Memorandum

To: Nelson Hogg, Chairman ZBA

Cc: ZBA members, Town Clerk, Town Attorney,

From: Planning Department

Subject: November 1, 2016 ZBA Agenda

Date: October 26, 2016

The ZBA will have three applications to consider on November 1st. I'm sorry for this late correspondence, we have been very busy.

Hearing #1, 7PM - 408 Hunt Hill Road

Theodore Campbell, of 408 Hunt Hill Road wishes to build a garage and requires both side yard and front yard setback relief. The garage is proposed to be located on the west side (the uphill side) of the residence, 14' from the side lot line. Fifteen feet is the required setback. The side lot line angles rather severely to the northwest resulting in a setback of only 5 feet.

Mr. Campbell's application was denied based only on the side yard deficiency but it was discovered that the 50' setback indicated on the application was measured from the center of the road, not the edge of the right–of-way (ROW).

I met with Mr. Campbell and determined that the edge of the home was 23' from the edge of the ROW. Although Mr. Campbell's drawing indicates the garage will be set back from the edge of the home, he has stated that the front wall will be in line with the home's front wall, necessitating relief of 27'.

The proposed location will allow Mr. Campbell to utilize an existing parking area, which is near the principal entrance to the residence, as the driveway. The yard on the east side of the home has more room but the well and septic are located on that side of the property.

Granting of individual setback and lot line variances are Type II exempt actions (SEQR - 617.5c12). The property is outside of Agricultural District #1 and 239 review is not required.

Hearing #2, 7:15PM Varna Tiny Timbers Subdivision 5 Freese Road

Varna Tiny Timbers (VTT) received preliminary plat approval on September 22, for a 15 lot subdivision on the corner of Freese Road and Dryden Road in Varna. Ormsby 'Buzz' Dolph, the project sponsor, is seeking setback variances for each lot in order to accommodate the largest home (1300 sq ft) VTT will offer for sale in the subdivision. If smaller homes (as small as 600 sq ft) are constructed, they will be sited to conform, to the maximum extent practicable, to the district setback requirements which are 10' for front yard setbacks, 7.5' for side lots, and 25' for the rear lot setback.

Mr. Dolph is seeking 4' of front yard setback relief for lots 1,12, 13, 14, and 15. Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 each require 2' of relief. The side yard setbacks will all conform to the district standard.

Mr. Dolph has indicated, in his request, that 11 lots require rear yard setback. The proposed setbacks vary from 8' to 14.59'. Lots 8 & 9 are 8'. Lot 12's rear yard setback is 10'; lot 1 – 13.51'; lot 2 – 12.96'; lot 3 – 13.99'; lot 4 – 14.59'; lot 5 – 14.54'; lot 6 – 14.04'; lot 7 – 13.01'; and Lot 10 – 11'. Lot 15 should also be included, that deficiency may be less than the 15.2' indicated on the site layout plan.

The proposed subdivision is essentially a conservation cluster subdivision which is permitted in various zoning districts but not the Varna Hamlet Mixed Use District, in which the property is situated. The Planning Board has recommended to the Town Board that the Zoning Law be amended to accommodate such development. The Varna community and the Town Board fully support the project.

Per NYS Town Law Article 16 - § 277, when one or more lots of a proposed subdivision don't comply with the zoning regulations, a subdivider may appeal directly to the ZBA without the necessity of a decision or determination of the Zoning Officer. § 277 also requires that the ZBA request, from the Planning Department, recommendations regarding the subdivision. A Planning Board recommendation was sent to ZBA members October 5th. I have been informed by the Planning Board Chair that there will be an update available after the Planning Board's October 27th meeting. The text of Article 16-§ 277 appears at the end of this memo.

Granting an area variance for a single, two-family, or three-family residences is an exempt Type 2 action (SEQR 617.5c13). The property is outside of Agricultural District #1. Tompkins County Planning Department has indicated that there will be no negative inter-community or county-wide impacts if the subdivision is approved.

Hearing #3, 7:30PM Minor Subdivision 1841 Slaterville Road

Joshua Adams is seeking to divide tax parcel #72.-4-9.2, a 1.86acre parcel that contains a single-family home with frontage on Slaterville Road and a four-unit apartment building and a single-wide trailer with frontage on German Cross Road. The proposed division would separate the single-family home, on a .67acre parcel (Parcel 1 - see survey) with approximately 90 feet of road frontage at the edge of the ROW. Dimensionally, parcel 2 will conform with the district regulations.

