

**TOWN OF DRYDEN**  
**Zoning Board of Appeals**  
**October 2, 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:** Sign-in sheets attached on next page

Knollwood / Mineah

Shirley Lyon

Dominique Bouchard 9 Knollwood Dr.

**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

September 19, 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 proposed shed located at 143 Sapsucker Woods Road, Town of Dryden Tax Parcel # 42.-1-4.1, Chistopher O'Connor, 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 & 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

**Fearn: 7:12 pm we will close the public part of the hearing and as a board will answer the 5 questions. Second: Curtis- Yes  
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:**

*Its an attractive design and there would be no undesirable change to the neighborhood no detriment to the neighborhood if suitable screening were put in place.*

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:**

*Clearly there are other ways but placing anywhere else would be more of a detriment to the impact then this location.*

Motion made by: **Ward - 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 its 21' feet. And the detriment created by performance most often is greater than granting the variance.*

Motion made by: **Slater- 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:**

*See A, B & C above*

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

**Fearn** asked applicant if he had anything further to add? Mr. Reygers adds, it's a 4-acre lot where 3.5 are all downhill, I have this turnaround area on the side of the house that the town put in for a school bus turnaround, I keep my trailer there and my mobile home and I'd like to park them in this garage which would make this visually more appealing. This would be for private use and will use existing driveways. This is a steep area where the town filled in for the bus, the bus used to use it.

**Comments from the audience:** Jepson & Sharon Ordway live across the street, speaks out in favor. Their driveway is right across from this turnaround area. We like to see this built as the Reygers will build a very nice building, they have the resources to do this. My dad years ago owned the property and the area Mr. Reygers talks about was made for a bus turnaround and was use for a number of years, our kids would get on bus right there.

**Curtis: 7:30 pm** we will close the public part of the hearing and as a board will answer the 5 questions. Second: **Graham- Yes**  
**All in favor - Yes**

**Fearn** reads the letter from the County where they have no negative comments on shed. (Co. letter next page)

**Burger:** states that he received a email form the Town Highway Superintendent that he has no issues with placement of this garage. (Email next page)

**ATTACH CO. Letter Next and HWY email next**

For the Yellow Barn and Sapsucker Woods variance files

**From:** Rick Young

**Sent:** Thursday, September 20, 2018 8:45 AM

**To:** Dave Sprout <[david@dryden.ny.us](mailto:david@dryden.ny.us)>

**Subject:** RE: garage variance on Yellow barn Road/Shed variance on Sapsucker Woods Road

I don't see any issues with either of them

**From:** Dave Sprout

**Sent:** Wednesday, September 19, 2018 5:52 PM

**To:** Rick Young <[RYoung@dryden.ny.us](mailto:RYoung@dryden.ny.us)>

**Cc:** Rick Young <[RYoung@dryden.ny.us](mailto:RYoung@dryden.ny.us)>

**Subject:** garage variance on Yellow barn Road/Shed variance on Sapsucker Woods Road

Hi Rick,

Can you take a look at these two variance applications and give me a written response about any concerns you have or that you have no concerns.

The hearing are on October 2.

Thanks,

Dave

**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: **Slater, to Grant Variance as applied for.**

Second: **Curtis- Yes**

**All in favor - Yes**

**7:37 pm - Congratulations you have your approval**

**Fearn reads next legal: 7:38pm**

**NOTICE** that the Zoning Board of Appeals of the Town of Dryden will conduct a Public Hearing to consider the application of **Buzz Dolph/Tiny Timber LLC** to **change one nonconforming use to a similar nonconforming use pursuant to Town of Dryden Zoning Law Section 1601 C. This involves tax parcels 67.-1-67.2 and 67.-1-68.202 located at 33 Quarry Road located in a Conservation District. The existing Finger Lakes Stone Co. operates a stone fabrication business on this 27-acre property. This application is to change this use to fabrication and assembly of modular homes.**

SAID HEARING will be held on **October 2, 2018 at 7:30pm** 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

**Applicant Mr. Dolph** speaks about the property history and shows slides. This quarry has been in operation for 110+ years. Dad had the quarry from about 1950 to his death in 1979, I ran it from then to about 2000. I sold it to Hobart Stone Co. where they maintained it. It has always run without a mining permit till 1994. When I started working for my dad in 1970 there were probably 80 acres in the quarry. In 1994 I bought that parcel (points on screen) from Bob O'Brien. I sold the portions that extended lot lines to the owners that lived on Quarry Rd. I received a Use Variance for (points on screen) for that area. In that variance we were restricted to a 300' buffer to the East line to here (points on screen). Shows slides of what the property will look like if he buys it back and is able to clean it up and do what he is requesting. He talks about what he wants to do, the whole North side would be reclaimed. (There is so much paper rattling it's hard to hear and follow his conversation while he is showing the board on the screen) This lower portion I'd create 2 building lots and place 2 Tiny Timber Houses and sell to homeowners there would be no more stone mill, these building is currently in poor condition and would be demolished. All of these buildings would be re-sided and new tin there are currently some newer buildings that are covered in grey tin with blue roof, which I would keep.

ORIGINAL

1335 Ellis Hollow Road  
Ithaca, N.Y. 14850-9601  
October 2, 2018

Zoning Board of Appeals  
Town of Dryden  
93 East Main Street  
Dryden, NY 13053

Re: Zoning Variance Application for 33 Quarry Road

The variance application before you for 33 Quarry Road affects us because our property is directly north and downhill of the quarry, and we directly abut the quarry property.

