

Minutes
For
Village of Dryden
Zoning Board of Appeals
Public Hearings for two Area Variances at 19 Union Street &
1 Area Variance at 34 Lee Road
Held on Thursday, September 14, 2020 at 7:00 pm

CHAIRMAN PRESENT: Charlie Hart
MEMBERS PRESENT: Joyce Day, Adam Holic, Corwin Holtz, Cory Giroux
MEMBER ABSENT: Sue Gilbert, Gave her notice of resignation
SECRETARY PRESENT: Rotha Marsh
GUESTS PRESENT: Dave Sprout, Shelley Knickerbocker, Code Enforcement
Tom Sinclair, Julie Powell – 19 Union Street
Michael Murphy – 34 Lee Road

Chairman Hart opened the public hearing at 6:55 p.m. on the variance request submitted by Tom Sinclair and Julie Powell to allow them to construct an 18' x 24' garage on the north side of their property with access to James St. The parcel is located in a Residential B zoning district. Building setback requirements in the district are: 40' in the front yard, from the street right-of-way (ROW), 10' from the side yard boundary, and 30' setback from the rear lot line. As a corner Lot, Section 30907 of the Village Zoning Law requires the side yard on the side street (James Street) to have the same depth required for the front yard.

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

- * Memorandum from the Village of Dryden Planning Department dated August 24, 2020
- * Zoning Permit Application dated July 15, 2020
- * Appeal/area variance form dated August 11, 2020
- * 4 Photos of the Lot
- * Survey Map of Lot and Graph of proposed Garage placement on lot
- * 3 Pictures of proposed Garage

Chairman Hart noted that the rear of the garage will not be flush with the west side of the house, there are a row of lilac trees that boarder the property line on the side yard to the left that the property owners wish to keep thus blocking view of the proposed garage from the neighbors. The front of the garage would be only slightly closer to the James St. ROW than the existing steps for entry into the house. When looking both north and south from the property you will observe houses that are comparably situated in terms of James St. ROW. A notice of this hearing and application was sent to all neighbors, the property owners also talked to all neighbors and no complaints have been brought fourth. No external lights had been planned at this time; Chairman Hart suggested a motion sensor light would be appropriate. One car, garbage cans and a lawnmower that are currently stored insight will be housed inside the garage making sight more desirable to the neighbors.

It was also noted that there were no objections 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 7:23 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, not having exposed garbage cans, lawn mower and one car, a concrete driveway and a garage built to match the house are all desirable

No other obvious feasible plan could achieve the desired results due to the size of the lot; a variance would still be needed in the side yard.

The plan is substantial: This won't be setting a precedent primarily because the lot size dictates the placement

No adverse physical or environmental impact would result from the granting of the variance, the driveway will have a slight pitch towards James Street for run off.

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 Holtz and seconded by Alternative Zoning Board Member Giroux, the following was passed. Vote: Day-Aye, Holic-Aye, Hart-Aye, Holtz- Aye, Giroux-Aye.

RESOLUTION No. 9-14.1-2020
19 Union Street Area Variance

Resolved that the Zoning Board of Appeals of the Village of Dryden hereby approves the area Variance #1- relief from Section 30304 Accessory Structures §B. Location of Accessory Structures.1) Accessory structures may not occupy any required open space other than a rear or side yard. 2) No accessory structure shall extend into the front yard.

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

RESOLUTION No. 9-14.2-2020
19 Union Street Area Variance

Resolved that the Zoning Board of Appeals of the Village of Dryden hereby approves the area Variance #2 – relief from rear or side yard setback requirements, Section 30407 Yard requirements, Rear yard is 30', side yard is 10'

The 19 Union St. Public Hearing was closed at 7:31p.m.

A revisit to a 1994 variance regarding the Empire Livestock cow barns will be on the next agenda. Danielle Cornelius, manager of the facility has applied for an amendment to a Use Variance dated November 9, 1994. Specifically stipulation #5 and condition #6 from the site plan review Board's decision at public hearing on November 2, 1994.

The cow barns were there previous to 1994 but a fire in 1993 caused extensive damage and the owners rebuilt changing the position and the shape of the building. This was approved first from the planning Board with stipulations (#6) the west gate shall be closed when Empire employee are not on the premises. A use Variance was then granted with 5 stipulations, number 5 –The gate crossing the western driveway be closed and locked at the end of the day when the last Empire employee leaves the site.

Note the gate is not being closed as they should. The Manager wants to keep it open. She has written a letter stating so and that The Town of Dryden Highway department and the Neptune Hose Co. No 1 has requested the gate stay open. The Town of Dryden Highway department has written a letter to the Town Supervisor suggesting that during the winter months having the gate unlocked would better traffic issues with State and Town plow trucks and awaiting tractor trailers

No letter was mentioned from the fire Department.

Discussions between the Planning Board, Code Enforcement officials and the Zoning Board of Appeals will progress in order to determine a reasonable date for a hearing.

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Chairman Hart opened 34 Lee Rd. Public Hearing at 7:44 p.m. on variance request submitted by Michael Murphy to allow the entrance of a planned addition to extend into the required 15' yard setback. The property is in the 'Residential A' zoning district.

Specifically, Michael Murphy is seeking relief from the yard requirements set forth in Article 303, Section 30307 to all a covered entrance 13.5' from the side yard ROW, where 15' is required.

Michael Murphy explained that he needed a separate entrance to his space in the shared house with his daughter and family so as not to disturb them should he come in late. The addition would give him some privacy and personal space but co-exist with his daughter and family. A notice of hearing was sent to the neighbors and Mike personally asked his neighbors if they had any objections. There were no objections.

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 8:01 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; there will still be plenty of space between the two houses, a pine tree still blocks the view

No other obvious feasible plan could achieve the desired results; two front doors would not be appealing. The addition had to go on the west side of the house so dictated where a private entrance could be located.

The addition dictates the placement of a private entrance leaving only 13.5' setback and the need for a 1.5 variance which is not considered substantial.

No adverse physical or environmental impact would result from the granting of the variance; there will still be almost 30' from the neighbor's house.

The problem is self-created; at the same time the Village has strongly encouraged multi-generational housing.

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

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

RESOLUTION No. 9-14.3-2020

34 Lee Road Area Variance

Resolved that the Zoning Board of Appeals of the Village of Dryden hereby approves the area Variance for Michael Murphy at 34 Lee Rd., relief from yard requirements set forth in Article 303, Section 30307 to allow a covered entrance 13.5' from the side yard ROW, where 15' is required

The 34 Lee Road Public Hearing was closed at 8:09 p.m.

Chairman Charles Hart