

Minutes of a regular meeting of the Johnson City  
Zoning Board of Appeals held on January 9, 2023  
at 7:30pm at Village Hall, 243 Main Street,  
Johnson City, New York.

Present: Leonard Sas, Vice Chairman  
Dr. Steve Holowinski  
Donald Slota

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

Absent: Edward Mazanek, Chairman  
Christopher Brown

A work session was held at 7:00pm.

Attorney Coughlin and the Board discussed the projects on the agenda.

Attorney Coughlin clarified for 1 Chrisfield they are asking for a variance for the size, they are not asking for a variance relating to the number.

Attorney Coughlin said the church needs to get DOT approval because it is a state road.

Dr. Holowinski asked if they can get it on the record if they are going to take down the other sign.

Attorney Coughlin responded they have indicated to Randy and Stephanie that that will be removed or has been removed. The Zoning Board is approving one monument that is greater in size. If the other one is still up, if they were to apply for a building permit, Randy would deny it until it comes down.

Based on the discussion they had regarding the religious use; it appears this would be in the best interest of the Village to approve despite the Planning Board recommending denial.

Randy Shear, Attorney Coughlin and Board spoke regarding the narrowness of the street, turning radius. Attorney Coughlin suggested asking for the information prior to making a decision and holding over the project.

Vice Chair Sas called the meeting to order at 7:30pm.

Vice Chair Sas advised where the fire exits are located.

## MINUTES

A motion to approve the minutes of the December 12, 2022 regular meeting was made by Dr. Holowinski and seconded by Mr. Slota. The motion carried with all present voting in the affirmative.



## **PRIVILEGE OF THE FLOOR**

Vice Chair Sas opened the privilege of the floor. There were no attendees at the meeting who wished to speak, therefore, Vice Chair Sas closed the privilege of the floor.

## **COMMUNICATIONS** – None

## **OLD BUSINESS**

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

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

Vice Chair Sas opened the public hearing.

Jim Taber and Emma Cheek of JAX Signs appeared on behalf of the application. Ms. Cheek explained the church is requesting an area variance. The client's original monument sign has been removed and this sign will be a new monument sign. She confirmed they were told the old monument sign was removed. She explained the existing signage.

The Board did not have any additional questions. No one from the public had any questions regarding the project.

Vice Chair Sas closed the public hearing.

Vice Chair Sas read the Variance Request, Environmental Review, Department Head Comments & 239-m Review and Planning Board and Staff Recommendations.

### **Variance Request:**

It is understood, JAX Signs has applied on behalf of Two Rivers Assembly of God for a sign area variance. The applicant has proposed a monument sign with internal illumination. The sign size is 12' 2" x 7' 5" (total size including proposed stone column 15' 3" x 9' 4"). The sign portion is approximately 90 square feet while the allowed size is 12 square feet for religious institutions (Section 300-52.5 Table 52-5). In 2018, an area variance for the previous monument sign was granted at 29.14 square feet greater than what is allowed. This sign has been taken down. The new monument sign is proposed for a different location as seen in the application. The current request would require an additional variance of approximately 48.86 square feet.

### **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 required a 239-Review, and the following comments were provided:

- 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 site plan should show compliance with the NYSDOT requirements, sign location, required and proposed setbacks, required sign dimensions. (See NYSDOT comments.)
- NYSDOT - We have reviewed the materials for the above-referenced proposal. Please note that no part of this sign may encroach on the State right-of-way, and NYSDOT recommends that the sign also conform to any Village setback requirements. The applicant will be required to submit a survey, completed by a licensed surveyor, showing the location of the proposed sign relative to the highway boundaries.
  - Please direct the applicant to submit this survey to Sean Murphy, NYSDOT Region 9 Site Plan Review Coordinator. If you have any questions regarding NYSDOT right-of-way or signage requirements, please contact Terry Pritchard of the NYSDOT Region 9 Office of Right of Way at 607-721-8736.

Department head comments are indicated below.

- Fire – No compelling interest.
- Police – It appears that the sign is back far enough from the roadway that it will not pose any problems with vehicular visibility, therefore we have no issues with it.
- Water & DPW – No compelling interest.
- Public Services – No compelling interest.
- Code Enforcement – Further discussion with ZBA.

**Planning Board and Planning Staff Recommendations:**

On December 27, 2022, the Planning Board made a motion to recommend denial of the variance request as the request is substantial and the application may need to be resubmitted. The motion was based upon the discussion that the property may already have a monument sign and the request would need to include a variance for the number of monument signs on the property.

The Planning Department has since determined that the existing monument sign was removed and the application was for a new sign and sign structure. The Department recommends approval of the proposed variance as long as the applicant provides the correct documentation to NYSDOT, as requested in the 239-review. The request does not impact the environment if placed with the proper setbacks.

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.

Vice Chair Sas read Part 3 of SEQRA.

