

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 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 July 23, 2019 and August 27, 2019 regular meetings 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. There being no one wishing to speak, Chairman Putman closed the privilege of the floor.

COMMUNICATIONS - None

CONTINGENCIES – None

OLD BUSINESS – None

NEW BUSINESS

Beer Tree – 501 Reynolds Road

Unlisted Action, SEQRA Review, Public Hearing - Special Permit, Site Plan Review
Remodel existing building to create brewery and taproom



Chairman Putman reviewed the short EAF Parts I and II.

Mr. Matyas questioned environmental impact regarding pretreating of suspended solids.

Chairman Putman questioned possible issues with the pH of wastewater.

Brendan Harder, who appeared on behalf of Beer Tree Co., responded they use screens that take out any large particles and the majority of the solids are taken to their farm. They do not do any treatment process. Mr. Harder confirmed there is no issue with the wastewater, what they put into the sewer system is mostly water. They do not test for pH values.

Chairman Putman read Part III of the environmental assessment form.

The owners of Beer Tree Brew have applied to use 20,000 square-feet of the former Sears building in the Oakdale Mall for a new brew pub, including a brewing production area and taproom. They plan to construct a raised deck for a beer garden over an existing landscaped area, and add a second outdoor beer garden at a separate entrance to the building. The elevated outdoor beer garden deck will cover 0.12-acres of a landscaped area.

The restaurant and brewery uses do not conflict with or impair the quality of adjacent office and retail uses. The nearby residences are as close as 480 feet, so late night noise will be mitigated by closing the outdoor restaurant use by 10:00 pm. With greater than 4,000 parking spaces, the mall parking lot has more than the required number of parking spaces, of which the 501 Reynolds Road parcel has 744 spaces of its own.

The project will not cause the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character. The proposed project will not adversely impact the use of energy, water or wastewater utilities. Approximately 150,000 to 200,000 gallons of water will be used monthly, and the Village has ample supply of water. The brewing process converts approximately 25% of the water to beer, and 75% is waste water. Waste water will be filtered to decrease total suspended solids before being released into the public sewer system. The spent grain byproducts are given to farms for nutritious animal feed.

The proposed project will not adversely impact the use of natural resources, nor create a hazard to environmental resources or human health. Storm water drainage is handled by the existing municipal stormwater system.

After review, it was determined that the proposed facility will not have any significant adverse impacts on the environment.

A motion to issue a negative declaration, that there are no significant impacts to the environment, was made by Mr. Matyas and seconded by Mr. Holbert.

Motion Carried - Vote:

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

Chairman Putman opened the Public Hearing. Hearing no comments, Chairman Putman closed the Public Hearing.

Chairman Putman stated this property is in a General Commercial district, the restaurant use is permitted, but the brewing production requires a special permit.



Chairman Putman read the Staff Recommendations:

The staff recommendation is to approve the Special Permit for a brewery with the following stipulations:

- 1) Total suspended solids from the wastewater generated during the brewing process and, in particular during the washing process, shall be removed as much as possible prior to the wastewater being released into the public sanitary sewer system.
- 2) Solid waste from the brewing process such as spent grains shall be removed from the site by the business owner and disposed of in an environmentally conscientious manner.
- 3) Special permit modification approval will be required if there are any changes in use of the leased area.
- 4) The Special Permit shall expire should the business be sold or transferred 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 more than three months for any reason.
- 5) The applicant shall be required to acknowledge all of the above stipulations, in writing, prior to the issuance of a Building Permit.

A motion to approve the Special Permit request for brewery use for 501 Reynolds Road including stipulated conditions of approval was made by Mr. Cunningham and seconded by Mr. Holbert.

Motion Carried - Vote:

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

Mr. Harder stated the Beer Tree Brew Co. is proposing a brewery tap room with a full commercial kitchen. About one-third of their leased area in the building will be utilized for a tap room and they will construct two exterior patios; one will be on an elevated deck and one will be on a concrete slab. The back two-thirds of the leased area will be used for production and warehouse facility. They already distribute throughout New York and the brewery will also supply their taproom.

Mr. Cunningham questioned the fencing around the patio.

Ms. Lane explained it is primarily for safety because the small beer garden area is close to the road and there should be some type of protective fencing so vehicles don't hit customers, and fencing on deck is so people don't fall.

Chairman Putman read the Environmental and 239 Review

Environmental and 239-Review:

The project was not subject to a 239-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 will be virtually no soil disturbance other than for posts for the elevated deck.



