

Minutes of a regular meeting of
the Johnson City Zoning Board
of Appeals held on June 8, 2020 at
7:30pm via Zoom Video Conference

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

Also Present: Daria Golazeski, Town of Union
Kim Cunningham, Zoning Board Clerk
Keegan Coughlin, Attorney for the Village
Trustee Marty Meaney

Absent: None

A brief work session was held at 7:00pm. During the work session the board reviewed the applications on the agenda.

Chairman Mazanek called the meeting to order at 7:30pm.

Chairman Mazanek took the roll call. All members of the Zoning Board were present and Chairman Mazanek confirmed there is a quorum for the meeting.

Chairman Mazanek read the Recommended Procedure and Executive Order regarding holding a virtual meeting and confirmed there was a quorum.

MINUTES

A motion to approve the minutes of the May 11, 2020 regular meeting was made by Mr. Sas and seconded by Mr. Rowlands. 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

177 Main Street – Uncle’s Asian Market

Public Hearing

Area Variance for no off-street parking spaces, five required



Chairman Mazanek opened the public hearing.

Khamvane Pathoumvanh “Van” appeared on behalf of the application. She stated on the Avenue A side there is a lot of metered parking and customers said they do not have any problems with parking.

Mr. Sas questioned if Van had an average time frame of what a customer would spend in the store.

Van responded anywhere from one to twenty minutes.

Mr. Slota asked what the hours will be.

Van replied about 10:30am to 7 or 8pm.

Mr. Rowlands inquired what the busiest time is.

Van answered the busiest time is the after-work rush and busiest days are the weekend days.

Chairman Mazanek asked the Board and the public attending the Zoom meeting if anyone had any further questions or comments regarding the public hearing. Hearing none, Chairman Mazanek closed the public hearing.

Chairman Mazanek informed the Board and the public the SEQRA was done by the Planning Board as they are the lead agency.

Chairman Mazanek read the Department Head Comments.

239 Review and Department Head Comments:

- **Fire Department:** No concerns with the parking variance
- **Police Department:** No compelling interest
- **Public Works & Water:** No compelling interest on the parking variance
- **Broome County Department of 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 project site is located within the Johnson City National Register Historic District. The Village of Johnson City Planning Board and Zoning Board of Appeals should ensure that the project, including the façade, window treatments, signage, and exterior lighting are consistent with the Downtown Johnson City Design Guidelines and Secretary of the Interior’s Standards for the Treatment of Historic Properties, as necessary.
- **Department of Transportation:** After their review, they made the following comments:
 - If any work is to be conducted within the State right-of-way, the applicant will be required to obtain a Highway Work Permit from the Department prior to the commencement of such work. The applicant may contact the NYSDOT Broome Residency at (607) 775-0522 to apply for this permit;
 - Nothing may be placed within the State right-of-way, including signage;
 - If you have any other questions, or need further assistance, please contact Sean Murphy at (607) 772-7335.
- **Broome County Health Department:** Uncle’s Asian Market already has an Agricultural and Markets License which is required by the Health Department. For more information the applicant can contact Matt Laine at the Health Department (607) 778-2814.
- **Planning Department Staff Recommendation:** The Planning Department Staff recommended the Planning Board recommend approval of the parking variance to the Zoning Board of Appeals.



- The required number of parking spaces is relatively low due to the small size of the retail space, and there are five metered, on-street parking spaces within 150-feet on Avenue A.
- **Planning Board Recommendation:** The Planning Board at their May 26, 2020 Planning Board Meeting recommended approval of the parking variance to the Zoning Board of Appeals.

The Planning Board and Attorney Coughlin discussed the five-point criteria for an area variance. Attorney Coughlin noted the historic regulations do not apply here because there is no state or federal money being used to do any outside renovations.

- Whether or not there is an undesirable change in the character of the neighborhood or a detriment to nearby properties by the granting of this variance.

The Board agreed the use is in character with the neighborhood and there is no impact to nearby properties.

- 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 reviewed their discussion about the metered spaces and confirmed the Board would agree that is not possible because the building takes up the whole lot.

- Whether the area variance is substantial. It being only five parking spots, you could find that it is not substantial, but it being 100% parking variance you could find that it is substantial, but because it is a balancing test it would not preclude the Board from approval.

Mr. Sas stated he would not consider it to be substantial.

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

Mr. Sas answered negative.

- Whether the alleged difficulty is self-created.

Vice Chairman Rowlands stated yes because they moved there.

Van confirmed there will not be any changes to the outside of the building.

A motion to include the Department Head Comments and grant the area variance to reduce the required number of off-street parking spaces from five to zero for 177 Main Street, Uncles Asian Market was made by Mr. Sas and seconded by Dr. Holowinski.

Motion Carried— Vote:

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



ADJOURNMENT

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

The meeting was adjourned at 7:43pm.

Respectfully submitted,

Kim Cunningham
Zoning Board Clerk

