

Minutes of a regular meeting of the Johnson City
Zoning Board of Appeals held on February 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
Christopher Brown
Donald Slota

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

Absent: Randy Shear, Code Enforcement Officer

A work session was held at 7:00pm.

Attorney Coughlin and the Board discussed:

- Public Hearing Signs
 - Posted one week from the date of the meeting
- 59-61 Allen St
 - Waiting for questions to be answered regarding parking design
 - Attorney Coughlin confirmed new parking design is submitted.
 - Now eight spaces total instead of 12 they were trying to do before.
 - Variance is for ten spaces
 - Planning Board did recommend approval.
- 200 Main St
 - Pedestal Sign
 - Attorney Coughlin confirmed the Zoning Board is approving three signs
 - Second variance for the overall sign square footage.
- 229 Main St

Attorney Coughlin stated we will need to go through the balancing test for each and go through Part 2 of SEQRA.

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 January 9, 2023 regular meeting was made by Mr. Sas and seconded by Dr. Holowinski. 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

59-61 Allen Street – Jim Slocum

Public Hearing, SEQR for Unlisted Action, Review Parking Area Variance

Chairman Mazanek opened the public hearing.

59-61 Allen Street – Jim Slocum

Public Hearing, SEQR for Unlisted Action, Review Parking Area Variance

Chairman Mazanek opened the public hearing.

Jim Slocum appeared on behalf of the application.

Attorney Coughlin acknowledged Mr. Slocum's engineer prepared the new drawing. He asked how many spots they lost in new drawing.

Mr. Slocum said there are eight spots now. The changes in the new plan is they got rid of the diagonal parking spaces and went with straight on spaces as well as adding the turning radius' parking spaces. They also removed the dumpster as there was no way for the front loader to back in and do it. They have added 96-gallon rollout receptacles. They will be using Bert Adams.

The Board did not have any additional questions.

Variance Request:

It is understood, Jim Slocum has applied for site plan review for a multi-family residence at 51-69 Allen Street. The property is zoned Urban Multi-Family and only requires site plan due to its vacancy status for over one year. The original configuration of the building was for 11 two-bedroom apartments and 1 one-bedroom apartment. The new configuration will be for 12 one-bedroom apartments, requiring fewer parking spaces. The applicant has also knocked down the original parking structure which only accommodated approximately three cars. Doing so, has allowed the owner to include 8 parking spaces on the property. The proposed number of bedrooms would require 18 total spaces; therefore, the variance for 10 parking spaces has been requested.

Chairman Mazanek read the Environmental Review, Department Head Comments & 239-m Review and Planning Board and Planning Staff Recommendations.

Environmental Review:

The applicant's proposal is considered an Unlisted Action under the NYS Environmental Quality Review Act (SEQR). The ZBA shall complete SEQR parts II and III at this time.

Department Head Comments & 239-m Review:

This project did not require a 239-review. Department head comments are indicated below.



- Fire – No compelling interest.
- Police – No compelling interest.
- Water & DPW – No compelling interest.
- Public Services – No compelling interest. All previous comments were resolved.
- Code Enforcement – Garbage pickup can be no sooner than 6am per the code. No other comments received following updated site plan.

Planning Board and Planning Staff Recommendations:

On December 27, 2022, the Planning Board made a motion to recommend approval of the variance request. The Planning Department also recommends approval of the proposed variance as it does not impact the environment, and is not self-created as it is increasing the number of on-site spaces and decreasing the number of required spaces overall.

Chairman Mazanek closed the public hearing.

Attorney Coughlin asked if any had questions regarding Part 1 of SEQRA.

Attorney Coughlin reviewed Part 2 of SEQRA with the Board and they were in agreement there was little or no impact on the environment.

Variance to lessen the number of parking spaces from 18 to 8.

The Board had no questions on Part 2.

Part 3 has been added below.

Jim Slocum has applied for site plan review for a multi-family residence at 51-69 Allen Street. The property is zoned Urban Multi-Family and only requires site plan due to its vacancy status for over one year. The original configuration of the building was for 11 two-bedroom apartments and 1 one-bedroom apartment. The new configuration will be for 12 one-bedroom apartments, requiring fewer parking spaces. The applicant has also knocked down the original parking structure which only accommodated approximately three cars. Doing so, has allowed the owner to include 9 parking spaces on the property. The proposed number of bedrooms would require 18 total spaces.

The proposed action will not result in any adverse effects to existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems.

The proposed action will not result in any adverse effects to aesthetic, agricultural, historic or other natural or cultural resources.

The proposed action will not result in any adverse effects on vegetation or fauna, fish shellfish or wildlife species, significant habitats, or threatened or endangered species.

The proposed action will not result in any adverse effects on a community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.

The proposed action will not result in any adverse effects on growth, subsequent development, or related activities likely to be induced by the proposed action.



The proposed action will not result in any adverse effects in either quantity or type of energy.

A motion to adopt Part 3 as outlined and issue a negative declaration for the purposes of SEQRA was made by Mr. Sas and seconded by Mr. Brown.

Motion Carried— Vote:

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

Attorney advised the Board to move on to the area variance test.