Chairman Putman read the Department Head Comments and Planning Staff Recommendations

Department Head Comments:

- **Code Enforcement:**
 - The applicant shall use plumbing and electrical contractors licensed by the Village of Johnson City, and apply for appropriate building permits.
 - Parking is acceptable.
- **Fire Department:** 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 concerns, and welcomes the project.
- **Public Works & Water:**
 - Water consumption is no issue, however this building has two 2” turbine meters in parallel. One of these meters will have to be upgraded to a compound, the other would be acceptable as the bypass. The way this building is separated into different businesses; only the compound meter will be read and billed. Internal metering to separate businesses is the building owners’ responsibility.
 - 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 tested and a report submitted to the Water Department prior to the issuance of a Certificate of Compliance, and annually thereafter.

Planning Staff Recommendations:

The Planning Department recommends approval of the site plan for the brewpub at 501 Reynolds Road, with requirements from Code, Public Works and Water, the Fire Department, and the following stipulations:

- 1) In order to minimize outdoor noise in the evenings, musical entertainment on the outdoor beer gardens shall end no later than 9:30 p.m.
- 2) The outdoor beer gardens shall be enclosed with fencing for safety purposes.
- 3) The restaurant use will require a food service permit from the B.C. Health Department. A grease trap is required.
- 4) Per Chapter 236-20, 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. The collection of garbage or other material from dumpsters shall not commence on any day prior to the hour of 6:00 a.m. nor past the hour of 9:00 p.m.



- 5) Cut sheets for outdoor lighting fixtures shall be submitted to the Code Enforcement Office for review and approval prior to installation.
- 6) For any proposed signage, a sign plan shall be submitted to the Building Permits office prior to installation. All temporary signs, portable signs, banners, or flutter flag 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.
- 7) Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan.

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.

Chairman Putman asked what the hours of operation will be.

Mr. Harder responded the taproom will be open 10am – 10pm through the week, and on Sundays they will close early.

A motion to approve the Site Plan for 501 Reynolds Road including stipulated conditions of approval 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 questioned when they plan on starting.

Mr. Harder responded as soon as possible. They will start painting immediately and then work on the plumbing. They have an architect working on the architectural drawings now. They plan on opening as quickly as possible, depending on when the architect can get everything together.

Manpreet Singh – 26 Main Street

Declare Lead Agency, Type II Action, Site Plan Review
Open a retail business in exiting 960 square foot building

Attorney VanWhy stated the Planning Board needs to declare the project as Type II action with no additional environmental review necessary.

Dustin Grassi of DFG General Contractors appeared on behalf of the application. He explained that they are remodeling this vacant building into a vape supply shop. There will not be an increase in traffic. They will have a supply warehouse with showroom, retail and wholesale to other shops and customers. Products will ship from this location to any customers and they will provide for local customers. There will be retail in the future.

Attorney VanWhy questioned whether Code Enforcement knew it was primarily a distribution warehouse and showroom for the products.



Ms. Lane asked Mr. Singh to explain exactly what they are planning to do. She asked if they will buy vape pipes from manufacturers and ship to customers.

Mr. Grassi responded it will be a smoke shop retail and wholesale distribution center. They will supply to other shops in the area and out of state and will serve local customers as well.

Attorney VanWhy explained the Johnson City Zoning Code and that this property is in a General Commercial zoning district. Retail use is definitely allowed. If the applicants plan the wholesale of vaping supplies to other shops in the area, it becomes a possible warehouse and wholesale business. That type of use does not appear to be a permitted use under the General Commercial zone. The Code Enforcement Officer will have to determine whether this is an allowed use or not, specifically the wholesale. The retail is allowed. Attorney VanWhy said if wholesale is not permitted, the applicant can apply for a variance allowing wholesale business. The Planning Board could approve the retail establishment tonight, but not the wholesale business.

Mr. Grassi stated that they understood, and they will continue with the retail portion of the business.

Ms. Lane suggested Mr. Grassi discuss retail vs. wholesale with Daria Golazeski, Code Enforcement Official.

Chairman Putman read the Department Head and 239 Review Comments.

Department Head and 239-Review Comments:

The applicant's proposal is considered a Type II Action and requires no further action under the New York State Environmental Quality Review Act (SEQRA). The project was subject to a 239-Review as it is within 500 feet of State Route 17C and the City of Binghamton. The following comments are from Department heads and the 239-Review.

- **Code Enforcement:**
 - No vehicles shall be permitted on lot for sale.
 - The applicant shall use plumbing and electrical contractors licensed by the Village of Johnson City, and apply for appropriate building permits.
 - One handicap parking space and access aisle shall be posted/signed in compliance with the Building Code of NYS.
 - Necessary permits must be obtained for any signs.
- **Fire Dept.:** 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 Dept.:** No compelling interest.
- **Public Works & Water:**
 - The water is still off at the site. Must show adequate heat because the last meter froze.
 - 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 by a certified backflow device tester, and a report submitted to the Water Department.

