

Minutes of a regular meeting of
the Johnson City Zoning Board
of Appeals held on May 11, 2020 at
7:30pm via Zoom Video Conference

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

Also Present: Daria Golazeski, Town of Union
Kim Cunningham, Zoning Board Clerk
Keegan Coughlin, Attorney for the Village
Trustee Marty 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.

Kim Cunningham, Zoning Board Clerk took the roll call. All members of the Zoning Board were present.

MINUTES

A motion to approve the minutes of the April 6, 2020 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

Chairman Mazanek opened the privilege of the floor. There being no one who wished to speak, Chairman Mazanek closed the privilege of the floor.

COMMUNICATIONS - None

CONTINGENCIES – None

OLD BUSINESS

191 Baldwin Street – Muhamed Cekic

Continuance of Public Hearing – Public hearing held over at 3-9-20 Zoning Board Meeting
Area Variance to vary required frontage for two family dwelling from 50 feet to 40 feet



Charlie Fenson, Structural Engineer and Muhamed Cekic, Applicant appeared on behalf of the application.

Mr. Fenson rebutted the arguments they were presented with at the last meeting.

- Too many too families on the block, too many domestic dispute calls.
 - Not fault of two families they are receiving domestic dispute calls
 - Mr. Cekic stated his mother and him will be living in one apartment and another family will reside in the other.
- They are not changing the neighborhood. There are several two-family houses in the neighborhood.
- Not self-created
 - Single-family homes are not profitable
- Original design for single-family and he has designed a floor plan which is very nice for a two-family apartment building.

Attorney Coughlin, for Chairman Mazanek, read the Executive Order regarding holding a virtual meeting and confirmed there was a quorum. Chairman Mazanek was in agreement with Attorney Coughlin's statement.

Attorney Coughlin asked the public attending the Zoom meeting if anyone had any questions or comments regarding the public hearing. Hearing none, Vice Chairman Rowlands offered a motion to end the public hearing.

Chairman Mazanek closed the public hearing.

Chairman Mazanek 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.



Attorney Coughlin confirmed the Board is considering the area variance for the lot width, not the whether or not a multi-family is an allowed use. This is not a use variance.

The Planning Board and Attorney Coughlin discussed the five-point criteria for an area variance.

- Whether or not there is an undesirable change in the character of the neighborhood

Chairman Mazanek stated the use is in character with the neighborhood as it is today.

- Whether the benefit can be sought by other means

Attorney Coughlin explained the benefit can't be sought any other way because the only way you can have a two-family is the get the area variance for the frontage and they cannot buy the neighbor's frontage.

- Whether the area variance request is substantial

Attorney Coughlin said it is a 20% request. Chairman Mazanek added that because of the other two-family homes in the area, he would not consider it to be substantial.

- Whether it will have an adverse effect on the physical or environmental characteristics or conditions in the neighborhood
- Whether the alleged difficulty was self-created.

Attorney Coughlin reiterated earlier Vice Chairman Rowlands clarified it was self-created because they bought the home as a one-family. Attorney Coughlin avowed it does not need to be 100% to approve the variance.

A motion to grant the area variance to reduce the required frontage from 50 feet to 40 feet for a two-family dwelling was made by Mr. Rowlands and seconded by Dr. Holowinski.

Motion Carried— Vote:

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

NEW BUSINESS

135-139 Baldwin Street – Binghamton Brewing Co.

Public Hearing

Area Variance for 16 additional parking spaces

Chairman Mazanek stated the Planning Board is Lead Agency on this project and they will be handling the environmental review.

Chairman Mazanek opened the public hearing.



Attorney Coughlin explained the Board is considering a parking variance for the Binghamton Brewing Company at the Century Sunrise property.

Mr. Mazanek clarified they have forty spaces now and need an additional 16, 15 for the number of seating inside and an additional one for loading.

Jason Gardner was present on behalf of the Binghamton Brewing Co. He spoke and gave parking estimate. The highest number of cars in the lot at peak was 55 cars at 5:20pm with the average amount of cars in the lot being 46. There are about 150 spaces available in the lot.

