

Present: Gerald Putman, Chairman
John Walker, Vice Chairman
Joanne Drimak
Andrew Holbert

Absent: Lee Briggs, Secretary

Also Present: Diane Busko, Clerk to the Planning & Zoning Boards
Jeff Jacobs, Attorney for the Village
Mayor Gregory Deemie
Marina Lane, Town of Union Senior Planner

Reorganization of Officers

A motion to nominate Mr. Jerry Putman as Chairman, Mr. John Walker as Vice Chairman and Mr. Andrew Holbert as Secretary was made by Mrs. Drimak and seconded by Mr. Putman. The motion carried with all those present voting in the affirmative.

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

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

MINUTES – A motion to approve the minutes of the August 25, 2015 and the November 30, 2015 regular meetings was made by Mr. Walker and seconded by Mrs. Drimak. The motion passed with all those present voting in the affirmative.

COMMUNICATIONS – None

CONTINGENCIES - None

OLD BUSINESS - None

NEW BUSINESS

David Planavsky – 8 Myrtle Avenue ***Site Plan Review***

This application was held over until the next meeting.

Quick Stop Deli – 96 Harry L. Drive ***Advisory Opinion – variance***

Mr. Fuad Mugali of the Quick Stop Deli has submitted an application for a variance to have a second wall sign on the commercial building at 96 Harry L Drive, Johnson City. The second sign was mounted, without a sign permit, on the front of the building facing Harry L Drive and



measures 2-feet by 13-feet. The property is located in a Neighborhood Commercial zoning district. Per the sign Code, Table 300-52.1, only one wall sign per business is permitted. The project was subject to a 239-Review as it is within 500 feet of State Route 17. The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA), and the Zoning Board of Appeals will be the Lead Agency. Code Enforcement recommends denial of the variance for a second wall sign as the owner was informed of the requirement for a sign permit in writing prior to his mounting the second wall sign.

The applicant, Mr. Fuad Mugali, was present.

Mr. Mugali explained that he has invested \$40,000 - \$50,000 in the inside of the store. He stated he was told that the lights on the front of the store were bothering the neighbors and shining on the drivers on Harry L. Drive so he redirected them.

Chairman Putman asked about the bulletin board on the side of the building. Mr. Mugali stated that it belongs to the landlord.

Senior Planner Lane stated that there used to be a projecting sign on the front of the building. Mr. Mugali stated no the frame was broken and he had it removed. The sign contractor installed the new sign on the front of the building without his permission or knowledge. He thought the sign permit covered the replacement sign. Senior Planner Lane stated that he did not have a sign permit for the sign over the front door.

Chairman Putman asked if both wall signs are needed. Mr. Mugali stated yes they are. Mr. Holbert asked if all of the paper signs on the billboard are needed. Mr. Mugali stated no they are not. He will remove them.

Mr. Walker asked about the lights on the front of the building. Mr. Mugali stated that one of the lights is for security. Senior Planner Lane explained that the lights are allowed but they still need to be redirected.

Mr. Walker asked, if Mr. Mugali had to remove one sign, would it be more feasible to remove the one on the side of the building. Mr. Mugali stated that he needs both signs.

Senior Planner Lane asked about the blue and red flag string that is on the building. Mr. Mugali stated that was only for the grand opening.

Chairman Putman read the Planning Staff Recommendation.

Planning Staff Recommendation

The Planning Department staff recommends that the Planning Board recommend:

- 1) denial of the area variance for one additional wall.

The applicant was provided sign regulations in writing and verbally as a part of his minor site plan approval, and again verbally when he applied for his first sign permit from Code Enforcement. In addition, there is a clutter of announcements, product and service advertising, and lighting on the building.



A motion to recommend denial of a second wall sign to the Zoning Board of Appeals was made by Mr. Walker and seconded by Mrs. Drimak.

Motion Carried - Vote:

Yes – 4 (Walker, Drimak, Holbert, Putman) No – 0 Absent – 1 (Briggs)

Rapp Signs/Manley's Mighty Mart, LLC – 733 Harry L. Drive
Advisory Opinion – variance

Rapp Signs Inc. has submitted a sign application on behalf of Mirabito Fuel Group to replace the existing signs at the Manley's Mighty Mart at 733 Harry L Drive. Mirabito has purchased the business. The property is located in a General Commercial zoning district and pylon signs are permitted. Currently, there are two pylon signs, of which Mirabito plans to remove the pylon sign at the western edge of the property which is 134 square feet at 24'- 9" high. The pylon sign to remain and reface is currently 166 square feet at 24'- 9" high, and would be reduced to 134 square feet. Pylon signs in General Commercial districts are permitted up to 80 square feet. Therefore, one request is for an area variance of 54 square feet for the new face of the pylon sign. There are two existing Valero channel letter signs on each side elevation of the gas canopy (18 sq. ft. each set), and the existing Manley's Mighty Mart building sign above the front entrance is 71.25 sq. ft. Mirabito has applied to have three canopy signs, one each for the south, east, and west faces of the canopy, in addition to replacing the wall sign above the entrance. The sign code permits a maximum of one wall sign, one canopy sign per structure, and one pylon sign, but only a maximum of two signs per business. The proposed wall and canopy signs all meet code requirements for size. The applicant is requesting a second area variance to increase the number of signs to five, permitting three canopy signs, one wall sign, and one pylon sign.

