

**TOWN OF SULLIVAN  
ZONING BOARD OF APPEALS  
OCTOBER 10, 2019  
7:30 P.M.**

A regular meeting of the Zoning Board of Appeals of the Town of Sullivan was convened at the Town Office Building by Chairman Steve Durfee at 7:30 P.M.

Those in attendance for the meeting were: Chairman Steve Durfee, Members Cliff Reals, Michael Keville, Terry Manning, Bryan Bendixen, Secretary Jeri Rowlingson and Attorney for the Board John Langey

Also present: Building/Codes Administrator Philip Costanzo

**PUBLIC HEARING**

**7:30 P.M. – DANA KAISER: AREA VARIANCE (487 DAMON POINT RD., 3.41-1-7.1)  
LOT COVERAGE EXCEEDS ALLOWABLE 25% FOR PRE-BUILT SHED.**

Dana Kaiser appeared before the Board to request an area variance for lot coverage for the pre-built shed that has already been placed on the property. The shed is there to store items so he can clean up the property. Chairman Durfee verified the variance is for lot coverage but the setbacks are with applicable Code requirements. Member Manning stated the variance is very minor and Member Keville confirmed the need for this shed. Mr. Kaiser stated again that it was his intent to put lawn furniture, shovels, mowers, surfboard and other items into the structure to get the property cleaned up.

The Madison County Planning Board returned the application for Local Determination.

Maureen Wafer, owner of the property next door at 483 Damon Point Road, stated that because of the fill brought into the property, her property is now flooding. She also asked why Mr. Kaiser was allowed to put up the shed when a stop work order was issued.

No one else spoke for or against the application and the public hearing was closed.

**CHRISTOPHER MORRIS: AREA VARIANCE (100 BARLEY CT., 40.4-2-41) ERECT SIX  
FOOT FENCE IN SIDE YARD.**

Christopher Morris appeared before the Board to request an area variance to erect a 6 ft. fence in the side yard to keep the kids and dogs in the yard. The fence will not go all the way to the front corner of the house but would be even or behind the building line of the neighbor's house on North Ridge Dr. There is a very small backyard because of the shape of the lot and the majority of the yard is the side.

No one spoke for or against the application and the public hearing was closed.

**COURTNIE RECH: AREA VARIANCE (1200 MARSH MILL RD., 24.-4-1.2) ADD ONTO AN  
EXISTING SIX FOOT FENCE IN SIDE YARD TO THE ROAD.**

Courtne Rech appeared before the Board to request an area variance to add onto the existing 6 ft. fence. The trees that used to be on the neighbor's property are now just stumps, there are about 30 of them. She can't get into her side door because of the trees' leaves and is requesting the fence for a barrier. Member Keville asked about going to the garage or edge of driveway rather than to the road. Courtne stated there are cameras pointing to her house as well and just wants privacy and be able to use the side entrance. She would like the 6 foot to match with the existing 6 ft. fence.

No one spoke for or against the application and the public hearing was closed.

**ROBERT FREUNSCHT: AREA VARIANCES (2014 ROUTE 31, 10.-1-30) ROAD FRONTAGE AND FRONT SETBACK NEEDED FOR SUBDIVISION.**

Robert Freunscht appeared before the Board to request area variances for road frontage and front setbacks for subdivision of this property. This property is 127 acre farm and he has a contract contingent with being able to subdivide at least one acre. The variance is needed for road frontage as the house has only 25 ft. road frontage. It was stated this will be a residential house and no business. It was discovered that the property is zoned Business and the Planning Board would make the decision regarding setbacks. John Langey stated the variance is now just for road frontage.

The Madison County Planning Board returned the application for Local Determination.

No one spoke for or against the application and all public hearings were closed at 8:00 PM

**NEW BUSINESS**

**OLD BUSINESS**

**DANA KAISER: AREA VARIANCE (487 DAMON POINT RD., 3.41-1-7.1) LOT COVERAGE**

**EXCEEDS ALLOWABLE 25% FOR PRE-BUILT SHED**

The Board jointly reviewed and considered the legal criteria and a proposed resolution for the granting of the requested area variance addressing each of the factors for approval or denial of the application. There are numerous properties in the area that have similar sheds or other accessory structures. The lot is extremely small (3,955 sq. ft.) and the applicant along with the Codes Office acknowledged that one of the goals is to provide storage for the numerous items the applicant has on his property for overall improvement of the area, this shed will assist in achieving this goal. The total variance requested is merely 1.3% above the 25% cap for lot coverage. A neighbor has indicated that they have experienced additional water issues with their property, it was acknowledged that water issues have been present prior to the shed being introduced to the subject property. It is unclear as to whether the 10' x 16' shed is the cause of any drainage impacts. It was determined that the benefits to the applicant outweigh the detriment to the neighborhood and the variance request was approved. The Board finds that the minor 1.3% variance from the 25% cap for lot coverage provides potential significant benefit to the applicant and the adjoining neighbors for storage purposes on his extremely small lot with no discernible impacts to the neighborhood or community.

