

TOWN OF DRYDEN
Zoning Board of Appeals
January 8, 2019

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

Absent: Henry Slater

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

Residents: Jeff Northrop & Rachel Lance, Steve & Jill Hollaway, Cody Currier, Josh Bawes

Applicants: George Frantz, Chuck Newman, Warren Currier, Matthew Haney

Meeting called to order at 7:04 PM

257 Virgil Rd, Haney Minor Subdivision Frontage Relief, Tax Parcel #37.-1-33.1

Applicant: Matthew Haney

Chair Fearn read legal notice at Nov. 6, 2018 meeting, the case was tabled till the next scheduled meeting, for 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 **Mathew Haney** to **subdivide** property at **257 Virgil Road**, known as Tax map # 37.-1-33.1 and located in a Rural Agricultural (RA) Zoning District. The application is for Lot Frontage Relief for the purpose of subdivision. Applicant seeks to create 2 lots with 224 and 250 feet of frontage where 250 feet is required in this RA District.

SAID HEARING will be held on **Nov. 6, 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 asked applicant if he had anything further to add? Mr. Haney has nothing further to add.

Fearn: are there any questions from the board?

Board: asks applicant about how the driveway will be? Mr. Haney shows Board on the map and where new curb cut will go. They all look at map and talk about plans. He shows where the septic field is and existing driveway and where new will be. And each house will have its own driveway.

^
well

Board: asks Ray Burger if there are any comments from Highway? Burger says the DOT was informed and they have expressed no concerns, there has been no public comment and we do have the review from the Planning Board. (see below)

ZBA Request for Planning Board recommendation – area variances

According to NYS Town Law 277 there is a requirement for the ZBA to get recommendations from the Planning Board. Both cases are looking for lot frontage relief and R Burger provided members with a copy of the Planning Department memo to the Zoning Board of Appeals for the matters to be heard on November 6, 2018.

257 Virgil Road – Applicant would like to divide his property into two lots and is asking for 26' relief on the frontage requirement on one lot.

Discussion/comment:

- There could be a shared driveway.
- This is large variance and sets a precedent.
- It is an excessive amount of relief.
- The plan doesn't meet the criteria of road frontage.
- Don't see the hardship.
- Line of site in that area is not good.

The Planning Board recommends that the Zoning Board of Appeals deny the application because it is an excessive amount of relief.

Burger: *The Planning Board recommends a shared driveway and their discussion revolved around the density frontage requirements to prevent dense development in this zone.*

Board: *questions that this is about a mile out of the village and there shouldn't be a concern about density in this rural area. Board looks at size of 2 lots and how one is conforming and other is only 26' short. They are looking into all detail of lots. And this is a Rural Agricultural District.*

Fearn: if there are no comments from the public, I'd like to move to close the public part of the hearing 7:13 pm

Motion made by: **Fearn**

Second: **Curtis**

All in favor – Yes

Curtis: *Wants it noted again: this is entirely inconsistent with Town Law 276, which conveys the authority for the town to do subdivisions and it seems to be to be very clear that it requires it to be done by the Planning Board not by the Planning Department brings up that he is having a hard time understanding where and how this administrative Subdivision even comes from. I've gone through the Town Law 276, The Board with Ray Burger discuss this as a group. They talk about SEQR, Lead Agency, and Subdivision. Tonight, we are acting under Law 277 and it starts out: **Purpose.** Before the approval by the planning board of a plat showing lots, blocks or sites, with or without streets or highways, or the approval of a plat already filed in the office of the clerk of the county wherein such plat is situated if the plat is entirely or partially undeveloped, the planning board shall require that the land shown on the plat be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, drainage or other menace to neighboring properties or the public health, safety and welfare.*

I feel it's pretty important that we get our Town Law to be consistent with NYS Law.

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 would be produced to the neighborhood its consistent with the density of the neighborhood and the way its sited, and location to the neighbors

Motion made by: **Graham- 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:

No other feasible solution.

