



**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

---

**TOWN OF VESTAL  
ZONING BOARD OF APPEALS**

In the Matter of the Application of

Matt Davis  
First Link 14, LLC  
130 Freeport Road, Pittsburgh, PA 15238  
B.C.T.M.P. # 157.79-1-20

**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 May 9, 2024 the Zoning Board of Appeals of the Town of Vestal held a public hearing at 6:00 PM to consider the application Matt Davis/First Link 14, LLC, regarding premises situate at 136 Vestal Parkway West, Vestal, NY 13850, B.C.T.M.P.# 157.79-1-20 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 parking spaces in a C-1, General Shopping district. Appearing in support of the Area Variance request are Matt Davis and Mark Parker of Keystone Assoc.

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 maps, parking plans and a floor plan. A 230 l & m review was submitted to 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, Jerry Schultz 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 35 parking spaces where 43 are required by code. Applicants state this is adequate parking for their needs. This is the third Dollar General in the Town and the previous two have also requested a reduction in needed spaces based on the shopping habits of their customers and they feel this is an adequate number.

There was a response from New York State Department of Transportation, the Broome County Commissioner of Public Transportation, Broome County Metropolitan Transportation Study and the Broome County Department of Public Works. There were numerous comments/recommendations from NYSDOT and one from BCDPW regarding this parcel for site planning, which were read into the record and a copy as provided to the applicant.

The meeting was opened to the public. The public portion of the meeting was closed as no 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 Carolyn Almy to **approve an Area Variance of 8 parking spaces to allow 35 where 43 are required by code** as per **Chapter 24, Article IV, Division 3, Section 24-207** at B.C.T.M.P. # 157.79-1-20 aka 136 Vestal Parkway West, Vestal, NY 13850 as presented to the Board.

One condition was attached to this motion;

1. That the applicant adhere to all comments from the New York State Department of Transportation and Broome County Department of Public Works.

The motion was seconded by Clayton Ellis. 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, Jerry Schultz-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 9, 2024

ZONING BOARD OF APPEALS  
OF THE TOWN OF VESTAL

Debra Wallace  
Notary Public, State of New York  
Reg. No. 01WA6405232  
Qualified in Broome County  
Commission Expires 03/02/2028

BY:   
Mark Tomko, Chairman

