

Minutes of a regular meeting of the
Johnson City Planning Board held on
May 22, 2018 at 7:30pm at
243 Main St., Johnson City, NY

Present: Gerald Putman, Chairman
Andrew Holbert, Vice Chairman
Donald Slota
Greg Matyas
Mary Jacyna

Absent: None

Also Present: Kim Cunningham, Clerk to the Planning & Zoning Boards
Nate VanWhy, Attorney for the Village
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 and noted the emergency exits.

MINUTES

A motion to approve the minutes from the April 24, 2018 meeting was made by Mrs. Jacyna and seconded by Mr. Slota. The motion passed with all those present voting in the affirmative.

Moment of silence for Diane Salva Busko.

PRIVILEGE OF THE FLOOR - None

COMMUNICATIONS - None

CONTINGENCIES - None

OLD BUSINESS - None

NEW BUSINESS

U-Haul – 631 Field St.

SEQRA Determination, Public Hearing for Vehicle Rental Special Permit, Vote on Special Permit, Site Plan Review

Chairman Putman reviewed Parts I, II and III of the short Environmental Assessment Form (E.A.F.).

A motion for a negative declaration under SEQRA for the property at 631 Field Street was made by Mr. Holbert and seconded by Mrs. Jacyna.

Motion Carried - Vote:

Yes – 5 (Matyas, Jacyna, Holbert, Slota, Putman) No – 0 Absent – 0



Chairman Putman opened the public hearing.

Ben Naaktgeboren, Regional Manager at U-Haul, was present on behalf of the application. Their plan is to rent some vehicles, vans, and moving trucks at the site. Generally at a site this size, there will be a maximum of 10-12 vehicles at one time.

Chairman Putman closed the public hearing.

Discussion: There are 35 parking spaces on site, of which 3 are required, one per employee per shift. Vehicles are maintained and repaired off-site at the Albany U-Haul headquarters facility. The applicant anticipates a maximum of 10 moving trucks during the season when students move in or out of the area, and more generally has 3-5 trucks on site at any one time.

Chairman Putman read the Planning Staff recommendations for the Special Permit.

The project meets the requirements for a Special Permit to offer for rent vehicles in an Industrial zoning district. The staff recommendation is to approve the Special Permit with the following stipulations:

- 1) A. The rental of vehicles may be allowed by special use permit, provided the following:
 - (1) The rental area shall be paved, suitably graded and drained, and maintained in a neat and orderly manner.
 - (2) No greater than twenty (20) rental trucks shall be stored on site at any one time. An increase in the number of vehicles to be rented shall require a new permit.
 - B. All maintenance and fueling of rental vehicles shall be performed off-site.
 - C. The storage of vehicles shall be contained to the spaces shown on the site plan, unless a new site plan is submitted and approved.
 - D. The retail sale of petroleum based products intended to re-fuel motor vehicles shall not be permitted.
- 2) § 300-66.11. Transferability.
 - A) The special permit is not transferable except upon approval by resolution of the issuing 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.
 - 3) The applicant shall be required to acknowledge all of the above conditions in writing, prior to the issuance of a building permit. Should the applicant change the site plan or specially permitted use approved by the Planning Board, Special Permit approval will become null and void and the applicant must resubmit a new application to the Village of Johnson City Planning Board.

A motion to approve a special permit for the rental of vehicles at 631 Field Street with stipulations, including those of the fire marshal, was made by Mrs. Jacyna and seconded by Mr. Matyas.

Motion Carried - Vote:

Yes – 5 (Matyas, Jacyna, Holbert, Slota, Putman) No – 0 Absent – 0

Chairman Putman discussed Site Plan Review.



The property is approximately 1.8 acres, and the enclosed building is approximately 22,000 square feet, about 0.5-acre. There is an additional 7,300 square feet of covered storage space. With three employees, the site requires 3 parking spaces, and the site plan provides 35 spaces. A dumpster is maintained at the neighboring self-service storage facility at 621 Field Street, but clients are discouraged from discarding excessive trash. Hours of operation will be 9:00 am to 5:00 pm, seven days a week. The hours may eventually be expanded to 7:00 pm.

Chairman Putman read the Planning Staff Findings and Department Head Comments.

