



**TOWN OF VESTAL
ZONING BOARD OF APPEALS**
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ZBA BOARD MEMBERS:

Chairman: Mark Tomko (acting)
Members: Clayton Ellis
Jerry Schultz
Thomas Jackson, Jr.
Eugene Burns
Alternate: John Taylor
Attorney: Matthew Butler

**TOWN OF VESTAL
ZONING BOARD OF APPEALS**

In the Matter of the Application of

Richard Gasbarra
1413 Glenwood Road
Vestal, NY 13850
B.C.T.M.P. #189.07-2-11

DECISION

For an Area Variance as required by Chapter 24, Article IV, Division 2, Section 24-180(b)(3)(a) of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance)

At a meeting duly scheduled for December 9, 2021, the Zoning Board of Appeals of the Town of Vestal held a public hearing to consider the application of Richard Gasbarra, regarding premises situate at 1413 Glenwood Road, Vestal, NY 13850, (B.C.T.M.P. #189.07-2-11) for an Area Variance as required by Chapter 24, Article IV, Division 2, Section 24-180(b)(3)(a) of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance), pertaining to having less than the required front yard setback in an RA-1, One Family Residential District. Appearing in support of the Area Variance request is the applicant, Richard Gasbarra.

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

Board members present: Clayton Ellis, Acting Chairman; John Taylor; Eugene Burns; Tom Jackson; and Jerry Schultz. 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 a 14' +/- variance for a 7' x 9' front deck as outlined in the submittal. The applicant provided materials including a letter explaining the request, parcel information and dimensions, and pictures of the deck. (Note: The deck was constructed in late September and early October 2021 without a building permit. All work was stopped in early October when the applicant received a stop-work letter from Code Enforcement. The applicant apologized for the error; he was unaware that he needed a building permit.)

The Applicant stated that the existing stone steps and landing were crumbling and becoming unsafe, so he decided to replace them with a larger wooden deck with steps perpendicular to his driveway for easy access.

Board members had no questions for the Applicant.

The meeting was opened to the public for comment. One individual was confused about the location of the project and that issue was clarified for him. The public comment portion was 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 SEQR 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.

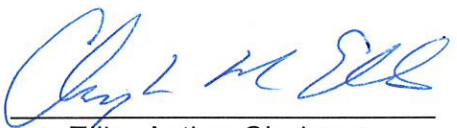
A motion was made by Jerry Schultz to grant a 14' +/- Area Variance as per Chapter 24, Article IV, Division 2, Section 24-180(b)(3)(a) at B.C.T.M.P. #189.07-2-11 aka 1413 Glenwood Road, Vestal, NY 13850 to construct a front deck less than 30' from the front property line, as submitted. The motion was seconded by Tom Jackson. 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: Acting Chairman Clayton Ellis-AYE; John Taylor-AYE; Eugene Burns-AYE; Tom Jackson-AYE; and Jerry Schultz-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: December 17, 2021

ZONING BOARD OF APPEALS
OF THE TOWN OF VESTAL

BY: 
Clayton Ellis, Acting Chairman