



**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**

RECEIVED

In the Matter of the Application of

OCT 3 2023

Patrick & Cathy McPherson
2982 NYS Route 26
Vestal, NY 13850
B.C.T.M.P. # 223.15-1-16

VESTAL CODE

DECISION

For an Interpretation of the Code of the Town of Vestal, Chapter 24, Article IV, Division 1, Section 24-154(a)(1), 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 6:45 PM to consider the application of Patrick & Cathy McPherson, regarding premises situate at 2982 NYS Route 26, Vestal, NY 13850, (B.C.T.M.P.# 223.15-1-16) for an Interpretation of the Code of the Town of Vestal, Chapter 24, Article IV, Division 1, Section 24-154(a)(1), Broome County, New York (Zoning Ordinance), pertaining to an interpretation as to whether an online embroidery business would fall under the noted permitted home occupation of a “dressmaker, seamstress and tailor” as noted in the code section in a RR, Rural Residence District. Appearing in support of the Interpretation request are Patrick & Cathy McPherson.

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 an Email outlining the request. The applicants took the Board members through their request.

Board members present, Mark Tomko, Chairman, Clayton Ellis, Eugene Burns, and John Taylor. 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 Interpretation as to whether an embroidery business that is done online with no customer traffic is considered to fall under the “dressmaker, seamstress and tailor” section of permitted Home occupations permitted in the RR district. Applicant states that they want to ensure this type of business does not need a variance request as they believe that it is using

sewing machines for this type of work. The business is done online with no customer traffic generated by the business. Board member Eugene Burns noted that his research indicated that the term embroidery was incorporated in the definition of "tailor, patch, mend and reinforce cloth" and later developed into decorative as well.

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 John Taylor to **approve an Interpretation that this embroidery business does fall under the approved use of "dressmaker, seamstress and tailor"** as per **Chapter 24, Article IV, Division 1, Section 24-154(a)(1)** at B.C.T.M.P. # 223.15-1-16 aka 2982 NYS Route 26, Vestal, NY 13850 as presented to the Board.

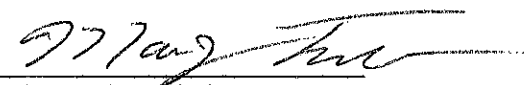
The motion was seconded by Clayton Ellis. A vote was called and:

The request for an Interpretation is hereby **GRANTED** by a 4-0 vote. The vote was unanimous and the votes were cast as follows: Chairman, Mark Tomko-AYE, Clayton Ellis -AYE, Eugene Burns-AYE, and John Taylor-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

BY: 
Mark Tomko, Chairman