- **B. C. Planning:**

The B.C. Planning Department has reviewed the case and has not identified any significant countywide or inter-community impacts associated with the proposed project; however, they had the following comments:

1. Landscaped buffers should be added along Main Street to prevent vehicles from entering and exiting from NYS Route 17C. (*The property has raised curbs versus curb cuts.*)
2. The site plan should include landscaping at the driveway entrance and exit, around any ground monument signage, and around the building perimeter.
3. The site plan should include notation of no approved driveway access to NYS Route 17C (*not necessary*), parking lot and building drainage (*existing*), directional signage for Beverly Place access, and signage.

- **BMTS:** Has no issues with site access or traffic impacts. BMTS suggested that the Village may want to consider taking the opportunity to require the property owner to introduce complete street elements to the site, including pedestrian connections between the parking lot and the building, and landscape buffers between the parking lot and the adjoining public streets.
- **NYS DOT:** Nothing shall be placed within the state right-of-way, including signage and parking. Note that the site has no approved driveway access to NYS Route 17C, and all vehicular access to the site is to be made using Beverly Place.

Planning Staff Recommendation:

The Planning Department recommends approval of the site plan for 26 Main Street for a retail establishment, with the requirements and recommendations from Code Enforcement, Public Works and Water, Fire Department and the NYS DOT, with the following stipulations:

1. A parking and access agreement between 14 and 26 Main Street shall be submitted for review by the Village's attorney prior to the issuance of a Certificate of Compliance. Once the agreement is approved, it shall be filed with the deed of both properties, and a copy of the receipt shall be provided to the Planning and Code Enforcement offices.
2. The parking lot shall be striped prior to the issuance of a Certificate of Compliance 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.
3. No vehicles shall be parked within 10 feet of the front property lines along Main Street (SR 17C) and Beverly Place. The property lines are along the inside of the sidewalk.
4. Wheel stops shall be placed at the front of the four parking spaces facing Main Street. They shall be no less than 18 inches in from the front of the parking space.



5. No vehicles shall be parked within the 25-foot triangle of visibility. If Code Enforcement determines that there is a chronic problem with clients parking in the triangle of visibility, a set of wheel stops (parking blocks) or a low-lying planter shall be required to prevent such parking.
6. No vehicle sales and no storage of unlicensed vehicles shall take place on the property. No building permit shall be issued until all unlicensed vehicles are removed from the property.
7. Screening shall be maintained along the south property line to shield neighbors at 2 Beverly Place from headlight glare.
8. 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, 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.
9. The dumpster shall be placed facing Beverly Place along the west side of the building on 14 Main Street. Per Chapter 236-20, 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. The collection of garbage or other material from dumpsters shall not commence on any day prior to the hour of 6:00 a.m. nor past the hour of 9:00 p.m.
10. If the applicant wishes to add additional outdoor lighting, the lighting plan shall be submitted to Code Enforcement for their approval prior to installation.
11. The hours of operation shall be no greater than between 8:00 am and 9:00 pm daily.
12. The project shall be completed within one year of approval.

The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Building Permit. The applicant agrees to construct the project in strict accordance with the site plan approved by the 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.

Ms. Lane discussed the dumpster location. Taylor Garbage requires it to be placed against the building on 14 Main Street and it needs to have an enclosure to keep it neat.

A motion to approve the Site Plan for a retail establishment only, with dumpster enclosure, for 26 Main Street including the Department Head Comments and Staff Recommendations and acknowledge this project as a Type II action was made by Mrs. Jacyna and seconded by Mr. Holbert.

Motion Carried - Vote:

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

1435-1439 Marchuska, LLC – 476 Main Street

Declare Lead Agency, Unlisted Action, SEQRA Review, Site Plan Review



Construct parking lot for 500 Main Street

Chairman Putman reviewed Part 2 and read Part 3 of the Short Environmental Assessment Form.

A motion to declare a negative declaration, that construction will not have any adverse impacts on the environment for 476 Main Street, was made by Mr. Cunningham and seconded by Mrs. Jacyna.

Motion Carried - Vote:

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

Justin Marchuska and Robert Harner of Lakeside Engineering appeared on behalf of 476 Main St. Mr. Harner stated it is a simple project. They will be filling in a big hole and putting in a parking lot. They have been in close contact with Robert Bennett, Director of Public Services, regarding storm water. They need to mitigate the storm water so the overflow will go into the Village stormwater system. There is not a storm sewer close to the property, so they will have to trench the road 150 feet. Majority of the storm water will be retained on site through a series of dry wells, and any large stormwater flow would go through the Village system.

Chairman Putman questioned whether they would be building a retaining wall and once filled, will it be at street level.

Mr. Harner stated they are filling the site and it will follow the contour of the sidewalk. There will be a gentle slope. They flew a drone for the project and that is how they developed the photogrammetry and contours. They are working very closely with Ms. Lane regarding landscaping, buffers and lighting.

