

**TOWN OF SULLIVAN
ZONING BOARD OF APPEALS
JULY 13, 2017
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 Michael Keville, Terry Manning, Cecilia Berean, Attorney for the Board Richard Andino and Secretary for the Board Jeri Rowlingson.

Absent: Member Cliff Reals

Also present: Philip Costanzo, Building/Codes Administrator

PUBLIC HEARING

**7:00 P.M. – KIRK PURCELL: AREA VARIANCE (409 FOX RD., 3.23-1-2) SIDE
PROPERTY LINE SETBACK**

Mr. Kirk Purcell appeared before the Board to request an area variance to install an air conditioner condenser 14 inches from the East side property line. The Board, Phil Costanzo and the Applicant discussed the placement of the air conditioning unit and the Applicant indicated that it will be hidden behind trees. The Applicant also indicated that there would be no issues with the driveway or snowplowing.

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

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

**DOREEN STRETTER: AREA VARIANCE (133 MADISON AVE., 11.29-2-21) SIDE
PROPERTY LINE SETBACKS**

Doreen Stretter and Monte Vicky appeared before the Board to request an area variance to build a 24' X 50' garage closer to the side property lines than is permitted by the Zoning Law of the Town of Sullivan. The walls of the garage will be 8' from the lot lines with the overhangs being 7' from the side lot lines. The Applicant stated he wanted a wider garage to accommodate storage of vehicles, boat and trailer. The Applicant stated that he re-subdivided his property to be able to build a garage. One side of the property contains woods which will screen the garage. The Applicant was not sure about the height of the garage but indicated it would likely be 10 feet tall. The garage will have a metal roof and vinyl siding. The Applicant also stated he is waiting to see what the Planning Board decides before he decides on whether to build a polebarn or garage and what is affordable. Member Manning said there are concerns of this being an oversize building as the proposed structure is the largest non-residential structure in the neighborhood. Member Berean asked about considering a smaller structure. Mr. Vicky said yes, if he could have the 24' width he would go with 24 ft. x 40 ft.

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

**DONALD & MAUREEN DINERO: AREA VARIANCE (4019 BRICK KILN DR., 40.4-1-1.64)
REAR PROPERTY LINE SETBACK**

Mr. & Mrs. Dinero appeared before the Board to request an area variance to build a 14' x18' deck closer to the rear property line than is permitted by the Zoning Law of the Town of Sullivan. The Applicants indicated that there will never be anyone behind them as the land is designated forever green and there is a pumping station to the North side of their parcel. The unique design with wrap around stairs increases the depth to be closer to the property line than the allowed 30 feet. The Applicants need 6' of relief.

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

**JAMES PUDNEY: AREA VARIANCE (8565 BLACK CREEK RD., 9.-2-56.3) REAR AND
SIDE PROPERTY LINE SETBACKS**

Mr. James Pudney appeared before the Board to request area variances for a deck 23 feet from rear property line where 50 feet is required, a pool 30 feet from rear property line where 50 feet is required, a polebarn 32 feet from rear property line where 50 feet is required and a shed 16 feet from side property line where 20 feet is required. Discussion was held in regards to the location of the septic field and having to replace with raised bed system anytime in the future. The Applicant indicated he has enough space in other parts of his property to install a raised bed septic system if necessary.

No one else spoke for or against the application and all public hearings were closed at 7:30 P.M.

NEW BUSINESS

No new business.

OLD BUSINESS

**KIRK PURCELL: AREA VARIANCE (409 FOX RD., 3.23-1-2) SIDE PROPERTY LINE
SETBACK**

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 legal criteria 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 the variance is substantial and self-created but not a determining factor. Also, no environmental issues were identified and the

variance would not create a situation that was out of character with the neighborhood. the Board stated that trees block the view of the A/C unit and the Applicant has a narrow lot.

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

A motion was duly made by Member Berean, seconded by Member Manning and unanimously passed by the Board granting 7 ½ feet of relief from the East property line setback requirement to allow installation of an A/C condenser unit 14 inches from the property line.

**DOREEN STRETTER: AREA VARIANCE (133 MADISON AVE., 11.29-2-21) SIDE
PROPERTY LINE SETBACKS**

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 legal criteria 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 the proposed size will be too large and out of character for the neighborhood as it would be the largest non-residential structure in the neighborhood and larger than the Applicant's house. The applicant indicated a willingness to build a smaller garage in order to have the wider building.

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

A motion was duly made by Member Berean, seconded by Member Manning and unanimously passed by the Board granting 7 feet of relief from the South side property line and 1 foot of relief from the North side property line setback requirements to erect a building that will be no more than 960 sq. ft. (24' x 40') and 10 feet size walls maximum.

**DONALD & MAUREEN DINERO: AREA VARIANCE (4019 BRICK KILN DR., 40.4-1-1.64)
REAR PROPERTY LINE SETBACK**

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 legal criteria 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 the variance is self-created as the design results in the need for the variance but not a determining factor. The deck encroaches toward land which cannot be developed so no environmental concerns or community character concerns were identified.

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 Berean and unanimously passed by the Board granting 6 feet of relief from the rear property line setback requirement to build a 18' x 14' deck.

**JAMES PUDNEY: AREA VARIANCE (8565 BLACK CREEK RD., 9.-2-56.3) REAR AND
SIDE PROPERTY LINE SETBACKS**

The Board jointly reviewed and considered the legal criteria and a proposed resolution for the granting of the requested area variances addressing each of the legal criteria 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 the variances are self-created as all requests are not necessary structures but not a determining factor. The Applicant has a large lot and neighbors expressed no objections to the variances. The Board reasoned that the variances were necessary due to the agricultural zone setbacks applying to a residential lot and Applicant having a corner lot.

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 Berean and unanimously passed by the Board granting variances to install an above ground pool 30 feet from the rear property line, build a deck 23 feet from the rear property line, build a polebarn (30' x 48') 32 feet from the rear property line and shed 16 feet from the side property line.

APPROVAL OF MINUTES

A motion was duly made by Member Keville, seconded by Member Berean and unanimously passed by the Board approving the minutes of June 8, 2017.

ADJOURNMENT

A motion was duly made by Chairman Durfee, seconded by Member Manning and unanimously passed by the Board to adjourn the meeting at 8:05 P.M.

Respectfully Submitted
Jeri Rowlingson, Secretary