

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
Jeff Jacobs, Attorney for the Village
Mayor Greg Deemie
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 – The minutes of the June 23, 2015 meeting were held over.

COMMUNICATIONS – None

CONTINGENCIES - None

OLD BUSINESS - None

NEW BUSINESS

***CAC Properties, LLC – 257 – 259 Floral Avenue
Site Plan Review***

The Village Diner is located at 257-259 Floral Avenue in a Neighborhood Commercial zoning district. The owner of the building, CAC Properties, LLC, on behalf of business owner Matt Smith, has submitted an application to expand the diner into the adjacent space, a former hair salon. The building currently consists of three commercial spaces on the first floor and two apartments on the second floor. The proposed diner expansion would increase the seating capacity to 53 seats, which requires 27 parking spaces. The applicant was granted a variance by the Zoning Board of Appeals for the parking spaces, with the consideration that there is public parking across the street.

The Planning Board declared the project an Unlisted Action under SEQRA, and made a Negative Declaration on June 23, 2015.

Mr. Matt Smith, owner of the business was present.

Mr. Smith reviewed his plans for expanding the diner.



Mr. Walker asked why, if everything is already existing, why is the applicant being made to do more as requested by DPW & Water? Why isn't everything grandfathered? Chairman Putman stated that projects such as this give the Village the ability to ask the owners to bring the facility up to current code.

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

DEPARTMENT HEAD COMMENTS:

The project was not subject to a 239-Review.

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| Code Enforcement: | There are 20 parking spaces in a municipal lot across the street from the site and currently there is one handicapped accessible parking space on the property. |
| Fire Dept: | No comments. |
| Police Dept: | No compelling interests. |
| Public Works & Water: | 1) A grease trap is required and maintenance schedule must be supplied to the Public Works Department
2) A backflow device is required on the water supply. Contact the water department for the required New York State Department of Health forms.
3) No permits shall be granted until the water/DPW departments are supplied with detailed plumbing plan and engineers report for the backflow device and grease trap. |

PLANNING STAFF RECOMMENDATION:

The Planning Department recommends approval of the site plan, with the following stipulations:

1. The handicapped-accessible parking space and access space shall be painted and posted no later than August 30th, 2015.
2. All floor and ground surfaces shall be stable, firm, and slip resistant for handicapped access and parking.
3. All comments from the Department of Public Works shall be followed. In particular, no permits shall be granted until the water/DPW departments are supplied with a detailed plumbing plan and engineer's report for the backflow device and grease trap.
4. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Certificate of Compliance. 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.

Mr. Walker asked if there will be any plumbing changes. Mr. Smith stated they are using the existing plumbing and he does have grease traps. They will use the plumbing from the former hair salon's 6 sinks for a beverage station. There is an existing bathroom and they will be moving a wall to make it handicap accessible.



Planning Director Nelson asked if Mr. Smith has spoken to Mr. Bennett yet. Mr. Smith stated he has not but he will call him.

Mr. Walker asked about the comments about a detailed engineer's report. Senior Planner Lane explained that it is one of Mr. Bennett's comments and Mr. Smith is working with an engineer, Ed Gent.

A motion to approve the site plan including the department head comments and planning staff recommendations was made by Mrs. Drimak and seconded by Mr. Holbert.

Motion Carried - Vote:

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

OAKDALE CROSSINGS – 157 OAKDALE ROAD

Site Plan Review

Crux Properties, LLC, has submitted a plan to construct a new 14,211 square foot 4-story mixed use building at 157 Oakdale Road in the General Commercial zoning district. The building will feature two floors of commercial office space, one floor of residential space and a 30-foot by 86-foot penthouse apartment on the top roof level. Due to being located in the preliminary 100-year floodplain and recent flood inundation in 2011, the building will be set on piers, allowing for ground level parking under the building. The structure will be energy efficient and environmentally friendly, featuring a green roof and stormwater harvesting. A side setback area variance and a height variance were granted by the Zoning Board of Appeals. In addition, the parking requirements call for 140 required parking spaces, but for pedestrian and automobile safety, the principal site plan provides 134 parking spaces, 96% of the total required. An alternate site plan has been submitted showing all 140 parking spaces in the event that parking becomes an issue. The site is served by public water and sanitary sewer. Storm sewer is not available. A stormwater pollution prevention plan (SWPPP) is required, and will include aspects of pervious paving and rain gardens.

Michael Haas with Haas Landscape Architects, Gina Curcio and George Schambach were present on behalf of the application.

