

Minutes of a regular meeting of
the Johnson City Planning Board
held on April 28, 2020 at 7:00pm
via Zoom Video Conference

Present: Gerald Putman, Chairman
Mary Jacyna, Vice Chairman
Greg Matyas
Matthew Cunningham
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: 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. Gerald Putman, the Planning Board Chairman, took roll call and all Planning Board members acknowledged their presence. Chairman Putman confirmed we have enough members for a quorum.

Chairman Putman read the Recommended Procedure and Executive Order regarding virtual meetings.

Chairman Putman welcomed Trustees Meaney and Walker.

MINUTES

A motion to approve and place on file the minutes of the April 8, 2020 special meeting was made by Mr. Matyas and seconded by Ms. Ward. 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 who wished to speak, Chairman Putman closed the privilege of the floor.

UNFINISHED BUSINESS – None

NEW BUSINESS

47 Riverside Drive – GSR CrossFit Club

Public hearing for special use permit for a private club, vote at Planning Board's discretion

Chairman Putman opened the public hearing.

Greg Rollo, Applicant, John Miller and Sarah May were present on behalf of the applicant.



Mr. Miller stated they have done the backflow preventer test and they are all installed and everything with the infrastructure is complete on their end.

Ms. Lane said she and Ms. Golazeski met with Ms. May and Mr. Miller, checked it all out and the site, which held the former Golds Gym, is ready to go.

With no further comments from the public, Chairman Putman closed the public hearing.

Chairman Putman read the Special Permit Request, Environmental Review and Staff Recommendations.

Special Permit Request:

Greg Rollo of GSR CrossFit applied to open a private club for recreational purposes in the west end of the multi-tenant building at 47 Riverside Drive. The property is zoned Neighborhood Commercial, and a private club requires a Special Permit. The location had other recreational clubs in prior years, such as the former Golds Gym. The private fitness club is open to its members and guests, and not open to the general public.

The parking lot on the 2.3-acre commercial property provides sufficient parking for the plaza, including five accessible spaces, as was determined in 2012 by Code Enforcement. The parking lot provides adequate drainage, lighting and landscaping.

Mr. Rollo intends to have a total of seven employees with 2-3 per shift. The fitness club will be open Monday through Friday between 5:30 a.m. and 10:30 a.m., and then again between 3:30 p.m. and 7:00 p.m. It will be open on Saturday between 7:30 a.m. and 11:00 a.m., and then 9:00 to 11:00 a.m. on Sundays.

Environmental Review:

The applicant's proposal is considered a Type II Action under the New York State Environmental Quality Review Act (SEQRA) because it is the reuse of a commercial space and has no outdoor impacts. No earth shall be disturbed, and therefore a stormwater plan is not required.

This project was subject to a 239-Review as it is within 500 feet of the City of Binghamton and State Route 990D, Riverside Drive.

- Broome County Planning found no significant county-wide or intercommunity impacts.
- Code Enforcement: Recommends approval.
- Police: No compelling interest.
- Fire: No compelling interest.
- Public Works and Water: No concerns.

Staff Recommendation:

The Planning staff recommendation is to approve the special permit for a private club, following the public hearing for the special use permit, with the following stipulations:

1. If any electrical or plumbing work is proposed at any time, only those electricians and plumbers who are licensed by the Village of Johnson City may be used, and they shall apply for appropriate building permits before commencing work.
2. The building's backflow prevention device shall be tested annually by a certified backflow device tester, and a report submitted to the Water Department.



3. The facility shall adhere to the determination of maximum occupancy at all times.
4. If any new signage is proposed, a sign permit shall first be submitted to the Building Permits office. All temporary signs, including portable or flag signs, shall be reviewed and approved by the Code Enforcement Office prior to being placed on the property. Signs that flash or blink are not permitted.
5. The Special Permit shall expire should the property or business be sold to another entity, per § 300-66.11. Transferability:

A special permit is not transferable except upon approval by resolution of the issuing board. 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.
6. Approval of special permit modification shall be required if there are any changes to the site plan or change in use of the property. Changes to the site plan may require a minor site plan review or submittal to the Planning Board, depending on the degree of change per Section 300-63.2. Applicability.
7. The applicant shall agree to the stipulations of approval in writing prior to the issuance of a Certificate of Compliance. **Contact the Building Permits Department at 607-786-2920 regarding the Certificate of Compliance prior to opening the business.** The applicant shall agree to follow the stipulations of approval in strict accordance with the special permit.

