

Present: Gerald Putman, Chairman
John Walker, Vice Chairman
Joanne Drimak
Andrew Holbert

Absent: Lee Briggs, Secretary

Also Present: Diane Salva, Clerk to the Planning & Zoning Boards
Nathan VanWhy, Attorney for the Village
Trustee Bruce King
Paul Nelson, Town of Union Planning Director
Marina Lane, Town of Union Senior Planner

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 & noted the emergency exits.

MINUTES – A motion to approve the minutes of the February 11, 2015 and March 24, 2015 regular meetings was made by Mrs. Drimak and seconded by Mr. Walker. The motion passed with all those present voting in the affirmative. The minutes from the April 28, 2015 meeting were held over to the next meeting.

PRIVILEGE OF THE FLOOR – None

NOTE – Chairman Putman explained that a public hearing which had been advertised and the subsequent review for a subdivision was not necessary for the project at 515/519 Columbia Drive. The Village Code regarding subdivisions changed in the last year to permit small subdivision reviews to now be an administrative action.

COMMUNICATIONS – Letter with photos received from Marie & Joe Lukasik regarding the Special Permit renewal for 103 & 111 Riverside Drive.

CONTINGENCIES - None

OLD BUSINESS

Greenstate Properties – 515/519 Columbia Drive **SEQR Determination**

Greenstate Properties, LLC, originally presented the preliminary subdivision plan to partition the 2.17-acre property at 515 Columbia Drive into two parcels to the Village of Johnson City Planning Board on April 28, 2015, at which time no concerns were expressed. The parcel is currently owned by Brucker & Aronson, LLC, and the plan is that the newly created parcel will be sold to Greenstate Properties, LLC. The final subdivision plan has been updated with utilities. An eight-inch (8") water main will be extended from the existing twelve-inch (12") water main in Columbia Drive approximately 400 feet eastward to the new parcel, 519 Columbia Drive. A one-inch (1") water service and a six-inch (6") sanitary sewer lateral will be extended to the property line for



future extensions into the property for the planned development of an office building. The property is zoned Planned Unit Development (PUD), and the Carpathian Hill Development PUD was originally approved with the bulk restrictions of the General Commercial zoning district at that time. General Commercial bulk requirements with utilities were a minimum lot size of 7,500 square feet, minimum lot width of 60 feet, minimum front setback of 30 feet, and no minimum side setback, being adjacent to non-residential properties. The parcel at 515 Columbia Drive with an existing office building shall be 1.05 acres, with 250-foot road frontage, and meets the front and side setback requirements. The proposed lot at 519 Columbia Drive is 1.12-acres with 248.5-foot of road frontage. The proposed two lots meet code requirements, and the subdivision plan shows all required contours, utility details and specifications, metes and bounds, and easements. The subdivision conforms to all requirements and has been reviewed and approved by staff.

Robert Colbert & Connor Colbert with CC Premier Properties, LLC and Theodore Lauve, P.E. with Lauve Engineering were present on behalf of the applicant.

Environmental Review

The Planning Department staff recommends approval of the Negative Declaration under the New York State Environmental Quality Review Act (SEQRA). The Village's Engineer has approved the final subdivision plans and Stormwater Plan. A 239-Review was not required.

SEQR

Chairman Putman explained that a SEQR Short Environmental Assessment Form has been prepared.

Chairman Putman asked if there are any stormwater concerns with 520 Columbia Drive. Mr. Lauve stated no. Senior Planner Lane explained that concerns that the Village had have been resolved.

The board, having reviewed Part I and Part II of the SEQR Short Environmental Assessment Form ("Short EAF") has determined that there will not be any significant adverse environmental impacts with respect to the project, therefore a motion was made by Mr. Walker and seconded by Mrs. Drimak finding that the proposed action will not have a significant adverse environmental impact and authorizing the Chairman to sign the Negative Declaration.

