



## Memorandum

**To:** Jeff Fern, Chairman

**Cc:** ZBA members, Town Clerk, Town Attorney,

**From:** David Sprout

**Subject:** TC3 Farm Sign Setback Variance Request

**Date:** June 30, 2017

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James Turner, from the Tompkins Cortland Community College (TC3) Foundation applied for, and was denied, a Zoning Permit to locate a sign two feet from the right-of-way (ROW) of State Route 13, at the entrance to the TC3 Farm (an educational facility) entrance at 100 Cortland Road. The required setback is 15' from the highway line. Mr. Turner is requests 13' of relief from the 15' setback requirement set forth in Section 903B of the Dryden Zoning Law.

Mr. Turner believes the proposed sign location is the most practical location for safety and visibility. He does not believe an undesirable change will be produced, that the variance is substantial, that granting the variance will have an adverse effect or impact on the environment or neighborhood, or that the difficulty was self-created. Mr. Turner will have an opportunity to defend those positions during the hearing.

### **SEQR, County Review, Ag & Markets**

Granting of individual setback and lot line variances are Type II exempt actions (SEQR - 617.5c12). In the past, the Town has treated sign variances as unlisted actions. Jim Eldrid, a SEQR expert with the NYSDEC agreed the action is exempt. Mr. Turner has provided Part 1 of the Short EAF and certainly no harm can come from completing Part 2. An Agricultural Data Statement is not required however, 239 regional planning review is required (239-m - 3a(v), 3b(iii)), the application has been forwarded to County Planning.

### **Department Comments/Recommendation**

Mr. Turner argues that the sign needs to be close to the entrance due to sight line restrictions. Despite that section of Route 13 being relatively straight, I can attest to those sight line constraints and the need for a sign. During construction of the facility, there were times I realized too late that the entrance was just ahead. In this instance, the placement of a sign closer than 15' to the ROW will not create a traffic hazard or distraction. Granting the variance may help reduce the chance of an accident.

Installation of the sign two feet from the ROW is a substantial request but will not change the character of the neighborhood. The proposed sign will be installed into the stone base of the driveway, avoiding further disturbance of the wetland the drive crosses over (see Part 1 SEAF).

A hearing will take place August 1, 2017, at 7PM.

Ray Burger  
Director of Planning

David Sprout  
Zoning Officer



93 East Main Street  
Dryden, NY 13053  
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joy@dryden.ny.us  
[www.dryden.ny.us](http://www.dryden.ny.us)

## Sign Permit Application

Date: 6/14/17

Project cost \$ 3000

1. Applicant (print) TOMPKINS CORTLAND COMMUNITY COLLEGE FOUNDATION, INC. phone#: 844-8222 EXT 4436  
 Address: 170 NORTH ST., PO BOX 520, DRYDEN, NY 13053  
 Sign Owner (if not applicant) \_\_\_\_\_ phone #: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Sign Contractor: IMAGE PRESS / SYRACUSE SIGNAGE phone#: 315-699-7109  
 Address: 6333 DAEDALUS DRIVE, CICERO, NY 13039

(Attach a copy of signed contract or written consent of property owner)

2. Type: (check all that apply)

Existing \_\_\_\_\_ Permanent  Projecting Sign \_\_\_\_\_ Non-conforming existing \_\_\_\_\_ Temporary \_\_\_\_\_  
 New  Freestanding  Portable \_\_\_\_\_ Wall \_\_\_\_\_ Other \_\_\_\_\_

3. Location: Tax Parcel # 36-1-19.2 Address 100 CORTLAND RD - RT. 13  
 Use of Building or Lot: FARM

Describe the relationship of sign to nearby buildings, structures, street lines, property lines or landmarks. Which direction is the sign facing?

SIGN WILL BE AT THE ENTRANCE TO THE PROPERTY, EAST OF THE DITCH ALONG ROUTE 13, ON THE SOUTH SIDE OF THE DRIVEWAY. IT WILL FACE NORTH/SOUTH. THE NEAREST BLDG IS ABOUT 220 FEET AWAY.

(A copy of a map, site or plot plan, elevation drawings at appropriate scale and photographs showing exact location, facing direction and type of sign are to be submitted with application)

4. Design: Describe the shape and dimensions of the sign. Identify the message, lettering, graphics, color and material. (Submit a to-scale sketch, drawings or photographs with descriptions).

RECTANGULAR SIGN 6 FEET WIDE X 4 FEET HIGH, 7.5 FEET OUT OF THE FACADE  
 If sign is to be placed upon a building façade or within a store window, submit plans & elevations of the building façade or window. Where appropriate, adjacent building facades or store windows should be included.

5. Illumination: If illumination is proposed, indicate method & source

Direct \_\_\_\_\_ Indirect \_\_\_\_\_ Internal \_\_\_\_\_ Overhead \_\_\_\_\_ Below \_\_\_\_\_ Spots (how many) \_\_\_\_\_  
 Wattage \_\_\_\_\_ Wiring: Underground \_\_\_\_\_ Overhead \_\_\_\_\_

6. Zoning Compliance:

Setbacks (feet): Front \_\_\_\_\_ Side \_\_\_\_\_ Rear \_\_\_\_\_ Frontage \_\_\_\_\_

Will this project comply with Zoning Regulations? Yes \_\_\_\_\_ No   
DUE TO SIGN RESTRICTIONS WE ARE ASKING TO INSTALL THE SIGN NO CLOSER THAN 2 FEET FROM THE HIGHWAY ROW.