We were supportive when a variance was requested several years ago by Buzz Dolph for this same property. This variance request was made to allow expansion of the quarry behind our property.

Since that time, we have experienced ever increasing amounts of standing water and water runoff entering the south side of our property. This has made some of our backyard nearly unusable, and we have constructed extra drainage routes to try allow the water to run past our house to the Ellis Hollow Road road ditch.

While the described change requested sounds very positive in the long term, it will be years before the proposed restoration is complete. We again want to be supportive, but request that provisions be included to regrade and revegetate the quarry property to channel the drainage to minimize ongoing damage. Initial reclamation work on the quarry should include grading to collect and redirect the water to proper drainage channels.

Thank you for the opportunity to comment.

Sincerely,

  
Brian and Chris Wilbur



To: Dryden Zoning Board of Appeals

From: Neighbors living close to Finger Lakes Stone Co. Inc., 33 Quarry Road, Dryden, NY

9/19/18

Re: Request for change of use at 33 Quarry Road.

At the October 2<sup>nd</sup> meeting of the Dryden ZBA, the board will be reviewing and deciding on a request made by Tiny Timber LLC. This request is for Tiny Timber to be allowed to change the current non-conforming use of Finger Lakes Stone Co. Inc. to another non-conforming use. Finger Lakes Stone currently operates a quarry and stone fabrication facility at the site. Tiny Timber is hoping to purchase the assets of the stone company for remodeling the existing building to create a modular home manufacturing facility.

After speaking with Buzz Dolph and reviewing the request made by Tiny Timber, we, the neighbors of the 33 Quarry Road property, strongly urge the ZBA to approve the change in the non-conforming use. The new use is sure to have less impact, including less noise, better visual appeal, and the general cleaning and eventual reclamation of the site. Thank you for your consideration and action on this issue.

Signed by the neighbors of 33 Quarry Road.

Ethel Vrana, 1296 Ellis Rd., Ithaca NY  
Ray Tothman, 100 Quarry Rd, Ithaca NY  
Lisa J. Hill, 100 Quarry Rd, Ithaca  
Colin Shubert 147 Quarry Rd Ithaca NY  
Jim Old 490 SUMMER HILL (CORNER WITH QUARRY)  
490 Snyder Hill Rd (Corner of Snyder & Quarry)  
86 Quarry Rd, Ithaca NY  
Aisling Mulligan 66 Quarry Rd. Ithaca, NY  
99 Quarry Rd Ithaca NY  
Susan Fiore Bellarmino 99 Quarry Rd, Ithaca NY

reclaim the land, nor the time to complete the task, the reclamation effort will most likely be abandoned. New York State would then execute the \$32,000 line of credit posted by Finger Lakes Stone. This sum falls significantly short of the amount that would be required to fully reclaim the permitted area. In other words, 33 Quarry Road would remain an unusable eyesore indefinitely.

What Tiny Timber LLC intends to accomplish is above and beyond what is required. The unpermitted land does not need to be reclaimed yet 5 acres will be voluntarily reclaimed. The buildings do not need to be renovated and the land cleaned up but Tiny Timber LLC intends to do so.

Without a change to the non-conforming use, Finger Lakes Stone will likely not be able to sell the land. For the land to be transformed into a property that complies with zoning, the current structures will need to be demolished and at least 50,000 yards of additional clean fill brought in to cover the roughly ten acres where there is no surface soil. This is an extremely pricy proposition and unfeasible for anyone interested in purchasing the land. Tiny Timber LLC presents a reasonable compromise that will result in the immediate improvement of most of the land.



# New York State and Local Sales and Use Tax Web Filed Return

Filing period  
06/01/2018 - 08/31/2018

Sales tax identification number	[REDACTED]
Legal name	FINGER LAKES STONE CO., INC.
Mailing address	ANN HOBART & JIM HOBART PO BOX 443 CONKLIN, NY 13748-0443 US

Due date:  
09/20/2018  
You will be responsible for penalty and interest if  
your return is not submitted by this date.

### Business information changes

Final return  Amended return

Has your responsible persons information changed? ..... Yes  No

Has your business address or phone number(s) changed? ..... Yes  No

Is the income from this business being reported "under" the identification number shown above?  
Enter the ID number of the entity reporting the income: [ ] ..... Yes  No

### Summary of business activity

Gross sales (include all taxable and exempt sales but not sales tax) .....	23,541.00
Total non-taxables sales .....	1,015.00
Gross credit and debit card deposits .....	

### Return Summary

Task	Net taxable sales & services	Net purchases subject to tax	Total net sales & use tax
Main form	22,526.00	0.00	1,802.08
	22,526.00	0.00	1,802.08

Richardson Bros.

Electrical Contractors, Inc.



19 Quarry Road  
Ithaca, New York  
14850-8726

607-273-3600 FAX 607-273-6012

Memo

RIC12-1060

Iss: Sat 2018-09-22 3:55 PM

Job: RB Office & Shop at 19 Quarry Road

Ref: 33 Quarry RD nonconforming use change

Attn Zoning Board of Appeals

Phone: ~~607-273-3600~~

To Town of Dryden  
93 East Main ST  
Dryden NY 13053

sent via email

Please respond by Mon 2018-10-01

This memo lays out our opinion as abutting neighbors on the Buzz Dolph's proposed change of one nonconforming use to a similar nonconforming use.

We support this change, provided that Buzz Dolph re-grade and seed the property he is proposing to acquire so as to reduce the amount of runoff that affects our property, which is downhill and on the same side of Quarry Road.

