

Minutes of a regular meeting of the
Johnson City Zoning Board of Appeals held on
March 9, 2015 at 7:30pm at
243 Main St., Johnson City, NY

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

Absent: Edward Mazanek, Vice Chairman
Charles Snedaker

Also Present: Diane Salva, Clerk to the Planning & Zoning Boards
Nathan VanWhy, Attorney for the Village
Daria Golazeski, Town of Union DCPW/C&O
Trustee Bruce King

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

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

Minutes – A motion to approve the minutes for the February 19, 2015 regular meetings was made by Dr. Holowinski and seconded by Mr. Sas. The motion carried with all those present voting in the affirmative.

Privilege of the Floor - None

Communications - None

Contingencies - None

OLD BUSINESS - None

NEW BUSINESS

All Saints Church, 475 Main Street
Public Hearing – Variances

All Saints Episcopal Church is proposing to have an LED sign replace 2 existing signs. The proposed sign is 4 feet by 8 feet with a 7 feet by 1 foot 3 inch base and a 9 inch high top for a total height of 6 feet. The property is zoned Urban Single Family (USF) with an Office Overlay.

Section 300-52.4, table 52-1 lists the permitted signs in an USF district. Religious Institutions are permitted a monument sign, 12 square feet in area, with a maximum height of 5 feet and externally illuminated. Section 300-52.3 R permits a notice bulletin board of 24 square feet for a Religious Institution.

Section 300-52.7 A 5 (c) lists the construction and design standards for an LED digital message sign.

(c) Digital messages:



[1] Digital messages or graphics are only permitted on monument style signs in the General Commercial Zoning District. Digital messages are prohibited on all other sign types and in all other zoning districts.

[2] The message shall change no more than once per day and shall consist of a single color.

[3] Digital message signs shall not be located within 500 feet of a residentially zoned property as measured along the street line on which the sign is located.

[4] The illumination from a digital message sign shall be controlled not to be visible from or cast light or shadows onto adjacent properties or cause unwanted glare in accordance with Article 55.

[5] The use of any digital messages on a site shall result in an overall reduction in the allotted sign area of 25%.

The proposed sign would require the following variances:

- Maximum height from 5 feet to 6 feet
- Maximum size 12 square feet to 19.2 square feet for the church name
- Digital message in an USF zoning district
- Digital message within 500 feet of residential zoned property-located in residential zone and properties on the corner of Second and Third Streets are zoned residential
- Single color sign - proposed multicolor sign
- Externally illuminated permitted-internal illumination proposed

Mr. Thomas Johnson and Mr. Donald Thorp were present on behalf of the applicant.

Mr. Sas explained that the Zoning Board had discussed whether they felt this application should be for an area variance or a use variance to allow the digital sign and they decided that the applicant would need a use variance.

Attorney VanWhy explained that the applicant should be given the opportunity to reapply for the required variances.

Chairman Rowlands explained the process.

A motion to consider the application as needing a use variance was made by Mr. Sas and seconded by Dr. Holowinski.

Motion Carried – Vote:

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

JMR Properties of Johnson City, 51 Allen Street
Public Hearing – Variances

JMB Properties of Johnson City has recently purchased 51 Allen Street. The property is located in an Urban Multifamily Zoning District. The property is currently used as a two family. They are proposing to convert the first floor two bedroom apartment into two one bedroom apartments making the building a three family. The Urban Multifamily Zoning District permits a three family (multiple dwelling).



Section 300-20.4, table 20-3 sets forth the dimensional requirements for a three family as follows:

- Minimum lot size-2,500 sq. ft. of lot area per dwelling
- Minimum lot width-25 feet per dwelling

Section 300-51.7 C (2) requires an access driveway width of 20 feet for 2 way traffic serving a residential dwelling of 3 or more units.

Section 300-54.3 C requires screening between multifamily parking, maneuvering and driveways and abutting one or two family dwellings. To the rear of 51 Allen Street are one and two family dwellings. The required buffer is 10 feet but if there is insufficient space to accommodate a ten-foot landscaped area, the Planning Board may allow screening to consist of a wall, fence, berm, hedge, or other plant materials or combinations thereof no less than five feet high.

Therefore, area variances are required for the following:

- Lot area from 7,500 sq. ft. to 5,640 sq. ft., a reduction of 1,860 sq. ft. or 24%
- Lot width from 75 feet to 47 feet, a reduction of 28 feet or 37%
- Access driveway width from 20ft to 12 feet, a reduction of 8 feet or 40%

Wade and Gretchen Kornet, the applicants, were present.

Chairman Rowlands opened the public hearing.

Mr. Kornet explained that they purchased the building a few months ago and have already remodeled the 2nd floor apartment. They brought the electric and plumbing up to today's code and put in a new heating system. They feel that with the new Binghamton University Pharmacy School coming to the Village that it is a super opportunity. The 1st floor of the building is a perfect layout for 2 units. In their experience there is a large demand locally for 1 bedroom units. The house currently has 4 bedrooms and will still have 4 bedrooms after they complete the renovations. They will eliminate a shed in the yard which will allow them to have 5 parking spaces on site.

Ms. Golazeski reviewed the variances being requested.

Dr. Holowinski asked if the Village had received any calls regarding the public. Zoning Board Clerk Salva stated that no there were not.

Chairman Rowlands asked if there are any other 3 family buildings in the area. Ms. Golazeski stated yes, immediately around it and in the surrounding area. She stated that there used to be a 7 family building near there but it was demolished and a single family was built in its place. The last time the neighborhood had a conversion was on Crocker Avenue approximately 25 years ago.

Chairman Rowlands asked if this would be student housing. Mr. Kornet stated that they specialize in student units but they are not exclusive.

Chairman Rowlands expressed concern about a large family moving into the unit. Ms. Golazeski explained that the Code establishes a standard bedroom size.



Chairman Rowlands asked if there was just one driveway. Mr. Kornet stated yes but they will make the backyard a parking lot.

Mr. Sas asked about snow removal. Mr. Kornet stated that they have someone who takes care of it. Ms. Golazeski explained that in a large storm they will have to haul the snow away.

Attorney Van Why reviewed the criteria for granting an area variance.

Attorney Van Why reviewed the SEQR form that was submitted. It is a type 2 action, therefore no further action is required.

Mr. Sas asked if the driveway was a shared driveway. Mr. Kornet stated that the driveways abut each other.

Chairman Rowlands closed the public hearing.

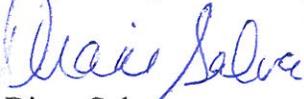
Dr. Holowinski stated that he could see a 2 bedroom being valuable.

The application was held over to the next meeting by Chairman Rowlands.

ADJOURNMENT

The meeting was adjourned at 8:02pm.

Respectfully submitted,



Diane Salva
Zoning Board Clerk