A motion to approve the special use permit for a private club with Staff Recommendations was made by Mrs. Jacyna and seconded by Mr. Matyas.

Motion Carried - Vote:

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

130 Oakdale Road – Confluence Running

Public hearing for special use permit for retail use, vote at Planning Board’s discretion,
Site Plan Review

Chairman Putman stated the property is an industrial zone and retail use is allowed by special permit. It is the former site of Klemmt Orthopedics and Culligan Water.

Chairman Putman opened the public hearing.

Matthew Gawors was present on behalf of the applicant. He is looking forward to being a part of Johnson City and the Town of Union and stated they are moving from the south side of Binghamton.

Ms. Lane affirmed the website is excellent and you can feel confident he has a well-run business.

With no further comments from the public, Chairman Putman closed the public hearing.

Chairman Putman read the Special Permit Request, Environmental Review and Staff Recommendations.



Special Permit Request:

Matthew Gawors submitted an application to use an existing 7,840 square foot commercial building located at 130 Oakdale Road for the sale of high-end running and fitness footwear and gear. The property is in an Industrial zoning district and the retail use is allowed by Special Permit.

The building has a 1,000 square-foot retail sales area, a business office, and storage space. In addition to in-store sales and services, the business does online sales, and is developing and distributing distance learning wholesale products and media. They are also doing research with a bio-medical company on quantifying bio-mechanical measurements and how it relates to footwear. Along this line, they plan to have an essential products show-room that includes FDA medical devices with gait analysis services, especially for Police Academy recruits to fulfill their required equipment lists.

There is one store manager with three part-time employees who are dynamic footwear specialists. The retail store will be open Monday through Friday between 10:00 a.m. and 7:00 p.m. It will be open on Saturday between 10:00 a.m. and 6:00 p.m., and then 12:00 p.m. to 5:00 p.m. on Sundays.

Environmental Review:

The applicant’s proposal is considered a Type II Action under the New York State Environmental Quality Review Act (SEQRA) because it is the reuse of a commercial space and has no outdoor impacts.

Staff Recommendation:

The Planning staff recommendation is to approve the special permit for a retail use, following the public hearing for the special use permit, with the following stipulations:

1. The Special Permit shall expire should the property or business be sold to another entity, per § 300-66.11. Transferability:

A special permit is not transferable except upon approval by resolution of the issuing board. 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.
2. Approval of special permit modification shall be required if there is any change in use of the property.
3. The applicant shall agree to the stipulations of approval in writing prior to the issuance of a Certificate of Compliance. Contact the Building Permits Department at 607-786-2920 regarding the Certificate of Compliance prior to opening the business. The applicant shall agree to follow the stipulations of approval in strict accordance with the special permit.

A motion to approve the special use permit including stipulations was made by Mr. Matyas and seconded by Ms. Ward.

Motion Carried - Vote:

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

Chairman Putman read the Site Plan Review, Environmental Review and Staff Recommendations.

Site Plan Review:

Matthew Gawors submitted a site plan application to use an existing 7,840 square-foot commercial building located at 130 Oakdale Road for the sale of high-end running and fitness footwear and gear.



The building will hold the retail sales area, the business office, and storage space. The property is in an Industrial zoning district and the retail use is allowed by Special Permit. The Planning Board approved the Special Permit for Retail Sales on April 28, 2020.

The property is 0.34-acres, and the parking area and building take up approximately 0.25-acres. The remainder of the lot has grass and landscape bushes.

No changes are proposed to the building footprint, parking layout or egress/ingress. The business is not expected to generate significant traffic; in fact, it has a growing online business. The 1,000 square-foot of retail space requires five parking spaces, and the existing parking lot is striped for seven spaces, including one accessible space and access aisle. Public water and sanitary sewer are available at the facility.

