

Minutes of a regular meeting of the  
Johnson City Planning Board held on  
August 25, 2015 at 7:30pm at  
243 Main St., Johnson City, NY

Present: John Walker, Vice Chairman  
Joanne Drimak  
Andrew Holbert

Absent: Gerald Putman, Chairman  
Lee Briggs, Secretary

Also Present: Diane Salva, Clerk to the Planning & Zoning Boards  
Jeff Jacobs, Attorney for the Village  
Trustee Bruce King  
Marina Lane, Town of Union Senior Planner

A brief work session was held at 7:00pm. The board discussed the agenda and reviewed the applications.

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

**MINUTES** – The minutes were held over to the next regular meeting.

**COMMUNICATIONS** – None

**CONTINGENCIES** - None

**OLD BUSINESS** - None

**NEW BUSINESS**

**FAMILY ENRICHMENT NETWORK, INC. – 51 ROBERTS STREET**  
**Public Hearing for Special Permit & SEQR**

Family Enrichment Network, Inc., has submitted a special permit application to use the existing three-bedroom, single-family house located at 51 Roberts Street as a rooming house for independent adult clients with intellectual disabilities. The property is zoned Urban Multi-Family (UMF) and the rooming house use is permitted by Special Permit under Village Code 300-20, Table 20-2. At 50 feet wide and 5,000 square feet in area, the property exceeds bulk restriction minimum requirements of 40 feet wide and 4,000 square feet. Code requires 0.5 parking spaces per rooming unit, of which there are three, and therefore two parking spaces are required. There is approximately 55-feet of driveway to the existing single car garage, which satisfies the parking requirement. The house is under contract, pending approval of the Special Permit for a rooming house.

April Ramsey, Director of Program Development for Family Enrichment Network was present on behalf of the applicant.

Vice Chairman Walker opened the public hearing.



**James Afftuck, Roberts St.** – Asked what the special permit was for. Vice Chairman Walker read the applicant’s request.

**James Afftuck, Roberts St.** – Asked what type of people will be living there. Ms. Ramsey explained that they have just closed on the property and are working with the Southern Tier Independence Center to provide housing for people with intellectual disabilities. They do not have any physical disabilities and live independently. The residents will be all the same sex, most likely female, and will be over 18. They are all employed.

**James Afftuck, Roberts St.** – The house is a single family house and it should remain a single family house.

**Roger Warren, Port Crane** – Stated that he owns the house next door and his son lives there. He has concerns about the use of the property and asked how many people will live there. Ms. Ramsey stated the maximum number of residents is 3.

**Roger Warren, Port Crane** – Asked if there will be no adult or program supervision of these residents. Ms. Ramsey stated that is correct and described the types of disabilities the residents may have, such as Asperger’s Syndrome, Autism, etc.

**Roger Warren, Port Crane** – Asked if there is a screening process. Ms. Ramsey explained that there is a screening process – the potential residents must be at least 18 years old, have full time employment, be able to function on their own and live independently, must be non-violent with no criminal record, need no special medical equipment and cannot have a condition that will require modifications to the home.

**Roger Warren, Port Crane** – Expressed concern over the effect on property values.

Vice Chairman Walker stated that he personally would rather have pre-screened people living next to him rather than someone just off of the street.

**Roger Warren, Port Crane** – Expressed that he is very worried about the type of people that will be living there.

**James Afftuck, Roberts St.** – Asked if these will be long term tenants. Ms. Ramsey stated that yes they will be.

**Don Diamond, Roberts St.** – Expressed concerns over turning this house into a boarding house and the lack of parking. Ms. Ramsey stated that the tenants can drive or use public transportation.

**Roger Warren, Port Crane** – Asked what happens if the special permit is not granted. Ms. Ramsey stated that then they would just rent it out. There would be no screening process for tenants in that case.

**Dave Diamond, Grand Ave.** – Asked why a special permit is needed and why can’t these people just get an apartment.

Attorney Jacobs explained the special permit.



**Roger Warren, Port Crane** - Asked if there is anything that could stop Family Enrichment from going through with this. Senior Planner Lane explained zoning districts and their uses.

Vice Chairman Walker stated that parking on Roberts Street was worse when Lincoln Elementary School was there.

