TOWN OF KIRKWOOD ZONING BOARD OF APPEALS

November 18, 2024

A Zoning Board of Appeals meeting was held on November 18, 2024 at 7:00 p.m. at the Joseph A. Griffin Town Hall on an area variance to install a metal carport or garage regarding property located at 422 Old State Road in the Town of Kirkwood known as Tax Map No. 129.15-2-31 and located in a Residence 1 Zoning Districts, on the application of James DiFulvio.

Present: Duane Travis, Chairman Mark Spinner, Attorney

Mike Maciak, Member Marc Latini, Member

Chairman Travis called the meeting to order at 7:16 pm.

APPROVAL OF MINUTES:

Motion by Mike Maciak and seconded by Marc Latini to approve the minutes of the October 21, 2024 meeting as submitted. All voted in favor. Motion carried.

JAMES DIFULVIO – AREA VARIANCE:

Mr. DiFulvio explained he is putting in a carport to store his vehicles in. The entire driveway will be concrete, it looks like a pad now but will be the driveway. He had issues with drainage, which he has fixed. He is using a neighbor's garage to store his cars but will need to get them out.

Mike Maciak asked why he called it carport/garage and Mr. DiFulvio explained it is a versa tube, which fastens to the ground but can be taken apart and taken down. He didn't want to put up a wooden garage. Mike Maciak asked if he was going to put a carport off the side of it and Mr. DiFulvio stated no. He added from the front of the porch there is about a 2-foot difference, but the side drops off so much he had to build it up about 4 feet on the right side. The old driveway, which is asphalt, will be dug up and replaced with concrete.

Marc Latini asked if the structure will be 2 feet closer to the road than the house is and Mr. DiFulvio stated yes.

Chairman Travis asked if the sides will be open on this and Mr. DiFulvio stated no, it will be enclosed but won't have time to do it this year. This year will be walls up, roof, and will temporarily block up the front. He will eventually put in a garage door. Chairman Travis explained for the variance we are going to call it a garage and Mr. DiFulvio agreed.

Mike Maciak asked if he was going to put in electric and Mr. DiFulvio explained not this year, most likely next year.

Chairman Travis explained there are two things to consider on this variance, first is the setback and second the structure will be in the front yard because it will be 2-feet closer to the road than the house. Mr. Spinner explained once it encroaches or goes past the front of the house and it is front facing to the road then it is considered in the front yard.

Page 2

November 18, 2024 Zoning Board of Appeals Meeting

Chairman Travis reviewed the Area Variance criteria as follows:

- 1. Whether benefit can be achieved by other means feasible to applicant? Board: No, because of the slope of the yard.
- 2. Undesirable change in neighborhood character or to nearby properties? Board: No.
- 3. Whether the request is substantial? Board: No, it is only 2 feet, not substantial.
- 4. Whether the request will have adverse physical or environmental effects? Board: No.
- 5. Whether alleged difficulty is self-created? Board: No, he has to work with the property he has.

Chairman Travis asked if the septic system was in the back yard and Mr. DiFulvio stated yes. Mr. Spinner commented that Broome County didn't identify any countywide impacts.

Motion by Mike Maciak and seconded by Marc Latini to grant the area variance for the front yard setback and also the variance for the garage being in the front yard.

Roll Call Vote: Marc Latini Yes Mike Maciak Yes

Chairman Travis Yes

Motion Carried.

Motion by Marc Latini and seconded by Mike Maciak to adjourn the meeting. The meeting was adjourned at 7:32 pm.

Respectfully Submitted,

Mary Kay Sullivan, Secretary Zoning Board of Appeals