

Minutes of a regular meeting of the
Johnson City Planning Board held
on August 24, 2021 at 7:00pm at
243 Main Street, Johnson City, NY.

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

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

Absent: None

A work session was held at 7:00pm.

The Board discussed:

- Signage in the Village
- Code issues; and
- The agenda and the applications
- Current uses
- Parking Space waivers

Chairman Putman called the Planning Board meeting to order at 7:30pm and noted the emergency exits and stairways.

MINUTES

Approval of the July 27, 2021 meeting minutes of the Johnson City Planning Board was made by Mrs. Jacyna and seconded by Mr. Matyas.

PRIVILEGE OF THE FLOOR

Chairman Putman opened the privilege of the floor.

Lenny Pasquale of 267 Main Street explained his project and his frustration with the steps that he needs to follow to continue his project.

Chairman Putman explained the process to Mr. Pasquale and the steps he needs to take.

Chairman Putman closed the privilege of the floor.



UNFINISHED BUSINESS – None
NEW BUSINESS

246 Main Street – New Deal Development

Declare Lead Agency, Classify as Type II Action
Site Plan Review

Liam Burns and Mike Tokos appeared on behalf of the project. Mr. Burns explained they are gutting the building and bringing it back to the historic look. The first floor will be commercial, but they are not sure what is going in yet.

Chairman Putman read the Site Plan Review.

Site Plan Review:

New Deal Development submitted an application to convert two apartments into six apartments, three per upper two floors of an existing mixed-use building at 246 Main Street. The property is zoned Central Business District (CBD) and the use is permitted. The application is to convert two 3-bedroom apartments into six 1-bedroom apartments. No uses are proposed for the first-floor commercial space at this time. This project requires a Site Plan Review because the building has been vacant for over a year and the Code Enforcement Official in January made the determination that any use will require site plan review.

A fire suppression system is required for any residential use in a three-story building, and therefore a new fire water line shall be installed. Domestic water and sewer lines are existing.

Nine parking spaces are required for the apartments (1.5 per one-bedroom unit). Being located in a Central Business District, the Planning Board may waive some or all parking, per Article 300-51.4 of the zoning ordinance. There are two municipal parking lots within 400 feet. In addition, public parking is available on the street. When there has been a prior parking requirement, only the increased parking for any new use shall be required. Therefore, the applicant is requesting that nine parking spaces be waived.

A motion that the Johnson City Planning Board declare lead agency 246 Main Street was made by Ms. Ward and seconded by Mr. Brown.

Motion Carried - Vote:

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

The Board discussed the number of municipal spaces rented and that they need to make sure there is adequate parking.

Chairman Putman read Environmental and 239-Review and Department Head Comments.

Environmental and 239-Review:

The project required a 239-Review, being located on State Route 17C. The applicant's proposal is



considered a Type 2 Action under the NYS Environmental Quality Review Act (SEQRA). Comments from the 239-Review are attached, and addressed below:

- **B. C. Planning:** found no significant countywide or inter-community impacts associated with the project. The department did recommend the conditions of approval should include: for any sidewalk closures, equipment parking, or work to be conducted within the state right-of-way, the applicant will be required to obtain a Highway Work Permit from NYS DOT. The applicant may contact the NYSDOT Broome Residency at (607) 775-0522 to apply for this permit. No unapproved items may be placed within the State right-of-way, including signage.

