



**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

Ryan & Danielle DeCaro  
1429 NYS Route 26  
Vestal, NY 13850  
B.C.T.M.P. # 189.12-1-11

RECEIVED

OCT 3 2023

VESTAL CODE

**DECISION**

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

At a meeting duly scheduled for September 28, 2023 the Zoning Board of Appeals of the Town of Vestal held a public hearing at 6:00 PM to consider the application of Ryan & Danielle DeCaro, regarding premises situate at 1429 NYS Route 26, Vestal, NY 13850, (B.C.T.M.P.# 189.12-1-11) for an Area Variance as required by Chapter 24, Article IV, Division 2, Section 24-183(c)(2)(e), of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance), pertaining to a proposed building height in excess of that permitted in a RR, Rural Residence District. Appearing in support of the Area Variance request is Ryan DeCaro.

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 applicant submitted a package outlining the request along a letter from their attorney, pictures of the property and adjacent property and drawings of the proposed building. The applicant took the Board members through his request.

Board members present, Mark Tomko, Chairman, Clayton Ellis, Eugene Burns, John Taylor and Pat McPherson. 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 construct a replacement garage to a height of twenty-six feet (26'), where a twenty-five foot (25') is the maximum building height permitted by code. Applicant states that he wants to replace his current garage as the current structures

foundation is falling apart in the rear of the building and the first floor ceiling is only at a height of 7' which can barely fit his cars. He would like to rebuild the garage in the current style to match the existing house but in a slightly larger footprint to accommodate three (3) vehicles on the first floor. He states he is a car guy and is trying to make the first floor ceiling height at 11' in order to accommodate a lift and since his house lacks storage, he would like to use the second floor for storage purposes. Since he is trying to maintain the same pitch from the current structure and the existing home, the plans need a total height of twenty-six feet for the new garage.

The meeting was opened to the public. The public portion of the meeting was closed as no 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 Pat McPherson to **approve an Area Variance of 1 foot +/- for a height variance to construct a replacement garage as per apter 24, Article IV, Division 2, Section 24-183(c)(2)(e)** at B.C.T.M.P. # 189.12-1-11 aka 1429 NYS Route 26, Vestal, NY 13850 as presented to the Board.

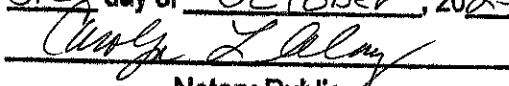
The motion was seconded by John Taylor. A vote was called and:

The request for an **Area 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 McPherson-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: October 1, 2023

ZONING BOARD OF APPEALS  
OF THE TOWN OF VESTAL

Subscribed and sworn to before me this  
3rd day of October, 2023  
  
Notary Public

BY:   
Mark Tomko, Chairman

CAROLYN L ALMY  
Notary Public, State of New York  
Reg. No. 01AL6422753  
Qualified in Broome County  
Commission Expires 09/27/2025