



Planning Department

93 East Main Street
Dryden, NY 13053

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F 607 844-8008
joy@dryden.ny.us

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

December 6, 2012

Mr. Michael Moore
PO Box 3904
Ithaca, NY 14852

Re: Cutia Area Variance, Tax Parcel 46.-1-49.4

Dear Mr. Moore,

The Planning Department has reviewed your survey proposing the division of the subject parcel into three parcels which will utilize one common driveway, but each parcel will have approximately 16 feet of road frontage. Minor Subdivisions are approved administratively and this proposal is not an exception. However, because the proposed road frontages are insufficient for each lot proposed, a variance for each lot will be necessary, and we anticipate a ZBA Hearing to be held in January, 2013 likely on the 8th.

Proposed Procedure

In order for your case to be heard by the ZBA, a request to the Planning Board for a recommendation is required under Section 277 part 6 of NYS Town Law. In order to expedite the process, we have arranged for the Planning Board to review your project at the December 13th Planning Board meeting. At that time the Planning Board may, or may not, make a recommendation to the Zoning Board of Appeals. Note, this is not an approval.

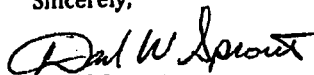
The Planning Department will forward the drawing and description you have provided to the Planning Board for their review and comment. You need to supplement your information by including a short EAF form including an Agricultural Data Statement (enclosed).

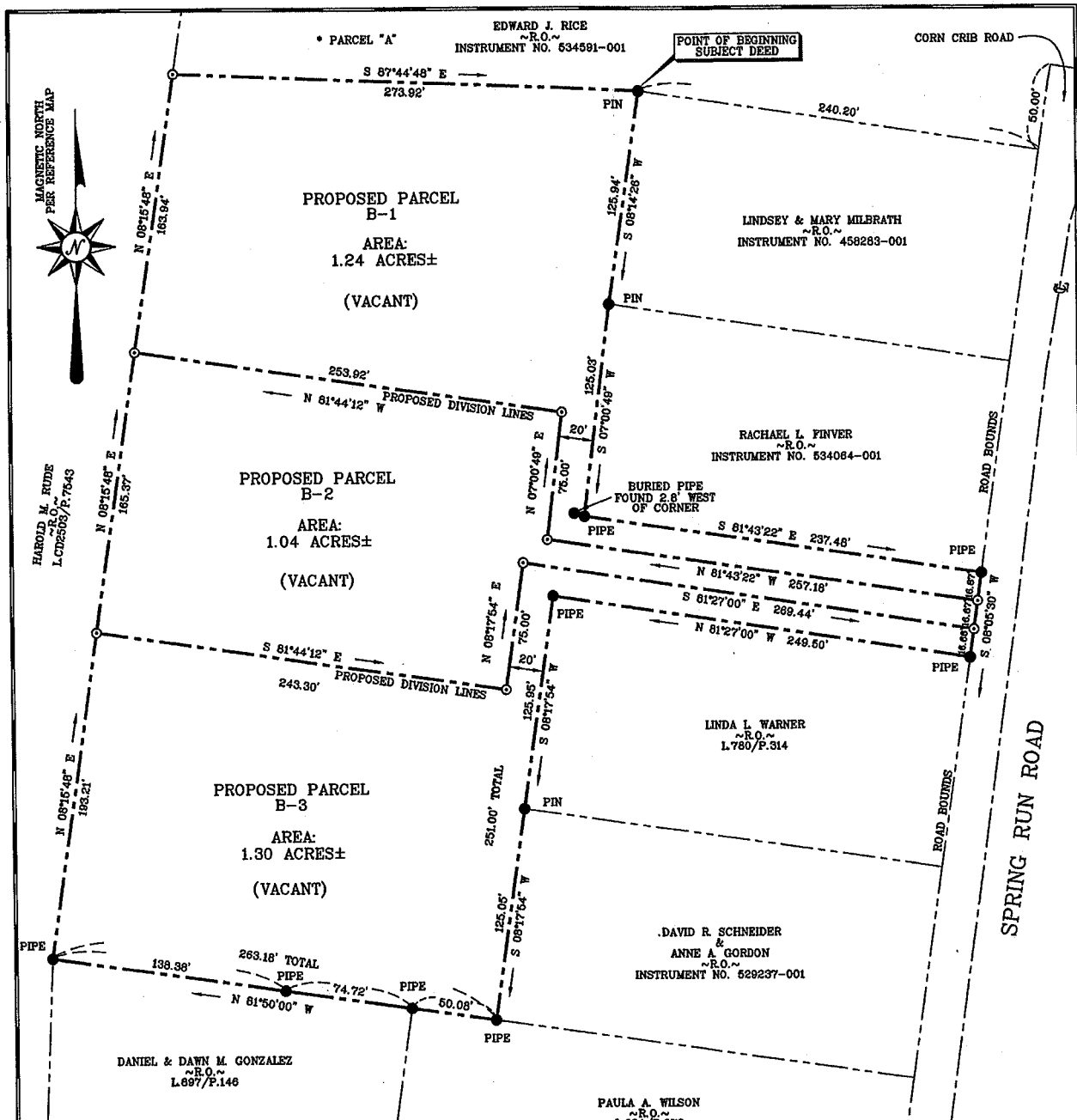
The ZBA is scheduled to meet, as needed, on the 1st Tuesday of each month. Because New Years Day is the first Tuesday of January, the earliest the ZBA would be able to convene is January 8th. We are contacting ZBA members to see if a January 8 hearing can be scheduled.

