

Minutes of a regular meeting of the Johnson City
Zoning Board of Appeals held on September 9, 2019
at 7:30pm at 243 Main St., Johnson City, NY

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

Also Present: Nathan VanWhy, Attorney for the Village
Daria Golazeski, Town of Union
Trustee Marty Meaney
Matthew Cunningham, Planning Board

Absent: Vernon Rowlands, Secretary

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 August 12, 2019 regular meeting was made by Dr. Holowinski and seconded by Mr. Slota. 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

UHS - 55 Baldwin Street

Public Hearing, Area Variance – Increase the size of a wall sign for UHS from 48 square feet to 79 square feet

Mr. Mazanek opened the public hearing.

Kelly-Jo Hunink appeared on behalf of the application. They are looking to increase the size of a wall sign going on the Gateway Building. The sign size is the corporate standard and matches all the other UHS building signs and fits nicely on the corner of the building to be viewed from Main Street to identify the building as UHS.

Mr. Mazanek and the Zoning Board members reviewed the Short Environmental Assessment Form.



A motion to issue a negative declaration on the Short Form of the Environmental Assessment was made by Mr. Sas and seconded by Dr. Holowinski.

Motion Carried – Vote:

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

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

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 of inter-community impacts.
- NYS DOT: No comments.
- Public Works & Water: No comments.
- Police: No compelling interest.
- Fire Department: No compelling interest.
- Code Enforcement: No concerns.

Planning Staff Recommendation:

Planning Department staff recommend that the Planning Board recommend approval of the area variance for a larger wall sign. The proposed sign is proportionate to the face of the building.

Mr. Mazanek closed the public hearing.

A motion to approve an area variance for a 79 square foot wall sign for 55 Baldwin Street including Department Head Comments was made by Dr. Holowinski and seconded by Mr. Sas.

Motion Carried – Vote:

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

Domino's – 122 Baldwin Street

Public Hearing, Area Variance – Additional Wall Sign

Mr. Mazanek opened the public hearing.

Larry DeBusk, area franchisee for Domino's appeared on behalf of the application. They are requesting an area variance to add a third building sign. The building entrance faces the north so there is no brand identity facing the street. They are requesting to downsize the existing pylon size of 6x6 to 2x3. They are cutting a hole in the side of the building and would like to place a sign above that and replace the



sign above the entrance so they both match. The square inches will be 7 more than what we have now with letters and a small Domino's. The pylon sign will be painted white.

Mr. Mazanek and the Zoning Board members reviewed the Short Environmental Assessment Form.

A motion to issue a negative declaration on the Short Form of the Environmental Assessment impact was made by Mr. Sas and seconded by Dr. Holowinski.

Motion Carried – Vote:

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

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

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.
- Public Works & Water: No comments.
- Police: No compelling interest.
- Fire Department: No compelling interest.
- Code Enforcement: No concerns.

Planning Staff Recommendation:

The Planning Department staff recommends that the Planning Board recommend approval of the area variance for a second wall sign. The property has frontage on Baldwin Street and the second wall sign will improve visibility of the business.

Mr. Mazanek closed the public hearing.

A motion to approve an area variance for a second wall sign at 122 Baldwin Street including Department Head Comments was made by Dr. Holowinski and seconded by Mr. Sas.

Motion Carried – Vote:

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



Missih – 355 Riverside Drive

Public Hearing, Use Variance – to allow for medical offices

Mr. Mazanek opened the public hearing.

Attorney Sarah Campbell appeared on behalf of the application for Family & Children’s Society to sell the building for a dental practice. This property was zoned urban single family and that use is not permitted in that zoning district. The property was originally constructed as a medical office unlike the majority of properties in that district. It was not constructed as a residential property nor was it ever utilized for residential use. Attorney Campbell handed out a comprehensive plan for this district with letter from Maureen Wilson, Real Estate Broker and President of Cushman & Wakefield Pyramid Brokerage stating it is not suitable for residential use. It is a 2-person practice with two dental technicians. There are 24 parking spaces. The property was purchased in 2010 for \$310,000 and the contract price is \$135,000 which is a significant negative impact. They are consolidating their organization to their Main Street location where they will be building additional square footage. The Family & Children’s Society is a not-for-profit and they do not pay taxes; however, the new owner will be paying taxes in the amount of \$10,000/year.

Discussion between Attorney VanWhy and the Mr. Sas regarding meeting criteria for the use variance.

Mr. Mazanek and the Zoning Board members reviewed the Short Environmental Assessment Form.

A motion to issue a negative declaration on the Short Form of the Environmental Assessment impact was made by Mr. Sas and seconded by Dr. Holowinski.

Motion Carried – Vote:

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

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

239-Review and Department Head Comments:

The project required a 239-Review, being along the portion of State – owned Riverside Drive.

- Broome County Planning made no determination pertaining to the Use variance, but recommended the site plan should show landscaping and signage. In response, this project does not require site plan review because the change from medical, to administrative office to dental office with no exterior renovations or parking lot changes does not warrant a major site plan review. BMTS and the B.C. Health Department had no comments.
- NYS DOT: if any work is proposed within the State Right-of-Way, the applicants will require an approved Highway Work Permit prior to the commencement of this work. The applicant may contact the NYSDOT Broome Residency at (607) 775-0522 for more information. Nothing may be placed in the State right-of-way, including signage.
- Code Enforcement: Originally built for medical. If no back flow preventer, one is required. Dental offices have an additional requirement of an amalgam separator.



- Police: No compelling interest.
- Public Works and Water: New York State requires most New York State dentists to install amalgam separators in their dental offices. The regulations also require and detail proper recycling of amalgam. The separator shall be installed prior to the issuance of the Certificate of Compliance.

Staff Findings

The Planning Department recommends the Planning Board recommend to the ZBA approval of the use variance. The building was constructed as a medical office use, and has continued as an office use, and there is more parking than required.

Mr. Mazanek closed the public hearing.

A motion to approve the use variance for medical offices at 355 Riverside Drive including Department Head Comments was made by Mr. Slota and seconded by Dr. Holowinski.

Motion Carried – Vote:

Yes – 4 (*Holowinski, Sas, Slota, Mazanek*) **No** – 0 **Absent** – 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 7:57pm.

Respectfully submitted,



Kim Cunningham
Zoning Board Clerk

