

**TOWN OF DRYDEN**  
**Zoning Board of Appeals**  
**Sept. 1, 2020**

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

**Absent:**

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

**Residents:** 0

**Meeting called to order at 6:05 PM**

**116 Tehan Rd., Area Variance**

**Applicant:** Richard Clark

**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 Clark** for a **variance** to allow construction of house behind an existing garage which would then place the garage in the new front yard at **116 Tehan Road**, Tax Parcel 50.-1-1. Town Zoning Law prohibits placement of accessory structures in front yards.

SAID HEARING will be held on **Tuesday September 1, 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 August 31 to the Town website at: **[www.dryden.ny.us](http://www.dryden.ny.us)** You can also submit comments prior to the meeting or request meeting details by email to: **[planning@dryden.ny.us](mailto: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 to applicant:** *do you have any additional comments you would like to add?*

**Applicant:** *Richard Clark. only that I think I only mentioned one house up there has a garage in front of their house now, they are 61 & 65 Tehan and 3 Single-tower Rd, Out of 9 house there are 4 with garages in front of their houses.*

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

**Slater:** *Just want to complement you on your application, your site plan shows where everything is or going to be, you show the distances, perfect. wish we could use this application as a model for future applicants.*

**Graham:** *There are no comments from the audience and Ray are there any comments/concerns from neighbors or engineers?*

**Burger:** *we have the County 239 review and they have determined that it has no negative inter-community, or county-wide impacts.*

**Sense of the board** *is they are happy with placement considering all on site. Garage will be well back from the 50' requirement, they are in support of project.*

*Close public portion of the hearing*

**Insert Co letter next page**

**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 25, 2020

Dave Sprout, Code Enforcement Officer  
Town of Dryden  
93 East Main St.  
Dryden, NY 13053

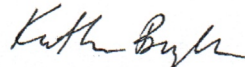
**Re: Review Pursuant to §239 -l, -m and -n of the New York State General Municipal Law**  
**Action: Area Variance for proposed garage located at 116 Tehran Road, Town of Dryden,  
Richard Clark, Owner/Appellant.**

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

**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 is unlikely that an undesirable change would be produced as 4 of the 9 properties have a garage in the front yard. Garage will be 100' from the right-of-way. It would have a favorable impact on the neighborhood because to meet the requirements he would have to put his house closer to the road than the garage. Where he is proposing to put garage, it will have a minimal impact on the neighborhood.*

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:**

*Clearly there are other ways but what applicant is proposing appears to be the best*

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:**

*Its an immaterial question whether its substantial on not*

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

*With what applicant is doing by saving the trees accommodating the septic and well, it will not have an adverse effect or impact. Applicant is adapting his project to the conditions of the property.*

Motion made by: **Graham 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:**

*Yes, self-created see all above. Applicant did place garage in front yard and this project could easily be put in conformance.*

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

Motion made by: **Curtis to classify this [SEQR exempt action under part 617.5c- 12](#)**  
Second: **Slater - Yes**  
**All in favor – Yes**

*Statutory requirement that we balance the burden on the applicant against the benefit to the community.*

*There would be a substantial burden on the applicant and no discernable benefit to the community at all, and therefore we have no choice but to grant the variance.*

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

### **6:23 PM Congratulations**

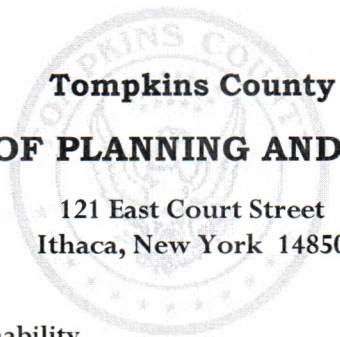
### **6:24 PM Chair Graham reads the public notice:**

**NOTICE** that the Zoning Board of Appeals of the Town of Dryden will conduct a Public Hearing to consider the application of **John Lyon Paul** for **variances** to allow construction of a artist studio in the front yard and within 40 feet of the road, at **174 Sodom Road**, Tax Parcel # 75.-1-26.1. 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 September 1, 2020 at 6:15 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 August 31 to the Town website at: **[www.dryden.ny.us](http://www.dryden.ny.us)** You can also submit comments prior to the meeting or request meeting details by email to: **[planning@dryden.ny.us](mailto: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.