Currently, runoff from the property Buzz is proposing to acquire accumulates as standing water in the flat area south of our building, and overflows onto our driveway, eroding it.

Michael Richardson

Mike and Armis Richardson

Richardson Bros.

Electrical Contractors, Inc.



19 Quarry Road  
Ithaca, New York  
14850-8726

607-273-3600 FAX 607-273-6012

Memo

RIC12-1060

Iss: Sat 2018-09-22 3:55 PM  
Job: RB Office & Shop at 19 Quarry Road  
Ref: 33 Quarry RD nonconforming use change

Attn Zoning Board of Appeals

Phone 607 844 9120

To Town of Dryden  
93 East Main ST  
Dryden NY 13053

sent via email

Please respond by Mon 2018-10-01

This memo lays out our opinion as abutting neighbors on the Buzz Dolph's proposed change of one nonconforming use to a similar nonconforming use.

We support this change, provided that Buzz Dolph re-grade and seed the property he is proposing to acquire so as to reduce the amount of runoff that affects our property, which is downhill and on the same side of Quarry Road.

Currently, runoff from the property Buzz is proposing to acquire accumulates as standing water in the flat area south of our building, and overflows onto our driveway, eroding it.

Richardson

Mike and Armis Richardson

**Burger:** states that this is true usually an agency letter would be typical to get a variance this was kind of outside of the variance procedure it's a special section of our law granting the ZBA approval for changing a nonconforming use, so we could do it contingent upon or we can wait to get the agency letter.

**Fearn** anyone from the audience would like to make comment?

My name is **Brian Wilbur** and my wife Chris, we live at 1335 Ellis Hollow Rd. I have written a letter, after hearing Mr. Dolph it seems all of our concerns have been address and we are very happy. But I've waited here all this time that I'm going to read this letter.

ATTACH Wilbur letter next:

Add the petition letter from neighbors next

Add supporting letters also

Also add the letter from the CO Planning make note Co. Planning made a typo the address under review is 33 Quarry, Co. Planning has 42.

Quarry Road

Voluntarily Reclaimed

Voluntarily Reclaimed

Land to be voluntarily reclaimed (about 5 acres)

Land not under mining permit to be improved and used for Tiny Timber facility (about 6.5 acres)

Land under mining permit to be reclaimed (about 6.5 acres)







5. Is the proposed action, a. A permitted use under the zoning regulations?  b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	X		
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
			X
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	X		
8. a. Will the proposed action result in a substantial increase in traffic above present levels?  b. Are public transportation service(s) available at or near the site of the proposed action?  c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	X	X	
	X		
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
			X
10. Will the proposed action connect to an existing public/private water supply? <i>well</i> [If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES] If No, describe method for providing potable water: _____	NO	YES	
			X
11. Will the proposed action connect to existing wastewater utilities? <i>septic</i> [If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES] If No, describe method for providing wastewater treatment: _____	NO	YES	
			X
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?  b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	X		
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	X		
	X		
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban <i>Mining</i>			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	X		
16. Is the project site located in the 100 year flood plain?	NO	YES	
	X		
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES	
	X		

Δ to No

Δ to Yes

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	/	
11. Will the proposed action create a hazard to environmental resources or human health?	/	

**Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3.** For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<u>Town of Dryden Zoning Board of Appeals</u>	<u>10-2-18</u>
Name of Lead Agency	Date
<u>Jeff Fearn</u>	<u>Zoning Board of Appeals Chair</u>
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<u>Jeff Fearn</u>	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**Fearn** moves to close the public part of the hearing 8:37 pm

Second: **Curtis**

All in favor: yes

Board will now review the Short Environmental Assessment Form (SEQR) attach the original SEQR form with Boards answers and Chair signature

**Curtis** would like some kind of traffic count.

**Ward:** to Mr. Dolph lets do a count now, so you are going to sell one house a week 4-5 truck trips gong out, you'll have 30 employees, maybe 15 leaving for lunch, and for materials maybe 10 a week, so you're talking about 85-100 car/truck trips a week.

**Curtis** motions for Chair Fearn to approve and sign the SEQR

Second: **Ward**

All in favor: yes

1601c

**Curtis** moves that this constitutes the change to a more restricted nonconforming use

Second: **Fearn**

All in Favor: yes

Insert the Town of Dryden Standard Conditions of Approval

**Curtis** moves to include the Standard Conditions of Approval with exception to #7

Second: **Graham**

All in Favor: yes

Conditions:

1. Mr. Dolph taking ownership of the property
2. The enclosed space not to exceed 15,000 sq. ft.
3. Stormwater runoff plan specifically address the neighboring properties, including but not limited to the Wilbur's property and the Richardson property
4. Mining permit shall remain open for the purpose of reclamation only no stone fabrications
5. Applicant will submit an approved phase plan to the Building Dept.

**Curtis** motions that we approve with the 5-conditions

Second: **Slater**

All in favor: yes

September 25, 2018

Richard Wawak  
23 Fiddlers Green  
Lansing, NY 14882

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.

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.

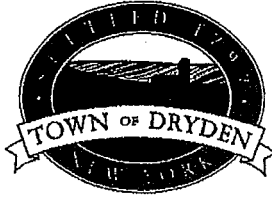
Sincerely yours,  
Richard Wawak

**Objections:** The parcel was extensively modified prior to the General Permit Application dated July 26, 2018. Extensive clearing & excavation work was done on a steep slope of 20%.

The Dryden Town Comprehensive Plan 2005 combined with the Town of Dryden, New York Natural Resources Conservation Plan 2017 is an accumulation of private and professional individuals with land and water expertise who have legitimate concerns over deforestation, steep slope building, and the protection of streams within our township.

