

Minutes of a regular meeting of the Johnson City  
Zoning Board of Appeals held on July 8, 2019  
at 7:30pm at 243 Main St., Johnson City, NY

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

Also Present: Nathan VanWhy, Attorney for the Village  
Daria Golazeski, Town of Union  
Trustee Martin Meaney  
Trustee John Walker

Absent: None

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 May 13, 2019 regular meeting was made by Mr. Sas and seconded by Dr. Holowinski. 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**

**14 – 18 N. Broad Street**

Public Hearing

Side setback variance of 3' to have a 12' setback from property line

Front setback variance of 5' to have a 15' front setback

Maximum building footprint variance of 4,000 sq ft to have a footprint of 12,000 sq ft

Mr. Mazanek opened the public hearing.

Mr. Mazanek read the Variance Request.



## **Variance Request:**

Dan Whelan submitted an application on behalf of Helping Celebrate Abilities (HCA) for a 3,726 square-foot addition to an existing building with educational, clinical and accessory office uses at 14-18 Broad Street. The project is in a Neighborhood Commercial zoning district and the uses are permitted. Because the addition is less than 4,000 square-feet, the NYS DEC has determined that the project is a Type II action, and no further review under SEQRA is required.

The proposed addition would increase the building footprint to 12,000 square-feet, and a maximum of 8,000 is permitted. In addition, the addition is within the fifteen-foot side setback and twenty-foot front setback required in a Neighborhood Commercial zoning district.

The applicant is seeking the following area variances:

- A. Side setback variance of 3-feet to have a twelve-foot side setback,
- B. Front setback variance of 5-feet to have a 15-foot front setback, and
- C. Maximum building footprint variance of 4,000 square-feet to have a footprint of 12,000 square-feet.

Dan Whalen appeared on behalf of the IBI Group, architect for HCA. They are adding two new pre-school daycare classrooms along with two other support spaces.

Tom Poliziano of Arch Street, spoke and stated his property is adjacent to HCA fully supports the project.

Chairman Mazanek read the 239-Review and Department Head Comments.

## **239-Review and Department Head Comments:**

- **Broome County Planning:** The Broome County Planning department has not identified any significant or countywide or inter-community impacts associated with the proposed project.
- **Public Works & Water:** This proposed addition appears to be located in the same area that a storm water retention/infiltration system was installed in August 2017 that disconnected the buildings' roof drainage from the sanitary sewer system. How will this be addressed? Also, since the proposed addition impacts the existing parking lot would they be required to restripe the remaining lot to meet current ADA spacing?
- **Code Enforcement:** No problems with the proposed project
- **Police:** No compelling interest
- **Fire Department:** Pending.
- **Planning Staff Recommendations:**

The Planning Department staff recommends approval of the variances, contingent on the submittal of a new drainage plan. Approval of such drainage plan will be required prior to final site plan review, which is contingent on the variances being granted by the ZBA.

The buildings to the immediate north of the proposed addition are between 10 to 11-feet from the property line, so the addition would not be out of character at 15-feet from the front property



line. The house which was previously on this property was approximately 7 to 8-feet from the front property line.

Also, that house was approximately 6.5-feet from the property line to the north, which is less than the proposed 12-foot side setback.

Finally, at the proposed 12,000 square-foot footprint, the total building would cover only 27.5% of the 1-acre property. In Neighborhood Commercial zoning districts, maximum building coverage is restricted to 50% of a lot.

Mr. Mazanek closed the public hearing.

A motion to grant side setback variance of 3-feet to have a twelve-foot side setback for 14-18 N. Broad Street was made by Mr. Rowlands and seconded by Mr. Slota.

Motion Carried – Vote:

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

A motion to grant front setback variance of 5-feet to have a 15-foot front setback for 14-18 N. Broad Street was made by Mr. Rowlands and seconded by Mr. Slota.

Motion Carried – Vote:

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

A motion to grant maximum building footprint variance of 4,000 square-feet to have a footprint of 12,000 square-feet for 14-18 N. Broad Street was made by Mr. Rowlands and seconded by Mr. Slota.

Motion Carried – Vote:

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

## **ADJOURNMENT**

A motion to adjourn the Zoning Board meeting was made by Mr. Sas and seconded by Dr. Holowinski. The motion passed with all those present voting in the affirmative.

The meeting was adjourned at 7:39pm.

Respectfully submitted,

Kim Cunningham  
Zoning Board Clerk

