

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

Also present: Philip Costanzo, Building/Codes Administrator

**PUBLIC HEARING**

**7:00 P.M. – PERKINS, JAMES & JOANN: AREA VARIANCE (7591 BRIDGEPORT  
KIRKVILLE RD., 31.-1-26.21) ROAD FRONTAGE**

Mr. and Mrs. James Perkins appeared before the Board to request an area variance for road frontage of an existing house. Mrs. Perkins stated that her grandfather gave her 1 acre of land in 1982 which contains an existing house and then he later gave her a 7.93 acre parcel which also has a house and a barn. According to the Applicants, records indicate that when the 7.93 acres were deeded, the properties were merged without their knowledge. They now want to subdivide the 1 acre parcel and 7.93 acre parcel and sell the 1 acre parcel to their son but keep the larger parcel with the second home and barn. The Zoning Law requires 150 feet of road frontage and they only have 20 feet of frontage if the sub-division is approved. Chairman Steve Durfee asked if a variance was given back when this house was built because of the road frontage. The Applicants had no recollection of a variance being granted but they did get a building permit at that time to construct the second home.

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 at 7:15 p.m.

**7:15 P.M. – BURDO, GARY: AREA VARIANCE (146 OSWEGO AVE., 11.29-1-12) TO  
INSTALL A 6 FOOT FENCE IN THE SIDE AND REAR YARDS OF THE  
PROPERTY**

Gary Burdo appeared before the Board to ask for an area variance to put up a 6 foot high privacy fence in his side and front yards. Mr. Burdo wants to put up a 6 foot fence on south side property line, along the rear property line and half way up on the north side property line. The existing fence on the north property line will remain in place. The Applicant indicated that the fence will be about 20 -25 feet from the property line at the road and 10 feet past the front corner of the house. Mr. Burdo stated the fence will not be blocking anyone's view. Member Keville said the way the law states now, it is not about how close to the road, it is about how

far from the back corner of the house. Attorney Richard Andino asked for a better explanation of where the fence is going versus the sketch he did. Since the existing fence on the north side went up a long time ago and is staying, Member Keville asked Mr. Burdo if he will be making it all look nice all the way around. Mr. Burdo said it will be a wood fence and will be staining it so it will all look nice.

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 at 7:35 p.m.

**7:35 P.M. – ARGENTO, ADAM: AREA VARIANCE (9016 PETRIE RD., 8.-1-11.11) TO INSTALL A 8 FOOT FENCE ALONG NORTHERN PROPERTY LINE**

Mr. Adam Argento and his Attorney Carol Zenzel appeared before the Board to ask for an area variance to put up an 8 foot fence along the Applicant's northern property line. Attorney Zenzel said Adam would like to put up this fence 20 feet from road to match the fence on the south property that was completed a couple years ago. They are asking for the extra 2 feet of fence to make it 8 feet high because of the slope and grading issue. If they install a 6 foot high fence it would appear like a 4 foot fence from the neighbor's property. The Applicant also stated that he would like the fence to act as a noise and visual barrier and that these protections will protect both himself and his neighbor.

Mr. Jeff Olmstead the neighbor on the north side is concerned with the noise from the Applicant's property and wanted to know how long it would take to build the fence and details about where it would begin and end. Mr. Olmstead also stated that he opposes the 8 foot high fence but would not oppose the 6 high foot fence and further stated the issues he is having with the Applicant's "illegal" saw mill business. Mr. Olmstead was reminded by Chairman Durfee that he is here in front of this board regarding the fence and not for any other issues.

Mr. Mike Wood the neighbor on the south side supports the fence especially if like the fence on his side. Adam did a nice job and in timely matter.

Attorney Zenzel discussed her concerns with having the fence 1 foot off the property line. Chairman Durfee stated the 8 foot fence makes a lot of sense because of the slope and asked again why the Olmstead's are against the 8 foot fence. The Olmstead's said they do not want to feel boxed in with a wood stockade fence.

No one else spoke for or against the application and the public hearing was closed at 8:00 p.m.

**NEW BUSINESS**

No new business.

## **OLD BUSINESS**

### **PERKINS, JAMES & JOANN: AREA VARIANCE (7591 BRIDGEPORT KIRKVILLE RD., 31.-1-26.21) 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 that the benefits to the applicant outweighed any harm to the neighborhood. The Board reasoned that the hardship was not self-created because the thruway was constructed rendering a portion of the property inaccessible with a driveway.

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 Reals granting 130 feet of relief for road frontage. The Board approved the variance application by a 3-2 vote with Chairman Durfee and Member Keville voting against the approval.

### **ARGENTO, ADAM: AREA VARIANCE (9016 PETRIE RD., 8.-1-11.11) TO INSTALL AN 8 FOOT FENCE ALONG NORTHERN 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. It was determined that the benefits to the applicant did not outweigh the harm to the neighborhood therefore the request for a 8 foot fence was denied. However, the Board did grant a 6 foot fence as benefit to the applicant outweighed any harm to the neighborhood. The Board reasoned that the benefit of privacy and noise reduction could be achieved by utilizing the legally permitted 6 ft. high fence but not in the side/front yard. The Applicant further failed to sustain his burden for the requested 8 ft. high fence.

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 to deny the variance request for an 8 foot fence but granting 2 feet of relief to allow a 6 foot high fence in the side and front yards where only a 4 foot high fence is normally permitted. The motion was passed with 4 members in favor and 1 opposed subject to the following conditions: Good side of fence to face the neighbor and the fence must be a minimum of one foot off the property line.

### **BURDO, GARY: AREA VARIANCE (146 OSWEGO AVE., 11.29-1-12) TO INSTALL A 6 FOOT FENCE ON THE RIGHT AND LEFT SIDE OF PROPERTY**

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 did not outweigh

the harm to the neighborhood therefore the request for the fence in front of the house was denied. However, the Board did unanimously grant a variance to allow a 6 foot high fence around the perimeter of the property that does not extend past the front corners of the house. The Board reasoned that allowing a 6 foot high fence in the front yard on Oswego Ave. would not be in character with the neighborhood.

This application was declared by the Board to be a Type 11 Action for SEQR.

A motion was duly made by Member Keville, seconded by Member Berean and unanimously passed by the Board to allow a 6 foot fence around the perimeter of the property that does not extend past the front corners of the house and with the following conditions: Good side of fence to face the neighbor and the fence must be minimum of one foot off the property line.

### **APPROVAL OF MINUTES**

A motion was duly made by Member Keville, seconded by Member Reals and unanimously passed by the Board approving the minutes of January 12, 2017.

### **ADJOURNMENT**

A motion was duly made by Member Berean, seconded by Member Reals and unanimously passed by the Board to adjourn the meeting at 9:10 P.M.

**Respectfully Submitted**  
**Jeri Rowlingson**  
**Secretary**