Motion made by: **Fearn- 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:

It's not substantial its 10%, lot is deeper than other lot that is in compliance.

Motion made by: **Fearn- Yes**
Second: **Ward - 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" above.

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, the original lot frontage is long but not enough for 2 lots, the applicant is not responsible for the size of the original lot. Beyond that only option is to not subdivide. Also see all above.

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

Curtis: this SEQR is non-exempt

Motion made by: **Curtis**

Second: **Fearn- Yes**

All in favor – Yes

Enter SEQR next...

Keep

blue are changes EPA made to applicants
37.-1-33.1

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ORIGINAL

617.20
Appendix B

Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: N/A Haney Minor Subdivision			
Project Location (describe, and attach a location map): 257 Virgil Rd			
Brief Description of Proposed Action: split parcel into 2 lots as per survey			
Name of Applicant or Sponsor: Matthew E. Haney		Telephone: [REDACTED]	E-Mail: none
Address: 145 Peter Rd			
City/PO: willseyville NY		State: NY	Zip Code: 13864
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO YES
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO YES
3.a. Total acreage of the site of the proposed action?			2.8 acres
b. Total acreage to be physically disturbed?			2.6 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			2.8 acres
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Consistent with the adopted comprehensive plan?		<input checked="" type="checkbox"/>	
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?			<input checked="" type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____			<input checked="" type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		<input checked="" type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?		<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?		<input checked="" type="checkbox"/>	
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: _____		<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? [If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input type="checkbox"/> YES] If No, describe method for providing potable water: <u>well</u>		<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? [If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input type="checkbox"/> YES] If No, describe method for providing wastewater treatment: <u>Septic</u>		<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?		<input checked="" type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?		<input checked="" type="checkbox"/>	
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?		<input checked="" type="checkbox"/>	
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: _____		<input checked="" type="checkbox"/>	
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 checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban - None			
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?		<input checked="" type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?		<input checked="" type="checkbox"/>	
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		<input checked="" type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <u>storm water will run off to existing ditches and culverts</u>			<input checked="" type="checkbox"/>

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18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	X	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	X	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
_____	X	
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Matthew Hanvey</u>		Date: <u>8.22.196</u>
Signature: <i>[Signature]</i>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	X	
2. Will the proposed action result in a change in the use or intensity of use of land?	X	
3. Will the proposed action impair the character or quality of the existing community?	X	
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	X	
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	X	
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	X	
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	X <i>well & septic per applicant</i>	
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	X	
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	X	

	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?	X	
11. Will the proposed action create a hazard to environmental resources or human health?	X	

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.

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.

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.

_____ Date 8 Jan 2019

Name of Lead Agency _____

Jeff Fearn - ZBA Chair _____ Title of Responsible Officer

Print or Type Name of Responsible Officer in Lead Agency _____

Town of Dryden _____ Signature of Preparer (if different from Responsible Officer)

Signature of Responsible Officer in Lead Agency _____

Uncoordinated review

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 Grant Variance as requested with the condition that both lots have their own individual driveways**
Second: **Fearn- Yes**
All in favor - Yes

Congratulations you have your approval
7:50 on to next case.

Fearn reads next legal notice: 7:52 pm

NOTICE that the Zoning Board of Appeals of the Town of Dryden will conduct a Public Hearing to consider the application of **Warren Currier** to **subdivide** property at 30 Hollister Road, known as Tax map #76.-1-18.622 and located in a Conservation Zoning District. The application is for Lot Frontage Relief for the purpose of subdivision. Applicant seeks to create one conforming flag lot and one lot with 220' of road frontage where 250' is required.

SAID HEARING will be held on **Jan. 8, 2019 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.

Planning Dept. memo

30 Hollister Road, Currier Minor Subdivision Frontage Relief, Tax Parcel ID # 76.-1-18.622

Warren W. Currier wishes to subdivide his 32.23-acre parcel, located in a Conservation (C) zoning district at 30 Hollister Road, into two lots.

