

Minutes of a regular meeting of
the Johnson City Planning Board
held on May 26, 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
Mayor Greg Deemie
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 welcomed Mayor Deemie, Trustee Meaney and Trustee Walker.

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

MINUTES

A motion to approve and place on file the minutes of the March 31, 2020 meeting and April 28, 2020 meeting was made by Ms. Ward and seconded by Mr. Matyas. The motion carried with all those present voting in the affirmative.

PRIVILEGE OF THE FLOOR

Chairman Putman opened the privilege of the floor. There being no one who wished to speak, Chairman Putman closed the privilege of the floor.

Chairman Putman asked if anyone had a conflict with any of the items on the Agenda. Mr. Matyas stated he is recusing himself on the 501 Reynolds Road Lourdes Wellness project.

UNFINISHED BUSINESS – None



NEW BUSINESS

135-139 Baldwin Street – Binghamton Brewing Co.

Public hearing for special use permit for brewery use, vote at Planning Board's discretion, Site Plan Review.

Chairman Putman opened the public hearing.

Jason Gardner was present on behalf of the application. Mr. Gardner stated he is very excited about the opening in the existing, beautiful building and thanks everyone for their help.

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:

Jason Gardner of Binghamton Brewing Co. applied to open a brewpub in 7,000 square-feet of commercial space in the Century Building located at the west end of 135-139 Baldwin Street. The property is in a General Commercial zoning district, and the brewing production requires a Special Permit from the Planning Board. Binghamton Brewing Co. plans to brew for both the onsite taproom and for distribution. In addition, food prepared offsite will be served, and an indoor recreation facility for ax-throwing is planned.

Water consumption for the brewery is projected to be 6,200-gallons per month. About 25% becomes beer, 75% is waste water. Johnson City has no concerns about the volume of water use. The proposed concrete deck, in addition to being a deck for setting up seats and tables, will be used as a loading dock for supplies and product. Spent grain, the solid waste from beer production, will be picked up by farmers from the same loading dock. Truck traffic is expected to be very low, once every few weeks, and should not have any impact on the surrounding residents. Most truck delivery will generally take place before noon. Wholesale half-kegs are delivered to purchasers via personal vehicle at this time, although there is the potential for canning in the future.

Engineers for the Binghamton-Johnson City Joint Sewage Treatment Plant have reviewed the application, and based on the information provided, do not anticipate a need to issue a pretreatment permit. However, the applicant will still be required to meet the requirements of the *Rules and Regulations Relating to use of the Binghamton-Johnson City Joint Sewage Treatment Plant*. In particular, this included specific prohibitions on certain discharges, and requires that wastewater being discharged does not exceed the numerical local limits, such as pH, metals, etc. With the application to open this new facility, the existing facility on Avenue B will be decommissioned, and the same volume of waste water will be directed to the sanitary sewer system.

Environmental Review:

Under the requirements of Section 617.7(c), the proposed action was examined by the Short Environmental Assessment Form. The project is an Unlisted Action and the Planning Board made a Negative Declaration under SEQRA on April 28, 2020.



Staff Recommendations:

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

- 1) Binghamton Brewing Co. shall be responsible for maintaining compliance with all rules and regulations required by the Binghamton-Johnson City Joint Sewage Treatment Plant. In particular, this includes specific prohibitions on certain discharges, and requires that wastewater being discharged does not exceed the numerical local limits, such as pH, metals, etc.
- 2) Total suspended solids from the wastewater generated during the brewing process and, in particular, during the washing process shall be removed as much as possible prior to the wastewater being released into the public sanitary sewer system.
- 3) Solid waste from the brewing process such as spent grains shall be removed from the site by the business owner and disposed of in an environmentally conscientious manner.
- 4) Special permit modification approval will be required if there are any changes in use of the leased area. This includes any substantial increase in water usage or the transition to bottling or canning single-serving-sized containers.
- 5) The Special Permit shall expire should the business be sold or transferred to another entity, per § 300-66.11. Transferability:
 - a. The special permit is not transferable except upon approval by resolution of the Planning Board.
 - b. The special permit shall authorize only one special use and shall expire if the special use ceases for more than three months for any reason.
- 5) The applicant shall be required to acknowledge all of the above stipulations, in writing, prior to the issuance of a Building Permit.

