

Minutes of a regular meeting of the
Johnson City Planning Board held on
June 27, 2017 at 7:30pm at
243 Main St., Johnson City, NY

Present: Gerald Putman, Chairman
Andrew Holbert, Vice Chairman
Joanne Drimak, Secretary
Donald Slota
1 vacant seat

Absent: None

Also Present: Diane Busko, Clerk to the Planning & Zoning Boards
Jeff Jacobs, Attorney for the Village
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.

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

MINUTES

A motion to approve the minutes from the March 28, 2017 and May 23, 2017 regular meetings was made by Mr. Holbert and seconded by Mr. Slota. The motion carried with all those present voting in the affirmative.

PRIVILEGE OF THE FLOOR

Jason Gardner with Binghamton Brewing & Bob Olcott, 15 Avenue B – Explained that the brewery is expanding and asked about the process they need to go through. Chairman Putman reviewed the process. Senior Planner Lane explained that she will meet with Mr. Gardner.

COMMUNICATIONS - None

CONTINGENCIES - None

OLD BUSINESS - None

NEW BUSINESS

Chairman Putman explained that our attorney, Jeff Jacobs, is leaving the law firm and expressed his thanks for all of his help over the years.

Crux Properties, LLC, 157 Oakdale Road ***Request for extension of site plan approval deadline to June 30, 2018***

On July 28, 2015, the Planning Board approved the site plan for a new 37,969 total square foot, 4-story commercial building submitted by Crux Properties, LLC, for 157 Oakdale Road. A revised



site plan was submitted the next year. The building plan was revised for three floors of commercial office space rather than one residential floor and two floors of offices. Also, the building would be set on piers, allowing for ground level parking under the building. On Tuesday, April 26, 2016, the Village of Johnson City Planning Board approved the revised site plan, with stipulations, including a deadline date for the approval of June 30, 2017, and a landscaping deadline date of June 30, 2018. This building construction deadline date was partially imposed in the event that stormwater regulations change prior to the construction of the building, which they have not. The stormwater plan is still pending. Crux Properties, LLC has submitted a request to extend the deadline date for commencing construction to June 30, 2018. The applicant feels the property will be considered more marketable to potential occupants with an approved site plan.

Gina Curcio and George Schambach were present on behalf of the application.

Mr. Schambach explained that they are still negotiating with 2 different tenants and things are going slower than they thought they would.

Chairman Putman stated that we are then looking at an approval date for the start of construction by June 30, 2018 with the landscaping to be completed by June 30, 2019. Mr. Schambach stated that is correct. Chairman Putman stated that all of the previous requirements are still in effect.

Note - The department head comments were not read at the meeting but are included as part of the official minutes.

DEPARTMENT HEAD COMMENTS:

Code Enforcement: Piers cannot be located in required width of spaces.

Fire Dept: Would like to review the fire alarm systems. Would like to review fire truck access to the building and the sprinkler systems that will be used in the building design.

Public Works & Water Dept:

1. A SWPPP is required.
2. There is no municipal storm drainage with Oakdale Road in the area of the site. The former trailer park was graded to flow to the storm drainage in Harry L. Drive, therefore the proposed on-site storm drainage design shall ensure that all on-site storm drainage is held on site.
3. The south entrance should be signed "enter only".
4. If there is not an existing sewer lateral to connect to, the Sewer Plant Flow Credit program shall be met.
5. A maintenance program shall be developed and adhered to regarding the proposed pervious pavement.
6. Size and material of proposed fire service and domestic service is required and must enter the building at right angle to water main.
7. Location of the water meter / mechanical room must be supplied to the Water Department; it must be on the east side of the building.
8. The following sections of the water code apply: No permits shall be granted until the department is supplied with detailed plan and engineers report for backflow device.
9. The following sections of Code apply and shall be conditions of approval:



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

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

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

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

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

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

ARTICLE VI, Fire Services

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

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

§ 270-75. Application required.

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

§ 270-78. Installation of detector check.

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

§ 270-79. Installation of detector check bypass to handle leakage; damage caused from leakage. The owner must provide and install a detector check bypass or similar device acceptable to the Department which will suitably handle fire flows and leakage. Owners must pay for maintenance, leakage and any damage caused by leakage of the fire service.

