City of Johnstown

Meeting: Zoning Board of Appeals
Date: Thursday, September 17, 2026
Time: 3:45 p.m.
Location: Conference Room, City Hall

Meetings are broadcast using Facebook Live. The public is able to view the meeting from the official City of Johnstown Facebook page: City of Johnstown, New York

The proceedings of meetings are taped for the benefit of the City Clerk; the minutes are not a verbatim record of the proceedings; therefore, the minutes are not a word-for-word transcript.

Zoning Board of Appeals Meeting Minutes

- **CALL MEETING TO ORDER**

- **MEMBERS IN ATTENDANCE**

		PRESENT	ABSENT / EXCUSED	LATE
Robert Gallt	Board Member	X		
Judy Swatt	Board Member	X		
Rocco Semprivio	Board Member	X		
Robert Salamack	Board Member	X		
Michael M. Albanese	City Attorney		Absent	
Jim McCredie	Code Enforcement	X		
Shawn Humphrey	Code Enforcement	X		
Carrie M. Allen	City Clerk	X		

- APPROVE MINUTES

Meeting – July 16, 2026
Action Taken

Motion:	Board Member	Salamack	Ayes:	4	Absent:	0
Seconded:	Board Member	Swatt	Noes:	0	Abstain:	0

- ITEMS FOR REVIEW

1. Eagle Property Management

The application involved a proposed convenience-store use. The Board reviewed the submitted plans and discussed the proposed use in relation to the applicable zoning requirements.

Particular discussion centered on parking. Board members noted that the proposed use did not appear to provide the parking necessary to satisfy the applicable zoning requirements. The Board discussed the limited availability of parking in the surrounding neighborhood and the potential effect of additional commercial activity on existing parking conditions.

The Board also discussed the surrounding neighborhood and the fact that other nearby commercial establishments provide parking for their customers. Members considered whether the proposed use could qualify for relief under the applicable zoning provisions based upon the submitted plans.

After reviewing the application, the Board determined that the proposal, as submitted, did not comply with the applicable zoning requirements, particularly with respect to parking and proposed use. Code Enforcer read the definition as to a Neighborhood Store.

Action Taken

A motion was made to deny the requested use variance. The Board cited the following factors in support of its determination:

- Insufficient evidence of hardship to justify a use variance. There are others stores in the area.
- Insufficient parking for the proposed use.
- Potential adverse impact on the surrounding residential neighborhood.
- Business does not meet zoning definition of a neighborhood store.

Motion:	Board Member	Gallt	Ayes:	4	Absent:	0
Seconded:	Board Member	Salamack	Noes:	0	Abstain:	0

2. E&J Jerome Service

Proposed addition of used vehicle sales to the existing automotive repair business located on North Perry Street.

The applicant appeared before the Board and explained the proposed operation. The applicant stated that the business currently performs automotive repairs and operates an inspection station for automobiles, motorcycles, and trailers. The applicant explained that the proposed vehicle sales operation would be intended to complement the existing repair business and would focus on selling a limited number of used vehicles.

The applicant described his intention to maintain the property and business in a clean and orderly manner. He discussed his experience in automotive repair and stated that he intended to provide an extended warranty on vehicles sold through the business.

The Board discussed the number of vehicles that would be maintained on the property. He stated that the proposed sales operation would be limited in size and that approximately five vehicles would be located inside the fenced area, with additional vehicles accommodated as permitted by the property and applicable requirements.

The applicant also discussed vehicle transportation and stated that he had measured the property to ensure that vehicle delivery and transport could be accommodated without creating traffic problems.

The Board discussed the zoning classification of the property and the distinction between the existing repair operation and the proposed vehicle sales use. It was noted that the existing repair operation is a pre-existing nonconforming use, while the proposed sale of vehicles constitutes a change in use.

The Board also discussed parking, the number of vehicles that could be maintained on the property, and concerns that had previously been raised regarding vehicles stored at the location. The applicant explained that many of the vehicles currently present are customer vehicles associated with the repair business and that he has worked to comply with City requirements concerning vehicles on the property.

The applicant also inquired about the vacant property adjoining the business. He was advised that the property had previously been offered for sale by the City without receiving a bid and that a written offer could be submitted to the appropriate City office if he wished to pursue the property.

Action Taken

A motion was made to approve the requested use variance. Noting for the used car business, that 5 vehicles would be allowed outside of fenced area, and 5 vehicles inside fenced area.

