

Minutes of a regular meeting of the Johnson City
Zoning Board of Appeals held on May 13, 2019
at 7:30pm at 243 Main St., Johnson City, NY

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

Also Present: Nathan VanWhy, Attorney for the Village
Daria Golazeski, Town of Union
Trustee Martin Meaney
Trustee John Walker

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 & noted the emergency exits.

MINUTES

A motion to approve the minutes of the February 11, 2019 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

560 Harry L. Drive

Public Hearing

SEQRA Review

Area Variance to increase size of 2 wall signs from 80 sq ft to 120 sq ft

Area Variance to increase number of wall signs to 2

Area Variance for number of business signs from 2 to 3

Mr. Mazanek opened the public hearing.

Mr. Mazanek read the Variance Request.



Variance Request:

Binghamton Giant Market Inc. submitted an application for signage for a new business at the Giant Oakdale Plaza, 560 Harry L Drive. The application is for a monument sign and two 120 square-foot wall signs, one facing Harry L Drive and the other facing NYS Route 17.

Per Code 300-52.6 B (2), where groups of two or more businesses are located in a plaza, one sign per use is permitted for each business in addition to a freestanding mall sign. Per Table 52-1, the maximum size of a wall sign in General Commercial zoning districts is 80 square-feet.

Binghamton Giant Market Inc. is applying for three area variances: 1) to increase the size of the wall signs from 80 square-feet to 120 square-feet, 2) to increase the number of wall signs to two, and 3) to increase the number of business signs from two to three at the former Giant/Weis store.

Phillip Akel of Binghamton Giant Markets was present on behalf of the application. They may have a tenant for 24,000 feet of the end space at 560 Harry L. Drive. The remaining 10,000 feet is still marketable. The tenant came up with a sign package and is looking to get it approved before they sign the lease.

Mr. Mazanek closed the public hearing.

Chairman Mazanek read the Department Head Comments and 239 Review.

Department Head & 239-Review Comments:

- **B.C. Planning Dept.** Asked what the setback will be for the monument sign, and if it will be landscaped. Also asked whether both wall signs are proposed at 120 square-feet.
- **Code Enforcement:** The monument sign shall be set back 8 feet. The monument sign is permitted and landscaping is not a requirement. Wall signs are 120 square-feet each and are almost half the size of what the Giant and Weis signs were. The space has been vacant for 5 years-reasonable request in my opinion-need to get space filled. The variances would apply to this store space only.
- **Police:** Pending.
- **Fire:** Pending.
- **Public Works & Water:** Pending.
- **NYS DOT** Pending.
- **Planning Staff Recommendation:**
 - 1) Approval of the variance to increase the size of the wall signs from 80 square-feet to 120 square-feet,
 - 2) Approval of the variance to increase the number of wall signs to two, and
 - 3) Approval of the variance to increase the number of business signs from two to three at the former Giant/Weis store.

The existing sign on the Dollar Store is approximately 165 square-feet. In addition, Giant Markets and Weis previously each had a sign in the same space on the rear of the building.

Chairman Mazanek reviewed the Short Environmental Assessment Form.



A motion to accept SEQRA and issue a negative declaration for 560 Harry L Drive was made by Mr. Sas and seconded by Mr. Rowlands.

Motion Carried – Vote:

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

A motion to approve the area variance to increase size of 2 wall signs from 80 sq ft to 120 sq ft, an area variance to increase number of wall signs to 2 and an area variance for number of business signs from 2 to 3 including the Department Head Comments was made by Mr. Rowlands and seconded by Mr. Sas.

Motion Carried – Vote:

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

27 Jennison Avenue

Public Hearing

SEQRA Review

Area Variance for parking not meeting 10’ setback from property line

Area Variance for north side of building g only 5’ from property line (requires 20’) Variance for façade having less than 40% glass.

Mr. Mazanek opened the public hearing.

Mr. Mazanek read the Variance Request.

Variance Request:

Bill Hall submitted an application on behalf of BFSS LLC, the SUNY BU Foundation, to replace an existing medical office building with a new medical office building located at 27 Jennison Avenue. The site is in a General Commercial zoning district and a medical office is a permitted use.

