

**TOWN OF SULLIVAN
ZONING BOARD OF APPEALS
MAY 11, 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. – SHARON RAIMONDI & DANIEL DOBEY: USE VARIANCE (2673 BURLINGAME RD., 5.82-1-14) CONVERT GARAGE INTO AN ALTERNATE DWELLING UNIT (ADU) FOR SECOND SINGLE FAMILY HOME ON LOT WITH EXISTING SINGLE FAMILY HOME

Daniel Dobey and Sharon Raimondi appeared before the Board to discuss renovating their garage into a little classy house for Mr. Dobey's sister. The 650 sq.ft. garage is across the road from his home that he moved to last year but it is on the same lot as the principal home and therefore the Raimondi's are seeking to have two primary structures on a single lot which requires a Use Variance. The purpose is to help his sister who has had a hard life and his mother wrote a letter to him before she passed to please take care of your sister. This change would be tax free/maintenance free place for her to live as he would take care of everything for the rest of her life. There are other homes with garages across the road that look like little apartments or big mansions. They would only be changing the inside, no changes on the outside. They are open to suggestions and would like to put in another garage later if possible. The lot is small (8393 sq.ft.) with big back yard.

Member Keville explained what Use Variances are and that they are extremely difficult to get because of the high evidentiary burden. He asked if they have considered splitting the lots and seek an area variance for lot coverage (as under size lot) and road frontage. Chairman Durfee agrees that they do not meet hardship rules for a Use Variance. Chairman Durfee asked the dimensions of the current garage, it is 28' x 24' (672 sq.ft.). Member Manning stated that they would be within the lot coverage to have a new garage down the road if current garage was converted to a home. Discussion was held about splitting/subdividing the lots, keeping it in their name but giving sister life use.

Attorney Richard Andino explained the difference between use and area variances. For a use variance if a single factor out of four under New York State Law is not met it is automatically denied.

Ms. Raimondi asked about next steps if the Use Variance is denied but they want to proceed with a subdivision. Larry Ball said this would be a first split on the property and said they would need area and frontage variances, as well as front and side yard variances if doing the separate garage prior to subdividing. The four different variances were discussed by Attorney Andino and the Board. Member Keville stated a public hearing would be held for these variances and the Board would come to look at the property prior to the public hearing meeting. Larry Ball explained that after the Zoning Board hearing they would then go to Planning Board for subdivision.

The Madison County Planning Board returned the application for Local Determination but did state the strict NYS criteria for ZBA's to grant a Use Variance.

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

NEW BUSINESS

DISCUSSION ONLY: ALFRED THOMPSON, 6286 DYKE RD., 58.-2-1.2

Mr. Thompson appeared before the Board for discussion only. He wants to do what neighbors are doing (park work vehicle in driveway), not really any hardship. Mr. Thompson is working with Madison County soil and water to install a culvert due to drainage issues on the property. Member Keville questioned if a permit is required but Larry Ball indicated only if there is disturbance greater than one acre. Larry Ball commented that with the creek/wetland and re-routing soil/water Highway Superintendent Andy Busa contacted Madison County. Because it deals with Madison County and highway Larry is not involved. Mr. Thompson explained there is no benefit to him and he is trying to be a good neighbor. He has been using dump truck to move dirt for Madison County soil/water and there has been no problem for five years. He has been working with Andy Busa for three years, culverts are gone and in front the culvert is covered. Steve with Madison County was there two weeks ago with final plans.

Building/Codes Administrator Larry Ball read the violation to the Board that was sent regarding illegal land use. Larry's violation notice provides that there is a trucking business registered to Mr. Thompson's property and he parks his work vehicle on the property but the zoning law prohibits commercial vehicles and uses in this zone. Mr. Thompson stated he has no intention to cause trouble with neighbors and the name/address of his registered business is for mail to be delivered only and he does not operate a business out of his home. Mr. Thompson stated that applying for Use Variance to run a business out of his home is not what he is looking for. He just wants to be able to park his vehicles overnight when he returns from work. Member Keville questioned when the dump truck is in driveway are there other construction vehicles also. Mr. Thompson stated yes if hauling and moving dirt for the project.

Discussion was held regarding the propane tank and heating the polebarn. The permit was issued for unheated/no electric. Mr. Thompson stated the propane tank is not for heating the barn, it is for a generator. Larry Ball said this has nothing to do with the Zoning Board and not an interpretation for them.

Attorney Richard Andino stated that there is no application in front of the Board. Mr. Thompson asked which way to go from here. He could apply for a Use Variance to run his business but he again indicated that he is not running a business out of his home - it is just mailing address, and he can change the address. He can submit an interpretation application to the Board as he is not running a business or go to justice court to defend the violation.

OLD BUSINESS

SHARON RAIMONDI & DANIEL DOBEY: USE VARIANCE (2673 BURLINGAME RD., 5.82-1-14) CONVERT GARAGE INTO AN ALTERNATE DWELLING UNIT (ADU) FOR SECOND SINGLE FAMILY HOME ON LOT WITH EXISTING SINGLE FAMILY HOME.

The Board jointly reviewed and considered the 4-point legal factors of the requested use variance addressing each of the factors for approval or denial of the application. It was determined that the applicant failed to provide competent financial evidence demonstrating they cannot get a reasonable return for the allowable use in Zoning district. It is a sad family situation but can't be basis for hardship. The requested variance could alter the essential character of the neighborhood as it could be Air B&B and two dwellings on same lot is not permitted. The alleged hardship is self-created.

This application was declared by the Board to be an Unlisted 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 Manning and unanimously passed by the Board that the applicable zoning regulations and restrictions have not caused an unnecessary hardship on the applicant and therefore the use variance request is denied.

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 April 13, 2023.

Member Keville stated the minutes of January 12, 2023 were approved at the last meeting.

ADJOURNMENT

A motion was duly made by Member Keville, seconded by Member Capria and unanimously passed to adjourn the meeting at 8:00 P.M.

Respectfully Submitted
Jeri Rowlingson, Secretary