

**TOWN OF SULLIVAN  
ZONING BOARD OF APPEALS  
May 11, 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. – KAREN CHECKSFIELD: AREA VARIANCE (1159 FYLER RD., 24.-2-70.1)  
SIDE PROPERTY LINE SETBACK**

Mrs. Karen Checksfield appeared before the Board to request an area variance to build a 18' x 26' foot garage 5 feet off the side property line where 15 feet is required by the Zoning Law of the Town of Sullivan. Mrs. Checksfield informed the Board that the garage will be located near the gravel driveway, necessitating the need for the variance. Also, Mrs. Checksfield indicated that drainage issues on the opposite side of the house make that are impractical to build a garage.

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.

**LANCE HINMAN: AREA VARIANCE (7858-7860 ADAMS RD., 23.-1-40) REAR  
PROPERTY LINE SETBACK**

Mr. Lance Hinman appeared before the Board to request an area variance to build a 30' x 40' foot polebarn 15 feet from rear property line where 50 feet is required by the Zoning Law of the Town of Sullivan. The garage will be 10 feet high on the side with a 12-18 foot roof pitch. Mr. Hinman stated that the land behind the house is all farm land.

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

**ROBERT KIPPING: AREA VARIANCE (7739 BRIDGEPORT KIRKVILLE RD., 23.19-1-15)  
TO REPLACE DETERIORATING 6 FOOT FENCE**

Mr. Robert Kipping appeared before the Board to request an area variance to replace an existing 6 foot high and deteriorating fence with a new 6 foot high fence where only a 4 foot high fence is allowed by the Zoning Law of the Town of Sullivan. The fence facing Bridgeport

Kirkville Rd. will be moved in 6 feet away from the road and the Fyler Rd. side of the fence will be located behind the tree line and will remain in its current position. The fence that is present now has been there since the 1980's and is just falling apart.

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.

**CHRISTOPHER MAINE: AREA VARIANCE (3029 WHEATFIELD DR., 40.4-2-131)  
INSTALL A 6 FOOT FENCE ON IN SIDE YARD**

Mr. Christopher Maine appeared before the Board to request an area variance to install a 6 foot high fence on in his side yard where only a 4 foot high is allowed by the Zoning Law of the Town of Sullivan. Mr. Maine said he wants the fence to extend half-way up the side of his house so that his dog can have as much room to run as possible. Mr. Maine has a corner lot and the HOA signed off on the fence design etc.

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

**MILDRED KUZNIA: AREA VARIANCE (1664 FYLER RD., LOT 14, 33.-1-16) ROAD  
FRONTAGE**

Mr. Mike Walpole appeared before the Board for his aunt, Mildred Kuznia, to request an area variance to build a deck approximately 40 feet from the front yard line where a 50 foot setback is required by the Zoning Law of the Town of Sullivan. Mr. Walpole brought an approval letter from the mobile home park management, Garden Homes for Mohawk Manor as well indicating no objection to the application

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

No one else spoke for or against the application and all public hearings were closed at 7:53 p.m.

**NEW BUSINESS**

No new business.

## **OLD BUSINESS**

### **KAREN CHECKSFIELD: AREA VARIANCE (1159 FYLER RD., 24.-2-70.1) 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 alleged difficulty was self-created as the residence could have been constructed further from the property line, but this was not a determining factor. No undesirable impact would occur in the neighborhood as the property is somewhat isolated and there are no neighbors which spoke against the application. No environmental impacts 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 Manning and unanimously passed by the Board granting 10 feet of relief from the side property line to build a 18' x 26' foot garage conditioned upon the eaves being no closer than 5 feet to the property line.

### **LANCE HINMAN: AREA VARIANCE (7858-7860 ADAMS RD., 23.-1-40) 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 building will be located in the back corner of the lot and neighbors had no concerns. Complying with the rear yard setbacks for this small residential property in the agricultural zoning district would essentially result in the complete elimination of the applicant's rear yard.

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 Berean and unanimously passed by the Board granting 35 feet of relief from Zoning Law of the Town of Sullivan to build a 30' x 40' foot polebarn 15' feet from the rear lot line.

### **ROBERT KIPPING: AREA VARIANCE (7739 BRIDGEPORT KIRKVILLE RD., 23.19-1-15) TO REPLACE DETERIORATING 6 FOOT FENCE**

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 existing 6 foot high fence was already on the property when the applicant's purchased the property 20 plus years ago. The Board

indicated that the request is not substantial in light of the long lifespan of the existing 6 foot high fence and the new fence would enhance the property.

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 to allow a 6 foot high fence replacement with the following conditions: Good side of fence to face the neighbor and the fence will be moved back from the property line 6 feet from the location of the existing fence as indicated by the applicant.

**CHRISTOPHER MAINE: AREA VARIANCE (3029 WHEATFIELD DR., 40.4-2-131)  
INSTALL A 6 FOOT FENCE ON SIDE 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 outweighed any harm to the neighborhood. The Board reasoned that the hardship was not self-created because this is a corner lot and there would be no traffic or visibility concerns resulting from the height or placement of the fence.

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

A motion was duly made by Member Manning, seconded by Member Keville granting 2 feet of relief to allow a 6 foot high fence in the applicant's side yard where only a 4 foot high fence is allowed. The Board approved the variance application by a 3-2 vote with Member Reals and Member Berean voting against the approval conditioned upon the good side of the fence facing outward toward the neighbors and the fence to be located a minimum of 1 foot off all property lines.

**MILDRED KUZNIA: AREA VARIANCE (1664 FYLER RD., LOT 14, 33.-1-16) 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 determined that there was no feasible alternative because the deck was located off of the front door. The Board also determined that the variance was not substantial as the applicant was only seeking approximately 10 feet of relief.

The 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 10 feet of relief from the front property line to build a 10' x 16' foot deck.

### **APPROVAL OF MINUTES**

A motion was duly made by Member Manning, seconded by Member Reals and unanimously passed by the Board approving the minutes of April 13, 2017.

### **ADJOURNMENT**

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

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