



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

Chairman: Jennifer Kakusian
 Members: Mark Tomko
 Tom Smallcomb
 Paul Houle
 Alternates: Eugene Burns
 Thomas Jackson, Jr.
 John Taylor
 Attorney: Philip Grommet

TOWN OF VESTAL
ZONING BOARD OF APPEALS

In the Matter of the Application of:

Walsh & Sons Construction
 Bill Walsh
 3201 Stewart Rd.
 Vestal, NY 13850
 BCTM#: 158.11-1-15

RECEIVED
 JAN 23 2020
VESTAL CODE

For a variance as required as required by:

- Chapter 24, Article IV, Division 1, Section 24-152 pertaining to a property that is not permitted in the I, Industrial zoning district.
- 239 Short Environmental Assessment Form Part 1

At a meeting duly scheduled for November 14, 2019, the Zoning Board of Appeals of the Town of Vestal held a public hearing to consider the application of Walsh & Sons Construction Company regarding the premises located at 3201 Stewart Road (BCTM#: 158.11-1-15) for a use variance for non-conformity with: Chapter 24, Article 1V, Division 1, Section 24-152 pertaining to a use that is not permitted in this "I", Industrial zoning district. Appearing on behalf of the applicant was Bill Walsh. This meeting was held over to December 12, 2019 to allow Mr. Walsh to address concerns raised by the Board regarding reasonable return on his investment, i.e. proving his financial investment therein (Q: 1 of the Use Variance criteria).

At 6:00 PM on December 12, 2019, the meeting was reopened regarding the above case. Jennifer Kakusian, ZBA Chairman, asked if members of the ZBA had been to the property. All indicated in the affirmative. Bill Walsh, again, appeared in support of the variance request. Mr. Walsh provided supporting documentation consisting of: prior documentation from the November 14, 2019 meeting and additional documentation specifically dealing with profit and loss concerns. After review of these documents by the Board, Mr. Walsh explained the contents of the submitted packet and detailed the application and case.

Board members stated that they had visited the site or were familiar with the character and nature of the area. Discussion ensued regarding the emphasis of keeping the property clean.

The board completed the 239 Short Environmental Assessment Form Part 2 (enclosed).

The hearing was opened for public comment, and after no one wished to be heard, the public portion of the hearing was closed.

After due deliberation the Zoning Board of Appeals makes the following finding of facts and conclusions of law:

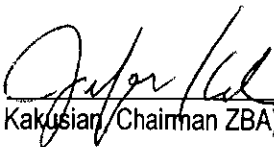
- | | |
|--|------------|
| ➤ Has the applicant proven a hardship: | YES |
| A short-term hardship will be incurred until all phases of building are complete (5 yrs.) | |
| ➤ Is the property unique compared to other properties: | YES |
| Property is a Superfund | |
| ➤ If granted will the variance alter the essential character of the neighborhood: | NO |
| ➤ Whether the alleged difficulty was self-created: | NO |

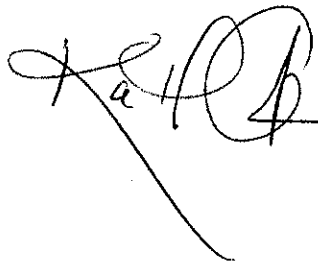
A motion was made by Eugene Burns to grant a use variance to Walsh & Sons Construction (Bill Walsh) per Chapter 24, Article IV, Division 1, Section 24-152 pertaining to BCTM#: 158.11-1-15 also known as 3201 Stewart Road, as presented to the board, granting a use variance to allow for outdoor storage of boats, campers, motor vehicles & RVs for a maximum period of five (5) years or until the completion of the three (3) additional Town of Vestal Planning Board approved storage units are complete second by Mark Tomko.

Conditions to Motion: none

<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>			
JK	<u> x </u>	<u> — </u>			
MT	<u> x </u>	<u> — </u>			
TS	<u> — </u>	<u> x </u>			
EB	<u> x </u>	<u> — </u>			
TJ jr	<u> — </u>	<u> — </u>	Absent		
JT	<u> — </u>	<u> — </u>	non-voting	Granted <u> x </u>	Denied: <u> </u>

Dated: 12/12/19

Affirmed:  1/23/2020
 (Jennifer Kakusian, Chairman ZBA)

 1/23/2020

KATHERINE CASHMAN
 Notary Public, State of New York
 Reg. No. 01CA6173224
 Qualified in Broome County
 Commission Expires 08-20-2023