



**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: Mark Tomko
Members: Clayton Ellis
Jerry Schultz
Eugene Burns.
Pat MacPherson
Alternate: John Taylor
Attorney: Matthew Butler

Sign Review Board Decision.

Hearing Date: May 11, 2023

Hearing Time: 5:44 PM

Business / Applicant Name: Funky Beez, LLC

Person(s) appearing on behalf of applicant: Felicia Davis & William Stewart

Business Address: 1344 NYS Route 26 South, Vestal, NY 13850

BCTM#: 189.08-1-2

Town Code Section Appealed: Chapter 5, Article V, Division 4, Section 5-126.3(a)(1) **AND** an interpretation of Chapter 15, Article II, Section 15-24 of the Code of the Town of Vestal, Broome County, New York.

Narrative of the Code: Pertaining to having more than the permitted number of signs, and more than the allowed sq. footage of signage in an RR, Rural Residence Zoning District.

Current Permitted Sign Sq. Footage: 8 sq. ft.

Current on-site Sq. Footage: 0 sq. ft.

Requested Sq. Footage Increase: 149.2 sq. ft.

Total Sq. Footage Requested: 157.2 sq. ft.

Requested Interpretation/Determination: Request to install 14 total signs where 2 are permitted by code; and have a total of 157.2 sq. feet of signage where 8 sq. feet are permitted by code. **ALSO** an Interpretation pertaining to having “junk vehicles” on the parcel is also requested pertaining to using a vintage truck as “yard art” as a centerpiece of a planting bed for picture taking for customers.

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?

Discussion:

The applicant is requesting to use a vintage truck parked near the back fence of the property to have as a centerpiece with flowers/decorations based on season for a photo opportunity for their customers. Under the code, a non-operational vehicle is defined as a junk vehicle and not permitted. The applicant entered into a discussion with the Board members and the code enforcement officer as to the definitions and intent of the code. After several minutes of discussion of what would be allowed and what if any modifications to the vehicle could be made to comply with the code, **the applicant withdrew their interpretation request** and will explore other possibilities for this purpose.

The applicant is requesting to install a total of 14 signs where 2 are permitted by code and have a total of 157.2 sq. feet of signage where 8 sq. feet is permitted by code. The requested signs are as follows;

- 1 – ground sign of 25 sq. ft.
- 4 – menu boards @12 sq. ft. each for 48 sq. ft.

- 2 – Hershey menu boards @ 3.1 sq. ft. each for 6.2 sq. ft.
- 3 – walkway signs @6 sq. ft. each for 18 sq. ft.
- 2 – Head-in-Hole signs @ 20 sq. ft. for 40 sq. ft.
- 1 - Truck door sign @4 sq. ft.
- 1 – Mural with logo @ 16 sq. ft.

The applicant reviewed the plans and reasoning for the signs for this food service business. As it is Ice Cream and Hotdogs/snack foods the menu is diverse and changing. The walk up window is the only service point of contact and therefore, nothing is inside the building to allow menu boards and signs to be placed inside. After numerous questions and back-and-forth conversations about what is a sign and what is allowed with murals, the applicant revised their request to the following;

- 1 – ground sign 25 sq. ft.
- 1 – wall sign, painted on East side 25 sq. ft.
- 2 - Head-in-Hole signs (20 sq. ft. each) 40 sq. ft.
- 5 – sandwich board signs

Based on the new proposal, the applicant would need a 2 sign variance to allow 4 signs where 2 are permitted, an 82 sq. ft. +/- variance to allow 90 sq. ft. of signage where 8 sq. ft. are permitted and a 4 sandwich board variance to allow 5 sandwich boards where 1 is permitted.

The meeting was opened to the public. The public portion of the meeting was closed as no members of the public were present or wished to be heard.

Decision:

Motion by: Pat MacPherson

2nd by: Jerry Schultz

Motion: To approve a 2 sign variance to allow 4, an 82 sq. ft. +/- variance to allow 90 sq. ft. +/- of signage and a 4 sandwich board variance to allow 5 sandwich boards at BCTMP # 189.08-1-2 a.k.a. 1344 NYS Route 26, Vestal, NY 13850 as modified and presented to the Board.

Conditions to Motion: Any changes to the above proposal would need the applicant to return to the board for approval.

Vote:	Aye	Nay		
MT:	<u> X </u>	—		
CE:	<u> X </u>	—		
JS:	<u> X </u>	—		
EB:	<u> X </u>	—		
PM:	<u> X </u>	—		
JT:	—	—	Passed: <u> X </u>	Failed: <u> </u>

The request for the **above variances** are hereby **GRANTED** by a 5-0 unanimous vote.

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

Dated: May 20, 2023

ZONING BOARD OF APPEALS
OF THE TOWN OF VESTAL

BY: 
Mark Tomko, Chairman