Environmental and 239-Review:

The applicant's proposal is considered a Type II Action under the NYS Environmental Quality Review Act (SEQRA), because the project entails only a change of use within an existing commercial building. Stormwater is already addressed. The project was subject to a 239-Review as it is within 500 feet of NY State Route 17. The following comments are from the department heads and the 239-Review:

- **B. C. Planning:** found no significant countywide or inter-community impacts associated with the project. The applicant should be aware that the property is in the Preliminary FEMA Special Flood Hazard Area.
- **NYSDOT** Nothing is to be placed within the State Right-of-Way along NYS Route 17. The applicant may contact the NYSDOT Broome Residency at (607) 775-0522 for assistance in locating the highway boundary, if needed.
- **Code Enforcement:**
 - Plans for all interior improvements shall be submitted to the Building Official for review prior to the issuance of any building permit. The applicant shall use plumbing and electrical contractors licensed by the Village of Johnson City.
 - Post signs for the handicap spot and access aisle.
- **Police Department:** No compelling interest.
- **Public Works & Water:**
 - A backflow prevention device shall be installed and tested by a certified backflow prevention device tester prior to the issuance of a Certificate of Compliance. Contact the Water Department at (607) 797-2523. The backflow prevention device shall be tested annually by a certified backflow prevention device tester, and the report shall be submitted to the Johnson City Water Department.
 - The applicant shall be responsible for shoveling and de-icing the sidewalks.
 - Garbage and recycling are collected by Johnson City on Wednesdays. Contact the Dept. of Public Works for refuse collection rules and regulations. If the applicant chooses to use a private company, they must supply the DPW with a site plan showing the location of a dumpster with an enclosure or proposed placement of private cans and copy of agreement with the private company.



Planning Staff Recommendations:

The Planning Department recommends approval of the site plan for 130 Oakdale Road with the requirements from Code Enforcement, Public Works and Water, and the NYSDOT, with the following stipulations:

1. If the parking lot should be repaved or seal-coated, the new striping shall delineate parking spaces at a minimum of nine (9) feet wide by eighteen (18) feet long, including the handicapped-accessible space, and eight (8) feet wide handicap access space adjacent to the handicap parking space, per the approved site plan.
2. The required handicap parking shall conform to the Property Maintenance code of NYS, 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.
3. 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 the landscaping, 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.
4. If using municipal trash service, garbage cans shall weigh no more than 50 pounds, be no larger than 35 gallons, and shall not have hinged lids. There shall be no more than six items for pick-up at any time. Contact the Department of Public Services at (607) 797-3031 for additional requirements
5. 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.
6. A sign permit shall be submitted to the Building Permits office for all proposed signage prior to installation. All temporary signs, portable signs, and sidewalk 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 expire after one year unless substantial improvements have been made pursuant to the approved site plan and a valid building permit.
8. 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. 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 recommend approval of the site plan at 130 Oakdale Road including the Department Head Comments and Staff Recommendations was made by Ms. Ward and seconded by Mr. Cunningham.

Motion Carried - Vote:

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



72 Arch Street – UHS

Extension of approval for Temporary Engineering Trailer until 4/30/2021

Rich Keehle and Karen McElwee were present on behalf of the extension. Mr. Keehle is requesting an extension for the engineering trailer until April 30, 2021. Unfortunately, the COVID-19 crisis has made them re-prioritize everything. He thanked the Board for their consideration.

Chairman Putman read the Extension of Site Plan Approval and Staff Recommendations.

Extension of Site Plan Approval:

On October 22, 2019, the Planning Board approved the extension for the site plan for a trailer at 72 Arch Street as a temporary office for engineering staff during the structural preparation for the demolition of a portion of the UHS hospital building through March 31, 2020. Due to unforeseen circumstances from COVID-19, and as plans for the addition to the hospital move forward, Richard Keehle, Sr. Director of Support Services, submitted a request to extend the deadline for the temporary trailer through April 30, 2021.

Planning staff recommendations:

Planning staff recommends approval of the extension to maintain the trailer at 72 Arch Street as UHS is undergoing a major renovation, with the following stipulations of approval:

Code Enforcement:

- The trailer shall be removed from the site within one week of completion of the need, and no later than April 30, 2021.
- Upon removal of the trailer, the parcel shall be reseeded within one week, and grass shall be established.
- Storage of items outside of the trailer is not permitted.

Public Works & Water: If either the water or sewer service experiences any leaks, it shall be addressed immediately.

