

TOWN OF DRYDEN
Zoning Board of Appeals
October 8, 2019

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: Craig Anderson, Cheryl Petrulis, Rob Munroe, Mahlon Perkins, Karla Munroe, Rohn Brown, Sudnikovich & DeCarlo

Meeting called to order at 6:06 PM

717 N Wood Rd. Area Variance

Applicant: Pete Parks

Chair Fearn reads the public notice:

NOTICE that the Zoning Board of Appeals of the Town of Dryden will conduct a Public Hearing to consider the application of **Pete Parks** for a **variance** to allow a garage/carport in the front yard, at **717 North Wood Road**, Tax Parcel ID # 22.-1-27.31. Town Zoning Law prohibits placement of an accessory structure in front yards.

SAID HEARING will be held on **Tuesday, October 8, 2019 at 6:00 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?*

Applicant: *Pete Parks has nothing more to add.*

Fearn: are there any questions or comments from the board

Board: *Adds that they did a site visit and its pretty straightforward where the garage will go it will be setback 200 feet down driveway. It's the most practical placement with the uneven and wet land, and where septic and propane is. Garage will be replacing the temporary tent structure.*

Fearn: *we received 2 letters from a neighbor and some emails, they will be included in the minutes.*

Emails

Charlotte sunland1940@yahoo.com

Sat. 8/31/19 at 11:23 AM

strongly oppose front yard garage for 717 N wood rd it seems he has a driveway where a garage could be placed near his home he also uses his mother garage for a boat and has a removal tent like garage where he stores a car
does not belong on a front yard but see no reason could not be where driveway ends near house

Charlotte sunland1940@yahoo.com

Sat. 8/31/19 at 11:19 AM

I strongly oppose the issue of a variance to Pete Parks 717 N wood fr Freeville Ny 13068 he has a garage he uses at his mother's property and he also has a tent like garage on his property he will be obstructing the road view and causing an eye sore

Charlotte sunland1940@yahoo.com

Sat. 8/30/19 at 4:31 PM

he has 2 garages he uses now a tent like one and his mother's he has lots of room to place behind or next to his mobile home or end of driveway not in front yard which would obscure the view of traffic coming or going down rd it would be an eye sore he has been sited for vehicles in the past and was letting his trash blow in the road recycle stuff he has put up camera on the nyseg poles which pointed into road had to be taken down he has a serious mental problem he almost hit me for telling him to get a better container for his recycle stuff I did have police come he only owns the land with his mother Arlene Parks Kirsty Lundy owns the mobile home

Charlotte sunland1940@yahoo.com

Sat. 8/30/19 at 4:24 PM

I am against this because he has 2 garages for his use now one he houses a boat the other an older car

Charlotte A. Salvo
711 N. Wood Rd
Freeville NY 13068

Copies to
self

To whom it may concern:
Planning board & Henry Slater & others

Concerning Variance for Pete Parks
@ 717 N. Wood Rd Freeville, NY 13068

This person does not deserve to
get a variance Uses his mother's garage for a
boat @ 747 N. Wood Rd has a temporary
tent like garage with car in it. He has
had vehicles that were licensed and
now has gotten rid of them after yrs

He doesn't owe anything but the land on
which the double wide sits he had lots
of room on side and back of Home!! I
am going to try to be @ meeting because
he has other options & the land to do it.

He has attacked me when I spoke to him
about his garbage going all over the rd. He
has problems!

Charlotte Salvo -
Sundland



Ms. Charlotte A. Sunderland
711 Wood Rd
Freeville, NY 13068

concerning tax parcel I D
#22-1-27.

September 26, 2019
to:

Zoning Board of Appeals Town of
Dryden. I remain against a variance
to allow Pete Parks to have a garage/carport
in the front yard @ 717 N. Wood Rd, Freeville
N.Y. 13068. He has kept junk cars, and other
things on the property and was I understand
issued warnings about the mess & junk in
the yard. His mother owns the property to the
North and East of his 3 acres. He is not
a very thinking person. He put out
the recycle stuff and it would be all over
the road and on my property, which I had
to pick up. When he was asked to try not
let junk & debris blow all over he made
gesture that were just plain rude. I have
had to call Sheriff about him many times
for his rude manner and gestures. He
has and uses his mother garage and also
has a garage/carport canvas garage also.
There must be other places on the
3 acre property to put a garage/carport
and a reason the zoning has a rule against



allowing a garage / carport in the front yard? He has 3 acres of land @ the address 717 N. Wood Rd Freeville, NY 13068 and as I stated had just cars etc on the property and there is no reason to put a garage in the front yard!! I know he was issued warning about the vehicles he did have on property. A garage / carport would make a problem with seeing if vehicles on road, would obstruct vision getting in and out of my own driveway. He uses his mother's garage. He placed a device on a NYSEEG post that took pictures of cars and people walking in road. He was told he could not put a device on NYSEEG post so put in in a tree. He is just not a responsible person about junk & trash on property.

