



TOWN OF VESTAL ZONING BOARD OF APPEALS

605 Vestal Parkway West
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ZBA BOARD MEMBERS:

Chairman:	Mark Tomko
Members:	Clayton Ellis Jerry Schultz Eugene Burns Pat McPherson
Alternate:	John Taylor Carolyn Almy
Attorney:	Matthew Butler

Sign Review Board Decision.

Hearing Date: February 8, 2024

Hearing Time: 6:00 PM

Business / Applicant Name: Matthews Auto Group

Person(s) appearing on behalf of applicant: Kathy Breno and Alicia Vesely

Business Address: 3005 Vestal Road, Vestal, NY 13850

BCTM#: 158.06-1-27

Town Code Section Appealed: Chapter 5, Article V, Section 5-124 (a) of the Code of the Town of Vestal, Broome County, New York.

Narrative of the Code: Pertaining to the display of an unlisted advertising sign in a I, Industrial zoning district.

Current Permitted Sign Sq. Footage: 0 sq. ft.

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

Requested Sq. Footage Increase: 0 sq. ft.

Total Sq. Footage Requested: 0 sq. ft.

Requested Interpretation/Determination: The applicant is requesting to use a 10 ft. diameter balloon (ad sphere) as a temporary sign for their Fall Used Car Fest this October. This type of sign is not covered by the code currently.

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 fly a 10 ft. diameter ad sphere (balloon) with their logo as a temporary sign for their Fall Used Car Fest at 3005 Vestal Road location. This is a temporary sign and will be tethered by a 125 ft rope to a cement ballast and 50 lb. Sand bags. The balloon could also be tethered with a 3 point mooring method as well. This will keep the balloon at a specified height and not allow for motion. The balloon will be filled with helium and cannot be flown in winds over 15 mph.

The applicant states that this will be used during this event and they are willing to accept conditions for flying height and safety clearances. The balloon will fly for only one week, or until the helium runs out during the event, weather permitting. Members of the Board were worried about the height of the balloon, safety clearances, and anchoring of the balloon. Power lines and trees were the most logical obstructions to wary of, as well as the anchoring system. Vertical height and safety clearance on the ground were debated to allow effectiveness of the sign and safety on the ground. Code Inspection office and/or Fire Inspectors would be utilized for ensuring the safety of anchoring the balloon. The precedent this sets if allowed was also debated and weighed into the conditions being debated.

The meeting was opened to the public. Glenn Miller was present and commented on the visibility of this from the Vestal Parkway and the height for flying this so as not to be a distraction. Stewart thought tethering the balloon to a car would make good marketing look. The public portion of the meeting was closed as no other members of the public were present or wished to be heard.

Decision:

Motion by: Pat McPherson

2nd by: Clayton Ellis

Motion: To approve the temporary use of a 10 ft. diameter ad sphere balloon at BCTMP # 158.06-1-27 a.k.a. 3005 Vestal Road, Vestal, NY 13850 as presented to the Board.

Conditions to Motion:

1. The maximum flight height of the balloon will be 50 ft. to the top of the balloon.
2. Ground clearance from any obstructions will be set at double the height of the balloon flight height.
3. The balloon can only be flown during normal business hours.
4. Safety/anchor review will be conducted by the code enforcement department.

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

The request for the **above variances** is hereby **GRANTED** by a 4-0 unanimous vote.

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

Dated: February 11, 2024

ZONING BOARD OF APPEALS
OF THE TOWN OF VESTAL

BY: 
Mark Tomko, Chairman