

**TOWN OF DRYDEN**  
**Zoning Board of Appeals**  
**May 1, 2018**

**Members Present:** Jeff Fearn (Chair), Ben Curtis, Mike Ward, Henry Slater, Janis Graham

**Absent:** 0

**Others Present:** Ray Burger Director of Planning , Joy Foster Recording Secretary

**Residents:** 0

**Meeting called to order at 7:02 PM**

**2 Beam Hill, 3 Area Variances**

**Applicant:** Estelle Waterman

**Chair Fearn reads the public notice:**

**PLEASE TAKE NOTICE** that the Zoning Board of the Town of Dryden will conduct a Public Hearing to consider the **the application of Estelle Waterman for three area variances to allow a greenhouse & a yurt to be located in the front yard of 2 Beam Hill Road (50.-1-15.2). Each structure requires a variance from the town prohibition against placing accessory structures in a front yard. The greenhouse requires a variance to be sited 20' from the right-of-way, where 50' is required.**

SAID HEARING will be held on **Tuesday May 1, 2018 at 7:00 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.

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.

*Fearn asked applicant who is the property owner and if they are here?*

*Applicants are (Property owners) Cynthia Waterman & David Waterman, daughter Estelle Waterman.*

*Fearn: asks if applicant has anything further to add? no*

*Fearn: We have 2 separate matters, I'd like to talk about the Greenhouse first then the Yurt.*

**Fearn:** *questions from the board?*

**Slater:** *just to have it noted , I know the Waterman's and we live in the general neighborhood, but in no way will it affect my ability to look at this variance.*

**Curtis:** *I looked at the property and I couldn't understand the importance of placing this structure so close to the road.*

**Estelle:** *I picked there because it's a combination of the amount of light that is there and the floodplain. Applicant has board look at map where she shows them where floods happen and where driveway and house and trees etc... are on the property.*

**Graham:** *could you explain the greenhouse to us a bit more.*

**Estelle:** *The greenhouse would be for raising vegetables and plants in the summer and a housing for the chickens in the winter. Chickens are on pasture in summer and only housed here for winter. They wouldn't be going in and out they are in one side of it. Has a sloped greenhouse plastic type roof there would be a divider wall and wood chips for bedding. It is 160 sq. ft. And no roosters only hens.*

**Ward:** *so the space to the N of the barn what is that space?*

**Estelle:** *we have natural springs there which makes the wetland.*

**Slater:** *is there a stream that goes by your house?*

**Cynthia:** *we have no streams on our property, we have springs that come out of the hillside behind our house which makes a wetland and it just kind of soaks into the ground before it reaches the front of our property. There is a stream on the other side of our neighbors property that maybe you are referring too.*

**Slater:** *so you were part of the farm family days tour with your agriculture venture. I just thought it was important to point out since the Town encourages agriculture and that you are not a novice.*

**Estelle:** *part of what I'm excited about is that this structure utilizes that passive solar by having it being partly in the berm . Which is why I picked that location for this greenhouse. There isn't anywhere else on the property that gets the amount of sunlight this would.*

**Slater:** *to Burger, was the Town Highway Supervisor notified. I think it's important that he be notified since this would encroach on the Highway-right-of-way.*

**Burger:** *Dave Sprout left a message and email to Supervisor (Rick Young) yesterday and so far there has been no response.*

**Graham:** *you mention a lot of vegetative screening that you would keep and plant, is that something you are committed to do.*

**Estelle:** *oh yes absolutely , our family values our privacy and would keep screening.*

**Fearn:** *another question are the occupants being that close to the road, how will you keep them out of the road?*

**Estelle:** *They are only housed there in the winter and they wouldn't come out. In summer they are in cage structures that move daily to fresh pasture, they are not free range. I have 6 chickens now but would like to have 12-18 max.*

**Fearn:** *are there anymore questions from the board?*

**Burger:** *there are no written comments from neighbors.*

**ATTACH CO. Letter Next**

**Tompkins County**  
**DEPARTMENT OF PLANNING AND SUSTAINABILITY**

121 East Court Street  
Ithaca, New York 14850

Katherine Borgella, AICP  
Commissioner of Planning and Sustainability

Telephone (607) 274-5560

April 6, 2018

David Sprout, Code Enforcement Officer  
Town of Dryden  
93 East Main St.  
Dryden, NY 13053

**Re: Review Pursuant to §239 -l, -m and -n of the New York State General Municipal Law**  
**Action: Area Variances for proposed structures at 2 Beam Hill Road, Town of Dryden Tax Parcel #50.-1-15.2, David Waterman, Landowner; Estelle Waterman, Appellant.**

Dear Mr. Sprout:

This letter acknowledges your referral of the proposal identified above for review and comment by the Tompkins County Planning and Sustainability Department pursuant to §239 -l, -m and -n of the New York State General Municipal Law. The Department has reviewed the proposal, as submitted, and has determined that it has no negative inter-community, or county-wide impacts.

Please inform us of your decision so that we can make it a part of the record.

