

Minutes of a regular meeting of the
Johnson City Planning Board held
on July 23, 2019 at 7:30pm at
243 Main St., Johnson City, NY

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
Trustee John Walker
Zoning Board Member Don Slota

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 June 19, 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 the privilege of the floor

Jerry Hawley questioned what building was discussed during the work session. Chairman Putman responded it was the Old Stag Hotel across from UHS and Brozzetti's.

Chairman Putman closed the privilege of the floor.

COMMUNICATIONS - None

CONTINGENCIES – None

NEW BUSINESS

Schmidt Baking Company: 100 Oakdale Road

Classify project as Type II Action, Site Plan Review for warehouse use
Reuse of Commercial Building



Schmidt Baking Company submitted an application to rent warehouse space at 100 Oakdale Road for a bread and baked goods distribution center. David Wright was present to represent the company. The company makes bread for Old Time, Schmidt, Weis and Walmart. The tractor trailers with new baked goods come mainly from Baltimore, Maryland, during the afternoon. One person will be there to unload the trailer. Mr. Wright confirmed there will be six to eight drivers loading their trucks at the docks to depart and distribute the product to the local routes between 1:00 a.m. and 6:00 a.m. The baking company will have no offices there.

Attorney VanWhy confirmed this is a Type II Action and SEQRA is not needed.

Chairman Putman read the Environmental and 239-Review, Department Head Comments and Planning Staff Recommendations.

Environmental and 239-Review:

The project was subject to a 239-Review as it is within 500 feet of New York State Route 17 and the Town of Union. The applicant's proposal, the reuse of a commercial structure, is considered a Type II Action under the New York State Environmental Quality Review Act (SEQRA), and no further environmental review is required. A SWPPP was not required as no earth shall be disturbed and there is no increase in impervious surface. The following comments are from the internal and 239-Review:

- **B. C. Planning:** found no significant county-wide or inter-community impacts associated with the project. The department did recommend the Planning Board should remind the applicant of the hazards of development in the floodplain.
- **BMTS:** No comments.
- **BCHD:** No comments.
- **NYS DOT** No comments.
- **Code Enforcement:**
 - The applicant shall use electricians and plumbers licensed by the Village when needed, and apply for appropriate building permits as needed; and
 - A “Trucks No Left Turn” sign shall be posted at the parking lot exit prior to the issuance of any Certificate of Compliance.
- **Fire Department:** The sprinkler system has to be in working order and current with inspections. The Fire Marshal shall inspect the building prior to the issuance of a Certificate of Compliance. Contact the Fire Marshal at 607-729-9512.
- **Police Department:** No compelling interest.
- **Public Works & Water:**
 - The existing backflow prevention device shall be tested and the report submitted to the Water Department prior to the issuance of a Certificate of Compliance. The backflow prevention device shall be test annually thereafter and a report submitted to the Water Department (607-797-2523).

Planning Staff Recommendations:

The Planning Department recommends approval of the site plan for a distribution warehouse for baked goods at 100 Oakdale Road, with the requirements from Code Enforcement, Public Works and Water, and the Fire Department with the following stipulations:



- 1) Trucks are not permitted to make left-hand turns out of the property.
- 2) The proposed warehouse use shall not begin until a Certificate of Compliance has been issued by a Building Permits Officer.
- 3) 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.
- 4) All proposed signage shall be submitted to the Building Permits office for review prior to installation.
- 5) 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. Site plan approval shall be valid for one year.

Chairman Putman questioned whether they needed a dumpster on site. Mr. Wright confirmed there is one there now and it will be in the same area.

Chairman Putman asked what they do with the returns. Mr. Wright stated they will be sent back to the bakery.

They expect to be in there as soon as they can.

A motion to classify as a Type II Action, approve the Site Plan with the Department Head Comments and Planning Staff Recommendations, with no further environmental review was made by Mr. Matyas and seconded by Mr. Holbert.

Motion Carried - Vote:

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

HCA – Helping Celebrate Abilities: 14-18 Broad Street

Site Plan Review – Addition with new drainage plan

Dan Whalen, Architect from IBI Group, Steve Sano, Director at HCA, and Mary Claire Truman, also of HCA, appeared on behalf of the application.

Mr. Whalen discussed updated drawings they submitted at the request of Robert Bennett.

- Storm drainage system
- Drywell system
- One handicapped space at the new entrance to the addition
- Anticipated lighting and landscaping
- Besides adjusting a couple of parking spaces at the new south entrance, they are not making any changes to the parking lot.

Steve Sano confirmed there are still three handicap-accessible spaces.

Chairman Putman read the Environmental and 239-Review, with Department Head Comments and Planning Staff Recommendations.



