

Approved

5/13/2022

**Minutes
For
Village of Dryden
Zoning Board of Appeals
Held on Wednesday, May 4, 2022 at 7:00p.m.**

CHAIRMAN PRESENT: Charlie Hart
MEMBERS PRESENT: Joyce Day, Adam Holic, Corwin Holtz, Trevor McKee, Cory Girouix (Alternate Member)
SECRETARY PRESENT: Allison Kjellander-Cantu
GUESTS PRESENT: David Sprout, Code Enforcement Officer, Danielle Harrington from Tompkins Community Action, Melissa Osgood Sue Bahny, and Cathy Wakeman

Chairman Hart opened the meeting at 7:00 p.m.

29 Union Street, Tompkins Community Action area variance:

The purpose of this public hearing is Tompkins community Action, 29 Union Street, wishes to construct a 10'x 20 pavilion in the front yard of the facility. TCA request relief from the Village's prohibition of accessory structures occupying front yard space. TCA seeks relief from the yard requirements set forth in Article 300, 3030-B (Location of Accessory Structures to allow the pavilion in the front yard, and 30407 to allow the structure 29' from the ROW where 40' is the required setback.

The following items were either noted as being part of the record or were read aloud:

- * Memo from the Village of Dryden Code Enforcement dated April 8, 2022
- *Village of Dryden application for Zoning Permit Application dated April 7, 2022
- *Village of Dryden Zoning Board of Appeals dated April 7, 2022
- *Letter from Tompkins Community Action dated April 7, 2022
- * Site Layout Plan Map

It was noted that there were no objections from neighboring properties or Village Officials

The pavilion will have no sides nor lighting and the height opening will be 7 feet tall. This structure will help improve the safety from sun exposure and allows tables and chairs for the children. It will be made of stained wood and a gray metal roof. Danielle mentioned it will be done within a month.

The location was decided on because of its proximity to the playground already there to enhance a "park like" setting for the older children. The playground in the rear yard is for the younger children.

The Board went over the five factors, noting the following:

No change in the character of the neighborhood as there is a school across the street.

There will be no impact to other surrounding properties or undesirable change to the neighborhood and will blend in with the surroundings.

While the request is to place the structure 29 foot from ROW there are trees and an existing playground that are closer to the ROW in this functioning area.

The problem is self-created; however, this is a reasonable location request based on federal regulations for segregation of playground and related structures to identify age group.

If future plans for lighting or sides to be added, they will need to come back to this board for approval.

On a motion by Zoning Board Member Holtz and seconded by Zoning Board Member Giroux the following was passed: Vote Holic-Aye, McKee – Aye, Giroux-Aye, Holtz –Aye, Hart- Ayes, Day-Aye

RESOLUTION No. 4-5.1-2022
29 Union Street area variance

Resolved, that the Zoning Board of Appeals of the Village of Dryden hereby approves the area variance for the Village Zoning Law sections 30504-B and 30507 and if any changes to be made from request, they will need this board's approval.

Open Gate Garden and Art Tour sign variance:

The purpose of this public hearing is that on behalf of the Open Gate Garden and Art Tour, Joyce Day is seeking an interpretation of relief from the Zoning Officer's denial of Zoning Permit to temporarily hang four flag signs on the Village Street light poles at the intersection of Rt's 13,3 and 92. Temporary Event signs are an allowed use without a sign Permit however 320, subsection 3202 (b)(6) prohibits sign on fences, public light standards, utility poles or trees. Subsection 32020 (B)(4) prohibits signs with motion including pennants, flags, ribbons, and other moving, animated, fluttering, or revolving devices.

Zoning Board Member Joyce Day excused herself from the table to represent Dryden Open Gate Garden and Art Tour

The following items were either noted as being part of the record or were read aloud:

- * Memo from the Village of Dryden Code Enforcement dated April 18, 2022
- *Village of Dryden application for Zoning Permit Application dated April 14, 2022
- *Village of Dryden Zoning Board of Appeals dated April 14, 2022
- * Site Layout Plan Map
- *Photo of the banner
- *Letter from Tompkins County Department of Planning and Sustainability dated April 26, 2022

The size of these banners is 18" x 36" same as "Welcome to Dryden" banners that are up now. Joyce would like to extend the length of time from 10 days to 30 days prior to this even happening on June 25. There are no dates on the banners because the dates will vary. People would need to google and visit the website <https://drydenopengategardenandarttour.weebly.com/> for more information.