Police and Fire: have no concerns about the extension of the trailer on site.

Planning Board:

- 1) Other than during the installation and removal of the trailer, vehicles shall not park regularly on the property.
- 2) Exterior lighting shall not encroach or spill over to adjacent properties or the street.
- 3) 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.
- 4) For any new sign, a sign permit shall be submitted to the Building Permits office for all proposed signage prior to installation.
- 5) Site plan approval shall be valid through April 30, 2021, at which time the trailer shall be removed. Any request for another extension shall be submitted in writing no less than 30 days prior to expiration.



There is no guarantee that such extension shall be approved. In addition, failure to submit said request in a timely manner may result in the denial of such extension.

6) The applicant shall be required to acknowledge all of the above conditions, in writing, no later than May 8, 2020. The applicant shall agree to follow stipulations of approval in strict accordance with the site plan approved by the Planning Board.

Ms. Lane reiterated that, per code, if construction on the addition begins prior to that time, the use will be permitted by right and they can leave the trailer there until the addition is complete.

A motion to approve the extension for a temporary engineering trailer until April 30, 2021 with prior stipulations and prior agreement was made by Mr. Matyas and seconded by Mrs. Jacyna.

Motion Carried - Vote:

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

629 Harry L Drive – Keystone Novelties – Outdoor Sales at Oakdale Mall

Lead Agency, Type II Action, Site Plan Review

A motion to declare the Planning Board Lead Agency was made by Mrs. Jacyna and seconded by Mr. Matyas.

Motion Carried - Vote:

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

Chairman Putman stated that the project is a Type II Action because the retail tent is less than 4,000 square-feet, and no further review is required under SEQRA. He then read the Site Plan Review.

Site Plan Review:

Courtney Rozen, management for the Oakdale Mall, submitted an application for a variety of transient outdoor retail businesses in the existing parking lot at the Oakdale Mall on 629 Harry L Drive, the parking lot of the former Macy's store. The site plan shows the specific area on the south end of 629 Harry L Drive. The property is zoned General Commercial, and outdoor sales and display is permitted.

Currently, Keystone Fireworks proposes setting up a 900 square-foot tent for the sale of NYS-permitted sparklers for July 4th celebrations. A no-parking zone will be provided around the set-up, which also includes one storage unit the size of a parking space, a portable bathroom, and a generator, all at least fifty-feet from the property line. The tent will be self-supported, so no pegs will be used, and the entire sales operation will be for approximately two weeks. Other transient retailers will be located within the same area, and all transient retailers will need to apply for a transient retail permit.

Rick Seery of Keystone Novelties and Christopher Nizamis, the General Manager of the Oakdale Mall, appeared on behalf of the applicant. Mr. Seery affirmed they have done this in plenty of other locations, typically 130 in New York. They set the tents up according to the state regulations. They sell legal sparklers which the State of New York licenses them to do. The State of New York inspects the products and the tent. The State Fire Marshal comes through, inspects and makes sure they have two fire extinguishers and three exits. During sales, the sides are rolled up; at the end of the night, the



product is secured and the tent is buttoned up. They are usually open from 9am – 10pm. They typically open the week of June 22nd and the last day of the sale will be July 5th. The group managers will visit the tents at least once a day to make sure issues that the clerks hadn't expected have been handled, to take the trash out and help maintain the tents and their visual appearance, and make sure sales are being conducted properly.

Mr. Seery explained the following practices in their social distancing plan with the current state of affairs:

- Limit number of people in the tent
- One way in, one exit out
- Chip readers
- Hand sanitizers
- Masks for the clerks

They already have several permits in New York to operate, depending on the lifting of restrictions.

Mr. Seery confirmed the product is highly flammable. They have never had an incident in the twenty years they have been operating. The DOT and American Pyrotechnics Association classify what they sell as sparklers, not fireworks. Nothing they sell explodes or travels through the air to make noise. All are ground-based or handheld. They are non-explosive; they are incendiary. The fuses are taped, and the packaging is constructed so that the heads are not next to each other. They follow the New York State regulations of fire marshals. They adapt to the different local and state regulations. They have an exclusion zone for parking and they use caution tape. They have put up sawhorses to provide a barrier. Per New York, any internal combustion engine must be at least 20 feet away.

