



**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.

RECEIVED

MAR 10 2017

**TOWN CLERK
VESTAL, NY**

Hearing Date: 12/15/2016 and 1/12/2017

Hearing Time: 7:00pm

Business / Applicant Name: Mirabito Holdings Inc.

At a regularly scheduled meeting on December 15, 2016, the hearing was opened, and a request was made by the applicant to table the meeting until a future date due to a time conflict at this time.

A motion was made by Johnson and seconded by Burns to hold the case over until a future date. Johnson, Burns and Tomko voted in favor of the motion, none opposed, motion carried.

The meeting was reconvened as old business on January 12th, 2017

Person(s) appearing on behalf of applicant: John Matzo

Business Address: 3210 Vestal Road Vestal NY

BCTM#: 158.07-2-19.2

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

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.

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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(8) **Business signs, subject to the following:**

Exception: Signs in plazas.

- a. **In the case of parcels with street frontage of one hundred (100) feet or less, the following applies: The total area of all permitted signs on the premises or parcel shall not exceed fifty (50) square feet.**

Current Permitted Sq. Footage: 75

Current on site Sq. Ft.: 233

Requested Sq. Footage Increase: 96

Total Sq. Ft. Requested: 329

Other Change Requested: More than the allowed number of signs (6 allowed) **requesting 15.**

Requested Variance: To increase square footage to a total of 329 Sq. Ft.

Points of discussion by Board Members: The property was previously authorized by the town board under the previous code a total of 233 feet. There was a large discussion concerning the square footage, a count of the pumps, and what constitutes a sign and double sided sign. The number of signs was requested as each pump has a sign on both sides, with exception of the Kerosene pump. The total square footage the board arrived at with agreement of the applicant, was a total of 254.75 Sq. feet, as the main ground sign is a double sided sign and should only count for one side. The chairman indicated that signage is supposed to be reduced according to the new version of the code. The applicant indicated that for the most part they are only replacing the signage that is there, but the name and logo are both a little larger than the old brand name, therefore takes up more space. The only difference is identifying the Diesel Pump area, and that is not counted towards square footage.

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: T Smallcomb

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Motion #1: To allow a sign variance of 15 signs, for a total of 21 signs, a per section 5-124(r) at BCTM# 158.07-2-19.2 also known as 3210 Vestal Road NY, to Mirabito Holdings Inc. as presented to the board.

Conditions to Motion: None

Items of Discussion: None

Vote: Aye: Johnson, Tomko, Smallcomb, Gerner, Houle
Nay: None

Motion #1 Passed

Motion by: G Gerner 2nd by: T. Smallcomb

Motion #2 to allow a variance of 180+/- square feet of signage, for a total of 254.75 square ft of signage, per section 5-127.3(a)(8)(a) at BCTM# 158.07-2-19.2 also known as 3210 Vestal Road, Vestal NY to Mirabito Holdings Inc, as presented to the board.

Conditions to the motion: That due to the uncertainty of how the Code Officer calculated the ground sign for square footage, if there is an adjustment necessary to the allowable square footage, the Code Officer is authorized to make an appropriate adjustment to the total allowed, and to document the same on this decision when filed.

Items of discussion: None further

Vote: Aye: Johnson, Tomko, Smallcomb, Gerner, Houle
Nay: None

Motion #2 Passed

Dated: Jan 10, 2017

Affirmed by: 
(Chairman ZBA)