

Present: John Walker, Vice Chairman
Joanne Drimak
Andrew Holbert

Absent: Gerald Putman, Chairman
Vacant seat

Also Present: Diane Busko, Clerk to the Planning & Zoning Boards
Jeff Jacobs, Attorney for the Village
Mayor Gregory Deemie
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.

Vice Chairman Walker called the meeting to order at 7:30pm & noted the emergency exits.

MINUTES – A motion to approve the minutes of the December 22, 2015 and the January 26, 2016 regular meetings was made by Mr. Holbert and seconded by Mrs. Drimak. The motion passed with all those present voting in the affirmative.

COMMUNICATIONS – None

CONTINGENCIES - None

OLD BUSINESS - None

NEW BUSINESS

Jump Start Physical Therapy, PLLC – 157 Ackley Avenue
SEQR, Public Hearing for Special Permit & Site Plan Review

Ms. Jessica Reinartz, on behalf of Jump Start Physical Therapy, PLLC, has submitted an application for a Special Permit to have an educational institution located at 157 Ackley Avenue at the intersection with Ethel Street. The property is zoned Urban Single Family and an educational use is permitted by Special Permit under the Johnson City Code 300-20.3, Table 20-2. The lot is approximately 5, 400 square feet (0.12-acres) and there is an existing 2, 544 square foot, single-story commercial building, with a three-stall garage and connecting breezeway, on the property. Parking is provided by pulling off Ethel Street into the 3-bay garage and breezeway.

The applicant, Ms. Jessica Reinartz, was present.

SEQR

Vice Chairman Walker explained that a SEQR Short Environmental Assessment Form has been prepared and reviewed and the Planning Board assumed the position of lead agency.



The board, having reviewed Part I, Part II and Part III of the SEQR Short Environmental Assessment Form has determined that there will not be any significant adverse environmental impacts with respect to the project, therefore a motion was made by Mrs. Drimak and seconded by Mr. Holbert 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 – 3 (Drimak, Holbert, Walker) No – 0 Absent – 1 (Putman) Vacant Seat - 1

Public Hearing for Special Permit

Vice Chairman Walker opened the public hearing. There being no one wishing to speak, Vice Chairman Walker closed the public hearing.

Vice Chairman Walker read the department head comments and the staff recommendations for the Special Permit.

Environmental Review:

The Planning Board declared Lead Agency and the project an Unlisted Action under SEQRA on January 26, 2016. Under the requirements of Section 617.7(c), the proposed action was examined (Short Environmental Assessment Form), and the Planning Department recommends approval of the Negative Declaration for the project. The property is not subject to a 239-Review.

Department Head Comments:

Code Enforcement: The applicant shall use licensed contractors, apply for appropriate building permits; Post signs for the handicap spot and access aisle.

Fire Dept: No compelling interest.

Police Dept: No compelling interest.

Public Works & Water:

A backflow prevention device shall be installed on the water supply service if there is not one already installed. Village records do not indicate that one is already installed. A licensed plumber shall contact the Water Department at (607)-797-2523 for the required application.

Planning Staff Recommendations for the Special Permit:

The application meets the requirements for a Special Permit for an educational use. Planning staff recommends approval of the Special Permit with the following stipulations:

1. Special permit modification approval will be required if there are any changes to the site plan or change in use of the property. If there are any additional uses proposed in the future, the applicant shall first contact the Code Enforcement Department.
2. The Special Permit shall expire should the property or business be sold to another entity, per § 300-66.11. Transferability:
 - a) A special permit is not transferable except upon approval by resolution of the issuing board.
 - b) A special permit shall authorize only one special use and shall expire if the special use ceases for more than three months for any reason.



A motion to approve a special permit to allow an educational use at 157 Ackley Avenue was made by Mrs. Drimak and seconded by Mr. Holbert.

Motion Carried - Vote:

Yes – 3 (Drimak, Holbert, Walker) No – 0 Absent – 1 (Putman) Vacant Seat - 1

Site Plan Review

Attorney Jacobs read the planning staff recommendations.