Per NYS Town Law Article 16 - § 277, when one or more lots of a proposed subdivision don't comply with the zoning regulations, a subdivider may appeal directly to the ZBA without the necessity of a decision or determination of the Zoning Officer. § 277 also requires that the ZBA request, from the Planning Department, written recommendations regarding the subdivision. However, § 277 assumes that all subdivisions are treated as discretionary actions.

Approval of minor subdivisions is an administrative function of the Planning Department. Because of the ministerial, non-discretionary nature of the action, we believe recommendations from the Planning Board are inessential. However, in case the ZBA feels otherwise, the Department has requested that the Board provide comments regarding the subdivision. We anticipate a response from the Planning Board ahead of Tuesday's hearing.

As part of the minor subdivision approval process, the Department completed Parts 2 and 3 of the short Environmental Assessment Form (SEAF) and determined that approval of the subdivision would have no negative impact to the environment. [Had the Department determined that a potentially large impact may result from allowing the proposed division, the project would be treated as a Major Subdivision, the Planning Board would be the lead agency, and the ZBA would most certainly require recommendations from the Planning Board.]

Granting an area variance for a single, two-family, or three-family residences is an exempt Type 2 action (SEQR 617.5c13). The property is outside of Agricultural District #1. Tompkins County Planning Department has indicated that there will be no negative inter-community or county-wide impacts if the subdivision is approved. The Health Department does not object to the proposed subdivision (see email correspondence).

Planning Department
93 East Main Street
Dryden, NY 13053

T 607 844-8888 ext. 216
F 607 844-8008
joy@dryden.ny.us

http://dryden.ny.us/planning-department

CNYLEGALS@GANNETT.COM

Please publish in the Ithaca Journal, see below.

Ithaca Journal
123 West State Street
Ithaca, NY 14850

Please publish the attached, (below), legal notice no later than **Fri. Oct. 7, 2016** and bill the Town of Dryden.

Please send an affidavit of this along with the invoice.

PLEASE TAKE NOTICE that the Town Board of the Town of Dryden will conduct a Public Hearing to consider the application of **Nick Bellasario and Buzz Dolph** for an **Open Development Area to be established on Tax Parcel #53.-1-3.4 located at 5 Freese Road, the Tiny Timbers Subdivision. Establishing an Open Development Area allows structures to be built on land that does not have road frontage but is accessed by easement.**

SAID HEARING will be held on **Thursday Oct. 20, 2016 at 8:00 pm** prevailing time at the Dryden Town Hall, 93 East Main St. Dryden NY, at which time all interested persons will be given an opportunity to be heard. Persons may appear in person or by agent.

FURTHER NOTICE that the Zoning Board of Appeals of the Town of Dryden will conduct a Public Hearing to consider the application of **Nick Bellasario and Buzz Dolph** for an **area variance for the lots in the Tiny Timbers Subdivision on Tax Parcel #53.-1-3.4 located at 5 Freese Road. The area variance is to reduce the front yard setback requirement by up to 4 feet and the rear yard setback by up to 15 feet for the 15 lots in this subdivision.**

SAID HEARING will be held on **Tue. November 1, 2016 at 7:15 pm** prevailing time at the Dryden Town Hall, 93 East Main St. Dryden NY, at which time all interested persons will be given an opportunity to be heard.

Individuals with visual, hearing or manual impairments and requiring assistance should contact the Town of Dryden at 607-844-8888 x 216 at least 48 hours prior to the time of the public hearing.

6. Application for area variance. Notwithstanding any provision of law to the contrary, where a plat contains one or more lots which do not comply with the zoning regulations, application may be made to the zoning board of appeals for an area variance pursuant to section two hundred sixty-seven-b of this article, without the necessity of a decision or determination of an administrative official charged with the enforcement of the zoning regulations. In reviewing such application the zoning board of appeals shall request that the planning board provide a written recommendation concerning the proposed variance.

