



**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

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Sign Review Board Decision. TOWN CLERK'S OFFICE

Hearing Date: May 12, 2016 and May 26, 2016

Hearing Time: 6:30pm

Business / Applicant Name: Win Preferred LLC

Person(s) appearing on behalf of applicant: Joshua O'Conner - Bohler Engineering

Business Address: 2549 Vestal Parkway East, Vestal N.Y. 13850

BCTM#: 158.10-2-6

Town Code Section Appealed: Chapter 5, Article V, Division 3, 5-124 (r)(5)(b) and Chapter 5, Article V, Division 4, section 5-127.3 (a)(8)(c)

Narrative of the Code:

Sec. 5-124. General regulations, prohibitions and exemptions.

- (r) Except as otherwise allowed, not more than six (6) signs are permitted on any one (1) property.
- (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:
 - b. Three (3) or four (4) uses: A maximum of ten (10) signs on the property.

AND

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:

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- c. In the case of parcels with street frontage greater than one hundred fifty (150) feet, the following applies: The total area of all permitted signs on the premises or parcel shall not exceed one hundred (100) square feet plus one-quarter (.25) of a square foot for each linear foot by which said street frontage exceeds one hundred fifty (150) feet, up to a maximum of two hundred (200) square feet of signs. Individual signs shall not exceed a total of one hundred (100) square feet.

Current Permitted Sq. Footage: 103.7

Current on site Sq. Ft.: None

Requested Sq. Footage Increase: 286.3

Total Sq. Ft. Requested: 390 +/-

Requested Variance: Applicant would like to place more than ten (10) signs on the building and grounds, and would like to increase the allowed square footage, as the allowed amount is small for the number of business' on the property.

Points of discussion by Board Members:

- Directional sign on Ackerman at Sycamore St.
- Instead of four signs on the rear of the building, possibly one tenant sign
- Signage is requested as "Franchise Corporate Signage"
- Tennant sign on Ackerman at the rear entrance to the property
- Entrance ways and traffic study
- Excess signage on the east and west sides, where there will be very little traffic
- Entrance sign on Route 434
- Number of requested signs, and a Tennant sign would reduce that number where a variance would not be needed.

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:

DECLARATION OF THE PRESIDENT OF THE UNITED STATES

I, the President of the United States, do hereby declare that the United States is at peace with all nations.

Witness my hand and the Great Seal of the United States at Washington, this 1st day of January, 1800.

James Madison

John Adams

Thomas Jefferson

And I do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the Executive Department.

Attest: My hand and the Great Seal of the United States at Washington, this 1st day of January, 1800.

James Madison

John Adams

John Adams

Thomas Jefferson

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Motion by: Johnson

2nd by: Smallcomb

Motion: To table the hearing until a further date, to determine an exact square footage for signage, that the board has discussed and come to an agreement with the applicant, and to allow the Code Enforcement Officer to have any input he may have.

All in favor, Johnson, Tomko, Smallcomb, Houle, Burns None opposed.

Meeting reconvened on May 26th, 2016, with board members: Johnson, Tomko, Smallcomb and Houle present.

The following was discussed: An agreement with the applicant's clients, and what was discussed at the previous meeting was agreed to be acceptable to the Zoning Board of Appeals, and a conclusion was reached whereby the applicant is reducing the number of signs on the property and no appeal of section 5-124 (r)(5)(b) is necessary and the number of signs has been reduced to an allowable number.

Where in a Motion was made by: Johnson and Seconded by Tomko


Motion: To grant a variance from 103.7 square feet of allowable signage to a total of 382 square feet, a variance of 278 +/- square feet to include a ground sign on Ackerman Road, a Tenant sign on the north side of the buildings, A ground sign on Route 434 and four south side exposure signs on the store fronts, and proposed to the board on May 26th, 2016.

Conditions to Motion: None

Items of Discussion: None

Vote:	In Favor	Opposed:	Abstained:	
M Johnson:	<u>X</u>	---	---	
M Tomko:	<u>X</u>	---	---	
T Smallcomb:	<u>X</u>	---	---	
P Houle:	<u>X</u>	---	---	
G Gerner:	---	---	---	
E Burns:	---	---	---	Passed: <u>X</u> Failed: _____

Dated: 6-23-16

Affirmed by: 
(Chairman ZBA)

UNITED STATES OF AMERICA
DEPARTMENT OF JUSTICE

Washington, D.C.

TO THE HONORABLE ATTORNEY GENERAL
FROM THE UNITED STATES DEPARTMENT OF JUSTICE

RE: [Illegible text]

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