One lot would be a conforming flag lot of approximately 27-acres. Mr. Currier's residence is on this lot. Access to the existing residence is via an easement approximately 950' south of the proposed 'flag pole' portion of the proposed flag lot. The 'flag pole' will remain undeveloped.

The second 5-acre (+/-) lot would have 220' of frontage, where 250 is required. The purpose of this lot is to provide a building lot for Mr. Currier's daughter.

Adjacent and nearby properties are zoned Neighborhood Residential, where the frontage requirement is only 150'. Mr. Currier points out that the 5-acre lot will be similar to those nearby properties and does not believe the variance request is substantial.

Mr. Currier is seeking relief from the minimum lot frontage requirement as set forth in Article VI, Section 600 – Conservation Zone.

NYS Town Law 277 - Planning Board Review

The Planning Board will review this subdivision per NYS TL 277 (6).

SEQR, County Review

Granting of an area variance for a single-family, two-family, or three-family residence is a Type II exempt action (SEQR – 617.5c13).

Lot frontage, width or depth variances for residential uses are exempt from Tompkins County review, per the August 31, 2016 inter-government agreement between the Zoning Board and Tompkins County Planning.

Fearn: to Mr. Currier, due to the process The Town Planning Board needs to do a review before we can hear this, **NYS Town Law 277 - Planning Board Review**

The Planning Board will review this subdivision per NYS TL 277 (6).

And they are meeting later this month to discuss this so at this time we cannot make a ruling.

Fearn: *to applicant do you have anything you would like to add at this time?*

Mr. Currier: *speaks about his frustration with the whole process, where he found out a day before the Planning Board meeting, that he needed to submit a full EAF, and then today getting a call from the Planning Dept. saying that tonight's meeting will be delayed till the Planning Board can do their review later this month, pushing my ZBA hearing off another month. Just frustrated with the process.*

Fearn: **are there any one in the audience that would like to comment?**

Curtis: moves to close the public part and leave this hearing open till next months meeting of the ZBA.

Motion made by: **Curtis**

Second: **Fearn- Yes**

All in favor – Yes

Close this hearing 8:05 pm

Fearn reads next legal 8:06 pm

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.

1932 Slaterville Road, Habitat For Humanity of Tompkins County Minor Subdivision w/Flag Lot, Tax Parcel ID # 73.-2-9

Habitat for Humanity is also seeking relief from Article VI, Section 600 in order to create a flag lot in a Neighborhood Residential (NR) zoning district. The applicants are proposing a three-lot subdivision with two conforming lots and a lot with 33' of frontage, where 150' is required. If the parent parcel were in a Rural Ag, Rural Residential or Conservation zoning district the flag lot would be permitted.