JAX Signs submitted an application on behalf of Two Rivers Assembly of God for a monument sign with internal illumination. The sign size is 12' 2" x 7' 5" (total size including proposed stone column 15' 3" x 9' 4"). The sign portion is approximately 90 sq ft while the allowed size is 12 sq ft for religious institutions (Section 300-52.5 Table 52-5). In 2018, an area variance for the previous monument sign was granted at 29.14 sq ft. The current request would require an additional variance of approximately 48.86 square feet.

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 issue a negative declaration for the purposes of SEQRA was made by Dr. Holowinski and seconded by Mr. Slota.

Motion Carried— Vote:

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

Vice Chair Sas 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.

It was confirmed there were no comments from the neighborhood or surrounding areas.

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

Attorney Coughlin stated it would be fair to say it would require a variance, the question would be if the previous variance was allowed. Ms. Cheek stated more from a visual/identification point. The size is much more feasible for them to identify with.

Attorney Coughlin said yes it's probably possible, but it is not too substantial.

- Whether the requested area variance is substantial.

Attorney Coughlin stated it could be married with whether it could be achieved by some other means, its yes, but it is not too substantial. Mr. Sas added thus they have already removed the other one.

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

Mr. Sas responded no.

- Whether the alleged difficulty is self-created.

Attorney Coughlin responded yes although it is a unique parcel of land right next to the traffic circle



and it is a jagged parcel as it relates to the map itself of their land because of 201 and the traffic circle. Yes, self-created, but it is a unique parcel because of its relation next to state roads

Vice Chair Sas stated it meets the balancing test.

There were no further questions from the Board to the applicant and no other further discussion.

Attorney Coughlin said for the number's sake, the stone column does have to be factored into the size given. This variance would need to be larger than 90, but the sign portion would be 132 feet to incorporate the square footage of the column because it is part of the sign itself.

Mr. Taber confirmed the sign would not be lit 24 hours a day; it will be on a timer. Internally lit with LED lighting.

Mr. Taber questioned the DOT mandate.

Attorney Coughlin explained the new law which came into effect about a year ago.

The Board had no further questions or comments.

Attorney Coughlin advised after the discussion of the balancing test it would be appropriate for someone to make a motion to approve the variance for the 144 square foot sign.

A motion to approve the variance for the size of the sign to 144 square feet from 12 square feet at 1 Chrisfield Avenue including the Department Head Comments and NYSDOT requirements was made by Dr. Holowinski and seconded by Mr. Slota.

Motion Carried— Vote:

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

Attorney Coughlin told the applicant they would get their approval letter in a couple days and they will need to work with DOT to get their surveyor to sign off to get the permit.

### **59-61 Allen Street – Jim Slocum**

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

Vice Chair Sas opened the public hearing.

Jim Slocum appeared on behalf of the application. He stated he is requesting a parking variance for the property. He explained the project and the parking for the property.

Attorney Coughlin discussed the site plan drawing and the code enforcement comments to see a turning radius and show they would have the ability to turn around to be facing the correct way.

Mr. Taber gave it to his engineer to take care of. He doesn't have the radius yet, but the plan is to remove the one spot it would allow them to have a turning radius to turn around and drive out facing forward and that would still leave them nine spots. Mr. Taber confirmed the dumpster will be contracted through Bert Adams. He said they back in and drive out. With regard to snow removal, they will push to property



lines and area next to dumpster. He purchased 55 and 59-61 together.

Attorney Coughlin confirmed he would need a ten-space variance. In order to approve the variance, no doubt he is improving it from how it was, but this Board will still need to be able to consider the turning radius impact in order to be able to make sure the parking spaces as outlined meet code so that he doesn't need a larger variance than he is asking for. They talked about holding open the public hearing until next meeting so he could get that extra information specifically related to the turning radius, whether or not Bert Adams could accommodate that with the dumpster or if it needs to be the receptacles. As well as if he has a general plan for snow removal just as part of a narrative, that would be helpful for the Board to make that final determination because part of what they have to make that determination on is environmental impact and part of that consideration and the variance is whether it will impact the neighborhood and make sure that people can get out of there safely.

Mr. Slocum responded he will get the other information together.

Attorney Coughlin asked if he could get the information to Randy and Stephanie that would be helpful. If it does need to change the variance substantially we may need to do a new publication so that time frame would be two weeks before the next meeting.

The Board did not have any additional questions.

A motion to hold open the public hearing and hold over the application until the February 13, 2023 meeting to give Mr. Slocum time to prepare additional information needed was made by Mr. Slota and seconded by Dr. Holowinski.

Motion Carried— Vote:

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

**NEW BUSINESS** – None

## **ADJOURNMENT**

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

The meeting was adjourned at 8:04pm.

Respectfully submitted,

Kim Cunningham  
Zoning Board Clerk