6/29/2016 11:53:27 AM U:\2016006 - Varna Tiny Timber - Bellasario\06.0 DRAWINGS\REVIT\2016006 - Varna Tiny Timber.rvt

VARNA TINY TIMBERS

NICK BELLISARIO

TOWN OF DRYDEN, NY

REVISIONS		
Δ	DESCRIPTION	DATE

Project # 2016006

Date 2016.06.29

SITE LAYOUT PLAN

L102

1" = 20'-0"

STREAM COLLABORATIVE

STREAM Collaborative
architecture + landscape
architecture dpc
123 S. Cayuga St Suite 201
Ithaca, New York 14850
ph: 607.216.8802
www.streamcolab.com

The applicants needs to:

- *meet the Town of Dryden's standard condition of approval;*
- *get Town Board approval for an open development per Town Law 280A;*
- *complete negotiations with Cornell regarding the 1987 easement in terms of a pedestrian walk way and the type of buffering that needs to be installed in the buffer zone between the 5 Freese Road site and the adjoining Cornell property;*
- *finalize the bus pull off;*
- *provide a draft of the proposed Homeowner's Association agreement;*
- *indicate how they will interconnect with a phase two (2), if it were to occur;*
- *obtain ZBA variances of the required front, side, and back yard setbacks for lots that do not meet the minimum requirements per the Town of Dryden Zoning Law;*
- *provide a landscaping plan indicating what plants will be used and where.*

The motion was seconded by D. Weinstein and unanimously approved.

Resolution #22 *- D. Weinstein offered the following resolution:*
The Dryden Planning Board hereby provides a formal recommendation of approval to the Dryden Town Board in regard to granting the Tiny Timbers project located at 5 Freese Road an Open Development designation per Town Law 280A.
The motion was seconded by M. Hatch and unanimously approved.

Resolution #23 *- T. Hatfield offered the following resolution:*
The Dryden Planning Board hereby requests that the Dryden Zoning Board of Appeals approve the requested variances as provided by the developers of the Tiny Timbers project located at 5 Freese Road.
The Planning Board also requests that the ZBA meet as soon as possible to consider the requested variances.
The motion was seconded by M. Hatch and unanimously approved.

If the applicant can get the requested documentation returned to the Planning Department by next Wednesday (September 28th), he will meet the 30 day threshold and the Planning Board will review the final plat at the October meeting.
Mr. Dolph asked if he needs to have the Storm Water Pollution Protection Plan (SWPPP) and engineering approval before the Planning Board will approve the final plat. The Board indicated that they would approve the final plat with the condition that the Planning Department approve the SWPPP.

Resolution #24 (2016) *- T. Hatfield offered the following motion:*
The Town of Dryden Planning Board hereby requests the Town Board charge the Planning Board with determining if, then where, conservation cluster subdivisions can be utilized in the Hamlet of Varna in compliance with the Varna Plan.
The motion was seconded M. Hatch and unanimously approved.

Site Plan Review on Quarry Road: Buzz Dolph

- Mr. Dolph has changed the plan to create two duplexes with a connecting breezeway and garage. The center wall of the garage will be the property division and will be jointly owned by both homeowners. Ultimately there will be four (4) homes, privately owned, on two (2) acres that will be commonly owned.

environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR §617.7(c), and (iii) completed the short EAF, Part II;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Planning Board of the Town of Dryden, based upon (i) its thorough review of the short EAF, Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR §617.7(c), and (iii) its completion of the short EAF, Part II, including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance ("Negative Declaration") in accordance with SEQR for the above referenced proposed action, and determines that neither a full Environmental Assessment Form, nor an Environmental Impact Statement will be required, and

2. The Responsible Officer of the Planning Board of the Town of Dryden is hereby authorized and directed to complete and sign as required the determination of significance, confirming the foregoing Negative Declaration, which fully completed and signed short EAF and determination of significance shall be incorporated by reference in this Resolution.

Seconded by J. Wilson and unanimously approved.

- J. Skaley commented that this project will help lead to the community goal in Varna of more homeownership and less rental properties.
- W. Parker indicated that he supports the development at 5 Freese Road.

Resolution #20: T. Hatfield moved to close the public hearing at 8:40PM. The motion was seconded by M. Hatch and unanimously approved.