Planning Board:

- 1) Per Fire Department comments, 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.
- 2) All comments from the Department of Public Works shall be addressed, and a revised final site plan and SWPPP shall be reviewed and approved by the Department of Public Works prior to the issuance of any building permit.
- 3) The site plan shows two water lines, one for domestic and one for fire service. Any water service over 2" in diameter must be ductile iron. Prior to the issuance of a building permit, calculations for how the water service sizes were determined shall be submitted for review and approval by the Public Works Department.
- 4) The sewer lateral must be either SDR 35 PVC or ductile iron.
- 5) The applicant's engineer shall submit the application for the Binghamton-Johnson City Joint Sewer Plant Flow Credit program as soon as possible. No building permit shall be issued until the requirements of the program have been approved.
- 6) The parking lot shall be striped prior to the issuance of a Certificate of Occupancy. The column spaces shall be delineated from the parking spaces with two (2) solid stripes.



- 7) Approved landscaping shall be installed by June 30, 2019. If the landscaping is not installed prior to the issuance of any Certificate of Occupancy, a bond shall be posted upon review by the Code Enforcement Official, to be accepted by the Village Board and held in an interest-bearing account, to be returned with interest upon completion of the landscaping. The landscape plan shall be revised with labels per the key.
- 8) 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.
- 9) Dumpster enclosure details shall be submitted prior to the issuance of a Certificate of Occupancy.
- 10) Cut sheets for outdoor lighting fixtures shall be submitted to the Planning and Code Enforcement Offices for review and approval prior to their installation.
- 11) 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.
- 12) Site plan approval shall be valid through June 30, 2018. By this time, a building permit shall be issued and construction shall have commenced.
- 13) Once the applicant signs and returns the letter of decision, submits a final site plan per stipulations of approval, and stipulations numbers 1-5 are approved, the applicant may apply for a building permit.
- 14) The applicant shall be required to acknowledge all of the above conditions, in writing, by July 14, 2017. The applicant shall agree to follow stipulations of approval in strict accordance with the site plan approved by the Planning Board.

A motion to extend the site plan approval deadline for 157 Oakdale Road to June 30, 2018 with all of the current stipulations and department head comments remaining in effect was made by Mr. Holbert and seconded by Mrs. Drimak.

Motion Carried - Vote:

Yes – 4 (Drimak, Holbert, Slota, Putman) No – 0 Absent – 0 Vacant Seat - 1

Verizon, 9 Harrison Street/340 Main Street
Rescind Lead Agency & Consent to ZBA serving as Lead Agency
Site Plan Review for Telecommunications Facility

Bell Atlantic Mobile Systems of Allentown, Inc. d/b/a Verizon Wireless has submitted an application to construct and operate a microcell wireless telecommunications facility on a 30-foot wooden pole located adjacent to 9 Harrison Street and 340 Main Street in the Village of Johnson City. The pole will be installed within a 3-foot by 6-foot licensed space and in addition to the single cell panel antenna mounted at the top of the pole, a GPS antenna and a Remote Radio Head (RRH), shall be mounted on the pole with associated cables. An equipment cabinet shall be mounted at a point on the pole such that the bottom of the cabinet shall be at 10-feet above ground level. An electric meter, fiber box, electric panel, generator plug, and a GFI receptacle will be placed below the equipment cabinet. C & S Companies completed the structural analysis report for the pole and mounting equipment, and conclude that they are designed to support the equipment at as much as a 90 mph wind with no ice, and at 40 mph winds with 1” of ice. This meets the regulations of the TIA/EIA 222-G “Structural standards for steel antenna towers and antenna



supporting structures.” This telecommunications facility is not intended for co-location. An April 11, 2017, radio frequency emissions report by Millennium Engineering found that the proposed telecommunications facility will comply with all applicable exposure limits and guidelines adopted by the FCC governing human exposure to radiofrequency electromagnetic fields. A radio frequency emissions report indicated that the total emissions shall be less than 1% of that permitted by the Federal Communications Commission. This includes the base of the proposed structure and any areas in proximity to the proposed structure.

