



**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 S. Johnson
Mark Tomko
Tom Smallcomb
Paul Houle
George Gerner
Attorney - Matt Butler, ESQ.
Alternate: Eugene Burns

Sign Review Board Decision.

Hearing Date: December 8, 2016

Hearing Time: 7:00pm

Business / Applicant Name: MGM Operations LLC

Person(s) appearing on behalf of applicant: Eric Olsen - 3i Graphics
Erik Michalko - MGM Operations LLC (Pudgies Pizza)

Business Address: 228 Vestal Parkway East, Vestal N.Y.

BCTM#: 157.18-2-12

Town Code Section Appealed: Chapter 5, Article V, Division 4, 5-127.3(a)(8)(b)

Narrative of the Code:

Sec. 5-127.3. Commercial and industrial districts.

(a) Permitted signs. The following signs shall be permitted for approved commercial/industrial uses in C-1, C-2, C-D, I and I-D zoning districts as provided below:

(8) Business signs, subject to the following:

- b. In the case of parcels with street frontage of at least one hundred (100) feet and not more than one hundred fifty (150) feet: 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 Sq. Footage: 75 Square Feet

Current on site Sq. Ft.: 74

Requested Sq. Footage Increase: 84 square feet

Total Sq. Ft. Requested: 159 square feet



TOWN CLERK'S OFFICE

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Requested Variance: The applicant Has a ground sign which has been in existence for in excess of 30 years, which also contains a changeable sign board. The applicant is asking for a variance of 36 Sq. Ft.+/- for the changeable sign and an additional 48 Sq. Ft. for a sign to be placed on the front of the building.

Points of discussion by Board Members: These signs will be similar to the original signs from Burger King and the previous Bagel shop, only for "Pudgies Pizza"
There are no roof signs allowed so the sigh will be placed on an upright parapet portion of the roof. The signs will be the original frames, with just new faces installed.

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: G. Gerner

2nd by: E. Burns


Motion: To allow an 84 sq. ft. sign variance for a total of 159 +/- sq. ft., per section 5-127.3 (a)(8)(b) at BCTM# 157.18-2-12 at 228 Vestal Parkway East, Vestal N.Y. to MGM Operations LLC as presented to the board.

Conditions to Motion: None

Items of Discussion: None Further

Vote:	Aye	Nay		
M Johnson:	✗ —	—		
M Tomko:	—	—		
T Smallcomb:	—	—		
P Houle:	✗ —	—		
G Gerner:	✗ —	—		
E Burns:	✗ —	—	Passed: <u> N </u>	Failed: <u> </u>

Dated: 12/29/16

Affirmed by: 
(Chairman ZBA)