

The Johnstown Planning Board held a meeting on January 3, 2017 at 4:00 p.m., in the Council Chambers, City Hall.

PRESENT:

Peter K. Smith	: Chairman
Fredrick Franko	: Board Member
Terri Easterly	: “ ”
George Nicholas	: “ ”
Betsy Camarra	: “ ”
Christopher Vose	: City Engineer
Bruce Heberer	: Fire Chief
Lawrence O’Regan	: Asst. Fire Chief
Cathy A. VanAlstyne	: City Clerk

ABSENT:

Michael Poulin : City Attorney

Also present was Council Member Iannotti and Mayor Vern F. Jackson.

Chairman Smith called the meeting to order.

APPROVE MINUTES – minutes of the December 6, 2016 Planning Board were approved with a motion from Mr. Nicholas and seconded by Mrs. Easterly. Chairman Smith abstained. Motion carried.

CAROL HARPER – JUMBO LOT 2 - request to operate a retail auto sale used car dealership at 111 S. Comrie Ave. The matter was referred to the Fulton County Planning Board for their review and comment because it is on a State highway. The Board has received a letter from Sean Geraghty, Senior Planner, indicating that the Fulton County Planning Board took no action, finding no regional impact. There is a submission from Tom Suydam for the Board’s review.

Chairman Smith opened the Public Hearing. Thomas W. Suydam, 601 S. William St., had put most of his thoughts to writing which copies have been given to the Board. His intent is not to jeopardize the plans to go forward but he has a concern about the traffic problem getting out onto 30A going north. He owns property on the north side of the Moose driveway. The exiting from the driveway in the winter is very tricky. The snow banks are high and at times there are plywood signs advertising events at the Moose. Another issue is the zombie traffic that he sees during the week mulling around his parking lot where James Chevrolet is parking their cars. If there is another car lot on the other side of him there will be even more people wandering around day and night trying to find a used car out of the three car lots. He does not recommend voting no on this project but would like to be able to get in and out of the Moose driveway in one piece. Mr. Suydam showed an aerial map of the wetlands and wondered if the project would be affected. There were no further comments so Chairman Smith closed the public hearing.

Chief Heberer said the wetlands do not affect this project. It is outside the 100’ setback. Chairman Smith said ingress and egress is an issue the entire length of the arterial. Many years ago the Moose applied for an exit from the rear of their property and they were denied. There are dozens of businesses on 30A where taking a left turn from their property is a problem. When the arterial was built

it was intended to expedite traffic around the center of the city. Since it has become a commercial center of the city, people now drive through the center of the city to avoid the congestion on 30A. He does not know what the answer to this problem is. This is a state highway and we have no control over where the controls are going to be. Chief Heberer added that there seems to be more accidents going south at the intersections of Perry St. and Melcher St. as well as Chestnut St. and Union Ave. Chief Heberer said they have had meetings with D.O.T. and there are some projects in the works. There won't be any work done in this area, but they are considering projects spanning from Briggs St. to the City line going north. The State continues to do traffic studies.

Mr. Franko asked Mrs. Harper if she had decided on what type of lighting and the placement of lights on the building. Mrs. Harper said she will be using only the existing lights on the building and in the bushes. No additional lights are needed at this time. If at some point they decide more lighting is needed they will come back to the Planning Board. She still does not have a certificate of occupancy so she has been unable to have the power turned on. Mr. Franko asked her what the status is on the car lot at the corner of E. State St. and 30A. Mrs. Harper has an agreement with the owner, Wanda Gifford, who will be out by the end of December. Mrs. Harper has purchased the business from her but does not want the inventory. It is not the type of vehicles she sells. She gave her until the end of the month so she can sell as much of the inventory that she can. Whatever inventory is left will be brought to Mrs. Harper's Nelliston location. She has a no compete clause so Ms. Gifford cannot sell cars there for five years. Mr. Franko urged Mrs. Harper to stay within the boundaries of the numbers of cars and locations as she has shown on the plans. The Board will not tolerate any deviation from that. Mrs. Harper assured him she would comply. Chairman Smith added that there is nothing illegal about selling used cars in the City of Johnstown but the Board's concern is sometimes they have applicants that say one thing and then there seems to be a sprawl of vehicles. When the Board says there is a limit on the numbers of cars to be displayed that is binding. They will bring people back before the Board if they don't comply. Mrs. Harper said she understood and also thanked Mr. Suydam for not trying to block her project but said she has no control over the traffic. His renting of his lot to James Chevrolet has created a lot of traffic for him. Mr. Suydam told her he hopes she has much success and brings in a lot of sales tax revenue.