Mr. Gardner added that they plan to close their existing business at 15 Avenue B, as they transition into the new building. There will not be a significant change in the footprint of operation.

A motion to approve the special use permit for Binghamton Brewery at 135-139 Baldwin Street including Staff Recommendations was made by Mr. Matyas and seconded by Ms. Ward.

Motion Carried - Vote:

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

Site Plan Review

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

Environmental Review:

Under the requirements of Section 617.7(c), the proposed action was examined by the Short Environmental Assessment Form. The project is an Unlisted Action and the Planning Board made a Negative Declaration under SEQRA on April 28, 2020. A Stormwater Pollution Prevention Plan is not required because the only proposed change from pervious to impervious area is the construction of a



0.009-acre dock over an existing landscaped island. Stormwater will flow to the existing public stormwater system.

239-Review and Department Head Comments:

This project was subject to a 239-Review, being within 500-feet of the SUNY School of Pharmacy.

- **B. C. Planning:** found no significant countywide or inter-community impacts associated with the project. Suggested the addition of the loading dock parking space.

- **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:** No compelling interest.

- **Fire Department:** No compelling interest.

- **Public Works & Water:**
 - The backflow prevention device shall be tested by a certified backflow prevention device tester prior to August 12, 2020. 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.
 - Suggests adding signage informing patrons of the parking lot on the west side of Baldwin Street.

Staff Recommendations:

The staff recommendation is to approve the Site Plan for a brewpub, indoor recreation and outdoor deck for seating and delivery truck access, with the following stipulations:

- 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) Prior to the issuance of any building permit, the site plan shall be revised to indicate the location of the parking space for the loading dock, and the relocated accessible parking space with associated access space. In addition, the location for the new dumpster shall be added to the revised site plan prior to the issuance of any building permit.
- 3) No more than 110 customer seats shall be permitted, including indoor and outdoor seating.
- 4) Per NYS law, all restaurants that seat greater than 50 patrons must be inspected by the Municipal Fire Code Inspector every year. It is your responsibility to coordinate that inspection by calling the Code Enforcement office at (607) 786-2920, first to conduct the initial inspection prior to the issuance of a Certificate of Compliance, and thereafter every year after the issuance of a Certificate of Compliance.



- 5) 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.
- 6) 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.
- 7) Site plan approval shall expire after one year unless substantial improvements have been made pursuant to the approved site plan.
- 8) 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.

A motion to approve the site plan for a brewery at 135-139 Baldwin Street including Department Head Comments and Staff Recommendations was made by Mr. Cunningham and seconded by Mrs. Jacyna.

Motion Carried - Vote:

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

501 Reynolds Road – Lourdes Wellness Center and Clinic at the 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. Cunningham.

Motion Carried - Vote:

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

Erick Webb of JFM Real Estate was present on behalf of the applicant. Mr. Webb explained that the summary report provided a good description of the project, and offered to answer any questions.

The Board did not have any questions for the applicant.

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

Site Plan Review:

Erick Webb of the JFM Real Estate group submitted plans for a new Lourdes Wellness Center and Clinical space in 56,000 square-feet of the first floor of the former Sears retail building located at 501 Reynolds Road. The property is in a General Commercial zoning district, and the medical office and indoor recreation are permitted uses. Lourdes proposes the comprehensive health center by melding the clinical health center with a fitness center that can offer outpatient therapy to clients, transitioning to general fitness services. The medical offices will include community/medical education. The Wellness



Center will have a gym with workout areas, lap pool, therapy pool, spa, group activity studios, high-end fitness studios and classes.

