

Minutes of a regular meeting of the
Johnson City Planning Board held
on April 23, 2019 at 7:30pm at
243 Main St., Johnson City, NY

Present: Gerald Putman, Chairman
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
Trustee Martin Meaney
Trustee John Walker

Absent: None

A brief work session was held at 7:00pm. Reorganization of officers was held as follows.

Reorganization of Officers

A motion to nominate Mr. Gerald Putman as Chairman was made by Mr. Cunningham and seconded by Mr. Holbert. A motion to close the nomination was made by Mr. Matyas and seconded by Mr. Cunningham. The motion carried with all those present voting in the affirmative.

A motion to nominate Mr. Andrew Holbert as Vice Chairman was made by Mrs. Jacyna and seconded by Mr. Matyas. Mr. Putman made a motion to close the nomination by unanimous ballot for Andrew Holbert as Vice Chairman.

A motion to nominate Mr. Gregory Matyas as Secretary was made by Mrs. Jacyna and seconded by Mr. Holbert. A motion that the nomination be closed and one unanimous ballot be cast for Gregory Matyas as Secretary was made by Mrs. Jacyna and seconded by Mr. Cunningham. The motion carried with all those present voting in the affirmative.

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 accept and place on file the minutes of the March 26, 2019 regular meeting was made by Mr. Jacyna and seconded by Mr. Holbert. The motion carried with all those present voting in the affirmative.

PRIVILEGE OF THE FLOOR

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



COMMUNICATIONS - None

CONTINGENCIES - None

OLD BUSINESS - None

NEW BUSINESS

560 Harry L. Drive

Advisory Opinion to the Zoning Board

Area Variance to increase size of 2 wall signs from 80 sq. ft. to 120 sq. ft.

Area Variance to increase number of wall signs from 1 to 2

Area Variance for number of business signs from 2 to 3

Philip Akel, representing Binghamton Giant Market, Inc., appeared on behalf of the application. They are cautiously optimistic but excited about the prospect of a new anchor tenant. Anchor space has been vacant for about five years. They feel they have one that is a good fit for the location. Giant Markets was approached by retail store and they have requested the signage be approved.

Chairman Putman asked if the signs requested will satisfy the requirements of the potential tenant.

Mr. Akel confirmed the proposed dimensions are from the tenant. They would be using about 24,000 sq. ft. of anchor space. The tenant wants the signage approved before they sign a lease/letter of intent.

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

Department Head & 239-Review Comments:

- **B.C. Planning Dept.** Asked what the setback will be for the monument sign, and if it will be landscaped. Also asked whether both wall signs are proposed at 120 square-feet.
- **Code Enforcement:** The monument sign shall be set back 8 feet. The monument sign is permitted and landscaping is not a requirement. Wall signs are 120 square-feet each and are almost half the size of what the Giant and Weis signs were. The space has been vacant for 5 years-reasonable request in my opinion-need to get space filled. The variances would apply to this store space only.
- **Police:** Pending.
- **Fire:** Pending.
- **Public Works & Water:** Pending.
- **NYS DOT** Pending.
- **Planning Staff Recommends:**
 - 1) Approval of the variance to increase the size of the wall signs from 80 square-feet to 120 square-feet,
 - 2) Approval of the variance to increase the number of wall signs to two, and
 - 3) Approval of the variance to increase the number of business signs from two to three at the former Giant/Weis store.

A motion to recommend approval of the variance to increase the size of the 2 wall signs from 80 square-



feet to 120 square-feet was made by Mr. Matyas and seconded by Mrs. Jacyna.

Motion Carried - Vote:

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

A motion to recommend approval of the variance to increase the number of wall signs to 2 was made by Mr. Cunningham and seconded by Mr. Matyas.

Motion Carried - Vote:

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

A motion to recommend approval of the variance to increase the number of business signs from two to three at the former Giant/Weis store was made by Mr. Holbert and seconded by Mr. Cunningham.

Motion Carried - Vote:

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

27 Jennison Avenue

Advisory Opinion to the Zoning Board

Area Variance for parking not meeting 10' setback from property line

Area Variance for north side of building g only 5' from property line (requires 20') Variance for façade having less than 40% glass.