Chairman Putman confirmed the base coat would be done by the end of November.

Chairman Putman read the Environmental Review, Staff Recommendation, 239 Review Comments.

Environmental Review:

The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA). Under the requirements of Section 617.7(c), the proposed action was examined (Short Environmental Assessment Form), and was found not to have a significant impact on the environment. The Planning Department recommends approval of the Negative Declaration.

The project did require a 239-Review, and all comments have been addressed. The comments are at the end of this report.

Since the area to be disturbed is less than one-acre, a Storm Water Pollution Prevention Plan is not required, although post-construction runoff values will need to be less than or equal to preconstruction values. The Director of Public Services has approved the stormwater control design.

Staff Recommendation:

The Planning staff recommendation is to approve the site plan for a parking lot, with the following stipulations:

1. Erosion control measures shall be adhered to during parking lot construction.



2. The parking lot shall be striped prior to clients parking on site, according to Village Code Chapter 300, Article 51, Off-Street Parking, Loading and Stacking Regulations.
3. As soon as the parking lot is striped, the developer shall provide three handicap accessible parking spaces and associated access spaces on the property at 500 Main Street. 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 access spaces shall be posted with "No Parking" signs.
4. The screening fence shall be maintained to protect the residence to the south from vehicle lights shining into their windows.
5. The landscape areas shall be seeded within two weeks of stabilization to prevent erosion issues. Approved landscaping shall be installed by May 31, 2020, weather permitting. Landscaping shall be maintained, and any dead or dying grass or bushes shall be replaced with similar plants within one month, weather permitting.
6. § 300-55.4 General requirements/standards for Outdoor Lighting.
 - A. All outdoor lighting fixtures shall be shielded or otherwise contained on the property from which it originates (known as "light trespass limitations").
 - B. Exterior lighting fixtures shall conform to the Illuminating Engineer Society of North America (IESNA) criteria for full cutoff fixtures. In addition, the lighting levels shall be designed to meet the minimum requirements of the latest recommended levels set forth by IESNA. Where no standard from IESNA exists, the Planning Board shall determine the appropriate level, taking into account levels for the closest IESNA activity.
 - C. To minimize the indiscriminate use of illumination, lighting, except as required for security, shall be extinguished during non-operating BOCES hours. Where practicable, lighting installations are encouraged to include timers, sensors, and dimmers to reduce energy consumption and unnecessary lighting. If the resident of 500 Main Street should change in the future, the Code Enforcement Official shall determine an appropriate time for lights to be extinguished.
7. If the applicant wishes to add or change any outdoor lighting, the lighting plan shall be submitted to Code Enforcement for their approval prior to installation.
8. For any proposed signage, a sign permit application shall be submitted to the Building Permits office prior to installation. All temporary 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.

239-Review Comments:

- Broome County Planning Dept.: has reviewed the case and has not identified any significant countywide or inter-community impacts associated with the proposed project, but made the following recommendations, all of which have been addressed:

The site plan should show the following:

- Driveway openings located, designed and constructed or reconstructed in accordance with NYSDOT policy and standards.
- Grading and contours



- Drainage system (refer to NYSDOT comments requiring a drainage study).
- Grading and contours
- Landscaping plan
- Lighting plan. The Village Zoning Board of Appeals and Planning Board should ensure that the proposed lighting does not result in spillover light and glare impacts on adjacent residences and should consider the need for a photometric analysis.
- NYS Dept. of Transportation:
- The applicant will be required to apply to the Region for a PERM 33-COM Highway work Permit. This permit must be issued prior to the commencement of any work within the State right-of-way. Please direct the applicant to contact the NYSDOT Region 9 Permit Office at (607) 721-8082 to apply for this permit.
- All new or existing driveway openings shall be located, designed and constructed or reconstructed in accordance with the NYSDOT Policy and Standards for the Design of entrances to State Highways, which can be found at www.dot.ny.gov/permits.
- Per the PERM 33-COM Highway Work Permit requirements, the applicant will be required to submit a drainage study, completed by a licensed engineer, for review and comment by the Region prior to permit issuance. Drainage study requirements can be found at www.dotny.gov/permits.
- BMTS: If the driveway along Baker Street can accommodate all the traffic entering and existing the site, the driveway along Main Street should be eliminated from the site plan. This is consistent with standard access management practices that are intended to reduce traffic conflicts.

Mr. Harner confirmed they have eliminated the driveway along Main Street.

Ms. Lane stated they recommended the handicapped spaces be at the BOCES site because of the contours on the new parking lot.

A motion to approve the site plan for a parking lot including all staff recommendations and review comments for the 476 Main 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

ADJOURNMENT

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

The meeting was adjourned at 8:34pm.

Respectfully submitted,



Kim Cunningham
Planning Board Clerk