The 501 Reynolds Road parcel is part of a larger mixed-use plaza. This parcel has 744 parking spaces, with more than 4,000 spaces around the mall. The property owner, Spark Broome LLC, shall be responsible for ensuring that sufficient accessible spaces are provided.

Environmental Review:

The applicant's proposal is considered a Type II Action under the New York State Environmental Quality Review Act (SEQRA), as the project is the reuse of an existing commercial building.

239-Review and Department Head Comments:

The project was subject to a 239-Review because it is in the same building as Broome County offices.

- **B. C. Planning:** found no significant countywide or inter-community impacts associated with the project. Reminds applicant part of the site is in the flood hazard area.
- **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.
 - Add 30 accessible spaces near the Lourdes Wellness entrance, per Code, prior to the issuance of a Certificate of Compliance. Coordinate locations with Code Enforcement.
- **Police Department:** No compelling interest.
- **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.
- **Public Works & Water:**
 - 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 pool drains must be connected to the sanitary sewers

Planning Staff Recommendations:

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

- 1) Per Chapter 236-20, all dumpsters shall be kept in a place easily accessible to private collection contractors, shall be clean, neat, painted and kept in good repair; any spilled materials are the responsibility of the property owner or occupant and shall be cleaned immediately. No garbage, rubbish, trash, yard waste or other items of refuse shall be located outside of a dumpster. All dumpsters located on a property for reasons other than temporary construction shall be fully enclosed and all doors and lids must be in working order and lids must be securely closed at all times. Dumpsters not in use must be removed within 30 days. The collection of garbage or other material from dumpsters shall not commence on any day prior to the hour of 6:00 a.m. nor past the hour of 9:00 p.m.



- 2) Cut sheets for any proposed outdoor lighting fixtures shall be submitted to the Code Enforcement Office for review and approval prior to installation.
- 3) For any proposed signage, a sign plan shall be submitted to the Building Permits office prior to installation. All temporary signs, portable signs, banners, or flutter flag signs shall be reviewed and approved by the Code Enforcement Office prior to being placed on the property. Signs that flash, blink, rotate, or move are not permitted.
- 4) Site plan approval shall expire after one year unless substantial improvements have been made pursuant to the approved site plan.

The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Building Permit. The applicant shall agree to follow stipulations of approval in strict accordance with the site plan approved by the Planning Board. Changes to the site plan following approval may require a minor site plan review or resubmittal to the Planning Board, depending on the degree of change per Section 300-63.2. Applicability.

A motion to approve the site plan for 501 Reynolds Road, Lourdes Wellness Center including Department Head Comments and Staff Recommendations was made by Ms. Ward and seconded by Mrs. Jacyna.

Motion Carried - Vote:

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

333 Grand Avenue – Village of Johnson City Public Works Facility

Lead Agency, Unlisted Action, SEQRA Determination, 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 reviewed Parts 1 and 2 and Ms. Lane read Part 3 of the Short Environmental Assessment form.

The Village of Johnson City plans to construct a Department of Public Works facility at 333 Grand Avenue. The 4.4-acre property is zoned Industrial and the municipal use is permitted by right. The proposal includes the primary building with offices and garage space for municipal vehicles, a salt storage structure, a maintenance garage, and a refueling center. The site is a former parking lot. The project was evaluated for any adverse negative impact on the environment:

The proposed action will not have any significant effects on existing air quality, noise levels (5-10 DPW trucks leave and return once daily), existing traffic patterns (parking requirement is met), solid waste production or disposal. The project requires a SWPPP to address stormwater, and the floodplain area will be a part of the stormwater mitigation.



The proposed action will not result in adverse impacts to aesthetic, agricultural, historic or other natural or cultural resources; or community or neighborhood character.

There will not be any significant impacts to any Critical Environmental Area, or endangered or threatened vegetation or animals; nor create a hazard to environmental resources or human health.