Mr. Haas reviewed the project and explained that there have been some minor edits. They added a small vestibule for a reception area adjacent to the elevators. They would like to allow public access to the green roof and the solar panels. They have also added a solar farm on the roof.

Mr. Schambach explained that the object is to make the building energy efficient. At a minimum, Solar power will be used to run all of the common areas, parking lot lights, the penthouse and some of the apartments. At a maximum, solar power would be used for all of the apartment area and some put back into the commercial use. Right now they are looking at putting 300 solar panels on the roof.

Chairman Putman asked how many kw that would be. Mr. Schambach stated that the whole building is 80kw. The building is 14,000sq. ft. per floor. They are using a Mitsubishi heat recovery system for all of the apartments plus the commercial area. Chairman Putman asked if they will be



using NYSEG as a backup. Mr. Schambach stated yes because they will probably never be able to get the entire building off of the grid.

Mr. Walker asked about roof access. Mr. Schambach stated that access will be restricted. There will be a guard rail made of glass around the top of the building.

Chairman Walker asked about the types of uses for the commercial space. Mr. Schambach stated it would be professional office space.

Mr. Haas explained that they added a mechanical room, bike racks under the building and cisterns under the planter in the front of the building. The water collected will be used to flush the toilets in the building and possibly for the cold water laundry.

Ms. Curcio stated that there will be no water runoff leaving the property.

Chairman Putman asked about the pervious pavers. Mr. Haas explained the pervious pavers and the pervious asphalt they will be using.

Chairman Putman asked about snow removal. Mr. Haas stated that there are large islands at the corners/edges of the property for snow storage. Mr. Schambach stated that if there is a large storm, the snow will be removed from the site.

Mr. Haas stated that they also added rain barrels to the roof of the penthouse.

Mr. Haas briefly reviewed the landscape plan.

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

PLANNING STAFF FINDINGS

The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA). Under the requirements of Section 617.7(c), the proposed action was examined (Short Environmental Assessment Form), and was found not to have a significant impact on the environment. The Planning Board made a Negative Declaration under SEQRA on June 23, 2015.

This project was not subject to a 239-Review. Department head comments were received and the site plan was amended as applicable:

Code Enforcement: The sign should not be approved as part of the site plan as it appears not to comply with setback requirements. *This was corrected.*

Fire Dept: Would like to review the fire alarm systems. Would like to review fire truck access to the building and the sprinkler systems that will be used in the building design.

Police Dept: Had no compelling concerns.

Public Works & Water Dept:

1. Short EAF, Part 1, 2. A SWPPP is also required.



2. There is no municipal storm drainage with Oakdale Road in the area of the site. The former trailer park was graded to flow to the storm drainage in Harry L. Drive, therefore the proposed on-site storm drainage design shall ensure that all on-site storm drainage is held on site.
3. The south entrance should be signed "enter only".
4. The north entrance/exit should be striped to indicate ingress and egress.
5. The proposed road side sign appears to be within the street boundary, if so, it must be located outside of the street boundary.
6. If there is not an existing sewer lateral to connect to, the Sewer Plant Flow Credit program shall be met.
7. A maintenance program shall be developed and adhered to regarding the proposed pervious pavement.
8. Size and material of proposed fire service and domestic service is required and must enter the building at right angle to water main. The existing water service shown on the plan cannot be utilized.
9. Location of the water meter / mechanical room must be supplied to the Water Department; it must be on the east side of the building.
10. The flowing sections of the water code apply: No permits shall be granted until the department is supplied with detailed plan and engineers report for backflow device.
11. The following sections of Code apply *and should be conditions of approval*:

§ 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.

§ 270-29. Services to be constructed at right angles to main.

All water services shall be constructed at right angles to the main for their entire length into the premises.

§ 270-56. Charge for private fire line. [Added 5-18-1991 by L.L. No. 4-1991]

The following charges for private fire lines connected to sprinkler systems shall be payable annually for service in arrears:

ARTICLE VI, Fire Services

§ 270-74. Submission of plans for fire services.

Original installation plans and any later revisions which fully meet fire underwriter's requirements must be submitted to the Department.

§ 270-75. Application required.

An applicant will be required to sign an application form that will be furnished upon request. §

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.



