

Minutes of a regular meeting of the  
Johnson City Zoning Board of Appeals held on  
February 8, 2016 at 7:30pm at  
243 Main St., Johnson City, NY

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

Absent: None

Also Present: Diane Busko, Clerk to the Planning & Zoning Boards  
Jeff Jacobs, Attorney for the Village  
Daria Golazeski, Town of Union DCPW/C&O

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 & noted the emergency exits.

**Minutes** - A motion to approve the minutes for the January 11, 2016 regular meeting was made by Mr. Rowlands and seconded by Mr. Sas. The motion carried with all those present voting in the affirmative.

**Privilege of the Floor** - None

**Communications** - None

**Contingencies** - None

**OLD BUSINESS** - None

**NEW BUSINESS**

**Quick Stop Deli – 96 Harry L. Drive**  
**Public Hearing – variance**

Mr. Fuad Mugali of the Quick Stop Deli has submitted an application for a variance to have a second wall sign on the commercial building at 96 Harry L Drive, Johnson City. The second sign was mounted, without a sign permit, on the front of the building facing Harry L Drive and measures 2-feet by 13-feet. The property is located in a Neighborhood Commercial zoning district. Per the sign Code, Table 300-52.1, only one wall sign per business is permitted. The project was subject to a 239-Review as it is within 500 feet of State Route 17. The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA), and the Zoning Board of Appeals will be the Lead Agency. Code Enforcement recommends denial of the variance for a second wall sign as the owner was informed of the requirement for a sign permit in writing prior to his mounting the second wall sign.

The applicant, Mr. Fuad Mugali, was present.

Chairman Mazanek opened the public hearing.



Mr. Rowlands stated that it appears that Mr. Mugali has cleaned up the various signs and clutter that were on the billboard on the side of the building and asked if Mr. Mugali will keep it cleaned up. Mr. Mugali stated that yes, he will.

Chairman Mazanek read the staff recommendations.

**Planning Staff Recommendation**

The Planning Department staff recommends that the Planning Board recommend to the ZBA:

1) denial of the area variance for one additional wall.

The applicant was provided sign regulations in writing and verbally as a part of his minor site plan approval, and again verbally when he applied for his first sign permit from Code Enforcement. In addition, there is a clutter of announcements, product and service advertising, and lighting on the building.

**Broome County Planning Department Comments**

The Planning Department has reviewed the above-cited case. This Department recommends denial of the area variance for a second wall sign because it would run contrary to the Village of Johnson City efforts to improve the local signage and to the purpose of the sign regulations to reduce visual clutter through the prevention of excessive sign displays.

**JC Planning Board Recommendation**

Recommend denial of a second wall sign to the Zoning Board of Appeals.

Dr. Holowinski stated asked about the sign that was removed. Mr. Mugali stated that the condition of the sign was bad and that the sign company put up the new sign without their knowledge.

Dr. Holowinski asked about the lighting on the sign. Mr. Mugali explained that there is a fixed light on the front of the building. There is no light on the sign.

Mr. Mugali stated that 60-70% of the businesses in JC have 2 signs. Dr. Holowinski stated that those are grandfathered in.

Chairman Mazanek closed the public hearing.

**SEQR**

Attorney Jacobs explained that a SEQR Short Environmental Assessment Form has been prepared and reviewed the form.

The board, having reviewed Part I and Part II of the SEQR Short Environmental Assessment Form ("Short EAF") has determined that there will not be any significant adverse environmental impacts with respect to the project, therefore a motion was made by Mr. Rowlands and seconded by Mr. Sas finding that the proposed action will not have a significant adverse environmental impact and authorizing the Chairman to sign the Negative Declaration.

Motion Carried – Vote:

**Yes** – 4 (*Holowinski, Sas, Rowlands, Mazanek*)    **No** – 0    **Absent** – 1 (*Snedaker*)



A motion to approve the variance for the second wall sign including the department head comments was made by Dr. Holowinski and seconded by Mr. Rowlands.

