

Present: Vernon Rowlands, Chairman
Edward Mazanek, Vice Chairman
Leonard Sas, Secretary
Charles Snedaker

Absent: Dr. Steve Holowinski

Also Present: Diane Salva, Clerk to the Planning & Zoning Boards
Jeff Jacobs, Attorney for the Village
Daria Golazeski, Town of Union DCPW/C&O

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 March 9, 2015 regular meetings was made by Mr. Sas and seconded by Mr. Snedaker. The motion carried with all those present voting in the affirmative.

Privilege of the Floor - None

Communications – A letter was received from the applicants for 51 Allen Street withdrawing their application.

Contingencies - None

OLD BUSINESS - None

NEW BUSINESS

Fraternal Order of Eagles Johnson City – 24 Willow Street
Use Variance for a digital message in a NC Zoning District
Use Variance for a scrolling sign
Area Variance for second wall sign

The Fraternal Order of Eagles, Johnson City, submitted a sign application for an LED sign on their club building at 24 Willow Street. Digital signs are not permitted in Neighborhood Commercial zoning districts, and therefore they have requested a use variance to allow a scrolling 40” by 15” LED message sign in a Neighborhood Commercial zoning district. There is an existing wall sign, and as only one wall sign is permitted, he is also requesting an area variance for a second wall sign.

The proposed sign would require the following variances:

- 1) Use Variance for a digital message in a Neighborhood Commercial Zoning district;
- 2) Use Variance for a scrolling sign; and
- 3) Area Variance for second wall sign

Mr. Leonard Briggs and Mr. Patrick Kilcer were present on behalf of the applicant.



Chairman Rowlands opened the public hearing.

Mr. Kilcer explained that the purpose of the Eagles Club is to benefit the community. They are requested the digital sign to help advertise their special events.

Mr. Sas asked what they used in the past to advertise their events. Mr. Kilcer explained that they have 2 other signs that are identification. This is a scrolling sign that will let people know of upcoming events. Mr. Briggs explained the Eagles raise approximately \$30,000/year in charity funds. Mr. Kilcer explained that the area in which the sign is proposed for is set back from the road and is across from a car lot. They would take the sign down after each event – it wouldn't be permanent. Mr. Briggs explained that they did not know they did anything wrong. They already purchased the sign. Mr. Kilcer stated that the sign does not flash.

Attorney Jacobs explained that the Board's struggle is that the law sets forth a burden hurdle so high that is almost impossible to meet and he reviewed the criteria for granting a use variance.

Chairman Rowlands asked why they had purchased the sign. Mr. Kilcer stated that it is small and portable.

Mr. Mazanek asked how many events do they hold each year. Mr. Briggs explained that 2/3 of all their events are charity events. Approximately 20 – 25 each year.

Mr. Mazanek asked what time of year the events are held. Mr. Briggs stated that they are more in the fall and winter.

Chairman Rowlands asked how long the Eagles have been in existence in the Village. Mr. Briggs stated since 1947.

Mr. Mazanek asked Ms. Golazeski about special event signs. Ms. Golazeski explained that they cannot be digital. They would need to be changeable letters, a sandwich board sign, etc. Mr. Kilcer stated that those kinds of signs would not be effective for them.

Mr. Snedaker asked Ms. Golazeski what dictates a digital sign. Ms. Golazeski explained that it is electronic, not solid letters. She also read the definition of LED.

Mr. Briggs asked if they could hang in inside the window of the club. Attorney Jacobs stated no.

Chairman Rowlands closed the public hearing.

SEQR

Attorney Jacobs explained that this is an uncoordinated review, a SEQR Short Environmental Assessment Form has been prepared and reviewed the form.

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 Mr. Mazanek and seconded by Mr. Sas 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 – 4 (*Mazanek, Snedaker, Sas, Rowlands*) **No** – 0 **Absent** – 1 (*Holowinski*)

Attorney Jacobs read the staff recommendations and comments.

239-Review Staff Recommendation

The Broome County Planning Department staff recommends denial of the use and area variances because they run contrary to the Village of Johnson City efforts to improve the local signage and to the purpose of the sign regulations to reduce visual clutter through the prevention of excessive sign displays. The Broome County Planning Department made no determination as to whether the applicant meets the four (4) tests of a use variance for LED Digital Message Sign per section 300-52.7 A 5 (c).

Planning Staff Recommendation

The Planning Department staff recommends that the Planning Board recommend:

- 1) that the Zoning Board of Appeals consider the four tests of a use variance;
- 2) denial of the use variance for a digital sign;
- 3) denial of the use variance for a scrolling sign, and
- 4) recommends denial of a second wall sign. If the JC Eagles want to advertise special events, Section 52.3.W permits limited signs to advertise such events on a limited basis. Planning staff recommends that the JC Eagles consult the Code Enforcement Officer for more information.

JC Planning Board: Recommends denial

Mr. Mazanek asked if the applicant had contacted the Code Enforcement Office about alternatives such as limited time usage signs for special events. Mr. Briggs and Mr. Kilcer stated they have not.

A motion to deny the use variance for a digital message sign in a NC Zoning District, deny the use variance for a scrolling sign and deny the area variance for a second wall sign, because the criteria for granting a variance was not met (they are not deprived of all economic use or benefit of the property, the hardship is not unique to this specific property, whether or not the sign will alter the character of the neighborhood, the hardship is self-created, protecting the character of the neighborhood) was made by Mr. Mazanek and seconded by Mr. Sas.

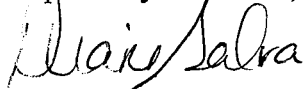
Motion Carried – Vote:

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

ADJOURNMENT

The meeting was adjourned at 8:06pm.

Respectfully submitted,



Diane Salva
Zoning Board Clerk

