

Minutes of a regular meeting of the
Johnson City Planning Board held
on March 26, 2019 at 7:30pm at
243 Main St., Johnson City, NY

Present: Andrew Holbert, Vice Chairman
Greg Matyas
Mary Jacyna
Matthew Cunningham

Also Present: Nathan VanWhy, Attorney for the Village
Marina Lane, Town of Union Senior Planner
Kim Cunningham, Planning Board Clerk

Absent: Gerald Putman, Chairman

A brief work session was held at 7:00pm. The board discussed the agenda and reviewed the applications.

Vice Chairman Holbert called the meeting to order at 7:31pm and noted the emergency exits.

The voting of the Chairperson, Vice Chairperson and Secretary will be held at the next meeting due to all members not being present.

MINUTES

A motion to accept and place on file the minutes of the January 22, 2019 regular meeting was made by Mr. Matyas and seconded by Mrs. Jacyna. The motion carried with all those present voting in the affirmative.

PRIVILEGE OF THE FLOOR

Vice Chairman Holbert opened and closed the privilege of the floor, as no one spoke.

COMMUNICATIONS - None

CONTINGENCIES - None

OLD BUSINESS - None

NEW BUSINESS

250 Main Street

Declare Lead Agency, Declare Project a Type II Action
Site Plan Review – Open Café and Gift Shop

Vice Chairman Holbert Read the Site Plan Review.



SITE PLAN REVIEW

Kathryn and Thomas Sheredy have submitted an application with business partner Nick Spano for a café and gift shop on the first floor of the three-story, mixed residential and commercial building at 250 Main Street. The building has been vacant for over a year; therefore site plan review is required. The property is zoned Central Business District (CBD), and the restaurant with a retail component are permitted uses.

A motion to declare the Planning Board lead agency was made by Mrs. Jacyna and seconded by Mr. Matyas.

Motion Carried - Vote:

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

A motion to declare the project at 250 Main Street a Type II Action and issue a negative declaration was made by Mrs. Jacyna and seconded by Mr. Cunningham.

Motion Carried - Vote:

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

Kathryn and Thomas Sheredy and Nick Spano appeared on behalf of the application.

Kathryn and Tom own the building at 250 Main Street. They have been renovating the entire building for three years. They are creating a coffee roasting company on the first floor and will be roasting on site. They will have a small area for bakery area including coffee and tea and a small retail area as well. They are hoping to being finished in August to September time frame.

Vice Chairman Holbert read the remaining sections of the Site Plan Review.

SITE PLAN REVIEW Continued

A maximum of forty seats are permitted in the café per the NYS Building code, which is twelve seats greater than the former pizza shop had. In addition, the applicants plan to have ten outdoor seats at the rear of the property in a paved area of 325 square-feet. 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. Parking is available in the public parking lot within 400-feet of the restaurant at 27 Broad Street, and on the street. Municipal Wilbrow Aly extends from the public parking lot to the rear of 250 Main Street. The applicants anticipate customers entering and exiting from both the front and rear doors.

Per section 300-51.2.D., if a former use has been increased such that the area or units determining parking requirements has increased, the new number of spaces provided shall be equal to those determined by the increase in area or units, in this case being seats. As the prior restaurant had 28 seats, and the proposed use may have up to 50 seats, the difference of 22 seats requires eleven parking spaces. The applicants request that the Planning Board waive the required eleven parking spaces.



The building has access to public water, sanitary sewer, and public storm sewer drainage. New domestic and fire water lines shall be installed, and the applicants have an existing permit from the NYS DOT for making the connection from State Route 17C. No post-renovation stormwater remediation required.

Vice Chairman Holbert read the Environmental Review.

ENVIRONMENTAL REVIEW

The applicant's proposal is considered a Type II Action under the New York State Environmental Quality Review Act (SEQRA), per Section 617.5.c.18: “the reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and the action does not meet or exceed any of the thresholds in section 617.4 of this Part.”

Vice Chairman Holbert read the 239 Review and staff findings including Department Head Comments.

239-REVIEW AND DEPARTMENT HEAD COMMENTS

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

- **Code Enforcement:** Electricians and plumbers licensed by the Village are required. Egress from the outdoor seating area shall be provided so the “wall” of plants shall have an opening to the ally (Wilbrow Aly) in case of fire.
- **Fire Department:** Must meet Fire Code, and have a sprinkler system.
- **Police Department:** No compelling interest.
- **Public Works & Water:**
 - A backflow prevention device is required on the water service.
 - 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.
 - The plants screening the outdoor seating in the rear shall be portable and not interfere with the municipal ally in the rear of building. They shall be moved during the winter season to not prohibit snow clearing by the Village.
 - It will 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. C. Planning:** Has not identified any significant countywide or inter-community impacts associated with the proposed project.
- **BMTS:** Had no comments.
- **NYS DOT:** 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 the NYSDOT Broome Residency at (607) 775-0522 for more information. Nothing may be placed in the State right-of-way, including signage.



- **B.C. Health Dept.:** The applicant should contact Senior Sanitarian Mark Mancini at the Health Department (607-778-2801) regarding food service requirements for the new business.
- **PLANNING STAFF:** The Planning Department recommends approval of the site plan, with the requirements from Code Enforcement, the Department of Public Works and Water, the Fire Department, NYS DOT, the B.C. Health Department, and the following stipulations:
 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 including placement of cans. Trash cans shall not cause a nuisance to adjacent property owners.
 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.
 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.
 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.

A motion to approve the site plan, waive the additional eleven parking spaces and include the planning staff recommendations was made by Mrs. Jacyna and seconded by Mr. Cunningham.

Motion Carried - Vote:

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

ADJOURNMENT

A motion to adjourn the Planning Board Meeting was made by Mr. Matyas and seconded by Mrs. Jacyna. The motion passed with all those present voting in the affirmative.

The meeting was adjourned at 7:49pm.

Respectfully submitted,

Kim Cunningham
Planning Board Clerk

