



**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

William Vargason
704 Echo Road
Vestal, NY 13850
B.C.T.M.P. # 173.03-1-5 & 173.03-1-6

DECISION

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

At a meeting duly scheduled for October 14, 2021 the Zoning Board of Appeals of the Town of Vestal held a public hearing to consider the application of William Vargason, regarding premises situate at 700 Echo Road, Vestal, NY 13850, (B.C.T.M.P.# 173.03-1-5) & 704 Echo Road, Vestal, NY 13850, (B.C.T.M.P.# 173.03-1-6) for an Area Variance as required by Chapter 24, Article IV, Division 1, Section 24-183(b)(2) of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance), pertaining to a having less than the required 240' x 240' lot size in an RR, Rural Residential District. Appearing in support of the Area Variance request is the applicant William Vargason

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 copy of the application.

Board members present, Mark Tomko, Acting Chairman, Thomas Jackson, 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 reconfigure the property lines on the two adjoining parcels he owns at 700 & 704 Echo Road. The applicant was previously granted a

variance for less than the required road frontage in the RR zoning district for 700 Echo Road on June 9, 1988 and reflects the current road frontage at these parcels.

The Applicant states that he is requesting to redraw the property division lines to better reflect the "useful" property lines as dictated by the topography. The applicant is looking to sell both properties and with the current lines maintaining and mowing both properties is difficult and not clearly defined. With the lines at present, 704 Echo Road is mowing a great deal of the 700 Echo Road parcel. In addition, with the current property lines, the driveway at 704 Echo road runs across the current property lines onto the parcel at 700 Echo Road and the house at 704 Echo Road is approximately 3' 6" from the property line at the side setback. The proposed re-drawing of the property lines will alleviate all of these concerns and make it easier for the applicant to sell each parcel as they would no longer impact each other.

Upon questioning from the Board members, the applicant stated that he bought the parcel in 1978 and later split the large parcel into 2 parcels (and where the previous variance was obtained) in order to build his dream house at 704 Echo Road. The applicant and his wife are now both retired and looking to sell one property (700 Echo Road) and this proposal will make it easier to do that and allow for more natural maintenance of both properties and correct the other issues. In addition, both properties are on Town Sewage so the need for land requirements for septic are not applicable to these properties.

The meeting was opened to the public, and no one appeared in opposition or support of the Special Permit issuance. The public portion was closed as no members of the public were present or wished to be heard.

This is an Area Variance request and the provisions of SEQR do not apply.

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 Eugene Burns to grant an **Area Variance** as per Chapter 24, Article IV, Division 1, Section 24-183(b)(2) at B.C.T.M.P.# 173.03-1-5 aka 700 Echo Road, Vestal, NY 13850 to **permit the subdivision of the parcel by redrawing the property lines as presented to the Board and having less than the required 240' x 240' lot size in an RR, Rural Residential zoning district.** The motion was seconded by Clayton Ellis. Board member Eugene Burns also made a comment that this is what the ZBA is for, to help the residents of the Town to make it better to live and work in and provide assistance that makes sense within the laws. 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: Acting Chairman, Mark Tomko-AYE, Thomas Jackson-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.

Dated: October 23, 2021

ZONING BOARD OF APPEALS
OF THE TOWN OF VESTAL

BY: 
Mark Tomko, Acting Chairman
