



TOWN OF VESTAL
ZONING BOARD OF APPEALS
605 Vestal Parkway West
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TOWN OF VESTAL
ZONING BOARD OF APPEALS

In the Matter of the Application of

Beck Group, LLC
2512 Vestal Parkway East
Vestal, NY 13850
B.C.T.M.P. #158.14-1-6

DECISION

For an Area Variance as required by Chapter 24, Article IV, Division 3, Section 24-207 of the Code of the Town of Vestal, Broome County, New York (Zoning Ordinance)

At a meeting duly scheduled for August 25, 2022, the Zoning Board of Appeals of the Town of Vestal held a public hearing to consider the application of Beck Group, LLC, regarding premises situate at 2512 Vestal Parkway East, Vestal, NY 13850, (B.C.T.M.P. #158.14-1-6) for an Area Variance as required by Chapter 24, Article IV, Division 3, Section 24-207 of the Code of the Town of Vestal, Broome County, New York (Zoning Ordinance), pertaining to having less than the required number of parking spaces in a CD, Commercial Development District. Appearing in support of the Area Variance request is William Hall III of Hall Design.

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. The applicant submitted a package outlining the request along with a copy of the application.

Board members present: Clayton Ellis, Acting Chairman; Eugene Burns; and Patrick McPherson. 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:

The Applicant is requesting an Area Variance to permit 22 parking spaces where 44 parking spaces are required by Code for a proposed restaurant at 2512 Vestal Parkway East. The applicant has also proposed and will execute a shared parking agreement to include premises situate at 2508, 2512 and 2520 Vestal Parkway East.

The Applicant provided materials including a letter explaining the request for an Area Variance, a detailed site plan that includes 2512 Vestal Parkway East and the adjacent parcels immediately to

the west (2508 Vestal Parkway East) and east (2520 Vestal Parkway East), as well as support documents for the site plan, including elevations of the proposed restaurant, drainage plans, lighting plans and landscaping plans.

William Hall explained that the parcels were once zoned Transitional Neighborhood District and are now zoned CD, Commercial Development District. Further, he said the parking requirements prescribed in the Code of the Town of Vestal have changed over time. He also said the types of businesses at 2508 and 2520 Vestal Parkway East are not in all cases those that were located there when parking requirements were determined. These factors, he said, complicate matters when it comes to a broad view of available parking spaces for all three parcels (2508, 2512 and 2520 Vestal Parkway East) under a shared parking agreement.

He concluded that the 22 parking spaces planned for the proposed 48-seat restaurant would be adequate, and the shared parking agreement would mitigate the magnitude of the requested variance.

The meeting was opened to the public and two of the six people in attendance spoke. John Sterlacci, 201 Evergreen Street, Vestal, NY, co-president and treasurer, Evergreen Park Gardens Board, said the Beck Group previously told Evergreen Park Gardens they would be in contact before moving forward on future development, and that did not happen. He said Evergreen Park Gardens is not necessarily against this plan and they do not have a problem with the variance. He said they understand their concerns should be addressed to the Town of Vestal Planning Board. Betty Short, 201 Evergreen Street, Vestal, NY said she appreciate the town keeping restaurants away from residential areas. She said she is not looking forward to smells and additional traffic from the proposed restaurant. There were no other members of the public who wished to be heard and the public portion of the meeting was then closed.

This is a request for an Area Variance and the provisions of SEQR do not apply. ZBA Attorney Matthew Butler explained to those in attendance that the Town of Vestal Planning Board will be the lead agency for SEQR evaluation of the proposed project and that the Planning Board will take up the matter if and when the Area Variance is approved by the Zoning Board of Appeals.

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 Eugene Burns **to grant an Area Variance** as per Chapter 24, Article IV, Division 3, Section 24-207 at B.C.T.M.P. #158.14-1-6 aka 2512 Vestal Parkway East, Vestal, NY 13850 **to permit 22 parking spaces where 44 are required.**

Two conditions are attached: 1.) Beck Group must enforce the Special Permit approved by the Vestal Town Board to limit Hertz to a maximum of eight parking spaces for rental cars at 2520 Vestal Parkway East; and 2.) An irrevocable agreement must be executed by Beck Group, LLC, owner of premises situate at 2508 and 2512 Vestal Parkway East, and Cornelius Enterprises, LLC, owner of premises situate at 2520 Vestal Parkway East, to permit permanent reciprocal access and

parking easements for the three properties. The agreement shall be filed with the Broome County Clerk's Office and shall be unaffected by any change in ownership of any of the properties.

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

The request for an **Area Variance** is hereby **GRANTED** by a 3-0 vote. The vote was unanimous, and the votes were cast as follows: Acting Chairman Clayton Ellis-AYE; Eugene Burns-AYE; and Patrick McPherson-AYE.

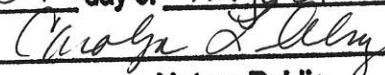
If construction is not commenced within four months from the date hereof, then the variance granted by this Decision shall be deemed revoked.

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

Dated: August 30, 2022

ZONING BOARD OF APPEALS
OF THE TOWN OF VESTAL

BY: 
Clayton Ellis, Acting Chairman

Subscribed and sworn to before me this
30th day of August, 2022


Notary Public

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