

**TOWN OF SULLIVAN
ZONING BOARD OF APPEALS
SEPTEMBER 12, 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, Secretary Jeri Rowlingson and Attorney for the Board Richard Andino

Also present: Building/Codes Administrator Philip Costanzo

PUBLIC HEARING

**7:30 P.M. – ROSE PALMISANO: AREA VARIANCE (7694 BLACK CREEK RD., 24.-3-17)
REPLACE 6 FT. FENCE IN FRONT AND ERECT 8 FT. FENCE ON NORTH
SIDE OF HOUSE.**

Rose Palmisano appeared before the Board to request an area variance to replace the front 6 ft. fence and erect an 8 ft. fence on the North side of the house. Rose showed the Board pictures of her neighbor's property and explained what she sees out her windows. The Applicant claims the views are unpleasant and she puts a lot of money into her property and would like to enjoy her property.

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

Robert Doss owns the property next door (it was his parent's property), he is trying to keep up with property as his parents have been gone for 5 years now and he is trying to upgrade the property for rental or to give to his son. Robert stated he has no problem with a 6 ft. fence and wants the fence to be more than one foot from property line, enough room for Rose to maintain it as he will not. Robert stated 8 ft. is not needed and feels there will be a harm to air flow and his property.

Member Keville asked about a shed on the survey map (North side) that looks like a L shape. The Applicant stated that the shed is no longer there.

The Town of Sullivan Planning Board comments on this variance state it sees an adverse Town wide impact if the variance is granted. The Planning Board stated that blocking the view of an adjacent property in a residential area is based on perception and not hardship. Eight foot high fences in side or front yards connotes a message of unfriendliness. This is not something the Town wishes to project. The objective of blocking one's view may be obtained in a variety of less striking ways and should be explored. The existing 6 ft. fence in the front yard is either illegal or non-conforming as determined by the time of construction.

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

PETER DARMENTO: AREA VARIANCE (724 MAPLE DR., 23.20-1-29) ADD A CARPORT ON END OF GARAGE 6 FT. FROM WEST SIDE PROPERTY LINE.

Mr. Peter Darmento appeared before the Board to request an area variance to add a 14' x 22' carport to the end of garage 6 ft. from West property line. The sides will be totally open all around to drive through.

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

James Sansone, who owns the farm land (corn field) property next to Peter's has no objections to the proposed variance request but questioned about not receiving a variance many years ago.

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

JOSEPH ARGIRO JR.: AREA VARIANCE (730 FYLER RD., 23.20-1-16) PLACE A 12' X 20' SHED CLOSER TO THE REAR AND RIGHT SIDE PROPERTY LINES.

Mr. Joseph Argiro Jr. appeared before the Board to request an area variance to place a 12' x 20' shed 27 ft. from the back property line and 6 ft. from the right property line. There is already a stockade fence on the neighbor's property and the property is screened by pine trees.

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

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

PATRICIA STOLARCZYK: AREA VARIANCE (2135 ROUTE 31, 10.59-1-10) ERECT 4 FT. STOCKADE FENCE ON EAST SIDE OF PROPERTY TO LAKE.

Patricia Stolarczyk appeared before the Board to request an area variance to erect a 4 ft. solid fence just past her shed as far as she can go to the lake. She plans to remove the shed on the property line but also has a right of way for sewer. She requests a stockade fence as the neighbors have no control over their dogs, she doesn't feel she should have to listen to the dogs and wants the fence for safety reasons as the dogs come on her property as well. She planted bushes for privacy, but they are now destroyed because of the neighbors.

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

Jeff Knapp, owner of the property to the East spoke and is totally against the fence and is also speaking for other neighbors. He has a digital electric fence and his mother's dog hardly comes out or is on leash when is out. Mr. Knapp and others are against the fence, they like to communicate with many neighbors and will also block the view of other homes in the park.

He asked who would maintain the fence and questioned if the good side would face his property.

Jeannine Griffin lives on the other side of Patricia, she has a german shepard coming on her property and does not know who owns it. Chairman Durfee explained the Board is not here for that reason.

The Town of Sullivan Planning Board comments on this variance provided that 4' fences are allowed but they may not be opaque. The stated purpose of the fence is to prohibit the neighbor's dogs from entering the property. The Planning Board does see a negative Town wide precedent in granting this request. The objective can be met within the scope of the current law.

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

JASON ROACH for DAVID VOSS: AREA VARIANCE (7855 BROWNELL RD., 24.-1-65.3) ADD ONTO EXISTING GARAGE FOR STORAGE ONLY.

Jason Roach appeared on behalf of David Voss before the Board to request an area variance to add onto the existing garage (20' x 40') closer to the rear property line than is allowed. He will be 20' back and 5' from left side. The property has woods behind it.

Richard Gerber, neighbor, is fine with the variance as long as it is 15' as if he decides to sell he just wants to be sure of property lines as it tapers. The stake is 22 ft. to property line so will be 17 ft. off line.

Melissa Stefanec lives across the street and will look at the building every day, she has no problems with the variance.

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

TIMOTHY RELYEA: AREA VARIANCE (8911 EDDY RD., 11.-1-11.14) BUILD A GARAGE CLOSER TO THE SIDE PROPERTY LINE.

Tim Relyea appeared before the Board to request an area variance to build a 30' x 40' garage between the hedge row and raised bed leech field. He will be 10 ft. off the property line and has all driveway behind the back of the house, the hedge row will not be touched. He would like to build a garage/pole barn style with 10 ft. doors.

Jeff Mitchell is neighbor the drainage swale has actually helped and has no issues or objections. There was discussion regarding the drainage easement. Member Keville suggested being 2 ft. in from the easement line.

No one else spoke for or against the application and all public hearings were closed at 8:30PM.