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. Mazanek stated it improved due to the reduction in the required number of parking spaces. Attorney Coughlin added there are more spaces being provided than the previous use.

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

Chairman Mazanek said the applicant took the initiative to tear down a structure on site to increase the amount of parking spaces. He's done everything he can to improve the situation.

Attorney Coughlin questioned after talking to his engineer, there is no other possible way to increase the number of spaces and have the correct turn radius correct? Mr. Slocum responded no.

- Whether the requested area variance is substantial.

Chairman Mazanek answered it is, but there is no other way. Attorney Coughlin stated it is fair to say it is substantial, but the applicant has done due diligence to mitigate the level of substantiality there by changing them to one-bedroom apartments versus previous situation where even more parking spaces were required. He is working with what he has got.

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

Chairman Mazanek responded the impact would be small and most likely better than before due to the increase in the number of spaces that will be available.

- Whether the alleged difficulty is self-created.

Chairman Mazanek said as stated by the Board, the situation was improved and they deemed it no self-created. Attorney Coughlin added it is arguable 50-50; theoretically, its self-created to the extent that Mr. Slocum could have looked at this before and said this building doesn't have the allowed parking spaces and it has been vacant for this amount of time, but given the nature of the infrastructure that existed on the property when he bought it and previous status as a pre-existing nonconforming use, that has since expired, it is right on the fence.



Attorney Coughlin advised the Board members nodded their heads yes in agreement.

Chairman Mazanek asked for a motion to approve or deny the variance.

A motion to approve the area variance down 10 parking spots from 18 required parking spots to 8 total parking spots on the property at 59-61 Allen Street with the Department Head Comments was made by Mr. Brown and seconded by Dr. Holowinski.

Motion Carried— Vote:

Yes – 4 (Brown, Holowinski, Sas, Mazanek) No – 1 (Slota) Absent – 0

NEW BUSINESS

200 Main Street – JAX Signs (Immunotek Plasma)

Public Hearings (2), SEQR for Unlisted Action, Review Sign Area Variance

Jim Taber and Emma Cheek of JAX Signs appeared on behalf of the application.

Chairman Mazanek opened the public hearing.

Attorney Coughlin asked if they are planning on putting the sign on both sides of the stanchion and also on the wall?

Ms. Cheek responded yes.

Attorney Coughlin asked if they looked into doing anything smaller to meet the sign requirements.

Ms. Cheek said they did look into it, but the client wants to make sure the signs are visible and have the same impact on all angles.

Attorney Coughlin confirmed the signs will be interiorly lit. He asked if the client looked into taking down the thing that sticks out on the roof.

Ms. Cheek responded she thinks they like it and they have put a lot of money into the building and they like the tower because it is visible from both angles.

Attorney Coughlin questioned the old pole in the parking lot and if the client was taking it down.

Mr. Taber said that is a good question.

Ms. Cheek confirmed this is the first plasma center in the area and they are looking to put one in Syracuse and Rochester. The owner flew from Dallas to come to the meeting.

The Board did not have any additional questions.

Area Variance Requests:

The following area variances are being requested from the Zoning Board of Appeals (ZBA) by JAX Signs for proposed signage at 200 Main Street:



- Section 300-52.5 Table 52-4: Increase the number of permitted wall signs from 1 to 3.
- Section 300-52.5 Table 52-6: Increase the size of one wall sign from 48 sf to 64 sf and two wall signs from 48 sf to 96 sf

Chairman Mazanek read the Environmental Summary and Department Head Comments & Staff Recommendations.

Environmental Summary and Department Head Comments

The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA). The Zoning Board of Appeals shall serve as lead agency and shall complete the SEQRA review at the February 13 meeting.

The application was sent to Broome County for 239 Review with the following comments returned:

- **Broome County Planning:** No significant countywide or inter-community impacts associated with the proposed project. However, we have the following comments:
 - The project site is located within the Village of Johnson City National Register Historic District and near to the National Register of Historic Places Goodwill Theatre. (See our comments of July 22, 2022.) The project site is also located within the Johnson City i-District/BOA. The Village should consider the Village of Johnson City i-District/BOA Plan and Downtown Design Guidelines, Village of Johnson City Historic Preservation Guidebook, and any other applicable plans to the extent necessary.
 - The application does not seem to specifically address the 5 considerations for the area variances.
- **NYSDOT:** We have reviewed the materials for the above-referenced proposal. Per our July 12, 2022 letter regarding the site plan review for this location, a Highway Work Permit will be required for any work within the State right-of-way. As the highway boundary is adjacent to the front of the building where the signs will be placed, the applicant will require this Highway Work Permit.

Please direct the applicant to contact the NYSDOT Broome Residency at 607-775-0522 to obtain this permit prior to the commencement of this work.

Department head comments are detailed below:

- **Public Works, DPW, Water, Fire & Police** – No compelling interest.
- **Code Enforcement** – All proposed signage will require a permit from the code enforcement office. All signs must be kept in good condition.

