

**TOWN OF SULLIVAN
ZONING BOARD OF APPEALS
APRIL 13, 2023
7:00 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 7:00 P.M.

Those in attendance for the meeting were: Chairman Steve Durfee, Members Terry Manning, Michael Keville, Luke Capria and Attorney for the Board Richard Andino

Excused: Member Cliff Reals

Also in attendance: Larry Ball, Building/Codes Administrator

PUBLIC HEARING

7:00 P.M. – KENNETH CZARNECKI: AREA VARIANCE (1239 PALMER CIRCLE, 9.25-1-12) SEEKING 3.1' RELIEF OF THE 8' SETBACK REQUIREMENTS EAST SIDE PROPERTY LINE TO BUILD GARAGE EXTENSION.

Michael Czarnecki appeared before the Board representing his brother Kenneth Czarnecki. His brother is seeking a side yard setback variance with 3.5' feet of relief to build a 12' x 24' extension to the existing garage. This will clean up the area and be used for indoor storage. He would like to add 12' single story with A frame roof extension. The home is on the other side of the road. Building/Codes Administrator Larry Ball stated they are trying to maintain 5' and try to square off with the new building.

The Town of Sullivan Planning Board sees no Town-wide adverse effect in granting this request.

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

No one spoke for or against the application. Chairman Durfee closed the public hearing at 7:05 P.M.

ROBERT DICKENSON: AREA VARIANCE (1376 ROUTE 31, 9.12-1-2) SEEKING 2' OF RELIEF OF THE 15' SETBACK REQUIREMENTS WEST SIDE PROPERTY LINE TO CONSTRUCT A NEW ADDITION.

Robert Dickenson appeared before the Board seeking 2' of relief from the required side yard setback of 15' to build an enclosed deck/porch. The deck/porch will remain in line with the current setback of the house. The Applicant is merely building off the back of the house.

The Town of Sullivan Planning Board sees no adverse implications in granting this variance.

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

No one spoke for or against the application. Chairman Durfee closed the public hearing at 7:15 P.M.

NEW BUSINESS

OLD BUSINESS

MARK & DIANNE HANDZEL: AREA VARIANCE (105 MINER RD., 10.30-1-3) SEEKING 11' OF RELIEF OF THE 30' SETBACK REQUIREMENTS REAR YARD TO CONSTRUCT A DETACHED GARAGE.

The decision was tabled from the March 9, 2023 meeting by the Board so that Mr. Handzel could stake out where the garage will be. The Board members visited the property and could see how close to the road it will be and was beneficial to making a decision. Member Manning noted that there was a concern from one neighbor regarding the stones/rock wall. Mrs. Handzel stated they had a survey last year and the rock wall is actually on their property.

The Board jointly reviewed and considered the 5-point legal criteria for the granting of the requested area variance addressing each of the factors for approval or denial of the application. It was determined that this would not produce and undesirable change in the neighborhood or be a detriment to nearby properties as there are other sheds/garages a similar distance to the road. There are no feasible alternatives to the variance as it would be too much cost to make changes to the house. The requested variance is substantial numerically, but it is in character with the lakefront neighborhood and not a determining factor. This would not have an adverse impact on the physical or environmental conditions in the neighborhood, it will not affect lake view or access visibility to the road. The difficulty is self-created but not a determining factor.

This application was declared by the Board to be a Type II Action with Negative Declaration for SEQR, thus concluding the environmental review process for this matter.

A motion was duly made by Member Capria, seconded by Member Keville and unanimously passed by the Board that the benefit to the applicant does outweigh any detriment to the neighborhood. The variance was approved granting 11 ft. of relief from 30 ft. required rear yard setback to build a garage.

KENNETH CZARNECKI: AREA VARIANCE (1239 PALMER CIRCLE, 9.25-1-12) SEEKING 3.1' RELIEF OF THE 8' SETBACK REQUIREMENTS EAST SIDE PROPERTY LINE TO BUILD GARAGE EXTENSION.

The Board jointly reviewed and considered the 5-point legal criteria for the granting of the requested area variance addressing each of the factors for approval or denial of the application. It was determined that this would not produce an undesirable change in the neighborhood or be a detriment to nearby properties as the remodeled structure will be an improvement, the variance will be less than the existing non-conformity. There are no feasible alternatives to the variance, the existing driveway and foundation slab would need to be moved which would be a significant cost. The requested variance is substantial but not a determining factor since there will still be over 4' of setback. This would not have an adverse impact on the physical or environmental conditions in the neighborhood; the new construction will be an improvement and will not affect road site lines or lake vistas. The difficulty is self-created but is not a determining factor and the existing garage is non-conforming from before the code was adopted.

This application was declared by the Board to be a Type II Action with Negative Declaration for SEQR, thus concluding the environmental review process for this matter.

A motion was duly made by Member Keville, seconded by Member Manning and unanimously passed by the Board that the benefit to the applicant does outweigh any detriment to the neighborhood. The variance was approved granting 3 ft. 3 in. of relief from 8 ft. required East side yard setback to construct a garage extension to the existing garage.

ROBERT DICKENSON: AREA VARIANCE (1376 ROUTE 31, 9.12-1-2) SEEKING 2' OF RELIEF OF THE 15' SETBACK REQUIREMENTS WEST SIDE PROPERTY LINE TO CONSTRUCT A NEW ADDITION.

The Board jointly reviewed and considered the 5-point legal criteria for the granting of the requested area variance addressing each of the factors for approval or denial of the application. It was determined that this would not produce an undesirable change in the neighborhood or be a detriment to nearby properties, it would actually be an improvement to the overall structure. There are feasible alternatives to the variance, but not desirable for aesthetics or comport with the desired location of the addition. The requested variance is not substantial as 2 ft. out of 15 ft. is insignificant. This would not have an adverse impact on the physical or environmental conditions in the neighborhood, it is an improvement. The difficulty is self-created but is not a determining factor.

This application was declared by the Board to be a Type II Action with Negative Declaration for SEQR, thus concluding the environmental review process for this matter.

A motion was duly made by Member Manning, seconded by Member Capria and unanimously passed by the Board that the benefit to the applicant does outweigh any detriment to the neighborhood. The variance was approved granting 2 ft. of relief from 15 ft. required West side property line setback to construct an addition.

APPROVAL OF MINUTES

A motion was duly made by Member Keville, seconded by Member Capria and unanimously passed by the Board approving the minutes of March 9, 2023.

The January 12, 2023 approval of minutes is still pending.

ADJOURNMENT

A motion was duly made by Member Keville, seconded by Member Capria and unanimously passed to adjourn the meeting at 7:30 P.M.

Respectfully Submitted
Jeri Rowlingson, Secretary