Shirley Lyon, road representative, will provide facts, historical overview of damage to properties, and past and current pollution to class A protected streams where steep slope building was and still is a major contributing factor. Topics of presentation include but are not limited to

- \* 20% slope grade prior to parcel excavation and regrading, and the negative impacts of slope building & incompatible land use.
- \* Deforestation & regrading resulting in home flooding on Mineah Road
- \* The channeling of water runoff due to lot clearing and the dangers/damage/stream pollution thereof
- \* The concern for safety and well-being of residents
- \* increase costs to residents (taxpayers)



Planning Department

93 East Main Street  
Dryden, NY 13053

T 607 844-8888 ext. 216  
F 607 844-8008  
joy@dryden.ny.us

<http://dryden.ny.us/planning-department>

**VIA E-MAIL & HARD COPY**

May 10, 2017

Mr. Ryszard Wawak  
23 Fiddlers Green  
Lansing, NY 14882

Re: Conditions of Approval, Site Plan Review – Mine3ahRoad Freeville NY

Dear Mr. Wawak,

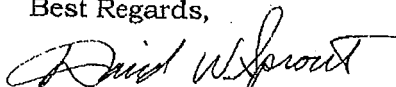
On April 27, 2017 the Planning Board reviewed the Sketch Plan for your proposed Pineridge Cottages to be located on Mineah Road. Based upon the information provided prior to, and discussed in the meeting, the Planning Board made a determination to waive further Site Plan Review for your project. This completes the Site Plan Review process per the procedures outlined in Article XI, Section 1102 of the town's Zoning Law.

Once the SWPPP and OWTS are approved, the next step of the process will be to apply for building permit(s) which can be obtained in the Planning Department. Should you make any changes to the sketch plan prior to applying for your building permit, you will need to have them reviewed by this department to ensure the changes comply with the site plan regulations.

Enclosed is a copy of the Town's standard conditions of approval as well as a copy of the Planning Board resolutions, including the Board's specific conditions of approval. Please retain a copy of these documents along with this letter for your file.

It was a pleasure working with you and John Andersson. As always, please do not hesitate to contact us if you have any questions.

Best Regards,

  
David W. Sprout  
Code Enforcement Officer  
Town of Dryden

cc: Marty Mosely, Planning Board Chair  
Edward Marx, TC Planning Director  
John Andersson,  
SPR File

**SITE PLAN REVIEW**

**April 27, 2017**

**Ryszard Wawak**

**Pineridge Cottages on Mineah Road**

**RESOLUTION #15 (2017) - NEG SEQR DEC – Pineridge Cottages, Mineah Road**

*M. Hatch offered the following resolution and asked for its adoption:*

**WHEREAS,**

*A. The proposed action involves consideration of the application of Ryszard Wawak to build four clusters of four cottages each on a 12 acre parcel located on Mineah Road.*

*B. The proposed action is an Unlisted Action for which the Planning Board of the Town of Dryden is the lead agency for the purposes of uncoordinated environmental review in connection with approval by the Town.*

*C. The Planning Board of the Town of Dryden, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law – the State Environmental Quality Review Act (SEQR), (i) thoroughly reviewed the full Environmental Assessment Form (the “full EAF”), Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR §617.7(c), and (iii) completed the full EAF, Part II;*

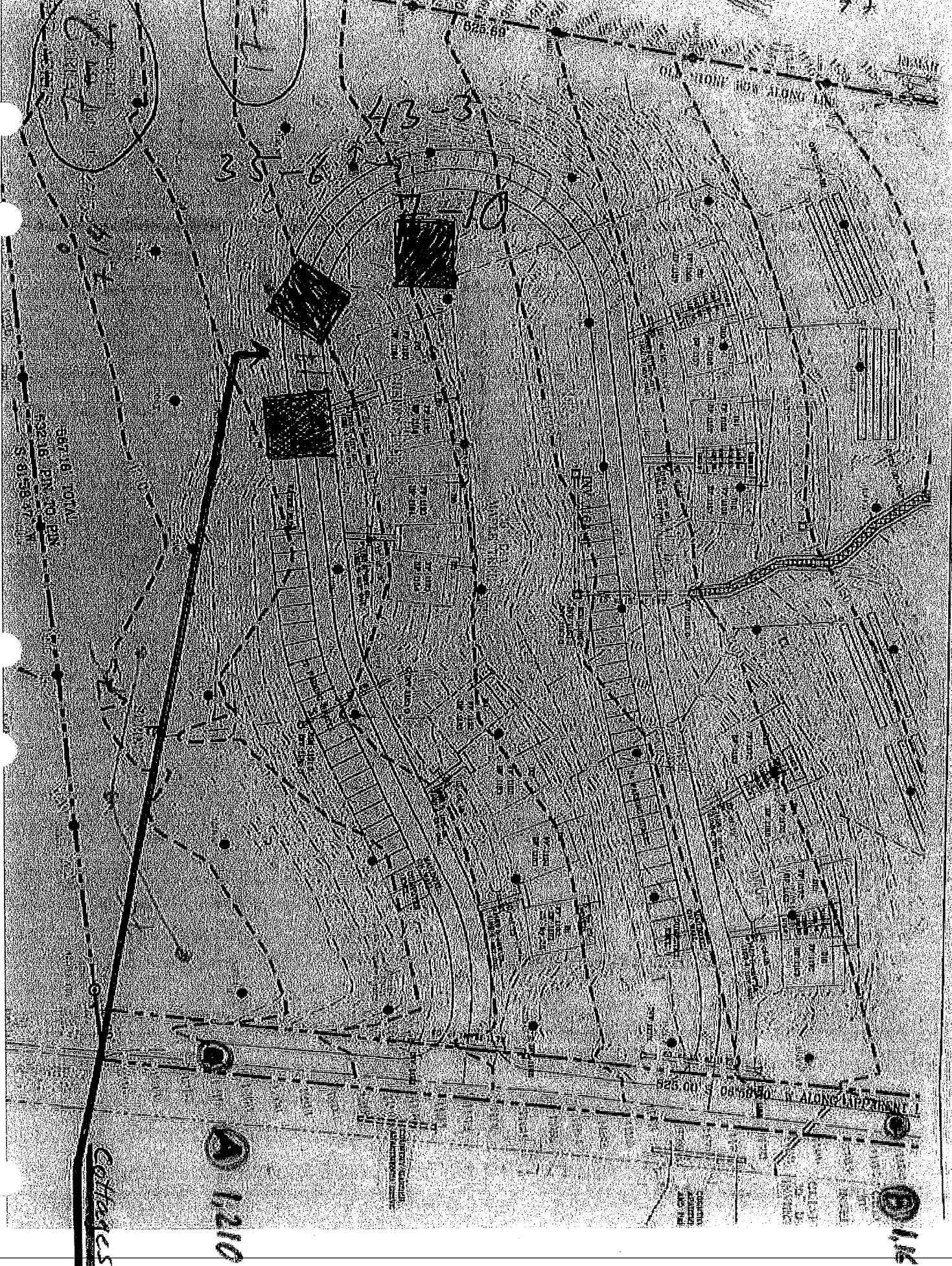
**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

