

Minutes of a regular meeting of the  
Johnson City Planning Board held on  
September 27, 2016 at 7:30pm at  
243 Main St., Johnson City, NY

Present: Andrew Holbert, Vice Chairman  
Joanne Drimak, Secretary  
Thomas Sheredy  
Donald Slota

Absent: Gerald Putman, Chairman

Also Present: Diane Busko, Clerk to the Planning & Zoning Boards  
Jeff Jacobs, Attorney for the Village  
Marina Lane, Town of Union Senior Planner  
Mayor Gregory Deemie

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 August 23, 2016 regular meeting was made by Mr. Sheredy and seconded by Mr. Slota. The motion carried with all those present voting in the affirmative.

**PRIVILEGE OF THE FLOOR** - None

**COMMUNICATIONS** – None

**CONTINGENCIES** - None

**OLD BUSINESS** - None

### **NEW BUSINESS**

#### ***Agron Cekic – 31 Broad Street Public Hearing – Special Permit***

Agron Cekic has submitted an application to convert an 825 square-foot space into a take-out deli and pizza restaurant with limited seating in an existing mixed-use building located at 31 Broad Street in a Neighborhood Commercial zoning district. A take-out restaurant use in a Neighborhood Commercial district is permitted only by a Special Permit from the Planning Board.

#### ***Environmental Review:***

The applicant's proposal was 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 reviewed (Short Environmental Assessment Form), and was found to not have a significant impact on the environment. The Planning Board made a Negative Declaration on August 23, 2016.

The applicant, Mr. Agron Cekic, was present.



Vice Chairman Holbert opened the public hearing.

Mr. Cekic explained the updates he has made – added 2 hand sinks and a bay sink on the other wall.

Attorney Jacobs asked if the updates have been shared with Code Enforcement. Mr. Cekic stated yes.

Mr. Slota asked if there is a liquor license. Mr. Cekic stated no, they are not going to have alcohol.

Vice Chairman Holbert closed the public hearing.

Vice Chairman Holbert read the planning staff recommendations.

**Planning Staff Recommendations:**

The Planning staff recommendation is to approve the Special Permit for the take-out restaurant use at 31 Broad Street, with the following stipulations:

- 1) No cooking shall take place outdoors.
- 2) The hours of public operation shall be between 7 a.m. and 11 p.m., due to the proximity of residences.
- 3) Special permit modification approval will be required if there are any changes to the site plan or change in use of the property.
- 4) The Special Permit shall expire should the property or business be sold or transferred 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 the special permit including the staff recommendations was made by Mr. Sheredy and seconded by Mrs. Drimak.

*Motion Carried - Vote:*

**Yes – 4 (Sheredy, Drimak, Holbert, Slota)    No – 0    Absent – 1 (Putman)**

**Site Plan Review**

Agron Cekic has submitted an application to convert an 825 square-foot space into a take-out deli and pizza restaurant in an existing mixed-use building located at 31 Broad Street. The building currently consists of one commercial space on the first floor, storage in the rear, and one two-bedroom and one three-bedroom apartment on the second floor. The building has existing public utilities. There is existing outdoor lighting beneath the front canopy that shines directly onto the ground and does not impact residents. The project will use a commercial garbage pick-up company. The proposed hours of operation are between 7 a.m. and no later than 11 p.m. As there will be in no increase in impervious area, there is no post-renovation stormwater remediation required. The floor plan layout of the restaurant shows a total of eight seats for customers, and therefore four parking spaces are required. The building is immediately adjacent to a municipal parking lot, and the ZBA granted the area variance for the four (4) required parking spaces on September 12, 2016.



Senior Planner Lane explained that Mr. Cekic will have a dumpster in the rear of the property that will be shared with another entity.

Vice Chairman Holbert read the department head and staff comments.

### **Department Head & 239-Review Comments**

The project was subject to a 239-Review as it is within 500 feet of state road 17C. The applicant's proposal is considered an Unlisted Action under SEQRA, and the Planning Board made a Negative Declaration on August 23, 2016. The following comments are from the internal and 239-Review:

- Code Enforcement:** Parking is required at a rate of 0.5 spaces per seat if there is any seating, or 2 spaces per 1,000 square feet if the use is only take-out.
- Public Works & Water:** There is not much room for plumbing but it will have to be redone to install a backflow prevention device. Details are needed for the three-quarter inch meter location, and a grease trap is required.
- J.C. Police:** No compelling interest
- BC Health Department:** The applicant should contact Mark Mancini at 778-2810 for information on BCHD restaurant permitting requirements. This should happen before work begins on the facility.
- BC Planning Department:** No concerns for intercommunity impacts.
- BMTS:** No comments.
- Planning Staff:** The Planning Department recommends approval of the site plan, with the requirements from the Department of Public Works, and the following stipulations:
1. The dumpster pick-up shall be restricted to no earlier than 6 a.m., and no later than 7 p.m. The dumpster area shall be maintained in a neat and clean condition, especially due to the proximity of residences both on and adjacent to the property.
  2. All plans for new 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 Certificate of Compliance. The applicant agrees to construct the project in strict accordance with the site plan approved by the Planning Board.