Sincerely,



Katherine Borgella, AICP  
Commissioner of Planning and Sustainability

**Fearn:** moves to close the public part of the hearing (7:28 PM) and as a board will answer the 5 questions.

Motion made by: **Curtis**

Second: **Ward**

All in favor - **Yes**

**Fearn:** This will be for the front yard, for the greenhouse, then we will do the setback then the yurt.

**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:**

*No undesirable change to the neighborhood because the house is so far back from the highway so having this in the front yard, given the depth of the lot there is plenty of room to have in front.*

Motion made by: **Curtis - Yes**

Second: **Graham - Yes**

All in favor - **Yes**

**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:**

*Behind their house they have the forest and N is the wetlands and the only open area is the front of house. It would be a disproportional burden on applicant to place in another area and the environmental impact would be more.*

Motion made by: **Fearn - Yes**

Second: **Curtis - Yes**

All in favor - **Yes**

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

*Yes its substantial it is 3/4 the depth of the lot, it is a deep front yard. Its indeterminate whether its substantial or not depending on the location of the structure.*

Motion made by: **Curtis - Yes**

Second: **Graham - Yes**

All in favor - **Yes**

**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:**

*Its indeterminate whether its substantial or not depending on the location of the structure.*

Motion made by: **Graham - Yes**

Second: **Fearn - Yes**

All in favor - **Yes**

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

*Yes / but in this case the area behind their house where it would be permitted is forest and see (A) above.*

Motion made by: **Curtis- Yes**  
Second: **Fearn- Yes**  
All in favor - **Yes**

**Fearn:** this area variance is SEQR exempt type II action part 617.5c- 10

Motion made by: **Curtis**  
Second: **Fearn- Yes**  
All in favor - **Yes**

**Grant variance**

Motion made by: **Curtis to Grant Variance to place a structure in the front yard location undetermined.**  
Second: **Ward- Yes**  
All in favor - **Yes**

**7:41 PM this variance final**

**Fearn:** *moving on to the setback variance (7:42 PM) The proposed structure would be 20' ft. from the right-of-way where 50' ft. is required. So they are looking for 30' ft. of relief.*

**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:**

*It would be, though its close to the road 20' where 50' is required it is somewhat mitigated by the forsythia to the south and the pine trees to the north and the slope away from the road, it would be untypical of all structures in the general neighborhood. Also the fact that it is a low building not tall its 10' ft. or less.*

Motion made by: **Slater - Yes**  
Second: **Curtis- Yes**  
All in favor - **Yes**

**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:**

*There are other alternatives that seem reasonable and feasible.*

Motion made by: **Curtis - Yes**

Second: **Ward- Yes**

**All in favor - Yes**

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

*Yes its substantial it is 60% of the requirement and see (B) above.*

Motion made by: **Curtis- Yes**

Second: **Graham - Yes**

**All in favor - Yes**

**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:**

*There would be a visual impact being 20' ft from the road but it would be mitigated by the conditions listed in (A) above to some extent. Applicant also intends to keep up screen*

Motion made by: **Ward - Yes**

Second: **Curtis- Yes**

**All in favor - Yes**

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

*Yes / because there are a number of alternative places it could be placed.*

Motion made by: **Curtis- Yes**

Second: **Fearn- Yes**

**All in favor - Yes**

**Fearn:** this area variance is SEQR exempt type II action part 617.5c- 10

Motion made by: **Curtis**

Second: **Fearn- Yes**

**All in favor - Yes**

**Grant variance**

Motion made by: **Curtis to deny the Variance based on the findings above notably that there are alternate methods to accomplish the benefits.**

**Curtis: yes**

**Fearn: yes**

**Graham: yes**

**Ward: yes**

**Slater: No**

---

**~~You can still build your chicken coop, just not that close to the road, the setback is 50 feet.~~**

7:58 pm Curtis motion to close this part of the hearing

Second: Ward

All in favor: - Yes

7:59 pm moving on to the next variance - The Yurt

Fearn: *Are there questions from the board?*

Ward: *will there be a bathroom or woodstove?*

Applicant: *No bathroom, there will be a woodstove.*

Slater: *this yurt is strictly for recreational purposes, not for living, correct?*

Applicant: *correct*

Fearn: **so if there are no further questions, I'd like to close this part of the public hearing.**

Curtis: **motion to close**

Second: **Fearn**

All in favor: - Yes-

- 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:**

*No due to the fact it will be far enough back from the road and it is well screened.*

Motion made by: **Fearn - Yes**

Second: **Curtis- Yes**

All in favor - **Yes**

- 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:**

*Yes could be placed in other areas but there is no discernible adverse effects to the community, placing it where requested and would be a burden to the applicant to do so.*

Motion made by: **Fearn - Yes**

Second: **Ward- Yes**

All in favor - **Yes**



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

*It's not substantial because it 200' from the road, and almost not visible at all.*

Motion made by: **Fearn- Yes**  
Second: **Curtis - Yes**  
**All in favor - Yes**

**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:**

*See (C) above, and there is no environmental impact that we could determine*

Motion made by: **Curtis - Yes**  
Second: **Fearn- Yes**  
**All in favor - Yes**

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

*Yes / but the impact is very very minor.*

Motion made by: **Curtis- Yes**  
Second: **Fearn- Yes**  
**All in favor - Yes**

**Fearn:** this area variance is SEOR exempt type II action part 617.5c- 10

Motion made by: **Fearn**  
Second: **Curtis- Yes**  
**All in favor - Yes**

**Grant variance**

Motion made by: **Fearn to allow variance for Yurt as requested.**  
Second: **Graham- Yes**  
**All in favor - Yes**

Motion made by: **Fearn to adjourn 8:08 pm**  
Second: **Graham- Yes**  
**All in favor - Yes**

**Respectfully submitted,**  
**Joy Foster, Recording Secretary**  
**5-4-18**