



City of Johnstown

Meeting: Planning Board
 Date: Tuesday, March 3, 2026
 Time: 4:00 p.m.
 Location: Conference Room, City Hall
 Presiding Officer: Peter Smith, Chairman

Meetings are broadcast using Facebook Live. The public is able to view the meeting from the official City of Johnstown Facebook page: [City of Johnstown, New York](#)

The proceedings of meetings are taped for the benefit of the City Clerk; the minutes are not a verbatim record of the proceedings; therefore, the minutes are not a word-for-word transcript.

Planning Board Meeting Minutes

CALL MEETING TO ORDER

MEMBERS IN ATTENDANCE

		PRESENT	ABSENT / EXCUSED	LATE
Peter Smith	Board Member, Chairman	X		
Chandra Cotter	Board Member		X	
Terri Easterly	Board Member	X		
Betsy Camarra	Board Member	X		
Roberta Thomas	Board Member	X		
Michael M. Albanese	City Attorney	X		
Christopher J. Vose	City Engineer	X		
Larry O'Regan	Fire Chief	X		
Carrie M. Allen	City Clerk	X		
Cody Logan	Deputy City Clerk	X		
Scott Jeffers	Council Liaison	X		

APPROVE MINUTES

February 3, 2026

Action Taken

Motion:	Board Member	Camarra	Ayes:	4	Absent:	1 (Cotter)
Seconded:	Board Member	Easterly	Noes:	0	Abstain:	0

PUBLIC HEARING

[FAGE Dairy, 1 Opportunity Drive – expansion](#)

Opened: 4:01 pm Closed: 4:01 pm

Public Comment

Stan Waddle, Zoning Officer for the Town of Mohawk, addressed the Board. He inquired about stormwater runoff and discharge, noting the proximity to the municipal boundary with Montgomery County and the Town of Mohawk.

The applicant's representative explained that runoff will be directed into a bioretention basin and ultimately discharged into an existing culvert running under Venture Drive, flowing northwest.

Mr. Waddle also noted:

- A discrepancy in square footage between documents (8,400 sq. ft. referenced in minutes versus 6,368 sq. ft. on building permit).
- A concern regarding SHPO/archaeological review noted in SEQR documentation.

The Board clarified:

- The 6,368 sq. ft. expansion refers to the receiving bay addition and alcove; the larger figure included total project area.
- A letter was received indicating no impact from SHPO.
- Notice had been sent to various agencies, including County Planning, DEC, DOT, and EPA.
- No objections were received.

No additional public comments were offered.

SITE PLAN APPROVAL

1. [FAGE Dairy, 1 Opportunity Drive – expansion](#)

Negative Declaration - The Board reviewed comments received, including correspondence from DEC reiterating compliance with stormwater discharge regulations. No objections were noted.

Fulton County Planning Board offered no recommendation.

Negative Declaration under SEQR, determining no significant adverse environmental impact.

Motion:	Board Member	Camarra	Ayes:	4	Absent:	1 (Cotter)
Seconded:	Board Member	Thomas	Noes:	0	Abstain:	0

Site Plan Approval

Motion:	Board Member	Easterly	Ayes:	4	Absent:	1 (Cotter)
Seconded:	Board Member	Camarra	Noes:	0	Abstain:	0

SITE PLAN REVIEW

1. [Curtain Call Café, LLC – 12 W. Main Street](#)

Eric Betz and Tammy Powers Betz were present to discuss their project. A Broadway-themed café offering coffee, smoothies, pastries, sandwiches, bagels, and light fare. Focus on morning commuters (6:30 AM–5:00 PM), with occasional evening acoustic performances or open mic events. No significant exterior alterations proposed. Interior features include exposed brick, hardwood floors, and a rear staircase that may be used as a small showcase performance area.

The applicants described the café as a “third place”, a welcoming space outside of home and work, with particular focus on Teachers, County employees, Morning commuters along Main Street and Local theater community

Planned community engagement includes:

- Collaboration with local theater groups, including Colonial Little Theatre (CLT).
- Hosting preview performances from upcoming productions.
- Occasional acoustic music or open mic nights.
- Display of Broadway posters and Playbills along one wall.
- Dedicated front window space to highlight local school and arts activities.

