

Minutes of a regular meeting of the
Johnson City Planning Board held on
January 23, 2018 at 7:30pm at
243 Main St., Johnson City, NY

Present: Andrew Holbert, Vice Chairman
Donald Slota
Greg Matyas
Mary Jacyna

Absent: Gerald Putman, Chairman

Also Present: Kim Cunningham, Temporary Clerk to the Planning & Zoning Boards
Nate VanWhy, Attorney for the Village
Marina Lane, Town of Union Senior Planner
Mayor Greg Deemie
Jim Taber, JAX Signs
Eric Olsen, 3i Graphics
Richard Lambert, ExteNet
Julie Deemie, Resident

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

Andrew Holbert called the meeting to order at 7:30pm & noted the emergency exits.

MINUTES- None

PRIVILEGE OF THE FLOOR

Andrew Holbert opened the privilege of the floor.

Julie Deemie, Zoa Ave

- The St. James sign is extremely obnoxious to the point that it is blinding. Can the Board go back to them and have them change the background to black with colored words? Current condition is terrible.
 - Marina Lane states Ms. Deemie should go to the Zoning Board as they are the Board that approved the variance. The code book does have restrictions on lumens for digital signs.
- Traveling in on I-86 toward Johnson City Walmart, UHS has a double billboard along the highway on the right with LED lights affixed to the billboard. Is that within the law?
 - Marina Lane states she needs to speak to the Code Enforcement Officer on this matter.
- She has personally gone to County marketing 59 Lester Avenue. She put together a book of marketing materials. Please be diligent when 59 Lester Ave plans come before the Planning Board. She would be more than willing to sit with the Planning Board as she has extensive architectural experience. Vote of no confidence in the group that has possessed the building.

Andrew Holbert closed the privilege of the floor.

COMMUNICATIONS - None



CONTINGENCIES - None

OLD BUSINESS - None

NEW BUSINESS

Edward Joy Lighting – 800 Valley Plaza
Advisory opinion – Sign Area variance

When Edward Joy Lighting & Electric replaced Freedman Electric at 800 Valley Plaza, JAX Signs installed two wall signs and a third sign to the freestanding plaza directory sign without applying for sign permits. The property is zoned General Commercial, and only one wall sign and a total of two business signs are permitted. Therefore, they are now applying for:

- 1) an area variance for a second wall sign, and
- 2) an area variance for a third business sign

Jim Taber of JAX Signs was present on behalf of the application.

Discussion: JAX Signs - somehow the permit didn't get put in and they put up signs where the Freedman signs were. There were already two peak signs and one directory sign. Mr. Matyas questions if they were to have come in and requested the permit, would they have been denied or grandfathered in? Marina Lane confirms they would have been grandfathered in.

Andrew Holbert read the department head comments.

239-Review and Department Head Comments:

- **Broome County Planning:** The Planning Department has reviewed the above-cited case. We recommend denial of the proposed project because it runs contrary to the Village of Johnson City efforts to improve the local signage and to the purpose of the new sign regulations to reduce visual clutter through the prevention of excessive sign displays.
- **NYS DOT:** No comments.
- **Public Works & Water:** No compelling interest on the variance.
- **Police:** No compelling interest.
- **Fire Department:** No compelling interest.
- **Code Enforcement:** Due to unique nature of building, no objection to 3rd sign.
- **Planning Department:** The Planning Department recommends approval of the area variances for an additional wall sign and a third business sign. The property has two frontages on two streets, and the two wall signs face different streets.

A motion to recommend to the Zoning Board the approval of the area variances for an additional wall sign and a third business sign was made by Mr. Slota and seconded by Mr. Matyas.

Motion Carried - Vote:

Yes – 4 (Holbert, Slota, Matyas, Jacyna) No – 0 Absent – 1 (Putman)



3i Graphics & Signs for Lourdes Orthopedics – 240 Riverside Drive
Advisory opinion – Sign Area Variances

A new tenant, Lourdes Orthopedics, replaced a monument sign without applying for a sign permit for the medical office building at 240 Riverside Drive. The property is zoned Urban Single Family with an Office Overlay zone, and monument signs are permitted at 5 feet high and a total of 24 square-feet. The new sign is 8 feet high, and 36.6 square-feet. Therefore, the building owners are applying for:

- 1) an area variance for a monument sign 3 feet higher than permitted, and
- 2) an area variance for a monument sign 12.6 square-feet larger than permitted.

The original sign was also 8 feet high, but only 34.22 square-feet. Per Code below: § 300-52.8. Nonconforming signs.

A. Any sign erected prior to the adoption of this chapter which does not conform to the provisions of this article is permitted to remain as a nonconforming sign.