Resolution #21: Preliminary plat approval *for 5 Freese Road with the Town of Dryden Standard Conditions of approval with additional conditions*
M. Hatch offered the following resolution:

Whereas*, the applicants have presented a preliminary plat design for a subdivision at 5 Freese Road; and*
Whereas*, the Planning Board has determined the proposed subdivision and site plan to be consistent with the Varna zoning, design guidelines and the Town comprehensive plan; and*
Whereas*, the Tompkins County Planning Department has provided a review pursuant to General Municipal Law § 239-l and § 239-m; and*
Whereas, the Planning Board has reviewed the application and have added conditions; and
Whereas*, the Planning Department has agreed to enforce the conditions;*
Therefore, be it resolved*, the Dryden Planning Board approves the preliminary plat design with conditions stated below:*

APPEAL TO:

ZONING BOARD OF APPEALS
TOWN OF DRYDEN
(Area Variance)

VTT, LLC (Buzz Dolph and Nick Bellisario) are requesting that the Dryden Zoning Board of Appeals grant an area variance for the Varna Tiny Timber Plot Plan, a small pocket neighborhood located at the corner of Freeze Rd and Dryden Rd in the Hamlet of Varna. Some of the lots within the plan do not meet the current set back requirements, as set forth in section 705: "Area and Bulk Table" of the Dryden Zoning Laws, (please see map and descriptions included with this appeal). The Varna Tiny Timber Plot Plan has been reviewed and unanimously approved by the Town of Dryden Planning Board, and has the over whelming approval of the Varna community.

The goal of Varna Tiny Timber is to provide home ownership in the Hamlet of Varna at a price point that will bring that ownership within the reach of a larger population. If we were forced to meet the set back requirements as set forth in the zoning ordinance, the project would become economically unfeasible.

After reviewing the information that has been provided, VTT hopes that the request for a variance be granted.

Applicant: Buzz Dolph

Applicant: Nick Belliserio

Address: VTT LLC
26 Quarry Rd
Ithaca, NY 14850

Phone # 607 592 0741 Date:

Applicant: VTT LLC Date: 10/10/16

A. In considering whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties be created by granting of the area variance, The ZBA find as follows:

This project will be a positive change for the neighborhood.

B. In considering whether the benefits sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than a variance, The ZBA finds as follows:

The only way for VTT to meet the required set back requirements would be to reduce the number of lots or reduce the size of the commonly owned green areas. The use of either of these options would make the project economically unfeasible and ultimately less livable.

C. In considering whether the requested area variance is substantial, The ZBA finds as follows:

No, it is not substantial because of all of the community owned green space more then compensates for the small set backs.

D: In considering whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, The ZBA finds as follows:

The project will have a positive physical and environmental impact on the neighborhood. The site is currently being used as a clean fill dumpsite. Homes and green space will certainly be an improvement over the current use.

E. In considering whether the alleged difficulty was self created, The ZBA finds as follows:

Yes, but we are striving to meet a low price point for home ownership along with keeping as much commonly owned green space as possible. In order to do this we need to make the lots small thus reducing some of the set backs.

VTT
Use Variance Request

Lots That Do Not Meet the Set Back Requirements

Please note that the house outline located on each lot represents the largest footprint that will be built on any given lot. Should the homebuyer choose a smaller model of house, the front setback requirement would be met. The houses are always the same width. It's the length that changes in the different models.

Section 705: VHMUD Setback Requirements:

Front Yard:	10'
Side Yard:	7.5'
Back Yard	25'

1) Front Yard Setbacks as drawn on the plot plan:

