

TOWN OF KIRKWOOD
ZONING BOARD OF APPEALS
OCTOBER 21, 2024

A Zoning Board of Appeals meeting was held on October 21, 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 Gina Middleton
 Mike Maciak, Member
 Bruce Nemcek, Member
 Marc Latini, Member

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, Broome County Planning Department 239-m recommendations and a Short EAF has been filed.

Chairman Travis read the comments from Broome County Planning Department, they did not identify any significant countywide or inter-community impacts. The entire letter is included in the file. Broome County Health Department commented that the applicant is to ensure placement of carport/garage does not impact septic system, BCHD has no records for septic system on property.

Ms. Middleton explained this is a Type 2 action, no further action is needed

Motion by Mike Maciak and seconded by Bruce Nemcek to declare the proposed action a Type 2 Action under SEQR and requires no further SEQR review.

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

Motion Carried.

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

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

APPROVAL OF MINUTES:

Chairman Travis commented that the last vote, to deny the variance is not correct. Marc Latini voted yes, Mike Maciak voted no, Bruce Nemcek voted yes, and he voted yes.

Motion by Marc Latini and seconded by Mike Maciak to approve the minutes of the September 23, 2024 meeting with the changes discussed above. All voted in favor. Motion carried.

The board has questions regarding the project but the applicant was not present. Questions included how old the house was, if it was built before the town code went into effect. From the drawing a portion of it looks like it sets in front of the house. The new concrete pad is 18 ½ ft closer to the road and the front porch is 20 ft closer to the road. The property does slope down on the side of the house.

Ms. Middleton noted for the record that we usually have the applicant here and if the board has questions that we don't have answers to you can table it or deny it without prejudice and allow him to come back.

Mike Maciak questioned that it says carport/garage. Chairman Travis commented if we are going to grant a variance it should be either for a carport or a garage because they are two different entities. According to the application it is a metal temporary structure, which would lend itself more toward a carport.

Chairman Travis noted that typically the setbacks are measured to the structure not the foundation.

Ms. Middleton commented that her concern is do you need to do one area variance or two, if it is just the setback, but if it is also in front of the residence another variance would be needed.

Motion by Mike Maciak and seconded by Marc Latini to table this until the next meeting, November 18, 2024 at 7 PM.

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

Motion Carried.

Motion by Mike Maciak and seconded by Marc Latini to adjourn the meeting. The meeting was adjourned at 7:14 pm.

Respectfully Submitted,

Mary Kay Sullivan, Secretary
Zoning Board of Appeals