

TOWN OF KIRKWOOD
ZONING BOARD OF APPEALS
September 18, 2023

A Zoning Board of Appeals meeting was held on September 18, 2023 at 7:00 p.m. at the Joseph A. Griffin Town Hall on the application of **Steven Hine** regarding property located at 268R Main Street in the Town of Kirkwood known as Tax Map No. 211.05-2-15 and located in a Residence R Zoning District, for a Use Variance for the demolition of old house on property and replacement with new garage to be used for personal storage.

Present: Duane Travis, Chairman Keegan Coughlin
 Mike Maciak, Member
 Marc Latini, Member

Absent: Bruce Nemcek, Member

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

APPROVAL OF MINUTES:

Motion by Mike Maciak and seconded by Marc Latini to approve the minutes of the August 21, 2023 meeting as submitted. All voted in favor. Motion carried.

PUBLIC HEARING:

Chairman Travis read the notice of public hearing and stated we have the affidavits of posting on the town sign board, publication in the Country Courier and the Press & Sun Bulletin, and mailing to property owners within 500 feet. There was a 239 filed and the County responded that the Planning Department has reviewed the above-cited case and has not identified any significant countywide and inter-community impacts associated with the proposed project. It was sent to NYSDOT, Broome County Public Works, and the Broome County Health Department. A recommendation was received back from NYSDOT which says NYSDOT has no comments on this proposal's impact to the State transportation system. However, due to the project's proximity to the railroad line, the applicant should ensure that coordination is undertaken with Norfolk Southern, the line owner, and the Central New York Railroad, the line operator. Mr. Coughlin explained this is Unlisted because it is a use variance for residential so the Board must go through Part 2 of the Short EAF.

Chairman Travis opened the Public Hearing for public participation at 7:03 PM

Mr. Coughlin read the questions in Part 2 of the Short EAF and the Board members answered no, or small impact may occur for each question, and the completed form is included in the file.

Motion by Marc Latini and seconded by Mike Maciak to issue a Negative Declaration for the purposes of SEQR.

Roll Call Vote:	Mike Maciak	Yes
	Marc Latini	Yes
	Duane Travis	Yes

Motion carried.

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

Chairman Travis reviewed the use variance criteria as follows:

1. Cannot realize a reasonable return – substantial as shown by competent financial evidence. Board: No substantial financial evidence was submitted.
2. Alleged hardship is unique and does not apply to substantial portion of district or neighborhood. Board: There is one house further down the road that has a house behind a house. There are other properties with small footprints in that area.
3. The requested variance will not alter essential character of the neighborhood. Board: Mike Maciak stated he doesn't think it would because it is back so far it will look like the garage to the other house. Mr. Coughlin explained that it could be not determinable so it is a no for now. The board could also say yes, it wouldn't change the character. Duane Travis commented that it is unique, our zoning does not allow an accessory structure without a principle structure. The board determined it is not determinable.
4. Alleged hardship has not been self-created. Board: It is self-created, they bought the property in 2018 and the zoning was in place then.

Mr. Coughlin explained to the Board that for the four-part use variance test it is a requirement to meet all of them, it is not a balancing test. With what was presented the Board would have to say no, it is not allowed.

Motion by Mike Maciak and seconded by Marc Latini to deny the use variance.

Roll Call Vote:	Mike Maciak	Yes
	Marc Latini	Yes
	Duane Travis	Yes

Motion carried.

Motion by Mike Maciak and seconded by Marc Latini to adjourn the meeting. The meeting was adjourned at 7:15 pm.

Respectfully Submitted,

Mary Kay Sullivan, Secretary
Zoning Board of Appeals