

Minutes of a regular meeting of the  
Johnson City Zoning Board of Appeals held on  
March 13, 2017 at 7:30pm at  
243 Main St., Johnson City, NY

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

Absent: Charles Snedaker

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

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 of the January 9, 2017 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** - None

**Steven Leung - 207 Grand Avenue**  
**Public Hearing – Parking Variance**

Steven Leung has submitted an application to convert a 1,600 square-foot space into a sit-down restaurant with take-out in an existing single-story building located at 207 Grand Avenue in a Neighborhood Commercial Zoning District. The restaurant use is permitted only by Special Permit from the Planning Board. The building was previously used by the VFW, but has been vacant for some time. There is no parking available on the site of the proposed restaurant. Mr. Leung has submitted a floor plan providing seating for thirty-two (32) customers, which requires 16 parking spaces. Mr. Leung has requested an area variance for sixteen (16) parking spaces.

The applicant, Mr. Steven Leung and Ms. Sarah Campbell, Attorney with Hinman, Howard & Kattell, LLP were present.



Chairman Mazanek opened the public hearing.

Attorney Campbell reviewed the project and explained that there is no opportunity for parking on the site. She presented the Board with a map of the immediate area showing the on street parking spaces and stated that anyone doing anything in this building will require a variance. They are anticipating that many customers will walk to the restaurant.

Chairman Mazanek read the Department Comments.

Chairman Mazanek closed the public hearing.

**DEPARTMENT HEAD COMMENTS**

**Code Enforcement:** Never had more than a space or 2 for off-street parking. Area in rear is not big enough for legal off-street parking because you can't back out into the street. Parking is required at a rate of 0.5 spaces per seat; therefore a variance for sixteen parking spaces is requested.

**DPW:** No comments

**J.C. Police:** No compelling interest

**Planning Dept.:** The Planning Department staff recommends that the Planning Board recommend to the ZBA approval of the area variance for sixteen parking spaces. Attendees of the former uses in the building, a pharmacy and then VFW Hall, were able to park on the street or walk to the building without significant impact on the adjacent uses. If the variance is granted, the Planning Board will hold a Public Hearing for a special permit for the sit-down restaurant use. If the Special Permit is approved, the Planning Board will conduct a site plan review.

**JC Planning Board:** Recommend approval of the variance including the department comments.

**Broome County Health Dept:** The applicant should contact Mark Mancini at 778-2810 for information on BCHD restaurant permitting requirements. This should happen before work begins on the facility.

Attorney Jacobs referenced a letter from Code Enforcement that was sent on January 11, 2017 limiting the seating to 32 seats.

A motion to approve an area variance reducing the number of required off street parking spaces from 16 to 0 with there being no more than 32 seats in the restaurant and including the department head comments was made by Mr. Rowlands and seconded by Dr. Holowinski.

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





**Jeff Bird/Defiant Designs - 44 Broad Street**  
**Public Hearing – Parking Variance**

Jeff Bird has submitted an application to open a tattoo and arts studio in an existing commercial building located at 44 Broad Street. The site is located in a Neighborhood Commercial Zoning District and personal services is a permitted use. The building was previously used as a medical building and Mr. Bird will use six of the former exam rooms as personal service stations. A personal services requires 1.5 parking spaces per chair. There is no parking available on the site of the proposed tattoo studio, and therefore Mr. Bird has requested an area variance for nine (9) parking spaces.

The applicant, Mr. Jeff Bird, was present.

Chairman Mazanek opened the public hearing.

Mr. Bird explained that he currently has 4 artists on staff and plans on adding 2 more for a total of 6.

Chairman Mazanek stated that on the plans it shows the removal of a couple of walls and asked if this would reduce the number of rooms. Mr. Bird stated no, it is for his personal space.

Chairman Mazanek read the Department Comments.

Chairman Mazanek closed the public hearing.

**DEPARTMENT HEAD COMMENTS**

**Code Enforcement:**

Parking is required at a rate of 1.5 spaces per service room, and there are no parking spaces on site. The previous use was a medical office, and in 1979, an addition was constructed. Minutes from that meeting state that a parking variance was not needed because of the location of municipal parking and metered parking on the street. Since that time, municipal code has changed and only permits the waiver of parking in Central Business districts. Therefore a variance for nine parking spaces is requested.

**DPW:**

No compelling interest for the variance; will provide comments during site plan review.

**J.C. Police:**

No compelling interest.

**Planning Dept.:**

The Planning Department staff recommends that the Planning Board recommend to the ZBA approval of the area variance for nine parking spaces. Attendees of the former uses in the building, a medical office, were able to park on the street or walk to the building without significant impact on the adjacent uses. If the variance is granted, the Planning Board will review the site plan for the personal services use.

**JC Planning Board:**

Recommend approval of the variance including the department comments.





**Broome County Health Dept:** No comments at this time.

A motion to approve an area variance reducing the number of required off street parking spaces from 9 to 0 with there being no more than 6 booths and including the department head comments was made by Mr. Rowlands and seconded by Mr. Sas.