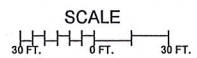
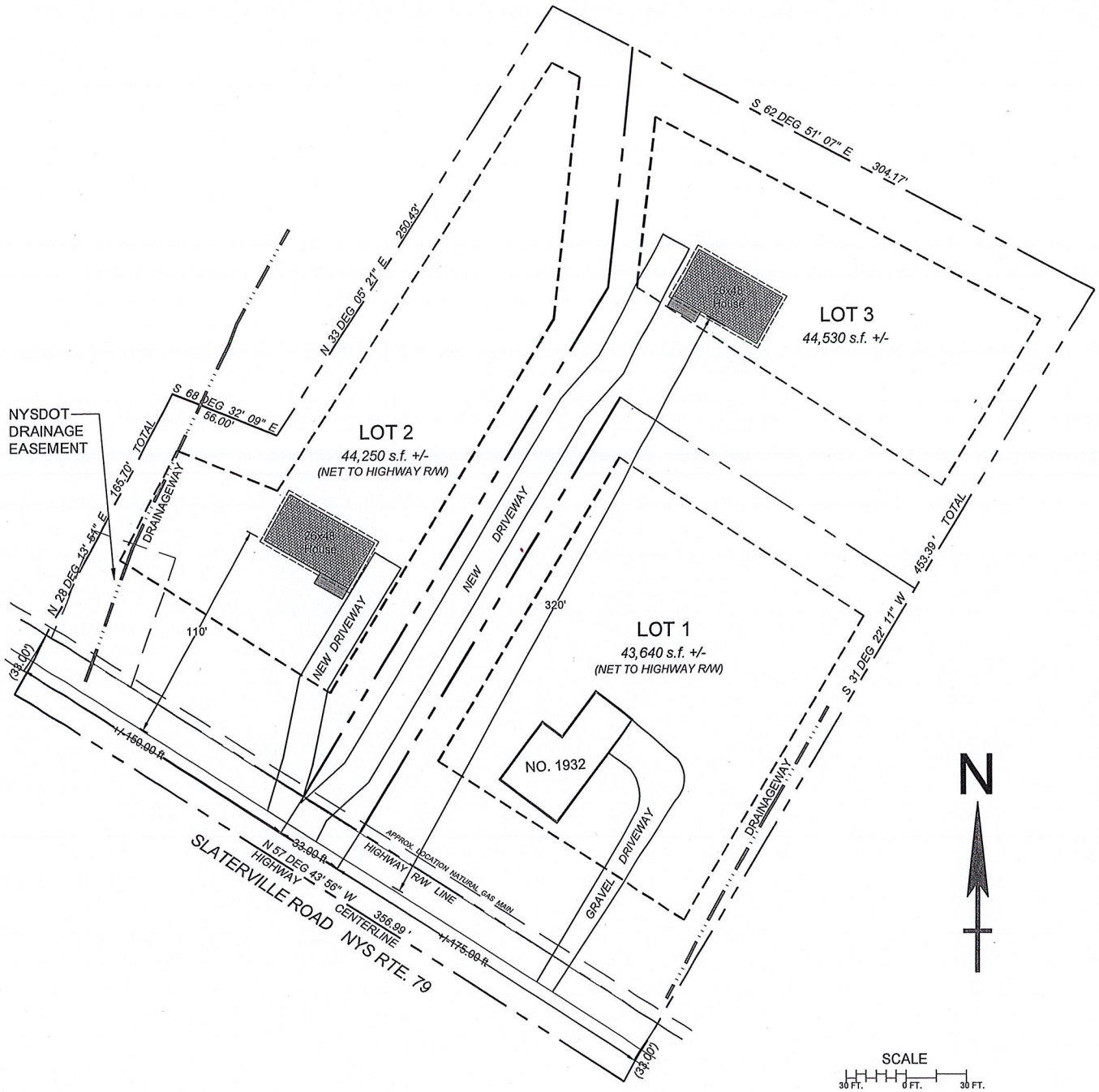
NYS Town Law 277 - Planning Board Review

The Planning Board will review this subdivision per NYS TL 277 (6).

SEQR, County Review, NYSDOT

Granting of an area variance for a single-family, two-family, or three-family residence is a Type II exempt action (SEQR - 617.5c13).

Lot frontage, width or depth variances for residential uses are exempt from Tompkins County review, per the August 31, 2016 inter-government agreement between the Zoning Board and Tompkins County Planning. However, because a road cut will be required on NY State Rt 79 (Slaterville Road), the application was forwarded to the County and NYS Department of Transportation for comments.



NOTE:
 PARCEL INFORMATION FROM A SURVEY
 ENTITLED "SURVEY MAP NO. 1932
 SLATERVILLE ROAD, TOWN OF DRYDEN,
 TOMPKINS COUNTY, NEW YORK" BY
 SHEIVE LAND SURVEYING AND DATED
 12/5/2017.

Proposed Subdivision

Property at 1932 Slaterville Road

TAX PARCEL NO. 73.-2-9

DATE: May 5, 2018
REVISED: Oct. 11, 2018
REV.:
DRWN BY: G.R.F.