Under the requirements of Section 617.7(c), the proposed action was examined by the Short Environmental Assessment Form, is considered an unlisted action, and the Planning Board made a Negative Declaration under SEQRA on May 22, 2018. The project is subject to a 239-Review as it is within 500-feet of State Route 17. A SWPPP is not required as there will be no earth disturbance. The following comments are from the Department Heads and 239-Review:

- **B. C. Planning:** found no significant countywide or inter-community impacts associated with the project. Note that the site is in the 100-year floodplain, the environmental easement should be on file (completed), and U-Haul trucks should avoid parking in the adjacent residential neighborhood. There should be no outdoor vehicle repair, no outdoor storage, no hazardous material storage, and continued groundwater monitoring. B.C. Planning also recommends the site plan include truck parking area (it is), the air filtration system and ground water monitoring wells (on plans from the DEC), landscaping at front of property, and an exterior lighting plan.
- **NYSDOT** Nothing is to be placed within the State Right-of-Way along NYS Route 17, including signage or items in storage. The applicant may contact the NYSDOT Broome Residency at (607) 775-0522 for assistance in locating the highway boundary.
- **B. C. Health Dept:** The NYS DEC issued a Record of Decision for this property, Remediation site #704023, in 2007. There is an environmental easement on the property which requires compliance with a site management plan with several other restrictions. Groundwater monitoring was performed here as recently as 2017. Benjamin Rung of the DEC should be contacted for further information. (The owner of the property has been in contact with Mr. Rung.)
- **Code Enforcement:**
 - The rental business shall not open until the office space has been issued a Certificate of Compliance.
 - The applicant shall use plumbing and electrical contractors licensed by the Village of Johnson City, and apply for appropriate building permits. Plans for all interior improvements shall be submitted to the Building Official for review prior to the issuance of any building permit.
 - Post signs for the handicap spots and access aisle.
 - Storage of items outside of the units is not permitted.
- **Fire Department:** Fire Marshal shall conduct a walk-through prior to opening. Contact the Fire Marshal at 607-729-9512 to inspect the building prior to the issuance of a Certificate of Compliance.
- **Police Department:** No compelling interest.



- **Public Works & Water:**
 - A backflow prevention device is required on the water service as soon as possible. The backflow prevention device shall be installed by a plumber licensed with the Village of Johnson City, with a plumbing permit. Your plumber shall contact the water department for the pre-approved plan and health department form that needs to be completed. The backflow prevention device shall be test annually and a report submitted to the Water Department (607-797-2523).
- **Planning Department:** Recommends approval of the site plan for 631 Field Street, with the requirements from Code Enforcement, Fire Department, Public Works and Water, and with the following stipulations:
 - 1) Once the interior layout has been determined, the applicant shall contact the NYS Department of Conservation and Department of Health to initiate new sampling. The extraction well on the interior of the building shall not be covered, particularly with any permanent structure.
 - 2) Existing landscaping shall be maintained along the west side of the property.
 - 3) 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.
 - 4) If using municipal trash service, garbage cans shall weigh no more than 50 pounds, be no larger than 35 gallons, and shall not have hinged lids. There shall be no more than six items for pick-up at any time. Contact the Department of Public Services at (607) 797-3031 for additional requirements
 - 5) If a dumpster is eventually brought on site for trash, the dumpster location information shall be provided to Code Enforcement prior to being brought on site. 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.
 - 6) If a dumpster is stored within sight of adjacent residences, it 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 level on all sides where the adjacent land is in a residential district or a residential use.
 - 7) If any changes are proposed to the exterior lighting fixtures, cut sheets for the proposed fixtures shall be submitted to the Code Enforcement Office for review and approval prior to installation.
 - 8) For any new sign, 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.



- 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 building permit. The applicant shall agree to follow stipulations of approval in strict accordance with the site plan approved by the Planning Board.

Discussion: They do not have a plan for when they will open. They are hoping to begin construction in the next month with completion by the end of July. They may change hours to close at 7:00 pm depending on customer traffic. They will be building internal storage units. Nothing will be changed structurally. Clients would rent a storage room. There will be swipe card access to the building and the building will be monitored.

A motion for approval of the site plan for 631 Field Street with Planning staff and Department Head stipulations, no tentative opening date, construction starting in one week with completion by the end of July, and business hours of 7:00 a.m. to 7:00 p.m. was made by Mrs. Jacyna and seconded by Mr. Matyas.

