

Present: Gerald Putman, Chairman
Andrew Holbert, Vice Chairman
Greg Matyas
Mary Jacyna
Matthew Cunningham

Also Present: Nathan VanWhy, Attorney for the Village
Marina Lane, Town of Union Senior Planner
Kim Cunningham, Planning Board Clerk
Trustee Martin Meaney

Absent: None

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, and noted the emergency exits.

MINUTES

A motion to accept and place on file the minutes of the May 28, 2019 regular meeting was made by Mrs. Jacyna and seconded by Mr. Matyas. The motion carried with all those present voting in the affirmative.

PRIVILEGE OF THE FLOOR

Chairman Putman opened and closed the privilege of the floor, as no one spoke.

COMMUNICATIONS - None

CONTINGENCIES - None

OLD BUSINESS - None

NEW BUSINESS

HCA – Helping Celebrate Abilities: 14-18 Broad Street

Advisory Opinion to the ZBA – Setback Variances

Dan Whalen, Architect from IBI Group, Steve Sano, Director at HCA and Mary Claire Truman, also of HCA appeared on behalf of the application. The proposed addition is approximately 4,000 square feet; actually the footprint is 3,800 square feet. Mr. Whalen displayed and discussed the plans for the addition.



Mr. Whalen also discussed the following:

- 2017 HCA separated the roof storm from the sanitary to drain into drywell system
 - Plan to take roof storm drainage off of addition also
 - They will have more info on storm system at July Planning Board Meeting
- Drywells are currently in location of proposed addition
 - Relocating drywells to the parking lot.
- They will lose 2 parking spaces where handicapped entrance will be.
- The buildings will be physically attached. Breaking through exterior wall and a corridor will connect buildings.

Steve Sano confirmed there are still 3 handicapped spaces.

Chairman Putman read the Variance Request, 239 Review, Department Head Comments and Planning Staff Recommendations.

Variance Request:

Dan Whelan submitted an application on behalf of Helping Celebrate Abilities (HCA) for a 3,726 square-foot addition to an existing building with educational, clinical and accessory office uses at 14-18 Broad Street. The project is in a Neighborhood Commercial zoning district and the uses are permitted. Because the addition is less than 4,000 square-feet, the NYS DEC has determined that the project is a Type II action, and no further review under SEQRA is required.

The proposed addition would increase the building footprint to 12,000 square-feet, and a maximum of 8,000 is permitted. In addition, the addition is within the fifteen-foot side setback and twenty-foot front setback required in a Neighborhood Commercial zoning district.

The applicant is seeking the following area variances:

- A. Side setback variance of 3-feet to have a twelve-foot side setback,
- B. Front setback variance of 5-feet to have a 15-foot front setback, and
- C. Maximum building footprint variance of 4,000 square-feet to have a footprint of 12,000 square-feet.

239-Review and Department Head Comments are pending:

- **Broome County Planning:** Pending
- **Public Works & Water:** This proposed addition appears to be located in the same area that a storm water retention/infiltration system was installed in August 2017 that disconnected the buildings' roof drainage from the sanitary sewer system. How will this be addressed? Also, since the proposed addition impacts the existing parking lot would they be required to restripe the remaining lot to meet current ADA spacing?
- **Code Enforcement:** Pending.
- **Police:** Pending.
- **Fire Department:** Pending.



Planning Staff Recommendations

The Planning Department staff recommends approval of the variances, contingent on the submittal of a new drainage plan. Approval of such drainage plan will be required prior to final site plan review, which is contingent on the variances being granted by the ZBA.

The buildings to the immediate north of the proposed addition are between 10 to 11-feet from the property line, so the addition would not be out of character at 15-feet from the front property line. The house which was previously on this property was approximately 7 to 8-feet from the front property line.

Also, that house was approximately 6.5-feet from the property line to the north, which is less than the proposed 12-foot side setback.

