

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
Nathan VanWhy, 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 June 27, 2017 and July 25, 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 - None

COMMUNICATIONS - None

CONTINGENCIES - None

OLD BUSINESS - None

NEW BUSINESS

22 North Broad Associates, LLC – 19 Avenue D/22 North Broad Street
Lead Agency, Type 1 Action, SEQRA & Site Plan Review

Tony Shenk, on behalf of Avenue D.I.Y., applied to open an art studio complex in a warehouse building located at 22 N. Broad Street. The property is in a Central Business district, and the art studio use is permitted by right. Avenue D.I.Y. plans to use approximately 3,500 +/- square feet of the 24,000 square-foot building for the community art studios. There is no parking on site that conforms with code, but parking is available in the municipal lot across the street, on the street, and bus service is available. The Planning Board may waive or alter parking requirements in a Central Business District, per Article 300-51.4 of the zoning ordinance.

Katie Kanazawich was present on behalf of the application.



Lead Agency

A motion to declare the Planning Board Lead Agency 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

SEQRA

Chairman Putman explained that the property is located in the historic district; 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 Mrs. Drimak 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

Ms. Kanazawich explained the project. There will be space to show art exhibits. It will be a hub for creative people. Hours will be 9am – 10pm. Chairman Putman asked if art will be created there as well. Ms. Kanazawich stated yes, they will have supplies available. Chairman Putman spoke of the lack of parking. Chairman Putman asked if there would be any alcohol. Ms. Kanazawich stated no unless it was requested for an event. She would rather keep it dry. Chairman Putman explained that a license would be required from NYS.

Chairman Putman read the department head comments.

Department Head Comments:

Environmental Review: 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 Planning staff recommended a Negative Declaration. No earth disturbance is planned, and so a stormwater plan is not required.

Code Enforcement: Any modifications shall require a building permit. The applicant shall use plumbing and electrical contractors licensed by the Village of Johnson City, who shall apply for appropriate permits. Plans for all interior improvements shall be submitted to the Building Official for review prior to the issuance of any building permit. The studios shall not open or be used until the proposed art studio space has been issued a Certificate of Compliance. A sign permit shall be required for any proposed signs.

Fire Department: Contact the Fire Marshal at 607-729-9512 to inspect the building prior to the issuance of a Certificate of Compliance.



- 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.
- BMTS:** Has no issues with traffic impact or site access. The site plan has been revised to address parking concerns.
- Planning Department:** The Planning Department recommends approval of the site plan for 22 N. Broad Street, with the requirements from Code Enforcement, Public Works and Water, Fire Department, with the following stipulations:
- 1) Storage of items outside of the building is not permitted.
 - 2) If any changes are proposed to any 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 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) The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a building permit or Certificate of Compliance, whichever shall come first. 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 including the department head comments and staff recommendations and stipulations for parking because the property is located in the Central Business 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

AOM 128 Grand Avenue, LLC - 128 Grand Avenue
Site Plan Review

Robert Warholic of Delta Engineers, on behalf of AOM 128 Grand Avenue LLC, applied for the construction of a three-story, 24-unit apartment building at 128 Grand Avenue. The proposed twenty-four units are comprised of twelve 3-bedroom units, six 2-bedroom units and six 1-bedroom units. The property is 0.68 acres and the proposed building has a 8,585 square-foot footprint. The



