



**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

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**TOWN OF VESTAL  
ZONING BOARD OF APPEALS**

In the Matter of the Application of

Jessica Ross  
905 Vestal Road  
Vestal, NY 13850  
B.C.T.M.P. # 157.58-1-22

**DECISION**

For an Area Variance as required by Chapter 24, Article IV, Division 2, Section 24-181(e)(3)(a)(2), of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance).

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At a meeting duly scheduled for October 26, 2023 the Zoning Board of Appeals of the Town of Vestal held a public hearing at 6:00 PM to consider the application of Jessica Ross, regarding premises situate at 905 Vestal Road, Vestal, NY 13850, (B.C.T.M.P.# 157.58-1-22) for an Area Variance as required by Chapter 24, Article IV, Division 2, Section 24-181(e)(3)(a)(2), of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance), pertaining to Having less than the required side yard setback in an RA-2, One-and Two-family Residential Zoning District. Appearing in support of the Area Variance request is Jessica Ross and Paul Reardon.

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 with a letter, survey map, and drawing of the proposed deck and location on the property. A 239 l and m review from the Broome County Department of Planning and Economic Development. The applicants took the Board members through their request.

Board members present, Mark Tomko, Chairman, Clayton Ellis, Eugene Burns, John Taylor and Jerry Schultz. 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 deck to the rear and side of their residence to within zero feet (0') of the side property line where fifteen feet (15') is required by code. Applicants state that they want construct a roughly 20' x 20' deck, with the corner cut off to

parallel the property line, to enhance the outdoor livability of their property. They are currently doing a lot of improvements to the house they purchased back in 2020 and with the location of the driveway coming from the side street, Ideal Terrace, this is the only location for a deck on the property. The applicants residence is currently 14.1' from the side property line due to being built back in the 1930's, well before the code was established. Ideal Terrace is set at an angle to Vestal road cutting the back yard very short from this point backwards. The applicant s also stated they were open to working with the Board on the variance request.

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 Jerry Schultz to **approve an Area Variance of 14 foot +/- area variance for a side yard set back to construct a deck approximately 1' from the side property line** as per **Chapter 24, Article IV, Division 2, Section 24-181(e)(3)(a)(2)** at B.C.T.M.P. # 157.58-1-22 aka 905 Vestal Road, Vestal, NY 13850 as presented and modified to the Board.

The motion was seconded by Clayton Ellis. 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 Jerry Schultz-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 30, 2023

ZONING BOARD OF APPEALS  
OF THE TOWN OF VESTAL

Subscribed and sworn to before me this  
31st day of October, 2023  
Carolyn L Almy  
Notary Public

BY: Mark Tomko  
Mark Tomko, Chairman

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