*1. The Planning Board of the Town of Dryden, based upon (i) its thorough review of the full EAF, Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR §617.7(c), and (iii) its completion of the full EAF, Part II, including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance (“Negative Declaration”) in accordance with SEQR for the above referenced proposed action, and*

*2. The Responsible Officer of the Planning Board of the Town of Dryden is hereby authorized and directed to complete and sign as required the determination of significance, confirming the foregoing Negative Declaration, which fully completed and signed full EAF and determination of significance shall be incorporated by reference in this Resolution.*

*T. Hatfield seconded the motion which was unanimously approved.*





43-3

35-6

10



COTTAGES

1210

D/R

100' 0" TOTAL  
50' 0" FROM TO END  
S 0136 ST

825.00' S 00° 58' 40" W ALONG APPROPRIATE

825.89'

To : Dryden Zoning Board of Appeals  
From: Petitioners  
Date: September 28, 2018  
SUBJECT: ZBA Hearing

We have submitted Sections 200 & 1804 for your review.

On October 2nd, we hope to demonstrate that Mr. Wawak is not in compliance with our Town's Comprehensive Plan, Conservation Plan, and Zoning.

## TOWN OF DRYDEN ZONING LAW

### ARTICLE I: TITLE

This local law should be referred to as the Town of Dryden Zoning Law.

This local law may also be referred to as the Zoning Law, or sometimes this Law, or this local law.

### ARTICLE II: GENERAL PROVISIONS

#### Section 200: Purpose \*

The purpose of this local law is: to promote the health, safety and general welfare of the community; to conserve land and natural resources and, under and pursuant to the laws of the State of New York, to establish zones wherein regulations concerning the use of land and Structures, the density of development, the size of yards, the percentage of a lot that may be occupied, and provisions for parking and control of signs are set forth so as to encourage the appropriate development of the town and the preservation of the rural character of the community in accordance with the Town's 2005 Comprehensive Plan.

---

#### Section 1804: Misrepresentation \*

Any permit or approval granted under this Law based upon or granted in reliance upon any material misrepresentation, or failure to make a material fact or circumstance known, by or on behalf of an applicant, shall be void. This section shall not be construed to affect all the other remedies available to the Town under this Law.

---

before submitting his General Application Permit dated July 26, 2018.

Weeks prior to July 26, 2018, multiple Mineah Road residents and Mrs. Lyon witnessed heavy machinery working on what is now the building site area.

Shirley Lyon placed several calls on behalf of the residents to the Dryden Zoning Board office, contacting Mr. Burger, Mr. Etzell and Mr. Sprout. Each stated they were unaware of any activity by Mr. Wawak, and he had not filed for a new application.

Mr. Burger responded that he would contact Shirley Lyon if Mr. Wawak applied, so she could keep residents informed when he had filed.

During this time, the pre-slope established at near or at 20% was drastically reduced post-slope to a "some slopes above 15%" and in the building area to mere 10%. Why?

Section 1804:

Mr. Wawak, *himself* did not disclose to any code enforcement officers or on his written application that his parcel had been *documented in 2017* to have an increase risk of potential flooding due to known ground water seeps, thin soils and **severe slopes of near or at 20%**.

**Applicant Shirley Lyon** asks so we are only able to ask about the Zoning law? I was told we could go before the Zoning Board for an article 78 but you also can look at interruption.

**Fearn:** correct but we need to know what was incorrect with the issuing of the Zoning Permit?

**Curtis:** is there a certain provision or law that we should look at that requires interruption.?

**Lyon:** I was told By Albany to come here as a Community and as a Governing Body insert Applicants letter for Section 200: Purpose

**Curtis:** Our job is to find out what provision that was incorrectly interpreted or incorrectly applied or not applied at all? You mention in your letter a problem with Stormwater, which is not in the Zoning Law.