The proposed 4,290 square-foot building covers 24% of the 0.4-acre property. To meet the requirement of 5 parking spaces per 1,000 square-feet, some of the proposed 22 parking spaces fall within the required 10-foot setback from the property frontage lines. In addition, the building is within the twenty-foot side setbacks required in a General Commercial zoning district. Finally, the building design does not meet the 40% transparency requirement for front facades.

Mr. Hall is seeking the following area variances:

A. Parking variances

- 1) a 7’7” area variance for a parking space setback of 2’5” from Jennison Ave,
- 2) a 9’3” area variance for a parking space setback of 0’9” from Ozalid Road,
- 3) a 0’11” area variance for a parking space setback of 9’1” from Corliss Avenue; and



B. Side Setbacks

- 1) a 15'0" area variance for a side setback of 5'0" from the north property line,
- 2) a 5'9" area variance for a side setback of 14'3" from Corliss Avenue; and

C. Façade transparency

- 1) A variance to decrease the required 40% area of transparency on the front façade along Jennison Avenue.

Bill Hall of Binghamton University appeared on behalf of the application and explained the variances. Reduced the size of the building from original building size. They looked into renovating the building, but when they saw the cost of renovation, it approached the cost of tearing down and rebuilding.

The Board and Mr. Hall discussed the transparency. It will be approximately 20% area of transparency.

Before they tear the building down they want to make sure they can do what they want to do so they are not renovating an eyesore.

Vernon Rowlands recused himself due to his daughter working at Binghamton University.

The Foundation will be the owner of the building. They will be leasing it to Lourdes Hospital for a clinic and they will be teaming up with the nursing school going into 48 Corliss Avenue. The nurses in that program will be working in that facility.

Mr. Mazanek closed the public hearing.

Mr. Mazanek read the 239-Review and Department Head Comments.

239-Review and Department Head Comments:

- **Broome County 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, they had the following comments:
 - 1) The project should be redesigned to follow the recently developed design standards for the iDistrict.
 - 2) The project should include landscaping along the Jennison Avenue frontage.
- **NYS DOT:** No comments.
- **BC Health Department:** No comments.
- **BMTS:** No comments regarding traffic impacts. However, when considering site access, BMTS recommends that the developer consider revising the site plan to better adhere to Complete Street principles as they relate to walkability and neighborhood character, which could be improved by moving the building to the front of the property, placing all parking to the rear, and providing landscape buffers between parking and the public right-of-way. This would support a number of recommendations contained in the EJ BOA Industrial Spine Revitalization Plan Design Guidelines.
- **Public Works & Water:** No comments regarding the variances.
- **Police:** No compelling interest.



- **Fire Department:** No comments at this time

Planning Staff Recommendations:

The Planning Department staff recommends approval of the variances.

A. Parking variances: There is sidewalk along each side of the property, which provides enough distance for a vehicle to pull out of the lot. In addition, the parking spaces along Jennison Avenue are in line with those in the adjacent lot to the south. I prefer that adequate parking be provided on site, rather than clients having to park in the street. I recommend that “Stop” signs or stop bars be added to the site plan before site plan review.

B. Side Setback Variances: The property is small and restrictive. The current building meets the property line to the north, and nearly so to the south. The proposed building appears to have a smaller footprint.

C. Façade transparency Variance: As the building is close to the street, privacy for clients/patients would be difficult with a greater percentage of transparent windows.

Chairman Mazanek reviewed the SEQRA.

A motion to accept SEQRA and issue a negative declaration for 27 Jennison Avenue was made by Mr. Slota and seconded by Dr. Holowinski.

Motion Carried – Vote:

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

A motion to approve the Parking Variances 1) 7’7” area variance for a parking space setback of 2’5” from Jennison Ave, 2) a 9’3” area variance for a parking space setback of 0’9” from Ozalid Road, 3) a 0’11” area variance for a parking space setback of 9’1” from Corliss Avenue; and Side Setbacks 1) a 15’0” area variance for a side setback of 5’0” from the north property line, 2) a 5’9” area variance for a side setback of 14’3” from Corliss Avenue; and Façade transparency, 1) a variance to decrease the required 40% area of transparency on the front façade to approximately 20% along Jennison Avenue including the Department Head Comments was made by Mr. Sas and seconded by Dr. Holowinski.

Motion Carried – Vote:

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



ADJOURNMENT

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

The meeting was adjourned at 8:02pm.

Respectfully submitted,

Kim Cunningham
Zoning Board Clerk

