

**TOWN OF SULLIVAN
ZONING BOARD OF APPEALS
MARCH 14, 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 Acting Chairman Michael Keville at 7:00 P.M.

Those in attendance for the meeting were: Members Michael Keville, Terry Manning, Derek Joncas, Shawn Hannan and Attorney for the Board John Langey

Excused: Chairman Steve Durfee and Member Luke Capria

Also in attendance: Larry Ball, Building/Codes Administrator

PUBLIC HEARING

7:00 P.M. – PATRICK GREINER: AREA VARIANCE (350 FYLER RD., 31.-1-2.2) ROAD FRONTAGE INTO TWO EQUAL FRONTAGE LOTS OF 135 FT. EACH TO SUBDIVIDE PROPERTY.

Mr. Patrick Greiner appeared before the Board seeking a road frontage variance in order to subdivide this vacant lot. He would like to give a lot to his daughter to build a new home. He has 270 ft. now and is requesting to make two equal frontage lots of 135 ft. each. Member Manning asked if there would be enough roadway frontage for two lots. It would be the legal 60 ft. width according to the surveyors. Acting Chairman Keville confirmed if the two existing houses have the easement to the roadway. Larry Ball, Codes Administrator said “yes” and when Mr. Greiner first came to discuss this, he wanted to do one lot at 150 ft. and the other would then be only 120 ft. frontage. This is otherwise a non-conforming lot with no credit for road frontage. It would be more balanced from the road doing the equal 135 ft. of frontage. Attorney Langey stated that the driveway cuts would have to go through Madison County.

Acting Chairman Keville read the Madison County Planning Board GML and Town of Sullivan Planning Board comments. They both stated no adverse effect in granting this request.

Art Lelio from Waterbury Rd. drove by subject property and stated his support for this application.

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

OLD BUSINESS

PATRICK GREINER: AREA VARIANCE (350 FYLER RD., 31.-1-2.2) ROAD FRONTAGE INTO TWO EQUAL FRONTAGE LOTS OF 135 FT. EACH TO SUBDIVIDE PROPERTY.

The Board jointly reviewed and considered the 5-point legal criteria for the area variances and a proposed resolution of the requested area variance addressing each of the factors for approval or denial of the application was offered. It was determined that this would not produce an undesirable change in the neighborhood or be a detriment to nearby properties as there are none identified. There is a feasible alternative to the variance but this is not desirable by the applicant and there is no issue as it will have more balance with equal frontage. The requested variance is not substantial as 10% is requested and is within normal parameters. This would not have an adverse impact on the physical or environmental conditions in the neighborhood as no such issues were identified. The difficulty is self-created but this is not a determining factor.

Attorney Langey went through the short EAF and a Negative Declaration was considered and adopted.

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 outweigh any detriment to the neighborhood. The variance was approved granting relief, with reasons discussed, for road frontage from 150 ft. to 135 ft. for a future two-lot subdivision. Mr. Greiner will now go to the Planning Board for the subdivision request.

NEW BUSINESS

STEPHEN BREAN – 121 WATER ST. – DISCUSSION OF APPLICATION

Attorney Langey introduced the application to the Board so that the new members could get acquainted with the proposed action from the beginning as this matter has a long and somewhat complicated background. He explained that multiple applications were presented over time to the Planning Board and Zoning Board and there is significant history with these applications. Attorney Langey has had many meetings with Mr. Brean, his Attorney Nolan Kokkoris and Codes Administrator Larry Ball to discuss the various iterations. The Board may now be in a position to present the request for area variances and schedule a public hearing for next month. Attorney Langey stated he will have Attorney Kokkoris clarify and describe the re-configured new lots being proposed from the previous applications. The previous applications were somewhat different lots which the Zoning Board did not approve at that time.

Attorney Nolan Kokkoris from Bond, Schoeneck and King introduced himself and turned the discussion over to his client Stephen Brean.

Mr. Brean stated that he is not really here to give a presentation but would answer and clarify any questions. Member Manning asked what is the difference in the proposal from before. Mr. Brean stated the interpretation of the 40,000sq.ft. requirement in a business district, the subdivision is 2 lots vs. 3 lots and the front lot near Route 31 will be larger with the 50ft. non-

reality lot added to it. The Board reviewed the map presented and discussion was held about the new proposal and changes of the variance request with the non-realty lot. Attorney Langey noted this is a critical change from his application and questioned if the calculated amount of variance needed is large enough to advance the application since a similar request had previously been denied. The application was discussed at length as the interpretation sought by Mr. Brean was not included on this present application.

Attorney Langey read the written application for clarification and demonstrated its complications. The Board could address the application for area variances to achieve a subdivision. Mr. Brean discussed his three parts to the application (interpretation, variance and then subdivision). Attorney Langey stated that he did not read the application and letter the same way. Attorney Kokkoris said the interpretation of 40,000sq.ft. was an anticipated part of the appeal process. Attorney Langey said that is brand new as of this moment and is a different description than what was discussed at all the meetings they had and in the letter application.

Acting Chairman Keville discussed the procedural process of the 2- lot subdivision application. He stated it was recorded as a deed. The new application and map that were turned in recently was discussed. Larry Ball, codes officer explained the new map was incomplete and he sent it onto Attorney Langey due to the previous actions. Discussion was held with regard to the maps and lot sizes that were turned down previously. Attorney Langey thought that the solution to the issue was that some change would be made to proceed with the new variance and 2-lot subdivision.

Acting Chairman Keville requested to have a clarified application for the Board and the neighbors in order to set a public hearing. He asked that it be precise and focused to be able to make an interpretation correctly to move forward. Mr. Brean will amend the application so Larry Ball can take a look at it and proceed from there for a public hearing.

APPROVAL OF MINUTES

A motion was duly made by Member Joncas, seconded by Member Manning and unanimously passed by the Board to approve the minutes of January 11, 2024.

ADJOURNMENT

A motion was duly made by Member Joncas, seconded by Member Hannan and unanimously passed to adjourn the meeting at 7:45 P.M.

Respectfully Submitted
Jeri Rowlingson, Secretary