**Lyon:** reads Section 200: Purpose (insert)

**Lyon:** reads Misrepresentation: (insert)

**Curtis:** when Ray Burger issues a building permit it's under this ordinance and under a number of other ordinances and we don't have separate permits part of it contains to zoning and part of it contains the Stormwater Law it's not in our jurisdiction but it's equally important and its one of the laws that Ray has to look up he also has to look at the building code so he can issue a permit wrongly that has nothing to do with the zoning law, you can't appeal the Stormwater Law to the Board of Zoning Appeals we don't have the authority to act.

**Lions:** he doesn't have a SWPPP, it's under one acre.

**Curtis:** he has a stormwater plan, when you are talking about a 20% slope that usually where that comes in, how stormwater is going to affect the site as a result from a structure. The reason we can't hear a case based on the stormwater plan is that we don't have the authority to....Lyon interrupts that we are a community.....

**Curtis:** we are asking you to tie that back into the zoning law, those we can hear, if he made a mistake didn't have the proper plans for his building, Lyon interrupts ... Ray could issue a building permit and you cannot appeal to us because we can't offer a variance for that We can only offer variance for something that is out of the zoning law, we are trying to get at were these stormwater provisions that you are talking about and the 20% slope provisions if its somewhere in the Zoning law and the building dept. overlooked it or they read it and you are reading it differently we would look at it and say "well Mrs. Lyons is correct or we think she is correct " then we could rule in your favor but we have to have some provision, we are limited to this law, the zoning law.

**Lyon:** and what is Section 200?

**Curtis:** Section 200 is a general statement on purpose. It's based on health, safety, general welfare

**Lyon:** so there's no violation to Section 200?

**Curtis:** The purpose to the law, no I don't think so

**Lyon:** well I don't know, Albany says there is

**Curtis:** that's not my understanding, unless there's some provision here, this is a statement of purpose and these are the reflections out of how the purposes are going to be accomplished, individual regulations we deal with them all the time. People come in where their health, safety and welfare is affected by a 50' yard setback, Lyon says so you are not going to hear the case tonight? Curtis, I'm just trying to show you, audience interrupts in wanting a turn to speak, all speaking at once at Mrs. Lyon.....