- 3) replacement of an existing sign face or faces for a new business or advertiser or change in existing business or advertiser logo without altering the sign structure is permitted and will not result in a loss of nonconforming status. [Added 9-6-2016 by L.L. No. 4-2016]

A sign permit is still required.

Eric Olsen of 3i Graphics was present on behalf of Lourdes.

Discussion: The signs were designed and installed outside of our scope without a permit. It was a non-conforming sign as to the area and height. 3i Graphics applied for a variance to both of those items. They are asking for both a height and area variance on that sign. At the moment the bottom of the sign is open. It will be boxed in which will change it from a pylon to a monument sign.

Andrew Holbert read the 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; however, we have the following comments:
 - The ground monument sign should include landscaping.
 - The project application should indicate whether the sign will be lit.
- **NYS DOT:** The Region 9 Site Plan Review Committee has no comments on this proposal at this time.
- **Public Works & Water:** No compelling interest on the variance. If there is to be landscaping similar to the one in Binghamton, there should be edging of some type at the back of sidewalk to prevent the mulch from migrating onto the sidewalk.
- **Police:** No compelling interest.
- **Fire Department:** No compelling interest.
- **Code Enforcement:** Sign must be made into Monument Sign.
- **Planning Department:** The Planning Department recommends approval of the area variances for the new sign. The original frame was used for the sign, and only the header on



the sign was larger than the original in order to incorporate the new Lourdes logo. The sign does not interfere with visibility when exiting the property nor the adjacent medical office property.

Planning Department recommends landscaping be added, per Code section 300-52.7.D. Landscaping.

- (1) The area surrounding any freestanding sign will be landscaped with plant materials to integrate the sign with the development on the parcel; and
- (2) The area surrounding any freestanding sign will be free from weeds, rubbish, and flammable material. In addition, the landscaping should be contained, per comments from Public Works & Water.

A motion to recommend to the Zoning Board approval of the area variances for the monument sign to be 3 feet higher and 12.6 square feet larger sign including the department head comments and staff recommendations specifically regarding the landscaping in the area surrounding the sign per the code was made by Mr. Matyas and seconded by Mr. Slota.

Motion Carried - Vote:

Yes – 4 (Holbert, Slota, Matyas, Jacyna) No – 0 Absent – 1 (Putman)

ExteNet Systems – 75-79 Riverside Dr., 72 & 250 Margaret St., 261 Burbank Ave.
Advisory opinion – Special Permit for Telecommunications Facility System

Special Permit Request:

ExteNet Systems, Inc., works with wireless communication providers to facilitate the installation and implementation of small cell networks that help to support existing facilities with areas of poor coverage that do not warrant a full-size telecommunications tower. These small cell networks are referred to as distributed antenna systems, or DAS.

Cell tower coverage is affected by topography, but also by the number of users and type of usage, particularly data usage. ExteNet is working with Verizon Wireless to enhance the coverage in the City of Binghamton and the lower east side of the Village. They propose mounting four small cell antennas onto utility poles in the rights-of-way. Telecommunication facilities in the Village of Johnson City require a special permit from the Zoning Board of Appeals (ZBA), followed by site plan review by the Planning Board. This report addresses a recommendation to the ZBA regarding the issuance of a Special Permit.

The Planning Department recommends the Planning Board recommend to the ZBA approval of the special permit for the telecommunication facilities. Their installation will strengthen the telecommunications network with minimal impact. The Village Board of Trustees approved a Rights-of-Way Agreement on January 16, 2018. If the ZBA grants the special permit, the applicant shall appear before the Planning Board for site plan review.

Richard Lambert of ExteNet was present on behalf of the application.

Discussion: The Right-of-Way Agreement was signed by the Mayor this morning. ExteNet is an infrastructure construction company for telecommunications. They build microcells within the rights-of-way of telephone poles or street light poles. Once they are constructed they lease the space out to Verizon, Sprint, et al. They improve the services to the residents. There are 48 sights



within the City of Binghamton and 4 within the Village. They are on NYSEG owned poles and they will be using existing infrastructure. The poles will be slightly taller. NYSEG receives a rental fee from ExteNet and ExteNet receives a rental fee from Verizon. Verizon owns the fiber optic equipment. The poles can host several carriers. Verizon has come to ExteNet to improving their services.

Andrew Holbert read the department head comments.

