

Present: Vernon Rowlands, Chairman
Dr. Steve Holowinski
Charles Snedaker

Absent: Edward Mazanek, Vice Chairman
Leonard Sas, Secretary

Also Present: Diane Salva, Clerk to the Planning & Zoning Boards
Nathan VanWhy, 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 June 8, 2015 regular meetings was made by Dr. Holowinski and seconded by Mr. Snedaker. 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

St. James Church – 131 Main Street

SEQR

Public Hearing – Variance

St. James Catholic Church, Johnson City, submitted a sign application for a new sign with masonry materials selected to closely resemble the architectural details of the church, and which will incorporate LED sign panels. The proposed sign will be in the same location as the existing old wood sign at 131 Main Street at the corner of Main Street and Lester Avenue. The proposed sign would require two area variances, both concerning the LED display. Digital signs are permitted in a General Commercial zoning district. The first variance is to allow for multiple colors to be displayed instead of only one color on the LED display. This is to allow for the display of logos and graphics used to announce church, school, and community events. The second requested variance is to allow the sign graphic to be changed a few times per day, versus one change daily as is permitted. The LED sign will improve the ability of St. James Church to display announcements and events.

The proposed sign would require the following variances:



- 1) Area Variance to permit a LED Sign to have more than one color in a General Commercial District;
- 2) Area Variance for a scrolling sign that will change a few times per day.

Michael Haas with Haas Landscape Architects and Christine Bracken, Business Manager for St. James Church were present on behalf of the applicant.

Chairman Rowlands opened the public hearing.

Mr. Haas gave an overview of the project.

Chairman Rowlands asked if the sign would be in full color and would the message be moving. Mr. Haas explained that the sign would not be scrolling. There will be logos on occasion and multiple messages based on the time of year. Fr. Donovan will be responsible for programming the messages. The sign will not distract commuters on the street.

Chairman Rowlands asked if the sign could go dark for a few seconds before displaying the next message. Mr. Haas stated that yes it could.

Maureen Johnson, Binghamton – asked if there could be a blank period between messages. Chairman Rowlands explained that this is what the Board had just discussed and yes there can be.

Chairman Rowlands explained that since the Broome County Planning Department recommend denial, there needs to be a super-majority vote of the board if they wish to override the County's recommendation. The Board does not have a super-majority this evening.

Chairman Rowlands explained that the public hearing will remain open until the next meeting. The Board will try to see if we can get a special meeting set before the next regular ZBA meeting.

Chairman Rowlands read the staff recommendations and department head comments comments.

239-Review Staff Recommendation

The Broome County Planning Department staff recommends denial of the sign as proposed because the requested area variance is inconsistent with the Village of Johnson City efforts to improve the local signage and reduce visual clutter through the adoption of new sign regulations. They also recommend that the Village ensure that the project does not conflict with the allowed hours of illumination.

NYS DOT had no comment on the area variance for the proposed sign. They did note that the sign owner should be aware that messages on the sign must conform with Part 150 "Advertising Signs Adjacent to the Interstate and Primary Highway Systems" of the highway Law.

Planning Staff Recommendation

The Planning Department staff recommends that the Planning Board recommend:



- 1) Approval of the area variance for an LED Sign with more than one color only for the display of logos and not for the text; and
- 2) Approval of the area variance for a scrolling sign to change a few times a day, but limited to no more than three times per day, as that appears to the maximum number of events per day on the Church's calendar of events.

Department Head Comments

Code: No comments at this time
Police: No compelling interest
DPW & Water: Zoning App and narrative address should be 131 Main Street.
JC Planning Board: Recommend approval of a variance to allow multiple colors for the sign display area. Recommend approval a variance to allow for an LED sign to change the message up to 3 times per hour.

This application was held over to the next meeting.

Oakdale Crossings – 157 Oakdale Road

Public Hearing – Variances

Crux Properties, LLC, has submitted a plan to construct a new 14,211 square foot 4-story mixed use building in the General Commercial zoning district located at 157 Oakdale Road. The building will feature two floors of commercial office space, one floor of residential apartments, and a penthouse apartment unit set back on the top roof level. As the property is wholly in the 100-year floodplain, the building will be set on piers, which also allows for ground level parking under the building. Due to the size of the building and to allow for an efficiently designed building parking lot two area variances requested are as follows:

1. An area variance to alter the minimum side setback on the south side of the property from twenty (20) feet to fifteen (15) feet to allow for the space necessary to so the parking lot will have adequately sized aisles.
2. An area variance to change the maximum building height from fifty (50) feet to (56) feet to accommodate the penthouse level apartment.

