

Minutes of a regular meeting of the  
Johnson City Zoning Board of Appeals held on  
April 11, 2016 at 7:30pm at  
243 Main St., Johnson City, NY

Present: Edward Mazanek, Chairman  
Leonard Sas, Vice Chairman  
Charles Snedaker, Secretary  
Vernon Rowlands  
Dr. Steve Holowinski

Absent: None

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

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

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

**MINUTES**

A motion to approve the minutes for the February 8, 2016 regular meeting was made by Mr. Sas and seconded by Mr. Rowlands. 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**

**SAXTON SIGN CORP. FOR MAVIS TIRE SUPPLY, LLC – 230 REYNOLDS ROAD  
SEQR REVIEW & PUBLIC HEARING FOR 2 AREA VARIANCES**

Saxton Sign Corporation has submitted an application on behalf of Mavis Tire Supply, LLC, to install one 64 square-foot pylon sign and one 72 square-foot illuminated wall sign at 230 Reynolds Road. The second wall sign of 72 square feet is located on the west elevation facing Reynolds Road. The property is zoned General Commercial and only one wall sign per business is permitted. In addition, a pylon sign is shown on the site plan and the sign plan has been submitted and accepted. Therefore, Saxton Sign Corporation is requesting an area variance as follows: 1.) Area variance for a second wall sign; and 2.) Area variance for a third sign on the lot, as only two signs per business are permitted.

Mr. Terry Meissner with Saxton Sign Corp. was present on behalf of the applicant.

Chairman Mazanek opened the public hearing.



Chairman Mazanek asked if the signs will be illuminated. Mr. Meissner explained that the sign will be internally illuminated.

Ms. Golazeski explained that the applicant has already obtained a sign permit for the pole sign and the wall sign to the south. The signs meet the overall requirements for size and percentage.

Mr. Rowlands asked about the pole sign direction. Mr. Meissner stated that it is north and south.

Chairman Mazanek closed the public hearing.

### **SEQR**

Attorney Jacobs 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 Mr. Sas 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** – 5 (*Snedaker, Holowinski, Sas, Rowlands, Mazanek*)    **No** – 0    **Absent** – 0

Chairman Mazanek read the department head comments and staff recommendations.

### **Department Head Comments & Staff Recommendations:**

- |                                  |   |
|----------------------------------|---|
| <b>Police:</b>                   | No compelling interest.   |
| <b>Fire:</b>                     | No compelling interest.   |
| <b>Code Enforcement:</b>         | Proposed sign meets other size and coverage requirements.   |
| <b>Public Works &amp; Water:</b> | No compelling interest.   |
| <b>Planning Staff:</b>           | The Planning Department staff recommends: 1) Approval of a second wall sign, to be located on the west elevation facing Reynolds Road; and 2.) Approval of a variance for a third sign for a single business. The front entrance to the building is perpendicular to Reynolds Road, although it faces into the plaza and towards north-bound traffic. The permitted wall sign faces into the plaza, mounted over the front entrance. The owners would like visibility from the Oakdale Mall across Reynolds Road for potential clients. |
| <b>JC Planning Board:</b>        | Recommend approval to the Zoning Board of Appeals for a second wall sign and a third business sign.   |

A motion to approve an area variance for a second wall sign and an area variance for a third business sign on the lot was made by Mr. Rowlands and seconded by Mr. Sas.

Motion Carried – Vote:

**Yes** – 5 (*Snedaker, Holowinski, Sas, Rowlands, Mazanek*)    **No** – 0    **Absent** – 0



**RAPP SIGNS, INC. FOR OAKDALE LRM, INC. – 569 HARRY L. DRIVE REAR**  
**SEQR REVIEW & PUBLIC HEARING FOR AN AREA VARIANCE**

Rapp Signs Inc. has submitted an application on behalf of Best Western to change the existing wall sign to the new corporate "Best Western Plus" sign at 569 Harry L Drive-rear. The property is zoned General Commercial and permits a wall sign of 80 square feet. Therefore, Rapp Signs, on behalf of Best Western, is requesting a variance to increase the size of the allowable wall sign to 218 square feet, 138 square-feet greater than permitted. The existing sign is 243 square feet, and the new sign would be 25 square-feet less than the existing sign. On behalf of Best Western, Rapp Signs Inc. is requesting an area variance to increase the size of the wall sign by 138 square feet greater than is permitted.

