

Minutes of a regular meeting of the Johnson City
Zoning Board of Appeals held on October 21, 2024
at 6:30pm at Village Hall, 60 Lester Avenue,
Johnson City, New York.

Present: Edward Mazanek, Chairman
Leonard Sas, Vice Chairman
Donald Slota
Christopher Brown

Also Present: Keegan Coughlin, Village Attorney
Stephanie Yezzi, Planning Director
Kim Cunningham, Zoning Board Clerk
Randy Shear, Code Enforcement Officer

Absent: None

A work session was held starting at 6:00pm.

Stephanie Yezzi spoke regarding 601 Harry L Drive:

- 128 Grand Ave
- 601 Harry L Drive
 - Increasing from one to five and increasing coverage
- Setting public hearings for 627 Field St and 214 Main St

Chairman Mazanek called the meeting to order at 6:30pm.

FIRE EXITS

PRIVILEGE OF THE FLOOR

Chairman Mazanek opened the privilege of the floor. There were no attendees at the meeting who wished to speak, therefore, Chairman Mazanek closed the privilege of the floor.

MINUTES

A motion to approve the minutes of the September 16, 2024 regular meeting was made by Mr. Sas and seconded by Mr. Slota. The motion carried with all present voting in the affirmative.

COMMUNICATIONS – None

OLD BUSINESS

128 Grand Avenue – Robinson Design Company, on behalf of AOM 128 Grand Ave LLC

Public Hearing, SEQR Unlisted Action, Review Sign Area Variance

Chairman Mazanek opened the public hearing

Tonya Robinson with Robinson Design Company appeared on behalf of the project. She is representing the Grand Monarch. Ms. Robinson explained the need for variance. They were only allowed to have a 12



square foot square sign and they had a 16 square foot sign. They applied for the variance to allow them to place the sign.

The Board did not have any further questions.

Chairman Mazanek closed the public hearing.

The Variance Request was entered into the record.

Variance Request:

The following area variance is being requested from the Zoning Board of Appeals (ZBA) by AOM 128 Grand Ave LLC for proposed signage at the Grand Monarch:

- Section 300-52.5 Table 52-5: Increase the size of one projecting sign from the allowed 12 square feet to the proposed 16 square feet.

Chairman Mazanek read the 239-R and Department Head Comments and Planning Staff Recommendation.

239-R and Department Head Comments:

The applicant's proposal requires review under SEQRA for an unlisted action, and the ZBA shall claim lead agency and complete the review following the public hearing. The project did not require a 239 review; however, the Planning Department has requested comments from department heads.

Department head comments are detailed below:

- Public Services, Fire & Police Departments – No compelling interest.
- DPW & Water Department – The Water Department has record of three active backflow devices for this property; however, no current test reports have been submitted since 2020. The property owner needs to have all devices tested yearly to stay in compliance with NYSDOH requirements. Please contact the Water Department to resolve.
 - The ZBA shall follow up on the property owner's correspondence with the Water Department. This comment may have been rectified.
- Code Enforcement – The signs shall be maintained in good condition.

Planning Staff Recommendation:

The Planning Board recommended approval of the requested size area variance. Planning Department staff also recommends approval as the requested variance will not have negative impacts on the surrounding uses, including the historic district, recreational uses and natural environment. The variance under review is not a substantial request.

The board had no questions regarding Part 1.

Attorney Coughlin went through Part 2 questions with the Board.

Attorney Coughlin confirmed the sign is not luminated.

The board agreed the project created no or small impact.

Part 3 was added into the record.

Robinson Design Company, on behalf of AOM 128 Grand Ave LLC, submitted a proposal for a 16 square foot projecting sign on the existing multi-family residential building at 128 Grand Avenue. The allowed



square footage in the building is located in the Urban Multi-Family (UMF) district.

The proposed sign does not conflict with or impair the character or quality of the existing neighborhood, and will not change the intensity of use or traffic patterns.

There will not be any significant impact to the land or any Critical Environmental Area. Similarly, there will not be any significant impact on important historic, archaeological, architectural or aesthetic resources.

The proposed project will not adversely impact the use of energy, water or wastewater utilities, natural resources, wildlife nor create a hazard to environmental resources or human health. There will be no increase in flooding, erosion, nor impacts on wetlands.

After review, it was determined that the proposed addition would not have any significant adverse impacts on the environment.

A motion to issue a negative declaration for the purposes of SEQRA for 128 Grand Avenue was made by Mr. Sas and seconded by Mr. Brown. The motion carried with all present voting in the affirmative.

Motion Carried— Vote:

Yes – 5 (Holowinski, Sas, Brown, Slota, Mazanek) No – 0 Absent – 0

Chairman Mazanek and the Board reviewed the balancing test.

- Whether or not there is an undesirable change in the character of the neighborhood or a detriment to nearby properties by the granting of this variance.