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. Plans for all interior improvements shall be submitted to the Building Official for review prior to any related work.
- **Fire Department:** The Fire Marshal must do an inspection prior to the issuance of a Certificate of Compliance. Call him at (607) 729-9512 for the inspection.
- **Police Department:** No compelling interest.
- **Public Works & Water:**
 - The property manager's name, address and 24-hour contact phone number shall be provided to Code Enforcement and the Department of Public Works. Any changes shall be submitted within two business days of such change.
 - This project will require a plumbing plan and a backflow report for both domestic and fire service lines. The installation of the fire service line shall be coordinated with the Water Department. Johnson City Water will install the fire service line from the water main to the sidewalk area, with the cost to be borne by the property owner/developer.
 - A design by an engineer of the sprinkler system along with the backflow prevention device design shall be submitted to the Director of Public Works for review and approval. The designs shall ensure that the Village water system can supply the required flow and pressure to the system. Backflow device specifications shall be provided.
 - **Fire Service:** § 270-28: Piping installation from main to curb stop and box; expense. The installation of all service piping from the water main to and including the curb stop and curb box shall be made by the Department at the expense of the owner of the premises served. Charges for services and meters are payable in advance and at rates established from time to time by the Department.
 - § 270-78 **Installation of detector check.**
In all instances of fire services over two (2) inches in size and of a distance greater than seventy-five (75) feet from the main to the premises, a detector check will be installed. No charge will be made for water used to extinguish accidental fires.
 - § 270-79 **Installation of detector check bypass to handle leakage; damage caused from leakage.** The owner must provide and install a detector check bypass or similar device acceptable to the Department which will suitably handle fire flows and leakage. Owners must pay for maintenance, leakage and any damage caused by leakage of the fire service.
 - It is required that garbage is placed in cans with tight fitting lids. Garbage cans shall weigh no more than 50 pounds, be no larger than 35 gallons, and shall not have hinged lids. Cans



with stored grease shall be disposed of separately. All cans intended for recycling shall be cleaned and dry before being put out for recycling. Contact the Public Works Department at (607) 797-3031 to discuss garbage can placement locations.

The following stipulations should be taken into consideration:

- 1) As the project is in the Central Business District, the property shall conform to the relevant sections of Central Business District design standards, Article 57 of Chapter 300.
- 2) Per Section 166-8A, no owner shall let to any occupant any vacant dwelling unit or rooming unit unless it complies with the provisions of said chapter, and provided that said owner of a non-owner-occupied dwelling unit has registered at least every two years, or more frequently where the code enforcement officer and conditions require it, his or her rental units and received for those units a rental permit. Upon each rental or re-rental of a dwelling unit, the owner shall obtain from the Code Enforcement Officer a certificate of compliance or similar rental permit.
- 3) Per 166.8B, nonresidential owners of premises who are not employed or engaged in businesses within the community and do not customarily and regularly come into the community to attend a business office shall designate a responsible agent who resides within the community or customarily and regularly engages in and attends a business in the community. The name, address and telephone number of the responsible agent shall be recorded on the rental permit and shall be provided to Code Enforcement and the Department of Public Works. Any changes shall be submitted within two business days of such change.
- 4) An owner who fails to register rental units as required in Subsection A for a continuous period of 30 days or more after notice of the violation is mailed by the enforcement officer shall be subject to a fine of \$50 for a first violation and \$100 for any subsequent violation.
- 5) If any changes are proposed to the existing outdoor lighting, cut sheets for outdoor lighting fixtures shall be submitted to the Code Enforcement Office for review and approval prior to installation.
- 6) 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.
- 7) Any use of the first floor must come back to this Board for site plan approval.
- 8) Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan.
- 9) The owner of the property and 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.

Attorney Coughlin advised, if a motion is made, it should also consider in the verbiage the waiver of the parking requirement.

Chairman Putman asked for a motion.



A motion that the Planning Board approve the site plan for 246 Main Street to include the 239 reviews, department head comments with amendments and waive the nine required parking spaces was made by Mr. Matyas and seconded by Mrs. Jacyna.

Motion Carried - Vote:

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

Chairman Putman welcomed Trustees Meaney and Walker.

Chairman Putman welcomed the newest member of the Planning Board, David Michalak.

59 Lester Avenue

SEQRA Review, Type 1 Action
Site Plan Review (Tentative)

Attorney Sarah Campbell of Hinman, Howard & Kattell and Vince Ryan, Engineer from Keystone, and Sarah Marincel, Vice President Property Management Paulus Development appeared on behalf of the application.

Attorney Campbell provided traffic analysis as requested and there are no concerns with the traffic capacity. There is less than a 10% increase in traffic generation and no mitigation measures are recommended. BMTS signed off on the report. The Fire Department has reviewed the plans since last meeting and Fire Marshal Blakeslee has signed off. They have complied with height and maneuverability. The plan has not changed.