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

Chairman Mazanek opened the public hearing.

Mr. Doyle explained that the reason for the request is because Best Western is changing their logo. The new sign is larger than what is allowed but is still smaller than what is on the building now. The distance from the traffic light at Harry L. Drive and Reynolds Road is over 700 ft. to where the sign is on the building. It is their only means of identification. The people coming to the hotel are not familiar with the area. You need a 22 inch high letter to even be read from 500ft.

Mr. Rowlands asked about the size of the existing signs. Ms. Golazeski explained that the existing signs were conforming under the old code.

Mr. Snedaker asked about the illumination of the signs. Mr. Doyle stated that the signs will be internally illuminated with LED lighting.

Attorney Jacobs asked that, due to the footprint of the property, there are no other options for signage that would negate the need for the large variance? Mr. Doyle stated that no there are no other options. The property is land locked. Mr. Doyle also stated that the sign in the back that directs people to the conference center is being removed.

Chairman Mazanek closed the public hearing.

**SEQR**

Attorney Jacobs 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 Mr. Sas and seconded by Mr. Snedaker finding that the proposed action will not have a significant adverse environmental impact f authorizing the Chairman to sign the Negative Declaration.

Motion Carried – Vote:

**Yes** – 5 (*Snedaker, Holowinski, Sas, Rowlands, Mazanek*)    **No** – 0    **Absent** – 0

Chairman Mazanek read the department head comments and staff recommendations.



**Department Head Comments & Staff Recommendations:**

- BC Planning:** Did not identify any significant countywide or inter-community impacts associated with the project.
- Police:** No compelling interest.
- Fire:** No compelling interest.
- Code Enforcement:** Location of the building is over 350 feet back from Harry L. Drive. The proposed sign is slightly smaller than the existing sign.
- Public Works & Water:** No compelling interest.
- Planning Staff:** The Planning Department staff recommends, due to the large size of the property and distance from the adjacent roadways: 1.) At 218 square-feet, approval of the area variance for one wall sign to be 138 square feet greater than is permitted.
- JC Planning Board:** Recommend approval to the Zoning Board of Appeals for an area variance to increase the size of the wall sign by 138 square feet greater than is permitted including the department head comments and staff recommendations.

A motion to approve an area variance to increase the size of the wall sign by 138 square feet greater than is permitted was made by Mr. Snedaker and seconded by Dr. Holowinski.

Motion Carried – Vote:

**Yes** – 5 (*Snedaker, Holowinski, Sas, Rowlands, Mazanek*)    **No** – 0    **Absent** – 0

**CRUX PROPERTIES, LLC – 157 OAKDALE ROAD**  
**PUBLIC HEARING FOR AN AREA VARIANCE**

Crux Properties, LLC, has submitted a plan to construct a new 37,969 square foot 3-story General Commercial zoning district located at 157 Oakdale Road. The proposed building would feature three floors of commercial office space. As the property is in the Preliminary 100-year floodplain, the developer intends to set the building on piers, which also allows for ground level parking under the building. Due to the parking requirements based on the size of the building which is on a limited parcel area, a parking area variance is requested as follows: An area variance to reduce the required number of parking spaces from 190 to 140 spaces. The parking requirement is based on 5 spaces per 1,000 square feet, and all non-office space was excluded from the total of office space.

Mr. Michael Haas, Mr. George Schambach, Ms. Gina Curcio and Mr. Gary Bush were present on behalf of the application.

Chairman Mazanek opened the public hearing.

Mr. Haas explained that there has been a small change in the use of the building since the original approvals were given. The residential component of the project has been removed and the building will now be an entirely commercial building. It will be Class A office space.