Daniel Brennan with Nixon Peabody, LLP and Tim Richmond with Pyramid Network Systems were present on behalf of the application.

Chairman Putman explained that the Planning Board needs to rescind its Lead Agency and consent to the Zoning Board of Appeals serving as Lead Agency and stated that the Village Board has approved the agreement with Verizon for this project.

Rescind Lead Agency

A motion to rescind Lead Agency from the Planning Board and consent to the Zoning Board serving as Lead Agency and adopting and ratifying their findings for the 9 Harrison Street/340 Main Street Verizon project was made by Mr. Holbert and seconded by Mr. Slota.

Motion Carried - Vote:

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

Site Plan Review

Attorney Jacobs explained that the Zoning Board adopted the same contingencies and recommendations that are before the Planning Board tonight.

Chairman Putman asked if the location is staked yet. Mr. Richmond stated not to their knowledge. Chairman Putman asked how far this will be from the existing utility pole. Mr. Richmond stated 7 feet 5 inches.

Mrs. Drimak asked how long it will take to put the pole up. Mr. Richmond stated approximately 2 weeks.

Chairman Putman read the department head comments.

Department Head and 239-Comments:

Environmental Review: The Village of Johnson City Zoning Board of Appeals declared Lead Agency on June 12, 2017; the project was determined to be a Type I Action as it is near an historic district, and a Negative Declaration was signed, contingent on the review by the NYS Historic Preservation Office. The Zoning Board of Appeals also approved the Special Permit for a microcell telecommunications facility, contingent on the review by the NYS Historic Preservation Office. The Village Board of Trustees approved the license agreement with Verizon Wireless on June 20, 2017. A Stormwater Pollution Prevention Plan was not required because the 0.0004-acres of area to be disturbed is over existing sidewalk and/or pavement.

B.C. Planning, EMS & IT: No concerns

Code Enforcement: ZBA has approved the Special Permit contingent on State Historic Preservation Office (SHPO) requirements.



Police: No compelling interest.
Fire: No compelling interest.
Public Works & Water: No comments.
Planning Department: Recommends approval of the Site Plan with the following stipulations:

- A. Aesthetics (§ 256.4.D)
 - 1. The proposed tower shall be a wooden pole similar to the existing utility poles in the vicinity.
 - 2. The proposed pole shall not be illuminated.
 - 3. The pole shall not contain any signs or advertising devices, other than any required appropriate signage indicating ownership of the facility and phone numbers to call in case of emergency.

- B. Radio Frequency; inspections (§ 256.4.E.)
 - 1. The Village of Johnson City Planning Board shall impose a condition on the applicant that the communications antenna will be operated only at Federal Communication Commission (FCC) designated frequencies and power levels and/or Environmental Protection Agency (EPA) technical exposure limits and may periodically require that the applicant provide competent documentation to support that maximum allowable frequencies, power levels and exposure limits for radiation will not be exceeded.
 - 2. Should there be any change to the antenna facility, the telecommunications facility shall be inspected, at the applicant's expense, for radio emissions, and a copy of the report shall be promptly delivered to the Building Inspector as a part of the application. A licensed professional engineer specializing in electrical engineering with expertise in radio communications facilities shall perform radio emission inspections. The radio emission inspection shall describe the power density levels of the electromagnetic energy generated from the facility, including the cumulative effects of collocated antennas should that ever be the case. In the event that the radio emission inspection indicates that the electromagnetic energy generated from the facility is above the allowable limits stated with applicable FCC or ANSI standards or other applicable federal or state guidelines in effect at the time of inspection, the applicant shall cease all use of the facility until such time as it proves, to the satisfaction of the Building Inspector or pertinent Village consultant, that the power density levels of the electromagnetic energy to be generated at the facility are below the applicable standards.