Mr. Ryan confirmed he spoke with Joshua Holland regarding the outstanding SWPPP. They provided a draft and they will provide final SWPPP before issuing any building permits.

Chairman Putman asked if there was a schedule.

Mr. Ryan responded abatement started and construction is soon to be after that. They want to have everything done on the roof this winter and abatement will be done in the Spring.

Attorney Campbell said they would appreciate site plan review because they have financing to close.

Attorney Coughlin asked if the photometric plan was done. Mr. Ryan requested that be a condition as well. He can get the photometric plans to the Board. They have 0% at property line and compliant.

Attorney Campbell advised the parking lights will face in towards the building and they are shields to the residential.

Attorney Coughlin confirmed lights significant enough to be safe, but not too much to overstretch.

Attorney Coughlin stated because it is a Type 1 action a long form is required. He reviewed Part 2 of the SEQRA.



Chairman Putman read Part 3, the Determination of Significance.

EJ Victory Building LLC plans to renovate a 267,149 sq. ft. building at 59 Lester Avenue. The parcel is zoned general commercial and this is a permitted use.

Landscaping and facade improvements will enhance the visual impact, and signage and added crosswalks will improve pedestrian safety. The lighting plan will shield lights from standing vehicles from shining into neighbors' homes.

There will not be any significant impact to the land or any Critical Environmental Area. There will be no impact on historic resources or archaeologically sensitive areas. The area is not in the floodplain and has no wetlands.

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 project would not have any significant adverse impacts on the environment.

A motion for a negative declaration with respect to SEQRA for 59 Lester Avenue was made by Mr. Matyas and seconded by Ms. Ward.

Motion Carried - Vote:

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

Attorney Campbell explained the project and site plan. Mr. Ryan showed a site plan diagram.

- Parking provided pursuant to a previous approval from the Zoning Board of Appeals
 - They do not have the parking that is required for the number of uses, but the ZBA granted a variance and has indicated what they do have is sufficient to service the site.
- They are adding pervious surface so the water can filtrate down through the soil rather than asphalt just running on.
- Landscaping plan has been reviewed and signed off on
 - Modification to remove landscaping by access point
 - Take as much advantage as they can for greenspace
 - Providing fence between the building and the railroad with breakaway for emergency access
- Designated walking area – from the police station there is painted sidewalk, painted crosswalks and at the exits or entrances there is either a bollard or curb for pedestrian protection, but the rest of the way will be painted to notify people of the crossing area. Everywhere there is a transition from the sidewalk to asphalt, there is an ADA accessible panel.
 - Chairman Putman confirmed there is not a continuous sidewalk
 - Attorney Campbell added there is a painted walkway all the way to Lester Avenue. There is not a sidewalk because there is an elevation issue. They cannot even it out because they will then the grade will not be ADA compliant.
- Parking lot will be fenced



- Trash removal will be contracted with Bert Adams. They will have a compactor on-site.
- Snow Removal contract with Siteworx for sidewalks and streets. There is ample room for snow.
- Attorney Campbell stated first floor indoor parking is a huge benefit to this project as it eliminates on-street parking.

Chairman Putman read the Site Plan Review, Environmental Review, 239- Review and Department Head Comments and stipulations.

Site Plan Review:

Matthew Paulus of EJ Victory Building LLC submitted an application for Site Plan Review.

The overall building area is approximately 267,149 square feet gross comprised of approximately 67,546 square feet gross on the ground floor (1st story) and approximately 46,781 square feet gross on each of the four upper stories plus an additional approximately 12,480 square feet gross of mechanical/mezzanine above. The building is a five (5) story non-combustible building with mechanical equipment platforms and/or mezzanine areas above the top (5th story). Current plans are to develop the project as a mixed-use building and the ground floor will be indoor parking. The 2nd, 3rd and 4th floors will be apartments. There will be 52 apartments on each of the floors for a total of 156 apartments, 120 units are one-bedroom and 36 units are two-bedrooms. The 5th floor will be reserved for future commercial use. There are 107 covered parking spaces on the first floor, 185 surface parking spaces and there will some common space and amenity space also on that ground floor. Site improvements include partial sidewalk construction, Helen Rd (private road) improvements including public utilities, 185 exterior parking spaces, improved Stormwater Management practices, planting plan, and lighting. It will have windows. This is a historic building, so a lot of the exterior work is driven by SHPO, the preservation office working on the window situation and the outside will be essentially be restored to its heyday. This is not a restrictive community, it is for all ages, not just seniors.

