

Minutes of a regular meeting of the
Johnson City Zoning Board of Appeals
held on March 9, 2020 at 7:30pm at
243 Main St., Johnson City, NY

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

Also Present: Daria Golazeski, Town of Union
Keegan Coughlin, Attorney for the Village
Trustee Marty Meaney

Absent: Edward Mazanek, Chairman

A brief work session was held at 7:00pm. During the work session the board reviewed the applications on the agenda.

Vice Chairman Rowlands called the meeting to order at 7:30pm & noted the emergency exits.

MINUTES

A motion to approve the minutes of the February 10, 2020 regular meeting was made by Mr. Sas 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

NEW BUSINESS - None

282 Riverside Drive – Susquehanna Nursing & Rehabilitation Center

Public Hearing, SEQRA

Area Variance to increase size of pylon sign, increase the height and have internally illuminated sign

Vice Chairman Rowlands opened the public hearing.

John Matzo of Matzo signs and John Lawton of Susquehanna Nursing Center appeared on behalf of the applicant. Mr. Matzo handed out updated pictures of the signs. Mr. Matzo stated the set back is 15' from the road and 8' from the sidewalk. Most of the sign is illuminated with LEDs which are not super bright and the 282 on the sign is non-illuminated.

Mr. Rowlands questioned the sizes of the letter on the “sub-signs”.



Mr. Matzo responded they are 6” and 7” letters because they can be read from 250’ away. Susquehanna Nursing Center owns all the businesses on the sign. They can only lower the bottom portion 4 inches because of the snow plowing.

Mr. Slota asked if they thought of putting a bar in front to stop another car from hitting and to stop the snow from the plow?

Mr. Matzo stated they are limited. They can’t block the view of people either.

Mr. Sas asked if the logo could be removed to save height.

Mr. Matzo responded it is up to corporate it is their design. What if we took UHS logo off their signs?

Mr. Sas questioned if the logo and the number could be placed in the same space?

Mr. Matzo answered no.

Ms. Golazeski confirmed there must be a number on the sign as the building sits back fifty feet from the road.

Vice Chairman Rowlands closed the public hearing.

A motion to make a negative declaration for the purposes of SEQRA was made by Mr. Sas and seconded by Mr. Slota.

Motion Carried – Vote:

Yes – 3 (*Sas, Slota, Rowlands*) **No** – 0 **Absent** – 2 (*Holowinski, Mazanek*)

Vice Chairman Rowlands read the Planning Board Recommendation, 239-Review and Department Head Comments.

Planning Board Recommendation:

The Planning Board voted 5-0 to recommend:

- 1) Denial of the variance for a monument sign 9-feet higher than permitted. They recommend a variance of 7-feet for a 12-foot high sign;
- 2) Denial of the variance for a monument sign 52 square-feet larger than permitted. They recommend an area variance for the sign to be commensurate with a 12-foot high sign; and
- 3) Approval of the variance for a sign with internal illumination.

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.



- **NYS DOT:** No comments.
- **Public Works & Water:** No compelling interest on the variance. If approved, applicants shall call in a Dig Safely New York tickets to ensure that there will be no conflicts with underground utilities.
- **Police:** No compelling interest.
- **Fire Department:** No compelling interest.
- **Code Enforcement:** A sign permit is required.

Attorney Coughlin stated for the area variances we consider a five-part test:

1. Does this create an undesirable change in the neighborhood?
2. Is this relief possible by other means?
3. Is the variance request substantial?
4. Will it have an adverse effect on the neighborhood?
5. Is it a self-created hardship?

Mr. Sas responded it is self-created and the amount of the variance is substantial.

Chairman Rowlands confirmed the Planning Board recommended a variance of 7-feet for a 12-foot high sign.

A motion to approve a variance for a monument sign 7-feet higher than permitted, a variance for a monument sign 52 square-feet larger than permitted and a variance for a sign with internal illumination was made by Mr. Slota and seconded by Mr. Sas.

Motion Carried – Vote:

Yes – 3 (*Sas, Slota, Rowlands*) **No** – 0 **Absent** – 2 (*Holowinski, Mazanek*)

658 Riverside Drive – Silver Crown Buffet

Public Hearing, SEQRA

Area Variance to increase the number of wall signs to 2

Vice Chairman Rowlands opened the public hearing.

Muhammad Sadiq of Willow Street appeared on behalf of the applicant. They have a small sign in front of the building. They have parking across the street and the customers can't see the sign when they are parked. He is asking for a variance to put a second sign.

Vice Chairman Rowlands closed the public hearing.



