Minutes

First draft

Draft

For

Village of Dryden

Zoning Board of Appeals

Public Hearings for a Variance at 1 Greystone Drive

 And a Special Permit for Craig Makenzie

 Held on Thursday, July 12th, 2018 at 7:00 pm

CHAIRMAN PRESENT: Charlie Hart

MEMBERS PRESENT: Joyce Day, Adam Holic, Corwin Holtz,

MEMBER ABSENT: Sue Gilbert,

SECRETARY PRESENT: Rotha Marsh

GUESTS PRESENT: Dave Sprout, Code Enforcement

 Camille and David Traver, Bill and Erin Mix, Janis Wood,

 Craig Makenzie, Nicholas Makenzie

Chairman Hart opened the public hearing at 7:05 p.m. on the variance request submitted by William and Erin Mix to allow them to extend their garage to within seven (7’) feet of the side yard boundary. The parcel is located in a Residential B zoning district, the minimum side yard setback is ten feet. The applicants are seeking three (3’) feet of relief from the ten foot requirement set forth in Article 304, Section 30407 –Yard Requirements.

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

\*This action is not subject to 239 Review and does not need (SEQR)

 \* Memorandum from the Village of Dryden Planning Department dated June 11. 2019

 \* Zoning Permit Application dated June 11, 2019

 \* Appeal/area variance form dated June 11, 2019

 \* 3 Maps of the lot

Chairman Hart noted that a detailed plan will have to be submitted to the Planning Department and then proceeded to ask the applicant a series of questions to provide a description of the proposed addition.

The proposed structure will be 13 x 24 (24 being the same depth as the house and the 13 includes the 3’ variance request towards the neighbors). A garage door facing the road and another in the back that will match the existing garage door, the siding will be the same, no windows; roofline will be slightly lower with the same pitch as the existing. Eaves troughs will be above both garage doors with drainage into the lawn. No additional lighting is planned. Excavation will be done to allow for a concrete pad that would match the existing garage floor.

 It was noted that there was only one objection from one neighbor, Janis Wood, 5 Greystone Dr. which is located behind the applicant’s property. Her concern is exacerbated water flow from the roof of the addition and around the addition. To address her concerns the eave in the front will flow to the side yard and the eave in the rear will flow to the south into the existing downspout. The Mix’s will also plant grass seed where a tree(s) was removed.

 It was also noted that there were no other objections from any other surrounding neighbors, or from any Village Official.

Upon all the information being on the record, and all opportunities for questions and comments, Chairman Hart recommended moving into Executive Session to deliberate at 7:30 p.m., inviting all to stay.

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

There would be no undesirable change in the neighborhood.

No other obvious feasible plan could achieve the desired results due to position of the driveway.

The plan is substantial; however a 3’ variance will still leave 7 feet to the lot line and the neighbor directly impacted did not object to the variance.

No adverse physical or environmental impact would result from the granting of the variance

The problem is self-created; the lot was bought as is.

It was also noted that there were no other objections from any other surrounding neighbors, or from any Village Official.

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

RESOLUTION No. 7-1-2019

1 Greystone Dr. Variance

**Resolved** that the Zoning Board of Appeals of the Village of Dryden hereby approves the 3 foot variances for 1 Greystone Drive with the condition that the water runoff goes in a southerly direction in the rear tying in with the existing downspout. An additional condition is that the Town of Dryden Planning Department receives a detailed drawing with everything that was stated by the applicant tonight prior to the issuance of a building permit. The Planning Department will verify that no significant revisions have been made to the construction details provided this evening in response to the board’s questions..

The 1 Greystone Dr. Public Hearing was closed at 7:59 p.m.

Chairman Hart opened the public hearing at 8:00 p.m. on the special Use Permit request submitted by Craig Makenzie for a commercial garage in the former Stafford Body Shop and Repair Center at 15 Freeville Rd. Mr. Makenzie will be leasing approximately 1.9 acres of the 3.69 acre parcel for 5 years.

Mr. Makenzie proposes to use the building and site for vehicle towing and repair, and vehicle detailing. The plan calls for a welding and fabrication shop, future body shop and automobile sales. Per Article 306, Section 30602 Garages and Filling Stations require a Special Permit in a Commercial Business District. Site Plan review is also required for this project.

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

 \*This action is subject to 239 review, Tompkins County Planning is in receipt of the application and has responded.

\*Letter from Tompkins County Department of Planning and Sustanability to David Sprout, Code Enforcement Officer noting no objections the request for a Special Use Permit.

 \*Site Plan Review is required

 \*Memorandum from the Town of Dryden Planning Department

 \*Special Use Permit application dated 4/8/2019

 \*Letter from Craig Makenzie with a Google Earth aerial map

 \*Short Environmental Assessment Form Part – Project Information

 \*Article 306, Section 30602

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

Chairman Hart asked Craig Makenzie a series of questions to describe his proposed business.

There will be no changes to the building; the greenspace will remain the same excluding three trees that will be taken down. He would like to add fencing along the west side. He has 6 Trucks at this time which will be parked inside in the winter and outside in the summer. The Body Shop and Detail Shop will remain the same. There is room for two tractor trailers and 10 vehicles inside the Body Shop. He is not really interested in car sales but will have to be able to sell cars that are reposed. No lighting changes are proposed accept a security light in the back. Business hours will be 8-5pm and 24 hr. towing. They will not use Walgreen’s driveway for their business. No new sign is proposed at this time.

Chairman Hart concluded:

\*A more detailed review will be done by the Village of Dryden Planning Board

\*This will be subject to completion of Site Plan Review

\* Signage would be a separate issue

\* There will be no filling pumps

\*There is a need for the service

\*There are no environmental concerns based on the responses provided by the applicant on the short environmental assessment form

\*The Planning Board may consider providing a limit to the number of unlicensed and unregistered vehicles on the property as part of their site plan review if they feel that this is warranted

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

RESOLUTION No. 7-2-2019

15 Freeville Rd. Special Permit

**Resolved** that the Zoning Board of Appeals of the Village of Dryden hereby approves the Special Permit for Craig Makenzie for a commercial garage at 15 Freeville Rd. Dryden NY 13053 with the condition that it become operational upon the completion of Site Plan Review with the Village of Dryden Planning Board

The meeting adjourned at 8:30 p.m. Charles Hart, Chairman