The proposed action will not result in any adverse effects on the community's existing plans or goals, or change in use or intensity of use of land.

The proposed project will not adversely impact the use of energy, nor have adverse impacts on subsequent development.

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

A motion for a negative declaration with respect to SEQRA for 333 Grand Ave was made by Mr. Matyas and seconded by Ms. Ward.

Motion Carried - Vote:

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

Robert Bennett, Director of Public Services for the Village of Johnson City, and Chris Maby, Chris Thomas and Jeff Stafford of Delta Engineers, Architects and Surveyors appeared on behalf of the applicant.

Mr. Bennett gave background information regarding floods, with up to four feet of water in the past at the current DPW Facility on Brown Street. The Village had discussions with FEMA and they were of no help. They looked for other site options and ended up with 333 Grand Avenue. This is the initial site plan as they do not have the building design yet. The initial phase will be to remove several concrete foundations and a retaining wall before they can do anything, and the storm drainage will also be installed. They will also be removing the existing fence that UHS put up and installing a fence with privacy slats. The initial layout, which will be addressed more on the full-blown site plan, has the majority of their activities; the salt barn, the mechanics' bay and fueling station will be in the back of the site near the railroad tracks. The back lot is 14-16 feet below the road and those activities are behind the vehicle building and at the low spot at the site. There have been drainage issues on Bennett Avenue; there is no drainage there now. This project will alleviate the drainage issues at the end of Bennett Avenue which has resulted in quite a bit of erosion at the house at the end of Bennett Avenue.

Chairman Putman questioned the infiltration basin and whether it is like a settling pond.

Chris Maby from Delta explained there were borings and infiltration tests taken from the site and the soils on site are conducive to water draining. There are ponds on the west and one on the east side against the railroad tracks, and they are intended to be infiltration basins which will not hold water. There will not be ponding water. There's an outlet at the 2-foot point.

Mr. Bennett added under normal circumstances the ponds are dry, but if you get a major flood, they will hold water for a short period of time, but for the most part they will be dry.



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

Site Plan Review:

The Village of Johnson City Dept. of Public Works has proposed a new facility at 333 Grand Avenue, as the current DPW facility on Brown Street is within the flood zone and has experienced damage during two major floods and one minor flood. This site development project includes a new DPW building, a salt storage shed and a maintenance garage. In addition, a new fueling facility for Johnson City vehicles will be installed. Parking for all employees will be provided, along with additional parking for visitors. The size and footprint of the building are yet to be determined. The 4.4-acre property is Industrial, and the municipal use is permitted by right.

This site plan review is for the initial site preparation and development of the stormwater mitigation design. All existing structures, concrete foundations, paved areas, walls and fences will be demolished as a part of the site redevelopment. A future site plan application will be submitted when the new building has been further designed.

Environmental Review:

The redevelopment of 333 Grand Avenue is classified as an Unlisted Action under SEQRA, and the Planning Department recommends a Negative Declaration. Stormwater will be collected using curbing and catch basins, conveyed through proprietary treatment systems to two on-site infiltration basins. Ultimately, the treated stormwater will be directed into the Village-owned stormwater system on Grand Avenue. This project will alleviate a storm water issue at the end of Bennett Avenue which is causing erosion on a private parcel. There will also be an oil-water separator at the fueling station to treat any spills prior to entering the stormwater system. An approximately 0.2-acre portion of the property is in the 100-year floodplain, and that area will be incorporated into the stormwater mitigation plan. The stormwater pollution prevention plan (SWPPP) was approved by the Village Engineer.

The NYS Office of Parks, Recreation and Historic Preservation responded to the Cultural Resource Survey that no archeological or historic resources will be impacted by the project. The property is not subject to a 239-Review.

Department Head Comments

- **Code Enforcement:** No comments
- **Police:** No concerns with the proposed use.
- **Fire Department:** No comments

Planning Staff Recommendations:

The project meets the requirements for initial site development and stormwater design implementation for the future Department of Public Works facility. The Planning Department recommends approval of the site plan with the following stipulations of approval:

1. The contractor shall comply with the approved SWPPP, and install erosion control measures prior to any activities involving ground disturbance.