Michael Haas with Haas Landscape Architects, Gina Curcio, George Schambach and Gary Bush were present.

Chairman Rowlands opened the public hearing.

Mr. Haas gave an overview of the project. Chairman Rowlands asked how high the piers are. Mr. Haas stated they are 8ft. The building will have a green roof and solar panels. Mr. Haas explained how the stormwater will be managed on site. There will be pervious pavers in the parking lot and several basins to collect water. The center strip will be pervious asphalt. The applicants are applying for a state grant for green infrastructure. If they are successful, the state will pay for 90% of the green infrastructure.

Mr. Bush explained that since this will be a modular building, it can be built off site while the foundation work is being done. Attorney VanWhy asked if they will be applying for LEED Program Certification. Mr. Bush stated that no they are not.



Gary Dobransky, Nicholas Ave. – He plows the parking lot for the Empower Credit Union and stated that the credit union has a permanent easement to Oakdale Road on this property. Mr. Schambach explained that they are working with the credit union to rectify this and the credit union hopes to relinquish the easement to them.

Chairman Rowlands closed the public hearing.

Chairman Rowlands read the staff recommendations and the department head comments.

Planning Staff Recommendation:

The Planning Department staff recommends that the Planning Board recommend to the Zoning Board Appeals:

1. Approval of the side setback variance as proposed. In order to provide the required parking space dimensions and access aisle dimension of 24', the proposed building would be located such that the projecting balconies on the third floor extend by five feet into the southern side setback. Recommend approval of the five-foot side setback variance on the south side of the building with the recommendation that the balconies be enclosed with railing rather than solid walls in order to minimize the bulky appearance encroaching towards 153 Oakdale Road.
2. Approval of the height variance for the penthouse. The penthouse is located in the center of the building and should not have a significant visual impact on the neighboring properties.

DEPARTMENT HEAD COMMENTS:

Code Enforcement: The sign should not be approved as part of site plan as it appears to not comply with setback.

DPW & Water:

1. Short EAF, Part 1, 2. A SWPPP is also required.
2. There is no municipal storm drainage with Oakdale Road in the area of the site. The former trailer park was graded to flow to the storm drainage in Harry L. Drive, therefore the proposed on-site storm drainage design shall ensure that all on-site storm drainage is held on site.
3. The south entrance should be signed "enter only".
4. The north entrance/exit should be striped to indicate ingress and egress.
5. The proposed road side sign appears to be within the street boundary, if so, it must be located outside of the street boundary.
6. If there is not an existing sewer lateral to connect to, the Sewer Plant Flow Credit program shall be met.
7. A maintenance program shall be development and adhered to regarding the proposed pervious pavement.
8. Size and material of proposed fire service and domestic service is required and must enter the building at right angle to water main. The existing water service shown on the plan cannot be utilized.
9. Location of the water meter / mechanical room must be supplied to the Water Department, it must be on the east side of the building.
10. The flowing sections of the water code apply: No permits shall be granted until the department is supplied with detailed plan and engineers report for backflow device.
11. The following sections of Code apply:



§ 270-28. *Piping installation from main to curb stop and box; expense.*

The installation of all service piping from the water main to and including the curb stop and curb box shall be made by the Department at the expense of the owner of the premises served. Charges for services and meters are payable in advance and at rates established from time to time by the Department.

§ 270-29. *Services to be constructed at right angles to main.*

All water services shall be constructed at right angles to the main for their entire length into the premises.

§ 270-56. *Charge for private fire line. [Added 5-18-1991 by L.L. No. 4-1991]*

The following charges for private fire lines connected to sprinkler systems shall be payable annually for service in arrears:

ARTICLE VI, Fire Services

§ 270-74. *Submission of plans for fire services.*

Original installation plans and any later revisions which fully meet fire underwriter's requirements must be submitted to the Department.

§ 270-75. *Application required.*

An applicant will be required to sign an application form that will be furnished upon request.

