

TOWN OF KIRKWOOD
ZONING BOARD OF APPEALS
September 19, 2022

A Zoning Board of Appeals meeting was held on September 19, 2022 at 7:00 p.m. at the Joseph A. Griffin Town Hall and via Zoom Video Conference on the application of Jared Brewer regarding property located at 171 Johnson Road in the Town of Kirkwood known as Tax Map No. 179.01-1-30 and located in a Residence R1 Zoning District, for an Area Variance for construction of a 12 X 18 shed in the front yard of the property.

Present: Duane Travis, Chairman
Bruce Nemcek, Member
Mike Maciak, Member
Marc Latini, Associate Member

Other Present: Keegan Coughlin, Attorney

Absent: Cyndi French, Member

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

APPROVAL OF MINUTES:

Motion by Mike Maciak and seconded by Bruce Nemcek to approve the minutes of the August 16, 2021 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 239 m review is not required by Broome County and it is a Type II action under SEQR so an EAF is not required.

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

Mr. Jared Brewer was present. Mr. Brewer explained that his house is approximately 120 feet off the road, all tree covered out front and it is a gambrel type A frame. He picked up an old shed and moved it to the site, which he placed off to the left as you drive in. His plan is to park his John Deere tractor with a front snowblower on it in the shed. He rebuilt it with a new metal roof, matching the shed to the house. He didn't realize he needed approval for this.

Mike Maciak asked if he was going to put concrete in and Mr. Brewer stated no, just crusher run blue stone with drainage in the front. Mike Maciak asked if he was going to put a garage door on and Mr. Brewer stated yes.

Bruce Nemcek asked where the door opening is, is that consider the front and Mr. Brewer stated yes, as you go up the driveway you run into the side of the house and the shed will be off to the left.

Mike Maciak asked if the reason you didn't put the shed on the other side is because of the deck on the house and Mr. Brewer stated his septic and clean out are on that side. Mike Maciak asked if the garage in the back has a concrete floor and Mr. Brewer stated yes.

Chairman Travis asked if there was a reason he didn't put this shed up along side the garage and Mr. Brewer stated he parks his boat and trailer there, he has a company vehicle also and his girlfriend has a vehicle too.

Chairman Travis explained to Mr. Brewer that the Town typically doesn't allow an auxiliary structure in the front yard of the property. That is why there was a stop work order. Mr. Brewer understood.

Mike Maciak asked how long he has lived there and Mr. Brewer stated 6 years in December and he got it off auction. He spent 9 months redoing it, it was in pretty tough shape. It sat empty for two years.

Bruce Nemcek asked how far from the house is the shed and Mr. Brewer stated 40 feet from the driveway and as you pull in it is an 80 X 80 area which you can park eight vehicles in there.

There was a discussion amongst the board members regarding the property layout.

Hearing no other comments, Chairman Travis closed the public hearing at 7:14 PM.

Mike Maciak asked if there would be electric and Mr. Brewer stated no, not at this time.

Chairman Travis reviewed the area variance criteria with the Board:

1. Whether benefit can be achieved by other means feasible to applicant? Board: No, due to the water runoff and swales, not feasible to put in the backyard.
2. Undesirable change in neighborhood character or to nearby properties? Board: No.
3. Whether the request is substantial? Board: Yes, because it is a long way between where the shed is and where it should be. Mike Maciak stated he would not consider it substantial, which is his opinion only. Bruce Nemcek stated it is not as substantial because it is not on a foundation or a slab. It could be moved.
4. Whether the request will have adverse physical or environmental effects? Board: No. Mr. Coughlin stated one thing worth noting is the applicants attempt to match to the existing house, which would go to lessen the impact to the environment and character of the neighborhood.
5. Whether alleged difficulty is self-created? Board: Yes, the law existed before he bought the house so he should have known. Ignorance under the law is not an excuse but the factors that were presented with the garage already being in front of it and the septic being where it is he didn't create those issues.

Motion by Mike Maciak and seconded by Bruce Nemcek to grant the area variance.

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

Motion carried.

Motion by Marc Latini and seconded by Mike Maciak to adjourn the meeting. The meeting was adjourned at 7:20 pm.

Respectfully Submitted,

Mary Kay Sullivan, Secretary
Zoning Board of Appeals