So again he has other spots a garage could be placed not in front yard! I just got new letter from planning dept that hearing was changed to 10/08/19. I will try to attend but this letter and the law against this should stop him from getting a variance. Respectfully
CASunderland

Board addresses the letters and the neighbors concern. She talks about applicants recycling, junk in front yard, his actions with her, says garage could be placed elsewhere. Most of the things neighbor talks about has nothing to do with the variance request. The junk she talks about are items that will be placed in the garage, like boat, and kids 4-wheelers. Her concern is that another structure will be built when there are several already. Applicant states that the tent structure will either be taken down or removed to the far back of yard, so the new garage will clean the area up and improve the appearance.

ATTACH CO. Letter

Curtis 6:17 pm *motion to close the public part of the hearing and as a board will answer the 5 questions.*

Second: Fearn

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:

There are buildings and garages of similar type that are closer to the road in the neighborhood as well the garage will contain items in the yard. The normal setback is 50' this garage will be about 200' back from the road.

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:

Yes, but the applicant has shown the wetlands and where his septic is, and the benefit of other choices would be a disproportional burden on applicant.

Motion made by: **Curtis - 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:

Yes, is substantial for the size of the structure in the front yard but then its being placed so far back that its impact is very minimal.

Motion made by: **Curtis- 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:

Low impact on physical or environmental then what's existing, common site in the neighborhood, and being so far back will have no effect.

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

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

Yes / but see all above.

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

Motion made by: **Curtis to classify this SEQR exempt type II action part 617.5c- 10**
Second: **Fearn- Yes**
All in favor - **Yes**

Grant variance

Motion made by: **Slater to Grant Variance as requested based on the findings.**
Second: **Ward- Yes**
All in favor - **Yes**

6:25 PM

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

August 27, 2019

Dave 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 front yard carport at 717 North Wood Road, Town of Dryden Tax Parcel #22.-1-27.31, Pete Parks, 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

6:26 PM Fearn reads next legal for 438 Lake Rd.

NOTICE that the Zoning Board of Appeals of the Town of Dryden will conduct a Public Hearing to consider the application of Lori Hill and Carolyn Chow for 56 feet of relief from the 298-foot building setback at 438 Lake Road, Tax map #49.-1-30.24. The house was constructed at that site setback 242 feet from the road by mistake. This places the home in the area of a conservation easement that specified that no homes were to be built within 298 feet of the road.

SAID HEARING will be held on **October 8, 2019 at 6:15 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.

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Attorney Peter Walsh for True, Walsh & Sokoni, LLP speaks on his finding for the Resolution that he has prepared, saying that Due to the chain of events there is no adverse decision to be appealed from and that the ZBA doesn't have jurisdiction to hear this case and that it should go to the Planning Board to hear.

Fearn: to audience, that we will not have a public hearing on this, the Zoning Board is not the proper place to decide on this matter. The next Planning Board meeting will be Nov. 21.

OCT. 23

70

Fearn reads the Resolution into the minutes

Zoning Board makes minor amendments to the resolution

Slater motions to accept this resolution as amended

Second: Graham

All in favor: Yes

Fearn motions to adjourn, 6:52 PM

Second: Graham

All in favor: Yes

ZONING BOARD OF APPEALS
TOWN OF DRYDEN

Resolution

WHEREAS, the Board has received from Mr. Matthew J. Haney, of Carina Construction Services of Ithaca, Inc. as agent for Lori Hill and Carolyn Chow, property owners, an application dated September 26, 2019 for an area variance for premises located at 438 Lake Road in the Bluebird Subdivision Plat, Town of Dryden Tax Map Parcel No. 49.-1-30.2 (the "Property"); and

WHEREAS, on June 22, 2017, the Planning Board of the Town of Dryden approved the Bluebird Subdivision as a conservation subdivision pursuant to Article IX of the Town of Dryden subdivision law, of which subdivision the Property is a part; and

WHEREAS, the plat for said conservation subdivision was signed by the Planning Board Chair on July 27, 2017, and

WHEREAS, the owners of the Property applied for and received from the Town a building permit for the construction of a residence on the Property; and

WHEREAS, on March 26, 2019 the Town granted to the Property owners a building permit for construction of a residence on the Property; and

WHEREAS, the residence was constructed on the Property pursuant to the building permit granted; and

WHEREAS, the Town on August 22, 2019 issued a Certificate of Occupancy for the residence as constructed; and

WHEREAS, it now appears that the residence as constructed is not in compliance with certain requirements of the conservation subdivision as approved by the Planning Board; and

WHEREAS, the Zoning Board has jurisdiction pursuant to subdivision one of NYS Town Law § 267-b to hear and decide appeals taken from a decision of an administrative official charged with the enforcement of the Zoning ordinance or local law¹; and

¹ . 1. Orders, requirements, decisions, interpretations, determinations. The board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such zoning ordinance or local law and to that end shall have all the

powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.

WHEREAS, the application does not seek to reverse or modify a determination of an administrative official and it therefore appears that the Zoning Board is without jurisdiction to entertain the application; it is hereby

RESOLVED, that the application is DENIED for lack of jurisdiction by the Zoning Board, but WITHOUT PREJUDICE to the applicant's right to convert the application into an application to the Town Planning Board to modify the conditions of the Bluebird Subdivision as they may apply to the Property, or for such other or further relief as to the applicant may seem appropriate in the circumstances.

MOTION BY: Slater to accept
as amended

SECOND BY: Graham

Votes: All in favor

Dated: 10-8-19