The project is a Type II Action under the State Environmental Quality Review Act (SEQRA) because the involved structure is less than 4,000 square feet. A full SWPPP was not required as there will be less than one-acre of soil disturbance. The project was subject to a 239-Review as it is within 500 feet of NYS Route 17C. The following relevant requirements and comments are from the Department Heads and 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. Handicapped parking must comply with the Building Code of NYS.
- **Fire Department:** The Fire Marshal shall inspect the addition prior to the issuance of a Certificate of Occupancy 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:**
 - The contractor for the project shall obtain a drainage permit from J.C. D.P.W. prior to the installation of the drainage system.
 - Since this is a commercial property, the water service requires a backflow prevention device. The backflow prevention device shall be test annually by a certified backflow device tester, and a report submitted to the Water Department (607-797-2523).
- **Broome County Planning:** The Planning Department has reviewed the above-cited case and has not identified any significant countywide or inter-community impacts associated with the proposed project.
- **NYS DOT:** No comments.
- **BC Health Department:** No comments.
- **BMTS:** No comments.

Planning Staff Recommendations:

The Planning Department recommends approval of the site plan for 14-18 Broad Street, with the requirements and recommendations from Code Enforcement, Public Works and Water, Fire Department, and with the following stipulations:

1. Appropriate erosion control measures shall be installed before and maintained during construction.
2. Prior to the installation of any proposed outdoor lighting, cut sheets for outdoor lighting fixtures shall be submitted to the Code Enforcement Office for review and approval. The Code Enforcement Official may require a lighting site plan to be submitted showing the location, number, type/style, mounting height, and lighting levels produced on the ground (i.e., photometric report).
3. The new parking spaces shall be striped prior to the issuance of a Certificate of Occupancy according to Village Code Chapter 300, Article 51, Off-Street Parking, Loading and Stacking Regulations. The required handicapped-accessible parking space shall conform to the Property Maintenance Code of NYS, and shall be posted with signage displaying the international symbol of accessibility.



4. A landscaping plan shall be submitted prior to the issuance of a building permit. Approved landscaping shall be installed by October 31, 2020, weather permitting. Landscaping shall be maintained, and any dead or dying trees or bushes shall be replaced with similar plants within one month, weather permitting.
5. For any proposed signage, a sign permit application shall be submitted to the Building Permits office prior to installation. All temporary signs, portable signs, 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.
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 Building Permit. The applicant shall agree to follow stipulations of approval in strict accordance with the site plan approved by the Planning Board. Changes to the site plan following approval may require a minor site plan review or resubmittal to the Planning Board, depending on the degree of change per Section 300-63.2. Applicability.

There was some discussion between the Attorney VanWhy, Planning Board and Marina Lane with regard to the completion date. The landscaping deadline of October 31, 2020, is the anticipated completion date.

A motion to approve the Site Plan for HCA at 14-18 Broad Street including the Department Head Comments, Planning Staff Recommendations and the new drainage plan was made by Mr. Holbert and seconded by Mr. Cunningham.

Motion Carried - Vote:

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

UHS – 55 Baldwin Street/Gateway Parking Lot

Classify project as Unlisted Action, SEQRA Determination, Site Plan Review
Construction of at-grade parking lot at former location of Picciano Building garage

Chairman Putman and the Board discussed Part 1 and Part 2 of the Environmental Assessment Form. Confirms there will be a small or no impact on the environment.

Chairman Putman reviewed Part 3 of the Environmental Assessment Form.

A motion to classify the project as an Unlisted Action under SEQRA, and issue the negative declaration as it will not have any significant adverse impacts on the environment was made by Mrs. Jacyna and seconded by Mr. Matyas.

Motion Carried - Vote:

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

Karen McElwee appeared on behalf of the UHS. Nothing has changed from what was submitted previously. The engineer continues to work on the storm water retention report. It should be done and



submitted in one or two weeks for review along with the modification to the existing SWPPP, which was originally approved for the demolition permit for the Picciano Building.

Ms. McElwee discussed the following:

- Straighten crosswalk – possibly with future development across the street.
- Add illuminated monument signs (anticipated directional only on the entrance of North Baldwin and Arch).
- The private drive that will be created will be illuminated.
- Appropriate sign permits will be obtained.
- Add bicycle rack close to a building in the future.
- Fences proposed on both Baldwin and Arch Street for protection (similar to ornamental fence by Bunn Hill Creek – 6’ high simple black wrought iron).

Chairman Putman read the Staff findings and Recommendations.

Staff Findings:

The proposed action is considered an Unlisted Action because although the property is adjacent to an historic district, the project does not surpass 25% of any Type 1 thresholds. The project is subject to a 239-Review as it is within 500-feet of state property (the pharmacy school). A SWPPP was reviewed and accepted by the approved the Director of Public Works on May 29, 2019. 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 property is situated in the Johnson City iDistrict and the site plan should conform to the recently developed design guidelines. Specifically, bicycle facilities should be provided, and screening should be provided between the parking lot and the street.