2. Any area disturbed and unsealed for more than five days during construction operations shall be stabilized temporarily.
3. Water or the use of cover materials shall be used to minimize dust generation.
4. No junk or trash shall be stored on the site.
5. The applicant shall submit final plans for the building for site plan review prior to construction of any building.

A motion to approve the site plan for 333 Grand Ave was made by Mrs. Jacyna and seconded by Mr. Cunningham.

Motion Carried - Vote:

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

177 Main Street – Uncle’s Asian Market

Lead Agency, Unlisted Action, SEQRA Determination and recommendation to the ZBA

A motion to declare the Planning Board Lead Agency for Uncle’s Asian Market at 177 Main Street was made by Ms. Ward and seconded by Mr. Cunningham.

Motion Carried - Vote:

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

Chairman Putman reviewed Parts 1 and 2 of the Environmental Assessment Form (EAF) and the Board agreed with Questions 1-11 of Part II of the short EAF. Chairman Putman read Part 3 of the Short EAF.

Van Pathoumvahn opened Uncle’s Asian Market at 177 Main Street. The 0.13-acre property is zoned General Commercial and the retail use is permitted. The retail use in a formerly vacant building requires site plan review, and the retail area requires 5 parking spaces. There is no off-street parking, so the application includes a request for a 5-space parking variance. The project was evaluated for any adverse negative impacts on the environment:

The proposed action will not have any significant adverse effects on existing air quality, ground water, noise levels, solid waste production or disposal, or existing traffic patterns. No outdoor changes to the land are proposed. The store on Main Street will not impact wetlands, floodplain, or erosion controls. The request for a 5-space parking variance will not significantly impact the neighborhood; there are adjacent on-street, metered parking spaces.

The proposed action will not result in adverse impacts to aesthetic, agricultural, other natural or cultural resources; or community or neighborhood character. The property is in the historic district, the reuse of the interior of the building will not cause negative impacts to that historic district.

There will not be any significant impacts to any Critical Environmental Area, or endangered or threatened vegetation or animals; nor create a hazard to environmental resources or human health.

The proposed action will not result in any adverse effects on the community’s existing plans or goals, or change in use or intensity of use of land.



The proposed project will not adversely impact the use of energy, nor have adverse impacts on subsequent development.

After review, it was determined that the retail use in an existing commercial building with a parking space variance will not have any significant adverse impacts on the environment.

Ms. Lane added that the DOT had minor comments regarding the signage, but had no concerns about the parking variance.

A motion for a negative declaration with respect to SEQRA for 177 Main Street was made by Mr. Matyas and seconded by Ms. Ward.

Motion Carried - Vote:

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

Khamvane Pathoumvanh (“Van”), owner of Uncle’s Asian Market and Joe Wang of New Century Real Estate appeared on behalf of Uncle’s Asian Market. Van confirmed she moved into 177 Main Street and Code Enforcement gave her the steps she needed to take.

Chairman Putman stated the Planning Board’s responsibility is to give the Zoning Board a recommendation whether they would recommend the parking variance or not. Whatever recommendation this Board makes it will go to the Zoning Board of Appeals on June 8, 2020.

A motion to recommend approval to the Zoning Board of Appeals for a parking variance of five spaces for 177 Main Street was made by Mr. Cunningham and seconded by Mrs. Jacyna.

Motion Carried - Vote:

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

Chairman Putman told Van this will go to the Zoning Board of Appeals on June 8, 2020 with the Planning Board’s recommendation for the approval of the variance.

Ms. Lane stated Van will be first on the June 23, 2020 Planning Board Agenda.

ADJOURNMENT

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

The meeting was adjourned at 8:25pm.

Respectfully submitted,

Kim Cunningham
Planning Board Clerk