Mr. Matyas stated there is a lot of egress. He questioned what they do with the product when closed.

Mr. Seery responded yes, New York state required two exits and in the last couple years they required a third exit. They do have tables under the tent. They do whatever they need to make people feel safe. They have never had an injury and he doesn't recall ever losing product due to fire. At this particular location, they plan to have a pod unit which the product will be secured in. It will have a high security lock. The clerks would take product off the table and pack it into the unit.

Mrs. Jacyna asked how many flammable products will be under the tent at one time.

Mr. Seery answered they typically have 1,500 pounds to start a tent off and as they sell it, they replace it. All products are weighted down with ballast (rock), so the 1,500 pounds includes the packaging. It is about \$18,000 worth of retail. They will not put all the product in the tent at one time; some will be in the pod. Boxes are specifically designed for fireworks to withstand dropping and breaking of product. Their policy is to keep things in the DOT-approved shipping boxes until use.

Mrs. Jacyna questioned what they will have to extinguish fires.

Mr. Seery responded they will have two or three fire extinguishers in the tent. They are required to have one 4A and one pressurized water extinguisher. He assumes they will end up having three, one by each exit.

Chairman Putman asked what they do with their trash. Is there going to be more than one person there and will there be security?



Mr. Seery confirmed they will hold onto the cardboard and it will be stored in the pod. The trash will be picked up by the group manager who will relieve the clerk, give change and remove the bags of trash at least once a day. They do not get a lot of damaged product, but that will not be combined with the trash. It is packed up and returned to the company. They require the clerk to have a helper who is not there 100% of the time, but will come during the busy hours and when the clerk needs relief. They require IDs from both the clerk and their helper.

Ms. Lane affirms Keystone Fireworks is just one example of a transient retailer. It is a permitted use. The Planning Board will be approving the site plan for the location. Mr. Nizamis, General Manager of the Oakdale Mall, will be signing the letter of approval.

Chairman Putman continued reading the Site Plan Review, Environmental Review, Department Head Comments and Staff Recommendations.

The following requirements pertain to outdoor sales and display (*Chapter 300-40.15*):

- A. The display area shall not exceed 10% of the gross floor area of the primary structure.
- B. The display area shall not block automotive traffic, fire lanes, or other travel lanes.
- C. The items for display are for sale and said area is not used for storage purposes.

Environmental Review and Department Head Comments:

The applicant's proposal is a Type II Action as the retail tent area is less than 4,000 square-feet, 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 201. The following comments are from Department Heads and the 239-Review.

- **Code Enforcement:** All signage shall be reviewed by Code Enforcement as a part of the transient retailer's permit. Signs that blink, rotate, or move are not permitted. All signage shall conform to Code.
- **Fire Dept.:** No compelling interest.
- **Police Dept.:** No compelling interest.
- **Public Works & Water:** No compelling interest.
- **B. C. Planning:** found no significant county-wide or inter-community impacts associated with the project.
- **B.C. Health Dept.:** If food service is proposed in the future, Matt Laine at the Health Department should be contacted at (607) 778-2814 for permitting requirements.

Staff Recommendations:

The Planning Department recommends approval of the site plan with the requirements from Code Enforcement, the Broome County Health Department, and the following stipulations:

1. For each future transient retailer, the retail business shall apply for a transient retail permit from the Code Enforcement Official prior to setting up on site.
2. The transient sales area shall be restricted to the location identified on the submitted site plan.



3. All proposed signage shall be reviewed and approved by the Code Enforcement Official prior to display.
4. The retail and display area shall not block automotive traffic, fire lanes, or other travel lanes.
5. Depending on the size of any tent or canopy, a separate permit is required and must conform to the NYS Uniform Fire Prevention and Building Code.
6. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to any transient retailer setting up at 629 Harry L Drive. 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 if the port-a-john would be inspected regularly and emptied as needed. In addition, when the tent goes, will they take the port-a-potty with them?

Mr. Seery answered they will have one port-a john for their tent. They will typically be serviced twice over the course of the two weeks. If they get a call that they need to be serviced, they will send someone out. The tents are scheduled to be removed by July 9th by the tent company. They will be set up a day or two before the scheduled sale. They ask the port-a-john company to remove them as soon as they are done, but they remove it as soon as they can, which may not be the next day. If the tent or port-a-john company don't comply, they won't be used again in the future.