*Add letters of support Add the Co 239 Review letter; we have the County 239 review and they have determined that it has no negative inter-community, or county-wide impacts.*



**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 18, 2020

Ray Burger, Planning Director  
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 artist studio located at 147 Sodom Road, Town of Dryden**  
**Tax Parcel #75.-1-26.1, John Lyon Paul, Owner/Appellant.**

Dear Mr. Burger:

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

**EDWARD E. KOPKO**

LAWYER

JASON U. VIOLETTE, ASSOCIATE  
TRISTYN M. AHART, PARALEGAL  
THERESA H. KLINGER, PARALEGAL

308 NORTH TIOGA STREET, 2<sup>nd</sup> FLOOR  
ITHACA, NEW YORK 14850  
TELEPHONE: 607.269.1300  
FACSIMILE: 607.269.1301  
MOBILE: 607.592.4711  
ekopko@ithaca.law

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Monday, August 24, 2020

Zoning Board of Appeals  
Town of Dryden  
93 E. Main Street  
Dryden, NY 13053

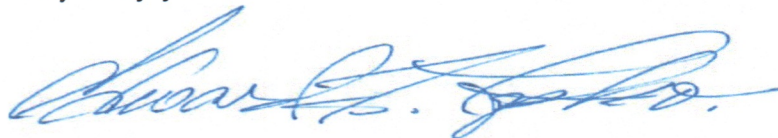
**Reference: Application of John Lyon Paul for Variances  
174 Sodem Road**

Dear Board Members:

I own property immediately across the street from Mr. John Lyon Paul and I unreservedly support his application for a variance to allow construction of an artist's studio.

Thank you.

Very truly yours,



Edward E. Kopko


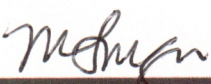
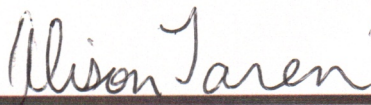
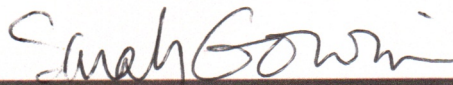
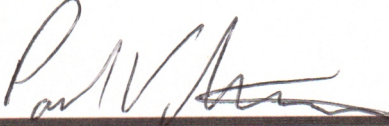
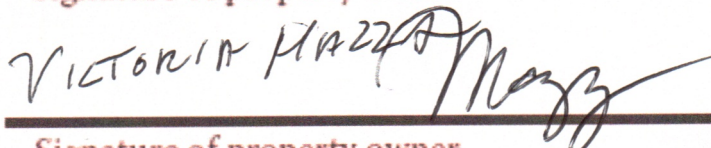
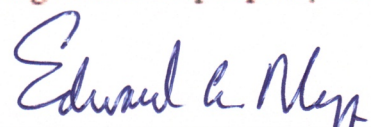
EEK/thk

cc: Mr. John Lyon Paul



# STATEMENT TO THE TOWN OF DRYDEN ZONING BOARD

I approve that a proposed art studio building be located at the southwest corner of the property owned by Katherine K. Gottschalk and John Lyon Paul at 174 Sodom Road, Town of Dryden, Tompkins County, New York. I further agree that this building may be located no closer than 40' from Sodom Road.

NAME	ADDRESS	DATE
 J.E. CEYER	172 SODOM RD ITHACA, NY	7/11/20
Signature of property owner		
 Marnie F. Ceyer	172 Sodom Rd Ithaca NY	7/11/20
Signature of property owner		
 ALISON TAREN	149 Sodom Rd Ithaca NY	7/13/20
Signature of property owner		
 SARAH GOWIN	141 Sodom Rd Ithaca NY	7/13/20
Signature of property owner		
 PAUL V. STEARNS	141 Sodom Rd. Ithaca, NY	7/13/20
Signature of property owner		
 VICTORIA MAZZA	170 Sodom RD	
Signature of property owner		
 EDWARD MAZZA	170 Sodom Rd Ithaca NY	
Signature of property owner		
Signature of property owner		

John Lyon Paul / Katherine K. Gottschalk  
Proposed Art Studio building  
Property Owners within 500 feet

- Ed and Victoria Mazza, 170 Sodom Road, Ithaca, NY 14850
- Dr. John and Marnie Cryer, 172 Sodom Road, Ithaca, NY 14850
- Paul V. Sterns and Sarah Gowin, 141 Sodom Road, Ithaca, NY 14850
- Alison Taren, 149 Sodom Road, Ithaca, NY 14850

Anita Aluisio, 248 Grove School Road, Brooktondale, NY 14817  
(Owner of property at 143 Sodom Road)

• **NOTE: All seven property owners noted with a red circle have signed a statement allowing a variance for placing the proposed building as described in the Variance Appeal document. AND approve a variance to allow the structure to be placed no closer than 40' from the road. Ms. Aluisio has not yet responded to our inquiry.**

**Graham to applicant:** *anything you like to add*

**Applicant:** *no my application is pretty thorough*

*Close public portion of the hearing 6:29 PM*

**Sense of the board:** *All seem in favor, does not seem like a front yard, its high and dry, there are good reasons to site it the way you propose.*

**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 will be a minimal visual impact with moving the building closer to the road. And we will consider conditions for vegetative screening*

Motion made by: **Slater - 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:**

You could chop down trees and/or make building smaller. It would be feasible to adhere to the 50' setback but the other issue is the front yard issue, after walking and seeing pond, I don't see it as a front yard or any other placement.

There may be a feasible alternative method but not beneficial to anyone, would have a lot of problems with wetlands and neighbors and the impact on the environment.

