

Minutes of a regular meeting of the
Johnson City Zoning Board of Appeals
held on July 9, 2018 at 7:30pm at
243 Main St., Johnson City, NY

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

Absent: Edward Mazanek, Chairman

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.

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

MINUTES – None

PRIVILEGE OF THE FLOOR – None

COMMUNICATIONS - None

CONTINGENCIES - None

OLD BUSINESS

30 Harrison Street

Public Hearing –Sign Variance - SEQRA

Kelly Jo Hunink with Robbins Sign Company appeared on behalf of 30 Harrison Street. We installed 2 wall signs in 2006 without a permit. We need a variance for the second wall sign.

Discussion between Ms. Hunink and Daria Golazeski regarding the Village of Johnson City Code.

Vice Chairman Sas read the department head comments.

DEPARTMENT HEAD COMMENTS:

239-Review and Department Head Comments:

Broome County Planning: The Planning Department has reviewed the above-cited case and has not identified any significant countywide of inter-community impacts.

NYS DOT: No comments.

Public Works & Water: No compelling interest.

Police: No compelling interest.



Fire Department: No compelling interest.

Code Enforcement: Wall sign would have been legal under code prior to 2011.

Planning Staff Recommendation: The Planning Department staff recommends that the Planning Board recommend approval of the area variance for a second wall sign. The property has frontage on two streets, and the two wall signs face different streets.

The board, having reviewed Part I and Part II of the SEQR Short Environmental Assessment Form ("Short EAF") has determined 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 Dr. Holowinski to approve the SEQRA and authorize the Vice Chairman to sign the Negative Declaration.

Motion Carried – Vote:

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

Vice Chairman Sas closed the public hearing

A motion to approve the area variance for the second wall sign at 30 Harrison Street including Department Head Comments was made by Mr. Rowlands and seconded by Dr. Holowinski.

Motion Carried – Vote:

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

35 Hudson Street

Public Hearing – Sign Variance- SEQRA

Kelly Jo Hunink with Robbins Sign Company appeared on behalf of 35 Hudson Street. We need a variance for the sign being installed on an awning portion of a canopy portion of a sign at the Heart and Vascular Center. It is for a variance of the full 58 sq. ft. of the sign to be allowed because the canopy structure itself does not have frontage so she needs a variance for the canopy.

Discussion between Attorney VanWhy, Ms. Hunink and Daria Golazeski regarding the canopy sign and coverage of the canopy.

Vice Chairman Sas read the department head comments.

DEPARTMENT HEAD COMMENTS:

239-Review and 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.

NYS DOT: The Region 9 Site Plan Review Committee has no comments on this proposal at this time.

Public Works & Water: No compelling interest.

Police: No compelling interest.



Fire Department: No compelling interest.

Code Enforcement: No issues with the sign.

Planning Staff Recommendation: The Planning Department staff recommends that the Planning Board recommend approval of the area variance for the sign, pending a submitted proposal from the property owner with steps describing how future signage will not be installed prior to the issuance of a sign permit.

A letter from Richard Keehle, Jr. at UHS sent a letter to Marina Lane, Senior Planner regarding future issuance of sign permits.

The board, having reviewed Part I and Part II of the SEQR Short Environmental Assessment Form ("Short EAF") has determined 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 Dr. Holowinski to approve the SEQRA and authorize the Vice Chairman to sign the Negative Declaration.

Motion Carried – Vote:

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

Vice Chairman Sas closed the public hearing

A motion to approve the area variance for the sign at 35 Hudson Street including Department Head Comments was made by Mr. Rowlands and seconded by Dr. Holowinski.

Motion Carried – Vote:

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

NEW BUSINESS

2 Gannett Drive

Public Hearing –Sign Variances- SEQRA

Vice Chairman Sas opened the public hearing.

Leticia Martinez of Harrison, French & Associates appeared on behalf of the application. Walmart is proposing to increase the number of wall signs allowed to 2 (add Pick-up) and permit wall signs larger than 80 square feet, one at 299.04 square feet (Walmart) and another at 94.9 square feet (Home and Pharmacy). The wall signs proposed are for “Home and Pharmacy” and “Pickup”.

Discussion between Ms. Martinez, Daria Golazeski, Attorney VanWhy, Mr. Rowlands and Vice Chairman Sas regarding the variances.

Vice Chairman Sas read the department head comments.

DEPARTMENT HEAD COMMENTS:

239-Review and 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.

NYS DOT: The Region 9 Site Plan Review Committee has no comments on this proposal at this time.