At this time the check you have provided is adequate, but may not be assigned to the right permit application as there was some confusion regarding your application. We will hold the check and recalculate your permit fee.

If you have any questions, please do not hesitate to contact me. You may call 844-8888 ext 215, or e-mail me at: david@dryden.ny.us.

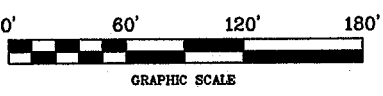
Sincerely,


David Sprout
Code Enforcement Officer



SURVEY MAP
 ~ SHOWING PROPOSED SUBDIVISION ~
 LANDS OF
RICHARD T. & ANNE C. CUTIA
 MILITARY LOT 46
 TOWN OF DRYDEN ~ COUNTY OF TOMPKINS
 STATE OF NEW YORK
 TAX MAP NO. 46.-1-49.4
 REFERENCE DEED: INSTRUMENT NO. 555349-001

REFERENCE MAPS:
 "SURVEY MAP SHOWING REMAINING LANDS OF YELLOW BARN DEVELOPMENT CORPORATION ... MADE BY T.G. MILLER P.C.; DATED 7/22/1988, AMENDED 2/28/1998
 "SURVEY MAP SHOWING PROPOSED SUBDIVISION LANDS OF RICHARD T. CUTIA... MADE BY REAGAN LAND SURVEYING; DATED 05/05/2008



LEGEND:

- EXISTING IRON MONUMENT AS SHOWN
- SET 3/4" REBAR AND SURVEY CAP
- R.O. REPUTED OWNER
- Ⓢ PRESENT CENTERLINE OF PAVEMENT

REAGAN LAND SURVEYING
 P.O. Box 1124
 Dryden, New York 13053
 Phone/Fax (807) 844-8837

NOTE: Any revisions to this map must comply with section 7209, Subdivision 2 of the New York State Education Law. All certifications hereon are valid for this map and copies thereof only if said map or copies bear the embossed seal of the licensed land surveyor whose signature appears hereon. This map is not valid when used in conjunction with a "Survey Affidavit" or "Certificate of No-Change".

Date Surveyed: 11/2012 Drawn By: A.P. Scale: 1"=60' Job No.: 12-236

I hereby certify to: RICHARD T. CUTIA; ANNE C. CUTIA;

that I am a licensed land surveyor, New York State License No. 049892 and that this map correctly delineates an actual survey on the ground made by me or under my direct supervision, that it was prepared in accordance with the current code of practice for land title surveys adopted by the New York State Association of Professional Land Surveyors; and that I found no visible encroachments either way across property lines except as shown hereon.

Signed: _____ Dated: NOV. 14, 2012
 "Copyright 2012: All Rights Reserved, Reagan Land Surveying"

PRELIMINARY
 11/14/2012

NOTICE OF DECISION

AREA VARIANCE

APPLICANT: Michael Moore

January 8, 2013

PLEASE TAKE NOTICE that the **Zoning Board of Appeals** of the Town of Dryden will hold a Public Hearing to consider the application of **Michael Moore** who is **requesting 3 area variances for road frontage deficiencies related to the subdivision of a 3.55 acre parcel 46.-1-49.4 on Spring Run Road.**

SAID HEARING will be held on **Tue. Jan. 8, 2013 at 7:45 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.

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 there could be a undesirable change relative to storm water management , a storm water management plan approved by the town engineer might mitigate this concern.

Motion made by: **Shigley - Yes**

Second: **German - Yes**

Brann - No, storm water is not our issue we are only doing the road frontage for the driveway.

Curtis - Yes

Hogg - 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:

No lot is nonconforming as it is

Motion made by: **Shigley - Yes**

Second: **Hogg - Yes**

Brann - Yes

German - No

Curtis - No,

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

Yes frontage has been reduced by almost 90%.

Motion made by: Curtis- Yes
Second: Brann - Yes
All in favor

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 this variance allows for only 3 more houses in a residential established area.

Motion made by: Brann- Yes
Second: Shigley- Yes
German - No
Curtis - No
Hogg - Yes

Sprout: to the board again you are only to address frontage for this variance not future events.

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

Yes the change in the right away requirement from 50 to 60 feet may have created the problem for the applicant.

Motion made by: Shigley -Yes
Second: Brann- Yes
All in favor

Curtis makes a motion that we grant the (3) Area Variances with the condition that a storm water management plan be approved by the storm water management officer

Shigley: Second-Yes
Brann - Yes
German - No
Hogg - Yes

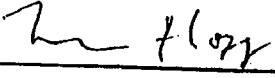
Hogg reads that this area variances is L & M 239 SEQR exempt type II action part 617.5-c 13

CERTIFICATION

I, **Nelson Hogg**, (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: Jan 25, 2013



Nelson Hogg, Chair