Motion Carried - Vote:

Yes – 5 (Matyas, Jacyna, Holbert, Slota, Putman) No – 0 Absent – 0

59 Lester Empire LLC – 59 Lester Avenue

Declare Lead Agency, Type 1 Action

Attorney Sarah Campbell, Hinman, Howard & Kattell, Isaac Anzaroot, Project Sponsor, Conan Cerretani, Project Manager, Mark Parker, Engineer from Keystone, appearing on behalf of 59 Lester Avenue.

Attorney Campbell gave an overview of the project. It is an adaptive reuse of the old Victory Building at 59 Lester Avenue, converting the building into a mixed use project with commercial activity on the ground floor with approximately 60,000 sq. ft., and residential use of 232 one bedroom apartments on the upper floors with age restrictions. One of first changes is zoning. 59 Lester Avenue is zoned Industrial and they are asking to rezone the property to General Commercial to accommodate the residential use with the commercial use. They are also applying for an area variance for parking. They hope to acquire additional parcels. The population of the residential apartments will generally not have cars, and if they do have them, they will not have more than one car.

Mark Parker and Attorney Campbell discussed parking for the building.

The project is for affordable housing for 55 years and older.

A motion for the Johnson City Planning Board to declare lead agency and declare the project a Type 1 Action for 59 Lester Avenue was made by Mr. Holbert and seconded by Mr. Slota.

Motion Carried - Vote:

Yes – 5 (Matyas, Jacyna, Holbert, Slota, Putman) No – 0 Absent – 0



A&E Auto – 176 Main Street

Declare Lead Agency, Type I Action

Call for Public Hearing to Increase Autos on Auto Sales & Repair Lot (Special Permit)

Pakizah Mizrap appeared on behalf of A&E Auto. He wants to increase storage/parking spaces behind his building.

A motion for the Johnson City Planning Board to declare lead agency, declare the project a Type I Action and set a public hearing for 176 Main Street was made by Mr. Holbert and seconded by Mr. Slota.

Motion Carried - Vote:

Yes – 5 (Matyas, Jacyna, Holbert, Slota, Putman) No – 0 Absent – 0

Discussion: Mr. Mizrap is not selling cars, just making repairs. He is repairing cars for dealers that may make it look like he is selling, but he is only repairing them. Chairman Putman stated there is no room for an emergency vehicle to go down the alley because the number of cars. Mr. Mizrap confirmed there is not room.

Affordable Housing Concepts - 135-139 Baldwin Street

Advisory Opinion to ZBA re: Sign Variance

Attorney Sarah Campbell appeared on behalf of Affordable Housing Concepts, who put up a very large sign without permission on the Sunrise building. It is not a permanent sign. The maximum square footage that is allowed is 32 sq. ft. and this sign is 1200 sq. ft. It is not out of scale for that type of building, but they have applied for an area variance to have a sign larger than permitted. This building is ready to occupy, and there is a second building (Century building) that will be ready to rent in August. Attorney Campbell told the applicants that they cannot switch the sign to the other building. They have asked if they can keep the sign up through September.

Chairman Putman read the 239-Review and the Department Head Comments.

B. 239-Review and Department Head Comments:

- **Broome County Planning:** The Planning Department has reviewed the above-cited case and has not identified any significant countywide or inter-community impacts associated with the proposed project; however, we have the following comments:
 - The Village of Johnson City should ensure that the lease sign would not run contrary to the Town of Union’s 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 and to protect the physical appearance of the community.
 - The Village of Johnson City should ensure that the lease sign would not block views and sunlight from windows or obstruct ventilation or emergency access or create a fire hazard or other hazard.
 - The project application and site plan should address duration and maintenance.



- **NYS DOT:** The Region 9 Site Plan Review Committee does not need to comment on this proposal as the sign is not prominent from any State highway.
- **Public Works & Water:** No compelling interest.
- **Police:** No compelling interest.
- **Fire Department:** No compelling interest.
- **Code Enforcement:** The sign is excessive. It is blocking windows for apartments, which cannot be rented with the sign up.
- **Planning Department:** Recommends denial of the area variance for the sign. It would set an undesirable precedent for future rental signs.

There was discussion between the Board and Attorney Campbell regarding the size of the sign on the building in comparison to other buildings, Village of Johnson City Code, and the recommendations from Village of Johnson City Zoning Department.

A motion to make a recommendation to the Zoning Board of Appeals to approve the area variance and allow one sign for the entire property at 135-139 Baldwin Street until September 30, 2018, and to include the Department Head Comments was made by Mr. Slota and seconded by Mr. Matyas.

