit. Upon each rental or re-rental of a dwelling unit, the owner shall obtain from the Code Enforcement Officer a certificate of compliance or similar rental permit.
- 10) Nonresidential owners of premises who are not employed or engaged in businesses within the community and do not customarily and regularly come into the community to attend a business office shall designate a responsible agent who resides within the community or customarily and regularly engages in and attends a business in the community. The name, address and telephone number of the responsible agent shall be recorded on the rental permit.
- 11) An owner who fails to register rental units as required in Subsection A for a continuous period of 30 days or more after notice of the violation is mailed by the enforcement officer shall be subject to a fine of \$50 for a first violation and \$100 for any subsequent violation.
- 12) A copy of the access easement shall be submitted to Code Enforcement and Planning prior to the issuance of a Certificate of Compliance.
- 13) If any changes are proposed to the existing outdoor lighting, cut sheets for outdoor lighting fixtures shall be submitted to the Code Enforcement Office for review and approval prior to installation.
- 14) Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan.
- 15) All comments from Department heads shall be addressed prior to the issuance of a Certificate of Compliance.
- 16) The owner of the property and 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.

Mr. Slota asked about the large amount of work that is needed. Mr. Brown stated that they already have engineered plans, have hired a plumber and an electrician.

Attorney Jacobs asked what the total investment in the property will be. Mr. Brown stated that they are already over budget.

Mr. Slota asked about the exterior of the building. Mr. Brown stated that they will power wash the building, repair/replace siding where needed and then paint the building. Mr. Brown explained that he has spoken to the lady next door about removing her fence and retaining wall and filling in her property in that area.

Mr. Slota asked about rent. Mr. Brown stated it will be \$800 - \$1200/month for a 3 bedroom unit. They may also rent out per room to college students.

Mr. Sheredy stated that they originally had stated that they were going to rent to professionals at the hospital. Mr. Brown stated they still will rent to whoever comes first. Senior Planner Lane explained that there is a rule that there can only be one lease per apartment. He will need to talk to Dee in Code Enforcement.

Mr. Slota asked about the local contact. Mr. Brown stated that he will be the manager. He lives in Apalachin. He has spoken to the Police Department and they will have background checks for tenants.

Site Plan Review

A motion to approve the site plan for 226 Baldwin Street including the department head comments and staff recommendations was made by Mrs. Drimak and seconded by Mr. Slota.

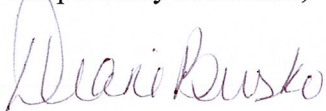
Motion Carried - Vote:

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

ADJOURNMENT

A motion to adjourn the meeting at 10:00pm was made by Mr. Sheredy and seconded by Mrs. Drimak.

Respectfully submitted,



Diane Busko
Planning Board Clerk

