

TOWN OF DRYDEN
Zoning Board of Appeals
June 5, 2018

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

Absent:

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

Present: Jerry Ladd & Jim Graney (applicants)

Agenda:

Area variance, 542 Main St.

Area variance, 366 George Rd.

Meeting called to order at 7:02 PM

Chair Fearn: *opens meeting and reads the legal notice*

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of Dryden will conduct a Public Hearing to consider the application of **James A. Graney** for an **area variance at 542 Main Street, Etna (parcel 45.-3-6), to build a garage within six feet of the side yard lot line, where 15 feet is required. Mr. Graney is requesting eleven feet of relief from the side yard setback requirement listed in Article VI, Section 600: Area and Bulk Table.**

SAID HEARING will be held on **Tue. June 5, 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.

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: *asks applicant if he has anything further to add?*

Applicant, Graney: *I have ZBA approval from June 27, 2017 to build a carport, what I'm asking now is to amend that decision of a carport to make it a garage. A little history on the background of the property, our house is built in 1926 and neighbors house in the 1800's, there was a blacksmith shop behind us and there was a carport. We bought house in 1991, besides my wife and myself we have 2 sons that drive, and we are always shuffling the cars to get out of driveway and the road is very busy and not safe to back out onto. We were happy with building the carport but after some more thought, we decided we'd like to be able to put things away out of sight in a enclosed garage and this making the property look nicer. We had some conflicts with building the carport due to builder and us being away at different times. So we didn't do the carport.*

Graney gives the board some more documents on the height of garage and the truss drawings.

Board looks at drawings and asks if there will be electric and gutters so not to have runoff on neighbors? Water, living space?

Graney: *Yes there will be electric and lights, no water, or no living space. I already have the approval for the carport so would use the same footprint just enclose in with sides for a enclosed garage, my mother recently passed away and i have lots of things that need storage. The runoff from the gutters will go behind those big cement block and into my back yard where it just seeps into the ground not causing any problems for the neighbors.*

Curtis: *has this hearing been re-noticed and the neighbors been sent letters?*

Foster: *yes, public hearing notice was in the Ithaca Journal and letters sent to neighbors within 500' feet. And there have been no comments on this from any neighbors.*

Fearn: *reads into record the County Review*

Graney: *has a letter from a neighbor.*

INSERT CO. letter and neighbor 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

May 10, 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 Variance Amendment for proposed garage at 542 Main Street, Town of Dryden
Tax Parcel #45.-3-6, Heidi E. Lieb-Grainey, Owner/Appellant.

Dear Mr. Sprout:

This letter acknowledges your referral of the proposal identified above for review and comment by the Tompkins County Planning Department pursuant to §239 -l and -m 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

From: Jen Sage <jen@bosbones.com>
Date: June 4, 2018 11:47:04 AM EDT
To: Jim Graney <Jgraney@twcny.rr.com>
Subject: For Dryden zoning mtg
Reply-To: jen@bosbones.com

June 4, 2018

To the Dryden Zoning Board of Appeals

Good evening.

I'm writing in support of the Graney family request to be allowed to raise a garage on their property regardless of the proximity to our shared property line.

My property is at 24 Upper Creek Road and lies on both sides of Fall Creek. A wooded part of my parcel is next to the Graney property.

Thank you. -
Jen Gage Sage

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Jen Gage Sage
Founder & CEO, Bo's Bones Gourmet Organic Dog Biscuits LLC

Fearn: *any more comments or questions from the board?*

Fearn: *so at this time I'd like to Move to close this portion of the hearing*

Motion made by: **Fearn to close at 7:16 PM**

Second: **Graham- Yes**

All in favor -

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:

There appears to be no negative impact on the neighborhood as the neighbors are in support of this project and in absence of any negative comment, and would be consistent to other structures in the neighborhood.

Motion made by: **Curtis - Yes**

Second: **Slater- 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 but the benefit of other choices would be a disproportional burden on applicant. And doing so will improve the appearance on the property.

Motion made by: **Curtis - Yes**

Second: **Fearn- 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 at 9 feet but the benefits and obstacles described in "A & B" above outweigh any necessity to place the garage in strict conformance with the ordinance.

