

TOWN OF KIRKWOOD
ZONING BOARD OF APPEALS
January 16, 2023

A Zoning Board of Appeals meeting was held on January 16, 2023 at 7:00 p.m. at the Joseph A. Griffin Town Hall on the application of **Jessica Shay** regarding property located at 178 Main Street in the Town of Kirkwood known as Tax Map No. 211.19-1-23 and located in a Residence R Zoning District, for an Area Variance for a 10 X 30 carport on the side of residence near property line.

Present: Duane Travis, Chairman
 Marc Latini, Member
 Cyndi French, Member
 Bruce Nemcek, Member
 Mike Maciak, Member

Other Present: Keegan Coughlin, Attorney

Chairman Travis called the meeting to order at 7:00 pm.

APPROVAL OF MINUTES:

Motion by Mike Maciak and seconded by Marc Latini to approve the minutes of the October 17, 2022 meeting as submitted. All voted in favor. Motion carried.

PUBLIC HEARING:

Chairman Travis read the notice of public hearing.

Chairman Travis opened the Public Hearing for public participation at 7:03 PM.

Jessica Shay was present and stated they are asking for the variance for the house they bought. The driveway into the garage slopes down so you can't get a normal car into it without scraping. They expanded the driveway a little and they are looking for some kind of coverage for the vehicles.

Hearing no other comments, Chairman Travis closed the Public Hearing at 7:04 PM.

Chairman Travis commented that we have the affidavits of posting by the Town Clerk on the sign board, the affidavits of publication in the Press & Sun Bulletin and the Country Courier, and affidavits of service by mail to property owners within 500 feet. A 239 was not needed. Broome County Department of Planning had not identified any significant countywide or inter-community impact associated with the proposed project. It is a Type II action under SEQR so an EAF is not required.

Mike Maciak, referring to a photo included in the packet, asked if this is what they are doing, with sides on it and Mrs. Shay stated yes. Mike Maciak asked if they will be able to drive through it and Mrs. Shay stated yes. Mr. Shay explained they will be able to drive through it to access their property, which is the only access they have through the driveway to the backyard. It will have permanent sides on each side and gables at the top on each end. The company that is going to install it is Pine Creek Structures on Front Street in Binghamton.

Bruce Nemcek asked how close does that get to the property line and Mr. Shay explained it is 8 ft. to the property line at the other house. Cyndi French asked 8 ft. after the carport is up and Mr. Shay stated yes. Cyndi French asked why it couldn't be put in the back, you would drive in and park behind the house and Mr. Shay explained they just widened the driveway, with stone, so they would like to keep it on the stone because that is where they would anchor it down to the ground. It will be better in the stone area instead of just yard. Cyndi French asked if the driveway is wider now and Mr. Shay stated yes.

Bruce Nemcek asked if the carport is in front of the house at all and Mr. Shay stated on the side totally.

Chairman Travis reviewed the area variance criteria with the Board:

1. Whether benefit can be achieved by other means feasible to applicant? Board: Yes, move outback but more gravel would be needed. The houses are very close to one another in that area.
2. Undesirable change in neighborhood character or to nearby properties? Board: No.
3. Whether the request is substantial? Board: No, an 8 ft. variance on a 15 ft. setback is 55%.
4. Whether the request will have adverse physical or environmental effects? Board: No.
5. Whether alleged difficulty is self-created? Board: Yes, they want the carport.

Mr. Coughlin explained because of the environmental effects one of the conditions that you could place if you want to grant this type of variance would be to say that any runoff, water flow, or snow fall off the carport would stay wholly within their property. There are other rules in the building code that say that anyways but sometimes it is easier to make that a condition of the approved variance, from an enforcement prospective for Chad. You could put a condition that two sides remain open, the front and the back, but that is a bit questionable from a legal standpoint.

Cyndi French commented that if there is a structure fire or a brush fire there a fire truck isn't going to get behind the house.

Motion by Bruce Nemcek and seconded by Mike Maciak to grant the area variance with the following conditions:

1. Any runoff, water flow, or snowfall off the carport would stay wholly within their property.
2. The structure shall remain open on 2 sides.
3. No business will be run out of the structure.

Roll Call Vote:	Mike Maciak	Yes
	Marc Latini	Yes
	Cyndi French	Yes
	Bruce Nemcek	Yes
	Chairman Travis	Yes

Motion carried.

ELECTION OF OFFICERS:

Motion by Bruce Nemcek and second by Mike Maciak to nominate Cyndi French as Secretary for 2023. All voted in favor. Motion carried.

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Motion by Cyndi French and second by Marc Latini to nominate Mike Maciak as Co-Chair for 2023. All voted in favor. Motion carried.

Motion by Cyndi French and seconded by Bruce Nemcek to adjourn the meeting. The meeting was adjourned at 7:20 pm.

Respectfully Submitted,

Mary Kay Sullivan, Secretary
Zoning Board of Appeals