



**TOWN OF VESTAL
ZONING BOARD OF APPEALS**
605 Vestal Parkway West
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ZBA BOARD MEMBERS:

Chairman: Jennifer Kakusian
Members: Mark Tomko
Tom Smallcomb
Thomas Jackson, Jr.
Alternates: Eugene Burns
John Taylor
Attorney: Matthew Fuller

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SEP 1 2020

VESTAL CODE

Sign Review Board Decision.

Hearing Date: August 27, 2020

Hearing Time: 6:20 PM

Business / Applicant Name: Grace Lutheran Church

Person(s) appearing on behalf of applicant: Andrew Watkins (Grace Lutheran Church) and Nick Taro (3i Graphics)

Business Address: 709 Main Street, Vestal, NY 13850

BCTM#: 173.39-1-19

Town Code Section Appealed: Chapter 5, Article V, Division 4, Section 5-126 (a)(3)(a) and Section 5-126 permitted sign

Narrative of the Code:

Permitted place of worship: One (1) ground sign not to exceed sixteen (16) square feet in area and eight (8) feet in height.

Installation of an electric sign is not listed as a permitted sign type

Current Permitted Sq. Footage:

Current on site Sq. Ft.: 15 sq. ft.

Requested Sq. Footage Increase: 5 sq. ft.

Total Sq. Ft. Requested: 21 sq. ft.

Other Change Requested: Installation of an electronic sign variance by omission as a permitted sign

Requested Variance: to install an Electronic Message Display (EMD) sign as part of ground sign variance request along with an increase of total square footage from that permitted by code

Points of discussion by Board Members:

The sign Review Board must take into account the following:

- Are there other means to achieve the goal or benefit requested?
- Is this difficulty self created?
- Will the visual impact have an adverse effect on the environment?
- Is this a minimal or substantial request?

- Will the variance produce an undesirable change for the neighbors?

Decision:

Motion by: Eugene Burns

2nd by: John Taylor

1- **Motion:** To approve a sign permit to install a replacement sign for Grace Lutheran Church, 709 Main Street, Vestal, NY 13850 BCTM # 173.39-1-19 for nonconformity with Chapter 5, Article V, Division 4, Section 126 (a)(3)(a) of the Code of the Town of Vestal square footage of signage at a place of worship in a RA-2, One and Two-family Residential Zoning district. The variance request is 5 sq. ft. +/- from 16 sq. ft. to 21 sq. ft.

AND

Also, a variance to allow the installation of an electronic sign that is not listed as a permitted sign in Section 5-126.

Conditions to Motion:

1. Electronic portion of sign can only be visible/on from 6:00 AM to 9:00 PM
2. Electronic portion of sign is to have auto-brightness control functioning
3. In the event of an emergency or Town declaration to provide information/messages, the hours of operation may be altered/extended by the Code Enforcement dept.

Items of Discussion:

Discussion around the sign focused on two areas; size and electronic. The size requested is a 5 sq. ft. increase over permitted (23%) and a portion of the sign is electronic, which is not permitted by omission in the code. The applicants discussed the need to advertise worship hours, drives, community and neighborhood events, etc. and the electronic portion allows them to do this and the electronic portion is approx. 16 sq. ft. and the remaining sq. ft. is for a lighted portion with the Church's name. The 23% increase in size is not substantial. The applicants discussed that they are not in a business that advertises and it is strictly promoting church and community events unlike a business which promotes commerce. Nick Taro used example of a Centenary Church in Binghamton which was granted a similar variance request and was conditioned to have auto brightness control and hours of operation. This turned out to be a huge success and no complaints from neighbors near that church.

Andrew Watkins offered that the sign will not change all that quickly and the church is very open to advertising community/neighborhood events if requested to do so. The auto brightness modulation is designed to keep the brightness/lumens consistent with code and not allow the sign to become obtrusive to the neighbors and a timer controls the time on and off of the sign. Also, since this is an RA-2, not RA-1 and the location on a curve in the road also tends to decrease any potential impact on the neighbors and would not lend itself to opening any floodgates for all churches.

| Vote: | Aye | Nay |
|--------------|--------------|------------|
| JK: | — | — |
| MT: | <u> X </u> | — |
| TS: | <u> X </u> | — |

TJ: _____
EB: X _____
JT: X _____ Passed: X Failed: _____

Dated: August 30, 2020

Affirmed by: *Mark J Tomko*
Mark J Tomko (Acting Chair ZBA)

Susan M Bailey
8/31/2020

SUSAN M BAILEY
Notary Public - State of New York
No. 01BA6405217
Qualified in Broome County
Commission Expires 03/02/2024