



TOWN OF VESTAL
ZONING BOARD OF APPEALS
605 Vestal Parkway West
Vestal • New York • 13850-1486
Telephone (607) 786-0980 Ext. 201
Fax (607) 786-0984

ZBA BOARD MEMBERS:

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

Sign Review Board Decision.

RECEIVED

OCT - 1 2020

VESTAL CODE

Hearing Date: September 24, 2020 Hearing Time: 6:30 PM

Business / Applicant Name: Storming Crab / 3i Graphics

Person(s) appearing on behalf of applicant: Rich Lin, Storming Crab General Manager and Eric Olsen, 3i Graphics

Business Address: 2505 Vestal Parkway East, Vestal, NY 13850

BCTM#: 158.10-2-1.1

Town Code Section Appealed: Chapter 5, Article V, Division 4, Section 5-127.5(e)(2)(a) and Chapter 5, Article V, Division 4, Section 5-127.5(e)(2)(b)

Narrative of the Code: Pad site signs are permitted as follows:

Wall signs.

- a. Wall signs are permitted on only two (2) sides of the building.
- b. Each wall sign length shall not exceed one-third (1/3) of the tenant store front width with a total sign area not to exceed forty (40) square feet and a total height not to exceed four (4) feet.

Current Permitted Sq. Footage: 130

Current on site Sq. Ft.: 40

Requested Sq. Footage Increase: 724

Total Sq. Ft. Requested: 854

Other Change Requested:

Requested Variance: The applicant is requesting a variance to the code of the Town of Vestal, Chapter 5, Article V, Division 4, Section 5-127.5(e)(2)(a) and Chapter 5, Article V, Division 4, Section 5-127.5(e)(2)(b) pertaining to the having more than the permitted number of wall signs at a pad site in a shopping plaza AND pertaining to having more than the allowed total square footage of wall signs at a pad site in a shopping plaza.

Points of discussion by Board Members: The applicant presented their request for their desire to have 3 sets of channel letters to be mounted on the top of 3 elevations of the building (North, West and South) totaling 342 square feet (114 sq. ft. each), a 40 square foot Crab Sign over the main entrance to the building, and 3 painted Murals on 3 elevations of the building (North, West and

South). The painted murals are 10' x 17', 9'1" x 16', and 9'6" x 17' 8" totaling 472 square feet and are considered as signage since they advertise the name and products of the restaurant.

The applicants presented a package of images of the current crab sign and murals as well as the proposed channel letters to be mounted, along with images of a few of their other locations and a list of their other locations. All of the sites murals are unique as the buildings are all different in design and the painter free-hand paints the murals based on location and space on the building.

Discussion points that were brought up also included the allowed square footage for the pad site. By code, 80 square feet are allowed, but the previous code enforcement officer had a note for the property stating they were allowed 130 square feet. The current code enforcement officer was not sure why this was the case, but also indicated that it seems that the average signage requested in this plaza for Pad sites, as well as other plazas, is about 130 square feet. The previous tenant at this site only had used 60 square feet of signage.

The meeting was opened to the public and no one appeared in support or opposition of the variance request.

The Board then discussed the following issues which must be taken into account for the requested variances;

The sign Review Board must take into account the following:

- **Are there other means to achieve the goal or benefit requested?** The pad site is set below the road surface in a shopping plaza with two additional internal roads and signage is needed for visibility from 3 roadways. The murals are very bright and attractive, however, the requested signage with the murals is too large of a variance request. The repainting of the murals to eliminate the name and products would be a very feasible alternative.
- **Is this difficulty self created?** The difficulty is self created since the murals painted with logos and products are considered signage per the code. Repainting/modifying the murals to eliminate the name and products would thus eliminate them as signs and they could stay. The 3 sets of channel letters being so large of a variance are not a major concern as the name of the restaurant is rather long and needs to be considered.
- **Will the visual impact have an adverse effect on the environment?** The visual impact to the nearby environment would not be harmed by signs since this is in a plaza and the murals are very bright, fun and inviting. The amount of signage if the murals contain names and products would be too much signage and would be considered a large visual impact to the environment.
- **Is this a minimal or substantial request?** The request for 7 signs (vs. 4 allowed by code) and 854 square feet (vs. 130 allowed or 80 allowed by code) is a very substantial request. If the murals were repainted/modifying to eliminate advertising names and products, the variance request for number of signs would be eliminated and only a 232 sq. ft. variance for total signage would be required.

- **Will the variance produce an undesirable change for the neighbors?** The variance as requested would produce an undesirable change to the other neighboring businesses in the plaza due to the total square footage. The murals if not advertising the business or products would not produce an undesirable change.

The applicant was asked if they could redo/repaint/modify the murals to remove the names and/or products to decrease the variance request, and he agreed to this to modify the variance request. With this modification, the need for the total number of signs would be eliminated and only the total square footage variance would then need to be considered. The applicant presented a modified request for a total square footage variance request of 232 square feet for a total of 362 sq. ft. consisting of 3 sets channel letters to be mounted on the top of 3 elevations of the building (North, West and South) totaling 342 square feet (114 sq. ft. each) and a 40 square foot Crab Sign over the main entrance to the building.

Decision:

1st Motion by: Eugene Burns

2nd by: Tom Jackson

Motion: To allow Storming Crab, BCTM #158.10-2-1.1 aka as 2505 Vestal Parkway East, Vestal NY, 13850 a variance of 232 square feet for a total of 362 square feet on 3 sides of the building as presented to the Board.

Items of Discussion: The Board also requested that the Code Enforcement Officer work with the applicant to allow him to uncover the current murals and establish a reasonable time period to have them modified to remove the names and products from them.

Vote:	Aye	Nay		
JK:	---	---		
MT:	<u> X </u>	---		
TS:	---	---		
TJ:	<u> X </u>	---		
EB:	<u> X </u>	---		
JT:	<u> X </u>	---	Passed: <u> X </u>	Failed: <u> </u>

The Code Enforcement Officer is herewith authorized to take the necessary action to carry out the provisions of this Decision.

Dated: 9/25/2020

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