



**TOWN OF VESTAL  
ZONING BOARD OF APPEALS**  
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**ZBA BOARD MEMBERS:**  
Chairman: Mark Tomko  
Members: Clayton Ellis  
Jerry Schultz  
Eugene Burns  
Patrick McPherson  
Alternate: John Taylor  
Attorney: Matthew Butler

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**TOWN OF VESTAL  
ZONING BOARD OF APPEALS**

In the Matter of the Application of

Beck Group, LLC/Catherine Cornelius  
2508 Vestal Parkway East  
Vestal, NY 13850  
B.C.T.M.P. # 158.14-1-5

**DECISION**

For an Area Variance as required by Chapter 24, Article IV, Division 2, Section 24-186(b)(1)(b), of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance).

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At a meeting duly scheduled for december 14, 2023 the Zoning Board of Appeals of the Town of Vestal held a public hearing at 6:30 PM to consider the application of Beck Group, LLC/Catherine Cornelius, regarding premises situate at 2508 Vestal Parkway East, Vestal, NY 13850, (B.C.T.M.P.# 158.14-1-5 for an Area Variance as required by Chapter 24, Article IV, Division 2, Section 24-186(b)(1)(b), of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance), pertaining to Having less than the required lot frontage in a CD, Commercial Development Zoning District. Appearing in support of the Area Variance request are Bill Hall and Tom Keefe.

Proof of publication of the notice of the hearing in the Town Crier was submitted, and the Board's letter to the applicants in response to their application was read. The applicant submitted a package outlining the request along with a letter, survey map and a 239 l and m review from the Broome County Department of Planning and Economic Development. The applicants took the Board members through their request.

Board members present, Mark Tomko, Chairman, Clayton Ellis, Pat McPherson and Jerry Schultz. All Board members stated that they had visited the site and were familiar with the character and nature of the area and this property.

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

Applicant is requesting an Area Variance of seventy-five feet (75') to re-create a lot where one hundred and fifty (150') lot frontage is required by code. Applicants are currently in the

process of constructing a restaurant on this property with financing from the SBA, who will not now continue financing this project since the lot was combined with the lot next door, 2512 Vestal Parkway East. The lots appear to have been combined in December of 2022 for tax payment purposes after construction on the property had commenced. In preparing for closing of financing, it was discovered that the financing could not be completed as the SBA requires separate tax maps and parcels to prevent liability for other properties.

Applicants state that this has been a long process to get the project and construction moving. This lot sits between two other lots owned by the group and this lot was purchased vs. purchasing the lot to the west based on comments from the Town of Vestal Engineer. The project has already been through the Planning Board approval, and all easements for ingress/egress and parking variances are in place. The request is to simply undo what was done on paper and return the lots to the preexisting lot configurations. While this creates a lot with less than the required frontage, it is a legal building lot in regards to total area.

The meeting was opened to the public. Ron Renoan of 201 Evergreen Street spoke and was questioning reasoning and concerned about congestion regarding this change. John Sterlacci also of 201 Evergreen Street, D-7-2F, was also wondering the same regarding the change and congestion. A quick review of the history of the properties along the parkway and the zoning changes over the years was provided, as well as a review of the NYS DOT comments not allowing an additional driveway cut to this parcel. After this review the members of the public had no objections or further comments. The public portion of the meeting was closed as no other members of the public 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 Jerry Schultz to **approve an Area Variance of 75 foot +/- a for a lot frontage variance to allow a parcel with 75' where 150' is required** as per **Chapter 24, Article IV, Division 2, Section 24-186(b)(1)(b)** at B.C.T.M.P. # 158.14-1-5 aka 2508 Vestal Parkway East, Vestal, NY 13850 as presented and modified to the Board.

One condition was attached to the motion;

1. That the applicants continue to follow all of the recommendations and conditions from Broome County Department of Planning and Economic Development as outlined in the 239 l & m and contact New York State DOT as indicated in their comments.

The motion was seconded by Pat McPherson. A vote was called and:

The request for an **Area Variance** is hereby **GRANTED** by a 4-0 vote. The vote was unanimous and the votes were cast as follows: Chairman, Mark Tomko -AYE, Clayton Ellis -AYE, Pat McPherson-AYE and Jerry Schultz-AYE.

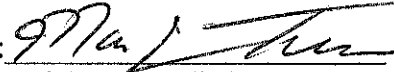
The Code Enforcement Officer is herewith authorized to take the necessary action to carry out the provisions of this Decision, and to ensure that the construction is performed to the requirements of the Code.

Dated: December 17, 2023

ZONING BOARD OF APPEALS  
OF THE TOWN OF VESTAL

*Sarah Louise Maney*

SARAH LOUISE MANEY  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01MA0016937  
Qualified in Broome County  
My Commission Expires 11-27-2027

BY:   
Mark Tomko, Chairman