

**TOWN OF SULLIVAN
ZONING BOARD OF APPEALS
JANUARY 11, 2024
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, Derek Joncas, Shawn Hannan and Attorney for the Board Richard Andino

Also present: Larry Ball, Building/Codes Inspector

PUBLIC HEARING

7:00 P.M. – MAUREEN WAFER: AREA VARIANCE (483 DAMONS POINT RD., BRIDGEPORT, 3.41-1-7) SEEKING 20 FT. RELIEF FROM 30 FT. SETBACK FRONT YARD BOTH STREETS (CORNER LOT) TO BUILD NEW HOME, PROPOSED 34% COVERAGE – 25% ALLOWED.

Maureen Wafer appeared before the Board seeking a variance for setbacks front yard (corner lot 20' of relief from the 30' setback) and lot coverage (34% where only 25% is allowed) to build a new home. The Applicant is proposing to tear down the existing home and would like a little bigger home - the existing home is 800sq.ft. and she would like a 1200sq.ft. home. It would be slab on grade, no basement, one story, stick built, not modular. The home would have a good foundation vs. home now is on piers. There is a stone driveway to park car in front.

Member Keville confirmed that the grade is flat with a culvert and the property does have sewer. He explained proving the hardship going from 800 to 1200sq.ft. is difficult. Member Keville suggested that she build up to two stories rather than taking up lot further lot coverage.

Discussion was held by the ZBA regarding if there would be more drainage issues with the additional lot coverage. The Applicant stated the neighbor has pushed water to her yard and knows a drainage plan would be to her benefit. Larry Ball said slope to final grade is to Lakeshore View Rd.

Attorney Richard Andino explained the owner is responsible for drainage. and advised that the Board could ask to see a drainage plan.

Norman Speech from 501 Damons Point Rd. said he is happy that Maureen wants to build a new house. His opinion is it is non-conforming situation now and this would make a bigger non-conforming situation. This is a small lot and concerned with parking and drainage problems too. She has a camper there and if the shed is staying makes for more concern. Mr. Speech doesn't understand why the Applicant can't live within the existing boundaries while still improving the property.

Art Lelio from Waterbury Rd. reviewed the application and went to the site. The proposal would not keep with the character of the neighborhood as the current home barely fits already, the lot is undersized and with 2 road side and lot coverage variances it would make it even more out of character with the neighborhood. It is totally out of coverage and would be a massive increase in a congested area already. He feels the site cannot accommodate this.

The Town of Sullivan Planning Board sees no adverse Town-wide impact in granting this variance.

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

No one else spoke for or against the application. The public hearing was closed at 7:16PM.

**KRIS POLITIS: AREA VARIANCE (BLACK POINT RD., CANASTOTA, 5.78-1-18)
SEEKING 3 FT. RELIEF SIDE YARD AND 17 FT. RELIEF FRONT
YARD (FROM WILSON POINT ROADWAY) TO PLACE A 10' X 20' SHED
ON VACANT LOT.**

Kris Politis appeared before the Board seeking variances to place a 10' x 20' non-permanent shed on gravel base in the upper corner of the lot – 3' of relief from the 8' required side yard setback and 17' of relief from the required 30' setback. It would be elevated higher, non-blocking, best place and improve the area. He has been taking down some trees and concrete slabs will be cleaned up.

Member Keville confirmed this is the last residence before the road ends and that Mr. Politis owns the separate lot across from lot that his home is on. Member Keville explained that in the Town Zoning this would not be allowed as there is not a primary structure on this lot and would have to treat as a Use Variance for a secondary structure with no primary. A financial burden would have to be proved and it is usually impossible to prove this. Mr. Politis stated that with the easements he has to keep as two separate parcels.

Larry Ball, codes inspector, looked at it as a non-conforming use and just relocating the shed would be up to the Zoning Board to approve as a change to a non-conforming use. Chairman Durfee and Member Keville questioned Larry about a non-primary structure on vacant lot and the ability to put a temporary portable garage with no permits. Discussion was then held regarding the interpretation of a "structure" that is movable, not permanent, not anchored and on skids. Attorney Andino said that in the Town of Sullivan it has been determined to be "structure" in all cases.

Member Manning stated Kris has good intentions with cleaning up the lot, putting temporary structure to do this and building a house in the future. He explained the law and the Zoning Board has turned down many that wanted to do the same thing. Mr. Politis explained he has no place to put a shed on same lot with the house. The neighborhood has many houses on one lot and then a structure across the street.

Art Lelio from Waterbury Rd. looked at the application and site. It is a 100' x 100' lot and he does not see a real hardship to place the structure elsewhere on the property rather than

close to the property line as requested. The proposed placement is not in character with the neighborhood and the lack of hardship is significant.

Attorney Andino questioned whether the OCWA easement would have any impact on the proposal and confirmed that the shed is not near the Town easement for plow turn around. Discussion was held regarding placement of this structure without needing a variance. Mr. Politis said this is the easiest place to put the shed. He does not want to take down anymore trees, it is very wet and would have to bring in fill; he would have to do this if he moves the shed so no variance would be needed. He also cannot combine the lots.

Motion was made by Member Manning, seconded by Member Capria and all were in favor to keep the public hearing open and table the discussion. If Mr. Politis decides to withdraw the application, he will contact Larry Ball and submit something in writing.

NEW BUSINESS

OLD BUSINESS

MAUREEN WAFER: AREA VARIANCE (483 DAMONS POINT RD., BRIDGEPORT, 3.41-1-7) SEEKING 20 FT. RELIEF FROM 30 FT. SETBACK FRONT YARD BOTH STREETS (CORNER LOT) TO BUILD NEW HOME, PROPOSED 34% COVERAGE – 25% ALLOWED.

The Board discussed with Ms. Wafer the parking, neighboring structure/property, drainage/sloping, old survey map supplied, and thoughts of needing the garage that is contributing to the coverage issue.

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. This would produce an undesirable change in the character of the neighborhood and be a detriment to nearby properties as there are major concerns relative to lot coverage and drainage issues and the overall coverage is not consistent with neighboring lots. There are feasible alternatives to the variance, but they are not palatable to applicant – she could build a two-story home within the same footprint as the existing house. The requested variance is substantial, lot coverage is at 34% vs. 25% in code. This would have an adverse impact on the physical or environmental conditions in the neighborhood as drainage issues would be compounded and there was no drainage plan submitted with the application. The alleged difficulty is self-created.

This application was declared by the Board to be Type II Action with Negative Declaration for SEQR with the impact assessment completed and the action will not result in any significant adverse environmental impacts.

A motion was duly made by Member Manning, seconded by Member Joncas and unanimously passed by the Board that the benefit to the applicant does not outweigh any detriment to the neighborhood and the variance request was denied.

After the resolution was denied the Board discussed with applicant options for future re-application.

APPROVAL OF MINUTES

A motion was duly made by Member Keville, seconded by Member Manning and unanimously passed by the Board approving the minutes of September 14, 2023.

ADJOURNMENT

A motion was duly made by Member Keville, seconded by Member Capria and unanimously passed to adjourn the meeting at 8:15 P.M.

Respectfully Submitted
Jeri Rowlingson, Secretary