Motion Carried – Vote:

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

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**Laurie Smith - 54 Orchard Avenue**  
**Public Hearing – Area Variance**

The application is for a 1 foot setback variance to permit the storage of a recreational vehicle in the driveway of the property.

The applicant, Ms. Laurie Smith, was present.

Chairman Mazanek opened the public hearing.

Ms. Smith explained that she can keep the camper 10ft. back from the sidewalk but there is not 5 ft. to the neighbor's property line. There is 20ft. from her neighbor's house to her property line so it would not be blocking any kind of access to any windows or doors in the event of a fire. It is a brand new camper, not broken down or an eyesore. She stated that someone complained that it wasn't back far enough and she didn't realize that there were rules about that so she has since moved it back further in the driveway. She could move it back a little more.

Chairman Mazanek asked how long she has owned the camper. Ms. Smith explained that she has owned this one since October. Before this she one that was in the driveway for over a year.

Chairman Mazanek asked how big the previous camper was. Ms. Smith explained that the previous camper she had was 26ft. long and this one is 23ft. long.

Mr. Rowlands asked how far the camper is from the sidewalk. Ms. Smith stated it is 15ft right now. She could move it back another 4 – 5 ft. if needed. Mr. Rowlands asked if she could move it back to the garage. Ms. Smith stated no she cannot because of an overhang on the side of the house.

Mr. Sas asked how tall the camper is. Ms. Smith stated that she did not measure the height. It is a regular hard side travel trailer. If she moves it back further, people coming down the street would only be able to see 3 feet of it.

Mr. Rowlands asked about the fence on the side – is it on the property line? Ms. Smith stated that it is the neighbor's fence and as far as she knows it is right on the property line.

MaryAnn Bobik-Kadylak, 59 Orchard Avenue – Stated that they live across the street and stated that the camper itself, any camper on their street, is an eyesore. She showed



the Board pictures of the neighbor's property and said that the problem with the camper is that there are now 3-4 vehicles that are Ms. Smith's and her tenants that are usually parked on the street because of the camper. Mrs. Kadylak stated that the camper itself is not an eyesore but the property itself is becoming an eyesore and listed various issues at the property.

Ms. Smith explained that 2 of the cars will be gone in June because her tenant and her boyfriend are getting married and moving out. One car belongs to her niece and that will be gone when she gets her license. Ms. Smith commented on a couple of the items that were mentioned about the property that did not pertain to the variance application but are code enforcement issues.

MaryAnn Bobik-Kadylak, 59 Orchard Avenue – Described additional property maintenance issues.

Michael Kadylak, 59 Orchard Avenue – Stated that this is not personal. They just want everyone to abide by the code.

Mr. Rowlands asked what the items are that are being stored under the camper. Ms. Smith stated that there are a couple of boxes that she needs to put in the garage. They contain Christmas lights. She will do that as soon as she gets home.

Chairman Mazanek asked if there were any calls received regarding the variance. Zoning Board Clerk Busko stated that the Village received 3 calls and all 3 were against the variance.

Chairman Mazanek read the department head comments.

**DEPARTMENT HEAD COMMENTS**

<b>Code Enforcement:</b>	The amount of variance requested is severe
<b>DPW:</b>	No comments
<b>J.C. Police:</b>	No compelling interest
<b>Planning Dept.:</b>	No comments
<b>JC Planning Board:</b>	N/A – residential application
<b>BC Planning:</b>	No comments

Mr. Rowlands asked if there were comments from the Fire Department. Zoning Board Clerk Busko stated that we did not hear from the Fire Department.

Ms. Smith stated that 2 of her brothers are JC Firefighters and they don't see any issues with this.

Chairman Mazanek closed the public hearing.

Dr. Holowinski asked for clarification regarding the code on this issue. Attorney Jacobs reviewed the code for recreational vehicles.





Mr. Rowlands asked how long the trailer is in use. Ms. Smith explained that she already has 3 week long trips planned this summer plus she plans on using it for shorter times/trips. Mr. Rowlands asked if the camper is in the driveway all winter. Ms. Smith stated yes.

Attorney Jacobs reviewed the request.

Dr. Holowinski stated that there is physically no way to get the camper closed to the house. Ms. Golazeski stated that you cannot block a means of egress – doorways and windows.

A motion to deny the variance as the request is deemed to be excessive and including the department head comments.

Motion Carried – Vote:

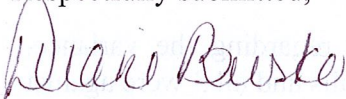
**Yes** – 3 (*Sas, Rowlands, Mazanek*)    **No** – 1 (*Holowinski*)    **Absent** – 1 (*Snedaker*)

Ms. Smith asked how long she had to move the camper. Chairman Mazanek stated she has 30 days.

### **ADJOURNMENT**

Chairman Mazanek adjourned the meeting at 8:00pm.

Respectfully submitted,



Diane Busko  
Zoning Board Clerk