Public Works & Water: No compelling interest.

Police: No compelling interest.

Fire Department: No compelling interest.

Code Enforcement: No concerns about the proposed signage. The signs are appropriately sized with respect to the size of the building and its distance from the road.

Planning Staff Recommendation: The Planning Department staff recommends that the Planning Board recommend approval of the area variances for the new signs, in agreement with the Code Enforcement Officer's opinion.

The board, having reviewed Part I and Part II of the SEQR Short Environmental Assessment Form ("Short EAF") has determined 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 Dr. Holowinski to approve the SEQRA and authorize the Vice Chairman to sign the Negative Declaration.

Motion Carried – Vote:

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

Vice Chairman Sas closed the public hearing

A motion to grant the area variance on the existing Walmart sign to 299.04 square feet and grant the variance on the second wall sign for Ppickup for 65.43 square-feet including department head comments was made by Mr. Rowlands and seconded by Mr. Sas.

Motion Carried – Vote:

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

A motion to grant the area variance for the Home and pPharmacy sign at 94.90 square feet was made by Mr. Rowlands and seconded by Mr. Sas.

Motion Carried – Vote:

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

1 Chrisfield Avenue

Public Hearing –Sign Variances- SEQRA

Connor Foran with TJ Sign Solutions and Pastor John Snyder appeared on behalf of the application.

We have applied for three variances for three different signs and we would like to withdraw the roof sign that was brought before the Planning Board. They put a sign up in a rush because they had less



than one month before grand opening. They stopped signage after speaking with Daria Golazeski. They are now familiar with the procedures in the Village of Johnson City.

Discussion between the Zoning Board members and Mr. Foran regarding the signs, church use and effect on the neighborhood.

Vice Chairman Sas read the Department Head Comments.

239-Review and Department Head Comments:

Broome County Planning: PENDING - 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: The Region 9 Site Plan Review Committee has no comments on this proposal, as the signs do not encroach on the State right-of-way, are considered “on-premise” signs, and are not visible from a controlled route or Interstate. Therefore, all decisions on further controls relating to size and number of signs are under the Village’s jurisdiction.

Public Works & Water: No compelling interest.

Police: No compelling interest.

Fire Department: No compelling interest.

Code Enforcement: There is no justification the use variance for a roof sign.

Planning Staff Recommendation: The Planning Department staff recommends that the Planning Board recommend:

- 1) approval of an area variance for a monument sign 29.14 square feet greater than permitted;
- 2) approval of an area variance for an internally illuminated monument sign;
- 3) approval of an area variance for the height of a monument sign 4.3 feet greater than permitted;
- 4) denial of an area variance for an increase in the number of signs from 2 to 3;
- 5) denial an area variance for a wall sign 50.13 square feet greater than permitted; and
- 6) denial of a use variance to allow a roof sign of 50.7 square feet.

The monument sign, improperly erected, is large enough that the proposed wall sign exceeding the area regulations by 50.13 square feet seems excessive.

The proposed roof sign does not enhance the purpose of signage, and cannot meet the self-created hardship test for a use variance.

The board, having reviewed Part I and Part II of the SEQRA Short Environmental Assessment Form ("Short EAF") has determined 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 Dr. Holowinski to approve the SEQRA and authorize the Vice Chairman to sign the Negative Declaration.

Motion Carried – Vote:

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



Vice Chairman states that based on the Broome County position recommending denial this Board cannot act without the presence of a super majority. Regardless of further discussion, this needs to be held over for a future meeting.

Vice Chairman Sas opened the public hearing
Scott Sherman, Riverside Dr – questions the location of the two signs and the illumination.

Mr. Foran confirms the location of the monument signs and the wall sign.

Amy Parker, Eldredge Ave – Johnson City has a wonderful culture of churches. This is a unique setting. She does not understand why this church needs more signs. Safety concerns with the plaquards that were placed on the sidewalks and the distraction to drivers. Beautiful neighborhood and doesn't see this type of signage enhancing the neighborhood.

Mr. Foran confirmed the banners and plaquards have been taken down. He showed Ms. Parker the design of the sign.

Based on Broome County position and based on lack of super majority, this public hearing will be adjourned and continued on August 13, 2018 at 7:30pm

A motion to adjourn the meeting was made by Mr. Holowinski and seconded by Mr. Rowlands.

ADJOURNMENT

Chairman Mazanek adjourned the meeting at 8:29pm.

Respectfully submitted,

Kim Cunningham
Zoning Board Clerk

