

**TOWN OF KIRKWOOD**  
**ZONING BOARD OF APPEALS**  
**April 21, 2025**

A Zoning Board of Appeals meeting was held on April 21, 2025 at 7:00 p.m. at the Joseph A. Griffin Town Hall on an area variance to construct a 26'X37' metal storage building on the property with less than the required setback regarding property located at 80 Krager Road in the Town of Kirkwood known as Tax Map No. 145.02-1-66 and located in a Residence R1 Zoning District, on the application of Jason McDonald.

Present:	Duane Travis, Chairman Mike Maciak, Member Jerry McMaster, Member David Zeitz, Member Michael Reed, Member	Gina Middleton, Attorney Linda Parke, Ad Hoc Member
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Chairman Travis called the meeting to order at 7:00 pm.

**PUBLIC HEARING:**

Chairman Travis read the notice of Public Hearing and commented we have the affidavit of posting by the Town Clerk, notice to property owners within 500 feet of the project, affidavit of publication in the Press & Sun Bulletin, and Broome County Planning Department 239-m recommendations. Chairman Travis read the comments from Broome County Department of Planning and Economic Development and the Broome County Health Department into the record and are included in the file.

Motion by Mike Maciak and seconded by David Zeitz to declare the proposed action a Type 2 Action under SEQR and requires no further SEQR review. All voted in favor. Motion carried.

**PUBLIC HEARING:**

Chairman Travis opened the public hearing at 7:04 PM.

Hearing no comments, Chairman Travis closed the public hearing at 7:04 PM.

**APPROVAL OF MINUTES:**

Motion by Jerry McMaster and seconded by David Zeitz to approve the minutes from the December 16, 2024 meeting as submitted. All voted in favor. Motion carried.

**AREA VARIANCE – JASON MCDONALD:**

Mr. Jason McDonald was present and explained they bought the property from Broome County at an auction in July 2023. They didn't know the condition of the house because it was occupied at the time. Within a short time of owning it, they received a letter from the Town to remove a truck cap and fix stairs on the front of the house. After having the tenant evicted, the first thing they did was build stairs for the front of the house. Then they ordered the metal structure/garage. It is a tubular structured garage, not on concrete, lagged to the ground with. The structure is movable. As soon as the garage was delivered he got the permit through Chad Moran, had to pay the penalty for not having the right permit, then the variance came about. The structure is within 20 feet of the property line, when he measured it was within 1 foot of the line. A stop work order was issued in October 2024, so everything stopped on this project. He tried to purchase the vacant property next door or a portion of it, which would have solved the issue, but the owners were asking \$8,000 per acre and he

would have had to buy all three acres. They couldn't reach a deal. The neighboring house is 225 feet from the side of the garage so it is not encroaching on anyone. They could move a little bit to the left, but the septic system is 16 feet to the left, two tanks and the leach field is behind it.

Mike Reed asked if at any point he would put any flooring down and Mr. McDonald commented at this point, it is mainly for their boat, tractor, and truck.

Mike Maciak asked if he moves it to the left 8 feet he would have at least 10 feet on the right-a-way side and Mr. McDonald stated yes, as long as they can get back with a full size truck, trailer or excavator.

Ms. Middleton asked if a survey was done on the property and Mr. McDonald explained he was going to because they offered to purchase the 3 acres but that didn't happen. Ms. Middleton asked how he came up with the 1 foot from the property line and Mr. McDonald explained from a drawing that Chad had. They had 34 feet from the side of the house, he measured with a tape measure. They were going off what the previous owner mowed on the property. They came in 10 feet off the mowed edge and put the garage there.

Chairman Travis asked if it was 20 feet from the left side of the new building to the septic and Mr. McDonald stated it is actually 16 feet to the septic tank cover. It is 20 feet off the back of the house to the first chamber of the septic.

Chairman Travis commented that one of the concerns is stormwater run-off to the other property.

Chairman Travis reviewed the Area Variance criteria as follows:

1. Whether benefit can be achieved by other means feasible to applicant? Board: The right side of the property is all wooded, left side is open. Structure is where it should be but needs to be away from the property line more. Mr. McDonald presented pictures of the property for the board to review. There is no other place on the property that it could go. Putting a gutter up on the right side to move the water away from the property next door.
2. Undesirable change in neighborhood character or to nearby properties? Board: No.
3. Whether the request is substantial? Board: Yes, this is essentially a percentage variance, it is substantial going from 20 feet down to 1 foot. It is a 95% variance.
4. Whether the request will have adverse physical or environmental effects? Board: No, except for the concerns regarding the runoff.
5. Whether alleged difficulty is self-created? Board: Yes, it is self-created.

Mike Maciak asked if there was ever a garage there before and Mr. McDonald stated he isn't aware there was, no trace of one.

Ms. Middleton explained the options to the Board which are approve with the condition of the gutter issue, deny, or you can ask for an amended request with a greater variance and approve or deny that request. The board could request an amended application, which can be done orally tonight, for a 10-foot variance, which would decrease the runoff concerns as well as the percentage variance. By amending the application to a 10-foot variance it would go from 95% to 50%.

There was a discussion regarding how many feet the variance should be, 10-foot, 5-foot, 8-foot. Mr. McDonald amended his application from a 1-foot variance to an 8-foot variance, which is 60%. Gutters running off to the rear of the garage can be a condition.

Motion by Mike Maciak and seconded by Michael Reed to approve the 8-foot area variance for the side setback with the condition that gutters be placed on the garage that deters the water to the back of the garage and away from the sideline.

Roll Call Vote:	Jerry McMaster	Yes
	David Zeitz	Yes
	Mike Maciak	Yes
	Michael Reed	Yes
	Chairman Travis	No

Motion carried.

**ELECTION OF OFFICERS:**

Jerry McMaster was nominated as Secretary for 2025. All voted in favor.

Mike Maciak was nominated as Co-Chairman for 2025. All voted in favor.

Motion by David Zeitz and seconded by Jerry McMaster to adjourn the meeting. The meeting was adjourned at 7:40 pm.

Respectfully Submitted,

Mary Kay Sullivan, Secretary  
Zoning Board of Appeals