Planning Staff Recommendations for Site Plan Review:

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

1. The breezeway shall be converted to a handicapped-accessible parking space with appropriate signage conforming to the Property Maintenance code of NYS and including the new accessibility symbol. The applicant shall construct an eight-foot (8') wide access aisle adjacent to the driveway into the breezeway on the west side, after consultation with the Building Permits office when applying for a building permit.
2. All future plans for signage shall be submitted to the Code Enforcement Officer prior to installation for review and approval. 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 blink, rotate, or move are not permitted.
3. If any new outdoor lighting is proposed, the applicant shall first submit a lighting plan to the Code Enforcement Officer for review and approval.
4. 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.
5. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a building permit. 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.

Ms. Reinartz asked if she needs to make any changes to her building plans does she need to come back to the Planning Board. Ms. Lane said she may not need to if the changes are small. She should consult with the Code Office. Ms. Reinartz asked if the use changes, will it void the special permit. Ms. Lane and Attorney Jacobs explained that if there are only minor changes she should be okay but if it is a large change she may need to return to the board. She should speak to Ms. Lane asap if something changes.

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

Motion Carried - Vote:

Yes – 3 (Drimak, Holbert, Walker) No – 0 Absent – 1 (Putman) Vacant Seat - 1



David Planavsky – 8 Myrtle Avenue
Site Plan Review

Mr. David Planavsky recently purchased a mixed-use building at 8 Myrtle Avenue. The building consists of two 2-bedroom apartments upstairs, and a single bedroom apartment and approximately 928 square feet of commercial space on the first floor. He submitted an application to use the commercial space for a mobile application software business. The proposed office business would deal with phone and internet inquires and there would be one or two employees in the office area. The property is located in an Urban Single Family zoning district (USF), and commercial uses are not permitted. The commercial-style building was formerly a neighborhood grocery store and then was approved as an electronics repair shop. On January 11, 2016, the ZBA granted a use variance to allow professional office uses, excluding medical office use, and on the first floor of the building only.

Section 300-51.2 D. of the Village Code, regarding nonconforming parking, states that for a building existing before the adoption of the new Code, if the existing parking spaces do not conform to the new Code, the use shall be continued without such additional parking spaces being required. If the use or other circumstances are altered such that more off-street parking is required than the previous use or situation, the number of such spaces shall be provided at a minimum of that number per the change in parking requirements between the new and original use. At this time the site plan shows three new parking spaces including a handicap parking space and access aisle, and three parking spaces in two existing garages.

The applicant, Mr. David Planavsky, was present.

Vice Chairman Walker read the department head comments and planning staff recommendations.

Department Head and 239-Review Comments:

The project was subject to a 239-Review as it is within 500 feet of State Route 17/86. The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA), and the Planning Board made a Negative Declaration on December 22, 2015. The following comments are from the internal and 239-Review:

- B.C. Planning:** No concerns about intercommunity impacts. Recommended a landscaping plan should be included.
- BTMS:** No comments.
- NYS DOT:** No Comments
- Code Enforcement:** The applicant shall use licensed contractors, apply for appropriate building permits; Post signs for the handicap spot and access aisle. *Shown on the site plan.* Post the one way in sign and the one way out sign. *Shown on the site plan.*
- Fire Dept:** No compelling interest.
- Police Dept:** No compelling interest.
- Public Works & Water:**
Detail of trench / French dry drain is required. *Has been approved.*
Calculations must be submitted to Director of Public Services showing that post-construction runoff is equal to or less than pre-construction runoff. *Have been approved.*



Offset distance from proposed parking and parking lot lines must be indicated on site plan. *Resolved.*

Parking space at North Street cannot be at back of sidewalk. *Corrected.*

Bumper guards/wheel stops shall be provided. *Corrected.*

Enter and Exit signs should be installed to indicate one-way traffic. *Corrected.*

New curbs can be done through Village's concrete replacement contract with cost borne by property owner or private contractor who must obtain a permit from JC DPW and supply Certificate of Insurance and Worker Compensation Coverage.