Mr. Schambach explained that they are currently in talks with a potential tenant who would want to rent the entire building for their northeast regional headquarters. There would be 120



employees. The 1<sup>st</sup> and 2<sup>nd</sup> floors would be office space. The third floor would have 3 large offices for the president, vice president and comptroller and a fitness center for employees. They would expect that the most visitors they may have on any given day would be 20. The chances of all 120 employees in the building everyday are slim.

Mr. Haas stated that they feel that the Village's requirement of 5 spaces per 1,000 square feet for parking is unreasonable and described other communities and studies which use the ratio of 4 spaces per 1,000 square feet. This tenant would be a very long term lease. They are talking 10 – 20 years or longer. It is a well-established company.

Mr. Rowlands expressed his concerns with the request and asked about the office hours. Mr. Schambach stated that probably 80% of the workers will be approximately 9am – 5pm.

Mr. Sas asked if other scenarios for parking were considered. Mr. Schambach explained that they are talking to 2 neighboring properties who have agreed to negotiate leasing them parking spaces should the need arise.

Attorney Jacobs asked if the applicant had submitted a plan showing the fitness center on the 3<sup>rd</sup> floor. Mr. Schambach stated no, they just found out about it 1½ weeks ago. Attorney Jacobs stated that the use of the 3<sup>rd</sup> floor changes the dynamics.

Mr. Bush asked about the Board placing a limit on the occupancy. Attorney Jacobs explained that the Village looked into that but discovered that we are not able to do that. It is a function of the code.

Mr. Rowlands stated that previously they had showed an alternate plan with 146 spaces. This plan shows 140. What happened to the 6 spaces? Mr. Haas explained the structure of the columns for the building resulted in losing a couple of spaces. They also had eliminated an island in the parking lot. Mr. Sas asked if the 6 spaces could be added if they are needed. Mr. Haas said yes they could be.

Mr. Sas asked if the changes to the use matter. Ms. Golazeski stated that she just found out about the changes right now and there has been no time to review. The application is as it was presented.

Chairman Mazanek closed the public hearing.

Chairman Mazanek read the department head comments and staff recommendations.

**Department Head Comments & Staff Recommendations:**

<b>Code Enforcement:</b>	The variance represents a 26% reduction in required parking.
<b>Police:</b>	No compelling interest.
<b>Fire:</b>	No compelling interest
<b>Public Works &amp; Water:</b>	No new comments
<b>Planning Staff:</b>	The Planning Department staff recommends that the Planning Board recommend to the Zoning Board Appeals: 1.) denial of the area variance to reduce the required number of parking spaces by 50 spaces to 140 spaces. The former alternative site plan had provided 146 parking spaces for the formerly mixed use building



**JC Planning Board:**

which would have had alternating parking requirements between day and evening. The current site plan has reduced the available parking and increased the number of tenants who will require parking during the day. The current site plan will not provide adequate parking spaces for three floors of commercial tenants and there is no off street parking available to absorb the overflow. Recommend approval of the variance with the stipulation that a maximum occupancy be determined by the Code Enforcement Officer based on the NYS Building Code Requirements and the available parking.

Attorney Jacobs reviewed the criteria for granting an area variance.

Mr. Rowlands asked if the changes to the 3<sup>rd</sup> floor would change the Planning Board's recommendation. Attorney Jacobs stated that he did not want to speak for the Planning Board but he does not see anything that may change their recommendation in his opinion.

A motion to approve an area variance to reduce the required minimum number of off street parking spaces from 190 to 140 including the department head comments and planning staff recommendations was made by Mr. Rowlands and seconded by Mr. Snedaker.

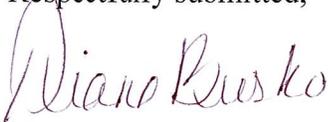
Motion Carried – Vote:

**Yes – 5** (*Snedaker, Holowinski, Sas, Rowlands, Mazanek*)    **No – 0**    **Absent – 0**

**ADJOURNMENT**

The meeting was adjourned at 8:16pm.

Respectfully submitted,



Diane Busko  
Zoning Board Clerk

