

Minutes of a regular meeting of the
Johnson City Zoning Board of Appeals held on
April 10, 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
Trustee John Walker

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 March 13, 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

Jessica Reinartz, 157 Ackley Avenue

SEQRA Review

Public Hearing - Sign Variance

Jessica Reinartz submitted a sign permit application to place a sign on an existing awning on the front of the building located at 157 Ackley Avenue. The property is zoned Urban Single Family and an education use was granted for the building by the Planning Board on February 23, 2016. Awning signs are not permitted in an Urban Single Family zoning district; therefore, an area variance is required to place the sign on the awning.

The applicant, Jessica Reinartz, was present.

Chairman Mazanek opened the public hearing.



Mr. Rowlands asked if the sign is illuminated. Ms. Reinartz stated that no it is not. There is a light under the sign for the entranceway.

Mr. Rowlands asked why the sign was needed. Ms. Reinartz explained that it is for identification.

Chairman Mazanek closed the public hearing and read the Department Comments.

Department Head Comments:

Police: No compelling interest.

Public Works & Water: No compelling interest.

Planning Staff: The Planning Department staff recommends the Planning Board recommend approval of the area variance for an awning sign on the front of the existing building at 157 Ackley Avenue. Only monument signs and wall signs are permitted in Urban Single Family zoning. A wall sign would be difficult, and a monument sign may be cost-prohibitive.

JC Planning Board: Recommend approval of the variance to the Zoning Board.

SEQRA

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 Mr. Rowlands 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 an awning sign was made by Mr. Rowlands and seconded by Mr. Sas.

Motion Carried – Vote:

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

Thomas & Kathryn Sheredy, 158 Albany Ave

SEQRA Review

Public Hearing - Use Variance

Thomas and Kathryn Sheredy own an existing side-by side two-family house at 158 Albany Avenue. The unit on the north side of the building has two bedrooms, and the unit on the south



side of the building has three bedrooms, of which one bedroom is presently located in the finished basement. They have applied to split the south unit into two, changing the two-family into a three-family dwelling. The property is zoned Urban Single-Family (USF) and the three-family use is not permitted. The Sheredys have applied for a use variance to have the multi-family use. The proposed one-bedroom unit would have a separate entrance door, a living room, kitchen area, a bathroom and a bedroom. The minimum lot area for a two-family building in an USF zoning district is 3,000 square feet per unit (6,000 square feet total). There are no requirements for multi-family buildings in USF zoning districts. The property is 7,405.2 square feet. The lot width for a two-family house in USF districts is 35-feet per unit. Therefore, the existing use should be a minimum of 70-feet wide, and it is 60-feet wide. A multi-family building in SMF zoning requires 40 feet width per unit. The two bedroom units require two parking spaces each, and the proposed single bedroom unit requires 1.5 spaces. This results in a requirement of six parking spaces. There are five parking spaces in the rear of the building.

The applicants, Thomas & Kathryn Sheredy, were present.

Chairman Mazanek opened the public hearing.

Mr. Sheredy presented a map with all of the multi-family units circled and explained that they purchased the property 3 years ago. Mr. Sheredy explained that to rent out a three bedroom unit in the area for the price they need is very difficult. This property is 3 houses away from their home and they purchased it to maintain the neighborhood. Mrs. Sheredy explained that they have tried marketing the units but most people are look for 2 bedrooms.

Mr. Sas asked if there was a rear entrance. Mr. Sheredy stated yes there is.

Mr. Sas asked about parking spaces. Mr. Sheredy explained that there is a 2 bay garage and space on the side of the garage. There is also space under the deck. 5 cars can fit comfortably. Attorney Jacobs stated that the code requires 6 spaces. Ms. Golazeski explained that the property meets the code for when it was built.

Mr. Rowlands stated that they have owned the property for 3 years, why are they asking for a variance now. Mrs. Sheredy explained that they haven't been able to rent out one side and Mr. Sheredy explained that a previous tenant just moved out.

Chairman Mazanek closed the public hearing and read the Department Comments.

DEPARTMENT HEAD COMMENTS

Environmental Summary: The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA). The Zoning Board of Appeals will be the Lead Agency for the variance application. The project does not require a 239-Review.

Planning Dept. Comments: The Planning Department recommends the Planning Board recommend to the ZBA denial of the use variance. There is neither sufficient acreage, parking, nor recreational area. In addition, the applicant cannot satisfy the self-created hardship test, as described below.



“No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,

- (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
- (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- (4) that the alleged hardship has not been self-created.”

JC Planning Board: Recommend denial of the variance to the Zoning Board.

Ms. Golazeski explained that a recreational area is not required for this application and you cannot use the square footage from other zoning districts.

SEORA

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 Mr. Rowlands 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*)

Attorney Jacobs reviewed the criteria for granting a use variance.

A motion to approve a use variance to allow a three family dwelling including the department head comments was made by Mr. Rowlands and seconded by Mr. Sas.

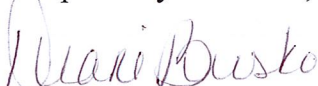
Motion Carried – Vote:

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

ADJOURNMENT

Chairman Mazanek adjourned the meeting at 7:51 pm.

Respectfully submitted,



Diane Busko
Zoning Board Clerk

