



**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
Ross Geoghegan
Attorney - Matt Butler, ESQ.
Alternate: George Gerner

Sign Review Board Decision.

Hearing Date: February 28, 2019

Hearing Time: 6:00 PM

RECEIVED

Business / Applicant Name: Kirmani Group/KFC

MAY -6 2019

Person(s) appearing on behalf of applicant: Joseph Pauline

VESTAL CODE

Business Address: 4000 Vestal Parkway East, Vestal, NY 13850

BCTM#:159.13-1-33

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

Narrative of the Code: Business signs, subject to the following: 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: 111.5
ZBA)

Current on site Sq. Ft.: 243.5 (previously allowed by

Requested Sq. Footage Increase:
Other Change Requested:

Total Sq. Ft. Requested: 310.67

Requested Variance: 65.17 +/-

Points of discussion by Board Members: The hearing today was a continuation of a hearing initially conducted on January 10, 2019. At that hearing the meeting was adjourned pending the applicants meeting with the Code Enforcement Department in an effort to reduce the on-site signage. An original hearing was held on October 25, 2018 where a motion to allow an additional 105 +/- square feet of signage was denied. The current parcel has one building with 2 restaurants on site with both restaurants needing certain levels of signage. Based on this, the applicant decided to resubmit the package for the January 10, 2019 meeting. The discussion on January 10, 2019 revolved around the number of signs and the size of the signs on the property. It was felt that there were too many signs and the board members wanted to know if the applicant could look at the current number and size of

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signs on the parcel and work with Code Enforcement Department to decrease the number and/or size of the signs to get closer to the allowed signage for the parcel.

The applicant met with the Code Enforcement Department on January 16, 2019 to discuss where the total square footage of signs might be reduced. On January 30, 2019 the Code Enforcement Department received a letter outlining places where signage could be reduced. The request was reduced from a request of 105 +/- square feet to 65.17 +/- square feet, a reduction in the request of 39.83 square feet.

The sign Review Board must take into account the following:

- Are there other means to achieve the goal or benefit requested? Since the parcel contains two (2) businesses in one building and both businesses need signage, there appears to be no other way to advertise both.
- Is this difficulty self created? This was not self created as both businesses have been on site for a long time and signs were in place for numerous years before new sign ordinance was approved.
- Will the visual impact have an adverse effect on the environment? The additional signage would have no adverse effect on the commercial environment
- Is this a minimal or substantial request?
- Will the variance produce an undesirable change for the neighbors? The variance would have no impact on the neighbors since the area is commercial.

Decision:

Motion by: Thomas Smallcomb

2nd by: John Taylor

Motion: to allow a sign variance of 65.17 +/- square feet per Section 5-127.3(a)(8)(c) of the Code of the Town of Vestal to BCTM# 159.13-1-33 aka 4000 Vestal Parkway East to KFC/REK Properties, LLC Popcorn Realty as presented to the Board.

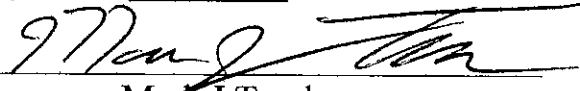
Conditions to Motion: None

Items of Discussion: The Board members thanked the applicant for working with the Code Enforcement Department to minimize the signage request.

Vote:	Aye	Nay		
JK:	—	—		
MT:	<u>X</u>	—		
TS:	<u>X</u>	—		
EB:	<u>X</u>	—		
JT:	<u>X</u>	—		
GG:	—	—	Passed: <u>X</u>	Failed: _____

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Dated: May 3, 2019

Affirmed by: 
Mark J Tomko
(Acting Chair ZBA)