This application was declared by the Board to be a Type II Action for SEQR with Negative Declaration.

The Board further finds this structure will have no potentially large negative impacts in the neighborhood but will provide substantial benefit to the applicant. This will preserve and protect the character of the neighborhood and the health, safety and welfare of the community. A motion was duly made by Member Bendixen, seconded by Member Manning and passed by 4 to 1 vote granting a variance of 1.3% lot coverage to place a 10' x 16' pre-built shed on the back corner of the lot. A formal resolution is on file with the Town.

**CHRISTOPHER MORRIS: AREA VARIANCE (100 BARLEY CT., 40.4-2-41) ERECT SIX FOOT FENCE IN SIDE YARD**

The Board jointly reviewed and considered the legal criteria and a proposed resolution for the granting of the requested area variance addressing each of the factors for approval or denial of the application. It was determined that the benefits to the applicant outweighed any harm to the neighborhood. The Board reasoned that there are other 6 ft. fences in the neighborhood and this is a corner lot and it slopes around the back side of house. The Homeowners Association has sent a letter that it is allowed and the Planning Board saw no adverse impact from the variance.

This application was declared by the Board to be a Type II Action for SEQR with Negative Declaration.

A motion was duly made by Member Reals, seconded by Member Manning and unanimously passed by the Board granting 2 feet of relief for a 6 ft. fence on the side property line. The fence is to be placed no closer to the road than the front corner of the North Ridge Dr. neighbor's house. The good side of the fence is to face the neighbor and be a minimum of one foot from the property line.

**COURTNIE RECH: AREA VARIANCE (1200 MARSH MILL RD., 24.-4-1.2) ADD ONTO THE EXISTING SIX FOOT FENCE IN SIDE YARD TO THE ROAD.**

The Board jointly reviewed and considered the legal criteria and a proposed resolution for the granting of the requested area variance addressing each of the factors for approval or denial of the application. It was determined that the benefits to the applicant outweighed any harm to the neighborhood. The Board reasoned that this is a replacement privacy barrier as the stumps are already present along the property line as the neighbor removed trees and has a large volume of leaves intruding onto the applicant's property.

This application was declared by the Board to be a Type II Action for SEQR with Negative Declaration.

A motion was duly made by Member Keville, seconded by Member Manning and passed by 4 to 1 vote granting 2 ft. of relief to add to the existing 6 ft. fence on the side property. The fence is to go no closer to the road than the south side driveways closest corner to the road. The good side of the fence to face the neighbor and be a minimum of one foot from the property line.

**ROBERT FREUNSCHT: AREA VARIANCES (2014 ROUTE 31,10.-1-30) ROAD FRONTAGE AND FRONT SETBACK NEEDED FOR SUBDIVISION**

The Board jointly reviewed and considered the legal criteria and a proposed resolution for the granting of the requested area variances addressing each of the factors for approval or denial of the application. It was determined the property is zoned Business and the applicant would return to the Planning Board. The Zoning Board did review for the variances for road frontage. It was determined that the benefits to the applicant do outweigh the detriment to the neighborhood.

This application was declared by the Board to be an Unlisted, Negative Declaration Action for SEQR.

A motion was duly made by Member Manning, seconded by Member Reals and unanimously passed by the Board granting 14 ft. of relief for road frontage on Lot 1 and 85 ft. of relief for road frontage on Lot 2.

### **APPROVAL OF MINUTES**

A motion was duly made by Member Keville, seconded by Member Reals and unanimously passed by the Board approving the minutes of September 12, 2019.

### **ADJOURNMENT**

A motion was duly made by Member Keville, seconded by Member Bendixen and unanimously passed by the Board to adjourn the meeting at 8:45 P.M.

**Respectfully Submitted**  
**Jeri Rowlingson, Secretary**