

**TOWN OF SULLIVAN
ZONING BOARD OF APPEALS
DECEMBER 13, 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 Michael Keville, Terry Manning, Cliff Reals, Secretary Jeri Rowlingson and Attorney for the Board John Langey. Also present was Philip Costanzo, Building/Codes Administrator

Excused was Cecelia Berean.

PUBLIC HEARING

**7:00 P.M. – TIMOTHY STEWART: AREA VARIANCE (3045 WHEATFIELD DR.,
TM# 40.4-2-135) SIX FOOT FENCE BOTH SIDE PROPERTY LINES
AS PART OF POOL ENCLOSURE**

Timothy Stewart appeared before the Board to request an area variance for a six ft. fence on both side property lines where only four foot is allowed. The fence will be part of the pool enclosure made of white vinyl and the reason for the six foot was to make the fence look even all the way around and consistent with the neighborhood.

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

**7:10 P.M. – MATTHEW ST.HILAIRE: AREA VARIANCE (7697 BLACK CREEK RD.,
TM# 24.-3-2.1) RAISE ROOF ON EXISTING GARAGE AND ADD 14 FT.
ADDITION CLOSER TO REAR PROPERTY LINE**

Matthew St. Hilaire appeared before the Board to request an area variance to raise the roof of the existing garage to be able to fit truck underneath and add 14 feet on North side of garage roof to cover camper.

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.

**7:20 P.M. – ERIN & SAMUEL VAN DEE: AREA VARIANCE (981 CHESTNUT RIDGE RD.,
TM# 24.-4-17.111) SIX FOOT FENCE EAST PROPERTY LINE**

Samuel Van Dee appeared before the Board to request an area variance to install a six ft. fence along portions of the east property line where only four feet is allowed. The applicant wants to install a small portion of six ft. fence along property line from the corner of detached

garage inline to the front of the house onto the neighboring property line. From that point it would be 4 foot split rail fence to the edge of road, right side of driveway and would be set at least 10 ft. back from edge asphalt road. The purpose is because of the neighbors two very large aggressive dogs and because of the collection of tires and other items by neighbors.

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.

**7:30 P.M. – DANIEL & CONNIE GMYR: AREA VARIANCE (574 FYLER RD.,
TM# 23.19-1-13) LOT SIZE AND ROAD FRONTAGE**

Connie Gmyr was present and also represented by Ianuzi & Roman Land Surveyors. The Surveyor explained they are trying to subdivide property but the shed and garage are closer to the property line as the line is not straight. The Surveyor provided more updated maps showing the line. The side setbacks are in question as well as the road frontage and having two conforming lots at 40,000 square foot.

The Madison County Planning Board returned the application for Local Determination but did comment on conforming lots vs. non-conforming lots and the shed and garage needing variances.

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

NEW BUSINESS

It was discussed and decided to start all future ZBA meetings at 7:30 P.M. beginning in January 2019.

OLD BUSINESS

**TIMOTHY STEWART: AREA VARIANCE (3045 WHEATFIELD DR., TM# 40.4-2-135) SIX
FOOT FENCE SIDE PROPERTY LINES AS PART OF POOL ENCLOSURE**

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 as there are other fences in the area with same height and would only go halfway up in side yards. It was determined that the benefits to the applicant outweighed any harm to the neighborhood as no such harm was identified.

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

A motion was duly made by Member Reals, seconded by Member Manning and unanimously passed by the Board granting 2 feet of relief to allow for a six ft. fence beginning halfway on the side property lines to the backyard as part of the swimming pool enclosure, as shown on

the submitted drawings. The approval was conditioned upon the "good side" of fence facing out toward the neighbor and the fence to be minimum of one foot from property lines.

MATTHEW ST.HILAIRE: AREA VARIANCE (7697 BLACK CREEK RED., TM# 24.-3-2.1) RAISE ROOF ON EXISTING GARAGE AND ADD 14 FT. ADDITION CLOSER TO REAR PROPERTY LINE

The Board jointly reviewed and considered the legal criteria and a proposed resolution for the granting of the requested area variance by addressing each of the legal criteria for approval or denial of the application. It was found that the change would actually improve the appearance, a 50 ft. setback is excessive as zoned under the circumstances and that the property lines in the area are unusual. 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 duly made by Member Manning, seconded by Member Keville and unanimously passed by the Board granting 36 feet of relief from the rear property line to raise the existing garage roof and add 14 feet to the structure. The line of the garage extension must maintain the existing building line.

ERIN & SAMUEL VAN DEE: AREA VARIANCE (981 CHESTNUT RIDGE RD., TM# 24.-4-17.111) SIX FOOT FENCE 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 six ft. portion of the fence will be along the existing tree line and will not block the neighbor's views or road visibility. It was determined that the benefits to the applicant outweighed any harm to the neighborhood as no such harms were identified.

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

A motion was duly made by Member Keville, seconded by Member Reals and unanimously passed by the Board granting 2 feet of relief for a fence on the South West side property line. Approval was conditioned upon: (1) the six ft. portion of fence is to go no closer to the road than the front corner (South West) of the easterly neighbor's house; (2) the good side of fence shall be facing out toward the neighbor; and (3) the fence must be a minimum of one foot from the property line.

DANIEL & CONNIE GMYR: AREA VARIANCE (574 FYLER RD., TM# 23.19-1-13) LOT SIZE AND ROAD FRONTAGE

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 by the Board that the change would be consistent with the area as there are many smaller lots in the neighborhood. The requested variance is

not substantial as it is less than one ft. relief for road frontage and about 10 feet of relief on the garage setback. It was determined that the benefits to the applicant outweighed any harm to the neighborhood as it is not a large relief request. Road frontage of the lots will be 149 and 150 ft.

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

A motion was duly made by Member Reals, seconded by Member Keville and unanimously passed by the Board granting relief of 9.5 feet of relief for the existing shed and 3.5 feet relief for the garage from the sideline setback requirements for Lot 1. The Board also granted relief of one ft. from the required 150 feet road frontage for Lot 2. The surveyor will supply new site plan as a condition.

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 November 8, 2018.

ADJOURNMENT

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

Respectfully Submitted
Jeri Rowlingson, Secretary