Staff Recommendations

On Tuesday, January 31, 2023, the Planning Board made a motion to recommend approval of the proposed signage at 200 Main Street. The Planning Department recommends that the Zoning Board of Appeals approve signage as follows:

- Section 300-52.5 Table 52-4: Increase the number of permitted wall signs from 1 to 3.
 - The Planning Department recommends the Zoning Board of Appeals approve the variance from 1 to 2 wall signs as this would not impact the environment or character of the



neighborhood. The location of the larger signs is similar to those already existing on the Save-a-Lot building.

- Section 300-52.5 Table 52-6: Increase the size of wall signs from 48 sf to 96 sf. (2)
 - The Planning Department recommends the Zoning Board of Appeals approves the increase in size of 2 wall signs as this would not impact the environment or neighborhood character of the neighborhood. The size of the larger signs is also similar to those already existing on the Save-a-Lot building.

Under all circumstances the Planning Department recommends the Zoning Board of Appeals adds the following stipulation to any variance approval: all final designs must meet the i-District standards detailed in Section 300-57.6 of the Village Code.

Chairman Mazanek closed the public hearing.

Attorney Coughlin reviewed Part 2 of SEQRA with the Board and they were in agreement there was little or no impact on the environment.

Attorney Coughlin advised that at the Planning Board meeting, the gentleman from Immunotek Plasma indicated that the signs would be off at night.

A motion to issue a negative declaration for the purposes of SEQRA for 200 Main Street was made by Mr. Sas and seconded by Mr. Slota.

Motion Carried— Vote:

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

Attorney Coughlin advised the Planning Department recommended going not with the applicant seeking of three signs, but to two. The applicant wants it on the face of the building and on the sides of the stanchion so they can have visibility from both traffic ways on Main Street. The Planning Board recommended approval on all three.

Attorney Coughlin said, given the comments the client made at the last meeting about the brightness, do they think that their client would agree to a condition if it is found that it is too bright would he be willing to work with the Code Enforcement Office as to not overly impact the road?

Mr. Taber responded it is a little hard after the fact. The LEDs are designed to be put a certain distance apart and what is recommended by manufacturers. Mr. Taber confirmed the LEDs are not programmable or adjustable. Any sign you see is to industry standards. You can't buy LEDs of different strengths or variable.

Attorney Coughlin, Mr. Taber and the Board discussed the coloring of the sign, lumens, LED lamps, fluorescent lighting and spacing.

The Board had no further questions.

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. Mazanek stated it is small to none based on the location within the historical district.

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

Chairman Mazanek said they just want visibility on the main street so people see their signs and know where they are.

- Whether the requested area variance is substantial.

Attorney Coughlin stated for the first variance, going from one to three as well as the square footage and in the one case being double, you could say yes, it is substantial, but it is relative.

Chairman Mazanek added that the size of the space they have to put the sign is well accepting of that size.

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

Chairman Mazanek responded no. Potentially with the Goodwill Theatre being, but given the applicant's indication that it won't be on at night, that as said in the first response, the effect will be minimal.

Mr. Taber advised that they normally put photo cells on so when it gets dark, they go off.

- Whether the alleged difficulty is self-created.

Chairman Mazanek said it is self-created. Attorney Coughlin stated with the shape of the building, specifically the tower stanchion, the thing that juts out they are putting a sign where it was.

Attorney Coughlin asked if the Board is agreeable to the same balancing test responses for both the variance of increase from 1 to 3 and the variance increased for size.

A motion to approve the area variance to increase the number of permitted wall signs from 1 to 3 with the Department Head Comments was made by Mr. Brown and seconded by Mr. Slota.

Motion Carried— Vote:

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

A motion to approve the area variance to increase the size of one wall sign from 48 sf to 64 sf and two wall signs from 48 sf to 96 sf with the Department Head Comments was made by Mr. Slota and seconded by Mr. Brown.

Motion Carried— Vote:

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



229 Main Street – Tri-Bros Transportation LLC

Set Public Hearing for Sign Area Variance

Christian Simut, President of Tri-Bros Transportation. He stated it is a logistics company. They have twelve brokers and service 48 states including Canada. There is no drop shipping or tractor trailers. It is just over the phone and computer work. There is a wrap-around sign on the building from Avenue C to Main Street. Mr. Simut explained the proposed sign and what will be on each portion of the sign.

Attorney Coughlin asked how many inches the sign is from the mural.

Mr. Simut confirmed it is 18 inches from the mural.

A motion to set a public hearing for 229 Main Street for March 13, 2023 at 7:30pm was made by Mr. Brown and seconded by Mr. Slota.

Motion Carried— Vote:

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

Reorganization of officers

A motion to nominate Mr. Edward Mazanek as Chairman was made by Mr. Sas and seconded by Dr. Holowinski. The motion carried with all those present voting in the affirmative.

A motion to nominate Mr. Leonard Sas as Vice Chairman was made by Dr. Holowinski and seconded by Mr. Slota. The motion carried with all those present voting in the affirmative.

A motion to nominate Mr. Christopher Brown as Secretary was made by Mr. Slota and seconded by Dr. Holowinski. The motion carried with all those present voting in the affirmative.

ADJOURNMENT

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

The meeting was adjourned at 8:12pm.

Respectfully submitted,

Kim Cunningham
Zoning Board Clerk

