



The Town of Danby

1830 Danby Road
Ithaca, NY 14850
danby.ny.gov

Board of Zoning Appeals Agenda

Tuesday 25 April 2023 at 7:00PM

Town of Danby Board of Zoning Appeals Minutes of Hearing and Meeting April 25 2023

PRESENT:

Lew Billington
Toby Dean
Betsy Lamb
Earl Hicks (Chair)

ABSENT:

Ted Jones

OTHER ATTENDEES:

Town Planner	David West
Recording Secretary	Cindy Katz
Zoom	Chris Camadella, Katharine Hunter (Town Board Member), Friede Sander,
In-Person	Heather Coffey, Zachary Larkins

This meeting was conducted in-person as well as over Zoom.

The meeting convened at 7:00pm.

1. AGENDA REVIEW

There were no additions or deletions to the agenda.

2. MINUTES APPROVAL

MOTION: Approve the minutes from [Feb 2023](#)

Moved by Lamb, seconded by Billington

The motion passed.

In favor: Billington, Dean, Lamb, Hicks

3. NEW BUSINESS

[VAR-2023-02](#) 1914 Danby Rd, **Parcel:** 14.-1-10.1

Applicant: Zachary Larkins **Anticipated Action:** Public Hearing, Review application; consider variance

SEQR: Granting or Denying this Area Variance is a Type 2 Action requiring no further review

Applicant Request: Variance from maximum front yard setback, and lot width buildout to enable more incremental buildout of the parcel starting with 2 homes on the existing building foundation/slab.

Chair Hicks explained the process to the applicants. He noted that this is a Type II action under the State Environmental Quality Review Act (SEQRA), with no further review required. He reviewed the request by the applicants, and explained the five factors used to evaluate requests. Chair Hicks asked the applicants if they had anything especially relevant to mention regarding the five factors.

Applicant Larkins approached the mic and explained the current set back requirement is 20 ft. He explained the land is complex with two concrete pads. He has spent time on it observing it through all four seasons. He noted there is a driveway that is buried under grass. He is seeking to just use the footprint of the slab, possibly removing some of it in order to increase water absorption in the soil. The only other viable frontage space they are hoping to develop commercially. Also present are two other wetlands. The far left (south) of frontage is very below grade, which his experience in construction has taught him not to build on.

Planner West shared the map on the large screen and the Applicant pointed out the wetlands, the low points of the property, and clarified the cardinal directions. Larkins explained the slab had previously been used as a pole-barn.

Chair Hicks explained the property was in the Hamlet Neighborhood Zone. He read the goals and intent for this zone from the Town's Zoning Code. He pointed out that this zone is radically different from the other zones in the town most of which are more rural.

PUBLIC COMMENT

The public hearing was opened.

Chair Hicks asked the public if there were questions. Chris Camadella introduced himself as a neighbor across the street and sought an explanation of the need for the variance. West explained this request may appear unusual because they are seeking permission to be set back far from the road, noting that the intent of the current zoning for the Hamlet Neighborhood is to create a village feel with houses lining the road. Planner West added that although the Applicants house would not help create a "village feel", they have additional future hopes of building a cafe/ bakery, small rental homes, and/or other community spaces, and those plans certainly DO help create the intended feel of a village in that zone. The neighbor replied that this request makes sense as it does to seek to build on the current slab. Planner West added that siteplan review will be required in the future should the Applicants move forward with those commercial ventures.

The applicants greeted the neighbors, who they had not yet met, discussed where they lived, and the neighbor expressed pleasure at having a coffee shop nearby. He thought that was a much better option than the Dollar general, which was previously proposed.

Friede Sander, a neighbor whose land juts up against the applicants, spoke in support for the plans. She asked for clarification on what the Danby Hamlet Neighborhood Zone is. Planner West responded and Chair Hicks added that a map can be seen on the Danby website and that the applicants property is almost the last one in the zone. Chair Hicks asked if anyone else wanted to share their thoughts and Board Member Katharine Hunter expressed her support for the applicant's ideas. Planner West confirmed that there were no other correspondences.

The public hearing was closed at 7:22 pm.

Board Questions and Discussion

Chair Hicks explained that the 5th member of the BZA was not present and that a majority is needed from those present in order to approve the variance. He asked the applicants if they would prefer to pull their application to be voted on when all members are present, when it may be easier to achieve a majority. The Applicants elected to move forward anyway.

In response to a question from Chair Hicks, Planner West clarified that this variance is indeed needed from the BZA and not the Planning Board.