Motion Carried - Vote:

Yes – 4 (Walker, Drimak, Holbert, Putman) No – 0 Absent – 1 (Briggs)

CC Premier Properties, LLC – 519 Columbia Drive

Site Plan Review

The Carpathian Hill Development Planned Unit Development (PUD) plan was previously approved for a mixture of uses, primarily being commercial. Greenstate Properties, LLC, submitted a subdivision plan to partition one of the properties, 515 Columbia Drive, into two lots. On behalf of CC Premier Properties, Greenstate Properties, LLC, submitted a site plan application to construct a new office building on the newly created lot, 519 Columbia Drive. Anytime a minor change in use or structure is proposed within an approved PUD, Code requires the review of a revised PUD plan. As the use is in conformance with the original PUD plan, the amended PUD plan only requires Planning Board approval.



SITE PLAN REVIEW

The proposed one-story 6,267 square foot office building will be made of brick with a steel frame. A one-inch (1") water service line will be extended from the new water main in Columbia Drive, and a new four-inch (4") sanitary sewer lateral will be extended from the existing six-inch (6") main in Columbia Drive. The parking requirement based on 5 per every 1,000 square feet of office space is 32, and the site plan provides 34, including two handicapped-accessible spaces and the associated access aisle. There will be a 24ft. wide driveway entrance. The enclosed dumpster will be on a pad and a landscaping plan will be completed.

Robert Colbert & Connor Colbert with CC Premier Properties, LLC and Theodore Lauve, P.E. with Lauve Engineering were present on behalf of the applicant.

Mr. Lauve reviewed the project. The water line extension plans and profile will be submitted to the Department of Health under Bob Bennett's signature.

Chairman Putman asked if the building will be all office space. Mr. Lauve stated that yes it will be. Mrs. Drimak asked how many businesses will be in the building and what types of businesses. Mr. Lauve stated that there will be just one and it will be a financial services office.

Planning Director Nelson asked about the water quantity on site. Mr. Lauve explained that the system will be for a 10 – 100 year storm. Planning Director Nelson asked if there will just be catch basins. Mr. Lauve explained that there will be a subsurface detention system alongside the building that will discharge to the north.

Mr. Robert Colbert showed the board a rendering of the building.

Chairman Putman read the department head comments and the staff recommendations.

ENVIRONMENTAL REVIEW

This project was not subject to the 239-Review. The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA), and the Planning Department recommends a Negative Declaration for the entire project, including the subdivision, as SEQRA determination must be considered for a full project to avoid segmentation.

The site plan application includes a stormwater management plan. As this project does create approximately 0.93 acres of new impervious area, a SWPPP was not required, but as development must comply with the intent of the Stormwater code, the stormwater management plan was reviewed and approved by the engineer for the Village.

DEPARTMENT HEAD COMMENTS

The project was not subject to a 239-Review. The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA), and the Planning Department recommends a Negative Declaration. The following comments are from the internal review:

Code Enforcement: No comments at this time. All comments pertinent to site plan review have been incorporated into the plan.

Fire Dept: Has no concerns with the plans that were given to the fire department



at this time. Fire Marshal Hlebica would however like to advise the engineering firm that the fire department does recommend a sprinkler system for new construction be considered in the planning stage. It is not a mandatory NY State building code, just a recommendation from the fire department at this time.

Police Dept:

No comments.

Public Works & Water:

No comments at this time. All comments pertinent to site plan review have been incorporated into the plan.

PLANNING DEPARTMENT RECOMMENDATION

The Planning Department recommends approval of the site plan and the amended Carpathian Hills Planned Unit Development plan with the following conditions:

1. Any proposed signage shall be submitted to the Code Enforcement Officer for review and approval prior to installation.
2. If any new lighting is proposed, the applicant shall first submit a lighting plan to the Code Enforcement Officer for review and approval.
3. The parking lot shall be paved and striped prior to the issuance of the Certificate of Occupancy. The striping shall be maintained in satisfactory condition at all times.
4. The dumpster enclosure shall be maintained at all times. Per Code 300-54.6, dumpsters shall be screened from view with either a wall, a solid fence or a combination of fencing and evergreens creating a solid visual barrier to a height of at least five feet above grade.
5. Landscaping shall be completed according to the landscaping plan by October 30, 2015.
6. 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 types of plantings, 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.
7. If any approved site improvements are not complete prior to the request for a Certificate of Occupancy, the Building Official may issue a Temporary Certificate of Occupancy, and the applicant shall provide a performance bond, or other form of guarantee approved by the Village Attorney for the cost of site improvements not completed. The bond shall be posted to the Village Board of Trustees prior to the issuance of the temporary or permanent Certificate of Occupancy. The bond shall cover a period of one (1) year.
8. Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan and a valid building permit.
9. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Certificate of Occupancy. The applicant agrees to construct the project in strict accordance with the site plan approved by the Planning Board. Should the applicant change the site plan approved by the Planning Board, even if by petition to the Village's Zoning Board of Appeals, the site plan approval will become null and void and the applicant must resubmit a new site plan to the Village of Johnson City Planning Board.



Chairman Putman asked about the construction time line. Mr. Connor Colbert stated that they plan on beginning construction between early August to the end of the year. The tenant wants to move in on March 1, 2016.

A motion to approve the site plan and the amended PUD plan, including the department head comments and the staff recommendations with a change to the landscape completion by June 30, 2016 was made by Mr. Walker and seconded by Mr. Holbert.

Motion Carried – Vote:

Yes – 4 (Walker, Drimak, Holbert, Putman) No – 0 Absent – 1 (Briggs)

NEW BUSINESS

Fraternal Order of Eagles Johnson City – 24 Willow Street

Advisory Opinion to the Zoning Board of Appeals - Use Variance for scrolling LED sign not permitted in NC district & Area Variance for second wall sign

Leonard Briggs, secretary of the Fraternal Order of Eagles, Johnson City, submitted a sign application for an LED sign on their club building at 24 Willow Street. Digital signs are not permitted in Neighborhood Commercial zoning districts, and therefore Mr. Briggs has requested a use variance to allow a scrolling 40” by 15” LED message sign in a Neighborhood Commercial zoning district. There is an existing wall sign, and as only one wall sign is permitted, he is also requesting an area variance for a second wall sign.

The proposed sign would require the following variances:

- 1) Use Variance for a digital message in a Neighborhood Commercial Zoning district;
- 2) Use Variance for a scrolling sign; and
- 3) Area Variance for second wall sign.

No one was present on behalf of the application.

A motion to table the application until the next regular Planning Board meeting was made by Mr. Walker and seconded by Mrs. Drimak.

Motion Failed – Vote:

Yes – 2 (Walker, Drimak) No – 2 (Holbert, Putman) Absent – 1 (Briggs)

Mr. Holbert stated that if there was someone present, it probably would not change his mind. There are recommendations for other types of signs. Mr. Walker stated that the staff recommendations and Broome County all recommend denial.

Chairman Putman stated that there are still residential buildings on either side of this building.

Planning Board Clerk Salva explained the timeline for this application and that the Eagles had already purchased the sign and installed it but was ordered by Code Enforcement to remove it.

Chairman Putman asked if they could put out a sandwich board sign. Senior Planner Lane explained that they could have a temporary sign without a permit.



Chairman Putman read the staff and Broome County recommendations.

239-Review Staff Recommendation

The Broome County Planning Department staff recommends denial of the use and area variances because they run contrary to the Village of Johnson City efforts to improve the local signage and to the purpose of the sign regulations to reduce visual clutter through the prevention of excessive sign displays. The Broome County Planning Department made no determination as to whether the applicant meets the four (4) tests of a use variance for LED Digital Message Sign per section 300-52.7 A 5 (c).

Planning Staff Recommendation

The Planning Department staff recommends that the Planning Board recommend:

- 1) that the Zoning Board of Appeals consider the four tests of a use variance;
- 2) denial of the use variance for a digital sign;
- 3) denial of the use variance for a scrolling sign, and
- 4) recommends denial of a second wall sign. If the JC Eagles want to advertise special events, Section 52.3.W permits limited signs to advertise such events on a limited basis. Planning staff recommends that the JC Eagles consult the Code Enforcement Officer for more information.

