



**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 MacPherson
Alternate: John Taylor
Attorney: Matthew Butler

**TOWN OF VESTAL
ZONING BOARD OF APPEALS**

In the Matter of the Application of

Dan & Lisa Cook/JW Hartman LLC
2520 Vestal Parkway East
Vestal, NY 13850
B.C.T.M.P. # 204.00-1-10

RECEIVED

APR 10 2023

VESTAL CODE

DECISION

For an Area Variance as required by Chapter 24, Article IV, Division 2, Section 24-151 of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance).

At a meeting duly scheduled for March 23, 2023 the Zoning Board of Appeals of the Town of Vestal held a public hearing to consider the application of Dan & Lisa Cook/JW Hartman LLC, regarding premises situate at 40 Baker Hill Road, Vestal, NY 13850, (B.C.T.M.P.# 204.00-1-10) for an Area Variance as required by Chapter 24, Article IV, Division 2, Section 24-51 of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance), pertaining to having two (2) principal buildings on a single parcel in an RR, Rural Residence District. Appearing in support of the Area Variance request is Lisa Cook.

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 the request along with a map of the property and proposed location of the generator, along with specifications on the generator itself

Board members present, Mark Tomko, Chairman, John Taylor, Eugene Burns, 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 an Area Variance to remain living in their current residence during the construction of a new modular home to be located on the same parcel. Applicant states they would like to remain in their current home so that they don't have to move twice and rent space

during the fairly quick build of the new residence. Once construction is completed, they would move into the new residence and then convert the current residence into a pool house by possibly removing the 2nd story and other renovations.

The meeting was opened to the public. The public portion of the meeting 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 Mark Tomko to **allow the occupancy of the existing principal building** as per Chapter 24, Article IV, Division 2, Section 24-151 at B.C.T.M.P. # 204.00-1-10 aka 40 Baker Hill Road, Vestal, NY 13850 **while the construction of the new modular residence is being completed as presented.**

Two (2) Conditions are attached to this motion;

1. Occupancy of only one (1) residence is permitted at any time
2. Demolition or conversion of the current principal building is to be started within six (6) months of the issuance of the CO of the new principal house

The motion was seconded by John Taylor. A vote was called and:

The request for an **Area Variance** is hereby **GRANTED** by a 4-0 vote. The vote was unanimous and the votes were cast as follows: Chairman, Mark Tomko-AYE, John Taylor-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, and to ensure that the construction is performed to the requirements of the Code.

Dated: April 10, 2023

ZONING BOARD OF APPEALS
OF THE TOWN OF VESTAL

BY: 
Mark Tomko, Chairman