



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

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

Sign Review Board Decision.

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APR 26 2021

VESTAL CODE

Hearing Date: April 8, 2021

Hearing Time: 6:00 PM (scheduled)

Business / Applicant Name: Skyway Gas Corp./Gulf Station

Person(s) appearing on behalf of applicant: Joseph Haick

Business Address: 232 Vestal Parkway East, Vestal, NY 13850

BCTM#: 157.18-2-13

Town Code Section Appealed: Chapter 5, Article V, Division 3, Section 5-124 (r) & Chapter 5, Article V, Division 4, Section 5-127.3 (a)(8)(b) in a C-1 General Shopping Zone

Narrative of the Code:

Except as otherwise allowed, not more than six (6) signs are permitted on any one (1) property. Except:

1. Signs approved in conjunction with shopping plazas.
2. Signs indicating handicap accessibility features shall not be counted in this total.
3. Building identification signs, event notification signs, directional business-signs, outdoor merchandise signs and other approved temporary signs shall not be counted in this total.
4. Signs required by governmental agencies shall not be counted in this total.
5. Properties with more than one (1) and less than five (5) non-residential uses shall be permitted to have the number of signs as follows:
 - a. Two (2) uses: A maximum of eight (8) signs on the property.
 - b. Three (3) or four (4) uses: A maximum of ten (10) signs on the property.

AND

Commercial and industrial districts, Business signs, subject to the following:

In the case of parcels with street frontage of at least one hundred (100) feet and not more than one hundred fifty (150): The total area of all permitted signs on the premises or parcel shall not exceed seventy-five (75) square feet. Individual signs shall not exceed a total of fifty (50) square feet in area.

Current Permitted Sign Sq. Footage: 75 feet

Current on-site Sq. Footage: 126.35

Requested Sq. Footage Increase: 74.13 from Code

Total Sq. Footage Requested: 149.13

Other Change Requested: Request for a total of 23 signs where 6 are permitted by Code

Requested Variance: Two (2) variance requests: one (1) to allow twenty-three (23) signs where six (6) are permitted by code and two (2) to allow a total of 149.13 sq. feet of signage where 75 sq. feet of signage is 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?

Items of Discussion:

Discussion around the signs focused on the overall number and square footage of the signs in a C-1 General Shopping District. Joseph Haick offered that the sign package was initially developed by Mirabito who was leading the project on the site as they are trying to bring Gulf Gas into the area. The property in question has been in his family for more than fifty (50) years and was a former gas station that closed a while back. There have been significant upgrades to the site totaling over \$100,000 for pumps, canopy, tanks and the building. Mirabito was the project lead and the sign package was developed by them in conjunction with Gulf Gas corporate and had he known a variance was needed, he might have requested a different package or gotten rid of some of them prior. The signs have been purchased and are on site now. A vast majority of the signs, 18 of them are small and on the pumps themselves and the other five 5 are on the canopy. No sign is planned for the building. This request for 149.13 sq. feet is only 22.78 sq. feet or 18% over what was currently on-site and he might be willing to decrease that some. The round Gulf sign on the south west corner of the canopy (facing the Little League field) would be one he would consider not installing to help decrease the total by 9.62 sq. feet.

Based on the above discussion and offering of the applicant, the Board members accepted the decrease in one sign and 9.62 sq. feet to help the decision.

Eugene Burns offered that he is in support of this as this is consistent with other signs and is appropriate.

Decision:

Motion by: Eugene Burns

2nd by: Tom Smallcomb

Motion: To allow a variance of 16 signs for a total of 22 per Chapter 5, Article V, Division 3, Section 5-124 (r) at BCTM # 157.18-2-13 a.k.a. 232 Vestal Parkway East, Vestal, NY 13850 as presented and amended by the applicant.

Conditions to Motion: No conditions to this motion.

Vote:	Aye	Nay		
CE:	<u> X </u>	___		
MT:	<u> X </u>	___		
TS:	<u> X </u>	___		
TJ:	<u> X </u>	___		
EB:	<u> X </u>	___		
JT:	___	___	Passed: <u> X </u>	Failed: _____

Dated: April 8, 2021

AND

Motion by: Eugene Burns

2nd by: Clayton Ellis

Motion: To allow a variance of 64.51 +/- sq. feet for a total of 139.51 +/- sq. feet per Chapter 5, Article V, Division 4, Section 5-127.3 (a)(8)(b) at BCTM # 157.18-2-13 a.k.a. 232 Vestal Parkway East, Vestal, NY 13850 as presented and amended by the applicant.

Conditions to Motion: No conditions to this motion.


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

Dated: April 8, 2021

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

Dated: April 25, 2021

ZONING BOARD OF APPEALS
OF THE TOWN OF VESTAL

BY: 
Mark Tomko, Acting Chairman