Mr. Cunningham asked Mr. Nizamis if they area requiring a port-a-potty from each transient. Mr. Nizamis responded not necessarily. Asked if the Mall has any other interested transient retailers, he responded that at this time, they do not have any other interested transient retailers.

Attorney Coughlin stated the Code office will decide whether port-a-johns will be required, based on the types of uses.

A motion to approve the site plan at 629 Harry L Drive with requirements from the Code Department, the Health Department, Department Head Comments and Staff Recommendations was made by Ms. Ward and seconded by Mr. Cunningham.

Motion Carried - Vote:

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

530 Columbia Drive – Daniel Sambursky

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

A motion to declare the Planning Board Lead Agency for 530 Columbia Drive was made by Mrs. Jacyna and seconded by Mr. Matyas.

Motion Carried - Vote:

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



Chairman Putman stated that the project is an Unlisted Action under SEQRA, and he and the Board reviewed Parts 1 and 2 of the EAF. There were no questions. Chairman Putman read Part 3, the Determination of Significance.

Dr. Daniel Sambursky plans to open an ambulatory surgery center and medical office in the existing office building at 530 Columbia Drive. The 1.4-acre parking lot will be renovated, hence this environmental review. The property is zoned Planned Unit Development, and the parking lot is a permitted accessory use for the medical practice, which is permitted with site plan approval.

The use is consistent with the surrounding offices, and will not generate a significant amount of traffic. The building is connected to public utilities.

There will not be any significant impact to the land or any Critical Environmental Area. There will be no impact on historic resources or archeologically sensitive areas. The area is not in the floodplain, has no wetlands, and stormwater management and erosion control measures shall be implemented.

The proposed project will not adversely impact the use of energy, water or wastewater utilities, natural resources, wildlife nor create a hazard to environmental resources or human health.

After review, it was determined that the proposed parking lot would not have any significant adverse impacts on the environment.

A motion to make a Negative Declaration with respect to SEQRA at 530 Columbia Drive was made by Mr. Cunningham and seconded by Ms. Ward.

Motion Carried - Vote:

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

Dr. Sambursky and Brian Nicholson were present on behalf of the applicant. Dr. Sambursky stated that he is an ophthalmologist, and he currently has a practice across from Wilson Hospital and they have outgrown that space. He plans to move his medical practice to 530 Columbia Drive and he will enlarge the capacity of his practice. They will build a 12,000 square-foot office. He has a gentleman physician from Vestal who will be joining him. They currently share the parking lot with a neurosurgeon and it is extremely congested. They are looking forward to having the 125 parking spaces at 530 Columbia Drive. They want to build an ambulatory surgery center, which it has been approved by the Department of Health to build a 7800 square-foot, two-room ambulatory eye surgery center to do cataract surgery and outpatient ambulatory eye cases. It is very exciting for the community to not have to go into the hospital to receive ambulatory eye surgery.

Ms. Lane introduced Brian Nicholson, the engineer who did the site plan set up and storm water plan. Mr. Nicholson stated he is a civil engineer with Barton & Loguidice. They were hired by Hyman Hayes Associates to do the site plan.

Chairman Putman questioned with regard to storm sewer, do they have to do anything to the parking lot?

Mr. Nicholson responded as to the parking lot, it is mostly a rehab job; they are adding eight spaces on the west side of the building. To compensate for that, on the north side of the building they are adding



a dry swale which will help with any additional flows. The parking lot and existing swales have deteriorated, so this is mainly just a clean-up job.

Dr. Sambursky confirmed that currently there is not a tenant in place.

Chairman Putman read the Site Plan Review, Department Head Comments and Planning Staff Recommendations.

Site Plan Review:

In the 1980s, a Planned Unit Development (PUD) Plan was approved for properties on Carpathian Hill in Johnson City. The PUD was a mixture of residential uses, being Highlands Senior Community, and commercial and medical uses, and followed the General Commercial zoning district regulations and restrictions. Innovation Associates, a pharmacological research and development company, had been located at 530 Columbia Drive for many years, and recently, A. Anthony Corporation, a construction management company, was located in the building.