**Roger Warren, Port Crane** - Wants to make sure that the screen requirements are met - Is there a way to come back if there are issues. Senior Planner Lane explained that complaints should go to Code Enforcement. Ms. Ramsey explained that they are committed to providing quality services and restated that there will be a thorough screening process.

**Trustee Bruce King** – Asked about lawn care and other property maintenance issue. Ms. Ramsey stated that they will mow the lawn and shovel snow.

**Don Diamond, Roberts St.** – Asked if overnight visitors will be allowed. Ms. Ramsey stated yes they will be.

**Sara Diamond, Roberts St.** – Asked how often case managers will visit. Ms. Ramsey stated monthly.

**James Afftuck, Roberts St.** – Stated that he does not understand the need for the special permit.

**Roger Warren, Port Crane** – Stated that he is still worried about supervision of the tenants. Ms. Ramsey again explained the conditions that the tenant could have. They are not helpless or criminals. They are hard-working people who are looking for a decent place to live. They must sign a one year lease.

Vice Chairman Walker closed the public hearing.

### ***SEQR***

Vice Chairman Walker explained that a SEQR Short Environmental Assessment Form has been prepared.

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 Mrs. Drimak and seconded by Mr. Holbert 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** – 3 (*Drimak, Holbert, Walker*)    **No** – 0    **Absent** – 2 (*Briggs, Putman*)

Vice Chairman Walker read the Department Head Comments and Staff Recommendations. He asked if trash receptacles are provided. Ms. Ramsey explained that yes they are provided and the trash is collected every Tuesday.

### **Environmental Review**



The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA). Under the requirements of Section 617.7(c), the proposed action was examined (Short Environmental Assessment Form), and the Planning Department recommends approval of the Negative Declaration for the project. This project was not subject to a 239-Review.

**Department Head Comments**

**Code Enforcement:** Adequate square footage. Code should inspect for Certificate of Compliance if approved.

**Fire Dept:** No compelling interest.

**Police Dept:** No compelling interest.

**Public Works & Water:** No compelling interest.

**Staff Recommendations**

The project meets the requirements for a Special Permit for a boarding house use. In addition to Department Head comments, the Planning staff recommends approval of the Special Permit with the following recommendations:

1. Special permit modification approval will be required if there are any changes in the use of the property.
2. Special permit approval will become void if the structure is converted back to a single family use, and a new Special Permit shall be required to reconvert the house back to a boarding house.
3. The Special Permit shall expire should the property or business be sold to another entity, per § 300-66.11. Transferability:
  - a) A special permit is not transferable except upon approval by resolution of the issuing board.
  - b) A special permit shall authorize only one special use and shall expire if the special use ceases for more than three months for any reason.

A motion to approve a Special Permit for a rooming house at 51 Roberts Street for a period of 1 year including the department head comments and the staff recommendations was made by Mr. Holbert and seconded by Mrs. Drimak.

*Motion Carried - Vote:*

*Yes – 3 (Drimak, Holbert, Walker) No – 0 Absent – 2 (Briggs, Putman)*

**JC GAS & CONVENIENCE/JAY'S ONE STOP – 285 HARRY L. DRIVE**

**Advisory Opinion - Use Variance**

Jay's One Stop has submitted a sign application to reface the existing pylon directory sign for JC Gas & Convenience at 285 Harry L Drive, Johnson City. The existing pylon sign is legal-nonconforming as pylon signs are not permitted in the current zoning district. By changing the face, the sign would no longer be legal.



The applicant is requesting a use variance to maintain the pylon directory sign in a Neighborhood Commercial zoning district. The new sign face would stay on the existing frame, and the base of the sign is proposed to be approximately 7.4 feet above ground level. Code Enforcement recommends that the base of any pylon sign within the 25-foot triangle of a corner lot be at least seven-feet above ground level for traffic and pedestrian visibility.

Petro Vamvakaris with TJ Sign Solutions, Inc. was present on behalf of the applicant.

Mr. Vamvakaris reviewed their request and explained that they received permission from Ms. Golazeski in Code Enforcement to change the signage on the canopy.

Vice Chairman Walker read the department head comments and the staff recommendations.

**Department Head Comments:**

The project was not subject to a 239-Review.

