

**TOWN OF SULLIVAN
ZONING BOARD OF APPEALS
NOVEMBER 8, 2018
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, Cliff Reals, Cecelia Berean, Secretary Jeri Rowlingson and Attorney for the Board Richard Andino. Also present was Philip Costanzo, Building/Codes Administrator.

Excused was Michael Keville.

PUBLIC HEARING

**7:00 P.M. – DANIEL & RACHELLE SMITH: AREA VARIANCE (785 MINOA BEACH RD.,
TM# 3.52-1-3) SETBACKS CLOSER TO ROAD AND EAST PROPERTY LINE**

Rachelle Smith appeared before the Board to request an area variance to build a 20 ft. x 21.8 ft. addition to her existing home. The addition would result in the need for 5 ft of relief from the front yard setback and 2.5 feet of relief on the side. Member Terry Manning discussed the Planning Board's concern that the addition would be in close proximity to the existing garage, creating a fire code/safety issue. The Applicant advised that she had no problem if the approval was conditioned upon removal of the garage.

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

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

**7:10 P.M. – BRENDA CAVANAUGH & RICHARD AMATO: AREA VARIANCE (2447
COULTER COVE RD., TM# 11.23-1-1) SETBACKS CLOSER TO PROPERTY
LINE AT THE ROAD**

Brenda Cavanaugh and Richard Amato appeared before the Board to request an area variance to replace their existing pole barn with a 20 ft. x 48 ft. pole barn closer to the property line at the road. Discussed new structure being tight to the driveway line which would be about 4 ft. off property line (existing garage is 1.6 feet off the property line). Also discussed how close it will be to the hedge row and the type of roof that will be used. Philip Costanzo, Building/Codes Administrator said that the property must be pinned with current property line and new building.

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

Letters of approval from neighbors for the proposed pole barn variance were received from Kenneth & Susan Mezger, Carol Osler & Paul Lenz, Kim Woods, Richard Ostrander, Richard & Betty Iannuzzo, Thomas & Peggy Spadafora, Martin Lipke, and Jennifer & Mark

Steigerwald. Albert Hanzalik from Wilson Point was present and asked how tall this new barn would be. Richard Amato stated it would be 20 ft. x 48 ft. with a 10 ft. door.

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

NEW BUSINESS

No new business.

OLD BUSINESS

JOHN & JEAN DIAMOND: AREA VARIANCE (117 CENTNER RD. NORTH, TM# 10.43-1-5) MINIMUM LOT SIZE AND ROAD FRONTAGE

Attorney Edward Perry appeared before the Board on behalf of the Diamonds. Mr. Perry provided a survey dated October 27, 2018 to the Board. Nothing has changed since the last meeting in regards to his clients request. The new lot (Lot 3A) would meet the 12,000 square foot but would need road frontage variance 27 feet. The existing lot ((Lot 2A) would be 11,804 square foot and would need area variance of 196 ft. as well as road frontage variance of 27 feet.

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. The change would be consistent with existing character of the neighborhood. The benefit to be sought is to split two lots for estate planning purposes. The square footage variance is no longer significant and consistent with the neighborhood. No adverse impacts have been identified and the difficulty was self-created as the owner took a legal non-conforming use and made it conforming. It was determined that the benefits to the applicant outweighed any harm to the neighborhood.

The SEQR form was reviewed by the Board for the proposed action. Member Cliff Reals made a motion this application was declared to be a Unlisted Action with Negative Declaration for SEQR. Cecelia Berean seconded the motion and it was unanimously passed.

A motion was duly made by Member Reals, seconded by Member Manning and unanimously passed by the Board approving the variance for road frontage for both lots at 48 ft. per property, Lot 2A 196 square foot area variance is allowed, and Lot 3A approved as per new survey dated 10/27/18 and submitted 11/8/18.

DANIEL & RACHELLE SMITH: AREA VARIANCE (785 MINOA BEACH RD., TM# 3.52-1-3) SETBACKS CLOSER TO ROAD AND EAST PROPERTY LINE

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. The change would be consistent with the area and neighborhood. The benefit sought cannot be achieved by an alternative as the property is landlocked. The variance is not substantial and not a contributing factor to have an adverse impact in the

neighborhood. It was determined that the benefits to the applicant outweighed any harm to the neighborhood.

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

A motion was made by Member Manning, seconded by Member Berean and unanimously passed by the Board granting 5 feet of relief from the front setback. The side lots must be consistent with the existing house, 2.5 feet of relief was granted on the East side of house, and the West side line is OK. The approval was conditioned upon the Applicant removing the existing garage due to its proximity to the proposed addition and fire code issues.

BRENDA CAVANAUGH & RICHARD AMATO: AREA VARIANCE (2447 COULTER COVE RD., TM# 11.23-1-1) SETBACKS CLOSER TO PROPERTY LINE AT THE ROAD

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. The change would be consistent with the area and neighborhood and it will be farther away from the property line than the existing structure. The garage would merely replace an existing structure. It was determined that the benefits to the applicant outweighed any harm to the neighborhood.

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

A motion was made by Member Manning, seconded by Member Reals and unanimously passed by the Board granting the Applicant 4 feet of relief from the side yard including the overhang with the following conditions: Fire wall protected as per NYS building code (within 5 feet from property line) and the property must be professionally pinned by surveyor at property line and new garage/building position.

APPROVAL OF MINUTES

A motion was duly made by Member Reals, seconded by Member Manning and unanimously passed by the Board approving the minutes of October 11, 2018.

ADJOURNMENT

A motion was duly made by Member Berean, seconded by Member Reals and unanimously passed by the Board to adjourn the meeting at 8:20 P.M.

Respectfully Submitted
Jeri Rowlingson, Secretary