

Minutes of a regular meeting of the
Johnson City Zoning Board of Appeals
held on February 12, 2018 at 7:30pm
at 243 Main St., Johnson City, NY

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

Absent: None

Also Present: Kim Cunningham, Temporary Clerk to the Planning & Zoning Boards
Nathan VanWhy, Attorney for the Village
Daria Golazeski, Town of Union DCPW/C&O
Trustee Clark Giblein

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 of the November 13, 2017 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

Jax Signs-800 Valley Plaza Drive

Lead Agency & SEQRA

Public Hearing-Area Variance-sign

James Taber, Odell Ave, Endicott of JAX Signs was present on behalf of the application.

There were two peak signs where Edward Joy took over and one directory sign, it was overlooked and they did not end up getting a permit to put them up. They are looking for relief for putting up the second sign. If they had applied for a permit before putting them up, they would have been allowed.

SEQRA Chairman Mazanek opened the public hearing.



Chairman Mazanek explained that a SEQR Short Environmental Assessment Form ("Short EAF") 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. Rowlands 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 (*Holowinski, Sas, Rowlands, Mazanek*) **No** – 0 **Absent** – 0

Chairman Mazanek closed the public hearing.

Chairman Mazanek read the department head comments.

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 approve an area variance for an additional wall sign and a third business sign was made by Mr. Rowlands and seconded by Mr. Sas.

Motion Carried – Vote:

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

3i Graphics & Signs-Lourdes Orthopedics-240 Riverside Dr
Lead Agency & SEQR
Public Hearing – Area Variance Sign

Eric Olsen, Chenango Street, Binghamton of 3i Graphics & Signs was present on behalf of Lourdes Orthopedics replaced a sign without applying for a sign permit. They are applying for an area variance for a monument sign 3 feet higher and 12.6 square-feet larger than permitted.



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. Rowlands 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 (*Holowinski, Sas, Rowlands, Mazanek*) **No** – 0 **Absent** – 0

Chairman Mazanek opened the public hearing.

Chairman Mazanek closed the public hearing and read the Department Comments.

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 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 grant area variances for a monument sign 3 feet higher than permitted and an area variance for a monument sign 12.6 square feet larger than permitted and a strong recommendation for landscaping was made by Mr. Rowlands and seconded by Mr. Sas.

Motion Carried – Vote:

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



ExteNet Systems, Inc.
Lead Agency & SEQR
Public Hearing Tower Special Permit

Node 0036 near 250 Margaret Street
Node 0037 near 261 Burbank Avenue
Node 0039 near 72 Margaret Street
Node 0058 near 75-79 Riverside Drive

Richard Lambert was present on behalf of ExteNet. They are applying for a special permit to upgrade telecommunications at four locations. They will be installing 4 canister antennas with associated equipment on utility poles. Each of the 4 antennas will be able to host 4 multi-providers/carriers. A radio equipment box will be installed on the side of the telephone pole for transmission of broadband.

The board, having reviewed Part I and Part II of the SEQR Environmental Assessment Form ("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 Dr. Holowinski 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 (*Holowinski, Sas, Rowlands, Mazanek*) **No** – 0 **Absent** – 0

Chairman Mazanek opened the public hearing.

Debra Walker, Burbank Ave – She is concerned about the radiation and frequencies of the antennas being put up. She does not understand why the antenna is being put up in the Burbank area. She questions why it isn't placed at Wilson hospital. Ms. Walker asks where the wiring is for these antennas. She does not want the box by her house.

Mr. Lambert explains the power and radiation on these antennas does not change. The radio frequency is within compliance. A microwave oven has higher radiation potential than this antenna. Verizon saw a spike and picked the areas. The fiber will be aerial and will look like the rest of the wiring. They will be within the same pole line, with the existing structure. The FCC has given their criteria and they are well within their criteria for safety. Routers and Wi-Fi in people's houses are more dangerous.

Daria Golazeski explains that Wilson hospital already has an antenna in front of 9 Harrison Street. Sprint has antennas on the smokestack. There may be one near the mall and the flag pole near the highway is a cell tower.

Richard Boyle, Margaret St. – He questions whether this antenna increase the number of bars.

Mr. Lambert states the antenna will increase bars; it will increase capacity and coverage.

Chairman Mazanek closed the public hearing and read the Department 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 16, 2018. If the ZBA grants the special permit, the applicant shall appear before the Planning Board for site plan review.

A motion to approve request for special permit for telecommunications facilities at 75-79 Riverside Drive, 261 Burbank Ave, 72 Margaret Street and 25 Margaret Street and only those 4 locations was made by Mr. Sas and seconded by Dr. Holowinski.

Motion Carried – Vote:

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

ADJOURNMENT

Chairman Mazanek adjourned the meeting at 7:44pm.

Respectfully submitted,

Kim Cunningham

Kim Cunningham
Zoning Board Clerk

