



**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

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## Sign Review Board Decision.

Hearing Date: August 24th 2017

Hearing Time: 6:00pm

**RECEIVED**

Business / Applicant Name: Five Star Urgent Care

SEP 8 - 2017

Person(s) appearing on behalf of applicant: Tracey Diehl

TOWN CLERK  
VESTAL, NY

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

BCTM#: 158.10-2-6.2

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

AND

**Sec. 5-127.3. Commercial and industrial dis-  
tricts.**

(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:

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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: 370

Current on site Sq. Ft.: 370

Requested Sq. Footage Increase: 12.1

Total Sq. Ft. Requested: 382

Other Change Requested: Asking for an awning sign, which will make a total to 7 signs

Requested Variance: Applicant wants to add an Awning Sign, and add 12 square feet of signage to a previous variance granted to the property.

Points of discussion by Board Members:

Prior variance issued to all the business locations for that property.

The other awnings on the property have nothing on them. They may ask for signs for their store too.

Applicant feels that they need to advertise that they are also a "Walk In Medical Center"

The Board felt that "Urgent Care" basically indicates that it is a walk in facility.

The Board asked the applicant if they could change one of the existing signs, to include "Walk In". Applicant felt they could not change their copywritten signs.

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?

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**Decision:**

Motion by: Johnson

2<sup>nd</sup> by: Tomko


Motion: To deny a sign variance request to 5 Star Urgent Care, at BCTM# 158.10-2-6.2 at 2549 Vestal Parkway East Vestal NY as per section 5-124 (r) and 5-127.3(a)(8)(c) of the Vestal Town Sign Ordinance, as presented to the board

Conditions to Motion: None

Items of Discussion: None

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

Dated: 8/8/17

Affirmed by:   
(Chairman ZBA)