The site plan should be revised to show the following:

- ADA compliant curb cuts for the existing mid-block pedestrian crossing
- Mid-block pedestrian crosswalk relocated/realigned to be perpendicular to the vehicle travel lanes.
- Movable “yield to pedestrian” sign within the crosswalk
- Onside sidewalk/painted crosswalk extended east to parking aisle closest to Arch Street
- Increase in onsite landscaping and trees
- Screening between the parking lot and street
- Bicycle facilities.

- **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 improvements shall be submitted to the Building Official for review prior to the issuance of any building permit.

- **BMTS:** The curb cuts for the existing mid-block pedestrian crossing shown on the site plan are not ADA compliant and should be brought into compliance. Since the curb cuts need to be altered for ADA compliance this might be a good opportunity to relocate/realign the crosswalk so that it is perpendicular to the vehicle travel lanes. This would result in a shorter crossing distance for pedestrians. We would also recommend using a movable ‘yield to pedestrian sign’ within the crosswalk, extending the on-site sidewalk/painted crosswalk east to the parking aisle closed to Arch Street, and increasing onsite landscaping and tree plantings to reduce the heat island effect and



improve the aesthetics of the lot.

In response, UHS does not plan to submit a revised site plan at this time to address comments from the County or BMTS. They may eventually add a bike rack once they see how the site works, and will probably relocate the cross walk with the next pending project. At this time, the crosswalk lines up with the handicap accessible curb cut on the opposite side of Baldwin Street. Planning and Code Enforcement agreed that there is sufficient proposed landscaping, and the proposed fence is fine. Existing trees are to remain, and the design includes a new landscaped bioretention swale.

- **Fire Department:** No compelling interest.
- **NYSDOT:** No compelling interest.
- **Police Department:** No compelling interest.
- **Public Works & Water:**
 - You or your engineers should coordinate with the Director of Public Services/Village Engineer regarding the proposed changes of the on-street metered parking spaces, per *Section § 264-44. Designation of parking spaces.*
The Village Engineer is hereby authorized and directed to designate and mark off such individual parking spaces as he deems proper along portions of Main Street and other streets as designated by the map provided for in § 264-42.
 - The “driveway” entrances must meet NYSDOT /ADA standards. The cross slope on the sidewalk within the driveway must be 1/4” per foot maximum and the slope along the sidewalk on either side of the driveway is a maximum of 7.5%, or 1 on 13.333.

Planning Staff Recommendations:

The Planning Department recommends approval of the site plan for the parking lot on a portion of 55 & 19 Baldwin Street, with the requirements from Code Enforcement, Public Works and Water, and with the following stipulations:

- 1) The approval is contingent on the approved revision of metered parking spaces on Arch Street, as noted on the site plan.
- 2) A revised SWPPP shall be submitted and approved by the Director of Public Services prior to site work for the underground storm water retention system.
- 3) Any appropriate drainage or excavation permit required by the Director of Public Services shall be issued prior to the commencement of work on the underground storm water retention system.
- 4) Approved erosion control measures shall be installed prior to the commencement of site work, and shall be maintained properly during construction.
- 5) Prior to being open for use, the parking lot shall be striped according to Village Code Chapter 300, Article 51, Off-Street Parking, Loading and Stacking Regulations. The required handicapped-accessible parking spaces shall conform to the Property Maintenance Code of NYS, and shall be posted with signage displaying the international symbol of accessibility. The handicap parking access spaces shall be no less than eight-feet by eighteen-feet (8’x18’).
- 6) Sidewalk, curb and gutter shall be constructed per Village of Johnson City standards. The contractor shall apply for a DPW street work permit prior to any work in the right-of-way.



- 7) The bioretention swale shall be landscaped by the time the SWPPP is terminated (NOT). The landscaping shall be maintained weather permitting, with any diseased or dying plants replaced within one month of observing their decline.
- 8) Exterior lighting shall not encroach or spill over to adjacent properties or the street. 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.
- 9) A sign permit shall be submitted to, and approved by, the Building Permits office for all proposed signage prior to installation. Plans for the electrical systems supplying the signs and any facilities regulating entry into the parking lot shall be provided to the Department of Public Works for review, prior to site work.
- 10) The proposed 6-foot high metal ornamental fence shall be maintained in satisfactory condition.
- 11) Site plan approval shall be valid through October 31, 2020.
- 12) The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a drainage/excavation permit. The applicant shall agree to follow stipulations of approval in strict accordance with the site plan approved by the Planning Board. Changes to the site plan following approval may require a minor site plan review or resubmittal to the Planning Board, depending on the degree of change per Section 300-63.2. Applicability.