§ 270-78. *Installation of detector check.*

In all instances of fire services over two (2) inches in size and of a distance greater than seventy-five (75) feet from the main to the premises, a detector check will be installed. No charge will be made for water used to extinguish accidental fires.

§ 270-79. *Installation of detector check bypass to handle leakage; damage caused from leakage.*

The owner must provide and install a detector check bypass or similar device acceptable to the Department which will suitably handle fire flows and leakage. Owners must pay for maintenance, leakage and any damage caused by leakage of the fire service.

JC Planning Board: Recommend approval of a variance to reduce the minimum required side setback from 20ft to 15ft in order for the parking lot to have adequate spaced aisles. Recommend approval of a variance to increase the maximum height for a building from 50ft. to 56ft.

A motion to approve a variance to increase the maximum allowable height for a building from 50ft to 56ft. including the department head comments was made by Dr. Holowinski and seconded by Mr. Snedaker.

Motion Carried – Vote:

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

A motion to approve a variance to reduce the minimum required side setback from 20ft. to 15ft. including the department head comments was made by Dr. Holowinski and seconded by Mr. Snedaker.

Motion Carried – Vote:

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



CAC Properties, LLC – 257 – 259 Floral Avenue

SEQR

Public Hearing – Variance

The Village Diner is located at 257-259 Floral Avenue in a Neighborhood Commercial Zoning District, and the use is a grandfathered use, normally permitted only by Special Permit. CAC Properties, LLC, the owner of the building which houses the Village Diner, has submitted an application to expand the diner into the adjacent space, a former hair salon. The building currently consists of three commercial spaces on the first floor and two apartments on the second floor. The proposed diner expansion would increase the seating capacity by 34 seats, and this requires an additional 17 parking spaces. There is currently space for only one handicapped accessible parking space on the property. The new required parking spaces cannot be placed on the parcel, and so an area variance for 17 parking spaces is requested. Currently, a minimum of 20 spaces are required. There are approximately 20 parking spaces on the municipal lot across the street, which cannot be counted to meet the parking required on site. If the variance is granted, a site plan review is required.

The Planning Board declared the project an Unlisted Action under SEQRA, and made a Negative Declaration on June 23, 2015.

Mr. Matt Smith, owner of the business and Mr. Ed Gent were present.

Chairman Rowlands opened the public hearing.

Mr. Gent reviewed the project.

Bill Parisot, Martin Ave. – Expressed his support for the variance. He has been going to a restaurant at that location for 47 years and has never seen a problem with the parking there.

An unidentified woman expressed her support for the variance.

SEQR

Attorney VanWhy explained that 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 Dr. Holowinski and seconded by Mr. Snedaker 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 (*Snedaker, Holowinski, Rowlands*) **No** – 0 **Absent** – 2 (*Mazanek, Sas*)

Chairman Rowlands closed the public hearing.

Chairman Rowlands read the staff recommendations and the department head comments.



DEPARTMENT HEAD COMMENTS:

The project was not subject to a 239-Review.

Code: Correct address. Should have 1 handicap space in rear, properly signed and paved. Large variance.
Police: No compelling interest
JC Planning Board: Recommend approval of a 10 space variance.

PLANNING STAFF RECOMMENDATIONS:

The Planning Department staff recommends that the Planning Board recommends denial of the area variance for seventeen parking spaces to the ZBA with the following recommendation:

- 1) The applicant removes some of the proposed seats from 257-259 Floral Avenue Diner expansion and revises the variance application to a more reasonable number of parking spaces. The seating in the diner at this time could be spaced apart more and provide a more open feeling to the dining area. Although there is street parking and limited municipal parking, the overall number of required parking spaces for the building places a burden on the immediately adjacent residential neighborhood.

A motion to approve a variance to reduce the minimum required number of off street parking spaces from 10 (ten) to 0 (zero) including the department head comments was made by Mr. Snedaker and seconded by Dr. Holowinski.

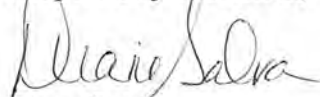
Motion Carried – Vote:

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

ADJOURNMENT

The meeting was adjourned at 8:20pm.

Respectfully submitted,



Diane Salva
Zoning Board Clerk

