



**TOWN OF VESTAL
ZONING BOARD OF APPEALS**
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ZBA BOARD MEMBERS:
Chairman: Mark Tomko
Members: Clayton Ellis
Jerry Schultz
Eugene Burns
Patrick McPherson
Alternate: John Taylor
Attorney: Matthew Butler

**TOWN OF VESTAL
ZONING BOARD OF APPEALS**

RECEIVED

In the Matter of the Application of

OCT 3 2023

Matco Electric/United Way of Broome County
Attn: Anthony Salvatore
101 S. Jensen Road
Vestal, NY 13850
B.C.T.M.P. # 158.11-4-2

VESTAL CODE

DECISION

For an Area Variance as required by Chapter 24, Article IV, Division 2, Section 24-180(b)(4)(a), of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance).

At a meeting duly scheduled for September 28, 2023 the Zoning Board of Appeals of the Town of Vestal held a public hearing at 6:15 PM to consider the application of Matco Electric/United Way of Broome County, regarding premises situate at 101 S. Jensen Road, Vestal, NY 13850, (B.C.T.M.P.# 158.11-4-2) for an Area Variance as required by Chapter 24, Article IV, Division 2, Section 24-180(b)(4)(a), of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance), pertaining to locating an accessory system in a location other than the rear yard as required in an RA-1, One Family Residential Zoning District. Appearing in support of the Area Variance request is Anthony Salvatore.

Proof of publication of the notice of the hearing in the Town Crier 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 from pictures of the property with measurements and drawings of the proposed generator. The applicant took the Board members through his request.

Board members present, Mark Tomko, Chairman, Clayton Ellis, Eugene Burns, John Taylor and Pat McPherson. 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 to install a backup generator in the side yard of the principal structure. This location request is close to the utilities entering the building which is recommended by the generator manufacturer. This is always the recommended location due to the cost of hooking into the current utilities for the building. The building is located on a corner lot with the front being designated on S. Jensen Road and the side yard being the North side of the building on Vestal Parkway East. Per the applicant, the entrance into the building is on the South side off the parking lot. Applicant states that the proposed location is approximately 130' from S. Jensen Road and the Parkway. In addition, the building is a back up location for the Broome County Emergency System and vital for Emergency Operations in the event of a large scale emergency. Zoning Board members noted the proposed location is not very visible from either the Parkway or S. Jensen Road, but they might want to consider some sort of screening to hide this from view once the generator is installed.

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 Clayton Ellis to **approve an Area Variance to install a backup generator in the side yard** as per **Chapter 24, Article IV, Division 2, Section 24-180(b)(4)(a)** at B.C.T.M.P. # 158.11-4-2 aka 101 S. Jensen Road, Vestal, NY 13850 as presented to the Board.

The motion was seconded by Eugene Burns. 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, Eugene Burns-AYE, John Taylor-AYE and Pat McPherson-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: October 1, 2023

ZONING BOARD OF APPEALS
OF THE TOWN OF VESTAL

Subscribed and sworn to before me this

3rd day of October, 2023

Carolyn L Almy
Notary Public

BY: Mark Tomko
Mark Tomko, Chairman

CAROLYN L ALMY
Notary Public, State of New York
Reg. No. 01AL6422753
Qualified in Broome County
Commission Expires 09/27/2025