

From: [Amy Young](#)
To: [Ray Burger](#)
Cc: [Edward Vorhis](#); coraaymee1@yahoo.com
Subject: The SUP vote for Vorhis Garage
Date: Monday, June 20, 2016 8:40:45 AM

Ray,

Ed and I feel that the town board vote for the special use permit was premature and unfairly done for the following reasons:

1. The board did not delay the vote considering we were not made aware of what was said at the planning meeting by additional neighbors and we were not given documents presented including the petition signed by the neighbors. We did not have an opportunity to address any of those concerns.
2. We feel that some members of the board made judgements and had discussions with neighbors and never set up an opportunity to talk with us to discuss the issues presented against the special use permit. In some cases our words were twisted and used against us as truths, taken out of context or reflected paperwork we had initially filled out. We are new to this process and worked hard to do things right but we did make some rookie mistakes.
3. This area is zoned rural residential and special use permits are permitted to be applied for for a number of business and being that one of the main issues was "moderately significant increase" in traffic for 2 board members then basically any business would be denied based on this opinion even though this area is zoned the way it is.
4. There was a business on this road in the past and in fact it was advertised and was on the end of the road where everyone on the road would have felt the impact of traffic, not just the first 2 houses as would be the case in ours.
5. Our zoning permits us to have a family day care and we could feasibly by law have 8-10 kids here with our size home and this IS PERMITTED without a special use permit and would actually bring much more traffic and likely noise for longer periods through the day as licensed day cares have outdoor play time daily if it is not raining or below 20 degrees wind chill factor. On the same not a farm stand is also a permitted business.
6. It was clear after the second meeting conditions would have to be applied to a special use permit, however those were not voted on at the meeting. In fact except for the planning board suggestions being discussed, there was not a official reworking of the proposed conditions after additional complaints and the petition was presented by the neighbors (that we were not made aware of). We were asked if we would consider banker's hours and our reply was that we would like some Saturday hours and that was the end of discussion. Given an opportunity we would like to have a chance to work with the planning board on conditions that would render the special use permit acceptable to the town and have the best opportunity for use to demonstrate that we can make our business work with minimal effect.
7. The Baxter's implied that we would illegally dump tires, battery acid and oil and contaminate the ground. We have not done so in the past and it would make no sense that we would. Concrete is an impermeable surface and we intend to follow the laws. We cannot be considered guilty of doing or potentially doing this as we have had no complaints thus far, there is no evidence that we have contaminated the environment and no consideration by the board should be made to this claim because it is NOT TRUE, we have no criminal background and there is no reason why we would risk being fined large amounts of money and losing our business. There are state and federal laws governing this and those agencies would base a finding of violations based on facts not neighbor hearsay. The neighbors could call those agencies to report their complaints if they felt illegal handling of hazardous materials was occurring. The measurements Mr. Baxter took are in error and that was not pointed out to them. The survey map and official measurements by the planning board (93ft from center of Cricket Lane) is our garage location, not the 58 feet from the other side of the road that Mr Baxter quoted. We feel this

false information was considered by the board as truth because no one spoke up to correct Mr. Baxter from the town.

8. No one has done a sound study on St RT 38 noise or noise coming from our garage. If decibel measurements are taken we would have an accurate measurement of noise levels. We would be willing to run the loudest equipment and have the town take a measurement. Also there could be a condition that the garage door is closed at all times when anything is done making a certain decibel of noise which could be set very low.

9. Additional buffering other than what we purposed could also be done. We have always been open to this, even if it is a fence or an unlocked gate across our driveway.

10. We are open to ANY suggestions of conditions in which this special use permit would be acceptable. We just ask that those are considered based on facts not hearsay. We would like to have a discussion about those. A special use permit is revokable and this should be considered a safeguard.

11. The minutes to meetings are not posted online to the public in a timely fashion for review prior to the next meetings.

12. We were asked to try to communicate with the neighbors regarding our plan and we did after the 2nd board meeting. Were our neighbors asked to do the same? If not why not?

13. We feel it is wrong to have an area zoned in a manner that a special use permit is required for businesses if the board has not intention on granting then based on increased traffic of "even 5 cars on a Cul-de-Sac" because an increase in a few cars is likely with any businesses that require a special use permit in a rural residential zone Cul-de-Sac or any rural road. The zoning ordinance is not well defined in this regard and lead one to believe that obtaining a special use permit is possible. It is a waste of the applicant's, Town Board and Planning board members time to even let someone apply for it if it will be denied. Also if you can have a family day car which would entail up to 20 entries a day, then how can traffic be an issue in denial.

I know this hasn't been officially denied, but it could not have been approved at the vote irregardless of the outcome of the board trying to figure out what a "pass" vote means, so I wanted to present our thoughts on the matter of a likely denial of our permit. I read all the town ordinances and did not see that the "pass" vote was addressed, so hopefully there will have to be another vote. Also we wanted to know what our recourse is, if there is one in the town government.

We really did work hard on our plan and we did the best we could to present ourselves. We have learned from the experience. This was clearly much more complicated and opposed than we thought it would be. We recognize that we should have initially approached the neighbors however I doubt the outcome would be different. We would like to work with the town further to see if a resolution is possible at a local level before pursuing additional legal input pending a official denial of our special use permit by the Town of Dryden.

Thank you again for your consideration,

Amy Vorhis