Board discussion included:

- No exterior structural changes.
- No full commercial kitchen planned.
- Limited food preparation (no extensive cooking operations).
- No exterior structural changes proposed.
- No building expansion.
- No exterior break-throughs planned.
- Plumbing and sanitary facilities to be addressed.
- Drinking water and filtration system planned.

Primary Planning Board involvement is required due to Change of use from former mercantile occupancy to café/assembly occupancy.

Public Hearing scheduled for: April 7, 2026 at 4:00 PM.

2. [Breakthrough Equity Group, LLC – 605 S. Comrie Avenue](#)

Applicant Tiernan Laue was present to discuss his proposal. He mentioned the need for affordable housing for individuals who can't afford traditional homes. Remove the stigma associated with manufactured housing. Most of his homes cost less than \$10k.

- Display capacity estimated at 2–4 homes on average, with a physical maximum of approximately 6 units.
- Homes would be displayed for retail sale only and not permanently installed or hooked up to utilities.
- Units would be transported to private land or mobile home parks upon sale.
- Primary focus on affordable, used homes, typically priced low enough to allow cash purchases.
- Occasional minor repairs may occur, but significant interior finish work would generally be completed after relocation due to transport concerns.

- Site plan submitted illustrating potential layout.
- Location offers: Direct access to Route 30A and proximity to the NYS Thruway and Logistical efficiency for transport throughout the region (Utica, Albany, Hudson Valley, etc.).
- Peak sales during tax season through late summer.
- Homes may remain on-site from a few days to approximately two months.
- Anticipated inventory typically between two and four units.

The Board noted a separate, previously discussed proposal for a model home to be placed on the same parcel by Superior Homes Sales. Mr. Leto was present to clarify the following items:

- Their model home is not affiliated with Breakthrough Equity Group.
- Proposed placement would be toward the front of the parcel.
- Display units would be positioned further back, potentially arranged diagonally for improved spacing and visual organization.
- All structures would need to comply with applicable setbacks along Route 30A.

Board Discussion:

- The property is located at a primary entrance to the City.
- Concern regarding visual impact.
- Discussion of orderly arrangement, potential diagonal layout, and screening if necessary.
- Applicant agreed to maintain an organized appearance.
- Board discussed potential conditions including:
 - Limiting the number of units.
 - Regulating spacing and layout.
 - Ensuring compliance with setbacks.
 - Maintaining visual appropriateness for the corridor.

The Board determined:

- The application must be referred to the Fulton County Planning Board.
- A Public Hearing will be scheduled for the first meeting in April.

3. [Ahamed Elazab – 500 N. Market Street](#)

Applicant, Ahmed Elazeb’s existing use building has 2 apartments (upper floor) and 2 former commercial storefronts (ground floor). His proposed use would be to convert the 2 former commercial units to residential, resulting in 4 total dwelling units.

Issues identified:

- The current zoning for that area is SF-2 (one- or two-family permitted)
- Four-unit building not permitted in current zoning.
- Requires variance.
- Parking requirements (minimum six spaces).
- Adequacy of apartment layouts (light, ventilation, egress, room sizes).
- Need for professional site plan and apartment floor plans.

The Board advised:

- Applicant to submit engineered site plan and compliant floor layouts.
- Code review required prior to ZBA referral.
- No action taken.

Matter adjourned pending resubmission.

DISCUSSION

1. [Battery Storage Moratorium](#)

The Board discussed increasing interest in Battery Energy Storage Systems (BESS) within the City.

Concerns raised:

- Proximity to residential neighborhoods and schools.
- Fire risk and emergency preparedness.
- Property value impacts.
- Need for zoning and regulatory framework prior to approvals.
- Question raised regarding end-of-life disposal and decommissioning.
- Emphasis placed on ensuring emergency services are properly equipped and prepared.

The intent for a Temporary Moratorium:

- The moratorium would prevent approvals while the City conducts due diligence.