Motion made by: **Graham- Yes**

Second: **Fearn - 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:

No physical or environmental impact it would be a positive impact.

Motion made by: **Gramam- 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 conditions of the property precludes any options

Motion made by: Curtis- Yes

Second: Graham- Yes

All in favor - Yes

Fearn: this area variance is SEQR exempt Type II, action part 617.5c 12

Motion made by: Curtis

Second: Fearn- Yes

All in favor - Yes

Grant variance?

Motion made by: Fearn to Grant Variance without conditions

Second: Slater Yes

All in favor - Yes

Fearn moves to close the hearing 7:20 PM

Second: Slater - Yes

All in favor - Yes

Congratulations you have your approval

NEXT HEARING LADD

Meeting called to order at 7:20 PM

Chair Fearn: *opens meeting and reads the legal notice*

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of Dryden will conduct a Public Hearing to consider the application of **Jerry Ladd** for an **area variance to build a garage in the front yard at 366 George Road parcel 38.-1-10.1. Town Zoning Law prohibits placement of an accessory structure in the front yard. The requested relief is to place the garage in the front yard with a setback of 26' from the ROW where 50' is required.**

SAID HEARING will be held on **Tue. June 5, 2018 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.

Fearn: *asks applicant if he has anything further to add?*

Applicant, originally it was a blacktop turnaround for our cars as George Rd. is a very very busy road, so we needed the turnaround to be able to turn the cars around without backing onto the busy road. A few years ago that turnaround area was destroyed by 15 dump trucks loads of dirt brought in by the Town of Dryden because we lost 125' feet of our back lawn into the creek. We decided to put in a cement pad and a garage to store a 18 year old classic car. I have no desire for electricity or plumbing into this garage, it's just for storage of this car. I would like to put the garage on the front half of the pad facing closest to the road, so I can pull in. Another thing is I didn't know the setback was from the edge of the ditch, used to be from center of road, and my house is not even 50' from the road. I have on one side of the house a air conditioning unit that is 11 ' from the house and other side I have my septic and that is 12' back from the house so there is no logical way to put a garage .

Fearn: *any questions from the board?*

Curtis: Motion to close this part of the hearing

Second: **Fearn**

All in favor -

Fearn: *no audience and no comments from neighbors.*

Fearn: *reads the Co. review*

INSERT 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

May 30, 2018

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

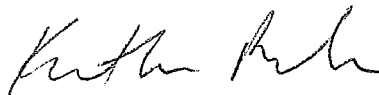
Re: Review Pursuant to §239 -l, -m and -n of the New York State General Municipal Law
Action: Area Variance for accessory structure located in front yard at 366 George Road, Town of Dryden Tax Parcel 38.-1-10.1, Jerry Ladd, Owner/Appellant.

Dear Mr. Sprout:

This letter acknowledges your referral of the proposal identified above for review and comment by the Tompkins County Department of Planning and Sustainability 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

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:

Keeping with the charter of the neighborhood and would not cause a detrimental impact.

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

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 , but the benefit of other choices would be a disproportional burden on applicant. With the well on the North and septic on the South, limits where it could go and would limit the ability to get to the back of the property without driving on or near the septic system.

Motion made by: Curtis - Yes
Second: Graham- 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 25' and with the constraints discussed above in "B" preclude putting the garage anywhere else.

Motion made by: Curtis- Yes
Second: Slater - 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:

No it conforms with the neighborhood and no neg. comments from the neighbors.

Motion made by: Ward - Yes
Second: Slater- 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 there are factors beyond their control.

Motion made by: Fearn- Yes
Second: Ward Yes
All in favor - Yes

Fearn: this area variance is SEOR exempt type II action part 617.5c- 10 & C12

Motion made by: **Curtis**

Second: **Fearn- Yes**

All in favor - Yes

Grant variance

Motion made by: **Curtis to Grant Variance with no conditions**

Second: **Fearn- Yes**

All in favor - Yes

Congratulations you have your variance!

The Board had a discussion regarding a communication between Marty and Jeff related to the setback requirement and determination of such. Next step would be Jeff contacting Marty to schedule a time to meet for an initial informal meeting to determine what next steps would be appropriate.

7:56 pm meeting adjourned -

**Respectfully submitted,
Joy Foster, Recording Secretary
6-11-18**