Fearn: *to applicant do you have anything you'd like to add?*

Applicant: George Frantz, *our challenge for us is that we have 358 feet of road frontage along Slaterville Rd. Our mission is to offer affordable housing. In this case in order to be able to do that we are buying this parcel with an existing house that we will renovate and sell, and we need to be able to divide this into 3 lots for it to be feasible for us to do affordable housing. We have the acreage to meet the required 1-acre lot we just are short on the required road frontage.*

Mr. Frantz *has a map display to show where and how he would like to divide up the 3 parcels and shows to the board. He talks about one new driveway curb cut and how the flag pole parcel in back will have a long driveway.*

Board and applicant *discuss the slope in the back of the furthest parcel. The houses will be on slab, no basement or garages. Modest ranch style houses. They don't want to cut into the slope as that would cause too much drainage issues. Back is wooded where houses would go; used to be farm field.*

Board: *have you explored the septic issues?*

Applicant: *we have called the Health Dept. and we are waiting to see if this variance is approved before we start the hole testing required for septic. This will be on well and septic.*

Neighbor: Steve and Jill Hollaway, *have question and concerns of runoff drainage, their well and the ditch in front, as their home sits in the front (shows on map) . This discussion is too low to hear as Mr. Hollaway is speaking with Mr. Frantz, they discuss concerns and how it would be landscaped.*

Board: *can you describe the house a bit more?*

Applicant: *they are small, ranch style about 26' X 48' on crawlspace, no basement or garage. We build affordable but decent nice homes.*

Board: *my question is this long driveway 320' long, to get to the back parcel, how affordable would this long driveway be in the winter for snow removal?*

Applicant: *is aware of that issue they have been discussing it, really don't have an answer on that.*

Board: *the existing old house is it worth renovating?*

Applicant: *it would cost about \$50,000 to demo the old house, where it will only cost us materials to renovate as we have all volunteers/college kids, to do the labor.*

Fearn: *asks if there are are more comments from the audience?*

Fearn: *motion to close this part of the public hearing, 8:30 pm*
Motion made by: **Fearn**
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:

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, it's substantial, it's 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 the 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**

NYS Town Law Section 277(6) requires that the Planning Board review variance requests that involve subdivisions and the PB did just that for 1932 Slaterville Road. The draft minutes from the 12-19-18 planning board meeting are attached. The pertinent section is excerpted below with a resolution of support for the variance request at 1932 Slaterville Road. However, the request for variance at 30 Hollister Road will not be reviewed by the PB until their 1-24-19 meeting so the ZBA will not be able to act on this until the PB review required by NYS Town Law Section 277 (6) is provided.

PB minutes of 12-19-18: "R Burger - ZBA Town Law Section 277 that requires anytime a subdivision goes to ZBA for area variance they have to request a recommendation from the planning board. This one is a proposal for a 3-lot subdivision of a 3-acre parcel on 1932 Slaterville Road. Applicant is Habitat for Humanity.

- • There is an existing dwelling that will be remodeled and they want to build two more dwellings on the site. Two lots are conforming and one will be a flag lot. The flag lot would have a shared driveway with one of the conforming lots.
- • It won't affect the character of the neighborhood; already a dense neighborhood.
- • ZBA has granted similar flag lots so there is precedent. D Weinstein would rather they come here first, not to ZBA.
- • Planning Board doesn't have authority to grant because it is non-conforming.
- • Not a good shared driveway configuration – should be one driveway at the road.
- • Shift the position of the house on lot 2 so there is more space and pushed back.

R Burger- The ZBA could grant the minor subdivision and the Planning Department can take care of the rest of the items. The density, setbacks, and flag lot are consistent with this area. D Weinstein likes the idea of creating affordable housing. It is something we desperately need.

RESOLUTION #30 -RECOMMENDATION TO APPROVE THIS FRONTAGE CHANGE

D Weinstein offered the following resolution and asked for its adoption:

RESOLVED, that the Town of Dryden Planning Board hereby recommends the ZBA approve this frontage change, as it is reasonable. 2nd M Hatch - all in favor."