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

*Motion Carried - Vote:*

**Yes** – 4 (*Sheredy, Drimak, Holbert, Slota*)    **No** – 0    **Absent** – 1 (*Putman*)

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**Yanan Zhu – 290 Main Street**

**SEQR Review & Site Plan Review**

Hans Lazuardi and James Paolini, AIA, have submitted an application on behalf of Yanan Zhu (Zoe) for a new restaurant on the first floor of an existing building located at 290 Main Street. The proposed restaurant will replace a previous retail space and therefore site plan review is required. The property is zoned Central Business District (CBD), and a restaurant is a permitted use. There are two stories of residential use above the proposed restaurant, which are not a part of this review. The establishment will have fifty-six (56) seats and approximately two (2) employees. Parking is available in the public parking lot near the restaurant and on the street. Under Chapter 300-51.4, with Planning Board approval, uses within 400 feet of a municipal parking lot or designated on-street parking may be wholly or partially exempt from the off-street parking requirements in the Central Business district. The building is served by public water, sanitary sewer, and storm sewer drainage. The parcel is between 105 and 92.0 feet long by 22.5 feet wide, and the only area not covered by the building is an ally in the rear of the building, and that alley includes a nine-foot wide access easement with the adjacent parcel. No post-renovation stormwater remediation required.

James Paolini, Yanan Zhu and Hans Lazuardi were present on behalf of the application.

Mr. Paolini reviewed the request. It was a retail establishment. They will be serving coffee and light fare.

**SEQR**

Attorney Jacobs explained that a SEQR Full Environmental Assessment Form has been prepared and reviewed.

The board, having reviewed Part I, Part II and Part III of the SEQR Full 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 Mr. Sheredy and seconded by Mrs. Drimak declaring the Planning Board as Lead Agency, declaring the action an unlisted Type 1 action and 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 (*Sheredy, Drimak, Holbert, Slota*)    **No** – 0    **Absent** – 1 (*Putman*)

**Department Head and 239-Review Comments:**

The project was subject to a 239-Review as it is located on State Route 17C. 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 Department heads and the 239-Review:

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<b>Code Enforcement:</b>	Licensed Electricians and Plumbers are required.
<b>Fire Department:</b>	Must meet Fire Code, and have a sprinkler system ( <i>already in design</i> ).
<b>Police Department:</b>	No compelling interest.
<b>Public Works &amp; Water:</b>	A backflow prevention device is required on the water service. ( <i>Application was submitted on August 30, 2016</i> ). A sprinkler system is required. The applicant shall be required to supply a backflow application and an engineer's report for the sprinkler system; and this should be done prior to the issuance of a building permit. A grease trap on the sink is required before issuance of a Certificate of Compliance. It is be required that garbage is placed in cans with tight fitting lids. Contact the Public Works Department at (607) 797-3031 to schedule an on-site meeting to discuss garbage can placement locations.
<b>B. C. Planning:</b>	Has not identified any significant countywide or inter-community impacts associated with the proposed project.
<b>BMTS:</b>	Had no comments.
<b>NYS DOT:</b>	If any work is proposed within the State Right-of-Way, the applicant swill require an approved Highway Work Permit prior to the commencement of this work. The applicant may contact Mr. Tom Laskowski of the NYSDOT Broome Residency at (607) 775-0522 for more information.
<b>B.C. Health Dept.:</b>	The applicant should contact Senior Sanitarian Mark Mancini at the Health Department (607-778-2801) to find out what is required in the way of permitting requirements for this business.
<b>Planning Staff:</b>	The Planning Department recommends approval of the site plan, with the requirements from Code Enforcement, the Department of Public Works and Water, the B.C. Health Department, and the following stipulations: <ol style="list-style-type: none"> <li>1. 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 Department of Public Services at (607) 797-3031 for additional requirements.</li> <li>2. All proposed new signage shall be submitted to the Code Enforcement Officer for review and approval prior to installation. If any changes to signage are proposed, the applicant shall apply for a sign permit from the Building Official. 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.</li> <li>3. If any new lighting is proposed, the applicant shall first submit a lighting plan and cut sheets to the Code Enforcement Officer for review and approval.</li> </ol>



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 Village of Johnson City Planning Board.

Attorney Jacobs asked if there are any plans for the façade. Mr. Paolini stated that they would like to preserve some historic details but funds are limited. They will make it nicer and any changes, improvements will only be on the Main Street side.

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

*Motion Carried - Vote:*

**Yes** – 4 (*Sheredy, Drimak, Holbert, Slota*)    **No** – 0    **Absent** – 1 (*Putman*)

### **ADJOURNMENT**

The meeting was adjourned at 8:03pm.

Respectfully submitted,



Diane Busko  
Planning Board Clerk

