



**TOWN OF VESTAL**  
**ZONING BOARD OF APPEALS**  
605 Vestal Parkway West  
Vestal • New York • 13850-1486  
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**TOWN OF VESTAL**  
**ZONING BOARD OF APPEALS**

In the Matter of the Application of

DeMuro Auto Sales & Service  
993 Vestal Parkway West  
Vestal, NY 13850  
BCTMP #172.08-1-2

**DECISION**

For a Special Permit as required by Chapter 24, Article IV, Division 1, Section 24-152 of the Code of the Town of Vestal, Broome County, New York (Zoning Ordinance)

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At a meeting duly scheduled for July 13, 2023, the Zoning Board of Appeals of the Town of Vestal held a public hearing to consider the application of DeMuro Auto Sales & Service regarding premises situate at 993 Vestal Parkway West, Vestal, NY 13850 (BCTMP #172.08-1-2 for a Special Permit as required by Chapter 24, Article IV, Division 1, Section 24-152 of the Code of the Town of Vestal pertaining to operating a used automobile sales business in a C-1 General Shopping zoning district.

Appearing in support of the request were Jon Ludwig, owner of the property, and Joseph DeMuro.

Proof of publication of the notice of the hearing in *The Town Crier* was submitted, and the Board's letter to the applicant in response to the application was read.

Board members present: Clayton Ellis, Acting Chairman; Patrick McPherson; and John Taylor. All Board members stated that they had visited the site and were familiar with the character and nature of the area and this property.

The applicant provided an application requesting the Special Permit, a letter, a survey map of the property, and a copy of a New York State Department of Motor Vehicles Business Certificate.

After due deliberation, the Zoning Board of Appeals makes the following findings of fact and conclusions of law:

Joseph DeMuro is requesting a Special Permit to sell used automobiles at the site. He also intends to continue to repair vehicles at this location. (Note: Vehicle repair is prohibited in a C-1 General Shopping zoning district, however vehicle repair is grandfathered for this location where this work has been done for decades.)

Jon Ludwig purchased the property 15 years ago. He said used automobiles have been sold at the location in the past. He was unaware that a Special Permit was needed. He said he rented the property to Joseph DeMuro with the understanding that he would repair vehicles and sell used automobiles at the property.

Upon questioning from the Board members, Joseph DeMuro said that the used automobile business is unpredictable right now, so he would have only nine or 10 vehicles for sale. In his letter, Jon Ludwig wrote that he intends "to keep this property spotless." Joseph DeMuro reiterated that position and said he wants the business to be a positive part of the community.

Jon Ludwig was provided copies of comments from the Broome County Health Department, the Broome County Department of Planning and Economic Development, and the New York State Department of Transportation.

The meeting was opened to the public and then closed as no members of the public were present or wished to be heard.

Therefore, in consideration of the above, and in balancing the factors of 1.) Whether an undesirable change would be produced in the character of the neighborhood or would be a detriment to the nearby properties; 2.) Whether the benefit sought by the applicant can be achieved by a feasible alternative; 3.) Whether the requested variance is substantial; 4.) Whether the requested variance would have an adverse impact on the physical or environmental conditions in the neighborhood; and 5.) Whether the alleged difficulty was self-created.

A motion was made by John Taylor to grant a Special Permit as required by Chapter 24, Article IV, Division 1, Section 24-152 for BCTMP #172.08-1-2 aka 993 Vestal Parkway West, 6, Vestal, New York 13850 to sell used automobiles. Two conditions are attached: 1.) No more than 10 used vehicles will be for sale on the property at any time; 2.) The business will obtain all necessary permits to repair and sell automobiles at the location, including a Vehicle Service Station Permit and an Aquifer Permit from the Town of Vestal. The business will be operated based on the facts as presented by Jon Ludwig and Joseph DeMuro. The motion was seconded by Patrick McPherson. A vote was called and:

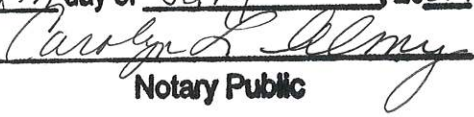
The request for a Special Permit is hereby GRANTED by a 3-0 vote. The vote was unanimous, and the votes were cast as follows: Acting Chairman Clayton Ellis-AYE; Patrick McPherson-AYE; and John Taylor-AYE.

The Code Enforcement Officer is herewith authorized to take the necessary action to carry out the provisions of this Decision.

Dated: July 18, 2023

ZONING BOARD OF APPEALS  
OF THE TOWN OF VESTAL

BY:   
Clayton Ellis, Acting Chairman

Subscribed and sworn to before me this  
19th day of July, 2023  
  
Notary Public

CAROLYN L ALMY  
Notary Public, State of New York  
Reg. No. 01AL6422753  
Qualified in Broome County  
Commission Expires 09/27/2025