Motion made by: **Graham- - 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, its 20% closer than the setback requirement and also its an accessory building in the front yard.*

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

*Minimal environmental no adverse effect. Applicant has 5 property owners within 500' and a 6<sup>th</sup> who is supporting this application.*

*Purpose of this variance is to avoid an adverse effect on the physical and environmental conditions in the neighborhood.*

Motion made by: **Graham 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, self-created see all above. Site is thoughtfully chosen and with great consideration for this use. The house also predates the way this front yard probation is written, although self-created the conditions dictated this placement.*

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

Motion made by: **Graham to classify this [SEQR exempt action under part 617.5c-12](#)**  
Second: **Slater - Yes**  
**All in favor – Yes**

**Motion made by: Graham to Grant Variance** with a condition to install and maintain vegetative screening to minimize the visual impact from the road. To be monitored by the Planning Dept.

*Statutory requirement that we balance the burden on the applicant against the benefit to the community.*

*There would be a substantial burden on the environment as well as the applicant and no discernable benefit to the community at all, and therefore we have no choice but to grant the variance.*

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

**6:53 PM Congratulations you have your variance.**

**6:54 PM 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 **Isaac Wright** for a **variance** to allow construction of a garage in the front yard at **500 Groton Road (RT 38)**, Tax Parcel 23.-1-7.2. Town Zoning Law prohibits placement of accessory structures in front yards.

SAID HEARING will be held on **Tuesday September 1, 2020 at 6:30 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 August 31 to the Town website at: **[www.dryden.ny.us](http://www.dryden.ny.us)** You can also submit comments prior to the meeting or request meeting details by email to: **[planning@dryden.ny.us](mailto: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.

**Curtis decides to abstain from the case because he feels he didn't have sufficient application and could not find the parcel.**

**Graham to applicant** *is there anything further you would like to add to your application.*

**Applicant:** *No, I am here to answer any other questions that the board may have.*

**Slater:** *How far off Rt 38 is the garage and house.*

**Applicant:** *the garage will be 144' and the house will be 350'*

**Kolesnikoff:** *The landing as you drive up, your plan is to place the garage on the left.*

**Applicant:** *correct*

**Burger:** *there are no public comments on this, we have the Co. 239 review and they have determined that it has no negative inter-community, or county-wide impacts.*

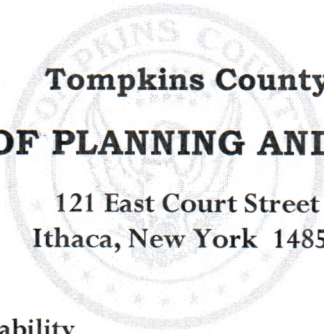
**CO letter next**

**6:58 PM Graham:** *we will close this part of the public hearing*

**Graham: sense of the board,** *after walking the property I feel it makes sense to put where proposed, its impractical to put the garage up the hill and the house in front for many reasons, one being the resale value and the septic system the perk tested better where applicant is proposing, which would cause more excavation and impact to the environment, applicant works 3<sup>rd</sup> shift and this would make him further from road noise. You would not be able to see any of this from the road, vs the house across the street is very visible. Front is heavily wooded and applicant plans to keep trees for privacy and noise and wind block.*

**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 will be a minimal visual impact given its distance from the road.  
There would be no undesirable change given the fact that the structure is 144' from the road and the house will be 350' further from the road so compared to the normal setbacks they are clearly beyond that.*



**Tompkins County**

**DEPARTMENT OF PLANNING AND SUSTAINABILITY**

121 East Court Street  
Ithaca, New York 14850

Katherine Borgella, AICP  
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Telephone (607) 274-5560

August 25, 2020

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 garage located at 500 Groton Road, Town of Dryden Tax Parcel #23.-1-7.2, Isaac Wright, 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

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

*Having 15 acres applicant could have complied with conformance however with setback being greater than 90% of the homes in the entire township, I do not see that the benefit to conformance outweighs his desire to do this.*

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

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

*It is an immaterial question whether its substantial or not*

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

*It will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. Applicant is working with the conditions of the land, limiting the excavation which limits any impact to the environment.*

Motion made by: **Graham 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:**



*Yes because you want to build, but you are working around difficulties with a steep slope and a busy road, and the fact that you want to build on this is a self-created problem but you are working to use this site in the best practical way*

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

*Statutory requirement that we balance the burden on the applicant against the benefit to the community.*

*There would be a substantial burden on the environment as well as the applicant and no discernable benefit to the community at all, and therefore we have no choice but to grant the variance.*

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

Motion made by: **Graham to classify this [SEQR exempt action under part 617.5c-12](#)**  
Second: **Kolesnikoff - Yes**  
**All in favor – Yes**

**Motion made by: Graham to Grant Variance with a condition to keep and maintain the natural screen of shrubs and trees that are growing in front of proposed garage**

Second: **Kolesnikoff - Yes**  
**All in favor – Yes**

**7:13 PM Congratulations you have your variance.**