The requested variances are:

- 1) An area variance for a pylon sign fifty-four (54) square feet greater than permitted; and
- 2) An area variance to increase the number of signs to five, three greater than permitted.

Mr. Patrick Doyle with Rapp Signs was present on behalf of the applicant.

Mr. Doyle explained that Mirabito has purchased the business from Manley's and it is no longer a Valero Station. He reviewed their requests.

Mr. Walker questioned the visibility of the proposed new signs from Oakdale Road. Mr. Doyle stated that it is a unique location.

Chairman Putman asked if all of the locations have this sign package. Mr. Doyle stated no, unless the location is at an intersection. Mr. Doyle reminded the board that the new letters on the signs will only be a third of the size.

Mrs. Drimak stated that the visibility seems ok to her and asked if it is really necessary to have a sign over the door as well. Mr. Doyle stated that yes it is, to direct people to the entrance door.

Chairman Putman reviewed the variance request. Senior Planner Lane stated that they are allowed 1 pylon sign, 1 wall sign and 1 canopy sign.



Chairman Putman read the Planning Staff recommendations.

Department Head Comments:

The project was not subject to a 239-Review. Department head comments have not been received at this time.

Planning Staff Recommendations:

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

- 1) approval of the area variance for a pylon directory sign in the General Commercial Zoning District 54 square feet greater than permitted. The replacement pylon sign while larger than permitted, is significantly smaller than the previous sign.
- 2) denial of the area variance for three signs greater than permitted. Planning staff recommends approval of two canopy signs, one to the east and one to the west. The canopy sign on the east face can be seen from the Oakdale Road and by westbound traffic on Harry L Drive. The canopy sign on the west face can be seen by eastbound traffic on Harry L Drive.

A motion to recommend approval of an area variance for a pylon directory sign in the General Commercial Zoning District 54 square feet greater than is permitted to the Zoning Board of Appeals was made by Mrs. Drimak and seconded by Mr. Holbert.

Motion Carried - Vote:

Yes – 4 (Walker, Drimak, Holbert, Putman) No – 0 Absent – 1 (Briggs)

A motion to recommend approval of an area variance for three signs greater than permitted was made by Mrs. Drimak and seconded by Mr. Holbert.

Motion Carried - Vote:

Yes – 4 (Walker, Drimak, Holbert, Putman) No – 0 Absent – 1 (Briggs)

Jump Start Physical Therapy, PLLC – 157 Ackley Avenue

Declare lead agency under SEQR

Set Public Hearing for February 23, 2016

The application is for a special permit to allow an education use at 157 Ackley Avenue. The applicant, Jessica Reinartz, was present.

Ms. Reinartz explained that she is a physical therapist and has an agreement with NYS to provide early intervention services. The children all have disabilities. The building will have a gym area and a physical therapy office. She is doing the renovations to the building piecemeal. They have put on a new roof and gutters and have replaced the retaining wall. She will refurbish the floors, update the electrical and mechanical systems. She did have an environmental assessment done on the property. She will see clients by appointment only.

Chairman Putman asked what disabilities the clients have. Ms. Reinartz explained it includes cerebral palsy, Down Syndrome and other disabilities that impact the ability to learn.



Mr. Walker asked about plans for the garage. Ms. Reinartz explained that the concrete floor is cracked. Right now, she is focusing on the main building.

A motion to declare the Planning Board Lead Agency for the purposes of SEQR was made by Mr. Walker and seconded by Mrs. Drimak.

Motion Carried - Vote:

Yes – 4 (Walker, Drimak, Holbert, Putman) No – 0 Absent – 1 (Briggs)

A motion to set a public hearing to allow an educational use at 157 Ackley Avenue on Tuesday, February 23, 2016 at 7:30pm was made by Mr. Walker and seconded by Mrs. Drimak.

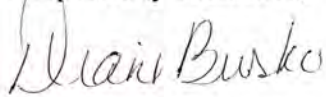
Motion Carried - Vote:

Yes – 4 (Walker, Drimak, Holbert, Putman) No – 0 Absent – 1 (Briggs)

ADJOURNMENT

Chairman Putman adjourned the meeting at 8:19pm.

Respectfully submitted,



Diane Busko
Planning Board Clerk

