

TOWN OF DRYDEN
Zoning Board of Appeals
June 2, 2020

Members Present via Zoom: Janis Graham (Chair), Ben Curtis, Henry Slater, Karl Kolesnikoff

Absent: Mike Ward

Others Present: Ray Burger Director of Planning. Joy Foster Recording Secretary, Applicant Richard Stup

Residents: 0

Meeting called to order at 6:00 PM

93 Ellis Hollow Creek Road, Area Variance

Applicant: Richard Stup

Chair Graham 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 **Richard Stup** for **variances** to allow construction of a carport in the front yard and within 50 feet of the road, at **93 Ellis Hollow Creek Road**, Tax Parcel ID # 67.-1-80.1. Town Zoning Law prohibits placement of accessory structures in front yards and within 50 feet of the road.

SAID HEARING will be held on **Tuesday June 2, 2020 at 6:00 pm** at which time all interested persons will be given an opportunity to be heard. This meeting will be held electronically via webinar instead of a public meeting open for the public to attend in person. Members of the public may join the Board meeting by connecting via internet or phone. See details posted 6/1 to the Town website at: www.dryden.ny.us You can also submit comments prior to the meeting or request meeting details by email to: planning@dryden.ny.us

Individuals 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.

Graham: *the carport is not an accessory structure and we will be only hearing variance for structure to be placed within 50' of the road.*

Graham: *asked applicant if he had anything further to add?*

Applicant: *Richard Stup: just that there are a number of carports (detached) in the area, right up the road there are several, I think a carport is pretty common for this area. Also, where this carport will be and once finished with the same stain color and shingles as the house it will blend in and look like it's always been there.*

Graham: *are there any questions or comments from the board?*

Slater: *After seeing the proposed drawing and after visiting the site, I feel it will not be noticeable and it's in a wooded area and will not hinder vehicular or pedestrian traffic in anyway.*

Graham: *With the wood pellet pile and truck placed in the carport, I would see this as an improvement.*

Kolesnikoff: *asks about the right-of-way, if the Town were to place pipes for drainage etc.... would this impact his land?*

Burger: *the right-of-way is owned by the Town and it is ample for anything the Town may need to do in the future, would not impact his parcel.*

Graham: *are the trees on the Town right-of-way?*

Stup: *The trees are about 15' from the road ditch, they are pretty close to the road. I do not intend to remove any of the trees.*

Graham: *the trees are in the Town right-of-way, so the Town can remove them, but you cannot.*

Kolesnikoff: *does the Town have any plans in the next 5-10 years to use the right-of-way?*

Burger: *no plans to come down Ellis Hollow Creek Rd. at all.*

Graham: *reads into record the 2 letters received from residents about the variance.*

5/24/2020

With respect to the propose carport on the property. How large is the proposed carport? The property has a 2-car garage which appears to be a substantial portion of the building footprint already on the property. The character of most the properties on Sunny Slope Road and Ellis Hollow Creek Road is that of larger parcels with small houses, most set back and substantially screened from the road by the natural setting. An additional property would be very visible from both roads.

**Thank you, Tammi
Tammi Bredt Aiken**

5/24/2020

Re. Variances for Richard Stup,

Mister Stup has been improving his property ever since he bought it. I think he will do a good job putting a carport closer than 50 feet of Ellis Hollow Road. Please give him a variance.

**Thank you,
Allen Bushnell
4 Sunny Slope Rd.**

Curtis: *with a concern from a resident on Sunny Slope Rd about the closeness to the road and visibility, I think our Board can accommodate both the residents and the applicant with adding a condition about more vegetation to further hide the carport.*

Slater: *does not feel that further screening is necessary as it is already very screened and by adding more screening would not help in anyway. This one person who drives by everyday who does not even live by this property, and the neighbor that lives right next to it has no issues with the carport. I just don't believe screening would achieve anything.*

Graham: *my concern with screening would be what type of plants would grow under all those pine trees, and a fence would be more noticeable, I would not ask for a fence.*

Curtis: *there are numerous plants/shrubs that would grow there, and it would be a visual response to the resident who bought their house up the road thinking structure would remain back from the road. I think screening with plants would achieve the visual impact and would satisfy the residents up the hill and allow the applicant to also do what he'd like.*

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

Second: Kolesnikoff

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:

The ZBA finds there would be both a negative and positive effect on the character of the neighborhood. On the positive side, the carport has a minimal footprint, will provide visual cover of a vehicle and wood pellets, and is a common-type structure for the area. On the negative, the structure will be visible and close to the road

Motion made by: **Curtis - Yes**

Second: **Graham- 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:

The ZBA finds the benefits sought by the applicant can only be achieved by this solution-- a 3 post, open construction designed carport--which is the minimum necessary to achieve the goal.

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

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

The ZBA finds the requested area variance is substantial but notes that carports are common in the area and, as noted previously, this carport, in particular, is as minimal as feasible.

Motion made by: **Graham Yes**
Second: **Curtis - 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:

Outside of the visual impact as noted in A, the ZBA finds the proposed variance will not have an adverse impact on the physical or environmental conditions in the neighborhood.

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

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

The ZBA finds the alleged difficulty was self-created but notes that the house was built years earlier and closer to the property line than is currently allowed. Applicant is trying to make the best of a difficult situation.

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

Motion made by: **Curtis to classify this [SEQR exempt type II action part 617.5c- 16](#)**
Second: **Slater - Yes**
All in favor - Yes

Grant variance

Decision and Conditions: The ZBA grants this variance with 2 conditions:

- 1) Only the minimal 3 post, open design proposed by applicant is permitted
- 2) The applicant agrees to provide vegetative screening between the carport and Sunny Slope Road that is 3 feet in initial planting height. The plantings will be subject to the approval of the Dryden Planning Department and the applicant's receipt of a Building Dept. compliance certificate

Motion made by: **Graham to Grant Variance with 2 conditions**
Second: **Kolesnikoff - Yes**
All in favor - Yes

Graham motions to adjourn, 7:00 PM