

Minutes of a regular meeting of the
Johnson City Planning Board held
on January 28, 2020 at 7:30pm at
243 Main St., Johnson City, NY

Present: Gerald Putman, Chairman
Mary Jacyna, Vice Chairman
Greg Matyas
Marcia Ward

Also Present: Keegan Coughlin, Attorney for the Village
Kim Cunningham, Planning Board Clerk
Marina Lane, Town of Union Senior Planner
Trustee Martin Meaney
Trustee John Walker

Absent: Matthew Cunningham

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.

Chairman Putman welcomed new Planning Board Member Marcia Ward and Trustees Meaney and Walker.

MINUTES

A motion to approve and place on file the minutes of the December 16, 2019 regular meeting was made by Mrs. Jacyna and seconded by Mr. Matyas. The motion carried with all those present voting in the affirmative.

REORGANIZATION OF OFFICERS:

A motion to nominate Mr. Gerald Putman as Chairman was made by Mrs. Jacyna and seconded by Mr. Matyas. A motion to close the nomination was made by Mr. Matyas and seconded by Ms. Ward. The motion carried by unanimous ballot for Gerald Putman as Chairman for 2020.

A motion to nominate Mary Jacyna as Vice Chairman was made Mr. Matyas and seconded by Ms. Ward. The motion carried by unanimous ballot for Mary Jacyna as Vice Chairman for 2020.

A motion to nominate Mr. Gregory Matyas as Secretary was made by Mrs. Jacyna and seconded by Ms. Ward. The motion carried by unanimous ballot for Gregory Matyas as Secretary for 2020.



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.

UNFINISHED BUSINESS

60, 64, 66-68, 72, & 76 Hudson St.; 37 & 41 Park Pl. - United Health Services

Close Public Hearing, Vote on Special Permit, Site Plan Review: Temporary Parking Lot

Chairman Putman entertained the option for visitors to comment regarding the public hearing. There being no one wishing to speak, Chairman Putman closed the public hearing.

Special Permit

Rich Keehle represented United Health Services. This property was previously residential properties. They are looking to extend their parking lot and make it one contiguous lot from the existing parking lots that are just north of the location. He said this will give them 21 new parking spaces in this lot. All handicapped parking will be put at the parking across the street so they have immediate access to the building. Their goal is to begin using this lot pending approval as soon as possible to alleviate the street parking currently happening on St. Charles St. Their goal is to alleviate some of the street parking on St. Charles and be a better neighbor.

Chairman Putman confirmed the buildings on these properties were all torn down. It is an unlisted action under SEQRA and this Board declared a negative declaration at the last meeting. It did not require a 239 Review. Because the area disturbed is less than an acre, storm water pollution is not required, but runoff values must be equal or less than preconstruction values. These properties were rezoned to Neighborhood Commercial and the parking lot is a permitted use with a special permit from this Board.

Chairman Putman read the Staff Recommendations.

Staff Recommendation:

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

1. The screening fence shall be maintained to protect the residences to the west from vehicle lights shining into their windows.
2. The parcels shall be combined no later than February 28, 2020.
3. The applicant shall be required to acknowledge all of the above conditions, in writing, no later than January 31, 2020. The applicant shall agree to follow stipulations of approval in strict accordance with the approval by the Planning Board. Changes in the parking lot use shall require resubmittal to the Planning Board.

A motion to approve the Special Permit was made by Mr. Matyas and seconded by Mrs. Jacyna.

Motion Carried - Vote:

Yes – 4 (Jacyna, Ward, Matyas, Putman) No – 0 Absent – 1 (Cunningham)



Site Plan Review

Chairman Putman stated this is for a temporary site plan review. There will be a formal site plan review at the next meeting.

Mr. Keehle avowed in relation to the temporary parking lot, what they are looking at doing until they get full site plan approval is to immediately start eliminating street parking on St. Charles St. Currently they are using millings which have been laid down and secured, but allow rainfall to go through. They would like to begin using it with the design proposed. There are 21 parking spaces proposed. The proposed exit and entrance will be off Park Place and they will use current curb cuts. They will not add any exits or entrances off Hudson Street. A privacy screen will go on the westerly side of the property and they currently have the fence set up.

