



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

Chairman: Mark Tomko (acting)
Members: Clayton Ellis
Tom Smallcomb
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

Thomas Sorber
214 Gardner Road
Vestal, NY 13850
Portion of B.C.T.M.P. # 206.02-2-5.1

DECISION

For a Special Permit as required by Chapter 24, Article IV, Division 2, Section 24-183(b) of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance)

At a meeting duly scheduled for October 28, 2021 the Zoning Board of Appeals of the Town of Vestal held a public hearing to consider the application of Thomas Sorber, regarding premises situate at 214 Gardner Road, Vestal, NY 13850, (B.C.T.M.P.# 206.02-2-5.1) for a Special Permit as required by Chapter 24, Article IV, Division 1, Section 24-183(b) of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance), pertaining to having less than the required lot configuration an RR, Rural Residence District. Appearing in support of the Special Permit request are the applicants Thomas Sorber & Rachael Baker.

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 map of the proposed "flag lot", a Surveyor's Description of the lot, along with a letter from Michelle and Todd Arnold who will be selling the proposed lot in question to the applicant.

Board members present, Mark Tomko, Acting Chairman, John Taylor, 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 configure a "flag lot" of 5-6 acres with fifty feet (50') of road frontage as outlined in the submittal. A 240' x 240' lot is the required lot configuration in a RR, Rural Residence District.

The Applicants state that they want to purchase a lot of 5-6 acres from the Arnolds to build a driveway and house in the near future, approximately 2-3 years, as they want to start small and work up to the final completed project. The driveway would be about 900' long heading south to where they plan to build their house. The property slopes to the north to Gardner Road and is part of a large parcel of land owned by the Arnold's who will be selling them the land if the Special Permit is approved. Upon questioning from the Board members, the applicants discussed the slope of the property and the proposed driveway would be made of gravel at first to allow access to the property to build their residence. A preliminary drawing indicating the position of the house, well, and septic was provided. The minimum of 5 acres will be met to make this a legal "flag lot" in this RR Zoning District.

The meeting was opened to the public, and three neighbors were present to speak. Brad Finnegan of Cotton Hanlon, Inc. 146 Gardner Road was questioning the placement of items on the lot and the portion of the lot being sold as his property directly abuts the proposed southern boundary. Scott Sorber of 120 Gardner Road spoke in favor of the request. John & Gail Huckabone of 134 Gardner Road, the property abutting to the west of the 50' driveway also spoke. Their concerns were around the type of driveway and drainage as they have a pond that is fed by the runoff from this property, as well as the construction of the driveway over the current culvert and drainage into it. The public portion 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;

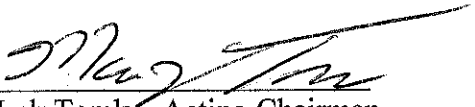
A motion was made by Clayton Ellis to **grant a Special Permit as required** per Chapter 24, Article IV, Division 2, Section 24-183(b) at a Portion of B.C.T.M.P. # 206.02-2-5.1 aka 214 Gardner Road, Vestal, NY 13850 to **create a flag lot of 5-6 acres with a 50' frontage on Gardner Road as presented. Two conditions are attached; 1) to work with Mr. Huckabone to address any concerns with the drainage and filling of his pond along the driveway and 2) any work in the construction of the driveway through the culvert be guided by working & consulting with the Town of Vestal Highway Dept.** The motion was seconded by John Taylor. A vote was called and:

The request for an **Area Variance** is hereby **GRANTED** by a 3-0 vote. The vote was unanimous and the votes were cast as follows: Acting Chairman, Mark Tomko-AYE, John Taylor-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, and to ensure that the construction is performed to the requirements of the Code.

Dated: October 31, 2021

ZONING BOARD OF APPEALS
OF THE TOWN OF VESTAL

BY: 
Mark Tomko, Acting Chairman