



**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 MacPherson
Alternate: John Taylor
Attorney: Matthew Butler

**TOWN OF VESTAL
ZONING BOARD OF APPEALS**

In the Matter of the Application of

Kenneth and Janice Schmidt
1171 Echo Road
Vestal, NY 13850
B.C.T.M.P. # 188.02-1-2

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 July 27, 2023 the Zoning Board of Appeals of the Town of Vestal held a public hearing at 6:15 PM to consider the application of Kenneth and Janice Schmidt, regarding premises situate at 1171 Echo Road, Vestal, NY 13850, (B.C.T.M.P.# 188.02-1-2, 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 a property use that is not listed/permitted in the R-R, Rural Residence zoning district. Appearing in support of the Use Variance request are Kenneth and Janice Schmidt.

Proof of publication of the notice of the hearing in the Town Crier was submitted, and the Board's letter to the applicants in response to their application was read. The applicants submitted a package outlining the request along with a survey map of the property, a signed contract for the well installation from Sergi's Well Drilling and the approval letter of sewage disposal plans from the Broome County Health Department. The applicants took the Board members through their request.

Board members present, Mark Tomko, Chairman, Clayton Ellis, Eugene Burns, John Taylor and Pat MacPherson. 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 Use Area Variance to place and use a travel trailer on the parcel during the construction of a single-family residence on the property. The applicants state that they would like to convert one of the existing buildings into a single-family residence and would like to

live on the property during the construction. Currently they are staying with family in Ithaca and commuting daily. The request would allow them to oversee the construction process as well as provide security of the construction site and materials vs. the cost of travel and/or rental of a residence.

The applicants state that they will have hook-ups to water and electric for the trailer and that waste will be taken care of by moving the trailer to an appropriate trailer hook-up off-site as needed. Applicants would move trailer into the larger barn for the same purpose during the winter months for better protection from the snow.

The meeting was opened to the public. Thomas Quirino of 1179 Echo Road spoke and had no objections to this request. Richard Newman of 1172 Echo Road also spoke in favor of this variance. The public portion of the meeting was closed as no further members of the public were present and wished to be heard.

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 Pat MacPherson to **approve a Use Variance to allow the placement of a travel trailer on the property during the construction of the single-family residence** as per Chapter 24, Article IV, Division 1, Section 24-151, Permitted Uses at B.C.T.M.P. # 188.02-1-2 aka 1171 Echo Road, Vestal, NY 13850 as presented to the Board.

Two (2) Conditions are attached to the motion;

1. That should the construction be delayed and the applicant cannot complete the project and move into the residence by October 31, 2024, the applicant must return to the ZBA for an extension
2. The travel trailer must be unhooked from any utilities and not be inhabited by anyone 30 days after receiving their Certificate of Occupancy

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

The request for a **Use Variance** is hereby **GRANTED** by a 5-0 vote. The vote was unanimous and the votes were cast as follows: Chairman, Mark Tomko-AYE, Clayton Ellis -AYE, Eugene Burns-AYE, John Taylor-AYE and Pat MacPherson-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: August 6, 2023

ZONING BOARD OF APPEALS

OF THE TOWN OF VESTAL

BY: 
Mark Tomko, Chairman