



**TOWN OF VESTAL
ZONING BOARD OF APPEALS**
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ZBA BOARD MEMBERS:
Chairman - Mark S. Johnson
Mark Tomko
Tom Smallcomb
Paul Houle
George Gerner
Attorney - Karen McMullen, ESQ.
Alternates: Eugene Burns
John Taylor
Jennifer Kakusian

TOWN OF VESTAL ZONING BOARD OF APPEALS

In the Matter of the Application

of

DECISION

Michelle Donlon

For a variance as required by Chapter 24,
Article IV, Division 2, Section 24-180 (b)(3)(a)
of the Code of the Town of Vestal,
Broome County, New York
(Zoning Ordinance)

At a meeting duly scheduled for November 16, 2017, the Zoning Board of Appeals of the Town of Vestal held a public hearing to consider the application of Michelle Donlon and Thunder Built Construction, regarding premises situate at 4816 Marshall Drive East, (Tax Map No. 175.07-5-25) for a variance for nonconformity with Chapter 24, Article IV, Division 2, Section 24-180(b)(3)(a) of the Code of the Town of Vestal pertaining to having less than the required front yard setback in an RA-1 district, so as to be permitted to replace a deck and stairway on the front of the house.

Michelle Donlon, the homeowner, and Jeremy Schmerder from Thunder Built Construction, the applicants, appeared in support of the variance request. They provided a survey map marked up with the location of the proposed deck and stairs, a letter explaining the request, several drawings and print-outs with information on materials, and verbal information at the hearing.

The stairway will be straight down from the deck, rather than include a 90 degree turn, so will extend further into the front yard than the existing stairs. Michelle Donlon said that her purposes are functionality and appearance. There will be no roof built over the new structure. The plans were written but construction was not yet commenced as of the date of the hearing. The proposed construction plan ends 22 feet from the front yard boundary, and the requirement is for 30 feet. The existing deck and stairs appear to be less than 30 feet but more than 22 feet from the front yard boundary.

No one appeared in opposition.

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The public notice for the hearing was read into the record.

Board members Mark Johnson, Chairman, Eugene Burns, and John Taylor stated that they had visited the site or were familiar with the character and nature of the area. The hearing was opened to the public at 6:07 pm, and after hearing no comments, the hearing was closed.

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

As this is a Type II area variance, there is no SEQR review required.

Broome County expressed no concern with the proposed project in its 239 review.

The Board reviewed the requirements for the area variance and analyzed the various factors in deciding to grant or deny such a request. There is no significant change in the character of the locality, the only other alternate method to achieve what the applicant desires would be change in the construction plans and design, the degree of the variance sought was modest, there are no serious effects on physical conditions existing in the locality, and the difficulty is not self-created.

A motion was made by Board member Eugene Burns to grant an area variance under Chapter 24, Article IV, Division 2, Section 24-180(b)(3)(a) of the Code of the Town of Vestal for 4816 Marshall Drive East, (Tax Map No. 175.07-5-25) to Michelle Donlon and Thunder Built Construction for a variance of 8 feet +/- from the required front yard set-back of 30 feet in an RA-1 district.

The motion was seconded by Board member John Taylor. A vote was called, and all Board members present voted as follows:

Mark S. Johnson- AYE; Eugene Burns- AYE, John Taylor- AYE.

With all in favor, a 3-0 vote, the area variance was unanimously granted.

In the event that construction is not commenced within four months from the date hereof, then the variance granted by this Decision shall be deemed revoked.

The Code Enforcement Officer is herewith authorized to take the necessary action to carry out of the provisions of this Decision, and to ensure that the construction is performed to the requirements of the Code.

Dated: Nov 30, 2017

ZONING BOARD OF APPEALS
OF THE TOWN OF VESTAL

BY: 

Mark S. Johnson, Chairman