



**TOWN OF VESTAL
ZONING BOARD OF APPEALS**
605 Vestal Parkway West
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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: April 13, 2017

Hearing Time: 6:00pm

Business / Applicant Name: Marvin's Gardens

Person(s) appearing on behalf of applicant: Gregg Holman

Business Address: 139 N. Main Street, Vestal NY.

BCTM#: 157.79-1-39

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

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:

- (5) One (1) temporary sign/banner per business is allowed for a maximum of two (2) weeks not more than six (6) times per calendar year, not to exceed a maximum of thirty-seven (37) square feet in area.

Current Permitted Sq. Footage: 37

Current on site Sq. Ft.: None

Requested Sq. Footage Increase: 14

Total Sq. Ft. Requested: 51.2+/-

Other Change Requested:

Requested Variance: The Applicant would like to place a total of 5 signs, with a total of 51.2+/- square feet of signage at the property above, from Easter until June 25th, 2017.

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Points of discussion by Board Members:

Applicants purchased the business from "Flower Tent" out of Eynon Pa. whom has been before the board for the same variance in the past.

The applicants have small signs, which vary depending on which flower season it is, and they produced proof that the company only has signs available in one size.

The signs will meet the requirement of the code, not being on display for more than the allotted 12 weeks.

These are new owners, whom would like to maintain these sale spots for years to come.

The board discussed giving the Code Department authority to issue sign permits in future years, providing the signs, and sizes remain the same.

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: M. Tomko

Motion: To allow a variance of 14 square feet and a variance to add four additional signs to the one allowed sign, per section 5-127.3(a)(5), at BCTM# 157.79-1-39 at 139 N. Main Street Vestal, NY. to Marvin's Gardens, as presented to the board.

Conditions to Motion: Providing the same owners, return in subsequent years, for the same size and quantity of signage that Code Enforcement be allowed to issue sign permits to the applicant.

Items of Discussion: None Further.

A vote being called for by the chairman:

In favor: M Johnson, M. Tomko, E. Burns, G. Gerner and J. Taylor

Opposed: None

Motion: Passed: 4 Failed:

Dated: 4-20-2017

Affirmed by: 
(Chairman ZBA)