STAFF RECOMMENDATION:

The Planning Department recommends approval of the site plan for 157 Oakdale Road, with the following stipulations:

- 1) Per Fire Department comments, prior to the issuance of any building permit, the building plans shall be submitted to the Fire Marshal for review of the fire alarm systems, fire truck access to the building and the sprinkler systems that will be used in the building design .
- 2) All comments from the Department of Public Works shall be addressed, and a revised final site plan and SWPPP shall be reviewed and approved by the Department of Public Works prior to the issuance of any building permit.
- 3) The site plan shows two water lines, one for domestic and one for fire service. Any water service over 2" in diameter must be ductile iron. Prior to the issuance of a building permit, calculations for how the water service sizes were determined shall be submitted for review and approval by the Public Works Department.
- 4) The sewer lateral must be either SDR 35 PVC or ductile iron.
- 5) The applicant's engineer shall submit the application for the Binghamton-Johnson City Joint Sewer Plant Flow Credit program as soon as possible. No building permit shall be issued until the requirements of the program have been approved.
- 6) The parking lot shall be striped prior to the issuance of a Certificate of Occupancy.
- 7) Approved landscaping shall be installed by May 31, 2017. If the landscaping is not installed prior to the issuance of any Certificate of Occupancy, a bond shall be posted upon review by the Code Enforcement Official, to be accepted by the Village Board and held in an interest-bearing account, to be returned with interest upon completion of the landscaping. The landscape plan shall be revised with labels per the key.
- 8) Per § 300-54.2.E, all required landscaping shall be maintained in healthy condition by the property owner. Failure to maintain such landscaping or to replace dead or diseased landscaping required by this chapter shall constitute a violation of these regulations.
- 9) Dumpster enclosure details shall be submitted prior to the issuance of a Certificate of Occupancy.
- 10) Cut sheets for outdoor lighting fixtures shall be submitted to the Planning and Code Enforcement Offices for review and approval prior to their installation.
- 11) A sign permit shall be submitted to the Building Permits office for all proposed signage prior to installation. All temporary signs (including price signs), portable signs, search lights, balloons, sidewalk and curb 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.
- 12) Per § 300-63.8, the Planning Board hereby waives six (6) parking spaces or 4% of the required total parking spaces based upon applicant's demonstration the site can support the required number of spaces should the need arise in the future. Pursuant to § 300-63.8, the Planning Board may, at its discretion, reduce the required number of parking spaces by up to 25% upon determination that the applicant can demonstrate by submittal of an alternate parking/site plan that the site can support the required number of spaces, should the need arise in the future. If the Planning Board determines that waived parking, paving and striping are needed to provide necessary off-street parking, it may order the installation



thereof. Any certificate of occupancy issued for any parking area and the building or use served thereby, where the number of spaces has been waived, shall be deemed conditional upon the possible requirement for the future development of the additional off-street parking upon such order by the Planning Board. Failure to comply with such order within the time fixed thereby shall constitute a violation of § 300-63.8.

- 13) The completion date for the project shall be May 31, 2017. Should obstacles arise, the applicant may request an extension from the Planning Board prior to the completion date.
- 14) Two hard-copy final versions of the site plan and landscaping plan, as approved by the Village Planning Board, shall be submitted to be stamped and signed by the Village of Johnson City following approval. Once the applicant signs and returns the letter of decision, and upon completion of all stipulations of approval, the applicant may apply for a building permit.
- 15) The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Building Permit for the building. The applicant agrees to follow stipulations of approval 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. Ms. Curcio stated that they hope to have everything done by May 2017.

Mr. Walker asked about Fire Department access. Senior Planner Lane stated that she checked and the Fire Department stated they will be able to access all sides of the building.

Chairman Putman asked about porous concrete instead of concrete pavers. Mr. Haas stated that it does not hold up well in winter.

A motion to approve the site plan for 157 Oakdale Road for the construction of a mixed use building including the department head comments and planning staff recommendations with a completion date of May 31, 2017 was made by Mr. Walker and seconded by Mrs. Drimak.

Motion Carried - Vote:

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

Family Enrichment Network, Inc. – 51 Roberts Street
Set public hearing for Special Permit

A motion to set a public hearing for a special permit to allow a boarding house in an urban multiple family zoning district on August 25, 2015 was made by Mr. Walker and seconded by Mr. Holbert.

Motion Carried - Vote:

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



ADJOURNMENT

A motion to adjourn the meeting at 8:37pm was made by Mrs. Drimak and seconded by Mr. Holbert. The motion passed with all those present voting in the affirmative.

Respectfully submitted,



Diane Salva
Planning Board Clerk