A motion to issue a negative declaration for the purposes of SEQRA was made by Mr. Sas and seconded by Mr. Slota.

Motion Carried – Vote:

Yes – 3 (*Sas, Slota, Rowlands*) **No** – 0 **Absent** – 2 (*Holowinski, Mazanek*)

Vice Chairman Rowlands 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.
- **Public Works & Water:** No compelling interest on the variance.
- **Police:** No compelling interest.
- **Fire Department:** No compelling interest.
- **Code Enforcement:** If approved, a sign permit will be required.

Attorney Coughlin read the Planning Board Recommendation.

Planning Board Recommendation:

The Planning Board voted 5-0 to recommend approval of the area variance for the second sign, and for a total signage of 50 square feet.

A motion to approve a variance for a second sign, for a total signage of 50 square feet and request that the sign must be permanent, not a banner sign and including the department head comments was made by Mr. Sas and seconded by Mr. Slota.

Motion Carried – Vote:

Yes – 3 (*Sas, Rowlands, Slota*) **No** – 0 **Absent** – 2 (*Holowinski, Mazanek*)

191 Baldwin Street – Muhamed Cekic

Public Hearing

Area Variance to vary required frontage for two family dwelling from 50 feet to 40 feet

Vice Chairman Rowlands opened the public hearing.

Charles Fenson of Endwell appeared on behalf of the applicant. Mr. Fenson stated the property is surrounded by two-family and multi-family homes therefore is not a change in the neighborhood. They will be redoing the house, widening the driveway to make a larger parking in back. He said the applicant/owner will be living there with his mother and they will rent the upstairs to someone else.



Mr. Sas acknowledged the work was started before Mr. Fenson got involved with the project.

Mr. Fenson stated at the board meeting they were told a building permit was required.

Attorney Coughlin confirmed this is a Type II Action therefore no further environmental action is required by the Board.

Vice Chairman Rowlands closed the public hearing.

Attorney Coughlin asked the Board to consider a five-part test for the area variances:

1. Does this create an undesirable change in the neighborhood?
2. Is this relief possible by other means?
3. Is the variance request substantial?
4. Will it have an adverse effect on the neighborhood?
5. Is the hardship self-created?

Vice Chairman Rowlands read the Department Head Comments:

Department Head Comments:

- **Public Works & Water:** The building will require a new water meter. The meter shall be paid for prior to obtaining it from the water department. There is an outstanding balance on the Water/Sewer/Refuse account that shall be paid prior to the issuance of a new meter.
- **Police:** Requests denial of the variance based on the fact that a disproportionate amount of disturbances, drug trafficking, and violent crime problems in the Village stem from multi-family dwellings. More specifically, they have had several shooting incidents in recent years on that same block of Baldwin Street that all originated at two family houses.
- **Fire Department:** They are not in favor of the variance. Based on firefighting abilities in buildings that are originally designed one way and converted to another make it more challenging due to increased occupancy in those buildings.
- **Code Enforcement:** Permits must be obtained before any work is started. Any existing work may have to be opened up because work was done without permits and inspections. Due to the severity of the request, board should consider impact on neighborhood.

Mr. Sas acknowledged it is a self-created hardship and three of the agencies responded regarding impact on the neighborhood.

Ms. Golazeski confirmed a stop work order was issued together with a court appearance ticket. They failed to appear in Court. There were large piles of debris and no permits were given. The buyer knew there were problems with permits prior to purchasing.

Attorney Coughlin advised the relief requested is a factor not possible by any other means based on how close the neighboring properties are, it is a self-created hardship and the other factors are up to the Board.



Motion to deny the variance to convert 191 Baldwin Street to a two-family due to footage not compliant with the rest of the neighborhood was made by Mr. Slota and seconded by Mr. Sas.

Motion Failed – Vote:

Yes – 2 (*Sas, Slota*)

No – 1 (*Rowlands*)

Absent – 2 (*Holowinski, Mazanek*)

Attorney Coughlin confirmed the motion did not pass without three votes, so suggested holding over the application until the next meeting.

Attorney Coughlin advised the board to reopen the public hearing and extend it to the next meeting to allow the public to comment on any additional information as well.

Motion to reopen the public hearing and hold over the application until the next Zoning Board meeting was made by Mr. Sas and seconded by Mr. Slota.

Motion Carried – Vote:

Yes – 3 (*Sas, Rowlands, Slota*)

No – 0

Absent – 2 (*Holowinski, Mazanek*)

ADJOURNMENT

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

The meeting was adjourned at 8:07 pm.

Respectfully submitted,

Kim Cunningham
Zoning Board Clerk

