



**TOWN OF VESTAL  
ZONING BOARD OF APPEALS**  
605 Vestal Parkway West  
Vestal • New York • 13850-1486  
Telephone (607) 786-0980 Ext. 201  
Fax (607) 786-0984

**ZBA BOARD MEMBERS:**

Chairman: Mark Tomko  
Members: Clayton Ellis  
Jerry Schultz  
Eugene Burns  
Patrick McPherson  
Alternate: John Taylor  
Carolyn Almy  
Attorney: Matthew Butler

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**TOWN OF VESTAL  
ZONING BOARD OF APPEALS**

In the Matter of the Application of

Larry Krison/BU Commissary  
PO Box 6018  
Binghamton, NY 13905  
B.C.T.M.P. # 159.09-2-13

**DECISION**

For an Area Variance as required by Chapter 24, Article IV, Division 3, Section 24-201(a), of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance).

At a meeting duly scheduled for April 25, 2024 the Zoning Board of Appeals of the Town of Vestal held a public hearing at 6:00 PM to consider the application of Larry Krison/BU Commissary, regarding premises situate at 4301 Vestal Road, Vestal, NY 13850, B.C.T.M.P.# 159.09-2-13 for an Area Variance as required by Chapter 24, Article IV, Division 3, Section 24-201(a), of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance), pertaining to having less than the required parking space size in an I, Industrial zoning district. Appearing in support of the Area Variance request are Larry Krison and Thad Donohue from Hulbert Engineering.

Proof of publication of the notice of the hearing in the Press & Sun-Bulletin 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 applicant took the Board members through their request.

Board members present, Mark Tomko, Chairman, Clayton Ellis, Pat McPherson, Eugene Burns and Carolyn Almy. 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 approval to allow parking spaces measuring 9' wide x 18' deep, where 9.5' wide x 20' deep are required by code. Applicant states that the parking spaces at this site have been this way for years and through previous ownerships and that there is no way to reconfigure the parking lots to conform to the code. The need for a 24' aisle and the location

of the loading dock prohibit the expansion or relocation of spots. There are presently 20 spaces on-site and it appears as if the business will require 18-19 total parking spots for employees. Binghamton University is looking to use this site as a Commissary/Vegetable & Produce preparation site for the University. Vegetables & produce will be delivered daily from wholesalers, prepared on-site then shipped to BU in box trucks to various locations on campus.

Comments received from the Broome County Department of Planning and Economic Development, NYS Dept. of Transportation, and Broome County Commissioner of Public Transportation from March/April of 2024 and previous communications from 2012 were received. The property owner has complied with NYS DOT requirement from 2021 by removing parking area from the State right-of-way.

The meeting was opened to the public. The public portion of the meeting was closed as no other 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 Pat McPherson to **approve an Area Variance of 6 inches +/- in width and 2 feet +/- in depth to allow 20 parking spots of 9' x 18' feet where 19.5' x 20' feet is required** as per **Chapter 24, Article IV, Division 3, Section 24-201(a)** at B.C.T.M.P. # 159.09-2-13 aka 4301 Vestal Road, Vestal, NY 13850 as presented to the Board.

The motion was seconded by Carolyn Almy. A vote was called and:

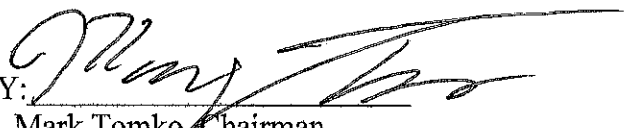
The request for an **Area Variance** is hereby **GRANTED** by a 5-0 vote. The vote was unanimous and the votes were cast as follows: Chairman, Mark Tomko -AYE, Clayton Ellis -AYE, Pat McPherson-AYE, Eugene Burns-AYE and Carolyn Almy-AYE.

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: May 5, 2024

ZONING BOARD OF APPEALS  
OF THE TOWN OF VESTAL

TAMMY KUNES  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01KU0017991  
Qualified in Tioga County  
My Commission Expires 12-08-2027

BY:   
Mark Tomko, Chairman

Broome  
NYSFGC  
6th of May, 2024  
Tammy Kunes