

**TOWN OF SULLIVAN  
ZONING BOARD OF APPEALS  
JULY 13, 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 7:00 P.M.

Those in attendance for the meeting were: Chairman Steve Durfee, Members Terry Manning, Michael Keville, Luke Capria, Cliff Reals and Attorney for the Board Richard Andino

Also in attendance: Larry Ball, Building/Codes Administrator

**PUBLIC HEARING**

**7:00 P.M. – PAUL RIO: AREA VARIANCES (123 MONROE AVE., SBL#10.44-1-31)  
VARIANCES SOUGHT FOR FUTURE SUBDIVISION OF PROPERTY:  
LOT SIZE AND ROAD FRONTAGE.**

Paul Rio appeared seeking two minimum lot size variances and two road frontage variances to allow for a future subdivision of the existing 0.321-acre parcel into two equal sized building lots for his daughters to build homes on. He is seeking to create two 7,000SF sized lots where 12,000SF is required with 70 feet of road frontage for each lot where 75 feet is required. Member Keville stated the lot size is too small, need 12,000 sq. ft. in MR-12 zoning district for one lot. The lot presently is less than 14,000 sq. ft. Mr. Rio misunderstood that portion of the lot size needed and is also seeking a road frontage variance of 5 ft. of relief. Mr. Rio questioned other small lots with homes in the area that have developed over the last 2-3 years. Larry Ball stated that some lots are pre-existing non-conforming lots which pre-dated the Zoning Law. Member Manning said there are many non-conforming lots in the area. Member Keville stated this is substantial with creating 2 substandard lots now with the Zoning Law. Chairman Durfee said the Board will discuss but the application further but indicated the request is a difficult one as it is a substantial request. Chairman Durfee noted that the road frontage variance would not be an issue probably as only 5 ft. relief requested from 75 ft. requirement but the problem is the substantial the lot size variance being approved.

The Board opened the public hearing and Art Lelio of Waterbury Rd. spoke in opposition to the application. Mr. Lelio stated that he drove down, saw the lots and feels this would be out of character for the neighborhood. He saw many lots with 150 road frontage and feels it would be a real problem at this location with 75 or less road frontage as it is right in the middle section of street. He is against it as it would stick out like sore thumb.

Discussion was held regarding zoning district MR-12, LR-40 and permitted use for one family and duplex/multi-family homes.

The ZBA noted the Planning Board's recommendation against the granting of this request. Splitting the property turns a conforming lot into two non-conforming lots of significant reduction.

The area (Lake Oneida Beach) has systemic drainage issues. Creating additional undersized lots by variance has a negative impact upon this issue. Non-conforming lots put more traffic, need for parking etc. into an already congested area.

No one else from the public spoke for or against the application. Chairman Durfee closed the public hearing at 7:15 P.M

## **OLD BUSINESS**

### **PAUL RIO: AREA VARIANCES (123 MONROE AVE., SBL# 10.44-1-31) VARIANCES SOUGHT FOR FUTURE SUBDIVISION OF PROPERTY: LOT SIZE AND ROAD FRONTAGE.**

The Board jointly reviewed the criteria for the granting of an area variance and determined: (1) there would be an undesirable change in the character of the neighborhood as the prevailing neighborhood, while consisting of some non-conforming sized lots, generally has compliant lots; the Board does not want to exacerbate impacts to character by creating new non-conforming lots (2) there are no feasible alternatives available to applicant to achieve the subdivision; (3) the requested variance for minimum lot size is substantial as it seeks 42% of relief and such substantial deviation from lot size would have a negative impact on the character of the area; (4) the Board identified potential physical and environmental impacts including drainage impacts, density and traffic in an already congested Lakefront area; and (5) the hardship is self-created. The Board also incorporated by reference the Planning Board's comments and recommendation that the variance be denied. The Planning Board had noted that the area has systemic drainage issues and creating undersized lots would exacerbate this issue. They also noted that the undersized lots in the area require additional variances for setbacks in order to construct additional structures such as the primary structure, decks, porches, garages etc. On motion of T. Manning, seconded by C. Reals, the Board denied the application by a vote of 5-0. Also see attached Planning Board recommendations incorporated by reference.

This application was also declared by the Board as lead agency to be an Unlisted Action with Negative Declaration for SEQR, thus concluding the environmental review process for this matter.

Member Keville apologized that it was not communicated with the application process that the area lot square footage variance was substantial and he should have been discouraged from submitting an application with this Board.

Mr. Rio stated it does not help me with situation and what he paid for surveyor.

Larry Ball stated when he spoke with Mr. Rio initially, he was requesting a duplex. Larry explained to Mr. Rio that was not an allowed use and it would not be able to get approved. After discussion Mr. Rio choose this variance process.

Chairman Durfee apologized that the ZBA could not be of help to Mr. Rio.

### **NEW BUSINESS**

The next meeting scheduled for August 10, 2023 has been re-scheduled for August 17, 2023 at 7:00PM due to conflicts.

### **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 June 8, 2023.

### **ADJOURNMENT**

Chairman Durfee adjourned the meeting at 7:30 P.M.

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