Curtis: this SEQR is non- exempt

Motion made by: **Curtis**

Second: **Ward- Yes**

All in favor – Yes

ENTER SEQR NEXT...

★
Key

73A changes in Blue

ORIGINAL

617.20

Appendix B

Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Proposed Subdivision, Property at 1932 Slaterville Road			
Project Location (describe, and attach a location map): 1932 Slaterville Road, Tax Parcel No. 73.-2-9			
Brief Description of Proposed Action: Subdivision of a 3.04-acre parcel locate at 1932 Slaterville Road, a.k.a. Tax Parcel No. 73.2-9, containing an existing dwelling, into three (3) lots. The existing dwelling on proposed Lot # 1 will be rehabilitated as a Habitat for Humanity project, and 2 new Habitat homes will be built on Lots #2 and #3.			
Name of Applicant or Sponsor: Habitat for Humanity of Tompkins & Cortland Counties, attn: Shannon MacCarrick, Executive Director		Telephone: 607 844-3529 E-Mail: shannon@tchabitat.com	
Address: P.O. Box 4683			
City/PO: Ithaca		State: NY	Zip Code: 14852
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO X
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Town of Dryden Zoning Board; Tompkins County Health Dept. (wells & septic); NYSDoT (driveway)			NO X
3.a. Total acreage of the site of the proposed action? 3.04 acres			
b. Total acreage to be physically disturbed?			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.35 +/- acres			
3.04 acres			
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

<p>5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?</p>	<p>NO YES N/A X X X X</p>
<p>6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?</p>	<p>NO YES X X</p>
<p>7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____</p>	<p>NO YES X X</p>
<p>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?</p>	<p>NO YES X X X X</p>
<p>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: _____</p>	<p>NO YES X</p>
<p>10. Will the proposed action connect to an existing public/private water supply? [If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input type="checkbox"/> YES] If No, describe method for providing potable water: <u>On-lot private wells</u></p>	<p>NO YES X</p>
<p>11. Will the proposed action connect to existing wastewater utilities? [If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input type="checkbox"/> YES] If No, describe method for providing wastewater treatment: <u>On-lot septic systems</u></p>	<p>NO YES X</p>
<p>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?</p>	<p>NO YES X X X</p>
<p>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: _____</p>	<p>NO YES X X X</p>
<p>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 checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input checked="" type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban</p>	
<p>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?</p>	<p>NO YES X</p>
<p>16. Is the project site located in the 100 year flood plain?</p>	<p>NO YES X</p>
<p>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 checked="" type="checkbox"/> NO <input checked="" type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES Stormwater runoff not retained on site will discharge into existing NYSDoT drainageway along Rte 79. + drainage ditch on eastern border</p>	<p>NO YES X X X</p>

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	X	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	X	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	X	
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>George Frantz for Habitat for Humanity</u> Date: <u>11/20/18</u>		
Signature: <u><i>George Frantz</i></u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		0
2. Will the proposed action result in a change in the use or intensity of use of land?		✓
3. Will the proposed action impair the character or quality of the existing community?		0
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	✓	
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	✓	
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	✓	
7. Will the proposed action impact existing: a. public / private water supplies?	Small	
b. public / private wastewater treatment utilities?	Small	
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	✓	
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	✓	

	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?		0
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.

potential impacts of 1, 3 & 10 may be small or moderate. At this time it is difficult to determine with accuracy. Accumulatively the impacts may be more significant,

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.

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.

Name of Lead Agency _____ Date 8 January 2019

Print or Type Name of Responsible Officer in Lead Agency _____ Title of Responsible Officer EBA Chair

Signature of Responsible Officer in Lead Agency _____ Signature of Preparer (if different from Responsible Officer) Tea (Tea)

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

Meeting adjourned 9:10 pm