Motion Carried – Vote:

**Yes** – 4 (*Holowinski, Sas, Rowlands, Mazanek*)    **No** – 0    **Absent** – 1 (*Snedaker*)

**Rapp Signs/Manley's Mighty Mart, LLC – 733 Harry L. Drive**  
**Public Hearing – Variances**

Rapp Signs Inc. has submitted a sign application on behalf of Mirabito Fuel Group to replace the existing signs at the Manley's Mighty Mart at 733 Harry L Drive. Mirabito has purchased the business. The property is located in a General Commercial zoning district and pylon signs are permitted. Currently, there are two pylon signs, of which Mirabito plans to remove the pylon sign at the western edge of the property which is 134 square feet at 24'- 9" high. The pylon sign to remain and reface is currently 166 square feet at 24'- 9" high, and would be reduced to 134 square feet. Pylon signs in General Commercial districts are permitted up to 80 square feet. Therefore, one request is for an area variance of 54 square feet for the new face of the pylon sign. There are two existing Valero channel letter signs on each side elevation of the gas canopy (18 sq. ft. each set), and the existing Manley's Mighty Mart building sign above the front entrance is 71.25 sq. ft. Mirabito has applied to have three canopy signs, one each for the south, east, and west faces of the canopy, in addition to replacing the wall sign above the entrance. The sign code permits a maximum of one wall sign, one canopy sign per structure, and one pylon sign, but only a maximum of two signs per business. The proposed wall and canopy signs all meet code requirements for size. The applicant is requesting a second area variance to increase the number of signs to five, permitting three canopy signs, one wall sign, and one pylon sign.

The requested variances are:

- 1) An area variance for a pylon sign fifty-four (54) square feet greater than permitted; and
- 2) An area variance to increase the number of signs to five, three greater than permitted.

Mr. Patrick Doyle with Rapp Signs was present on behalf of the applicant.

Chairman Mazanek opened the public hearing.

Mr. Doyle explained that people traveling north bound on Oakdale Road cannot see the signs until they almost get to the traffic light.

Mr. Rowlands asked about the changeable copy signs that are being replaced and asked what is underneath that section. Mr. Doyle stated that the section underneath is going away. Dr. Holowinski asked about the changeable copy sign – are the letters LED's or plastic. Mr. Doyle stated that they are plastic.

Mr. Rowlands asked how many vehicles travel north bound on Oakdale Road in a given day and stated that once people see that the business is a Mirabito they won't will know what it is and won't need to know again what it is. Mr. Doyle stated that the signage is for new customers and visitors.

Mr. Rowlands asked who the property owner is. Mr. Doyle stated that the property owner is still Manley's but the business is owned by Mirabito.



Chairman Mazanek closed the public hearing and read the staff recommendations.

**Planning Staff Recommendation**

The Planning Department staff recommends that the Planning Board recommend to the ZBA:

- 1) approval of the area variance for a pylon directory sign in the General Commercial Zoning District 54 square feet greater than permitted. The replacement pylon sign while larger than permitted, is significantly smaller than the previous sign.
- 2) denial of the area variance for three sign greater than permitted. Planning staff recommends approval of two canopy signs, one to the east and one to the west. The canopy sign on the east face can be seen from the Oakdale Road and by westbound traffic on Harry L Drive. The canopy sign on the west face can be seen by eastbound traffic on Harry L Drive.

**JC Planning Board Recommendation**

Recommend approval of an area variance for a pylon directory sign in the General Commercial Zoning District 54 square feet greater than is permitted. Recommend approval of an area variance for three signs greater than permitted.

**SEQR**

Attorney Jacobs explained that a SEQR Short Environmental Assessment Form has been prepared and reviewed the form.

The board, having reviewed Part I and Part II of the SEQR Short Environmental Assessment Form ("Short EAF") has determined that there will not be any significant adverse environmental impacts with respect to the project, therefore a motion was made by Mr. Sas and seconded by Dr. Holowinski finding that the proposed action will not have a significant adverse environmental impact and authorizing the Chairman to sign the Negative Declaration.

Motion Carried – Vote:

**Yes** – 4 (*Holowinski, Sas, Rowlands, Mazanek*)    **No** – 0    **Absent** – 1 (*Snedaker*)

A motion to approve an area variance to allow a pylon sign fifty-four (54) square feet greater than permitted was made by Mr. Rowlands and seconded by Mr. Sas.

Motion Carried – Vote:

**Yes** – 4 (*Holowinski, Sas, Rowlands, Mazanek*)    **No** – 0    **Absent** – 1 (*Snedaker*)

A motion to approve an area variance to increase the number of signs to five, three greater than permitted was made by Chairman Mazanek and seconded by Mr. Sas.

Motion Carried – Vote:

**Yes** – 4 (*Holowinski, Sas, Mazanek*)    **No** – 1 (*Rowlands*)    **Absent** – 1 (*Snedaker*)

**ADJOURNMENT**

The meeting was adjourned at 7:55pm.

Respectfully submitted,

  
Diane Busko, Zoning Board Clerk