NEW BUSINESS

Bob Freunsch was here to get the Boards opinion on if a variance will be needed for a project on Route 31 across from the new condos. He has a buyer interested and would like to subdivide the property. The property borders the creek and there is not 300 ft. of road frontage. Lot #1 would be a variance for road frontage and he explained the driveways. The reason he is here at this meeting is Frank Park, Planning Board Chairman suggested he come here first before the subdivision to see if the variance is possible so he can go further with the sale. Member Keville stated it is close to the creek and Route 31 so we would need to send the request to Madison County Planning for their approval. Bob just wanted to see if the Board feels this will be approved so he can move on with the sale. He will get the paperwork back soon so we can send it onto the County and set up public hearing for next month.

OLD BUSINESS

ROSE PALMISANO: AREA VARIANCE (7694 BLACK CREEK RD., 24.-3-17) REPLACE 6 FT. FENCE IN FRONT AND ERECT 8 FT. FENCE ON NORTH SIDE OF HOUSE

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. Member Manning read the Planning Boards comments stating an adverse Town wide impact if granted this request. Blocking the view of an adjacent property in a residential area is based on perception and not hardship. 8 ft. fences in side and front yards connotes a message of unfriendliness. This is not something the Town wishes to project. Blocking one's view may be obtained in a variety of less striking ways and should be explored. It was determined that the benefits to the applicant does not outweigh the detriment to the neighborhood and the 8 ft. fence was denied. The Board found a 6 ft. fence acceptable on the North side property line as the minimum variance necessary and it was approved to replace or maintain the current 6 ft. fence in the front yard.

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

A motion was duly made by Member Manning, seconded by Member Keville and unanimously passed by the Board granting 2 feet of relief for the fence along the North side property to erect a 6 ft. fence and to allow the replacement of the current 6 ft. fence in the front with the following conditions. 1. Must be minimum of 2 feet from all property lines. 2. Good side of fence to face the neighbor. 3. Also allowed a 4 ft. chain link fence in rear. The Board incorporated the Planning Board comments and recommendations in its decision and further noted that the 8' fence is excessive and there are less intrusive alternate ways to block views of the neighboring property.

**PETER DARMENTO: AREA VARIANCE (724 MAPLE DR., 23.20-1-29) ADD A
CARPORT ON END OF GARAGE 6 FT. FROM WEST SIDE
PROPERTY LINE**

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 an undersized lot and noted the Planning board saw no adverse impact from variance.

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

A motion was duly made by Member Manning, seconded by Member Reals and unanimously passed by the Board granting 9 feet of relief to add a carport (14' x 22') onto the existing structure and 6' from the west side lot line.

**JOSEPH ARGIRO JR.: AREA VARIANCE (730 FYLER RD., 23.20-1-16) PLACE A 12' X
20' SHED CLOSER TO THE REAR AND RIGHT SIDE PROPERTY
LINES**

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 an undersized lot and that the shed would be in the rear yard affecting no vistas. The Board noted that the property is screened by pine trees, no environmental concerns were identified and there were feasible alternatives.

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

A motion was duly made by Member Keville, seconded by Member Manning and unanimously passed by the Board granting 23 ft. of relief to the South property line and 9 ft. of relief to the West property line to place a pre-built (12' x 20') shed. Conditions: No closer to the West property line than 6 ft. including all soffits.

**PATRICIA STOLARCZYK: AREA VARIANCE (2135 ROUTE 31, 10.59-1-10) ERECT A 4
FT. STOCKADE FENCE ON EAST SIDE PROPERTY TO THE
LAKE**

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. The Planning Board commented that the variance would result in a negative Town wide precedent as the objective can be met within the scope of the current law. It was determined that the benefit to the applicant does not outweigh the detriment to the neighborhood therefore the variance request was denied.

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

A motion was duly made by Member Reals, seconded by Member Manning and unanimously passed by the Board that this request was denied for the following reasons: 1. It would block lake views. 2. There are no other solid fences in the area. 3. There are other feasible alternatives for a fence that will solve the issue of keeping dogs off the Applicant's property; i.e. a 4 ft. chain link is acceptable. The variance was deemed substantial and the hardship determined to be self-created.

JASON ROACH FOR DAVID VOSS: AREA VARIANCE (7855 BROWNELL RD., 24.-1-65.3) ADD ONTO EXISTING GARAGE FOR STORAGE ONLY

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 application was declared by the Board to be a Type II Action for SEQR.

A motion was duly made by Member Manning, seconded by Member Keville and unanimously passed by the Board granting this variance to add onto the existing garage (20' x 40') with the conditions that the garage be a minimum of 16 feet off side property line and 5 feet off rear property line including all soffits. No environmental impacts were identified.

TIMOTHY RELYEA: AREA VARIANCE (8911 EDDY RD., 11.-1-11.14) BUILD A GARAGE CLOSER TO THE SIDE PROPERTY LINE

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 the property size and location of the septic system is problematic and the new garage will be to the rear of home. The property backs up against forest and swamp and there would be no adverse impact on the neighborhood.

The application was declared by the Board to be a Type II Action for SEQR.

A motion was duly made by Member Keville, seconded by Member Manning and unanimously passed by the Board granting 5 ft. of relief to the North side property line to build a (30' x 40') garage with the conditions that it must be no closer than 10 ft. from the property line including all soffits and not built in the easement.

APPROVAL OF MINUTES

A motion was duly made by Member Manning, seconded by Member Reals and unanimously passed by the Board approving the minutes of August 8, 2019

ADJOURNMENT

A motion was duly made by Member Manning, seconded by Member Reals and unanimously passed by the Board to adjourn the meeting at 9:30 P.M.

Respectfully Submitted
Jeri Rowlingson, Secretary