- C. Structural safety and verification. (§ 256-4.H.)
 - 1. Unless otherwise preempted by federal or state law, should there be any change to the antenna facility, the telecommunications facility shall be inspected, at the applicant's expense, for structural integrity. A copy of the report shall be promptly delivered to the Building Inspector. A licensed professional engineer specializing in structural engineering shall perform the structural inspection. The structural inspection report shall describe the structural integrity of the facility, maintenance issues and repairs needed or made, if any. In the event that the structural inspection indicates structural deficiencies, then the deficiencies must be remedied within the



time reasonably set by the Building Inspector. Upon the applicant's failure to do so, the permit may be revoked.

- D. Removal of tower and demolition bonding. (§ 256-4.G.)
1. The applicant shall agree to remove the telecommunications facility and antenna if the telecommunications facility becomes obsolete or ceases to be used for its intended purpose for 12 consecutive months. The Village of Johnson City Planning Board shall require the applicant to provide an appropriate and adequate demolition bond for the purpose of removing the telecommunications facility and restoration of the land in case the applicant fails to do so as required above.
 2. The sufficiency of the demolition bond shall be confirmed at least every five years by analysis and report of the cost of removal and property restoration, which is to be performed by a licensed professional engineer, the responsibility and cost of same to be borne by the applicant. If the said analysis and report determines that the amount of the bond in force is insufficient to cover the removal, disposal and restoration costs, the bond shall be increased to the amount necessary to cover such costs within 10 days of the applicant's receipt of such report.
- E. The height of the telecommunications facility cannot be increased without prior approval for a special permit and site plan from the Village of Johnson City Zoning and Planning Boards. Per § 256-4. A. Tower special use permits are not assignable and nontransferable, except upon approval by resolution of the Village of Johnson City Zoning Board.
- F. Per § 256-2.B.4, for all relocated or replacement telecommunications facilities, a tower special use permit shall be required.
- G. Per § 256-4.I. Maintenance of telecommunications facility. All telecommunications facilities shall be maintained in good order and repair. The Village may require that reasonable records of such maintenance be kept and available for Village review upon request.
- H. Per § 256-5.A. Towers and antenna(s) may be repaired and maintained without restriction.
- I. Per § 256-6.B. In the event that there is a change in technology that alters the use of the telecommunications facilities cited pursuant to this chapter, the Village reserves the right to require a new application to be submitted, which complies with the above requisites, from all owners of such telecommunications facilities.
- J. Approval of the site plan shall be contingent on the review by the NY State Historic Preservation Office and any requirements imposed by same.
- K. 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 construct the project in strict accordance with the site plan approved by the Planning Board. Should the applicant change the site plan once it has been approved by the Planning Board, even if by petition to the Zoning Board of Appeals, the site plan approval will become null and void and the applicant must resubmit a new site plan to the Village of Johnson City Planning Board.

A motion to approve the site plan for a telecommunications facility including the department head comments and stipulations was made by Mrs. Drimak and seconded by Mr. Holbert.

Motion Carried - Vote:

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



Penn Granite, 733 Azon Road

SEQRA, Public Hearing - Special Use Permit for outdoor sales and display in an Industrial Zoning District, Site Plan Review

Penn Granite is a countertop business based in Wilkes-Barre, and has opened a sales office at 733 Azon Road. The owner, Cevat Guncikan, submitted an application to display the granite, marble and quartz slabs outdoors. Outdoor Sales and Display is permitted in the Industrial zoning district by Special Permit at an area equal to 10% of the building's footprint. The property is 0.33-acres (14,374.8 square-feet) and the Zoning Board of Appeals granted a variance for an outdoor display area of 76.8% of the building footprint on June 12, 2017. Mr. Guncikan requested the Special Permit for outdoor sales and display due to the size of the slabs and the ability to show more samples of the product than that which could be contained in the building. The slabs are displayed over existing pavement. A forklift maneuvers between the slabs when relocation is necessary.

Mr. Brian Doak, design engineer, was present on behalf of the applicant.

SEQRA

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. Holbert and seconded by Mr. Slota 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 (Drimak, Holbert, Slota, Putman) No – 0 Absent – 0 Vacant Seat – 1

Public Hearing - Special Use Permit for outdoor sales and display in an Industrial Zoning District

Chairman Putman opened the public hearing.

Mr. Doak stated that he believes that the project would be a benefit to the community as a tax generator.