Chairman Mazanek stated small or none. The Board agreed.

- Whether the benefit sought by the applicant can be achieved by some method which would be feasible for the applicant to pursue but would not require a variance.

Attorney Coughlin said they are only asking for a four-foot variance. To have the sign be visible, it is already small on a large building, the extra size should not be an issue. The Board agreed.

- Whether the area variance is substantial.

Chairman Mazanek stated no. The Board agreed.

- Whether the proposed variance will have an adverse effect on the physical or environmental characteristics in the neighborhood.

Chairman Mazanek said small or no impact. The Board agreed.

- Whether the alleged difficulty is self-created.

Chairman Mazanek stated yes. The Board agreed.

Chairman Mazanek asked for a motion to approve or deny the sign area variance from 12 to 16 feet with a variance of four feet.

A motion to approve the variance for 128 Grand Avenue including Department Head Comments was made by Mr. Slota and seconded by Mr. Brown. The motion carried with all present voting in the affirmative.

Motion Carried— Vote:

Yes – 5 (Holowinski, Sas, Brown, Slota, Mazanek) No – 0 Absent – 0



NEW BUSINESS

601 Harry L Drive – Spark JC, LLC

Public Hearing, SEQR Unlisted Action, Review Sign Area Variances (2)

Chairman Mazanek opened the public hearing

Daria Golazeski, a consultant for Newman Development Associates one of the owners of Spark JC, LLC. Ms. Golazeski is here representing Five Below.

Ms. Golazeski handed out proposed drawings and discussed:

- Location in Oakdale Commons
- Unusually shaped location with two large facades
- Main façade has a privacy screen for checkout
- Location of cash registers
- Number of signs
 - Explained the location of the signs
 - Proposing five signs

Dr. Holowinski questioned if the signs could be seen from Reynolds Road.

Ms. Golazeski responded yes.

The Board had no further questions.

Attorney Coughlin confirmed they are asking for a variance of the total number of signs from 1 to 5, increasing the total allowable square footage from 519 sf to 681 sf. Increasing the percentage of coverage of one wall sign from 25% to 27% and the window sign from 25% to 34% and increasing the total square footage of the largest sign by 1.5 sq ft.

Chairman Mazanek closed the public hearing.

Attorney Coughlin advised SEQRA does not have to be done since it has been done extensively for the mall project. This was contemplated in the prior SEQRA approval.

The Area Variance Request was entered into the record.

Area Variance Requests:

The following area variances are being requested from the Zoning Board of Appeals (ZBA) by Spark JC LLC for proposed signage at Five Below, to be located at 601 Harry L. Drive:

- Section 300-52.4 J 3 a: Increase the total number of permitted signs from 1 to 5 and increase the total allowable square footage from 519 sf to 681 sf
- Section 300-52.5 Table 52-6: Increase the percent coverage of one wall sign from 25% to 27% and one window sign from 25% to 34%. Increase the square footage of one wall sign to accommodate 301.5 square feet (exceeding the allowed 300 square feet).

Proposed directional signs will be placed on the Oakdale Commons directories at the locations indicated on the site plan. Such signs do not require variances and are permitted as part of the multi-tenant commercial development regulations.



Chairman Mazanek read the Department Head Comments and Planning Staff Recommendation

Environmental Summary and Department Head Comments

The project was routed to Broome County Planning for 239-review as well as department heads for comment. The applicant's proposal does not require further review under SEQRA as the project has been reviewed in great detail during the site plan review process. Public hearings for the requested variances shall be held at this time.

The application has been sent to Broome County for 239 Review. The Broome County Planning Department did not find any significant countywide or inter-community impacts associated with the proposed project. BMTS, NYSDOT, and Broome County Transit had no comments.

Department head comments are detailed below:

- Public Services, DPW, Water Department, Fire Department & Police Department – No compelling interest.
- Code Enforcement – The signs shall be maintained in good condition.

Planning Staff Recommendation

The Planning Board recommended approval of the requested size area variance. Planning Department staff also recommends approval as the requested variance will not have negative impacts on the surrounding uses, including the historic district, recreational uses and natural environment.

Chairman Mazanek and the Board reviewed the balancing test for the variance.

- Whether or not there is an undesirable change in the character of the neighborhood or a detriment to nearby properties by the granting of this variance.

Chairman Mazanek stated no since it is within the mall area and zoned appropriately. The Board agreed.

- Whether the benefit sought by the applicant can be achieved by some method which would be feasible for the applicant to pursue but would not require a variance.

Chairman Mazanek said no, they are a store outlet looking to bring in customers so they want everyone to know where they are. Attorney Coughlin confirmed the jut out sign above the door is for foot traffic. The Board agreed.

- Whether the area variance is substantial.

Attorney Coughlin stated the one to five is but the others you could say no.

- Whether the proposed variance will have an adverse effect on the physical or environmental characteristics in the neighborhood.

