

TOWN OF KIRKWOOD
ZONING BOARD OF APPEALS
December 21, 2020

A Zoning Board of Appeals meeting was held on December 21, 2020 at 7:00 p.m. at the Joseph A. Griffin Town Hall and via Zoom Video Conference on the application of Timothy Smith regarding property located at 343 Fox Hollow Road in the Town of Kirkwood known as Tax Map No. 130.02-1-36 and located in an Agricultural/Rural Residence District, for an area variance for the construction of a pole barn approximately 10 feet in front of the residence.

Present: Duane Travis, Chairman
Mike Maciak, Member
Cyndi French, Member
Bruce Nemcek, Member via Zoom
Marc Latini, Associate Member via Zoom

Other Present: Keegan Coughlin, Attorney

Absent: Ed Egan Member

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

GORDI KNIFFEN:

Gordi Kniffen stated this will be the last time as Supervisor and he wanted to take this opportunity to thank the board for all they do. When he was Chairman of the Zoning Board he always thought we had tougher situations than the Town Board. When the Town Board meets it isn't always to pay bills, there are certain situations we have to deal with. But, every time your board and the Planning Board meet you have to deal with problems. There are times when people came to the Zoning Board when he was chairman and the project was already done. We pay our respects to you and thank you for all you do and thank you. I hope you all stay healthy and have a Merry Christmas and a Happy New Year. Thank you for your time.

APPROVAL OF MINUTES:

Motion by Mike Maciak and second by Bruce Nemcek to approve the minutes of the October 19, 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. A Broome County Planning Department 239 was not prepared because it didn't meet the criteria.

Chairman Travis stated this is a Type II action so no Short EAF is needed.

Chairman Travis opened the Public Hearing at 7:08 PM. Hearing no comments, the Public Hearing was closed at 7:08 PM.

Timothy Smith was present via Zoom.

Chairman Travis asked if the entire pole barn won't be in front of the house and Mr. Smith explained it is off to the side of the house due to where the septic is. It is not directly in front of the house. Chairman Travis asked if it is going to be in the area where the ground has been leveled off and Mr. Smith stated yes, he has it all worked and constructed with 6 feet of gravel with drainage around it that goes to the ditch. It is about 80 feet from the road, a very flat area. A contractor he has used before has done that work. A driveway will be going to it off of his driveway and doesn't impede on the neighbors at all. There are woods on both sides of the house and an area was cleared for the pole barn. You will still be able to see it but it is not directly in front of the house or garage. It is even with the back of the garage and the back of the house.

Mike Maciak asked if there will be heat and electric and Mr. Smith stated it will storage for his old cars. He doesn't think it will have electric but if he decides to put electric in he will go through the proper channels with NYSEG and get a permit.

Chairman Travis explained he has cleared some of the woods and filled an area that was quite steep. It looks like the backyard is just about the width of the house where the septic system is. Mr. Smith stated that is where the septic system and leach field are so it is impossible to put it on anything back there.

Chairman Travis reviewed the area variance criteria with the Board:

1. Whether benefit can be achieved by other means feasible to applicant? Board: No. Can't place anywhere else without increased cost.
2. Undesirable change in neighborhood character or to nearby properties? Board: No.
3. Whether the request is substantial? Board: No. More than 30 ft., doesn't present any setback issues.
4. Whether the request will have adverse physical or environmental effects? Board: No.
5. Whether alleged difficulty is self-created? Board: No. Septic and lay of the lot.

Motion by Mike Maciak and second by Cyndi French to grant the area variance with the following conditions:

1. It will not be used for living quarters.
2. It will be placed no more than 15 feet in front of the house.

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

Motion carried.

Chairman Travis explained to Mr. Smith there are two conditions on the approval. It will not be used for living quarters and it will be placed no more than 15 feet in front of the house. Mr. Smith stated that shouldn't be a problem.

A Zoning Board of Appeals meeting was held on December 21, 2020 at 7:00 p.m. at the Joseph A. Griffin Town Hall and via Zoom Video Conference on the application of Robert J. Gross regarding property located at 10 S. Woodhill Avenue in the Town of Kirkwood known as Tax Map No. 162.05-2-10 and located in a Residence R District, for an area variance for the installation of an 8 ft. tall wood fence on two sides of the property.

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. A Broome County Planning Department 239 was filed. Chairman Travis read the following from Broome County Department of Planning and Economic Development: The Broome County Department of Planning and Economic Development 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 Short EAF is needed.

Chairman Travis opened the Public Hearing at 7:23 PM. Hearing no comments, the Public Hearing was closed at 7:23 PM.

Mr. Gross was present via Zoom.

Chairman Travis explained the reason we are here today is he wants to put up an 8 ft. fence and State Code says maximum height is 7 ft. There is nothing in our code that states what height the fence can be so we go back to the State.

Mr. Gross stated the only reason he wants to do it is he is boarded on those two sides by commercial property. Chairman Travis stated he is trying to block what is happening with the garage and also trying to block the DOT yard. Mr. Gross agreed and stated there are a lot of lights at night and a lot of noise from both directions.

Bruce Nemcek asked what is the fence going to be made out of and Mr. Gross stated it will be wood, pressure treated posts, down four feet into the ground in concrete. He will probably use 4X6, possibly 6X6 and he has purchased 6X8 fence panels.

Chairman Travis reviewed the area variance criteria with the Board:

1. Whether benefit can be achieved by other means feasible to applicant? Board: No.
2. Undesirable change in neighborhood character or to nearby properties? Board: No.
3. Whether the request is substantial? Board: No.
4. Whether the request will have adverse physical or environmental effects? Board: No.
5. Whether alleged difficulty is self-created? Board: No.

Motion by Bruce Nemcek and second by Marc Latini to grant the area variance as submitted.

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

Page 4
December 21, 2020
Zoning Board of Appeals Meeting

Motion carried.

Motion by Cyndi French and second by Mike Maciak to adjourn the meeting. The meeting was adjourned at 7:30 pm.

Respectfully Submitted,

Mary Kay Sullivan, Secretary
Zoning Board of Appeals