A motion to recommend denial of the variances to the Zoning Board of Appeals as the applicant could have a temporary sign, including the staff recommendations and the department head comments was made by Mrs. Walker and seconded by Mr. Walker.

Motion Carried – Vote:

Yes – 4 (Walker, Drimak, Holbert, Putman) No – 0 Absent – 1 (Briggs)

Feinberg, Miller, and Nadal - 177-197 Main Street

Project Presentation & Advisory Opinion to the Village Board of Trustees

Jeffrey N. Feinberg, Feinberg Realty & Management, Associated Partnership Miller, and Scott Nadel have submitted a petition to rezone 177, 181, 185, 193 and 197 Main Street (#143.57-2-49, -50, -51, -52 and 143.65-2-10) from Central Business (CB) to General Commercial (GC) for greater flexibility of uses. The applicants are petitioning to rezone the parcels for the specific purpose to allow a senior daycare at 185 Main Street, which is not a permitted use at this time in the Central Business district.

The applicants' basis for this request is as follows:

- The property owners are requesting this change in Zoning to bring uniformity to this block of properties to General Business. Currently this block is split between Central Business and General Business.
- The Zoning change will permit a more general type of business in the Village in this area and permit the owners more tenant flexibility.

Mr. Jeffrey Feinberg and Mr. Ed Gent, the Engineer for the project was present. Mr. Gent reviewed the request.



Chairman Putman asked if the Village Board has the ability to allow this as a permitted use in this district. Planning Director Nelson stated yes they can as a code amendment. Senior Planner Lane explained the process.

Chairman Putman explained that one of the concerns of rezoning this to General Business is the potential uses that would be allowed after the adult day care is gone someday in the future.

Mr. Gent stated that a rezoning of the properties would bring the land use into conformance with the comprehensive plan. To get a use variance, they would have to prove hardship. Chairman Putman explained that if the Code is changed a variance would not be needed. Mr. Gent pointed out that several things would still not be allowed with a change to the Code.

Trustee King stated that the next Village Board meeting is June 16, 2015.

Chairman Putman read the staff recommendations.

Environmental Review

The project is subject to a 239-Review, and Broome County Planning, BMTS and the NYS DOT have no concerns about the rezoning. The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA). The Village Board of Trustees will declared Lead Agency for the SEQRA review.

Under the requirements of Section 617.7(c), the proposed action shall be examined (short Environmental Assessment Form) by the Village Board to determine whether the project/rezoning has any significant impact on the environment. The Planning Department shall recommend the approval of a Negative Declaration, based on completion and review of the short Environmental Assessment Form.

Staff Review

The developers intend to convert a former Dollar Store into a Senior Day Care Center, which is a non-conforming use in the Central Business District. The justification for the rezoning is 1) day care use is not permitted in Central Business districts, but it is in General Commercial districts; 2) the properties to the east and north are zoned General Commercial so the action would not be spot zoning; and 3) this would also bring Miller's auto-related business property into conformance with the General Commercial zoning district.

The proposed General Commercial zoning classification is in accordance with the land use plan indicating that area as Corridor Commercial in the Comprehensive Plan adopted in 2009. The Planning Department recommends approval of the proposed zoning category as consistent with the Future Land Use component of the Comprehensive Plan.

If the Village Board makes a favorable decision about the rezoning, the Planning Board can hold site plan review at their next meeting. If not, the Village Board can consider whether they want to amend the code to include day care in Central Business zoning, or Jeff Feinberg can request a use variance.



A motion to recommend denial to the Village Board of the rezone for 177 – 197 Main Street with the additional advisory opinion to recommend that the Village Board change the Village Code to allow a daycare center as a permitted use in the Central Business District was made by Mr. Holbert and seconded by Mrs. Drimak.

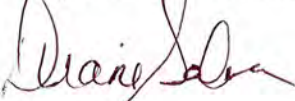
Motion Carried – Vote:

Yes – 4 (*Walker, Drimak, Holbert, Putman*) **No** – 0 **Absent** – 1 (*Briggs*)

ADJOURNMENT

Chairman Putman adjourned the meeting at 8:21pm.

Respectfully submitted,



Diane Salva
Planning Board Clerk