Chairman Putman closed the public hearing.

Chairman Putman read the department head comments.

Department Head Comments and 239 Review:

Environmental Review: The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA), and the Planning Department recommends a Negative Declaration. A SWPPP was not required as there is no ground disturbance planned.

B. C. Planning: No significant countywide or intercommunity impacts.

NYS DOT: Nothing may be placed in the State Right-of-Way, including materials for signage or display.



Code Enforcement: If making interior changes, 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 handicapped-accessible parking space and access aisle, as indicated on the site plan.

Police: No compelling interest.

Fire: No compelling interest.

Public Works & Water: Since this is a commercial building, a backflow device is required. The water meter is < 2", therefore the applicant shall only have to fill out the pre-approved application which can be obtained at the Water Department (607-797-2523).

Planning Department: Recommends approval of the Special Permit for Outdoor Sales and Display with the following conditions:

- 1) Outdoor display shall not be allowed in the front yard forward of the building, and shall be limited to the area approved by the Zoning Board of Appeals.
- 2) Outdoor storage shall not be permitted without a Special Permit specifically for outdoor storage.
- 3) The Special Permit shall expire should the property or business be sold 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 three months for any reason.

Mr. Slota asked if this is only a sales office. Attorney Jacobs explained that there will be no manufacturing at this site but there may be in the future at a neighboring property.

A motion to approve a Special Use Permit for outdoor sales and display in an Industrial Zoning District was made by Mr. Holbert and seconded by Mr. Slota.

Motion Carried - Vote:

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

Site Plan Review

Chairman Putman read the Planning Department comments for the site plan review. All other comments were the same as the ones for the special use permit.

Planning Department: Recommends approval of the site plan for 733 Azon Road, with the requirements from NYS DOT, Code Enforcement and the Public Works and Water Department, with the following stipulations:

- 1) The parking lot shall be striped and posted per Code comments by July 31, 2017. 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.
- 2) The applicant shall apply for a Certificate of Compliance from the Municipal Fire Code Inspector by July 14, 2017. Call Jillian Stout at (607) 786-2923 to make the arrangements.



- 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 for all new 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.
- 5) The applicant shall be required to acknowledge all of the above conditions, in writing, no later than July 7, 2017. The applicant shall agree to follow stipulations of approval in strict accordance with the site plan approved by the Planning Board.

No Planning Board members asked any further questions about the site plan.

A motion to approve the site plan for 733 Azon Road including the department head comments and recommendations was made by Mrs. Drimak and seconded by Mr. Holbert.

Motion Carried - Vote:

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

Purdy Tattoo, 286 Main Street

Declare Lead Agency & declare Type 1 action, SEQRA Review (full EAF), Site Plan Review

Richard Purdy submitted an application to open a tattoo and piercing studio in a commercial space on the first floor of a mixed-use building located at 286 Main Street. The site is in a Central Business zoning district and personal services is a permitted use. Minimal interior modifications are required and no exterior construction is planned. The property is 0.04 acres, and the commercial space is approximately 280 square-feet. Mr. Purdy is the only employee, and has one service station. Although parking is required at a rate of 1.5 spaces per service station, parking in a Central Business district may be waived as there is a public parking lot directly across the street, parking on the street, and the location has municipal bus service. Trash will be handled by municipal garbage service. Needles associated with the tattoo and piercing business are stored on site in bio-hazard containers and ultimately disposed of at the Southern Tier AIDS Program (STAP) office across the street, and at Wilson and Lourdes hospitals. Hours of operation have been proposed as 11:00 am to 9:00 pm.

The applicant, Mr. Richard Purdy, was present.

Lead Agency

A motion to declare the Planning Board Lead Agency for Purdy Tattoo at 286 Main Street was made by Mr. Holbert and seconded by Mr. Slota.

Motion Carried - Vote:

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



SEQRA

Chairman Putman explained that 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. Holbert and seconded by Chairman Putman declaring a Type 1 Action and further 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 (*Drimak, Holbert, Slota, Putman*) **No** – 0 **Absent** – 0 **Vacant Seat** – 1

Site Plan Review

Mr. Purdy explained that he has been doing tattoos for 12 years. He keeps a clean environment. This is his first location as he used to work for someone else. His hours will be 11am – 9pm on Mondays – Sundays.

