



**TOWN OF VESTAL  
ZONING BOARD OF APPEALS**

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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:** March 14, 2024

**Hearing Time:** 6:55 PM

**Business / Applicant Name:** Allied Sign/Greg Fishel for Ross Dress for Less

**Person(s) appearing on behalf of applicant:** Greg Fishel

**Business Address:** 3124 Vestal Pkwy. E., Vestal, NY 13850

**BCTM#:** 158.15-1-1.12

**Town Code Section Appealed:** Chapter 5, Article V, Division 4, Section 5-127.5(d)(2)(b) of the Code of the Town of Vestal, Broome County, New York.

**Narrative of the Code:** Pertaining to having more than the permitted total number of signs, exceeding the maximum allowed individual sign height, and having more than the total sq. footage of signage in a C-2, Community Business zoning district.

**Current Permitted Sign Sq. Footage:** 70 sq. ft.

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

**Requested Sq. Footage Increase:** 204.6 sq. ft.

**Total Sq. Footage Requested:** 274.6 sq. ft.

**Requested Interpretation/Determination:** The applicant is requesting to install 5 signs where 1 sign is permitted; install 1 sign having an individual height of 6 feet where a maximum of 5 feet is permitted; and requesting a total of 274.6 sq. feet of signs, where a total of 70 sq. feet is permitted.

### 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 is requesting to install 2 sets of LED internally illuminated channel letters on the main façade of the building, "Ross" letters are 72" x 24' (144 sq. ft) and "Dress for Less" letters 39" x 33' (107.25 sq. ft.). In addition, they are also looking to install two (2) non-illuminated 24" x 48" (8 sq. ft.) wall plaques and one (1) illuminated 23" x 46" (7.35 sq. ft.) canopy blade sign for a total of 274.6 sq. ft. of signage where 70 sq. ft. is allowed by current code.

The applicant, Greg Fishel from Allied Sign, states that they know this is a big ask but the signage is proportionate to the façade and building frontage and the storefront faces a large parking lot with other tenants and Ross feels like they need a sign of this size for business recognition for customers pulling into a busy parking lot. The size of this sign is also similar to the other tenants in the plaza, Target, Joanne Fabrics, and PetSmart. In addition, Ross will have 4 tenant panels in the existing pylon signs for of 39.25” x 93.75” (25.55 sq. ft. each) for a total of 102.2 sq. ft. These are existing and allowed by the plaza sign plan.

The Board members questioned the applicant as to the need for all of this signage and if the wall signs could be changed out to interior window signs to decrease the total sq. ft. request. Per applicant, this is not an option for this tenant. The precedent this sets if allowed was also debated and weighed into the conversation by the members as well as the need for a hanging canopy sign. The request is a large variance request and the applicant was questioned if there was a way to decrease the number of signs or the height of the larger sign.

The meeting was opened to the public for comment. No one from the public was present so the public portion of the meeting was closed as no other members of the public were present or wished to be heard.

The applicant was asked by the Board to see if Ross would be open to either decreasing the size of the “Ross” sign to 5’ height to meet the code and decrease the “Dress for Less” to proportional size and keep the existing 5 sign request or keep the 6” height request for the “Ross” sign as presented and drop the 2 wall signs and canopy sign. The applicant stated he could call his contact at Ross for this and a brief recess was initiated while he placed this call.

After a few moments, the applicant stated that his contact could not make a decision at this time and he asked for the Board to table the decision until the applicant could review the proposal. He asked when the next Board meeting would be held and he was informed of the March 28, 2024 date. A motion to table the meeting was made by Clayton Ellis and seconded by Pat McPherson, and a vote was held with a 4-0 in favor of tabling the decision until the next meeting.

The meeting was reconvened on March 28, 2024 at 6:27 PM to conclude after the applicant had time to review the proposal from the Board. The applicant, Greg Fishel had met with the Ross folks and they had decided to change their request to keep the “Ross” sign at 6’ in height and the “Dress for Less” sign at 39” height and drop the canopy and wall signs. This would reduce the total sq. ft. variance request from 204.60 sq. ft. to 181.25 sq. ft.

### **Decision:**

**Motion by:** Pat McPherson

**2<sup>nd</sup> by:** Clayton Ellis

**Motion:** To approve 251.25 +/- sq. ft. of signage, a variance of 181.25 sq. ft. where 70 sq. ft. is allowed, “Ross” letters to be 72” x 24’ (144 sq. ft) and “Dress for Less” letters 39” x 33’ (107.25 sq. ft.) at BCTMP # 158.15-1-1.12 a.k.a. 3124 Vestal Pkwy. E., Vestal, NY 13850 as presented and modified.

**Condition:** As agreed, there will be no canopy or wall signs on this building.

<b>Vote:</b>	<b>Aye</b>	<b>Nay</b>
MT:	<u>  X  </u>	_____
CE:	<u>  X  </u>	_____
JS:	<u>  X  </u>	_____
EB:	<u>  X  </u>	_____

PM:  X         
JT:              
CA:  X        Passed:  X  Failed:      

The request for the **above variances** is hereby **GRANTED** by a 6-0 unanimous vote.

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

Dated: April 2, 2024

ZONING BOARD OF APPEALS  
OF THE TOWN OF VESTAL

BY:   
Mark Tomko, Chairman