Motion Carried - Vote:

Yes – 4 (Matyas, Jacyna, Slota, Putman) No – 1 (Holbert) Absent – 0

Noor Halal Foods – 144 Grand Avenue

Advisory Opinion to ZBA re: Sign Variances

Scott Baker with Strategic Sign Company appeared on behalf of Noor Halal Foods. Proposed is a sign that measures 62.4 feet illuminated sign with channel letters above the entrance to their building at 144 Grand Avenue. Per Mr. Baker, he was shocked to find out it was zoned residential. They applied for a use variance to have a store in the building, but at that time the signage was not included with the use variance. He is asking for a positive recommendation to the ZBA for the signage for this location. Concerns were expressed about the potential brightness of the white symbol. Asked what Noor means, he stated that Noor in Arabic means light and the symbol means light. Mr. Baker said the sign is likely to drop to 56 sq. ft. in footage so the sign will fit in the space. It will most likely go down to 40" high. The sign will be lit only in the evenings or when it is dark enough to have the light on, and it will be on a timer. The hours are Monday through Friday 7:00 a.m. until 10:00 p.m., Saturday and Sunday 8:00 a.m. until 10:00 p.m. There are 3 elements to create one sign. Mr. Baker stated that the white and red portions of the sign will be the same brightness, and that these signs will not even light up the parking lot. Mr. Baker stated that if the sign were to comply with code, it would be no wider than the front entrance door. Chairman Putman disputed this, as the permitted size is 24 square feet.

Chairman Putman confirmed with Mr. Baker that the size of the proposed sign is 4 feet by 16 feet. He asked if the symbol is necessary. Mr. Baker says they really want to keep the symbol. If the sign is 2 feet by 12 feet, it would fit.



Chairman Putman read the Department Head Comments:

B. Department Head Comments:

- **Public Works & Water:** No compelling interest.
- **Police:** No compelling interest.
- **Fire Department:** No compelling interest.
- **Code Enforcement:** Pending.
- **Planning Staff Recommendation:** Recommends to the ZBA that they deny the variance for an internally illuminated wall sign as the property, granted a use variance for the convenience store in 2017, is surrounded by a number of residences. The internal illumination could negatively impact neighbors in the evening, particularly in the winter. Downward facing exterior lights would be more appropriate.

The variance for the size of the sign seems excessive. Planning staff recommends the applicant propose a lesser variance, understanding that this is a business that may depend on signage, yet is located in a residential neighborhood.

A motion to make a recommendation to the Zoning Board of Appeals for approval of both the variance for 32 feet more than permitted and variance for the internally illuminated sign in a urban multi-family zoning district at 144 Grand Avenue was made by Mr. Holbert and seconded by Mrs. Jacyna.

Motion Carried - Vote:

Yes – 3 (Matyas, Jacyna, Holbert) No – 2 (Slota, Putman) Absent – 0

Hannah Enterprises, 71 Baldwin Street

Request for extension of deadlines

Sarah Campbell appeared on behalf of Hannah Enterprises. They are asking for a one year extension. There is no tenant at this time. They have made a substantial investment with their commitment and demolition of the buildings to clear the site for construction. They feel having an approved site plan will make the property more marketable. Attorney Campbell told the client that should the project vary in any way from the proposals they were granted, they will have to come back to the Planning Board.

Discussion: Attorney Campbell assumes once they get a tenant, they will come back to Planning Board. The Board and Attorney Campbell discussed the traffic study and previous extensions of deadlines.

A Motion to approve extension of site plan approval of the proposed medical office at 71 Baldwin Street, 72 Arch Street and a portion of 55 Baldwin Street with the requirements of the Village of Johnson City Code, Fire Department, and Public Works; with the stipulations that they submit proof of lease or lease option by June 15, 2018; all construction shall conform to the New York State Building



Code; the Fire Marshal shall conduct a walk through prior to opening; the Director of Public Services shall approve the drainage calculations prior to issuance of building permit; and construction must be started by May 31, 2019, was made by Mr. Slota and seconded by Mr. Matyas.

Motion Carried - Vote:

Yes – 5 (Matyas, Jacyna, Holbert, Slota, Putman) No – 0 Absent – 0

ADJOURNMENT

The meeting was adjourned at 9:04pm.

Respectfully submitted,

Kim Cunningham

Kim Cunningham
Planning Board Clerk

