



**TOWN OF VESTAL**  
**ZONING BOARD OF APPEALS**  
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**TOWN OF VESTAL**  
**ZONING BOARD OF APPEALS**

In the Matter of the Application of

INIR, LLC/Martin Leab  
1694 NYS Route 26  
Vestal, NY 13850  
B.C.T.M.P. #189.12-1-38

**DECISION**

For an Area Variance as required by Chapter 24, Article IV, Division 2, Section 24-185(b)(3)(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 8, 2022, the Zoning Board of Appeals of the Town of Vestal held a public hearing to consider the application of INIR, LLC/Martin Leab, regarding premises situate at 1694 NYS Route 26, Vestal, NY 13850, (B.C.T.M.P. #189.12-1-38 for an Area Variance as required by Chapter 24, Article IV, Division 2, Section 24-185(b)(3)(b) of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance), pertaining to having less than the required side yard setback in a C-2 Community Business Zoning District.

Appearing in support of the request is the applicant, Martin Leab.

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 his application was read.

Board members present: Eugene Burns, Acting Chairman; John Taylor; 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 approval to subdivide the parcel, creating two parcels with a side yard setback of 4.97' each where 25' is required. The Applicant plans to sell one parcel to Stoddard Builders LLC for development as an office and showroom. The existing auto repair business (Vandervort's Service Center) and car wash (S&L Laserwash) will continue to occupy the second parcel. The applicant provided a letter explaining the request and a detailed drawing of the parcel, including the proposed property boundaries.

The meeting was opened to the public for comment. Two members of the public spoke in favor of the Area Variance. The public comment portion was then closed as no other members of the public were present or wished to be heard.

This is an Area Variance request and the provisions of the State Environmental Quality Review Act do not apply.

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.


Patrick McPherson made a motion to grant the Area Variance as presented by the Applicant and as required by Chapter 24, Article IV, Division 2, Section 24-185(b)(3)(b) at B.C.T.M.P. #189.12-1-38 aka 1694 NYS Route 26, Vestal, NY 13850. John Taylor seconded the motion. 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 Eugene Burns-AYE; John Taylor-AYE; and Patrick McPherson-AYE.

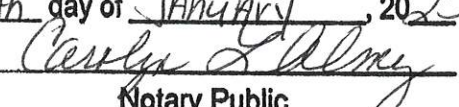
The Code Enforcement Officer is herewith authorized to take the necessary action to carry out the provisions of this Decision, and to ensure that the construction is performed to the requirements of the Code.

Dated: January 19, 2022

ZONING BOARD OF APPEALS  
OF THE TOWN OF VESTAL

BY:   
Eugene Burns, Acting Chairman

Subscribed and sworn to before me this

19th day of JANUARY, 2023  
  
Notary Public

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