Double check valve is required on the water service.

Planning Staff Recommendations:

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

1. No building permit for the office space shall be issued until plans for a handicap-access ramp has been submitted and approved by the Building Permits Office.
2. Evergreen landscaping no less than two-feet high (300-54.2H) shall be planted between the sidewalk and the new parking space adjacent to the building along North Street.
3. Existing screening landscaping shall be maintained between the two parking spaces at the northeast corner of the property to screen the residential property to the east from headlight glare.
4. All future plans for signage shall be submitted to the Code Enforcement Officer for review and approval, 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 blink, rotate, or move are not permitted.
5. If any new outdoor lighting is proposed, the applicant shall first submit a lighting plan to the Code Enforcement Officer for review and approval.
6. Any new striping of any parking lot shall conform to the Property Maintenance code of NYS and include the new accessibility symbol.
7. Curbing shall be installed at the owner's expense, and prior to the issuance of a Certificate of Compliance for the office space. The owner has two choices for the completion of the curb:
 - a) The owner can hire a contractor to replace the curb. The contractor must obtained a street work permit from JC – DPW and supply appropriate insurance and workers' compensation documents; or
 - b) The owner can contact Mike Sherba, JC Supervisor of Public Works, fill out the request form and make payment in advance of concrete work. Mr. Sherba will schedule the curb replacement by the Village's contractor.
8. If any approved site improvements are not complete prior to the request for a Certificate of Compliance, 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.

9. 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.
10. 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. Planavsky asked about the comment under the planning staff recommendations, "No building permit for the office space shall be issued until plans for a handicap-access ramp has been submitted and approved by the Building Permits Office". He stated that he did not know about the ramp and has spent a lot of money already on hiring engineers and all of the other things Code is asking him for, parking lot, drainage, etc. The office will not be open to the public; can the ramp be eliminated?

Ms. Lane asked Mr. Planavsky who he met with initially in the Code Office. Mr. Planavsky stated that he talked to Tony Silvestri and Dee. Ms. Lane stated that Ken Jennison in the Code Office told her that he informed Mr. Planavsky about the ramp. Mr. Planavsky stated that there is no room to even put a ramp in and he has never spoken to Ken Jennison about this.

Ms. Lane asked about the entrance on North Street. Mr. Planavsky explained that there are 2 steps up from ground level.

Ms. Lane explained that the project started without her involvement and she does not know where some of these requirements came from. She thinks NYS requires a new business to be handicapped accessible.

Attorney Jacobs explained that the options are to table the project until the handicapped entrance issue is resolved or modify the planning comments and allow Mr. Planavsky to take the issue up with the Code Dept.

The Board agreed to modify #1 on the planning staff recommendations to read "No Certificate of Occupancy for the office space shall be issued until plans for a handicap-access ramp, if any are required, have been submitted and approved by the Building Permits Office.

Vice Chairman Walker asked if there is any other access to the office space. Mr. Planavsky stated that there is a door on the side of the building. One would go in the building and either go into the basement or 2 steps up to the office.

A motion to approve the site plan including the changes to the planning staff recommendations and including all other recommendations was made by Vice Chairman Walker and seconded by Mr. Holbert.

Motion Carried - Vote:

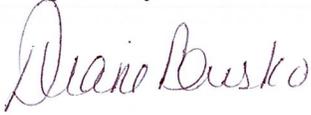
Yes – 3 (*Drimak, Holbert, Walker*) **No** – 0 **Absent** – 1 (*Putman*) **Vacant Seat** - 1



ADJOURNMENT

A motion to adjourn the meeting at 8:10pm was made by Mrs. Drimak and seconded by Mr. Holbert. The motion passed with all those present voting in the affirmative.

Respectfully submitted,



Diane Busko
Planning Board Clerk

