

September 25, 2018

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Dear Members of Dryden ZBA,

I am writing in response to a petition by Shirley Lyon of 29 Mineah Road and few of her neighbors. The petition was submitted to ZBA in order to revoke my building permit for my project at 16 Mineah Road. This project is well underway and over \$100,000 has been spent by now. I am writing also because I cannot come to the hearing on October 2. I am in Poland on a family emergency right now.

Shirley called me about 7-8 weeks ago to say that she did not want ANYTHING to be build ANYWHERE along Mineah Road. She also said that this was her father who built most of the homes along Mineah Road. Her point was that there is not enough water in the wells.

First, I have a well at 6/8 Mineah Road that produces 5 gallons per minute and it is an excellent, clean water. This property was my own house where I spent 5 years before moving to Lansing, and the only reason for the move was the fact that I unexpectedly found a house on a hill with a great view of Cayuga Lake.

Second, I have another well on the site of the new project at 16 Mineah Road, and that well produces about 2 gallons per minute of water of even better quality (no salt, no sulfur, lab documentation available). Two gallons per minute with a proper storage tank means 2,880 per day, which is enough to support 32 people according to a generous 90 gallon per person per day Health Department allowance. Even if this number is slashed by half, it is still 16 people, and the Health Department norm is more that generous.

Third, Shirley has a round 25 ft above ground swimming pool on her property. It needs to be drained before winter, refilled in the spring, and water needs to be periodically added to counter the evaporation. The pool contains about 13,000 gallons of water, enough for a family of 4 for 40 days according to the Health Department allowance, or for about 3 months in reality.

All of this suggests that the reasons for the appeal that are officially stated in the petition might be different from the real reasons. When I purchased the property from Tracy White few years ago, it was a 1,000 ft. long stretch of wooded land along Mineah Road that run all the way to the bottom of the hill at Route 13. It was 525 ft deep. The quality of the trees was and is very low (mostly ash trees), but even such low quality vegetation may for some people be more appealing than 2-3 long driveways leading to few homes in the rear. Most likely this perception is the real reason for the petition. It is perhaps worth to mention here that Tracy White, the closest neighbor of Shirley Lyon, tried to sell this property for a long time. The price was very reasonable but apparently Shirley did not want it. Now she wants to control it, even though the shortest distance between our lots is about 1,000 ft., and the distance between her house and my new buildings is almost a quarter of a mile.

Going back to the points mentioned in the petition, I would like to start with a simple calculation. Three small, 2-bedroom, 2-bathroom single family cottages with no garages are being built on my lot that is several times larger than most lots along Mineah Road. Each has a footprint of 960 sq. ft. so the combined footprint is 2,880 sq. ft. This is the footprint of an average ranch house with a 3-car garage.

If we also take into account my buildings at 6/8 Mineah Road that I built earlier, their footprint was about 4,000 sq. ft. This gives the total of less than 7,000 sq. ft. of combined footprint for the combined 11 acres of land that I own along Mineah Road. Hardly an overcrowded space, if we realize that most of lots along the road barely exceed one acre in size.

For further comparison, the combined footprint of Shirley's house, her garage, and her storage building is about the same, and this footprint does not include her additional cottage higher on the hill, nor her pool. My three buildings are densely clustered just as her three buildings are. However, my three buildings are far away from the road, at least 300 ft from it, and are screened by vegetation. Shirley Lyon's buildings are extremely close to the road, as close as 15 ft to the ditch, and even closer to the town right of way. There is also a tall wooden fence that runs along the ditch, most likely inside the right of way.

Point 1: 20% slope grade prior to parcel excavation and re-grading, and the negative impact of slope building & incompatible land use.

All land along Mineah Road across from my property is used for apartments in relatively large buildings (total of around 40 units), and for a large commercial building owned by All-Mode Communications. There are no single family homes over there. Few single family rental cottages is a perfect use for my property because it creates a smooth transition between intense commercial use closer to Route 13, and single family owner-occupied residences higher on the hill. Since much more than this use is allowed by the zoning, the residents from up the hill should appreciate the fact that my project will **forever** protect them from any additional intense commercial activity in the area.

