

TOWN OF DRYDEN
Zoning Board of Appeals
February 5, 2019

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

Absent: Mike Ward

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

Residents: 0

Meeting called to order at 7:05 PM

Warren Currier – 30 Hollister Road – Minor Subdivision Frontage Relief

Applicant: Warren Currier

Chair Fearn read the public notice at the Jan. 8, 2019 Zoning Board of Appeals (ZBA) Meeting where Mr. Currier’s appeal had to be left open for the ZBA’s decision until after the Planning Board’s review and recommendation. Chair Fearn had adjourned the hearing until the next ZBA meeting on Feb. 5, 2019

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 7:30 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.

2-5-19

There are no more comments from the applicant, and no one is in the audience except for the applicant’s family.

Fearn: reads the Planning Board’s review.

The Planning Board has submitted recommendations for the ZBA on this Area Variance/Subdivision. Excerpt of their minutes for 1-24-19 follows:

“ZBA Request for Review – 30 Hollister Road, Warren Currier

Ray Burger explained that NYS Town Law §277 requires that any area variance coming before the Zoning Board of Appeals dealing with a minor subdivision has to get a recommendation from the Planning Board. This is a large lot in a conservation district. The current home is built on the back of parcel and accessed via an existing easement along the neighboring parcel. The subdivision proposal is to connect the back lot via the pole (25’) of a flag lot. The remaining lot will not have the required 250’ of frontage. They are asking for relief of about 10% and will go to the ZBA for a variance. This is in a denser neighborhood with other lots there not having 250’ of frontage.

Comments:

- When the property was purchased the frontage requirement was less.
- Neighboring lots have less frontage.
- Applicant’s daughter wishes to build on the new lot.
- This is consistent with what is going on in the neighborhood.
- Should there be a way to decide comprehensively how to deal with these requests?
- It is a good use of land.
- There is no plan to further subdivide the property.

RESOLUTION #1 (2019) – 30 HOLLISTER ROAD – RECOMMEND APPROVAL TO ZBA

J Wilson offered the following resolution and asked for its approval:

RESOLVED that the Dryden Town Planning Board hereby recommends that the Zoning Board of Appeals grant the request for a frontage variance requested by Warren Currier (TM# 76.-1-18.622) because the reduced frontage is consistent with adjacent properties in the neighborhood.
2nd D Weinstein - all in favor”

Fearn makes a motion to close this part of the public hearing

Second: **Curtis**

All in favor - Yes

Curtis: *would like it on record that he feels that the Town of Dryden Subdivision Law is in conflict with NYS Town Law Section 276 in that subdivision approval can only be delegated to the Planning Board, not the Planning Department as has been done in the Town of Dryden Subdivision Law. He is having a hard time understanding where and how this Administrative Subdivision even comes from. He has gone through the Town Law 276 and has met with Ray Burger to discuss this. He would recommend to the Town that they review these procedures or run these types of reviews through the Planning Board.*

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, it's in character with the neighborhood.

Motion made by: **Graham**
Second: **Curtis**
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 feasible method.

Motion made by: **Fearn**
Second: **Graham**
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.

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

D. IN CONSIDERING WHETHER THE PROPOSED VARIANCE WILL HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT. THE ZONING BOARD OF APPEALS FINDS AS FOLLOWS:

No impact, it's just a line drawn.

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

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

Yes / see A, B, C & D above and the Planning Boards recommendation of 1-24-19.

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

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Fearn: this area variance is **Not Exempt** from SEQR and a Full Environmental Assessment Form has been submitted; the Planning Department as lead agency has determined that there is no significant adverse impact on the environment and the ZBA concurs.

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

Grant variance

Motion made by: **Graham to Grant Variance with no conditions.**
Second: **Fearn**
All in favor - Yes

7:28 pm meeting adjourned - Congratulations you have your approval