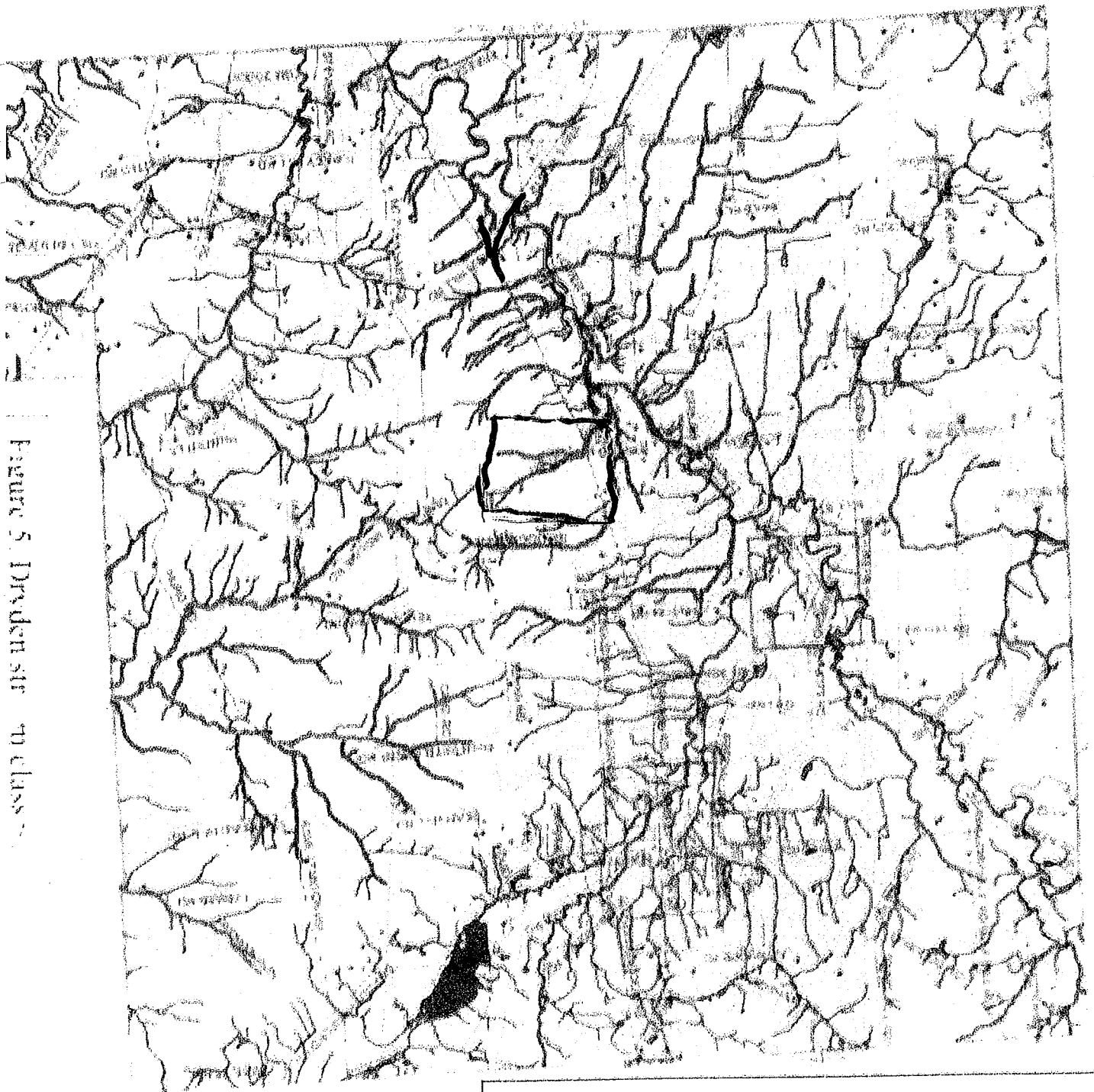



























Figure 5. Dryden site 70 class

**KEY**

-  1000 ft contour
-  2000 ft contour
-  3000 ft contour
-  4000 ft contour
-  5000 ft contour
-  6000 ft contour
-  7000 ft contour
-  8000 ft contour
-  9000 ft contour
-  10000 ft contour
-  11000 ft contour
-  12000 ft contour
-  13000 ft contour
-  14000 ft contour
-  15000 ft contour
-  16000 ft contour
-  17000 ft contour
-  18000 ft contour
-  19000 ft contour
-  20000 ft contour
-  21000 ft contour
-  22000 ft contour
-  23000 ft contour
-  24000 ft contour
-  25000 ft contour

A drinking water  
 (W) water supporting  
 fisheries  
 (T) support a trout  
 population.  
 (S) support trout  
 spawning



**Lyon:** then I have been terribly misguided by Albany because I have read the zoning and gone back and forth with them and they told me it's the Governing Body, Slater: we are not a Governing Body we are an Appellate Body, Lyon: you are established as a Governing Body. Ward: Right here 1404 it says hearing appeals, that's our board Zoning Board of Appeals, very first thing it says the ZBA shall be an Appellate only ..... Ward starts to explain and Lyons interrupts saying, my neighbors are here for you to hear them they waited for hours tonight to be heard we want you to see the impact of steep slope development ...

**Fearn:** yes, we want to hear what they have to say.

**Lyon:** ok so here's what we are going to do we are going to go to Mr. Bouchard at 9 Knollwood Dr. he has pictures of what has happened when you build on a 20% slope.

**I'm Mr. Bouchard** and my property ( I can't make out what he is saying he is speaking low and room is noisy and lots of papers rattling ) about 20 years ago there was a change Cornell dug a ditch and it cut off the water coming down the hill and it diverted it into my watershed , what I have now is a raging river its washing away my property and taking it down hill , a little stream that used to have crayfish and insects is now dead, I used to wish that it flowed all year round, be careful what you wish for, it under my garage now and I will be losing my garage soon, its approaching my house , like I said I used to be able to hop across the stream now it minimum with across is 20' it used to be 2' deep now it's a minimum of 4' deep. Its 20' to 50' in some areas, it rolls boulders down and you can hear them with large amounts of soil. But this is something that didn't exist for 30 years a tiny little stream, and it didn't change with all the rains, it's now a river and it showed up just one day, this change was cause to manmade. I don't know why Cornell decided to cut the water off and have it go into the Mineah Rd. water, I'm the only property in this watershed, I understand it's not your problem but it is the Towns problem, INSERT PIX.

**Curtis:** have you contacted DEC?

**Bouchard:** I really haven't done anything, there is another property tis affects, it has washed out their driveway many many times this neighbor had a little covert pipe, this has washed out and been rebuilt only to wash out again.

**Slater:** did I understand you correctly as saying Cornell is the cause for this?

**Bouchard:** yes

**Slater:** I would encourage you to go to the Town Board to put in a provision to the Zoning ordinance that would address that situation and provide some ability to be able to appeal to us, until then there is nothing we can do.

**Bouchard:** it is a recommendation by the DEC, its recommended for a reason.

**Curtis:** The Town Board has the authority to make a law based on DEC recommendation.

**Lyon:** If you look below this is 8 Knollwood Drive and if you look you will see 2 steams that join together and that will affect the individual study here, at one time my parents had a double-wide around 1996 took it though what they call the telephone bridge but they restored it afterwards , to get it up there all they had to do was pull back 1 foot of soil drive-thru and it was dry and they were allowed to take it up there by the DEC. They put in a telephone bridge that was 8' wide about 1-2 feet off , over time the water continued when the parcel Mixed Use to, I have called the Army Core of Engineers, I tried to talk with Cornell, I've called DEC, I have talked to Town Supervisor Jason Leifer himself and have talked about this, and Jason tells me , Shirley you don't understand we need affordable housing, I doubt the man even knows I exist now because I found him to be very abrasive, I tried to tell him about the damage he didn't even direct me to the Town Board, so I went to the Army Cor of Engineers , I've tried to talk to Cornell and so I went to the Planning Board and I was allowed like 2 mins.

On the public floor, We have never had a chance to tell the whole story to get it documented, to be honest with you that's kind of why we are here, this is the first time we have ever been able to talk to someone, when I tried to talk to Dan Lamb, he said he'd agree to 2 pages and he'd let us know and he just brushed me off so I have been trying to get it on the Town Board agenda and I have approached him after a Planning Board meeting . So getting back to this, so what this is, is the wash out of the telephone bridge, then he decided he'd put in a cement bridge so he put that in at 10 feet across , when he passed away in 2010 my mother 9 months later called me and said the whole cement bridge is in the stream. Made several calls one to DEC to get an emergency bridge permit told them what was happening and again I got no help with this , told them what Cornell had done and the watershed being changed because Dryden relinquished Mineah Rd. back to Cornell which gave them the right to go right across it and I know they did it because a Forrester came to me about Ash trees and I asked who was the idiot that redirected the water down on Knollwood and he said well I was the idiot and he said the Town of Dryden requested that we take care of Mineah Rd, I said well that's nice but now you are destroying Knollwood so here Richard wanted to get a case of 20% slope before station of the volume of the water passing . This is when I called and asked what can we get in there, they said DEC recommends 4-6-foot culvert, are you kidding me I ordered an 8-foot covert and in the end it cost me \$14,000 for a stream and we lost a lot of earth and it went down into the Township of Dryden. Insert Picture that was taken about a week ago, you can see how's its eroding and we can't go across the bridge its blocked off, so \$14,000 later and the Township of Dryden reducing it with no controls its gone.

