



**TOWN OF VESTAL
ZONING BOARD OF APPEALS**
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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

TOWN OF VESTAL ZONING BOARD OF APPEALS

In the Matter of the Application

of

TJ, LLC. And WESTMINSTER GARDENS CO., LLC.

For Variances as required by chapter 24,
Article IV, Division 2, Section 24-182 (b)
and Chapter 24, Article IV, Division 2,
Section 24-185 (b) (1) (b) of the Code of
the Town of Vestal, Broome County, New York
(Zoning Ordinance)

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AUG 8 2014

TOWN CLERK'S OFFICE

DECISION

At a meeting duly scheduled for June 12, 2014, the Zoning Board of Appeals of the Town of Vestal held public hearing to consider the application of TJ, LLC. And Westminster Gardens Co., LLC, regarding premises situate at 1 Andrea Drive, (tax map no. 158.12-2-3) for variances as required by For Variances as required by Chapter 24, Article IV, Division 2, Section 24-182 (b) and Chapter 24, Article IV, Division 2, Section 24-185 (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 area in an "R-C", Multiple Residence District and also pertaining to having less than the required lot frontage in a "C-2", Community Business District.

Appearing in support of the variances were Tom Bedosky, owner of TJ LLC and the Homewood Suites Hotel, and Maury Duffy, developer for Homewood Suites. In support of their requested variances, the applicants provided the Board with their application, a letter from Tom Bedosky, photos, a copy of plot

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map, GIS photos, 239 l and m application, a letter from office of Jeffery Amtman, Esq., council for Westminster, and proposed site drawings.

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

The applicants are the owners of certain property located on the Vestal Parkway. Tom Bedosky, owner of TJ, LLC., which owns Homewood Suites hotel, testified that he is desirous of entering into a lease with option to purchase a certain portion of Westminster Gardens property, to allow him to expand the hotel property to include these recreational amenities. The portion of the property to be leased is contiguous to the Westminster Gardens apartments, and was formerly used as a recreational area. The subject recreational area has deteriorated greatly over the past many years. Mr. Bedosky would like to lease, and possibly own, this unused parcel. His plans include upgrading basketball and tennis courts, and creating more green space for hotel guests. There would be no additional lighting at the property. Mr. Bedosky's current intentions are to lease the land for a time after which he would purchase the property and make it part of the Homewood Suites property.

Before the Board are requests for two variances. The first is to reduce the amount of square footage for Westminster Gardens, Co. LLC, (Westminster) on their main property so they could create a new lot along the parkway to be leased to Homewood suites, and possible sale in the future. The second was to allow a variance of 50' to allow a 100' road frontage, with no entrance or exit on the Vestal Parkway, to make the lot legal.

Board members Mark Johnson, Tom Smallcomb, Paul Houle, George Gerner, Eugene Burns were present at the hearing and stated that they had visited the site and were familiar with the character and nature of the area.

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A response from Broome County concerning Municipal law 239 l and m, Broome Planning had no issues, BMTS had no issues, and NYS DOT had no comments.

The hearing was opened to the public, and a Mr. Findikyan who is a neighbor of the property voiced concerns over lighting, noise and drainage as he has raised drainage issues since the Homewood suites was built, no other public comments were made and the public comment portion of the hearing was closed. After discussion of all issues presented to the board:

A motion was made by Mark Johnson to grant Westminster Gardens, located at 1 Andrea Drive (Tax Map no. 158.12-2-3) an area variance to reduce the current property square footage from 433,364 to 381,164 square feet, for a total variance of 6,836 square feet. Tom Smallcomb seconded that motion. A vote was held and:

Therefore in consideration of the above, and in balancing the factors of 1.) Change in character of locality; 2.) Alternate methods to achieve what the applicant desires; 3.) The degree of variance sought; 4.) Effect on the physical conditions existing in the locality; and 5.) Any self-created difficulties, and it appearing that the proposed retail development would not have a negative impact on the character and/or nature of the neighborhood, the applicant is **GRANTED** by a vote of 5-0, a **variance of 6,836 square feet to allow for a total square footage of 381,164 square feet.** The votes were cast as follows: Chairman Mark Johnson-AYE, George-Aye, Thomas Smallcomb-AYE, Paul Houle-AYE and Eugene Burns-AYE.

A second motion was made by George Gerner to grant a 50 foot road frontage variance to Westminster Gardens Co., LLC., (Tax Map no. 158.12-2-3) (which will change) to allow for a total of 100 feet of road frontage, and to create a new lot, with the following conditions- No lighting allowed, usage restricted to daylight hours, maintain the noise abatement on the westerly boundary of the lot, and

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finally that any changes to the proposed use of the lot by Homewood suites would require the zoning board to revisit the use of the property. That motion was seconded by Mark Tomko. A vote was held and;

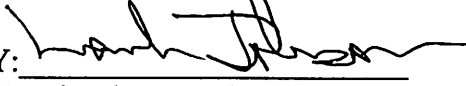
Therefore in consideration of the above, and in balancing the factors of, 1.) Change in character of locality; 2.) Alternate methods to achieve what the applicant desires; 3.) The degree of variance sought; 4.) Effect on the physical conditions existing in the locality; and 5.) Any self-created difficulties, and it appearing that the proposed retail development would not have a negative impact on the character and/or nature of the neighborhood, the applicant is **GRANTED** by a vote of **5-0**, a **variance to allow for a total of 100 feet of road frontage, with the following conditions:** No lighting allowed, usage restricted to daylight hours, maintain the noise abatement on the westerly boundary of the lot, and finally that any changes to the proposed use of the lot by Homewood suites would require the zoning board to revisit the use of the property.

The votes were cast as follows: Chairman Mark Johnson-AYE, George-Aye, Thomas Smallcomb-AYE, Paul Houle-AYE and Eugene Burns-AYE.

In the event that the variances granted above are not utilized within four months from the date hereof, then the variances shall be deemed revoked.

Dated: June 12, 2014, 2007

ZONING BOARD OF APPEALS
OF THE TOWN OF VESTAL

BY: 
Mark Johnson, Chairman