Finally, at the proposed 12,000 square-foot footprint, the total building would cover only 27.5% of the 1-acre property. In Neighborhood Commercial zoning districts, maximum building coverage is restricted to 50% of a lot.

Discussion between the Board, Attorney VanWhy and Ms. Lane regarding properties' setbacks and footprints.

A motion to recommend to the Zoning Board approval of the area variances, side setback variance of 3-feet to have a twelve-foot side setback, front setback variance of 5-feet to have a 15-foot front setback, and maximum building footprint variance of 4,000 square feet to have a footprint of 12,000 square feet including the new drainage plan, Department Head Comments and Planning Staff Recommendations for 14-18 Broad Street was made by Mr. Matyas and seconded by Mr. Holbert.

Motion Carried - Vote:

Yes – 5 (Matyas, Jacyna, Holbert, Cunningham, Putman) No – 0 Absent – 0

Hannah Enterprises: 71 Baldwin Street

Request for extension of deadlines

Chris Kradjian appeared on behalf of Hannah Enterprises. Mr. Kradjian states the following:

- They have done everything the Village has asked of them
 - Removed blight
 - Took out major eyesore
- They have made an investment in the local infrastructure and utilities.
- Spent a lot of money in taxes
- They believe in this project
- Purchased the plot before BU purchased the buildings for the Pharmacy and Nursing schools
- They have an interested party. If they sign a lease, it would allow them to do the entire project.

Mr. Kradjian confirmed the project has not changed at all.

Diran Kradjian discussed the one-way street and the support of the police. The angled parking works well. They invested tens of thousands of dollars for the infrastructure. He feels they are being treated unfairly. The interested party that came to them for a shovel ready project in Vestal, but the Kradjians



feel this project is shovel ready and the only piece of property in Broome County that fits what they have requested. This property would best be served by companies serving UHS or the campus.

Mr. Matyas and Mrs. Jacyna discussed the applicability of the former SEQRA Review, and the fact that the area has changed since the original application in 2013.

Chris Kradjian confirmed there is a grading plan and he will forward it to the Village.

Ms. Lane stated the project is almost shovel ready. Unsure if SEQRA and environmental review still apply since the area has changed. Chairman Putman stated there certainly needs to be changes to the site plan, hydrants, water valves and sewer cleanouts.

The Kradjians confirmed they are aware revisions need to be done, but it is still an approved project.

SITE PLAN REVIEW

On December 18, 2013, the Village of Johnson City Planning Board approved the Negative Declaration under SEQRA for a proposed medical office at 71 & 75 Baldwin Street, 72 & 76 Arch Street, and a portion of 55 Baldwin Street. On January 28, 2014, the Village of Johnson City Planning Board approved the site plan for the medical office building with stipulations. Properties owned by the developers have since been combined as required.

Per the developers' request, on July 26, 2016, the Village of Johnson City Planning Board approved the extension of site plan approval through May 31, 2017, for a proposed medical office at 71 Baldwin Street with the condition that all structures on 71 Baldwin Street be demolished by December 30, 2016. The structures were demolished. On May 23, 2017, the Planning Board extended the deadline for the completion of the site plan and landscaping through May 31, 2018. In May 2018, the developers requested an extension once more, and the Planning Board approved the extension "through May 31, 2019, by which time construction shall have commenced."

II. DEPARTMENT HEAD COMMENTS:

Code Enforcement: Recommends denial. Recent development has changed traffic needs. Corliss should no longer be a one-way street.

Fire Dept.: No compelling interest.

Police Dept.: I have no compelling interest. I will say that the one-way street and angled parking seem to be working well. The one-way reduces the four-way stop at Arch Street to a three-way which makes it quicker and easier to navigate. The angled parking also eliminates the need for people to parallel park. I would not be in favor of changing that unless a significant change in traffic supports it.

Public Works & Water Dept.: The extension should not be approved. Not only have the BU projects changed the area but on-going and future planned UHS projects have and will change the area. It is my recommendation that the Planning Board request another traffic study and if a one-way street is not recommended, the developer should be responsible for returning Corliss to a two way street, i.e. metered spaces, signage and striping.



