

TOWN OF KIRKWOOD
ZONING BOARD OF APPEALS
May 15, 2017

A meeting was held on May 15, 2017 at 7:00 p.m. at the Joseph A. Griffin Town Hall, 70 Crescent Drive, Kirkwood, NY on the application of David Morton for an area variance to add an addition to an existing garage regarding property located at 123 Foley Road, Kirkwood, known as Tax Map #162.02-1-12 and located in an Residence (R) District.

Present: Duane Travis, Chairperson
Mike Maciak, Member
Ed Egan, Member
Cyndi French, Member
Bruce Nemcek, Member
Nathan VanWhy, Attorney

Absent: Member, Jason Griffin, Associate Member

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

APPROVAL OF MINUTES:

Motion by Mike Maciak and second by Cyndi French to approve the minutes of the December 19, 2016 meeting as submitted. All voted in favor. Motion carried.

PUBLIC HEARING – DAVID MORTON

Chairman Travis read the notice of public hearing. Chairman Travis commented that we have the affidavit of posting by the town clerk, notice to property owners within 500 feet of the project, affidavit of publication in The Binghamton Press & Sun Bulletin and County Courier, and affidavit of service by mail. We have the Broome County Planning Departments 239-m comments. A Short EAF has been filed. Broome County Planning Department has reviewed the above cited case and has not identified any significant countrywide or inter-community impacts associated with the proposed project. The Broome County Department of Public Works (DPW) has no comments. The Broome County Health Department (BCHD) has no comments.

Chairman Travis opened the public hearing to public participation at 7:04 pm.

Hearing no comments, Chairman Travis closed the public hearing at 7:04 pm.

Chairman Travis asked attorney Nathan VanWhy if it was necessary for the short Environmental Assessment Form to be filed. Attorney Nathan VanWhy said no this is a type two and no action is needed.

Chairman Travis asked David Morton to come forward to speak with the board. David's fiancé Cathy Cady came forward to speak on David's behalf. Cathy explained they would like to add an addition to existing garage because the current garage is not big enough for their two cars. The addition will add eleven (11) feet to the width. Mike Maciak asked if the roof line will be staying the same. Ms. Cady stated the roof can't stay the same, there will be about a two (2) feet gap with a wall. However the new roof will cover both the old and new section. Mike Maciak asked if eavesdrops will be added to the new section. Ms. Cady said yes and we also will be adding a window and door.

Cyndi French asked if anyone would be living in the garage. Ms. Cady said no. Cyndi French asked if the building will have electric. Ms. Cady said yes.

Mike Maciak asked if there is room on the property for this addition. Ms. Cady said yes, we removed our oil tank to make room. Mike Maciak asked if it will be built this year. Ms. Cady said yes.

Nathan VanWhy asked how far the garage will be from the road. Ms. Cady said seventy five (75) feet. Nathan VanWhy asked how big the addition is. Ms. Cady stated the addition will add eleven (11) feet to the width. Overall the garage will be twenty three (23) feet wide by thirty six (36) feet long.

Cyndi French asked if the addition will be even with the front porch. Ms. Cady said no, she then came forward with a drawing to explain it to the board. Ms. Cady stated the variance is because I am five (5) feet from my neighbor's property line. Cyndi French asked if the old garage will be torn down. Ms. Cady said no, we are adding on to it, one wall will come down. Mike Maciak asked if the old garage and new addition will be put together. Ms. Cady said yes, two concrete pads will be joined together.

Chairman Travis asked Attorney Nathan VanWhy if it was necessary to review the area variance criteria. Nathan VanWhy said no, all of the questions were covered in the meeting.

Chairman Travis asked the board if anyone had any further questions. Hearing none, Chairman Travis asked for a motion to either approve or disapprove the area variance as submitted.

Motion by Ed Egan and second by Cyndi French to grant the area variance with the following condition:

- 1) The garage will not be used as a business or a living space.

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

Motion carried.

ELECTION OF OFFICERS:

Chairman Travis asked the board to elect a ZBA Board Co-Chairman and Secretary for 2017.

Motion by Mike Maciak and second by Cyndi French to nominate Bruce Nemcek as Co-Chairman.

Motion carried.

Motion by Mike Maciak and second by Bruce Nemcek to nominate Ed Egan as Secretary.

Motion Carried.

OTHER BUSINESS:

Chairman Travis told the board there are two (2) items on the calendar for next month:

- 1) Area variance to install a three car garage
- 2) Area variance to install an in ground swimming pool

Hearing no other business or comments, Chairman Travis asked for a motion to adjourn.

Motion by Ed Egan and second by Mike Maciak to adjourn the meeting. The meeting was adjourned at 7:22pm.

Respectfully Submitted,

Lori A Garvey, Secretary
Zoning Board of Appeals

cc: Zoning Board Members
Gayle Diffendorf
Linda Yonchuck
Code Department
Dan Griffiths
Oliver Blaise III
Nathan Van Why