



**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: August 25th, 2016

Hearing Time: 6:30pm

Business / Applicant Name: Mirabito Holdings

Person(s) appearing on behalf of applicant: Alex Mirabito and Bill Mirabito, Owners

Business Address: 4005 Vestal Parkway East

BCTM#: 159.09-2-5

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

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:

(8) Business signs, subject to the following:

In this case as previously approved by the Vestal Town Board prior to the current sign code.

Current Permitted Sq. Footage: 309

Current on site Sq. Ft.: 309

Requested Sq. Footage Increase: 48.78

Total Sq. Ft. Requested: 358+/-

Other Change Requested:

Requested Variance: To add 2 bumper signs, and 8 pump topper signs and 2 pump end signs for a total increase of 45.04 square footage of signs

Points of discussion by Board Members: Location of the signs on the property, number of signs on the property already existing, why the applicant is requesting the additional signs,

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(5)

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Chairman Johnson indicated that he was strongly opposed to the signs, as they are nothing more than putting the Mirabito name on every sign and sticker on the property. The name "Mirabito" is more than over represented on all of the properties, by name or emblem. An example was made from one photo supplied by the applicant, which showed seven names/emblems as looking at a pump and road sign.

The applicant indicated the signs would advertise new services offered by the business.

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: Thomas Smallcomb

2nd by: Paul Houle


Motion: To grant a variance at BCTM# 159.09-2-5, 4005 Vestal Parkway East, Vestal NY to Mirabito Holding Corp. of 48.78 square feet for 2 Bumper signs, 8 pump topper signs and 2 pump end signs, for a total square footage not to exceed 358+/- square feet, as presented to the board.

Conditions to Motion: None

Items of Discussion: None further

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

Dated: 9/22/16

Affirmed by: 
(Chairman ZBA)