**Nancy & Gary Westfall**, 6 Knollwood, shows pictures insert of Mineah washing away, he probably has lost about 10 feet of bank (he is a little hard to hear and understand, he is showing board pictures. He's replaced a wall that washes out after storms, they are showing slides of pictures and he is pointing areas out to board. That creek has been there for thousands of years and its never washed away. Lyon: the part he is talking about where the streams meet, the Township of Dryden put a cut between 2 houses and 3 coverts to redirect the water from the West side to the East side so its Cornell and Dryden putting water into that.

**Slater:** have you mentioned anything to the Highway Dept., Lyon: yes, I'll tell you what I have done, I have waited for Rick Young to come and look at this so he can verify it and say you have put a cut between 2 houses and 3 coverts to redirect the water they raised the coverts and they are putting more down and I've said your destroying Mineah Rd, I care about these people and I have been trying to find a way to fight for them , Dryden is responsible to this they are putting all this into a protected stream they are dumping the salt and everything into the DEC's protected Class A stream , it's just a nightmare. So, what we are saying is slope building and forest removing is causing these people to lose their homes.

**Curtis:** is clear you have a grievance I'm not questioning that, it's just we have no authority to act on this.

**Ward:** the DEC is where you need to start, because they will come out and do an assessment. The whole room is speaking and order to the meeting is lost.

**Fearn:** redirects meeting, asks if there is anyone else who would like to comment?

**Diana Crouch** at 2 Knollwood she shows where her house is on picture, we have lived there 16 years, and to get into the stream it was the width was elbow to elbow now you can see what the stream looks like today, (she has a video on her phone, shows the board) you can hear how very loud it is, we lose more and more of our yard after after rain. She says she has had Dave Sprout out to her house and that he walked the creek with her he had said he'd get back to me and he never has. And where the creek runs under Rt. 13 it gets so height that its caving in the coverts and around it. So, since this creek is protected we are now lost as to how to fix it because you can't get a permit to work in the creek till it stops running which it doesn't stop running anymore. My taxes have gone up \$10,000 because from front it looks nice but in the back, I'm losing yardage, I have a 16-year-old tulip tree that's about 50-foot-tall that's about to be washed away, I have a garden space that I have had all these years that's about to cave into the creek.

*So yes, we understand from listening to you all night that you are really concerned about this. So, the zoning laws and the stormwater officer should have been in on all of this before it was ever cut. So, what would be your suggestion as tax payers as people who care about our properties and planned on spending the rest of our lives there what are we supposed to do and how did this happen in the beginning how was storm run-off not been addressed before anyone started building up there and if they couldn't get the water up there for his property. The fact is all this water right now running down into the storm-cellars into the ditches into the highways, we all are going to have to pay for this. And where do we start for the protection of our community for our neighbors and our own properties. How can you allow more property to be built on places where water is running down, trees are removed there is no more space for it to go and then we end up losing our properties while others are prospering by building new, where there are laws in place that should have been protecting us all from the storms and waters coming down.*

**Curtis:** *I agree with you on all of this, but the people that need to make the changes is the Town Board, the legislated body, the ones that run for election. We purely can only answer to this one little law. The Town Board has the authority to pass laws.*

**Crouch:** *who does the Stormwater Officer work for? Curtis: The Town. Crouch: so how does the Stormwater Office who also happens to be the Code Enforcement Officer for the Town how does he allow something like that to go through when the fact is he has to know because he had to be a part of it and I have had him out there personally walking the creek. I'm talking about Dan Sprout (I believe she is speaking of former Director of Planning and Stormwater Officer - Dan Kwasnowski not current Stormwater Officer David Sprout.) After sitting here for 3 hours and listening and talking to you I believe you are really concerned about these problems but there is someone in the Town who doesn't care about water conservation and land conservation. Because we have contacted all of these people and we can't find anyone to help there is a history and its being overlooked.*

**Lyon:** *I did in fact contact the DEC and they directed me back to the Towns Stormwater Management Officer, DEC told me to talk to the Town and the Highway Dept. because what I see here is a cut and if they don't have a permit from us to be in the Class A streams I will be back and will tell them to get the hell out of there, I said ok , so I have called 5 times and left messages to Rick Young and it's been over a month and he has not gotten back to me.*

**Ward:** *and did you call DEC to inform them on this?*

**Lyon:** *No, I didn't*

**Ward:** *well you need to call the DEC back and tell them you have had no success in contacting the Highway Dept. Keep it documented each time you call. You need to call DEC. You are not afraid to call the State so call the DEC and tell them you want action.*

**Curtis motions:** *having heard from the Applicants and being very sympatric for the applicants we have determined that there is no basis in the zoning law for environmental regulations, there is nothing the Zoning Board of Appeals can do.*

*Second: Ward  
All in favor: yes*

*Meeting adjourned*