Mr. Nicholas made a motion to approve the application for the car lot. Seconded by Mr. Vose. Motion carried. Any additional lighting or signage would have to come back before the Board.

MARK HAYES – ICE CREAM STORE – Charles Ackerbauer, representing Mr. Hayes, said they are still finalizing the plans. At last month's meeting, Mr. Franko raised some issue on lighting. They presented some pictures of lighting that they will probably use around the building. There are two street lights in the area on Briggs St. and one on Grand St., just along the exit so the parking area is pretty well covered with lighting. They plan to have lighting along the building for security. They will be on either side of the building and one in the back. The lights will be under the overhang of the building shining down. They will shine down and out at an angle. Mr. Hayes said they are more like a flood light. Mr. Ackerbauer said there will be a fence along the back of the property to separate from the neighbors. Chief Heberer said the maximum height allowed is 8'. There are only two houses adjacent to the property. The others are back yards. Mr. Franko added he is very satisfied with plans for an 8' fence and lighting around the building which will be below the 10' overhang. Mr. Franko also asked about discussion from last month's meeting concerning a superfund site. Mr. Ackerbauer had contacted DEC to get information but was not successful. Chief Heberer said that was EPA Brownsfield. EPA came, cleaned up the site and tore the building down. The DEC input was for a spill that happened many years ago. When EPA did the clean up the only thing that it was limited to was the foundation. There can be no basement on the site. Mr. Vose said he may have a report on this in his office. Any excavating of the

site has to be backfilled. The soil was replaced to a certain depth, similar to what was done at Kargs. As long as they don't penetrate the clean fill layer they are fine. If a house was to be built on the site they could not have a basement. Chief Heberer said that is why they went back to Commercial Zone for this site. That is the best use.

Chairman Smith opened the Public Hearing at 4:40p.m. Being there were no comments from the public, the hearing was closed.

Mr. Franko made a motion to approve the application from Mark Hayes to construct an ice cream store. Chairman Smith added that all approvals are good for one year. If the project is not substantially completed within one year the applicant must come back before the Planning Board. Motion was seconded by Mr. Nicholas. Motion carried.

DISCUSSION - TED LETO – USED CAR LOT – Mr. Franko had discussed with Attorney Poulin the issue with Mr. Leto not complying with the conditions set for approval of the car lot. Approval was given by the Planning Board as well as the Zoning Board. He has been concerned with the continued sprawling of vehicles on the lawn of the property and possibly past the property line. He believes there are several cars in various states of repair as well. Chief Heberer said the Code Office is doing a review of the site every 30 days. As of the day after last month's meeting and again today all the stipulations listed are being met. He is not parking vehicles on the grass. Some grass is growing up from underneath the stone. They will continue to check on it every 30 days and report back to the Board. After six months, which started last month, he will bring Mr. Leto to the Board for discussion. If a ticket is issued he will be brought to the Board the following month. Mr. Leto is on his tenant to comply. Mr. Franko appreciates Chief Heberer and the code officer's efforts to keep on top of this.

A small lot in that same general area, owned by George Kline, has, in the past, had cars parked. He was told that was not allowed and the cars were moved. Mr. Franko said there are cars there now. Chief Heberer will look into it. Chief Heberer said that even James Chevrolet has parked cars illegally on the corner of Rte 67 and 30A. He didn't get a permit or come before the Board.

Chairman Smith welcomed Mayor Vern Jackson and congratulated him.

A motion to adjourn was made by Mrs. Easterly and seconded by Mrs. Camarra. Motion carried.

Respectfully submitted,

Cathy A. VanAlstyne  
City Clerk