Chairman Putman stated when they come back in February, they will provide more detail.

Mr. Keehle confirmed they are excited about getting this process underway and they will come back in February with a full site plan.

Chairman Putman read the Department Head Comments.

Environmental Review and Department Comments:

The proposal is an Unlisted Action under SEQRA, and the Planning Board approved the Negative Declaration on December 16, 2019. The project did not require a 239-Review.

- **Code Enforcement:** Any sidewalk, driveway or related work completed outside of the property and in the right-of-way shall require permits from the Village Department of Public Works first.
- **Fire Dept.:** No concerns.
- **Police Dept.:** No concerns.
- **Public Works & Water:** No concerns.

Staff Recommendation:

The Planning staff recommendation is to approve the site plan for a parking lot with the stipulations from Code Enforcement and the following:

1. A final site plan, including drainage, landscaping, and final parking space layout, shall be submitted for final review with the Planning Board no later than March 6, 2020.
2. Any sidewalk, driveway or related work completed outside of the property and in the right-of-way shall require permits from the Village Department of Public Works first.
3. The parking lot shall be striped as soon as weather permits per Code Enforcement, but no later than May 1, 2020.
4. A screening fence shall be maintained to protect residences to the west from vehicular lights shining into their windows.



- The applicant shall be required to acknowledge all of the above conditions, in writing, no later than January 31, 2020. The applicant shall agree to follow the stipulations of approval in strict accordance with the site plan approved by the Planning Board.

Chairman Putman declared when they come back for final site plan approval that it include proposed lighting.

Mr. Keehle, Marina Lane, Attorney Coughlin and the Board discussed number 3 of the Staff Recommendations and ask that it be modified since May 1, 2020 will be right in the middle of construction. Mr. Keehle ask that it be changed to “The parking lot shall be striped as soon as weather permits per Code Enforcement, but no later than May 1, 2020, or until final site plan approval.

A motion to approve the Site Plan for a temporary parking lot including Department Head Comments and Staff Recommendations with amendment to number three of the Staff Recommendations was made by Mrs. Jacyna and seconded by Mr. Matyas.

Motion Carried - Vote:

Yes – 4 (Jacyna, Ward, Matyas, Putman) No – 0 Absent – 1 (Cunningham)

NEW BUSINESS

2 Gannett Drive – Walmart/BRR Architecture

Declare Lead Agency, Classify as Type II Action, Site Plan Review: Online Grocery Pickup Canopy

A motion to declare lead agency was made by Mr. Matyas and seconded by Ms. Ward.

Motion Carried - Vote:

Yes – 4 (Jacyna, Ward, Matyas, Putman) No – 0 Absent – 1 (Cunningham)

Chairman Putman confirmed this is a Type II action which means no further environmental review is required under SEQRA.

Mary Beth Gregory of BRR Architecture stated they are proposing to convert 16 existing parking stalls into 12 online grocery pickup stalls where 6 of them will be covered by a canopy, four would be uncovered. Two other adjacent and partial stalls will be striped to indicate they are not large enough to park in. This project would allow customers to make online purchases, then drive into a parking stall, call a specified number, and an associate would come out and place groceries in their car.

Ms. Gregory acknowledged the orange door on the plan will be the door the associates will go in and out of the store. They are proposing to put striping across the main drive aisle so associates have a very designated place to cross right in front.

Ms. Gregory confirmed this is a national change for Walmart.



Ms. Gregory further stated that every parking stall will have a post and sign in front of it that has a number. The customer will call the number listed on the sign and indicate the number of the stall they are in and their groceries will be brought to that stall. Ms. Gregory believes the number called is a cell phone the employees carry.

Chairman Putman read the Environmental Review and Department Head Comments.

Environmental Review and Department Head Comments:

The applicant's proposal is a Type II Action as the area of conversion (2,592 square-feet) is less than 4,000 square-feet, and requires no further action under the New York State Environmental Quality Review Act (SEQRA). The property is subject to a 239-Review, as it is within 500-feet of the City of Binghamton and the Town of Dickinson. Neither municipality expressed any concerns about the proposal.

The following comments are from the 239-Review and Department Heads.

