



**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**

In the Matter of the Application of

Russell Reichert
369 Knight Road
Vestal, NY 13850
B.C.T.M.P. # 189.01-1-25

DECISION

For a Use Variance as required by Chapter 24, Article IV, Division 1, Section 24-151, Permitted Uses, of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance).

At a meeting duly scheduled for March 28, 2024 the Zoning Board of Appeals of the Town of Vestal held a public hearing at 6:00 PM to consider the application of Russell Reichert, regarding premises situate at 369 Knight Road, Vestal, NY 13850, (B.C.T.M.P.# 189.01-1-25), for a Use Variance as required by Chapter 24, Article IV, Division 1, Section 24-151, Permitted Uses, of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance), pertaining to constructing a second principal building on a single property in a RR, Rural Residential zoning district. Appearing in support of the Use Variance request is Russell Reichert.

Proof of publication of the notice of the hearing in the Press & Sun-Bulletin was submitted. Board members present, Mark Tomko, Chairman, Clayton Ellis, Eugene Burns, Pat McPherson, Jerry Schultz, and Alternate Carolyn Almy. All Board members stated that they had visited the site and were familiar with the character and nature of the area and this property. The applicant submitted a package/request with his explanation of the project along with maps of the property, copy of the septic system installation invoice and Certificate of Sewage Disposal System from the Broome County Dept. of Health.

The applicant took the Board members through his request. The applicant is wishing to construct a 30' x 50' pole barn on his property with a 12' x 30' rear dwelling unit at the rear of the building. This dwelling unit would be for his father who is entering retirement and wants to move back from Florida to be closer to his only child and grandchildren. Based on the location of the septic system and topography of the property and house location, a living quarters addition to the house makes for an expensive and difficult proposition. Adding a pole barn for additional storage and garage space, along with a living quarters makes more economical sense as he could tie in

easily to the current septic system and also allow for more privacy for his father. The pole barn would be sided to match the existing house. If the variance is not approved, the applicant would not build the pole barn as it would not make financial sense to do so. The applicant also states he has met with his neighbors and has not received any objections from them.

Discussion from the Board members centered around the septic system, and if it were capable of handling the increase in sewage based on the Broome County Health Department Certificate saying it was designed to not exceed 330 gallons per day which equates to a 3 bedroom house. Applicant provided an invoice from Bodek Inc. showing the aeration system installed was a 500 gallon per day aeration system.

The meeting was opened to the public. The public portion of the meeting was closed as no members of the public were present and wished to be heard.

After due deliberation, the Zoning Board of Appeals makes the following findings of fact and conclusions of law:

Therefore in consideration of the above, and in balancing the factors of; 1.) Property is incapable of earning a reasonable return on initial investment if used for any of the allowed uses in the district; 2.) The property is affected by unique, or at least a highly uncommon circumstance; 3.) The variance, if granted, will not alter the essential character of the neighborhood; 4.) The hardship was not self-created;

A motion was made by Jerry Schultz to **approve a Use Variance to allow the construction of a second principal building (a pole barn with attached living/dwelling unit) as per Chapter 24, Article IV, Division 1, Section 24-151, Permitted Uses at B.C.T.M.P. # 189.01-1-25 aka 369 Knight Road, Vestal, NY 13850 as presented to the Board.**

Three (1) Conditions are attached to the motion;

1. That the septic system meets the specifications of the Broome County Health Department, or modified to the specifications. Proof to be submitted to Code Enforcement.
2. That the living space cannot be rented out in the future.
3. That the applicant has one year to start the project.

The motion was seconded by Clayton Ellis. A vote was called and:

The request for a **Use Variance** is hereby **GRANTED** by a 6-0 vote. The vote was unanimous and the votes were cast as follows: Chairman, Mark Tomko-AYE, Clayton Ellis -AYE, Eugene Burns-AYE, Pat McPherson-AYE, Jerry Schultz-AYE, and Carolyn Almy-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 2, 2024

ZONING BOARD OF APPEALS
OF THE TOWN OF VESTAL

BY: 
Mark Tomko, Chairman