

**NOTICE OF DECISION**

**AREA VARIANCE**

**APPLICANT: Habitat for Humanity**

**DATE: Jan. 8, 2019**

**NOTICE** that the Zoning Board of Appeals of the Town of Dryden will conduct a Public Hearing to consider the application of **Habitat for Humanity** to **subdivide** property at 1932 Slaterville Road, known as Tax map #73.-2-9 and located in a Neighborhood Residential (NR) Zoning District. The application is for Lot Frontage Relief for the purpose of subdivision. Applicant seeks to create two conforming lots and one flag lot with 22' of road frontage. Flag lots require 25' of frontage but are not allowed in the NR ZONE.

SAID HEARING will be held on **Jan. 8, 2019 at 7:15pm** 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.

**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:**

*Yes, its increasing the density of the housing, also the possible water flow, there would be an undesirable change of the neighborhood, which is not in the character of the neighborhood, and could possibly have detriment to the neighborhood.*

Motion made by: **Ward- 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, no other reasonable or preferred way to develop this lot into 3 parcels, and the alternative way would be to divide into 2 parcels consistent with the neighborhood.*

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 its 80% on the road frontage.*

Motion made by: Curtis- 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:**

*Yes, see above and the neighbors with concerns about current drainage and not sure if building on these lots or the steepest slopes would lead to an adverse effect.*

Motion made by: Fearn- Yes

Second: Ward- Yes

All in favor - Yes

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

*Yes, see all above, parcel was recently purchased with no current zoning regulations in effect. The parcel is large enough to make 2 lots, and enough road frontage.*

Motion made by: Curtis- Yes

Second: Ward Yes

All in favor - Yes

**Curtis: this SEQR is non-exempt**

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

**Curtis: moves that the Chair accept SEQR – Neg. Dec**

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

**Decision:**

Motion made by: **Curtis to Deny the Variance for the reasons stated.**  
Second: **Ward- Yes**  
All in favor - **Yes**

**CERTIFICATION**

I, (Chairperson) of the Town of Dryden **ZONING BOARD OF APPEALS**, do hereby certify pursuant to Rule 6 of the Rules of Procedure of such Board, that the foregoing are the findings of fact and decision approved by such Board on:

Dryden, New York

Dated: 16 Jan 2019

A handwritten signature in blue ink, appearing to read "John C. Dean", is written over a horizontal line.