



**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**

In the Matter of the Application of

Yulia Reuveni
106 Rockwell Road
Vestal, NY 13850
B.C.T.M.P. # 188.02-1-3.2

DECISION

For a Use Variance as required by Chapter 24, Article IV, Division 1, Section 24-151, Permitted Uses, 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 Yulia Reuveni, regarding premises situate at 1055 Echo Road, Vestal, NY 13850, (B.C.T.M.P.# 188.02-1-3.2), for a Use Variance as required by Chapter 24, Article IV, Division 1, Section 24-151, Permitted Uses, of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance), pertaining to property use that is not permitted in a RR, Rural Residential zoning district. Appearing in support of the Use Variance request is Yulia Reuveni.

Proof of publication of the notice of the hearing in the Press & Sun-Bulletin was submitted. Board members present, Mark Tomko, Chairman, Clayton Ellis, Eugene Burns, Pat McPherson, Jerry Schultz, and Alternate 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. The applicant submitted a package/request with her explanation of the project along with a map of the property.

This is a continuation of the hearing originally scheduled for April 11, 2024 at 6:15 PM. At this hearing, members of the public were offering complaints of gunshots on the land and that the animals, horse and 3 sheep were found wandering outside the fence and property and without proper shelter. After hearing the public comments, the Code Enforcement Officer, Lincoln Ellis, needed time to go back and research the local laws and ordinances, and agriculture & markets laws regarding this property and use of livestock on vacant property.

A recap of the April 11, 2024 meeting was given to the applicant and audience and then the

applicant took the Board members through her request. The applicant is wishing to construct a 12' x 12' building for tool storage in 2024 and a 30' x 30' barn on his property in 2025. Eventually she would like to build a small house on the property in the near future after that. The animals on the property are housed in a small temporary shelter which is very flimsy and not pretty. The applicant states that she is planting fruit and nut trees on the property and other garden vegetables and needs to store tools for this on-site. Applicant also states that the animals are able to remain outdoors throughout the year and are hardy enough for this and that the trees and land are capable of providing enough shelter during most of the year. The temporary shelter is able to offer some additional help in times of really inclement weather.

The applicant would like to build the barn in 2025 when she has enough money for this project and hopes to then add additional livestock to the property. Code Enforcement Officer Lincoln Ellis was asked about the use of livestock on a vacant property and in regards to the previous hearing date issues raised by some neighbors. Mr. Ellis stated that he could not find anything in the Agriculture & Markets laws and no issues with the Town code as well.

The applicant also submitted a letter signed by 18 neighbors in support of granting the use variance. She also stated that the fencing has been reviewed and is keeping the animals in the pens and there is also an electric fence to help with this. She does have plenty of other pastures that are fenced and she will be moving the animals there when the grass is ready.

Discussion from the Board members centered around the use variance, and why it is needed. Since there is no primary residence on the property, a Use Variance is needed to build accessory buildings. In addition, the question of granting only one variance now instead of a second in the future was also raised. ZBA Attorney Mathew Butler suggested that if this was a concern, the Board could grant the shed variance request and table the 2nd request for the barn and have the applicant submit plans for this to the Code Enforcement Officer prior to a specific date to then return for the 2nd variance without having to re-apply.

The meeting was opened to the public. Janice Schmidt of 1171 Echo Road spoke in favor of granting the variance and stated that the animals are very well cared for and the farm is very organic and nice. Kenneth Schmidt of 1171 Echo Road also spoke in favor of granting the variance. Rick Neman of 1172 Echo Road also spoke in favor of the variance as the animals are well taken care of. The public portion of the meeting was closed as no other members of the public were present and wished to be heard.

After due deliberation, the Zoning Board of Appeals makes the following findings of fact and conclusions of law:

Therefore in consideration of the above, and in balancing the factors of; 1.) Property is incapable of earning a reasonable return on initial investment if used for any of the allowed uses in the district; 2.) The property is affected by unique, or at least a highly uncommon circumstance; 3.) The variance, if granted, will not alter the essential character of the neighborhood; 4.) The hardship was not self-created;

A motion was made by Carolyn Almy to **approve a Use Variance to allow the construction of a 12' x 12' shed** as per Chapter 24, Article IV, Division 1, Section 24-151, Permitted Uses at

B.C.T.M.P. # 188.02-1-3.2 aka 1055 Echo Road, Vestal, NY 13850 as presented to the Board. The request for a 30' x 30' barn to be built in 2025 is to be tabled until the applicant submits plans for this prior to January 2026. Plans submitted for a 30' x 30' barn would not require any additional ZBA approval as long as they match this request as submitted.

The motion was seconded by Eugene Burns. A vote was called and:

The request for a **Use 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, Pat McPherson-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