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; however, we have the following comment:
 - The site plan should reference the required sidewalk improvements and any landscaping replacement.
- **NYS DOT:** The Region 9 Site Plan Review Committee has reviewed the case and has the following comments:
 - The installation of the unit located at 75 Riverside Drive in the Village of Johnson City will require the issuance of a PERM 32 Highway Work Permit for utility connections within the State right-of-way. The applicant may contact the NYSDOT Region 9 Permit Office at (607) 721-8082 or visit www.dot.ny.gov/permits for more information;
 - As part of the PERM 32 application, the applicant will be required to submit a plan for work zone traffic control.
- **Public Works & Water:** No concerns. Satisfied that the NYSDOT has commented on the pole that is in their right-of-way.
- **Police:** No compelling interest.
- **Fire Department:** No compelling interest.
- **Code Enforcement:** No compelling interest.
- **Planning Department:** The Planning Department recommends the Planning Board recommend to the ZBA approval of the special permit for the telecommunication facilities. Their installation will strengthen the telecommunications network with minimal impact. The Village Board of Trustees approved a Rights-of-Way Agreement on January 2, 2018. If the ZBA grants the special permit, the applicant shall appear before the Planning Board for site plan review.

A motion to recommend approval of the special permit for the telecommunication facilities was made by Mr. Slota and seconded by Mrs. Jacyna.

Motion Carried - Vote:

Yes – 4 (Holbert, Slota, Matyas, Jacyna) No – 0 Absent – 1 (Putman)

Local Law 2 – Alternate Planning and Zoning Board Members
Advisory opinion to the Village Board of Trustees

VILLAGE OF JOHNSON CITY
LOCAL LAW NO. 2 FOR THE YEAR 2018



A LOCAL LAW AMENDING ARTICLE 69 OF CHAPTER 300
OF THE VILLAGE CODE ENTITLED “REVIEW AND DECISIONMAKING BODIES”

Section 1. Section 300-69.2 of the Village Code shall be amended as follows:

§300-69.2 Planning Board.

- A. *Remains the same.*
- B. *Remains the same.*
- C. *Remains the same*

Insert new:

- D. In accordance with Subdivision 16 of Section 7-718 of Village Law, there shall be a maximum of two Alternate Planning Board members who shall be appointed by the Mayor subject to the approval by resolution of the Village Board for terms established by the Village Board. Alternate Planning Board members shall substitute for a Planning Board member or members in the event any such member is or members are unable to participate in a matter or application before the Planning Board where illness, absence or a conflict of interest would otherwise prevent five members of the Planning Board from considering any pending matter. The Chairperson of the Planning Board is authorized to designate an alternate Planning Board member for a member who is unable to participate in an application or matter before the Planning Board because of an illness, absence or conflict of interest. When so designated, an Alternate Planning Board member shall possess all of the powers and responsibilities of a member of the Planning Board.

Section 2. Section 300-69.3 of the Village Code shall be amended as follows:

§300-69.3 Zoning Board of Appeals.

- A. *Remains the same.*
- B. (1) and (2) *Remain the same.*

Insert new:

- (3) In accordance with Subdivision 11 of Section 7-712 of Village Law, there shall be a maximum of two alternate Zoning Board of Appeals members who shall be appointed by the Mayor subject to the approval by resolution of the Village Board for terms established by the Village Board. Alternate Zoning Board of Appeals members shall substitute for a Zoning Board of Appeals member or members in the event any such member is or members are unable to participate in a matter or application before the Zoning Board of Appeals where illness, absence or a conflict of interest would otherwise prevent five members of the Zoning Board of Appeals from considering any pending matter. The Chairperson of the Zoning Board of Appeals is authorized to designate an alternate Zoning Board of Appeals member for a member who is unable to participate in an application or matter before the Zoning Board of Appeals because of an illness, absence or conflict of interest. When so designated, an alternate Zoning Board of Appeals member shall possess all of the powers and responsibilities of a member of the Zoning Board of Appeals.



Section 3. Remainder

Except as hereinabove amended, the remainder of the Code of the Village of Johnson City shall remain in full force and effect.

Section 4. Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 5. Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Discussion: The alternate will make it easier, if you have vacation plan or health issue, you would have someone to take your place. The alternate would only come to that particular meeting. This way there should be a full board for every meeting. Alternate members should also be copied on all emails. The chairman would let the alternate know the day of the meeting or as early as he is able.

A motion to recommend to the Village Board approval of the adoption of Local Law No. 2 was made by Mrs. Jacyna and seconded by Mr. Slota.

Motion Carried - Vote:

Yes – 4 (Holbert, Slota, Matyas, Jacyna) No – 0 Absent – 1 (Putman)

ADJOURNMENT

The meeting was adjourned at 8:32pm.

Respectfully submitted,

Kim Cunningham
Planning Board Clerk