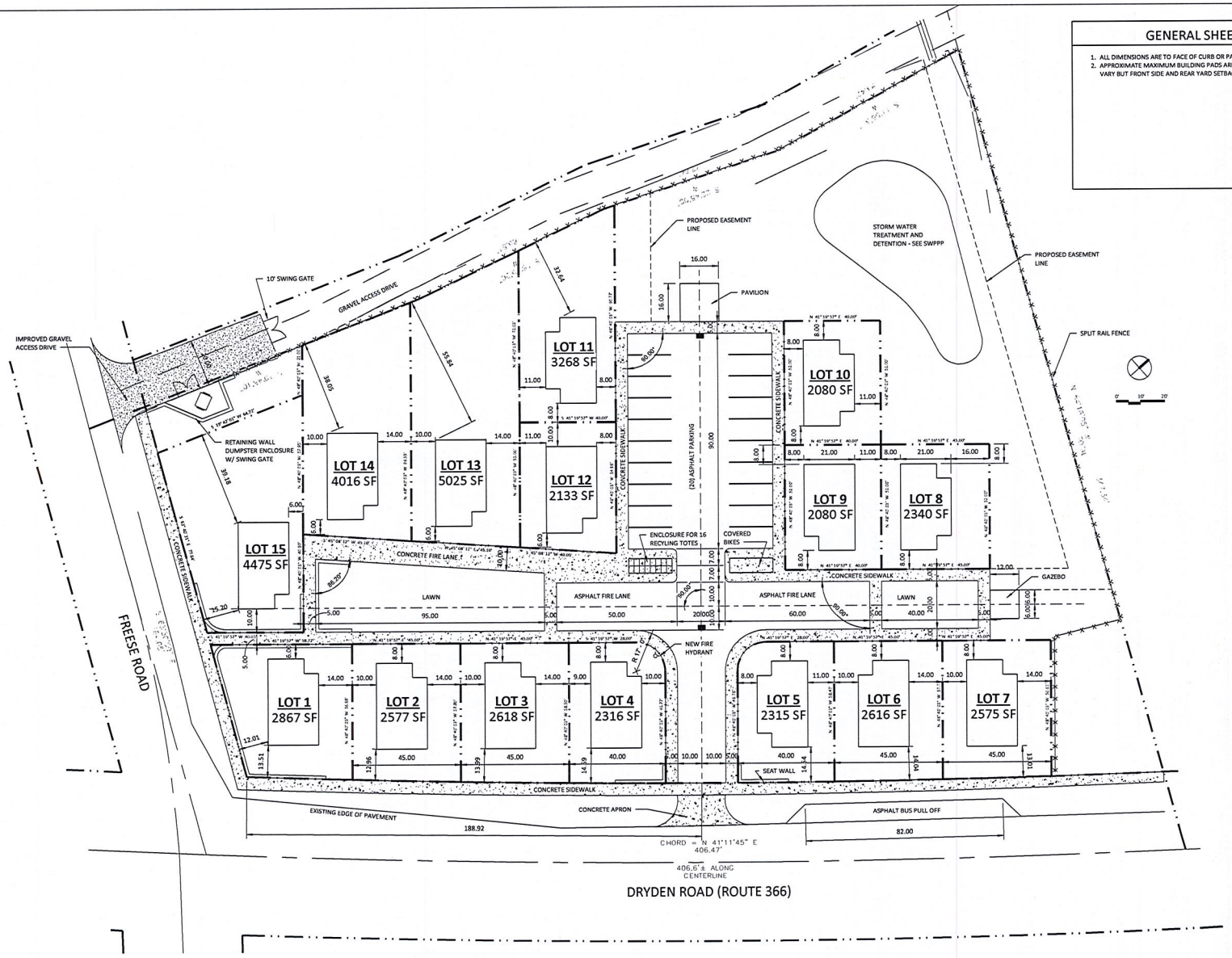
None of the lots meet the 10' requirement. Lots 1, 12, 13, 14, and 15 all have 6' setbacks. The remaining lots all have 8' setbacks.

2) Side Yard Setbacks as drawn on the plot plan:

All of the lots meet the 7.5' setback requirement.

3) Backyard Setbacks as drawn on the plot plan:

Lots 11, 13, 14, and 15 all meet the 25' setback requirements. All of the remaining lots do not meet the requirement by varying degrees.



1 LAYOUT PLAN
1" = 20'-0"

GENERAL SHEET NOTES - SITE LAYOUT

1. ALL DIMENSIONS ARE TO FACE OF CURB OR PAVEMENT UNLESS NOTED OTHERWISE.
2. APPROXIMATE MAXIMUM BUILDING PADS ARE SHOWN FOR REFERENCE ONLY. INDIVIDUAL HOME LOTS WILL VARY BUT FRONT SIDE AND REAR YARD SETBACKS WILL NOT BE LESS THAN WHAT IS SHOWN ON THIS PLAN.

STREAM COLLABORATIVE

STREAM Collaborative
architecture + landscape architecture dpc

123 S. Cayuga St Suite 201
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ph: 607.216.8802
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REGISTERED ARCHITECT
STATE OF NEW YORK

VARNA TINY TIMBERS

NICK BELLASARIO & BUZZ DOLPH

TOWN OF DRYDEN, NY

REVISIONS		
Δ	DESCRIPTION	DATE

Project #	2016006
Date	9/25/2016
SITE PLAN REVIEW	

SITE LAYOUT PLAN

L102
As Indicated

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