

TOWN OF DRYDEN
Zoning Board of Appeals
Sept. 10, 2019

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

Absent: Mike Ward,

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

Residents: Rick Uhl, support for the Volks, Michael Ludgate Agent for Imus

Meeting called to order at 6:05 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, September 10, 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: *asks if applicant is here? Appears no one has shown for the hearing.
Fearn holds the hearing open till end of meeting in case applicant arrives.*

Scott & Heidi Volk – 586 Caswell Road – 2 variances for accessory structures in the front-yard

6:08 PM

Chair Fearn reads the next public notice:

NOTICE that the Zoning Board of Appeals of the Town of Dryden will conduct a Public Hearing to consider the application of **Scott Volk** for **variances to allow a barn and a garage in the front yard, at 586 Caswell Road, Tax Parcel ID # 22.-1-11.3. Town Zoning Law prohibits placement of an accessory structure in front yards.**

SAID HEARING will be held on **Tuesday September 10, 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.

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 states he put everything in the application, and he is here to answer questions.

Board: did a site visit and questions where the lot lines are, appears to be mowed past lines into neighbors' yards. Applicant says his lot is a triangular shape lot. His neighbors on the south once owed all around his property, neighbor on the north has 25-acres. No neighbors are opposed to what he'd like to do. Board has a hard time with documents that were submitted to determine where lot lines are or even where the house is as there is no survey. Board is very uncomfortable deciding with no survey. Applicant and Board look at his pictures and discuss where everything is on his lot. Board is concerned that the pole barn is a very large building to be put right in front of your living room windows. They try to determine if structures can be built on the sides of the house and not in front. Behind the house is the septic area, drain field the wet areas from the drain-off. Ray and Joy are searching through old permits on-line and looking for survey that is filed with Tompkins Co.

Fearn: while Ray and Joy are searching for documents we will move onto to the next hearing and continue after.

6:30 PM

Chair Fearn reads the next public notice:

NOTICE that the Zoning Board of Appeals of the Town of Dryden will conduct a Public Hearing to consider the application of **Ashleigh Imus** for **variances** to allow a ground-mount solar array in the front yard and within 100 feet of the road, at **1950 Slaterville Road**, Tax Parcel ID # 73.-2-15. Town Zoning Law prohibits placement of accessory structures in front yards and ground-mount solar within 100 feet of the road.

SAID HEARING will be held on **Tuesday September 10, 2019 at 6:30 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.

Agent Michael Ludgate for ETM Solar Works is here for the applicant.

Board to Ray: From reading the Dryden Law on solar, says if applicant wants to build a ground mount solar in front and couldn't meet setback requirements then they are to go before the Planning Board for site plan review. Law reads: a ground mounted small scale solar energy system shall not be located in the following areas unless otherwise approved by the Planning Board, in conjunction with the site plan review process as provided in Article 11, and one is front yards, then at the very end number 3 except is provided in subsection 1 above which is what I just read, ground mounted small scale solar shall be exempt from the requirement from site plan review or a special use permit. So, its saying you don't need a site plan review if you conform with A, B, C & D but this doesn't conform with D which means it should have a site plan review.

Ray interprets this law differently where this Board has jurisdiction. It's a setback requirement.

Motion made by: **Curtis that this be referred to the Planning Board for them to make the determination.**

Second: **Graham- Yes**

All in favor - Yes

Back to the Volk variance, survey was found on website. Board and applicant look at measurements and how to place proposed buildings. Now applicant is talking about attaching the garage to the house by a breezeway.

Motion made by: **Curtis to deny the garage variance because applicant can attach the garage to the house.**

Second: **Graham- Yes**

All in favor - Yes

ADD CO LETTER

Fearn: 7:00 pm *we will close the public part of the hearing and as a board will answer the 5 questions for the pole barn variance.*

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:

It's a large building and it will have an adverse visual impact on the character of the neighborhood.

Motion made by: **Curtis - Yes**

Second: **Fearn- 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, there is an alternative way to achieve this but the impact on the environment and the burden on the applicant would be disproportionate to the benefit that the community would realize from, that.

Motion made by: **Curtis - Yes**

Second: **Slater- 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, it is a large building in the front yard.

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:

Visual adverse impact.

Motion made by: **Slater - 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 / but see all above.

Motion made by: **Graham- Yes**

Second: **Fearn Yes**

All in favor - Yes

Fearn: this area variance is [SEQR exempt type II action part 617.5c- 10](#)

Motion made by: **Curtis**

Second: **Fearn- Yes**

All in favor - Yes

Grant variance

Motion made by: **Curtis to Grant Variance with conditions**

- 1. Place 7 evergreen trees 20' apart, that are min. height of 4'-6' make 2 rows of trees place 4 in one and 3 staggered in the other row, and keep trees maintained for screening. On Caswell Rd. in front of building.**
- 2. No construction in the required front yard. 50' from the right of way.**

Second: **Fearn- Yes**

All in favor – Yes

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

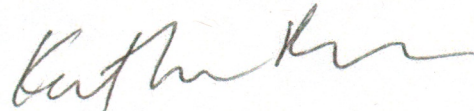
Re: Review Pursuant to §239 -l, -m and -n of the New York State General Municipal Law
Action: Area Variance for proposed barn and garage in front yard at 586 Caswell Road, Town of Dryden Tax Parcel #22.-1-11.3, Scott Volk, Owner/Appellant.

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

Slater motion that the 717 N. Wood Rd. appeal be dismissed without prejudice

Second: Fearn Yes

All in favor - Yes

7:22 pm meeting adjourned