property is zoned Urban Multi-Family, and the apartment use is permitted by right. The project includes the demolition of an existing 13,244 square-foot, single story retail store, and granting of associated area variances. Based on the area of the proposed building and the number of apartments and bedrooms, the site is required to have 45 parking spaces. On August 14, 2017, the ZBA granted a variance of 5 spaces, lowering the required number of parking spaces to 40. Other variances were necessary to construct the project as designed. The ZBA granted the area variances to permit a front setback between 1.5' to 10', a side setback of 1.5', parking on the front street, Sherman Street, and allowing parking between 1.5' and 7' from the property lines. The building will have 1,800-square feet of recreation area, and a storage room in the basement. An elevator is provided, and there will be garbage facilities on each floor. There is an area for outdoor storage of garbage, which will be enclosed. An eight-foot high fence of black aluminum bars shall enclose the entire perimeter from the edges of the building. The sliding gate door will be badge-activated, and access cards or fobs will be provided for all Village police. A Knox box will be placed on the exterior of the building for fire protection access. Being three stories high, the building will have a sprinkler, fire-suppression system. The property is currently all impervious, and the site plan adds landscaped greenspace, so the decrease in impervious surface will result in a slightly decreased rate of stormwater runoff. Therefore, a Stormwater Pollution Prevention Plan (SWPPP) is not required, but erosion control measures shall be required during construction. The first component of the storm water system will be roof drains into internal down spouts through common chases within the building, then leading directly into the Village's storm lines. The second component will be catch basins in the parking lot collecting storm water and connecting directly into the Village's storm water system. The development team will coordinate with the Director of Public Services, based on water load, as to where to tie into the Village's system, either on Grand Avenue or Sherman Street. The project will not have significant environmental impacts and will improve the area by replacing a large vacant commercial structure with new, affordable residential units. The project was not subject to a 239-Review. The project is an Unlisted Action under SEQRA, and the Planning Board made a Negative Declaration on July 25, 2017.

Mr. Maxwell Bendert with Delta Engineers and Mr. Praveen Kamath were present.

Mr. Bendert reviewed the project. Since Sherman Street was redone they will try to not put too many curb cuts in. Chairman Putman asked about exterior lighting. Mr. Bendert explained that there will be minimal lighting to light up the parking lot. Mr. Bendert stated that they will provide landscaping. Chairman Putman asked about the project timeline. Mr. Bendert explained that they would demolish the existing building and begin construction in the first quarter of 2018 with completion in 2-3 years depending on weather. They will do design work over the winter.

Chairman Putman asked if this is market rate housing. Mr. Bendert stated no. They are gearing towards grad students and professors. Mr. Kamath explained that they can't say only students. They will rent by the bedroom. It is not subsidized housing. Senior Planner Lane explained that they need to be rented by the unit not by the bedroom. There can only be one lease for each unit.

Mrs. Drimak asked about the color of the exterior. Mr. Bendert explained that they don't know yet but it will be a muted color. Mrs. Drimak asked about the style of fence. Mr. Bendert explained it will be bars. Chairman Putman pointed out that the plans call for an 8ft. fence but the code allows for a 6ft. fence without a variance. Mr. Bendert stated that they will conform to the code for fence height.



Senior Planner Lane asked about the height of the light poles. Mr. Bendert explained that there are new lights and poles that can direct the light better on the property.

Chairman Putman asked about refuse collection. Mr. Bendert stated that they will probably use a private hauler.

Mr. Slota asked about site management and security. Mr. Kamath explained that there will not be a person on site 24/7. There will be a local property manager.

Senior Planner Lane asked about the operation of the fence if the power goes out. Mr. Bendert explained that there will be a switch on the inside of the gate to manually open it.

Chairman Putman read the department head comments.

DEPARTMENT HEAD COMMENTS:

Code Enforcement: Plans, building permits, and Johnson City-licensed contractors will be required for plumbing and electrical work. Gate shall unlock should the fire alarm go off, or gate shall be “exit only” unlocked. Building shall be sprinklered.

Fire Dept: We will require a Knox Box on the outside of the gate. Contact the Fire Marshal at 607-729-9512 to inspect the building prior to the issuance of a Certificate of Occupancy.

Police Dept: If this is going to be a gated property, the PD would need to be issued 22 access cards, one for each police vehicle, so that we can respond and access the property. Otherwise, our response would be delayed until we can make contact with a key-holder to let us in.

Public Works & Water:

- 1) During final design, a detailed utility plan shall be submitted to and approved by the Village of Johnson City, prior to the issuance of any building permit.
- 2) 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. Related to the sprinkler system:
 - 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.