Planning Staff Recommendation: The Planning Department recommends denial of the extension of site plan approval for a proposed medical office at 71 Baldwin Street, 72 Arch Street, and a portion of 55 Baldwin Street. If a client is interested in a new medical building at the location, the site plan is already prepared and it would require minimal effort to re-review for compliance.

Should the Planning Board vote in favor of the extension, Planning staff recommend the following stipulations:

- 1) Site plan approval shall be extended through May 31, 2020.
- 2) Public Works & Water Dept.: The Director of Public Services shall review and approve drainage calculations prior to the issuance of any building permit.
- 3) Code Enforcement: All construction shall conform to the NYS Building Code in effect at the time of construction.
- 4) A shared parking agreement shall be reviewed by the Village Attorney. Once approved, the parking agreement shall be filed with the deeds of 55 and 71 Baldwin Street, and 72 Arch Street, in the event that the properties are sold in the future. A copy of the Broome County Clerk's receipt shall be submitted to the Village of Johnson City prior to the issuance of a Certificate of Occupancy.
- 5) The parking lot shall be striped prior to the issuance of a Certificate of Occupancy.
- 6) Approved landscaping shall be installed by May 31, 2020.
- 7) If any approved site improvements are not complete prior to the request for a Certificate of Compliance, the Building Official may issue a Temporary Certificate with terms and conditions deemed appropriate, and for a period no longer than six months.
- 8) Any new outdoor lighting fixtures shall be submitted to the Planning and Code Enforcement Offices for review and approval prior to their installation.
- 9) A sign permit shall be submitted to the Building Permits office for all 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.
- 10) Once the applicant signs and returns the letter of decision, and upon approval of the drainage calculations, the applicant may apply for a building permit.

If the approval is extended, the applicant shall be required to acknowledge all of the above conditions, in writing by June 28, 2019. The applicant shall agree to follow stipulations of approval in strict accordance with the site plan approved by the Planning Board

Chairman Putman confirmed that there are some changes that are going to be required to the site plan and asked Mr. Kradjian if he acknowledges that. Chris Kradjian confirmed he expected changes.

Attorney VanWhy stated the SEQRA regulations have changed somewhat and feels the Board should have a chance to review the project again in light of the extensive changes in the area in the past five years.

Discussion between the Board, Attorney VanWhy and Ms. Lane regarding SEQRA, site plan and time period of extension.

Chris Kradjian confirmed they do not have a time table for the decision from the interested party.



A motion to table the extension until the July 23, 2019 Planning Board Meeting was made by Mrs. Jacyna and seconded by Mr. Matyas.

Motion Carried - Vote:

Yes – 5 (Matyas, Jacyna, Holbert, Cunningham, Putman) No – 0 Absent – 0

Chairman Putman advised Mr. Kradjian that in that time period, Hannah Enterprises needs to provide the Planning Board with a Letter of Intent and drawings from Keystone, including Grading Plan.

UHS – 55 Baldwin Street

Presentation

Karen McElwee, Director of Construction and Safety for UHS, appeared on behalf of UHS. They submitted an application to convert the Picciano Building site into a parking lot with 172 spaces. The remaining part is the Gateway Building which will be utilitarian in nature. The parking lot will have an underground storm water retention system and the landscaped island that is the natural low spot of parcel will have catch basins.

The site will be levelled to match Arch Street. There will be a small retaining wall at the garage proper and gateway to stabilize the foundation of the garage.

Ms. McElwee will return to the Planning Board for Site Plan Review.

ADJOURNMENT

A motion to adjourn the Planning Board Meeting was made by Mr. Matyas and seconded by Mrs. Jacyna. The motion passed with all those present voting in the affirmative.

The meeting was adjourned at 8:09pm.

Respectfully submitted,

Kim Cunningham
Planning Board Clerk

