

Minutes of a regular meeting of the
Johnson City Zoning Board of Appeals
held on April 9, 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, Clerk to the Planning & Zoning Boards
Nathan VanWhy, Attorney for the Village
Daria Golazeski, Town of Union

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 February 12, 2018 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

Nicholas Cordisco, Lott St, Endwell – Behind the property that runs from 317 Harry L. Dr. to the other side of 305, the car lot, whoever lives there is throwing trash over the fence, cut down trees between the two fences and left them there. Also, behind 301 there is an empty house, vagrants were living there and even a tarp was put up. Constantly people are throwing garbage over the fence on the car lot and properties. It has been going on for quite a few years.

Daria Golazeski of Town of Union responds it is hard to cite them without catching them in the act. To look at the house behind 301, we will need permission to go on his property. Mr. Cordisco gave the Town of Union permission to walk on his property and view the property.

Chairman Mazanek confirms Code will go and take a look at it.

COMMUNICATIONS - None

CONTINGENCIES - None

OLD BUSINESS - None

NEW BUSINESS

301-305 Harry L. Drive ***Public Hearing-Variance***

Chairman Mazanek explained that a Short Environmental Assessment Form ("Short EAF") has been prepared and reviewed the form.



The board, having reviewed 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 to approve the SEF with changes made.

Motion Carried – Vote:

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

Chairman Mazanek opened the public hearing.

Nicholas Cordisco asks why there is a picture of a building at 305 Harry L. Drive when there is not a building.

Attorney VanWhy explains in the initial site plan it was proposed to put a building in the back of the 305 lot.

Chairman Mazanek asks if there is an apartment on the property. Mr. Cordisco confirms there are two apartments and enough space back there to park 4 to 6 cars.

Mr. Knapp explains he is losing money because he is trying to go from 40 to 25 cars. He won't go bankrupt, but he will not make as much money.

Attorney VanWhy explains for a use variance there are 4 elements the property owner must show.

- 1 Hardship is not self-created. The property was originally allowed to have use and the Village rezoned making it a non-conforming use. This is not a self-created hardship.
- 2 If the variance granted would not alter the essential character of the neighborhood. This property been used as a car dealership for 20 plus years.
- 3 Property being affected by unique or highly uncommon circumstances. Are there similar properties in the area? Is this unique? Are there other car dealerships in this area with the same hardship?
- 4 Property itself is incapable of earning a reasonable return on the investment. The zoning code allows retain, restaurant, gas station, etc. The applicant needs to show they are incapable of earning money under one of the other uses. Is it a difficult property to develop or oddly shaped? The courts look for documentary evidence. Mr. Knapp indicated he would make less money if he is restricted to 25 cars. How much money does he make now? How much could he make if he is operating under an expanded use. Often a very thorough discussion and review that takes place when use variances are considered.

Chairman Mazanek and Daria Golazeski discuss the original variance for the use of property and spaces previously approved. 25 display spaces were approved plus the additional building space. Expansion of additional cars is going where the proposed building was going to be.



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 expansion of the number of vehicles for sale to 33. The parking lot area is insufficient to park the requested number of vehicles according to Code requirements, and to accommodate proper vehicular movement through the lot.

Public Works & Water Department: Recommend Denial. This denial is based on lack of sufficient space to meet Code requirements for parking lots.

Police: No compelling interest.

Fire Department: No compelling interest.

Code Enforcement: Lots should be combined. Corner visibility must be maintained. Access for customer parking must be maintained.

Planning Department: In a vote of 4 to 0, 1 absent, recommended the ZBA deny the expansion of a non-conforming use to 33 sale vehicles.

Mr. Holowinski states that with the original plan and lack of building structure, it looks like there is room for an additional 5 spaces.

Attorney VanWhy states that with this motion, he would ask that the board, with Dee's assistance in reviewing the proposed site plan, identify the three spaces Mr. Knapp would get rid of.

Motion to approve an increase in parking spaces from 25 to 30 spaces, taking into account there is now a larger area than originally set forth, and including the department head comments contingent upon Mr. Knapp filing a site plan with 30 parking spaces by Friday, April 13, 2018 was made by Mr. Holowinski and seconded by Mr. Rowlands.

Motion Carried – Vote:

Yes – 3 (*Holowinski, Sas, Mazanek*) **No** – 1 (*Rowlands*) **Absent** – 0

ADJOURNMENT

Chairman Mazanek adjourned the meeting at 7:56pm.

Respectfully submitted,

Kim Cunningham
Zoning Board Clerk

