

TOWN OF KIRKWOOD
ZONING BOARD OF APPEALS
October 19, 2020

A Zoning Board of Appeals meeting was held on October 19, 2020 at 7:00 p.m. at the Joseph A. Griffin Town Hall and via Zoom Video Conference on the application of Tammy Vinal (on behalf of Eva and William Jacobs) regarding property located at 141 Foley Road in the Town of Kirkwood known as Tax Map No. 163.01-1-10 and located in a Residence R District, for an area variance for the removal of old porch and replacement with new porch.

Present: Duane Travis, Chairman
Mike Maciak, Member
Ed Egan, Member
Cyndi French, Member
Bruce Nemcek, Member via Zoom

Other Present: Keegan Coughlin, Attorney via Zoom

Absent: Marc Latini, Associate Member

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

APPROVAL OF MINUTES:

Motion by Mike Maciak and second by Ed Egan to approve the minutes of the June 15, 2020 meeting as submitted. All voted in favor. Motion carried.

PUBLIC HEARING:

Chairman Travis read the notice of public hearing and 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. The Broome County Planning Department 239 was prepared. Chairman Travis read the following into the record: The Planning Department has reviewed the above-cited case and has not identified any significant countywide or inter-community impacts associated with the proposed project.

Chairman Travis stated this is a Type II action so no environmental quality review is needed.

Chairman Travis opened the Public Hearing at 7:05 PM. Hearing no comments, the Public Hearing was closed at 7:05 PM.

Tammy Vinal was present via Zoom.

Chairman Travis asked if there was an existing porch on the property and Ms. Tammy Vinal stated yes. Chairman Travis asked if it was torn down for safety reasons and Ms. Vinal stated it was torn down because it was unsafe. Chairman Travis stated the deck was built in place of it and asked if the size of the deck is the same as the porch was and Ms. Vinal stated yes, the same size. Chairman Travis stated it didn't change the footprint of the house by adding this in. The measurements from the deck to the street is 19 feet and from the edge of the steps is 16 feet to the street. The Town requires 30 feet which is why the variance is needed.

Mike Maciak commented it doesn't look like the house is 30 feet off the road. Chairman Travis agreed and stated it is probably close to 30 feet from the road.

Cyndi French asked if we know it was the same footprint and Chairman Travis stated that is what she is saying and added that Chad said, from what he could see, where it was laid out he could see remnants from the old one there.

Cyndi French asked how did this come in front of Chad and Chairman Travis stated he drove by and found it. It was done without a building permit.

Ed Egan asked if we had any complaints from the neighbors and Chairman Travis stated no. Chairman Travis added that the amount of traffic on that street is really light. It is a dead-end street.

Cyndi French asked what Tammy's relationship is to the owner and Ms. Vinal stated they are her parents.

Chairman Travis reviewed the area variance criteria with the Board:

1. Whether benefit can be achieved by other means feasible to applicant? Board: No. Still 30 feet, other than not putting it on at all.
2. Undesirable change in neighborhood character or to nearby properties? Board: No. It looks better now.
3. Whether the request is substantial? Board: No. It is built in the same footprint.
4. Whether the request will have adverse physical or environmental effects? Board: No.
5. Whether alleged difficulty is self-created? Board: No. They are replacing what was existing.

Mike Maciak asked if they were going to put a roof over it and Chairman Travis didn't know. Cyndi French commented they would have to take that up with Chad and Chairman Travis agreed.

Motion by Cyndi French and second by Ed Egan to grant the area variance with the condition that the structure needs to be built to NYS Building Codes.

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

Motion carried.

Chairman Travis explained to Ms. Vinal that the next step would be to get a building permit from the Code Department.

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Motion by Mike Maciak and second by Ed Egan to adjourn the meeting. The meeting was adjourned at 7:15 pm.

Respectfully Submitted,

Mary Kay Sullivan, Secretary
Zoning Board of Appeals