- **B. C. Planning:** found no significant county-wide or inter-community impacts associated with the project.
- **BMTS:** No comments.
- **Code Enforcement:** The applicant shall use electrical contractors licensed by the Village of Johnson City, and apply for appropriate building permits.
- **Fire Dept.:** No compelling interest.
- **Police Dept.:** No compelling interest.
- **Public Works & Water:** No compelling interest.

Staff Recommendation:

The Planning Department recommends approval of the site plan with the stipulation from Code Enforcement and the following:

- 1) The spaces adjacent to the last two delivery spaces shall be striped to indicate that no one should park in them, as they are reduced in width.
- 2) Site plan approval shall expire after one year unless substantial improvements have been made according to the site plan. The applicant may request an extension of the 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 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 when they expect to complete the project.

Ms. Gregory answered she will look into the completion date, but expects the project will be completed by the end of the year.

Ms. Ward is concerned about safety and questioned the lighting at the walkway.



Ms. Gregory responded they currently have parking lot lighting and the canopy going in is lit underneath.

A motion to approve the Site Plan for the online grocery pickup at 2 Gannett Drive including Department Head Comments and Staff Recommendations was made by Mr. Matyas and seconded by Ms. Ward.

Motion Carried - Vote:

Yes – 4 (Jacyna, Ward, Matyas, Putman) No – 0 Absent – 1 (Cunningham)

400 Riverside Drive – A. Weitsman

Presentation, Recommendation to the Village Board regarding the Application to Rezone to PUD

Lisa King appeared on behalf of Adam Weitsman. She has been working for Adam for the past year. Her company does Leadership and Business Development consulting. In addition to working on businesses, they also work in the academic realm. They work with high school and college students and have a great interest in this project and the pipeline of youth and leadership in the community. She is from the Southern Tier; she grew up here and is very passionate about the area. They are proposing a rezoning from Urban Single Family to Planned Unit Development. Ms. King stated that most of the campus will remain the same in terms of being mixed use for youth and adult educational programs. They want to expand the programs to include more sports leadership development, some technology and gaming. They are still working through the details, but that is their vision for the space.

Chairman Putman explained the goal tonight is a presentation, and it is up to this Board to make a recommendation to the Village Board.

Howard Rittberg, from Levene, Gouldin & Thompson, also appeared on behalf of Adam Weitsman, Riverside Drive Associates, LLC. The entity is the owner of what was the Davis College Campus. As a result of that and the departure of Davis College, the facility does not conform to the current zoning, Urban Single Family. When it was Davis College, because it had authority through education to operate, it had been a permitted use. As a privately owned facility, they have to come before the Village Board and Planning Board seeking approval for the conversion to a PUD. This type of site was made for a PUD. It has multiple uses, from residential, academic, commercial, retail, and hoping to have educational and recreational facilities. The buildings are there and they are not doing any construction at this time. If they do, they will come back to the Village for approval.

Attorney Rittberg further added that they will keep the character of the buildings that have been there since the early 1900s. It also fits the criteria of Planned Unit Development. Per the Village Code, it is more than 2 acres and has more than 25% green space as required under the statute and requirements. With that and the multiple uses, it seems appropriate to move it toward PUD so we can continue the current use and uses Ms. King described, and move forward to help develop it into a viable facility that will aid development in the area, will provide a facility for helping to train high school and college age kids in leadership development, business development and athletics. We feel it is a perfect fit for this.

Read Rezoning Petition and Staff Review.

Chairman Putman questioned if the post office will stay.

Attorney Rittberg confirmed they just re-signed the lease with the post office for another five years.



Mr. Matyas asked if the coffee shop will be maintained.

Ms. King said their intent is to operate the coffee shop.

Chairman Putman inquired about the houses and if they will stay.

Ms. King responded there are a few homes that are currently offices; the interiors have been stripped and turned into offices, and they intend to maintain those.

Attorney Rittberg confirmed two of the houses that were close to the river have been demolished.

Attorney Rittberg clarified the apartment complex, Mason Hall on Riale, which is part of the PUD but is not part of Weitsman's project, will be sold. Attorney Rittberg does not feel that will affect the greenspace percentage. They have a purchaser, the same purchaser that is buying across the street.