Chairman Putman asked how many clients he has. Mr. Purdy stated approximately 30/week.

Chairman Putman asked if there is an agreement with the hospitals or Southern Tier Aids for needle disposal. Mr. Purdy explained that Wilson Hospital has a drop off on Fridays from 11am – 2pm. Chairman Putman stated that you cannot clean needles. Mr. Purdy stated no you cannot.

Mr. Slota asked about state mandates. Mr. Purdy stated that he has not heard of any. He knows he cannot tattoo anyone under 18 or pierce anyone under 14 without parental consent. There is no specific health department license that you need. He does have an autoclave for sterilizing his equipment.

Mrs. Drimak asked what type of piercings he does. Mr. Purdy stated that he will not pierce anything below the waist. Typically it is ears, noses, lips, belly buttons, etc.

Attorney Jacobs read the department head comments.

Department Head Comments and 239-Review:

Environmental Review: The applicant's proposal is a Type 1 Action under the New York State Environmental Quality Review Act (SEQRA) because it is in an historic district, and the Planning Department staff recommend a Negative Declaration. A stormwater plan was not required as there will be no soil disturbance.

B. C. Planning: No significant countywide or intercommunity impacts.

NYS DOT: Nothing may be placed in the State Right-of-Way, including materials for signage or display.

BMTS and BCHD: No comments or concerns.

Code Enforcement: The applicant shall: Submit proof that a backflow prevention device has been installed by July 14, 2017. Use plumbing and electrical contractors licensed by the Village of Johnson City, and apply for



appropriate building permits. Apply for a sign permit. Must provide picture of sign, measurements of sign, location on building, measurements of window if located in window.

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: Recommends approval of the site plan for 286 Main Street, with the requirements and recommendations from NYS DOT, Code Enforcement, Public Works and Water, the Fire Department, and with the following stipulations:

- 1) The applicant shall apply for a Certificate of Compliance from the Municipal Fire Code Inspector by July 14, 2017. Call Jillian Stout at (607) 786-2923 to make the arrangements.
- 2) 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.
- 3) 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.
- 4) Hours of operation shall be limited to 8:00 am through 9:00 pm.
- 5) It is required that garbage be placed in cans with tight fitting lids. Garbage cans shall weigh no more than 50 pounds, be no larger than 35 gallons, and shall not have hinged lids. Contact the Public Works Department at (607) 797-3031 to schedule an on-site meeting to discuss garbage can placement locations.
- 6) Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan.
- 7) 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.

A motion to approve the site plan for 286 Main Street including the department head comments and recommendations was made by Mr. Slota and seconded by Mr. Holbert.

Motion Carried - Vote:

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



USA Deli & Smoke Shop, 290 Grand Avenue
Advisory Opinion – Use Variance

Mr. Harvinder Singh applied to use a 400 square-foot existing commercial building for a retail business at 290 Grand Avenue. The 40-foot by 40-foot (0.04-acre) property was rezoned to Urban Multi-Family in 2011 as part of a Town-wide rezoning, and because the building has been vacant for some time, the commercial use is no longer permitted as a legal non-conforming use. Therefore, Mr. Singh has applied for a use variance to allow a retail use for a deli in an Urban Multi-Family zoning district.

Attorney Dorollo Nixon, Jr. with the law firm of Lachman and Gorton and the applicant, Mr. Harvinder Singh, were present.

Attorney Nixon explained that the property is uniquely shaped and that creates unique problems requiring a unique solution. He presented several letters of support from the surrounding neighbors. The owners have 4 gas stations, 2 in Binghamton and 2 in the Town of Union; one of these is in Endicott, which all have delis and are familiar with the concerns that are being raised. They believe this business will help the community rather than harm it. The building cannot be easily converted to a residence. The building will have security cameras.

Chairman Putman read the department head comments and recommendations.

Department Head Comments

Code Enforcement:

The applicant bought the property without verifying permitted uses, so it is a self-imposed hardship.

