



**TOWN OF VESTAL**  
**ZONING BOARD OF APPEALS**  
605 Vestal Parkway West  
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**ZBA BOARD MEMBERS:**

Acting Chairman: Mark Tomko  
Members: Clayton Ellis  
Tom Smallcomb  
Thomas Jackson, Jr.  
Alternates: Eugene Burns  
John Taylor  
Attorney: Matthew Butler

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

In the Matter of the Application of

Joseph Sephton  
108 Sunset Ave.  
Vestal, NY 13850  
B.C.T.M.P. # 206.09-3-40

**DECISION**

For a Special Permit as required by Chapter 24, Article IV, Division 1, Section 24-152 of the Code of The Town of Vestal, Broome County, New York  
(Zoning Ordinance)

At a meeting duly scheduled for December 10, 2020 the Zoning Board of Appeals of the Town of Vestal held a public hearing to consider the application of Joseph Sephton, regarding premises situate at 108 Sunset Ave., Vestal, NY 13850, (B.C.T.M.P.# 206.09-3-40) for a Special Permit as required by Chapter 24, Article IV, Division 1, Section 24-152 of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance), pertaining to having an automotive sales business in a C-1, Zoning District. Appearing in support of the Special Permit request is the applicant Joseph Sephton and Christy Everitt.

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 letter outlining his request along with a copy of the application. A 239 Review Submission Form and responses from Broome County Department of Planning and Economic Development and New York State DOT.

Board members present, Mark Tomko, Acting Chairman, Thomas Jackson, Eugene Burns, Tom Smallcomb and Clayton Ellis. 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 a Special Permit to operate a Recreational Vehicle (RV) rental and leasing business from this property, a C-1 Zoning District. This parcel was recently re-zoned from an RA-2 to a C-1 Zoning District based on the history of it being a retail establishment for 40+ years. The applicant states that they are planning to start out with about 9 units, mostly the smaller teardrop style units to rent/lease out. Office will be located in the building fronting on State Route 26 and units will be parked out back of this building on Sunset Ave. Applicants envision a majority

of the rental process to be completed online with the customers picking up/dropping off the RV units on Mondays and Fridays.

The Applicants state the business is a good fit for the neighborhood as the building has been vacant for more than four (4) years and there is a motorcycle/ATV sales business across the street from this location. They have not been able to secure a tenant for the property for over 4 years, and with the surge in internet sales the likelihood for a traditional retail shop tenant is very low.

2391 & m review responses were returned from the Broome County Department of Economic Planning and Development and New York State DOT. Comments were focused on site review considerations for appropriate landscaping, screening, buffering, fencing, lighting, etc. which will be part of the Planning Boards review when this case goes to them for the next step. SEQOR consideration was also a point of concern for this Special Permit and will be the focus of the Planning Board as well. NYS DOT response was that nothing may be placed in the State right-of-way, including signage, customer parking or display vehicles. .

The meeting was opened to the public, and no one appeared in opposition or support of the Special Permit issuance. The public portion was closed as no members of the public were present or wished to be heard.

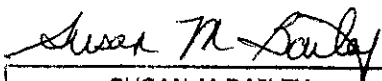
Therefore in consideration of the above, and in balancing the factors of; 1) Whether an undesirable change would be produced in the character of the neighborhood or would be a detriment to the nearby properties; 2) Whether the benefit sought by the applicant can be achieved by a feasible alternative; 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 Thomas Smallcomb to grant a **Special Permit** as per Chapter 24, Article IV, Division 1, Section 24-152 at B.C.T.M.P.# 206.09-3-40 aka 108 Sunset Ave., Vestal, NY 13850 to **operate an RV rental business as presented to the Board**. A vote was called and:

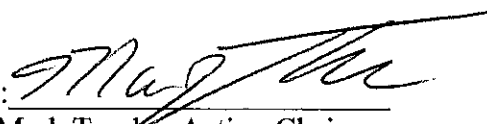
The request for a **Special Permit** is hereby **GRANTED** by a 5-0 vote. The vote was unanimous and the votes were cast as follows: Acting Chairman, Mark Tomko-AYE, Thomas Jackson-AYE, Tom Smallcomb-AYE, Eugene Burns-AYE, and Clayton Ellis AYE.

The Code Enforcement Officer is herewith authorized to take the necessary action to carry out the provisions of this Decision.

Dated: December 13, 2020

  
SUSAN M BAILEY  
Notary Public - State of New York  
No. 01BA6405217  
Qualified in Broome County  
Commission Expires 03/02/2024

ZONING BOARD OF APPEALS  
OF THE TOWN OF VESTAL

BY:   
Mark Tomko, Acting Chairman