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

**Planning Staff Recommendations**

The Planning Department staff recommends that the Planning Board recommend to the ZBA:

- 1) approval of the use variance for a pylon directory sign in the Neighborhood Commercial Zoning District.

The new sign face would remain on the existing structure. The existing sign structure is safe for traffic and pedestrian visibility. If it were required instead, a monument sign would have to be relocated to another area, out of the 25-foot corner triangle.

Mrs. Drimak asked for clarification of the size of the sign. Mr. Vamvakaris stated that it is the same size as the existing sign.

Vice Chairman Walker stated that there is a blank panel on the sign and asked what it was for. He explained that if they wish to change that, they will have to go back to see Ms. Golazeski.

A motion to recommend approval of the use variance for a pylon directory sign in the Neighborhood Commercial Zoning District to the Zoning Board of Appeals was made by Mrs. Drimak and seconded by Mr. Holbert.

*Motion Carried - Vote:*

*Yes – 3 (Drimak, Holbert, Walker) No – 0 Absent – 2 (Briggs, Putman)*

**ROCKSTAR REAL ESTATE, LLC/3I GRAPHICS – 87 MAIN STREET**

**Advisory Opinion - Area Variance**

Eric Olsen, of 3i Graphics & Signs, submitted a sign application for signage on behalf of Rockstar Real Estate, LLC, to replace existing signage on the commercial building at 87 Main Street,



Johnson City. The business, APR Supply Co., is new and the owners are requesting a variance for a total of three wall signs to replace two existing wall signs on the building. The existing signs are located on the Brigham Avenue and Main Street sides of the building, and in addition, a new sign is proposed for the upper rooftop elevation facing northward toward Route 17/I-86. The primary sign is that facing Main Street (a.k.a. 17C).

The proposed signs would require an area variance to allow two wall signs more than are permitted, since the under Table 300-52.1 of the Code, only one wall sign per business is permitted. The property is located in an Industrial zoning district and the existing signage is legally nonconforming under the current zoning code.

No one was present on behalf of the application.

Vice Chairman Walker read the department head comments and the staff recommendations.

**DEPARTMENT HEAD AND 239-REVIEW COMMENTS:**

The project is subject to a 239-Review, both with the County and with the City of Binghamton.

- **Code Enforcement:** No concerns. The proposed signs are not objectionable and face different views and streets of access.
- **Fire Dept:** No comments.
- **Police Dept:** No compelling interest.
- **Public Works & Water:** No compelling interest
- **B. C. Planning:** This department recommends denial of the sign facing SR-17/I-86 because it would run contrary to the Village of Johnson City efforts to improve local signage and to the purpose of sign regulations to reduce visual clutter through the prevention of excessive sign displays.
- **BMTS:** No issues.
- **NYSDOT:** No concerns.

**Planning Staff Recommendation**

The Planning Department staff recommends that the Planning Board recommend:

- 1) approval of the area variance for one additional wall sign facing Brigham Street; and
- 2) denial of the area variance for a third wall sign facing the rear of the property, or northwards.

The proposed signage is modest and meets Code in all other aspects. Planning staff supports having two wall signs that face different directions. The third proposed sign does not add value to the advertising intention of a sign as it is not visible from any public street, and approving it would set a precedent that goes against the intent of the sign ordinance of reducing visual clutter due to excessive sign displays.

Mr. Holbert questioned the need for the 3<sup>rd</sup> sign. Senior Planner Lane explained that it may be able to be seen from RT 17.



A motion to recommend approval of the area variance for one additional wall sign facing Brigham Street and denial of the area variance for a third wall sign facing the rear of the property, or northwards to the Zoning Board of Appeals was made by Vice Chairman Walker and seconded by Mrs. Drimak.

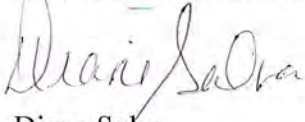
*Motion Carried - Vote:*

**Yes** – 3 (*Drimak, Holbert, Walker*)    **No** – 0    **Absent** – 2 (*Briggs, Putman*)

**ADJOURNMENT**

A motion to adjourn the meeting at 8:45pm was made by Vice Chairman Walker and seconded by Mrs. Drimak.

Respectfully submitted,



Diane Salva  
Planning Board Clerk