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

1. Each apartment unit will have one lease in order to conform to the definition of a functional family equivalent.
2. 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.
3. Per 166.8B, 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 and shall be provided to Code Enforcement and the Department of Public Works. Any changes shall be submitted within two business days of such change.
4. 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.
5. A revised site plan shall be submitted to the Planning Department prior to the issuance of a building permit, including requirements from the Department of Public Works.
6. The recreation areas indicated on the site plan shall be maintained as recreational area.
7. Outdoor construction activity shall be limited to the hours of 7am to 8pm, Monday through Saturday, to minimize the impact to the area residents.
8. A Knox box shall be provided for the buildings. Coordinate with the Fire Marshal.
9. All proposed signage shall be submitted to the Code Enforcement Officer for review and approval prior to installation.
10. If any new outdoor lighting is proposed in the future, the developer-owner shall first submit a lighting plan to the Code Enforcement Officer for review and approval.
11. The parking lot shall be paved and striped prior to the issuance of a Certificate of Occupancy. The parking lot striping shall be maintained annually. All new striping of any parking lot shall conform to the Building Code of New York State as amended and include the new accessibility symbol.
12. The required handicapped-accessible parking shall conform to the Building Code of New York State as amended, 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.
13. 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.
14. 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.
 15. The dumpster enclosure shall be maintained at all times. Per Code 300-54.6, dumpsters shall be screened from view with either a wall, a solid fence or a combination of fencing and evergreens creating a solid visual barrier to a height of at least five feet above grade. Cut sheets for the dumpster enclosure shall be submitted to the Planning Department prior to installation.
 16. A landscaping plan shall be submitted to the Planning Board for approval prior to the issuance of a building permit. Landscaping shall be completed according to the landscaping plan prior to the issuance of a Certificate of Occupancy. Any revisions to this deadline shall be submitted to the Planning Board and may require a bond if delayed beyond the issuance of a Temporary Certificate of Occupancy.
 17. The landscaping plan shall be maintained at all times. Should plants die or weaken substantially, they shall be replaced. Should the property owner wish to change types of plantings, a new landscaping plan shall be submitted to the Planning Department for review and approval prior to the change of plants, and shall follow the spirit of Article 54, Landscaping, Screening and Buffering Regulations.
 18. If any approved site improvements are not complete prior to the request for a Certificate of Occupancy, the Building Official may issue a Temporary Certificate of Compliance, and the applicant shall provide a performance bond, or other form of guarantee approved by the Village Attorney for the cost of site improvements not completed. The bond shall be posted to the Village Board of Trustees prior to the issuance of the temporary or permanent Certificate of Occupancy. The bond shall cover a period of one (1) year.
 19. Site plan approval shall be valid for two years, unless substantial improvements have been made pursuant to the approved site plan and a valid building permit. The applicant may request an extension of site plan approval from the Planning Board.
 20. The development of the site shall conform to all details noted on the approved site plan. Any proposed minor changes shall first be submitted to the Planning and Code Enforcement Departments.
 21. The developer-owner shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Demolition Permit. The developer-owner agrees to construct the project in accordance with the site plan approved by the Planning Board. Should the developer-owner change the site plan approved by the Planning Board, even if by petition to the Village's Zoning Board of Appeals, the site plan approval will become null and void and the applicant must resubmit a new site plan to the Village of Johnson City Planning Board.

Mr. Bendert explained that for refuse collection they will have bins not a dumpster. Senior Planner Lane explained that the refuse collection area should have an enclosure around it.



Senior Planner Lane stated that on the southwest side the cars in the parking lot will be angled towards the adjoining residences and asked if there is room for planters to screen the headlights from shining into homes. Mr. Bendert stated that they will look at that.

A motion to approve the site plan for 128 Grand Avenue including the department head comments with a completion date of December 31, 2019 was made by Mr. Holbert and seconded by Mrs. Drimak.

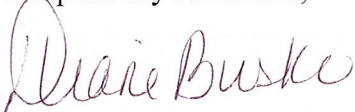
Motion Carried - Vote:

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

ADJOURNMENT

The meeting was adjourned at 8:27pm.

Respectfully submitted,



Diane Busko
Planning Board Clerk

