



**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
Carolyn Almy
Attorney: Matthew Butler

**TOWN OF VESTAL
ZONING BOARD OF APPEALS**

In the Matter of the Application of

Daniel Bublik
PQC Kitchen and Bath
1005 Main Street, Vestal NY 13850
B.C.T.M.P. # 175.07-6-3

DECISION

For an Area Variance as required by Chapter 24, Article IV, Division 2, Section 24-180(a)(3)(a), of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance).

At a meeting duly scheduled for April 25, 2024 the Zoning Board of Appeals of the Town of Vestal held a public hearing at 6:15 PM to consider the application of Daniel Bublik/Alex Nikulin & Ania Nikulin, regarding premises situate at 4600 Radcliffe Blvd., Vestal, NY 13850, B.C.T.M.P.# 175.07-6-3 for an Area Variance as required by Chapter 24, Article IV, Division 2, Section 24-180(a)(3)(a), of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance), pertaining to having less than the required front yard setback in an RA-1, One Family Residence district. Appearing in support of the Area Variance request are Daniel Bublik and Alex Nikulina.

Proof of publication of the notice of the hearing in the Press & Sun-Bulletin 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 a floor plan. The applicant took the Board members through their request.

Board members present, Mark Tomko, Chairman, Clayton Ellis, Pat McPherson, Eugene Burns and Carolyn Almy. 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 approval to allow the construction of a front entry addition within 29 feet (29') of the front property line. Applicants state this is needed as they have small children and opening the front door right into the living room results in tracking in dirt and water. The request for a small entry addition would make the neighborhood look nicer and add a more appealing look to the home. The application states looking for approximately a 1' variance,

the applicants letter is looking for a 5' variance and the drawings are looking at a 1.5' variance. The addition would extend 4' from the front of the garage, which is the part of the residence closest to the property line. Code Enforcement Officer Lincoln Ellis stated that the 32' measurement from the front property line to the garage on the survey map is correct, so a 4' addition would put the final measurement at 28' from the property line.

The meeting was opened to the public. Janice Schmidt from 1171 Echo Road, Vestal, NY asked if the measurements were from the curb or property line and how that affects this decision. 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 Clayton Ellis to **approve an Area Variance of 3 feet +/- front yard setback where 30' feet is required** as per by **Chapter 24, Article IV, Division 2, Section 24-180(a)(3)(a)** at B.C.T.M.P. # 175.07-6-3 aka 4600 Radcliffe Blvd., Vestal, NY 13850 to allow the construction of the front entry as presented to the Board.

The motion was seconded by Eugene Burns. 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, Pat McPherson-AYE, Eugene Burns-AYE and Carolyn Almy-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: May 5, 2024

ZONING BOARD OF APPEALS
OF THE TOWN OF VESTAL

BY: 
Mark Tomko, Chairman