Dr. David Sambursky, a local ophthalmologist, plans to move his eye care practice to 530 Columbia Drive. Ophthalmic Associates of the Southern Tier, P.C. provides primary eye care services, and specializes in the treatment of glaucoma, cataracts and other eye diseases. In addition, the practice offers LASIK surgery on-site at The Laser Eye Center of the Southern Tier. The medical office and clinical surgery center are new uses at 530 Columbia Drive, and this requires site plan review. Because there is another medical office with minor surgery in the PUD, Mountain View Oral, the use is not new to the PUD, and therefore the proposal does not require an amendment to the PUD.

The property is 6.5-acres, and the single-story, 26,026 square-foot office building has an existing parking lot. The site plan shows 121 parking spaces, including 12 handicap accessible spaces; 117 parking spaces are required. The practice will occupy 7,500 square-feet for the ambulatory surgery center (ASC), and 11,650 square-feet for the medical office (total of 19,150), and leaving 5,750 square-feet as tenant lease space.

A new whole building sprinkler system will be installed with a dedicated backflow preventer. Each use in the building will be separated with a 1-hour fire rated partition, Ambulatory Surgery, Medical Office, and Business Occupancy. Dr. Sambursky plans to have Stericycle pick up medical waste, and Taylor for regular waste.

Environmental 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). Planning Department staff recommend a Negative Declaration. Since the area to be disturbed for the renovation of the parking lot, 1.4-acres, is greater than one-acre, a Storm Water Pollution Prevention Plan (SWPPP) is required. The Director of Public Services has approved the SWPPP.

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. Handicapped parking must comply with the Building Code of NYS, and shall be posted with signage displaying the international symbol of accessibility.



Fire Department: No compelling interest.

Police Department: No compelling interest.

Public Works & Water:

- Since this is a commercial property, the water service and the fire suppression system each require a backflow prevention device. The NY State Health Department requires the backflow prevention device be tested annually by a certified backflow device tester, and a report submitted to the Water Department (607-797-2523). The devices at this property shall be installed and tested prior to the issuance of a Certificate of Compliance.
- Contact the Dept. of Public Works for refuse collection rules and regulations. If the applicant chooses to use a private company, they must supply the DPW with a site plan showing the location of a dumpster with an enclosure or proposed placement of private cans and copy of agreement with the private company.

Planning Staff Recommendations:

The Planning Department recommends approval of the site plan for a medical office and clinical surgery at 530 Columbia Drive, with Department Head requirements and the following stipulations:

- 1) The parking lot shall be striped prior to the issuance of a final Certificate of Compliance according to the approved site plan and Village Code Chapter 300, Article 51, Off-Street Parking, Loading and Stacking Regulations.
- 2) If the parking lot cannot be striped before the building is ready for the issuance of a Certificate of Compliance, a temporary Certificate of Compliance may be issued for a maximum of six months.
- 3) For any proposed signage, a sign permit application shall be submitted to the Building Permits office prior to installation. All temporary 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) Prior to the installation of any new outdoor lighting, cut sheets for outdoor lighting fixtures shall be submitted to the Code Enforcement Office for review and approval.
- 5) If using municipal trash service, garbage cans shall weigh no more than 50 pounds, be no larger than 35 gallons, and shall not have hinged lids. There shall be no more than six items for pick-up at any time. Contact the Department of Public Services at (607) 797-3031 for additional requirements.
- 6) Site plan approval shall expire after 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 or 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.



Chairman Putman questioned the hours of operation. Dr. Sambursky responded typically they are 8:30am to 5:00pm Monday through Friday. The Ambulatory Surgery Center hours would be 6:30am to 4:00pm Monday through Friday. They have considered having Saturday hours, but they are currently not doing that. It would be possibly 8:30am – 1:00pm.

A motion to approve the site plan including the Department Head Comments and Planning Staff Recommendations was made by Mr. Matyas and seconded by Mrs. Jacyna.

Motion Carried - Vote:

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

135-139 Baldwin Street – Binghamton Brewing Co.

Lead Agency, Unlisted Action, SEQRA Determination, and recommendation to the ZBA Call for Public Hearing for a Brewery, Call for Public Hearing for indoor recreation to be held on May 26, 2020.