The slope calculated along Mineah Road in the area closest to my construction is about 13%, not 20%. This is clearly shown on the attached topographic map where the difference in elevation between points A and B is 50 ft., and the distance between these points is about 375 ft. The slope of 13% remains the same all the way up the hill where all residents that undersigned the petition live, but becomes much more gentle down the hill where the rest of my properties are located. For example, the slope is less than 8% at the driveway to my 6/8 Mineah Road properties, and this is still 160 ft. from Route 13. The slope becomes even more gentle below that point, reaching somewhere around 4% in the lower portion of the property. The beginning of the gradual decrease of steepness is clearly shown on the map where the elevation lines spread towards the bottom of the hill, and the map shows only a small fraction of the upper and most steep portion of my properties. The slope along Mineah Road shows an average slope in that neighborhood and, from engineering standpoint, the average value is always the most important factor in such considerations.

Furthermore, since the three small buildings are densely clustered and have a common septic system, the disturbed area is comparable to an area needed for a single family house. All run-off water from this small project runs down the hill over my own properties, and over the distance of at least 700 ft. Since there is no drainage ditch along most of this distance, and since the slope becomes very gentle towards the bottom, the water runs down very slowly over a natural, very

wide surface indentation and most of it soaks to the ground before it reaches Route 13 ditch. This wide indentation can be seen near Route 13 but barely because it is so wide and gentle. Moreover, my new driveway at 16 Mineah Road is built in such a way that all water from it runs away from Mineah Road ditch, and towards that natural wide indentation.

**Point 2: Deforestation & re-grading resulting in home flooding on Mineah Road.
and**

**Point 3: The channeling of water runoff due to lot clearing and the dangers/damage/
stream pollution thereof.**

As mentioned above, this project is comparable to a single family home construction. The amount of deforestation is minimal, especially if compared to the overall size of my land. For comparison, when Tracy White owned her wooded lot across the road from Shirley Lyon, she cleared about 2-3 acres of woods to build a pond and a large storage building. This deforestation was at least three times larger than mine.

More importantly, it must be said that deforestation and erosion are much bigger issues higher on the hills where the petitioners live, and much less of an issue closer to the bottom of the hill where my properties are. If water runs down the hill from higher elevations with steeper slopes it erodes the ground faster and along a longer stretch. That material runs down with water and may create damage or pollute streams indeed. Some numbers: Shirley's driveway is 2,200 ft. from Route 13 which is the bottom of the hill, with 13% slope on the road. The same distances for my 6/8 Mineah Road and 16 Mineah Road driveways are 160 ft. and 800 ft., respectively, with slopes that are much more gentle towards Route 13.

Needless to say, if there is any danger of home flooding, this will my homes flooded by the water from the petitioners' properties and not the other way round, simply because my properties are the closest ones to the bottom of the hill. It will never happen though. My buildings are always constructed with perfect engineering knowledge that they are on a slope, and proper diversion of incoming water away from and around the buildings must be designed.

Point 4: The concern for safety and well-being of residents.

All my tenants are Cornell graduate students and Cornell PhD students, except for a young attorney that used to live in one of my units for 3 years, and one Cornell professor who spent 2 years with us before she retired. I myself am a retired Cornell mathematician and biochemist with a PhD received decades ago. The concern for safety of residents is not only puzzling but also insulting.

Point 5: Increase cost to residents (taxpayers).

Also puzzling. My buildings are new and of much higher quality than anything else along Mineah Road. Instead of vacant land that brings next to nothing in property taxes, the Town gains properties that pay real taxes. How does it increase the cost for taxpayers?

It is worth to mention here that Mineah Road is a dead end road with a plow turn-around at the end. The Town did not build it and does not maintain it just to comfort those who like to live high on the hill in wilderness. The lower portions of this expensive road must be also used to pay for all this.

Sincerely yours,
Richard Wawak