A motion to approve the Site Plan for parking lot on a portion of 55 and 19 Baldwin Street including Department Head Comments and Planning Staff Recommendations with addendums was made by Mr. Matyas and seconded by Mrs. Jacyna.

Motion Carried - Vote:

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

Marchuska Parking Lot – 476 Main Street

Declare Lead Agency, Classify project as Unlisted Action, SEQRA Determination
Advisory Opinion for Use Variance – Construction of Parking Lot

Chairman Putman states the Planning Board will only be making a recommendation to the Zoning Board on this project. It will be the Zoning Board’s responsibility to do SEQRA for the use variance.

Justin Marchuska was present on behalf of 1435-1439 Marchuska LLC. They have owned 476 Main Street since 2005. BOCES parking is very tight at 500 Main Street, and there is additional parking on Baker Street. BOCES asked if Marchuska would pave 476 Main Street. When Marchuska first purchased 476 Main Street, they planned on building another office space, but did not receive the interest. They do keep the lot maintained, but would like to provide BOCES with additional parking with no building additions to the property. BOCES would use the lot for day parking and lighting would be added for safety.

Mr. Marchuska read criteria which would allow for a use variance.

1. Property is incapable of earning a reasonable return on initial investment if used for any of the allowed uses in the district:

In 2011, we did propose to develop the lot as a 4,000 sf office space facility, per the referenced zoning district. The size of the potential building was limited, due to the allowable set back distances.



This site development plan was a substantial investment of time and capital and has been publicly advertised since its inception in October of 2011, with no interest in that specific location from any prospective individuals or businesses. The site has continued to be advertised with signage since that time.

Given the uniquely situated lot (just far enough away from a prime commercial zone to be appealing to any other type of business), and the current zoning, the return on any development investment is simply not reasonable.

2. The property is affected by unique, or at least highly uncommon, circumstances:

The current zoning for this parcel is “Urban Multi-family with Office Overlay”. This zoning is not commercial and does not hold the same commercial potential as the properties on the nearby adjacent blocks.

The area is predominantly residential, therefore the lot is not easily marketable or developable as any type of self-sustaining business site. (As proven by #1 above and the accompanying Exhibits).

3. The Variance, if granted, will not alter the essential character of the neighborhood:

If the requested variance is granted, no essential character changes will occur to the existing neighborhood. This is an area that is already made up of residential family and multi-family housing, churches, schools and parking lots.

There is no risk of additional noise, pollutants, litter, or unsightly space, as Marchuska companies are well-known for the upkeep of our properties.

4. The hardship is not self-created:

Lastly, this parcel was originally purchased with the intent of developing it. Under the current zoning, the assumption was always that it could be developed into (at the least) attractive office space.

The requested variance is not due to any kind of expansion to our existing building at 500 Main Street, but merely to put the property to better use by creating additional parking for the currently over-crowded lot at the B-T BOCES site (Johnson City Learning Center).

Therefore, the Use Variance requested is not due to any lack of effort on our part to develop the property under the original zoning code(s), but rather to make the best possible use of the vacant lot, while maintaining the aesthetics of the existing neighborhood.

Mr. Cunningham questioned the parking lot drop off.

Mr. Marchuska responded that they met with Bob Bennett and there will be a substantial cost to expand the storm sewer for storm water management. They would raise its height, but once they have a site plan, this will be discussed with the planning board.

Recommend approval of use variance to Zoning Board was made by Mrs. Jacyna and seconded by Mr. Holbert.

Motion Carried - Vote:

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



OLD BUSINESS

Hannah Enterprises Medical Office: 71 Baldwin Street

Request for Extension of Deadlines – Held over from June 19, 2019

Chairman Putman asked that the letter received from Christopher Kradjian of Kradjian Enterprises be part of the record, and that he was unable to provide a letter of intent which was asked for at the previous meeting.

The Planning Board and Attorney VanWhy discussed three options:

- Approve the extension to whatever period of time we wish;
- Deny the extension which would require them to come back and reapply; or
- Request the information below and table until the next meeting:
 - Timeline/History of project from origination
 - Copies of prior minutes
 - What has transpired
 - EAFs

A motion to table the extension until the August 27, 2019 Planning Board Meeting and that the Planning Board members are provided with prior documentation including timeline, discussion minutes, EAFs, Village Board Minutes and what has transpired on this application since it originated in 2013 was made by Mr. Matyas and seconded by Mr. Cunningham.

Motion Carried - Vote:

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

ADJOURNMENT

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

The meeting was adjourned at 8:26pm.

Respectfully submitted,

Kim Cunningham
Planning Board Clerk

