

**TOWN OF KIRKWOOD
ZONING BOARD OF APPEALS**

May 17, 2021

A Zoning Board of Appeals meeting was held on May 17, 2021 at 7:00 p.m. at the Joseph A. Griffin Town Hall and via Zoom Video Conference on the application of Aaron Freiji regarding property located at 159 Ostrum Road in the Town of Kirkwood known as Tax Map No. 179.01-1-5 and located in a Residence R1 District, for an area variance to relocate driveway and add garage addition.

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

Other Present: Chad Moran, Building & Code Inspector
Keegan Coughlin, Attorney

Absent: Marc Latini, Associate Member

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

APPROVAL OF MINUTES:

Motion by Cyndi French and seconded by Mike Maciak to approve the minutes of the December 21, 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. This project is a Type II action so no Short EAF was filed.

Chairman Travis opened the Public Hearing at 7:04 PM.

Mr. Aaron Freiji was present. Mr. Freiji explained that he originally went in for a building permit and Chad showed him the property lines. He didn't know the laws. Chad had explained that if you are going to go over the line you need to go for a variance. He went on to say they did rough measurements and he is anywhere from 2-3 feet over. They want to put an addition onto the house, the first 12 feet would be a mud room/utility room and then a garage on the end. If you go up from the current driveway it is about 55-60 yards, he wants to come in from the side and over to the driveway. The current driveway is on a blind. If you come up Ostrum, just past Overlook, there is a hill that comes up into a corner and it sits on a blind hill. They currently have a driveway that goes up at 163 Ostrum and they want to come in just before that and curve it around. They want to take and move that property line over a bit and connect it but they can't do that until they are done because we have two separate liens on each one.

Hearing no other comments, the Public Hearing was closed at 7:07 PM.

Mike Maciak asked if the driveway was already in and Mr. Freiji stated they have a temporary driveway. Mike Maciak asked if that was going to stay and Mr. Freiji stated yes. Mike Maciak asked if the garage doors were going to be on the backside and Mr. Freiji explained as of right now they think driving into the end may be easier because of the turn radius so right now they are undecided. Mike Maciak commented it would make is safer because you don't have to back out on that sharp curve, you can turn around up there and drive out. Mr. Freiji explained they have two plans right now to show Chad. They had originally planned to come in and turn into it to face Ostrum Road but he thinks it would be easier to pull in toward the house. The current driveway that goes up 163 also has a turn around area so they have more room there. The temporary driveway is stone so they could get trucks in and out. The ditch wasn't much of a ditch, the water would just sit there. Dead trees were removed and privacy trees were added.

Cyndi French asked why can't the two pieces of property be merged and Mr. Freiji stated currently he has two separate liens. The plan is to get the garage in, remodel and pay off the other one. Cyndi French asked what is the timeframe on that and Mr. Freiji stated he is hoping within a year. Cyndi French asked if that could be a condition, that it would have to be done within a year and Mr. Coughlin stated the lot line adjustment should be a condition.

Cyndi French asked if the garage was going to be attached to the house or will it be once the addition is added and Mr. Freiji stated the addition will be attached to the house then the garage.

Chairman Travis reviewed the area variance criteria with the Board:

1. Whether benefit can be achieved by other means feasible to applicant? Board: Yes. Safety concerns outweigh ingress and egress and turn radius. Safer the way it is planned out and he owns both properties.
2. Undesirable change in neighborhood character or to nearby properties? Board: No.
3. Whether the request is substantial? Board: Yes. Because he owns both properties that is an extenuating circumstance.
4. Whether the request will have adverse physical or environmental effects? Board: No.
5. Whether alleged difficulty is self-created? Board: No. Two different lien holders and willing to do the lot line adjustment.

Motion by Ed Egan and seconded by Bruce Nemcek to grant the area variance with the following conditions:

1. Lot line adjustment or sub division application, which ever is needed, must be done within one year.
2. Prior to a building permit being issued he should apply for that lot line adjustment or sub division application so it is on file with the Code Department.

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

Motion carried.

A Zoning Board of Appeals meeting was held on May 17, 2021 at 7:00 p.m. at the Joseph A. Griffin Town Hall and via Zoom Video Conference on the application of Gayle and Marchie Diffendorf regarding property located at 483 Gorman Road in the Town of Kirkwood known as Tax Map No. 195.00-1-18 and located in an Agricultural/Rural Residence District, for an area variance for construction of a detached garage slightly in front of the residence.

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. The case file was routed to the Broome County Health Department for review. They had no comments.

Chairman Travis opened the Public Hearing at 7:18 PM. Hearing no comments, the Public Hearing was closed at 7:18 PM.

Marchie Diffendorf was present.

Mr. Diffendorf stated there are a lot of slopes on the property. In order to build the garage without bringing in tons and tons of fill in to make it a level lot there is a spot next to the house, approximately 30-40 feet away, with some fill would be a reasonably level lot to put the garage on and is approximately 32 feet from the road. If it goes back further more fill would be needed. There is other residence in the area that have a garage in front of their house. Mike Maciak commented the next-door neighbor has a two-stall garage in front of their house.

Ed Egan asked what is the size of the garage and Mr. Diffendorf stated 20 X 24. Ed Egan asked if it is a two stall and Mr. Diffendorf stated no, one stall with 9 ft. walls, an 8 ft. door and will probably have electric for lights and a garage door opener.

Bruce Nemcek asked if it will match the house and Mr. Diffendorf stated the color will be similar and it will be board and batten. The house is cedar siding and this will be stained.

Cyndi French asked if this was the only flat spot because you have the well and septic to contend with and Mr. Diffendorf stated they are on the other side of the lot, behind the house.

Chairman Travis reviewed the area variance criteria with the Board:

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

Motion by Cyndi French and seconded by Mike Maciak to grant the area variance with the condition that it will not be used for residential, an apartment dwelling, or a business.

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

Motion carried.

ELECTION OF OFFICERS:

Motion by Mike Maciak and seconded by Cyndi French to nominate Bruce Nemcek as Co-Chairman. All voted in favor. Motion carried.

Motion by Ed Egan and seconded by Mike Maciak to nominate Cyndi French as Secretary. Motion carried.

Motion by Cyndi French and seconded by Ed Egan to adjourn the meeting. The meeting was adjourned at 7:25 pm.

Respectfully Submitted,

Mary Kay Sullivan, Secretary
Zoning Board of Appeals