

Minutes of a regular meeting of the
Johnson City Zoning Board of Appeals
held on November 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

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 7:31pm & noted the emergency exits.

MINUTES

A motion to approve the minutes of the September 10, 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

COMMUNICATIONS - None

CONTINGENCIES - None

OLD BUSINESS - None

NEW BUSINESS

135-139 Baldwin Street

SEQRA Public Hearing – Request Area Variance to increase time for temporary windblown banners from 10 days to March 30, 2019.

Attorney Sarah Campbell and Michelle, Site Manager, appeared on behalf of the application requesting an area variance to increase the time for the temporary windblown banners from 10 days to March 30, 2019. Instead of the original eight on both Baldwin Street and Willow Street, they are asking permission to put up four windblown banners on both Willow and Baldwin Streets. They are not permanent. Their dimensions are 11 x 3 x 5. They do not have a lot of visibility and there is no visibility on the public highway. The flag signs are effective, they speak more to people driving by. Once the apartments are fully rented or 95% rented, the signs will come down.

Attorney Nathan VanWhy recused himself because of conflict of interest.



Attorney Campbell confirms they are for marketing. The Site Manager adds that additional marketing they have for this property are website, advertisements in the newspaper, on Facebook, on Craigslist and through the Broome County Office for the Aging.

Chairman Mazanek opened the public hearing.

Discussion between Zoning Board, Attorney Campbell and Site Manager:

- Attorney Campbell discussed theft and vandalism.
- Mr. Sas is concerned the Baldwin Street side being 8-10 feet deep, too narrow an area for the signs. If one goes over, it will be on the sidewalk or into the street.
 - Attorney Campbell explained if there is a problem with a sign, the live-in superintendent will make a quick call to resolve the issue. The Site Manager is on call 24/7.
- Dr. Holowinski questioned whether there is parking by the flags
 - Daria Golazeski and Attorney Campbell confirmed there is no parking by the signs.
- Dr. Holowinski stated they are trying to increase the time from 10 days to 150 days and has concerns about lighting. Does Town of Union have the same restriction?
 - Daria Golazeski confirmed Town of Union and Village of Endicott are similar to the Village of Johnson City and is unsure about the City of Binghamton regulations.
- Chairman Mazanek is concerned about the signs being a tripping hazard.
- Attorney Campbell explained there are three messages, Now Leasing, Open House, and Now Available. The developer owns twenty properties and they say marketing with the banners is successful in attracting people.
- Mr. Rowlands questioned what type of residents are they trying to attract with the signs?
 - Attorney Campbell responded anyone that is qualified.
 - The Site Manager added if you are a full-time student you are not eligible under the tax credit.
 - Minimum income for one person is \$25,000
 - Maximum income is \$41,000
 - Working class people will qualify

Chairman Mazanek closed the public hearing and read the department head comments.

DEPARTMENT HEAD COMMENTS:

The following are comments received that are relevant to the traffic, parking and/or the parking space variance.

Code Enforcement: 135-139 Baldwin wants a variance for 8 windblown banners until March 2019. Code does not permit them past 10 days. Questions how a variance that runs with the land can be temporary. Eight banners seems excessive. Banners should not overhang sidewalk when fully extended. Recommends an attractive, permanent sign.



Public Works/Water Dept: If the banners are blown over, knocked down or otherwise damaged by weather they should be removed within 24 hours.

Fire Dept: No Compelling Interest

Police Department: No Compelling Interest

Broome County Planning: The Village of Johnson City should ensure that the banner signs would not block views, create line of sight impacts, encroach on sidewalks or public right-of-ways, or come unanchored in a strong wind or storm and create a vehicle or pedestrian traffic safety hazard.

NYS DOT: The Region 9 Site Plan Review Committee has no comments, as this site is located well away from the State right-of-way and will have no transportation impacts.

Planning Board Staff: Recommends the ZBA deny the area variance to allow windblown (banner) flags in place through March, 2019, by a Vote of 4-1. Approving semi-permanent windblown signs would set an undesirable precedent for other businesses to have windblown signs. Recommend signage that meets code, such as a pylon or monument sign.

Dr. Holowinski is concerned about the length of time and precedent going forward, not the number of banners.

A motion for denial of the area variance to allow windblown flags in place through March 2019 including the Department Head Comments was made by Dr. Holowinski and seconded by Mr. Sas.

Motion Carried – Vote:

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

Discussion regarding modification of the petition to 10 days a month until March 2019.

Jax Signs – 68 N. Broad Street

SEQRA

Public Hearing - Use Variance – Use variance to have an internally lit projecting sign

Chairman Mazanek opened the public hearing.

Jim Taber of Endicott appeared on behalf of Jax Signs.

The sign is a 4x4 round double-sided internally illuminated sign to go between the windows on the 2nd floor of the building perpendicular to the wall. That is the only sign they want and they will take every other sign down that there. Mr. Taber explained a projecting sign is perpendicular to the wall, it is not flat on the wall.



Dee confirmed Zopp's had the same type of sign permitted under the multi-family zoning district. It is a more popular sign in the downtown setting. A monument sign would obstruct their parking. Mr. Taber stated they know there is only one sign allowed.

Attorney VanWhy stated, if the Board approves, they should make a condition that this is the only projecting sign.

Dee states that the sign has to be off when the business is not in operation.

Chairman Mazanek read the Department Head Comments and reviewed Parts I and II of the EAF

Broome County Planning: Does not make any determination or recommendation regarding the four tests of a use variance. They recommend the ZBA should ensure that the project would not run contrary to the Village of Johnson City's efforts to improve the local signage and to the purpose of the sign regulations to reduce visual clutter through the prevention of excessive sign displays and to protect the physical appearance of the community.

Public Works & Water: Sign shall be illuminated only during business hours.

Police: No comments.

Fire Department: No comments.

Code Enforcement: The sign shall be turned off once the bar closes.

Planning Board Staff: Recommends approval of the projecting sign, by a vote of 5-0. Although the proposed projecting sign does not meet the self-created hardship test for a use variance, the current business has three wall signs, whereas the projecting sign would eliminate the need for multiple signs. Recommends that the illumination be turned off when the business closes, in compliance with Section 300-52.7C. Illumination.

1) Light sources shall be shielded to avoid glare/light pollution beyond property lines and to prevent disturbance to motorists;

2) No illuminated sign located on a lot adjacent to or across the street from any residential district, zone or use shall be illuminated between the hours of 11:00 p.m. and 7:00 a.m., unless the use to which the sign pertains is open for business during those hours.

Discussion with Daria Golazeski and the Zoning Board regarding self-created need. Would it be detrimental if they don't have the sign? Planning Board recommends approval of the sign. Prior to this purchase, were projecting signs allowed? In 2011, Manleys' signs were grandfathered in. Prior to 2011 a projecting sign was an allowed sign in this district.

Chairman Mazanek closed the public hearing.

A motion to make a negative declaration was made by Mr. Sas and seconded by Mr. Rowlands.

Motion Carried – Vote:

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



A motion to approve the use variance and area variance for the proposed sign on 68 N. Broad Street including the Department Head Comments was made by Mr. Rowlands 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 8:18pm.

Respectfully submitted,

Kim Cunningham
Zoning Board Clerk

