

Minutes of a regular meeting of the Johnson City
Zoning Board of Appeals held on November 13,
2023 at 7:30pm at Village Hall, 243 Main Street,
Johnson City, New York.

Present: Edward Mazanek, Chairman
Leonard Sas, Vice Chairman
Dr. Steve Holowinski
Donald Slota
Christopher Brown

Also Present: Keegan Coughlin, Village Attorney
Kim Cunningham, Zoning Board Clerk

Absent: None

A work session was held at 7:10pm.

The Board discussed the applications on the agenda.

Chairman Mazanek called the meeting to order at 7:30pm.

Chairman Mazanek advised where the fire exits are located.

MINUTES

A motion to approve the minutes of the October 16, 2023 was made by Mr. Sas and seconded by Mr. Slota. The motion carried with all present voting in the affirmative.

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.

COMMUNICATIONS – None

OLD BUSINESS – None

NEW BUSINESS

601 Harry L Drive – Dave and Buster's

Public Hearing, Review Area Variance (Signs)

Chairman Mazanek opened the public hearing for 601 Harry L Drive.

Daria Golazeski, Planning Consultant for Newman Development Associates/Matthews Group appeared on behalf of the application.



Ms. Golazeski explained Dave and Busters is going in between BJ's and the Lourdes Wellness Center. She spoke regarding the following:

- Bus stop
- Proposed signs
 - Area of signage is less than what would be allowed
 - None of the sizes exceed anything that wouldn't be allowable
 - The number of wall signs is what the need approval on
- There is an entrance and exit within the mall also

The Board had no further questions.

Chairman Mazanek closed the public hearing.

Variance Request:

The following area variance is being requested from the Zoning Board of Appeals (ZBA) by Spark JC LLC for proposed signage at the future Dave and Buster's located at 601 Harry L. Drive:

- Section 300-52.5 Table 52-4: Increase the number of a wall signs from one to six.

The overall project is the redevelopment of the existing mall, which has already undergone extensive review. This application is a modification of the signage for the future Dave and Buster's location. The applicant is requesting an increase from the permitted number of exterior wall signs from one to six. The total area of proposed signage is 448.55 square feet. The Sign Code allows one tenant sign of 5% of lease area, in this case 1,248.15 square feet, not to exceed 300 square feet for any single sign.

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

239-R 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. The following comments have been received:

- **BC 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.
 - The case file was routed to the Binghamton Metropolitan Transportation Study (BMTS), New York State Department of Transportation (NYSDOT), Broome County Transit (BCT), and Broome County Health Department for review. They had no comments.
- **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

On October 24, 2023, with the support of Planning Department staff, the Planning Board voted to recommend ZBA approval of the requested sign area variance at the 601 Harry L Drive Dave and Buster's location with all department head comments. Granting the requested variance will not have negative impacts on the surrounding uses, including the historic district, recreational uses and natural environment.



Chairman Mazanek reviewed the five-point criteria for an area 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 responded it is a commercial district, it is an area populated solely by other businesses. The Board agreed there would not be an undesirable change in the character of the neighborhood.

- 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 responded no based upon the type of business they have. The Board agreed. Attorney Coughlin stated the key point to note is the unique layout of the walls and the multiple entrances to indicate where you are going and to not show it is a vacant building as the applicant pointed out.

- Whether the area variance is substantial.

Chairman Mazanek responded other than the number of signs, the square footage is within the requirements. It is pretty typical for the mall and the businesses there.

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

Chairman Mazanek responded no based on the fact it is a commercial district with other businesses nearby and in addition to what the planning staff had mentioned in their recommendation.

- Whether the alleged difficulty is self-created.

Attorney Coughlin responded yes.

A motion to approve the area variance for 5 additional wall signs for 601 Harry L Drive – Dave and Busters including the Department Head Comments and Planning Staff Recommendation was made by Mr. Brown and seconded by Mr. Slota.

Motion Carried— Vote:

Yes – 5 (Slota, Brown, Holowinski, Sas, Mazanek)

No – 0

Absent – 0

223 Reynolds Road – BJ's Wholesale Club

Public Hearing, Review Area Variance (Signs)

Chairman Mazanek opened the public hearing for 223 Reynolds Road/601 Harry L Drive.

Kurt Wright of Sign and Lighting Services (SLS) appeared on behalf of the project. Working with Cummings Signs who is a national manufacturer for BJ Signs. They are looking for board approval for a variance for five signs where only one is allowed. BJ's has a logo over each of their doors and they are advertising their tire sales which is a big sale for them and they do have the sign that says BJ's Wholesale Club. The square footage is within code. They are only asking for additional signs.



Chairman Mazanek closed the public hearing.

Variance Request:

The following area variance is being requested from the Zoning Board of Appeals (ZBA) by Sign and Lighting Services (SLS) for proposed signage at the future BJ's Wholesale Club located at 223 Reynolds Road:

- Section 300-52.4 Table 52-4: Increase the number of a wall signs from one to five.

The overall project is the redevelopment of the existing mall, which has already undergone extensive review. This application is a modification of the signage for the future BJ's Wholesale Club location. The applicant is requesting an increase from the permitted number of exterior wall signs from one to five.

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

239-R 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. The following comments have been received:

- **BC 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. The case file was routed to the New York State Department of Transportation (NYSDOT) for review. Enclosed are comments from the NYSDOT that should be addressed.
- **NYSDOT** – NYSDOT has reviewed the materials for the above-referenced proposal. Please note that the proposed gas station price signs near the intersections may not result in a visual distraction for motorists. Please direct the applicant to contact the NYSDOT Region 9 Office of Traffic and Safety at 607-721-8080 regarding this issue.
- **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

On October 24, 2023, with the support of Planning Department staff, the Planning Board voted to recommend ZBA approval of the requested sign area variance at the 601 Harry L Drive/223 Reynolds Road BJ's Wholesale Club location with all department head comments. Granting the requested variance will not have negative impacts on the surrounding uses, including the historic district, recreational uses and natural environment.

Chairman Mazanek reviewed the five-point criteria for an area 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 responded no, it is a commercial district and there are other businesses nearby with the same requirements. 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 responded no. Attorney Coughlin stated of note there is the number of entrances and number of different types of business that is done by the overall BJ's Wholesale Club, the tires being different and the general store. The Board agreed.

- Whether the area variance is substantial.

Chairman Mazanek responded as Counsel just stated given the number of types of entrances and facets to their business it is required so people know where to go. The Board agreed.

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

Chairman Mazanek responded no based on what the planning staff had said and their recommendation and the fact it is a commercial district and everyone else has similar quantity of signage. The Board agreed.

- Whether the alleged difficulty is self-created.

Chairman Mazanek responded yes.

A motion to approve the area variance for 4 additional wall signs for 223 Reynolds Rd/601 Harry L Drive – BJ's Wholesale Club including the Department Head Comments and Planning Staff Recommendation was made by Mr. Slota and seconded by Mr. Brown.

Motion Carried— Vote:

Yes – 5 (Slota, Brown, Holowinski, Sas, Mazanek)

No – 0

Absent – 0

ADJOURNMENT

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

The meeting was adjourned at 7:50pm.

Respectfully submitted,

Kim Cunningham
Zoning Board Clerk