Bill Hall appeared on behalf of the SUNY BU Foundation. They are looking to demolish an existing medical facility at 27 Jennison, and downsize to a smaller facility. They are trying to make sure the parking requirements per the square footage of the building is met. The lot is tight and irregularly shaped. They are seeking a setback variance on the rear of the building on the north side, a variance for parking spaces that are too close to the property line in several locations, and the façade does not meet the 40% glass requirement. The side entrance on Jennison will have 40% glass. Before they tear the building down, they wanted to get approval for all the variances and site plan review.

They are increasing the amount of landscaping on the site. There will strips of greenery.

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

Variations Requested:

A. Parking variations

- 1) a 7'7" area variance for a parking space setback of 2'5" from Jennison Ave,
- 2) a 9'3" area variance for a parking space setback of 0'9" from Ozalid Road,
- 3) a 0'11" area variance for a parking space setback of 9'1" from Corliss Avenue; and

B. Side Setbacks

- 1) a 15'0" area variance for a side setback of 5'0" from the north property line,
- 2) a 5'9" area variance for a side setback of 14'3" from Corliss Avenue; and

C. Façade transparency

- 1) A variance to decrease the required 40% area of transparency on the front façade along Jennison Avenue.



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, they had the following comments:
 - 1) The project should be redesigned to follow the recently developed design standards for the iDistrict.
 - 2) The project should include landscaping along the Jennison Avenue frontage.
- **NYS DOT:** No comments.
- **BC Health Department:** No comments.
- **BMTS:** No comments regarding traffic impacts. However, when considering site access, BMTS recommends that the developer consider revising the site plan to better adhere to Complete Street principles as they relate to walkability and neighborhood character, which could be improved by moving the building to the front of the property, placing all parking to the rear, and providing landscape buffers between parking and the public right-of-way. This would support a number of recommendations contained in the EJ BOA Industrial Spine Revitalization Plan Design Guidelines.
- **Public Works & Water:** No comments regarding the variances.
- **Police:** No compelling interest.
- **Fire Department:** No comments at this time
- **Planning Staff Recommendations:**

The Planning Department staff recommends approval of the variances.

- A. Parking variances:** There is sidewalk along each side of the property, which provides enough distance for a vehicle to pull out of the lot. In addition, the parking spaces along Jennison Avenue are in line with those in the adjacent lot to the south. Prefer that adequate parking be provided on site rather than clients having to park in the street. Recommend that “Stop” signs or stop bars be added to the site plan before site plan review.
- B. Side Setback Variances:** The property is small and restrictive. The current building meets the property line to the north, and nearly so to the south. The proposed building appears to have a smaller footprint.
- C. Façade transparency Variance:** As the building is close to the street, privacy for clients/patients would be difficult with a greater percentage of transparent windows.

A motion to recommend to the Zoning Board of Appeals approval of the parking variances as stated in the Memorandum was made by Mr. Holbert and seconded by Mrs. Jacyna.

Motion Carried - Vote:

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



A motion to recommend to the Zoning Board of Appeals approval of the side setbacks as stated in the Memorandum was made by Mr. Matyas and seconded by Mr. Holbert.

Motion Carried - Vote:

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

A motion to recommend to the Zoning Board of Appeals approval of the variance for facade transparency as stated in the Memorandum was made by Mrs. Jacyna and seconded by Mr. Holbert.

Motion Carried - Vote:

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

Amendment to Section 300-53.15 fences

Recommendation to Village Board

Chairman Putman explains this is an amendment to the Village Code addressing fencing.

Discussion between Attorney VanWhy and the Planning Board regarding the primary purpose of this amendment, which is to control the types of fences that are put up.

Chairman Putman read Article 53 J.

J. Construction materials specifications shall be as follows:

1. Fences shall be constructed of wood or PVC permanent fencing material
2. Materials such as sheet metal, razor wire, page wire, pallets, doors, old building materials or non traditional fence materials are prohibited
3. Temporary fences are prohibited only for the duration of a construction project

Discussion regarding the recommendations for amending Article 53.

A motion to recommend the Village Board amend “J. Construction materials specifications shall be as follows,” by adding “wrought iron and chain link material” was made by Mr. Matyas and seconded by Mrs. Jacyna.

Motion Carried - Vote:

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

ADJOURNMENT

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

The meeting was adjourned at 8:05pm.

Respectfully submitted,

Kim Cunningham
Planning Board Clerk