Police:

The Village has experienced a large increase in the number of small “deli/convenience stores” in the past couple of years. Unfortunately, these stores tend to attract a fair amount of negative attention and are the site of an inordinate amount of disturbance type calls. The One Stop Shop on Main Street has become a hangout for troubled youths who inevitably engage in loud or tumultuous behavior and cause issues blocking sidewalks. It was also raided by the State and shut down for a brief period. The Wilson Deli had an attempted burglary just this week. The Harash Mart on Main has been the site of numerous fights and acts of violence, some involving weapons. Narcotic detectives just conducted a drug raid last week in the apartment above the Harry L. Deli, and the Floral Ave Market and King Deli have both had multiple disturbances, reported robberies, and sex offenses. As bad as they may be, all of these delis are located in areas that are predominantly surrounded by other businesses and have fewer residences nearby. Given that this particular building is closely surrounded by a high number of single-family homes, I can foresee a deli at this location generating a significant number of disturbance complaints. In addition, there is no standing/ no parking on that side of the street and the increased competition with neighboring residents for already limited parking will likely create problems. Due to the above listed factors, it would be the recommendation of the police department that the application be denied.



Fire: The property does not have off street parking and in that case I do not support a use variance. When a deli business does not have proper parking, the patrons will pull over any place they like and cause a problem for our emergency equipment to pass through.

Public Works & Water: If approved, it would need a back flow device on the water service and possibly a grease trap. I do not support a deli in a residential use. There is a lack of parking and this portion of Grand Avenue is classified as a “Major Collector,” which indicates that it has a higher volume of traffic. Without the proper off street parking, the street could become more congested with vehicle traffic. Also, this side of Grand Avenue is posted “No Standing Anytime – 10-AM to 6PM”.

Planning Department: Recommends the Planning Board recommend to the ZBA denial of the use variance. There is not sufficient space for parking, and the proposed use tends to generate high rates of short term, in-and-out parking, which can become haphazard and hazardous.

“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.”

Chairman Putman asked what the hours of operation would be. Attorney Nixon stated that those have not been set yet.

Attorney Jacobs asked Attorney Nixon for his client’s thoughts on the lack of parking issue. Attorney Nixon stated that because there is no storage area there is not much they can sell. They are not expecting auto traffic.

Chairman Putman asked what types of items will be sold. Attorney Nixon stated it would be a deli with subs and cigarettes. They already have a tobacco license.

A motion to recommend approval of the use variance based on the applicant’s business experience was made by Mr. Holbert and seconded by Mrs. Drimak.

Motion Failed - Vote:

Yes – 2 (Drimak, Holbert) No – 2 (Slota, Putman) Absent – 0 Vacant Seat – 1



OTHER BUSINESS

Chairman Putman stated that there have been many changes in the Village with the pharmacy school and people buying properties and various businesses proposing to go in various locations. That brings with it challenges for us with respect to planning. There was a comprehensive plan done many years ago and things have changed. He stated that he believes it is appropriate for the Village to review that plan to see if the uses defined in there are appropriate in light of vision of this Village going forward. He is concerned with some of the decisions that are made based upon what the Village wants to look like when it grows up.

A motion requesting that the Village review the comprehensive plan to make sure that the current uses defined in that plan are consistent with the vision of this Village for the future and make the necessary changes in the plan to make those uses consistent with the vision of this Village for the future was made by Chairman Putman and seconded by Mr. Holbert

Motion Carried - Vote:

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

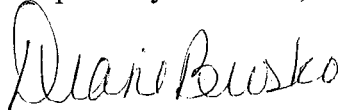
Mr. Slota suggested creating a new comprehensive plan. Attorney Jacobs and Senior Planner Lane explained that the Town of Union comprehensive plan was adopted in 2009 and took years to do. The new zoning code, based on the comprehensive plan, was adopted in 2011.

Attorney Jacobs explained that if you look at Village law the comprehensive plan is supposed to be a living document and is supposed to be reviewed periodically and explained the process.

ADJOURNMENT

The meeting was adjourned at 9:00pm.

Respectfully submitted,



Diane Busko
Planning Board Clerk