Motion:	Board Member	Semprivio	Ayes:	4	Absent:	0
Seconded:	Board Member	Salamack	Noes:	0	Abstain:	0

3. Nova Johnson General Const.

Proposed conversion of 22 South Market Street from commercial use to residential apartments.

The Board reviewed the submitted plans and discussed the proposal to convert the first-floor commercial space into two residential apartments. It was discussed that the property consists of two separate apartments with a common firewall.

The Board reviewed the approximate size and configuration of the proposed apartments. The plans indicated approximately one-bedroom apartments, with each apartment providing approximately 500 square feet of space.

Board members reviewed the available off-street parking and the amount of parking required for the proposed residential use. The Board also discussed the availability of on-street parking in the surrounding area.

The Board discussed the proposed entrances and the configuration of the apartments. Members considered whether the submitted plans adequately demonstrated appropriate access and egress for each apartment.

Fire-safety and building-code concerns were also discussed, including the separation between units, required fire ratings, emergency egress, and other requirements that could apply when converting the existing space into multiple residential units.

The Board noted that additional details would need to be addressed through the applicable building and code review process. The discussion also included the importance of ensuring that any future construction or alterations comply with the City's requirements.

Codes indicated that the applicant has developed a good relationship with the department and has been in compliance with everything asked of him.

Action Taken

A motion was made to approved the requested use variance.

Motion:	Board Member	Swatt	Ayes:	4	Absent:	0
Seconded:	Board Member	Salamack	Noes:	0	Abstain:	0

4. James VanDeusen

Proposed extension of a roof/carport structure associated with the existing garage.

The proposed extension would encroach into the required setback along the property line. The Board understood the request to be for a one-foot variance; however, members noted that the actual location of the proposed structure, including the supporting posts and roof overhang, could result in a greater encroachment than the one-foot variance requested.

The Board reviewed the submitted drawing and discussed the applicant's stated measurements. The application indicated approximately 15 feet between the existing building and the property line. Board members questioned whether the actual distance at the proposed location was in fact 15 feet and noted that the applicant was not present at the meeting to answer questions concerning the measurements.

The Board also discussed the proposed width of the structure and the amount of clearance that would remain between the existing building, the proposed supporting posts, and the property line. Members noted that the requested clearance inside the posts did not necessarily represent the actual distance from the property line once the posts and roof overhang were taken into consideration.

Water drainage was identified as an additional concern. The Board discussed the potential for water from the proposed roof structure to drain toward the adjoining property or into the surrounding neighborhood.

The Board also discussed the existing ground conditions at the proposed location. The application indicated an existing hard-packed surface approximately 16 to 18 inches deep. The applicant also indicated that an existing concrete pad was approximately four inches thick and had been installed to assist with the proposed six-by-six pressure-treated supports.

Building and construction concerns were discussed regarding the installation of the proposed supports and the ability to construct the structure properly given the existing site conditions. The Board noted that these matters could be addressed during the building-permit and construction process.

The Board further discussed the five-foot setback requirement and noted that the five-foot separation is associated with fire-safety considerations. Members also questioned whether the adjoining property owner had been notified, as the adjoining property could be directly affected by the proposed encroachment.

The Board discussed whether the proposed structure could be reduced in size. Members acknowledged that reducing the structure could affect the intended use and vehicle clearance.

After further review, the Board discussed granting the requested relief with the understanding that the actual placement of the structure would have to be verified. The Board indicated that the variance would apply to the end of the proposed structure, including the roof overhang, and that the applicant would need to understand that the approved setback relief did not automatically establish the desired interior clearance.

The Board further determined that the City would need to verify the measurements in the field before construction to ensure that the structure complies with the approved variance and applicable requirements.

Action Taken

Variance approved of the applicants request for an additional one foot of overhand. Approval is subject to verification of the actual measurements and compliance with applicable building and setback requirements.

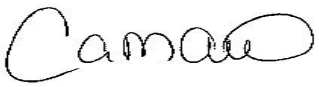
Motion:	Board Member	Gallt	Ayes:	4	Absent:	0
Seconded:	Board Member	Salamack	Noes:	0	Abstain:	0

ADJOURN

Time: 4:23 pm

Motion:	Board Member	Gallt	Ayes:	4	Absent:	0
Seconded:	Board Member	Salamack	Noes:	0	Abstain:	0

Respectfully Submitted,



Carrie M. Allen, City Clerk