The banners will be attached to the Village light poles, top and bottom brackets will be securing them from flapping. Based on the height they will be placed this would not cause a distraction or any visibility issues. Joyce noted that the Village has agreed to put up the banners using their “hangers” that have previously been used for the Village’s banners. Since the Village banners are already in the requested area, this wouldn’t change the appearance of the Village.

The findings stipulate that the Board of Trustees must approve the length time the banners may be hung before the event to 30 days and 5 days after at their next meeting on May 18. If approved this would be good for up to 4 flags and that Joyce would not need come to the ZBA for approval to hang the banners for each future events.

If more banners are to be added, they would need to come back to this board for approval.

On a motion by Zoning Board Member Giroux and seconded by Zoning Board Member Holtz the following was passed: Vote Holic-Aye, McKee – Aye, Giroux-Aye, Holtz –Aye, Hart- Ayes, Day-Abstained

RESOLUTION No. 4-5.2-2022
Open Gate Garden and Art Tour sign variance

Resolved, that the Zoning Board of Appeals of the Village of Dryden hereby approves the area variance for the Village Zoning Law sections 32020 (b)(6) and 3220 (b)(4) permitting them to have up to four banners hung on Village Street poles, by the Village DPW upon approval from the Board of Trustees for up to 30 days prior to event and up to 5 days following. Approval from the Board of Trustees for any future garden tours would be required for having banners up for the amount of time.

5 Lee Road side area variance:

The purpose of this public hearing is that Melissa Osgood is looking to place a 12’x 28’ shed/garage one foot from side property and 15’ setback from the ROW.

The following items were either noted as being part of the record or were read aloud:

- * Memo from the Village of Dryden Code Enforcement dated April 21, 2022
- *Village of Dryden application for Zoning Permit Application dated April 20, 2022
- *Village of Dryden Zoning Board of Appeals dated April 22, 2022
- *Letter from Melissa answering the 5 questions from the application
- * Photos showing location and what the shed/garage will look like
- *Letter from Tompkins County Department of Planning and Sustainability dated April 26, 2022

It was noted that there were no objections from neighboring properties or Village Officials

This property is next to a commercial driveway. A section of the fence that is 1 foot from property line along the commercial driveway will be removed to eliminate the unused area between the fence and structure. There will be a 5-foot ramp on the front of the shed/garage, 2 side doors, and transom windows. It will sit back 5-foot from back end of driveway. There will be no lighting or electrical at this time but will likely in the future. There is a street light adjacent from location and an outdoor light on house.

If lighting is to be installed, they will need to be shining downward to not hinder the road or neighbors when on. A building permit would be needed if electrical is added.

The Board went over the five factors, noting the following:

The existing fence and trees are shielding her from two commercial properties both on the side and rear of her property.

No undesirable change in the neighborhood or environmental from placing this structure as proposed. It will be further from the state ROW than excising home.

This is a unique property, a very narrow lot compared to further up Lee Road, so no other place for this structure. Placement at the end of the existing driveway appears to be logical location for a storage/garage structure.

This is a reasonable request and if future plan for lighting or electrical, she will need a building permit.

The problem is self-created; the location for this structure was chosen where a vegetable garden once was and all other locations had mature trees.

There is no change to the neighborhood and many other homes within the community have outdoor structures like this one presented.

On a motion by Zoning Board Member Day and seconded by Zoning Board Member Holtz the following was passed: Vote Holic-Aye, McKee – Aye, Girouix-Aye, Holtz –Aye, Hart- Ayes, Day-Aye

RESOLUTION No. 4-5.3-2022
5 Lee Road side area variance

Resolved, that the Zoning Board of Appeals of the Village of Dryden hereby approves the area variance for the Village Zoning Law sections 30304-B4 and 30304-B5 with stipulations that this structure be placed in the same location as shown as is and not closer to Lee Road or lot line

Adjourn:

RESOLUTION No. 4-5.4-2022
Adjourn

Resolved, that the Zoning Board of Appeals of the Village of Dryden hereby adjourns at 8:03 p.m. not to reconvene

Charles Hart, Chairman