Dee explained 226 spaces were required on the original development plan. 40 accounted for the commercial space and they got a variance from 226 to 190 spaces between what is on site and the property they leased and developed from the railroad. Overall, this development has 190 spaces.

Mr. Slota asked what the occupancy rate is in the building.

Mr. Gardner replied he believes it is 100% in both buildings with a waiting list. He confirmed the Binghamton Brewery will be the sole retailer of the commercial space.

Dr. Holowinski questioned if there were certain spaces allowed for the brewery and some for the residents.

Mr. Gardner responded he talked with Ms. Golazeski about the ten closest spaces to the entrance with a loading space, but it is pretty much first come first serve. Mr. Gardner confirmed there are handicapped spots in the front along with reserved spots.

Chairman Mazanek asked the public attending the Zoom meeting if anyone had any questions or comments regarding the public hearing. Hearing none, Chairman Mazanek closed the public hearing.

Chairman Mazanek read the Planning Staff Recommendations.

Planning Staff Recommendations

The Planning Department staff recommended the ZBA approve the parking space area variance of 16 spaces.

The site also has access to two main roads and each has public bus services, providing access to transportation other than just personal vehicles. The Director of Public Services suggests that signage should be added to direct patrons to the parking area on the west side of Baldwin Street.

The board reviewed the five point criteria for an area variance made the following motion:

A motion to grant the area variance for reducing the required off street parking spaces by 16 for the tavern and brewing company was made by Mr. Rowlands and seconded by Mr. Slota.

Motion Carried – Vote:

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



19 Arch Street – Winding Brook Corp.

Reconsideration of Area Variance to increase the building height

Attorney Coughlin stated this is a request for a re-hearing with regards to the height variance at 19 Arch Street.

Chairman Mazanek explained for reconsideration of the area variance to increase the building height we need a unanimous vote to rehear and in addition to that we would need to consider the rights of anyone who had acted on good faith reliance on the previous application.

Attorney Campbell appeared on behalf of Winding Brook Corporation.

She appreciates the Board at least considering reconsidering. Attorney Campbell stated they have an opportunity to add some property to the project with respect to the parking situation which would substantially reduce their request for parking. When she received our Decision with respect to the height and there were separate motions, a deficiency was identified in providing financial data showing proposed costs and returns of a smaller building. She did not provide that information and she was not aware we were looking for that. Attorney Campbell would like the opportunity to readdress that issue in considering an additional purchase which is a neighboring house, for the parking lot and improvements to the parking lot as well. She is asking for the opportunity to re-hear this again, technically the new application for the parking situation. Attorney Campbell briefly addressed the addition of the substantial height variance granted for the hospital, though not right next door.

Their new proposal would remove a residential structure leaving only one residential structure left on Arch Street towards the Main Street end. They would like an opportunity to provide that information and evidence to the Board as the entire project is reconsidered.

A motion to reconsider the area variance that was denied previously by the board at the March 9, 2020 Zoning Board meeting was made by Mr. Rowlands and seconded by Dr. Holowinski.

Motion Denied — Vote:

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

Attorney Campbell questioned Mr. Sas' if there was any particular reason he would not agree to reconsider.

Mr. Sas explained he understands the logic of them trying to compare this to UHS, but comparing a large non-profit health care institution which services thousands of people versus a private for-profit endeavor is the biggest difference. The compelling public good that he heard in the UHS proposal was not just the expansion of the footprint and floorspace for emergency, but when he questioned the need for the height specifically relative to the helipad he asked for the rationale. He was shocked by the answer, when seconds matter, the ten-minute improvement of time in access to emergency care. The compelling public interest that UHS is a regional level two trauma center and there are only 11 of those in New York State and in a tiny community like ours it is a kudo to have a level two trauma center so he views them as totally different considerations.



Attorney Campbell stated she is disappointed they wouldn't at least have an opportunity to re-present given that substantial variance and given increased economic costs associated with providing parking and acquiring an additional lot but that is the Board's decision and not hers. She asked that the tape from the meeting be preserved verbatim. Zoning Board Clerk Kim Cunningham responded she can get a copy of the recording.

ADJOURNMENT

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

The meeting was adjourned at 8:00 pm.

Respectfully submitted,

Kim Cunningham
Zoning Board Clerk

