



**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 25th, 2016

Hearing Time: 6:30pm

Business / Applicant Name: Mirabito Holdings

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SEP 22 2016

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

TOWN CLERK'S OFFICE

Business Address: 3300 Vestal Road

BCTM#: 158.07-3-1

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: 236.04

Current on site Sq. Ft.: 236.04

Requested Sq. Footage Increase: 53.5

Total Sq. Ft. Requested: 289.5 +/-

Other Change Requested:

Requested Variance: To add 4 bumper signs, and 12 pump topper signs for a total increase of 53.5 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, 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

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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

2<sup>nd</sup> by: Paul Houle


Motion: To grant a variance at BCTM# 158.07-3-1, 3300 Vestal Road, Vestal NY to Mirabito Holding Corp. of 53.5 square feet for 4 pump end signs, 12 pump topper signs, for a total square footage not to exceed 289.5+/- 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)