

Minutes of a regular meeting of the Johnson City
Zoning Board of Appeals held on December 12,
2022 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
Randy Shear, Code Enforcement Officer
Kim Cunningham, Zoning Board Clerk

Absent: None

A work session was held at 7:00pm.

Attorney Coughlin and the Board discussed the 21 Martin Avenue project.

EXECUTIVE SESSION #1

A motion to enter executive session at 7:12 pm for attorney-client privilege was made by Mr. Brown and seconded by Mr. Sas. The motion carried with all those present voting in the affirmative.

A motion to exit executive session at 7:24 pm was made by Mr. Brown and seconded by Mr. Sas. The motion carried with all those present voting in the affirmative.

Attorney Coughlin and the Board discussed the 1 Chrisfield Ave and 59-61 Allen Street projects.

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 November 15, 2022 regular meeting 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

CONTINGENCIES – None



OLD BUSINESS

21 Martin Avenue – Mary L. Petko

Public hearing

Review Area Variance

Chairman Mazanek stated this is for a side yard variance from 5 feet to 0 feet.

Chairman Mazanek opened the public hearing.

Mary Petko appeared on behalf of the application. Ms. Petko explained when she bought the property it did not have a garage and it was a run-down property. She said she has done a lot to the property since she bought it. She received a letter from the neighbors approving the carport. Ms. Petko stated the carport will protect her car and keep her safe. She feels it will add to the area. Her property is well-maintained. Mr. Slota confirmed her property is well-maintained and she added new siding.

The Board did not have any additional questions.

Chairman Mazanek closed the public hearing.

Chairman Mazanek read the Area Variance Requests, Environmental Summary and Department Head Comments and Staff Recommendations.

Area Variance Requests:

The applicant Mary Petko is requesting a full variance of the side setback requirements (300-20.4 Table 20-3) to allow for a proposed carport. The required side setback is 5 feet and the property is in the Urban Single Family zoning district. The proposed carport would be constructed up to the lot line.

Environmental Summary and Department Head Comments:

The applicant's proposal is considered a Type II Action under the New York State Environmental Quality Review Act (SEQRA) and requires no further review. 239-m review was not required for this property.

Department head comments are detailed below.

- **DPW and Water:** No compelling interest
- **Fire:** Looking through the building and fire code, I see nothing that would prohibit this project. I also feel that the benefit to the resident and the neighborhood outweighs the fire risk.
- **Police:** No compelling interest.
- **Code Enforcement:** See Planning Department comments below.

Staff Recommendations

The Planning Department and Planning Board recommend ZBA approval of the proposed variance as the applicant is disabled and unable to clean snow off her car. The neighbor adjacent to the lot line has provided written permission granting the carport. The carport does not take away from the existing neighborhood character nor does it raise any environmental concerns.

The applicant shall submit a zoning application for any future changes in size or location of the carport as



well as any new additions to the building.

Attorney Coughlin asked if the plan was to have the carport open on four sides?

Ms. Petko responded the carport will be open on three sides, the fourth is the house.

Additional stipulation is that the carport does not get enclosed. Ms. Petko does not have any plans to enclose the carport.

Mr. Shear questioned what her plans are for water discharge.

Ms. Petko responded she plans to have metal roofing and will have drainage off that. She said her and the neighbor capture all the water from the adjoining yards. There is not a drain there. She confirmed the plan is to have it drain to the back yard.

Mr. Shear suggested adding that to the stipulations.

Attorney Coughlin suggested an additional stipulation that drainage to be adequate and be directed to remain on the property.

Chairman Mazanek read the letter from neighbors Steven Reifler and June Roby of 25 Martin Avenue.

Chairman Mazanek 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 area variance.

Mr. Sas responded might be considered yes considering the very small impact to the character of the neighborhood. They should consider it as possibly a no as noted earlier the well-maintained property and upgrades to the property and the fact that the bordering neighbor has rendered a letter in support.

- Whether the benefit sought by the applicant can be achieved by some method.

Mr. Sas responded no. It could not support a garage being built at this location and it is a non-conforming lot prior to purchase and at time of purchase there would be no other means by which the desired objective could be achieved.

- Whether the requested area variance is substantial.

Dr. Holowinski responded yes.

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

Mr. Sas responded no referencing the comments by the Department Heads and the letter of support from the neighbor.

- Whether the alleged difficulty is self-created.

Chairman Mazanek responded yes expanding on the pre-existing non-conforming nature of the



property. Mr. Sas said while it might be self-created, he would lean towards no because of the overall balancing test the bene to the applicant and given the fact that there is a disabled person residing there, he would say it's a no.

In reflection of the discussion of the balancing test, a motion to approve the area variance at 21 Martin Avenue with the stipulation of the drainage to be adequate and be directed to remain on the property, the three sides of the carport need to stay open and including the Department Head Comments was made by Mr. Brown and seconded by Mr. Sas.

Motion Carried— Vote:

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

Attorney Coughlin stated just for the record, it was a Type 2 action under SEQRA because it was a residential area variance.

NEW BUSINESS

1 Chrisfield Avenue – JAX Signs (Two Rivers Assembly of God)

Set public hearing for Sign Area Variances on January 9, 2023

Chairman Mazanek stated this is to set a public hearing for the area variance on January 9th. Attorney Coughlin added and to declare lead agency.

A motion to declare lead agency and set public hearing for January 9, 2023 at 7:30pm was made by Mr. Sas and seconded by Mr. Brown. The motion passed with all those present voting in the affirmative.

Motion Carried— Vote:

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

59-61 Allen Street – Jim Slocum

Set public hearing for Parking Area Variance on January 9, 2023

Chairman Mazanek stated we need to ask for a map of the parking lot upon the presentation of the material that Mr. Slocum brings with him.

A motion to set public hearing for the parking area variance for January 9, 2023 at 7:30pm for 59-61 Allen Street was made by Mr. Brown and seconded by Mr. Sas. The motion passed with all those present voting in the affirmative.

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. Sas. The motion passed with all those present voting in the affirmative.

The meeting was adjourned at 7:48pm.

Respectfully submitted,

Kim Cunningham
Zoning Board Clerk