This use requires 487 parking spaces (252 for residential and 235 for the 47,000 sq ft office space on the 5th floor). The parking for the building provides 290 parking spaces, leaving them short 197 spaces. However, a variance for 239 spaces was approved by the Zoning Board of Appeals on May 11, 2020. Due to the variance granted; they do not need another variance.

Scott Freeman of Keplinger Freeman Associates and Joshua Holland, Director of Public Services, agreed to connect the whole storm line on Helen Drive from one end to another, 900± feet as was requested in the last project. The new SWPPP will reduce stormwater by 25%. They will replace the fire hydrants with five new ones and the building is sprinklered. There will be two elevators set up, five stair towers, road width decreased from 30 to 24 feet, grade change. They are working with the fire department with regard to emergency vehicles.

Environmental Review:

Under the requirements of Section 617.7(c), the proposed action was examined by the Full Environmental Assessment Form. The project is Type 1 Action. The Planning Board declared lead agency. Part 1 of SEQRA was reviewed and agreed to by the Planning Board at their July 27, 2021 meeting.



239-Review and Department Head Comments:

This project was subject to a 239-Review, being within 500-feet of a State Road.

B. C. Planning: found no significant countywide or inter-community impacts associated with the project. Suggested the following:

- The final site plan should include the following:
 - Complete street elements (see BMTS and NYSDOT comments)
 - Lighting plan (referenced in the SEQR Full EAF) and photometric analysis
 - Floor plans
 - Fire safety and suppression and emergency access to the extent necessary
 - Any NYSDEC remediation
- The SEQR should include and reflect all approvals, permits, and applicable reports, including the final site plan, SWPPP, TIS, NYSDEC, final site environmental and health assessments, SHPO, railroad noise/Norfolk Southern Railway, and parking variance/waiver. See BMTS, NYSDOT, DPW and BCHD comments.
- The proposed uses for floors 6 and 7 (SEQR references 7 stories with mechanical equipment and mezzanine) should be confirmed and accurately reflected on the site plan and in the reports.
- Building features should be consistent with the Downtown Johnson City Historic Preservation Guidelines to the extent practicable. The JC Historic Preservation Guidebook can be found at www.icpreserves.com. See the Victory Building on page 54.
- Exterior period lighting, fencing, and pedestrian furniture should be considered to the extent feasible.
- The potential for train noise impacts on the project facility should be addressed. See NYSDOT comments.
- The Village should consider providing context appropriate pedestrian connections to CFJ Park and the nearby shopping center. See BMTS and NYSDOT comments.
- The Village should ensure consistencies in the data presented in the site plan and in the reports. For example, inconsistent parking space counts and building footprint size should be addressed.

BMTS:

- Requested the applicant provide trip generation data for the proposed development. BMTS signed off on the follow-up study provided subsequent to the request.
- Suggested the site plan be revised to include complete streets elements. Specifically, clear pedestrian connections in the form of sidewalks and painted crosswalks should be provided between the parking areas and the building, and that these on-site pedestrian connections connect to the town's existing sidewalk network. A context appropriate pedestrian connection should be provided across Lester Avenue since it is likely that tenants will be walking to the park and shopping center located to the northeast of the site. The type and location of this pedestrian connection should be coordinated with the Village. Other complete streets elements that the applicant should consider providing include exterior lighting, parking lot landscaping and buffering, and bicycle parking.