Chairman Mazanek not since its like everything else around it. The Board agreed.

- Whether the alleged difficulty is self-created.

Attorney Coughlin advised you could say yes and no because of the unique layout of the building. The Board agreed.

Attorney Coughlin stated one motion could be done if you reference both sections of the code or it could be split up.

A motion to approve the two variances first under Section 300-52.4 J 3 a: Increase the total number of permitted signs from 1 to 5 and increase the total allowable square footage from 519 sf to 681 sf and the second being under Section 300-52.5 Table 52-6: Increase the percent coverage of one wall sign from 25%



to 27% and one window sign from 25% to 34%. Increase the square footage of one wall sign to accommodate 301.5 square feet (exceeding the allowed 300 square feet) the directional signs will be placed on the Oakdale Commons directories at the locations indicated on the site plan and these do not require variances and are permitted as part of the multi-tenant commercial development regulations also incorporating the Department Head Comments was made by Mr. Sas and seconded by Mr. Brown. The motion carried with all present voting in the affirmative.

Motion Carried— Vote:

Yes – 5 (Holowinski, Sas, Brown, Slota, Mazanek) No – 0 Absent – 0

627 Field Street – Amerco Real Estate (at U-Haul)

Set Public Hearings for Sign Area Variances on Monday, November 18, 2024

Ms. Yezzi's Memorandum regarding the project was entered into the record.

Area Variance Requests:

The following area variances are being requested from the Zoning Board of Appeals (ZBA) by Amerco Real Estate Co. for proposed signage at U-Haul at 627 Field Street:

- Section 300-52.3 I: Increase the size of directional signs from 12 square feet to 35 square feet, 58 square feet and 65 square feet.
- Section 300-52.5 Table 52-6: Increase the square footage of one wall sign to accommodate 169 square feet (exceeding the allowed 100 square feet).
- Section 300-52.5 Table 52-4: Increase the number of allowed wall signs from 1 to 4.
 - Check the total number of wall signs on the full parcel (one other building situated on 627 Field)

Environmental Summary and Department Head Comments

The project was routed to Broome County Planning for 239-review as well as department heads for comment. The applicant's proposal is a SEQRA unlisted action, and the ZBA shall claim lead agency and complete their review following the public hearing.

- **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 project site is located entirely within the Preliminary FEMA Special Flood Hazard Area. While not the regulatory floodplain, the Village ZBA should exercise caution in approving and the applicant should know the risks of developing a project within the SFHA and within a flood-prone area.
- **NYS DOT** – No comments.
- **Water, Police and Fire Departments** – No compelling interest.
- **Code Enforcement** – Awaiting comment.

Staff Recommendations

At this time, the ZBA shall set three (3) public hearings for the proposed variances on Monday, November 18, 2024 at 6:30 PM.



A motion to set a public hearing for 627 Field Street for Monday, November 18, 2024 at 6:30pm was made by Mr. Sas and seconded by Mr. Brown. The motion carried with all present voting in the affirmative.

214 Main Street – Broome County Planning

Set Public Hearing for Mural Area Variance on Monday, November 18, 2024

Ms. Yezzi's Memorandum regarding the project was entered into the record.

Variance Request:

In 2019, Broome County was awarded a grant through the Greater Binghamton Fund to install public art in the Binghamton, Johnson City and Endicott iDistricts. Since then, they have worked closely with local officials to establish a public art program and identify properties of interest for such murals within the iDistrict. The proposed location at 214 Main Street is at a property owned by David Whalen and requests an area variance for the 2,700 square foot mural. This would be a variance from the 50% wall coverage and 48 square foot allowance.

Environmental Summary and Department Head Comments

The project was routed to Broome County Planning for 239-review as well as department heads for comment. The applicant's proposal is a SEQRA unlisted action, and the ZBA shall claim lead agency and complete their review following the public hearing.

- **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.
- **NYSDOT** – The Regional Site Plan Committee has no comments on this proposal, provided that no work in the State right-of-way is required.
- **Water, Police and Fire Departments** – No compelling interest.
- **Code Enforcement** – Awaiting comment.

Staff Recommendations

The Planning Department is carefully reviewing the application, and the Planning Board will provide an advisory opinion following their October meeting. The Zoning Board of Appeals shall schedule a public hearing for Monday, November 18, 2024 at 6:30 PM.

A motion to set a public hearing for 214 Main Street for Monday, November 18, 2024 at 6:30pm was made by Mr. Sas and seconded by Mr. Brown. The motion carried with all present voting in the affirmative.

ADJOURNMENT

A motion to adjourn the meeting was made by Mr. Sas and seconded by Mr. Mazanek. The motion passed with all those present voting in the affirmative.

The meeting was adjourned at 6:55pm.

Respectfully submitted,

Kim Cunningham
Zoning Board Clerk

