

Minutes of a regular meeting of the Johnson City
Zoning Board of Appeals held on May 20, 2024 at
6:30pm at Village Hall, 60 Lester Avenue,
Johnson City, New York.

Present: Edward Mazanek, Chairman
Leonard Sas, Vice Chairman
Dr. Steve Holowinski

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

Absent: Christopher Brown
Donald Slota

A work session was held at 6:00pm.

Attorney Coughlin and the Board discussed:

- 501 Reynolds Road
- 185 Main Street
- 174 Oakdale Road

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

MINUTES

A motion to approve the minutes of the February 26, 2024 regular meeting was made by Dr. Holowinski and seconded by Mr. Sas. 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

501 Reynolds Road – Spark Broome, LLC (Guthrie Lourdes)

Public Hearing, Review Area Variance (Signs)

Chairman Mazanek opened the public hearing.

Emma Cheek of JAX Signs appeared on behalf of the project. Ms. Cheek explained the need for the variance.



The Board had no questions.

Chairman Mazanek closed the public hearing.

Chairman Mazanek read the Variance Request, 239-R and Department Head Comments and Planning Staff/Board Recommendations.

Variance Request:

The following area variance is being requested from the Zoning Board of Appeals (ZBA) by Spark Broome LLC for proposed signage at the Guthrie Lourdes Health and Fitness Center as well as the Guthrie Lourdes Pavilion located at 501 Reynolds Road:

- Section 300-52.5 Table 52-6: Increase the size and % coverage (maximum 25%) of two canopy signs at the existing facilities.

The size of the proposed signs are approximately 43 square feet each. Canopy signs are calculated into the total allowable square footage of wall size of the “parallel face to which the marquee is attached”. The proposed Guthrie sign on the Pavilion side is approximately 92 square feet while the Guthrie sign on the Health and Fitness side is approximately 119 square feet. Wall signs in the general commercial district are not to exceed 100 square feet.

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 Guthrie Lourdes facilities since the Lourdes merger with Guthrie Health.

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 application has been sent to Broome County for 239 Review though comments have not yet been submitted.

Department head comments are detailed below:

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

Planning Staff/Board Recommendation

The Planning Department staff and Planning Board recommends the ZBA’s approval of the requested variance with any 239 or 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.

Attorney Coughlin stated following the issuance of this memo, 239 comments were received. Broome County has not identified any significant countywide or inter-community impacts, DOT did not have comments on these signs; they did make comments about other signs that are existing on the property.

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.

Chairman Mazanek said the signs are being put up in the commercial district and replacing existing signs. Attorney Coughlin confirmed they are all existing, but two of the signs are bigger. Chairman



Mazanek stated there is no undesirable change in the character of the neighborhood. 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 answered, technically yes, they could take the branding off the signs and make them smaller. The Board agreed.

- Whether the requested area variance is substantial.

Attorney Coughlin responded the variance is only slightly above the 25% coverage.

Chairman Mazanek said the variance is not substantial. The Board agreed.

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

Chairman Mazanek stated since it is a commercial district, he would say no. The Board agreed.

- Whether the alleged difficulty is self-created.

Chairman Mazanek said yes. The Board agreed.

Chairman Mazanek asked if the Board had any problems or issues going forward with this variance.

The Board did not.

Chairman Mazanek asked for a motion to approve the variance going from 100 square feet to 119 square feet.

A motion to approve the variance going from 100 square feet to 119 square feet for 501 Reynolds Road incorporating the Department Head Comments and Planning Staff Recommendations was made by Mr. Sas and seconded by Dr. Holowinski. The motion carried with all present voting in the affirmative.

Motion Carried— Vote:

Yes – 3 (Holowinski, Sas, Mazanek) No – 0 Absent – 2 (Slota, Brown)

185 Main Street – Dollar General

Set Public Hearing for Sign Area Variance

Variance Request:

It is understood, FRM Properties, LLC has applied on behalf of the Dollar General for a sign area variance. The applicant has proposed to reuse the existing freestanding pylon that has been vacant over a year. The sign size is approximately 90 square feet with the allowed size at 80 square feet. A freestanding pylon sign is allowed in the General Commercial district at the existing height.

Environmental Review:

The applicant's proposal is considered an Unlisted Action under the NYS Environmental Quality Review Act (SEQR). The ZBA shall claim lead agency at this time.



Department Head Comments & 239-m Review:

This project requires a 239-Review; however, the Planning Department is awaiting comments. Department head comments have not yet been submitted.

Motions:

The Planning Board will provide an advisory opinion following their May meeting. At this time, the Zoning Board of Appeals shall schedule a public hearing for the June 17 meeting.

Motion to set the public hearing for 185 Main Street on June 17, 2024 at 6:30pm or as soon thereafter as can be heard was made by Mr. Sas and seconded by Dr. Holowinski. The motion carried with all present voting in the affirmative.

Motion Carried— Vote:

Yes – 3 (Holowinski, Sas, Mazanek) No – 0 Absent – 2 (Slota, Brown)

174 Oakdale Road – Clarakate Enterprises, LLC

Set Public Hearing for Bulk Area Variance

Site Plan Review and Special Use Permit:

The Applicant, Clarakate Enterprises, LLC plans to use the existing buildings and lot at 174 Oakdale Road for professional office space, storage and a multi-family dwelling unit. The parcel is zoned General Commercial and the proposed uses are allowed on the lot.

The building will contain 4 units with 2 two-bedroom units, and 2 one-bedroom units. As part of the application, Clarakate Enterprises, LLC has requested an area variance for the total lot size as detailed in Section 300-21.4 Table 21-3. This table requires 5,000 square feet of land for residential units; however, the lot is only 4,850 square feet. According to this section, the applicant is requesting a variance of 150 square feet.

Environmental Summary:

The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA). A Short Environmental Assessment Form (EAF) has been required for the review of the site plan for the mixed-use lot and corresponding bulk area variance request. The ZBA shall claim lead agency at this time.

Department Head Comments:

The previous application does not require 239 review; however, it was sent to department heads for comment. The following were submitted at that time; however, no new comments have been received.

- **Code Enforcement:** Awaiting comment.
- **Fire Department:** Awaiting comment.
- **DPW and Public Services:** If the property owner increases the size of the connection to the Village's sanitary sewer system, they must obtain the necessary additional Sewer Flow Credits prior to issuance of a building permit.
- **Police Department:** No compelling interest.
- **Water Department:** If they are keeping a commercial space in any capacity (even the small office space), they will need to have a backflow device. I do not have any backflow information for this



property. I know it was strictly commercial previous to this, so there may be an existing device that I don't have record of. If not, they will need to go through the application process.

Motions

The ZBA shall set the public hearing for Monday, June 17, 2024 at 7:30 PM and send the application to the Planning Board for advisory opinion at their May 28 regular meeting.

Motion to set the public hearing for 174 Oakdale Road on June 17, 2024 at 6:30pm or as soon thereafter as can be heard was made by Mr. Sas and seconded by Dr. Holowinski. The motion carried with all present voting in the affirmative.

Motion Carried— Vote:

Yes – 3 (Holowinski, Sas, Mazanek) No – 0 Absent – 2 (Slota, Brown)

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 6:45pm.

Respectfully submitted,

Kim Cunningham
Zoning Board Clerk