ZONED: \_\_\_\_\_

Zoning Permit # \_\_\_\_\_

Signature of Zoning Officer & date

Denial  
6/14/17  
David Sprout

**APPEAL TO**

**ZONING BOARD OF APPEALS  
TOWN OF DRYDEN  
(Area Variance)**

Having been denied permission to INSTALL A SIGN AT A DISTANCE  
CLOSER TO THE HIGHWAY RIGHT OF WAY THAN  
IS ALLOWED BY THE ORDINANCE

At 160 CORTLAND RD Dryden, N.Y. as shown on the accompanying Application and/or plans or other supporting documents, for the stated reason that the issuance of such permit would be in violation of

Section or Section (s) ZONING LAW SECTION 903  
of the Town of Dryden Zoning Ordinance

the UNDERSIGNED affirms that the benefit to the undersigned if the variance is granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant in that:

THE SIGN IF INSTALLED PER THE ORDINANCE  
WOULD BE BACK FROM THE ROAD AT A DISTANCE  
THAT WOULD MAKE IT DIFFICULT TO SEE AT  
THE NORMAL VEHICLE SPEED. THIS WOULD MAKE IT  
DIFFICULT TO SLOW DOWN IN ORDER TO TURN INTO THE  
FARM AND NOT PANIC STOP TO DO SO.

If you have additional supporting details of information, please attach such details to this application and make reference to such attachment.

Applicant Signature: Jamie Turner

Applicant address: TOPILIN'S CORTLAND COMMUNITY COLLEGE FOUNDATION, INC  
170 NORTH ST., PO BOX 520, DRYDEN, NY 13053

Phone Number: 814-822-847 Date: 6/14/17  
4436

Applicant: TOMPKINS CORTLAND COMMUNITY COLLEGE Date: 10/14/17  
FOUNDATION, INC

A. IN CONSIDERING WHETHER AN UNDESIRABLE CHANGE WOULD BE PRODUCED IN THE CHARACTER OF THE NEIGHBORHOOD OR DETRIMENT TO NEARBY PROPERTIES WILL BE CREATED BY GRANTING OF THE AREA VARIANCE THE ZONING BOARD OF APPEALS FINDS AS FOLLOWS:

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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 AN AREA VARIANCE, THE ZONING BOARD OF APPEALS FINDS AS FOLLOWS:

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C. IN CONSIDERING WHETHER THE REQUESTED AREA VARIANCE IS SUBSTANTIAL. THE ZONING BOARD OF APPEALS FINDS AS FOLLOWS:

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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 ZONING BOARD OF APPEALS FINDS AS FOLLOWS:

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E. IN CONSIDERING WHETHER THE ALLEGED DIFFICULTY WAS SELF-CREATED. THE ZONING BOARD OF APPEALS FINDS AS FOLLOWS:

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AREA VARIANCE REQUEST

Applicant: TOMPKINS CORTLAND COMMUNITY COLLEGE FUND Project: SIGN AT THE FARM  
Date: 5/31/17 Address: 100 NORTH ROAD, DRIPEN

It is important that you clearly establish the grounds for relief from the requirements of the Town Zoning Law. NY State Law requires that you demonstrate that the benefit you stand to receive will outweigh any burden to the health, safety and welfare that may be suffered by the community.

The following questions are the same questions the Zoning Board must answer when considering your variance request. Respond to the questions in order to establish the grounds for relief. Respond to each question individually or prepare a brief narrative that addresses each of the questions.

A. WILL AN UNDESIRABLE CHANGE BE PRODUCED IN THE CHARACTER NEIGHBORHOOD OR WILL A DETRIMENT TO NEARBY PROPERTIES BE CREATED OF THE BY GRANTING OF THE AREA VARIANCE? NO

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. IS AN AREA VARIANCE THE ONLY METHOD THAT THE BENEFITS SOUGHT CAN BE ACHIEVED? ARE THERE OTHER FEASIBLE METHODS TO ACHIEVE THE BENEFIT?

THE VARIANCE IS THE ONLY FEASIBLE WAY THAT WE HAVE IDENTIFIED THAT IDENTIFIES THE FARM ENTRANCE AT A REASONABLE DISTANCE FOR A MOVING VEHICLE TO SEE IT AND SAFELY SLOW DOWN TO ENTER THE PROPERTY

\_\_\_\_\_

C. IS THE REQUESTED VARIANCE SUBSTANTIAL? NO

\_\_\_\_\_

D. WILL THE PROPOSED VARIANCE HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT? NO

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

E. IS THE ALLEGED DIFFICULTY SELF-CREATED? NO

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TOMPKINS  
CORTLAND  
COMMUNITY  
COLLEGE

**TC3 FARM**  
100 CORTLAND ROAD



# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Tompkins Cortland Community College Foundation, Inc.			
Name of Action or Project: Installation of a sign			
Project Location (describe, and attach a location map): 100 Cortland Road (Route 13), Dryden, NY 13053			
Brief Description of Proposed Action: Install a sign 24 square feet in area on 2 posts adjacent to the paved driveway in the stone base on the side of the driveway. This area was selected as it will be in a location that has been approved for the driveway over wetland and the wetland will not be disturbed.			
Name of Applicant or Sponsor: James Turner for Tompkins Cortland Community College Foundation, Inc.		Telephone: 607-844--8222 ext 4436	
		E-Mail: turnerj@tompkinscortland.edu	
Address: 170 North Street			
City/PO: Dryden		State: New York	Zip Code: 13053
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ 0 acres	
b. Total acreage to be physically disturbed?		_____ 0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 84 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): <u>College</u>			
<input type="checkbox"/> Parkland			





<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>James Turner for TC3 Foundation, Inc.</u> Date: <u>5/22/2107</u></p> <p>Signature: _____</p>		