

Present: Edward Mazanek, Chairman  
Leonard Sas, Secretary  
Dr. Steve Holowinski  
Donald Slota

Also Present: Daria Golazeski, Town of Union  
Kim Cunningham, Zoning Board Clerk  
Trustee Martin Meaney

Absent: Keegan Coughlin, Attorney for the Village

A brief work session was held at 7:00pm. During the work session the Board and Ms. Golazeski discussed the following:

- 416 Harry L Drive – Ocean State Job Lot
  - Unlisted Action
  - Area Variance Factors
  - Illuminated Signs
  - 400 feet back from the road
- Sign Code
  - Setbacks

Chairman Mazanek called the meeting to order at 7:30pm by Zoom Video Conference.

Kim Cunningham, Clerk of the Zoning Board took roll call and confirmed Chairman Edward Mazanek, Mr. Leonard Sas, Mr. Donald Slota and Dr. Stephen Holowinski were present.

Chairman Mazanek confirmed there is a quorum for the meeting.

Chairman Mazanek read the Recommended Procedure and Executive Order 202.98 regarding holding a virtual meeting.

### **MINUTES**

A motion to approve the minutes of the March 8, 2021 regular meeting was made by Mr. Slota and seconded by Dr. Holowinski. The motion carried with all those present voting in the affirmative.

### **PRIVILEGE OF THE FLOOR**

Chairman Mazanek opened the privilege of the floor. There being no one who wished to speak, Chairman Mazanek closed the privilege of the floor.

**COMMUNICATIONS** - None

**CONTINGENCIES** – None



**OLD BUSINESS**– None

**NEW BUSINESS**

**416 Harry L Drive – OSJ Sign Variance**

Public Hearing

SEQRA

Area variance for two wall signs

Area variance of 95 square-feet to have one sign 175 square-feet;

Area variance of 32 square-feet to have one sign 112 square-feet; and

Area variance to permit three business signs

Tony Lafo of American sign appeared on behalf of the application. He is the sign contractor for Ocean State Job Lot.

Chairman Mazanek opened the public hearing to all attendees at the Zoom meeting.

Mr. Lafo confirmed the Board received his five-page drawing package. The maximum signage allowed is 80 square feet. From the road which is 500 feet away, you can't see the sign or make out what the sign is. The additional sign is for the pylon and Toys R Us had a sign on the building and as a new company moving into the area where no one knows them, they want to have the extra signage which has been approved for the neighboring tenants. They are trying to keep to the character of what has been existing and hopefully they can be successful in the community. Both of the signs are identical, they are self-contained internally illuminated. It is a standard electrical connection from the building's primary power. They use Sloan LED. It is pretty even with brightness, not anything brighter than you have seen, not any dimmer than anything else you've seen. They do not change color; they do not flash or do any crazy effects. The signs are typically only on when the business is open.

Chairman Mazanek asked if there anyone from the community who had any questions regarding the public hearing. No one on the Zoom call had any questions.

**Variance Request:**

American Sign Inc., on behalf of OSJ of Johnson City NY, LLC, submitted a sign variance application for the retail business at 416 Harry L Drive. The parcel is zoned General Commercial, and the code allows for one wall sign at 80-square-feet and a maximum of two signs on one property. The application is to allow two wall signs, 175-square-feet for the front sign and 112-square-feet for the rear sign, and to permit three business signs including one on the existing pylon sign for the plaza.

*§ 300-52.6. Specific provisions by zoning category, B. Nonresidential districts.*

(2) Malls or plazas. Where groups of two or more contiguous stores are located together, one sign per use shall be permitted in addition to a single freestanding sign for the mall or plaza, subject to the Table of Sign Regulations (Table 52-1).

Chairman Mazanek read the Planning Board Recommendations.

**Planning Board Recommendation:**

The Planning Board voted 5-0 to recommend to the ZBA approval of the following variances:

1. To have two wall signs;
2. An area variance of 95 square-feet to have one sign 175 square-feet;



3. An area variance of 32 square-feet to have one sign 112 square-feet; and
4. An area variance to permit three business signs.

Granting the requested variances will not have negative impacts on the surrounding uses. The signs are set back from the road by over 500 feet, and would not interfere with traffic or residences.

Chairman Mazanek asked if the Board had a chance to review the SEQRA and if they had any issues with it.

Chairman Mazanek read Part 2 of the Environmental Assessment Form. The Board was in agreement with the assessment.

Chairman Mazanek asked if there any questions from anyone regarding the public hearing.

There were no questions from any attendees at the Zoom meeting.

Part 3 of the Environmental Assessment Form is as follows:

Variances requested are for number of wall signs from 1 to 2, size of wall signs, 175 sq ft for front sign and 112 sq ft for rear sign instead of 80 square feet allowed, and to permit 3 business signs. The building is existing, was the former Toys R Us building. There will be no disturbance to the land.

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; There will be a slight impact to neighborhood character.

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 not previously identified.

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

A motion that since the Board did not find there are any adverse impacts that they issue a negative declaration and declare this an Unlisted Action was made by Mr. Sas and seconded by Dr. Holowinski.

Motion Carried— Vote:

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

Chairman Mazanek reviewed the balancing test.



The requested variance will not produce an undesirable change in the character of the neighborhood or cause a detriment to nearby properties. There are no nearby residential properties that would be affected by the sign variances and this is a commercially zoned area.

The benefit sought by the Applicant cannot be achieved by another method, other than the grant of an area variance. The building/business is over 400 feet back from the street and the variances are needed for visibility of the signage for the business.

The requested area variance is substantial but there is no other way to accommodate for the signage requirements needed for visibility.

The requested variance would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district due to the location within a commercially owned district.

The hardship giving rise to the variance request is or is not self-created. The building/business is located in a commercially zoned area and appropriate signage is expected. It is considered to be self-created but it could be argued point either way. All variances are self-created one way or another.

For the balancing test, Chairman Mazanek asked if anyone had anything to add. The Board did not have anything to add.

Chairman Mazanek closed the public hearing.

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

A motion to approve an area variance for two wall signs, an area variance of 95 square-feet to have one sign 175 square-feet; an area variance of 32 square-feet to have one sign 112 square-feet; and also, an area variance to permit three business signs including the Planning Board Recommendations at 416 Harry L Drive was made by Dr. Holowinski and seconded by Mr. Sas.

Motion Carried— Vote:

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

Discussion: Mr. Mazanek confirmed the third sign is for the rear of the building. Ms. Golazeski explained the code allows for one sign on the pylon and one additional sign. So, the pylon sign is a given.

## **ADJOURNMENT**

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

The meeting was adjourned at 7:51pm.

Respectfully submitted,

Kim Cunningham  
Zoning Board Clerk

