

**TOWN OF KIRKWOOD
ZONING BOARD OF APPEALS**

November 18, 2019

A Public Hearing was held on November 18, 2019 at 7:00 p.m. at the Joseph A. Griffin Town Hall, 70 Crescent Drive, Kirkwood, NY on the application of Ric Parisi regarding property located at 105 Johnson Road in the Town of Kirkwood known as Tax Map No. 179.01-1-33 and located in a Residence District, for an Area Variance to erect a 30' X 50' pole barn in front of the house.

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

Other Present: Robert McKertich, Attorney
Chad Moran, Code Enforcement Officer

Absent: Ed Egan, Member
Marc Latini, Associate Member

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

APPROVAL OF MINUTES:

Motion by Cyndi French and second by Mike Maciak to approve the minutes of the July 15, 2019 meeting as submitted.

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

Motion carried.

PUBLIC HEARING:

Chairman Travis read the notice of public hearing. Chairman Travis commented that we have the affidavit of posting by the Town Clerk on the sign board, the affidavit of publication in the Press & Sun Bulletin and the Country Courier, and affidavit of service by mail to property owners within 500 feet. The Broome County Planning Department 239 was prepared and comments were received. Chairman Travis read the following into the record: The case file was routed to the following agencies for review: New York State Department of Transportation, Broome County Health Department, Broome County Department of Public Works. Enclosed are the comments. Chairman Travis stated the only comments that were received were from the Broome County Health Department. The following was read into the record from Ron Brink, Broome County Health Department: My only comment would be to recommend that the pole barn should be located in a place that gives sufficient room for the household septic system to be constructed and also a replacement system should one eventually be needed. Chairman Travis stated because this is a Type II we do not need a Short EAF.

Chairman Travis opened the public hearing at 7:05 pm.

Hearing no comments Chairman Travis closed the public hearing at 7:05 pm.

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Mr. Ric Parisi stated this is just a space thing. He has a boat that he has had for years and he acquired another boat, which was his sons, who recently pass away and it is something he wishes to keep and store and use. He also has a project car that he is going to be working on that needs to be garaged. He has a woodworking hobby that he enjoys that requires space for.

Chad Moran explained that Mr. Parisi is building a house and he wanted to put a garage in, which were put under the same building permit. He told him if he wanted to do the garage he would have to get a zoning variance. Mr. Parisi had agreed to that and filled out an application. Chad had told him he was good to go with the application and let him know when the meeting was but Mr. Parisi heard he was good to go to put the structure up. Before the approval or disapproval from the Board it is half way up now. Chad says he kind of faults that on the contractor who never called for the inspections otherwise we could have stopped it at a reasonable time.

Cyndi French asked where the house is in being built and Chad stated it isn't being built, it is a modular house. Mr. Parisi stated it was delivered and will be set Wednesday or Thursday.

Mike Maciak asked if there would be any problem with the septic being on that side and Mr. Parisi stated no.

Mike Maciak asked if there were different rules for a pole barn vs. a garage and Chairman Travis stated it is an accessory building. Mike asked if this is an accessory building and Chairman Travis stated yes. Mike commented even if you are not heating it like you do a garage and Chad explained just the way it is built. A garage would have a concrete floor and a pole barn would not have that. Mike asked if the house was at an angle because when he pulled into the driveway you could back right into the pole barn, right straight across. Mr. Parisi stated it is in line with the house. Mike stated another observation he had was the road turns, an inside concave. The house is back from the gorge. He added it is in a nice location.

Chairman Travis stated the concern here is the accessory building is actually sitting in front of the house. There was a discussion of where the house and the pole barn were located. Mr. Parisi stated it is not in front of the house, it is in line with the house. Mr. Parisi submitted photos for the Board to review showing where the house is going to be located and the pole barn. Chad Moran commented that it is a little closer to the street than the house is, in a straight line from the nearest point. That is why they did the variance. Mike Maciak commented when he drove in there he could almost back right into the pole barn. Mike Maciak asked if it would be hidden by the trees and Mr. Parisi stated yes.

Bob McKertich explained this isn't a setback issue, it is an issue that the pole barn is in front of the house.

Bruce Nemcek asked what is the size of the property the house and the pole barn sit on and Mr. Parisi stated 32 acres. Bruce asked if he owned the entire 32 acres and Mr. Parisi stated yes, from the water tower all the way down to Route 81.

Mike Maciak asked if they brought power to the property from the road and Mr. Parisi stated he just had the panel put on the pole, it has to be inspected and then NYSEG will be called. Mike asked where the pole is and Mr. Parisi stated in front of the house, on top of the bank.

Mike Maciak stated that it looks to him, after he observed it today, you don't have it at an angle. The Board referred to the photo Mr. Parisi presented. Bruce Nemcek asked if some of the pole barn is at least equal to the house and Mike stated yes, from what he saw. Bruce asked if it was 100% disconnected from the front plain of the house and Mike state no. Bruce commented it overlaps the house.

Mike Maciak asked if there was going to be heat in the barn and no windows and Mr. Parisi stated yes, there is heat and windows. Cyndi French asked if there was going to be a business in there and Mr. Parisi stated no. Cyndi asked if he was going to conduct a home business out of it and he said no. It will be used for storage. Mr. Parisi stated it has a crawl space foundation for additional storage.

Chairman Travis reviewed the area variance criteria as follows:

1. Whether benefit can be achieved by other means feasible to applicant? Board: Yes. It could have been pushed back but there would have been more wasted land if moved back.
2. Undesirable change in neighborhood character or to nearby properties? Board: No.
3. Whether the request is substantial? Board: No. A small percentage. Nearest neighbor, across the street.
4. Whether the request will have adverse physical or environmental effects? Board: No.
5. Whether alleged difficulty is self-created? Board: Yes. It is self-created.

Motion by Cyndi French and second by Mike Maciak to grant the area variance with the condition that the pole barn will not be used to run a home occupation out of.

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

Motion carried.

Motion by Cyndi French and second by Bruce Nemcek to adjourn the meeting. The meeting was adjourned at 7:27 pm.

Respectfully Submitted,

Mary Kay Sullivan, Acting Secretary
Zoning Board of Appeals