A motion to declare the Planning Board Lead Agency was made by Mrs. Jacyna and seconded by Mr. Matyas.

Motion Carried - Vote:

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

Chairman Putman reviewed Part 1, which was completed by the applicant, and Part 2 of the Environmental Assessment Form. There were no questions.

Chairman Putman read Part 3 of the Environmental Assessment Form.

Binghamton Brewing Co. submitted a proposal to open a microbrewery with indoor recreation and an outdoor deck in an existing residential and commercial building at 135-139 Baldwin Street. The property is zoned General Commercial, and the brewery and indoor recreation uses are permitted only by Special Permit by the Planning Board. The outdoor deck is permitted as an accessory use. The parking requirement is greater than the existing number of spaces, so the applicant is also applying for a 16-space parking variance. The building is historic, and SHPO has signed off on the addition of the deck.

The new deck will be approximately 300 square feet, four-feet high, and connected to the existing accessible ramp to the building. It will be enclosed with railings, per NYS Liquor Authority requirements. It will be constructed over an existing landscaped bed, and replacement landscaping requirements will be addressed during site plan review.

There will not be any significant impact to the land or any Critical Environmental Area. The area is not in the floodplain, has no wetlands, and stormwater management and erosion control measures have been implemented.



The brewery anticipates using 6,200 gallons of municipal water per month, which is not considered significant. Similarly, approx. 4,340 gallons of waste water per month is minor enough to not pose an issue for the Binghamton-Johnson City Joint Sewage Treatment Plant.

The proposed project will not adversely impact the use of energy, natural resources, wildlife nor create a hazard to environmental resources or human health.

After review, it was determined that the proposed microbrewery with indoor recreation and outdoor deck with not have any significant adverse impacts on the environment.

A motion to declare a Negative Declaration with respect to SEQRA for 135-139 Baldwin Street was made by Mrs. Jacyna and seconded by Mr. Matyas.

Motion Carried - Vote:

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

Chairman Putman read the Variance Request and the Planning Staff Recommendations.

Variance Request:

In 2016, the Planning Board approved the application by Regan Development Corporation to renovate two former EJ buildings at 135-139 Baldwin Street into 104 residential units and 7,745 square feet of commercial space. The property is zoned General Commercial and a mixture of commercial and residential uses is permitted.

Due to existing conditions, the proposal did not conform to the Village of Johnson City zoning requirements with regard to the number of parking spaces provided on site, and the Zoning Board of Appeals granted an area variance of 36 spaces, lowering the required number of parking spaces to 190.

Binghamton Brewing Company plans to lease the commercial space on the lower floor of the Century Building to locate their microbrewery and an indoor recreation area for axe throwing, both of which require a special permit. A site plan review is required for the taproom with an outdoor seating area.

The original approval for the Century Sunrise project based the parking for the approximately 7,700 square feet of commercial space at 40 spaces. The proposal by Binghamton Brewing Co would require 55 spaces for 110 seats and 1 loading space is required. Therefore, they are requesting an area variance for the 16 additional spaces for the proposed uses.

Planning Staff Recommendation:

The Planning Department staff recommends that the Planning Board recommend to the ZBA approval of the parking space area variance of 16 spaces.

The site also has access to two main roads and each has public bus service, providing access to transportation other than just personal vehicles. The Director of Public Services suggests that signage should be added to direct patrons to the parking area on the west side of Baldwin Street.



A motion to recommend to the Zoning Board of Appeals approval of the parking space area variance of 16 spaces was made by Mr. Matyas and seconded by Mr. Cunningham.

Motion Carried - Vote:

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

Chairman Putman questioned where the deck is going to be. When do they plan to do this?

Jason Garner of the Binghamton Brewery stated the deck will be on the east side, Willow Street side, by the main entrance, where there is a little black door with a grassy area, and as quickly as possible when we get out of quarantine and we can get construction started.

A motion to call for public hearings for both a brewery and for indoor recreation for 135-139 Baldwin Street to be held on May 26, 2020 at 7:30pm was made by Mrs. Jacyna and seconded by Mr. Matyas.

Motion Carried - Vote:

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

ADJOURNMENT

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

The meeting was adjourned at 8:57pm.

Respectfully submitted,

Kim Cunningham
Planning Board Clerk