NYSDOT:

- Please direct the applicant to coordinate with the Norfolk Southern Railway, as an agreement with the railway company may be required for this development. Also, please note that residents of the facility are likely to be impacted by noise, such as from train horns, at any time during the day or night;
- The applicant should establish pedestrian connections between the development and the surrounding sidewalk network, and should coordinate with the Village of Johnson City to ensure that the nearby sidewalks are appropriate to receive the pedestrian traffic to be generated by this development;
- It is likely that this development will generate a substantial number of pedestrian trips to and from the nearby Walmart, and the applicant and Village should coordinate to provide for safe pedestrian crossings of Lester Avenue;
- Please forward any information available for this project regarding trip generation to the Region, including any related documentation requested by BMTS or other agencies;
- If you have any other questions, or need further assistance, please contact Sean Murphy at (607) 772-7335.

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 signage for the delivery truck loading and unloading space. Refer to Code Enforcement for details.
- Relocate accessible parking space with required signage.

Police Department:

- Their main concern at this point is regarding a lack of a sidewalk the entire length of Helen Drive. There is currently a significant amount of foot traffic that passes by the building coming to and from Lester Ave. As of now, the traffic past the building is fairly light, so vehicles are able to navigate around the pedestrians in the roadway. They would anticipate that both pedestrian traffic and vehicular traffic will increase significantly when the project is completed which could cause substantial safety issues due to foot traffic on the busier roadway. If at all possible, they would like to see a full-length sidewalk built back into the plan.

Fire Department:

- The Fire Marshal shall inspect the building prior to the issuance of a Certificate of Compliance. Call the Fire Department to arrange the inspection at (607) 729-0428 prior to tenant spaces being occupied.

Public Works & Water:

- The backflow prevention device shall be tested by a certified backflow prevention device tester prior to the issuance of any Certificate of Compliance. Contact the Water Department at (607) 797-2523 for more information. In the future, 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.
- No Building Permit Shall be issued until the Final SWPPP has been approved.



The following stipulations and conditions should be taken into consideration:

- 1) No building permit shall be issued until the final letter of approval from the NYS Office of Parks, Recreation and Historic Preservation are filed with the Planning Department and Code Enforcement Office.
- 2) 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.
- 3) 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.
- 4) Site plan approval shall expire after one year unless substantial improvements have been made pursuant to the approved site plan.
- 5) Erosion control measures shall be adhered to during construction.
- 6) The contractor shall obtain all necessary excavation or encroachment permits setting forth time, place and manner of restrictions necessary to protect the health, safety and welfare of the public, prior to commencing construction required for sidewalk, curb and gutter installation or replacement in the Village's Rights of Way. 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.
- 7) If the construction or removal by the contractor disturbs or alters any Village Rights-of-Way, the developer shall be responsible for the restoration of any such Village Rights-of-Way to their original condition, normal wear and tear excepted.
- 8) Per Code Enforcement, outdoor lights with the potential to spill over the property lot line shall be shielded or corrected appropriately. Only those electricians who are licensed by the Village of Johnson City may be used, and they shall apply for an electrical permit before commencing work.
- 9) Construction shall be limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. through 6:00 p.m. on Saturdays.
- 10) The property owner shall be responsible for the maintenance of any drainage structure per the SWPPP.
- 11) 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. 1106.8 Signage. Each accessible parking space shall be provided with signage displaying the International Symbol of Accessibility. Each access aisle shall be provided with signage reading "NO PARKING ANYTIME." Signs shall be permanently installed at a clear height of between 60 inches (1525mm) and 84 inches (2185mm) above grade and shall not interfere with an accessible route from an access aisle.
- 12) The landscape areas shall be seeded within two weeks of stabilization to prevent erosion issues. Approved landscaping shall be installed by June 30, 2023, 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.



- 13) 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 for a motion.

A motion that the Johnson City Planning Board approve the site plan for 59 Lester Avenue with the Department Head Comments and stipulations and conditions contingent upon the approved stormwater pollution prevention plan, approved lighting plan and approved landscaping plan was made by Mrs. Jacyna and seconded by Mr. Matyas.

Motion Carried - Vote:

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

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 9:15 pm.

Respectfully submitted,

Kim Cunningham
Planning Board Clerk

