



**TOWN OF VESTAL  
ZONING BOARD OF APPEALS  
605 Vestal Parkway West  
Vestal • New York • 13850-1486  
Telephone (607) 786-0980 Ext. 201  
Fax (607) 786-0984**

**ZBA BOARD MEMBERS:**

Chairman: Mark Tomko  
Members: Clayton Ellis  
Jerry Schultz  
Eugene Burns  
Patrick MacPherson  
Alternate: John Taylor  
Attorney: Matthew Butler

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**TOWN OF VESTAL  
ZONING BOARD OF APPEALS**

**RECEIVED**

**FEB 21 2023**

**VESTAL CODE**

In the Matter of the Application of

Thomas D. Ciulla  
403 Winans Ave.  
Vestal, NY 13850  
B.C.T.M.P. # 157.51-2-3

**DECISION**

For an Area Variance as required by Chapter 24, Article IV, Division 2, Section 24-181(e)(3)(b)(1) of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance).

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At a meeting duly scheduled for February 9, 2023 the Zoning Board of Appeals of the Town of Vestal held a public hearing to consider the application of Thomas D. Ciulla, regarding premises situate at 403 Winans Ave., Vestal, NY 13850, (B.C.T.M.P.# 157.51-2-3) for an Area Variance as required by Chapter 24, Article IV, Division 2, Section 24-181(e)(3)(b)(1) of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance), pertaining to having less than 10 feet to the rear of a principal building in an RA-2, One- & Two-Family Residential District. Appearing in support of the Area Variance request is Thomas D. Ciulla.

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 the request along with a map of the property and proposed location of the generator, along with specifications on the generator itself

Board members present, Mark Tomko, Chairman, Pat MacPherson, 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 as required to install a whole house generator on the side of his residence close to the utility entrances of the structure. Applicant states he wants to install the generator approximately 3 ft. from the property line and fence the generator in with a 6'

white vinyl decorative fence extending past and around the generator to reduce the sound and improve the appearance. This new fence will replace the existing wood stockade fence. The generator will be located next to the garage of the adjacent property, will be the quietest generator in its class, and the fencing will help decrease the noise to the adjacent property.

The generator will cycle on once per week for approximately 10 min. and can be scheduled to do this at any time, but he will run it between the hours of 8:00 AM – 4:00 PM. It is controlled via remote monitoring/control via an app as well. The unit will be fully installed by professionals, be fully placard for fire dept. and have all inspections as required by Code.

The meeting was opened to the public. The public portion of the meeting was closed as no other 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 MacPherson to **grant a 25' +/- rear set back Area Variance as required** Chapter 24, Article IV, Division 2, Section 24-181(e)(3)(b)(1) at B.C.T.M.P. # 157.51-2-3 aka 403 Winans Ave., Vestal, NY 13850 to **install a whole hose generator as presented.**

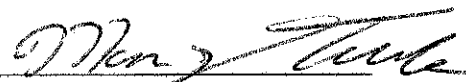
The motion was seconded by Clayton Ellis. A vote was called and:

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: Chairman, Mark Tomko-AYE, Pat MacPherson-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, and to ensure that the construction is performed to the requirements of the Code.

Dated: February 20, 2023

ZONING BOARD OF APPEALS  
OF THE TOWN OF VESTAL

BY:   
Mark Tomko, Chairman