- The City currently has no ordinance prohibiting or specifically regulating battery storage facilities.
- In the absence of regulation, projects could potentially move forward under existing zoning.
- Provide time for the City to review the New York State Battery Energy Storage System Guidebook.
- Evaluate zoning compatibility and district appropriateness.
- Develop local regulations addressing:
 - Permitted and prohibited districts.
 - Setback requirements from residences and schools.
 - Safety standards.
 - Environmental considerations.
 - Emergency response preparedness.
 - Decommissioning requirements.
- Proactive Planning
 - Desire to “get ahead of the issue” rather than react after approvals.
 - Reference made to community backlash in other municipalities (e.g., Northville/Nashville-type situations) where projects were approved without sufficient local regulation.
 - Risk of mechanical failure.
 - Fire hazards.
 - Emergency response readiness.
 - Proximity to residential neighborhoods and schools.
 - Potential impact on surrounding property values.

Larry indicated willingness to reach out to a design professional who previously presented in Gloversville and arrange an informational session for the Common Council and Planning Board. Board members expressed support for obtaining expert input before adopting permanent regulations.

A resolution recommending a one-year temporary moratorium to the Common Council was presented.

Resolution #1 – Recommend that the Common Council adopt a Temporary Moratorium on Battery Energy Storage Systems				
Motion:	Board Member	Camarra	Ayes: 4	Absent: 1 (Cotter)
Seconded:	Board Member	Easterly	Noes: 0	Abstain: 0

2. Cost Recovery Policy

The Board would like to amend procedures so that applicants reimburse the City for direct costs associated with required public notice publication and mailing. The amendment would clarify that expenses incurred in connection with an application, including required public notices, are the responsibility of the applicant.

Discussion:

- It is reasonable that applicants, not taxpayers, cover expenses generated by their applications.
- Many municipalities already follow this practice.
- General Municipal Law permits cost recovery of this nature.
- Typical publication costs were noted to be modest (approximately \$8–\$12 in many cases).
- Costs are variable depending on the specific application and required noticing.
- The policy allows flexibility in how reimbursement is handled.
- Regulations would be put in place as to how applicants apply to be heard before the Board. Time frame, what is required, etc. A policy that everyone must follow and doesn’t change from applicant to applicant.

Collection Mechanism

- The City may initially advance payment and then seek reimbursement.
- Reimbursement may be collected at the time of building permit issuance.
- The proposed language includes authority to withhold issuance of a building permit until outstanding costs are paid.

Resolution #2 – Recommend that the Common Council amend Ordinance 305-26; Application Procedures, to include a Cost Recovery Policy				
Motion:	Board Member	Easterly	Ayes: 4	Absent: 1 (Cotter)
Seconded:	Board Member	Thomas	Noes: 0	Abstain: 0

3. Storage Units

Chief O'Regan stated that the Board previously discussed the increasing use of transport containers (commonly referred to as Conex boxes or shipping containers) for storage sheds and, in some cases, conversion into habitable or semi-habitable structures.

Under the 2025 New York State Uniform Fire Prevention and Building Code, shipping containers are recognized as structures when used in construction or as accessory buildings. This means:

- They may be permitted under the Building Code if properly engineered.
- They fall under jurisdiction when used as structures (e.g., 10' x 20', 10' x 30', 10' high).
- They are materially different from small sheds (e.g., 12' x 12'), which often fall below certain Building Code thresholds.

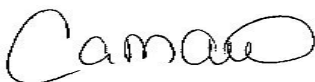
The placement and permissibility of these units is fundamentally a zoning issue, not solely a Building Code issue. He recommended that the Zoning Board and/or Common Council review and clarify zoning regulations concerning:

- Whether shipping containers are permitted as accessory structures.
- In which districts (Residential, Commercial, Industrial).
- Size limitations.
- Setback requirements.
- Screening or aesthetic requirements.
- Prohibition or regulation of conversion to dwelling units.
- Whether special use permit review is required.

ADJOURN

<i>Time:</i> 5:26 pm				
Motion:	Board Member	Thomas	Ayes: 4	Absent: 1 (Cotter)
Seconded:	Board Member	Easterly	Noes: 0	Abstain: 0

Respectfully Submitted,



Carrie M. Allen, City Clerk