

**TOWN OF SULLIVAN
ZONING BOARD OF APPEALS
SEPTEMBER 14, 2023
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 7:05 P.M.

Those in attendance for the meeting were: Chairman Steve Durfee, Members Terry Manning, Michael Keville, Luke Capria, and Attorney for the Board Stacy Marris.

Also in attendance: Larry Ball, Building/Codes Administrator

PUBLIC HEARING

7:00 P.M. – THOMAS SEXTON: AREA VARIANCE (105 CATANYA DR., SBL# 10.51-1-4) VARIANCE SOUGHT FOR SIDE SETBACKS TO MATCH EXISTING CONDITIONS FOR NEW ADDITION.

Thomas Sexton and neighbor Keith Barney appeared before the Board seeking two area variances, the side setbacks now are 3 feet on the West and 11 feet on the East. They would be extending the existing line of building on the East to build a one car garage and on the West to add a bedroom. They will not be encroaching into the property lines and the only variance needed are side setbacks, the road frontage is fine.

Member Manning stated only allowed to cover 25% of lot coverage for building. Discussion was held and went over numbers to confirm within code. Codes Administrator Larry Ball said they are not extending beyond the existing foot print and the lot coverage is within allowed code.

Mr. Sexton gave Chairman Durfee several signed letters from neighbors stating they have no problem or concerns with the requested variances.

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

No one from the public spoke for or against the application. Chairman Durfee closed the public hearing at 7:17 P.M.

MARTHA & ELIZABETH FREY: AREA VARIANCE (1392 RT. 173, SBL#48.-1-23.-1) ROAD FRONTAGE

Elizabeth Frey appeared before the Board to request an area variance for road frontage. Chairman Durfee stated the cemetery has been parceled off with own tax number and now two houses are on remaining parcel that they want to take one house and subdivide it out. Elizabeth Frey stated that is correct but not enough road frontage to do so without a variance. Discussion was held regarding the parcel with house, cemetery and farm and that a previous variance application had been denied. Member Keville stated it seems they are really asking for the same variance and the Board cannot decide same request twice. Member Keville made motion to table this request to get clarification from the Planning Board on their decision for the cemetery and investigate the legality and consequences for this Board. Seconded by Member Capria and unanimously passed by the Board.

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

No one from the public spoke for or against the application. Chairman Durfee closed the public hearing at 7:23 P.M.

OLD BUSINESS

**THOMAS SEXTON: AREA VARIANCE (105 CATANYA DR., SBL#10.51-1-4)
VARIANCE SOUGHT FOR SIDE SETBACKS TO MATCH EXISTING CONDITIONS
FOR NEW ADDITION.**

The Board jointly reviewed and considered the 5-point legal criteria for the granting of the requested area variances addressing each of the factors for approval or denial of the application and the Board determined (1) no change in the character of the area would be produced as they are extending the existing side and it does not cause negative impact; (2) there are no feasible alternatives to the variance; (3) the requests are not substantial as they would be going straight out from the existing house; (4) no negative environmental impacts were identified; and (5) the hardship is self-created but not a determining factor.

This application was declared by the Board as lead agency to be a Type II with Negative Declaration for SEQR, thus concluding the environmental review process for this matter.

A motion was duly made by Member Capria, seconded by Member Manning and unanimously passed by the Board that the benefit to the applicant does outweigh any detriment to the neighborhood. The variances were approved granting 1 ft. of relief on the West side property line and 5 ft. of relief on the East side property line for a new addition without expanding beyond the existing foot print.

**MARTHA & ELIZABETH FREY: AREA VARIANCE (1392 RT. 173, SBL#48.-1-23.1)
ROAD FRONTAGE**

A motion was duly made by Member Keville , seconded by Member Capria and unanimously passed by the Board to table this decision until the next meeting, October 12, 2023.

APPROVAL OF MINUTES

A motion was duly made by Member Keville, seconded by Member Capria and unanimously passed by the Board approving the minutes of July 13, 2023.

ADJOURNMENT

A motion was duly made by Member Keville, seconded by Member Capria and unanimously passed to adjourn the meeting at 7:39 P.M.

**Respectfully Submitted
Jeri Rowlingson, Secretary**