The 25% open space rule will be discussed with Daria Golazeski and applicant. Ms. Lane explained a PUD can have multiple owners with different uses. Final site plan review is tentatively set for March 24, 2020. The 239-Review must be complete for the Village Board to vote first.

Ms. Ward asked if open space includes paved space. Ms. Lane responded paved space does not. A good place for the dedicated open space would be along the stream bank; you want to protect the stream bank and areas along the front with trees. There is a significant amount of space between the dorm /apartment buildings and the other buildings and it needs to be determined how it is all going to fit in.

Attorney Rittberg stated when he asked the surveyor for the calculation, he explained to him to take out the footprints of all the buildings, take out the parking lots and the asphalt walkways, so he was looking at the greenspace. Attorney Rittberg said looking at the survey it looks like more than 30%.

Chairman Putman read the Environmental Review and Staff Review.

Environmental Review:

The project is subject to a 239-Review, which has not been completed at this time. The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA). The Village Board of Trustees will declare Lead Agency for the environmental review pertaining to the assessment of potential impacts due to rezoning. The Planning Department shall recommend the approval of a Negative Declaration, based on completion and review of the short Environmental Assessment Form.

Staff Review:

The property surveyed at 18.42-acres; therefore, surpasses the minimum requirement of two-acres. The proposal includes educational, recreational, residential, and office and commercial uses, and therefore surpasses the minimum requirement of at least two uses. The survey indicates that at least 30.5% of the property is open space.

The proposed Planned Unit Development (PUD) zoning allows for the existing uses, and therefore maintains the existing structures and impacts the neighborhood minimally. This zoning change to Planned Unit Development will permit the mixture of proposed uses, and permit the Village Board and property owner more tenant flexibility.



If the Village Board makes a favorable decision about the rezoning, the Planning Board would then conduct a site plan review. Any future changes would require a new application to the Planning Board for a new site plan review.

A motion to recommend approval to the Johnson City Village Board for Rezoning of 400 Riverside Drive to Planned Unit Development was made by Mr. Matyas and seconded by Mrs. Jacyna.

Motion Carried - Vote:

Yes – 4 (*Jacyna, Ward, Matyas, Putman*) **No** – 0 **Absent** – 1 (*Cunningham*)

22 N. Broad St. – Bark City Doggy Daycare

Declare Lead Agency, Classify as Type II Action, Call for a Public Hearing for a Special Permit for a Dog Daycare Business in a Central Business District, to be held on February 25, 2020

Attorney Coughlin explained that this proposal is subject to a special permit because it is in the Central Business District. The Planning Board will need to do some research with regard to the code to make sure it is an allowed use in the Central Business District, and if it is, it will require a special permit.

A motion to declare lead agency was made by Mrs. Jacyna and seconded by Mr. Matyas.

Motion Carried - Vote:

Yes – 4 (*Jacyna, Ward, Matyas, Putman*) **No** – 0 **Absent** – 1 (*Cunningham*)

This is a Type II Action under SEQRA; therefore, no further action is needed.

Lindsey Sage appeared on behalf of the application. Ms. Sage stated they are a small daycare and take 10-20 dogs a day. Most dogs are small dogs and they spend anywhere from 6-8 hours per day. They are taking very few dogs and are provide daycare for mainly the same dogs. A number of dog owners are applying and Ms. Sage will do evaluations before accepting the dogs. They are people they know and they are just spending the day there. Their hours of operation will be 7:00 am – 7:00 pm. They have 10 x 10 rooms they can put the dogs in, but for the most part, they will be out together. They have 2-3 employees there at a time. They are not keeping them caged up and there are no overnight stays. They are very well cared for, with great owners. At the current time, they are sticking with indoor care and will walk them every 2 hours.

A motion to call for a public hearing for a special permit for Bark City Dog Daycare to be held on February 25, 2020 was made by Mrs. Jacyna and seconded by Ms. Ward.

Motion Carried - Vote:

Yes – 4 (*Jacyna, Matyas, Ward, Putman*) **No** – 0 **Absent** – 1 (*Cunningham*)

Chairman Putman confirmed the public hearing will be held on February 25, 2020 in the Board Room. The public can make comments and the Board will take any action after that.



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 8:13pm.

Respectfully submitted,

Kim Cunningham
Planning Board Clerk