Chair Hicks expressed excitement about the Applicant's plans but also noted the

need to follow ordinances. He confirmed it is not a corner lot, which is required in order to have a restaurant, and Planner West clarified that they would be adding a road to create a corner for a future restaurant [Secretary note: Such is not a part of the currently requested variance and would be discussed in future conversations.]

Chair Hicks considered the aesthetic and architectural requirements and concerns in the Zoning Code and wondered if the house would fulfill these requirements.

He commented on the importance of creating a "welcoming" feeling.

Billington wondered if houses need to be parallel to the road, and Planner West answered it does not. David added that the current aesthetic and architectural requirements are intended for a home that is directly off the road -- and this home is not. He stated he is less concerned about what they DO on the lot, and more concerned about losing the opportunity to have something else there that would be near the road and contribute to the "village" feel.

Lamb wondered about the location of the driveway in relation to the wetlands, and the applicant explained that they plan to uncover the previously built driveway, and that the driveway and road will be separate. The smaller houses, which are beyond the scope of his variance, will be along the 2nd road, and they plan on living in the tiny house while they build the main house -both on the slab. When the main house is complete, they will live in it and the tiny house will become a studio/guest house. He would also like to build a wood working studio with a rental on top, and clarified that the preference is to make the houses on the side road rentals, although maybe there will be one vacation home. He said they are planning to keep the coffee shop under 1500 ft in which case he can draw the plans himself and has a friend who can help him.

Lamb returned to the driveway, and if there are any alternatives if they weren't able to build on the pad. With all the wetness, the changes in elevation, and the plan for the coffee shop, they all agreed it is a bit tight and it makes sense to use the pad.

Dean commented that no one has yet built a house in this area and wondered if it is irrelevant to look at architecture since the house would be so far back from the road. Lamb asked about landscaping plans, and the applicant clarified that the environmental impact is really important to them and she is hoping to create rain gardens, use no till agriculture, and that they are really seeking to be good steward of the land. This is their reasoning for wanting to use the slab and the road. Lamb clarified she is thinking about what can be done to keep it all looking attractive

from the road, although she won't be giving conditions about what they ought to do.

Applicant added that an important goal for them is to keep the rentals affordable, to build community, and create a welcoming place for folks to come.

Hicks added one septic system for multiple houses if they are owned by the same owner is allowed and that this allows for creative septic. They discussed the well and diversion of water. Planner West clarified that their piers will go through the slab, as the slab itself isn't good quality. Billington wondered about drainage and what will be needed for the coffee shop. The applicant responded that he'd like to use as much permeable paving as possible and would like to avoid concrete.

Area Variance Findings & Decision

The Board of Zoning Appeals considered the appeal of Zachary Larkins regarding the property at 1914 Danby Road for an Area Variance of approximately 250ft to allow building on the existing slab from the zoning code section 604-6 that requires a maximum front-yard setback of 20 ft in the Hamlet Neighborhood Zoning District.

1. The Board agreed no undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties.
The Board agreed this proposed plan would improve the current character and the future suggested work would enhance the Hamlet concept. They also noted the benefit of improving the driveway,
2. The Board agree that the benefit sought by the applicant could not be achieved by a feasible alternative of the variance.
The Board agreed that by re-using the slab, which is more than 20 ft setback, they are able to prevent encroaching in any other area. Lamb added that if they build the coffee shop as intended, there is no alternative for the location of the house.
3. The Board agreed the requested variance was substantial.
Dean stated that yes, it is substantial, but the circumstances negate the impact. The other Board members agreed it was substantial.
4. The Board agreed that the variance would not have an adverse impact on the physical or environmental conditions in the neighborhood.
The Board agreed that the proposal seems like an improvement, and will reduce impact by using the original slab.
5. The Board agreed that the alleged difficulty was self-created.
The Applicant did choose to purchase the property, and their desire to re-use the slab creates the need for a variance. In a way, the difficulty is also

created by the site itself, because that is where the slab is located.

The Applicant stressed that they are very serious and committed to this project. They discussed the location, the interest in some of their friends in joining the project, and a bit about the history of commercial bakeries in the area.

They discussed the distances and measurements in order to establish how much of a variance should be granted to ensure building on the slab is possible. Planner West measured the distance using the county website, and concluded that the variance should be around 250 feet in order to be safe. They discussed conditions and Lamb said that there are some things that would be nice to see, but that they aren't conditions.

MOTION: to Pass Resolution 3 of 2023: The Benefit to the applicant does outweigh the detriment to the neighborhood or community.

Moved by Dean, seconded by Lamb.

Planner West measured the distance using the county website, and concluded that the variance should be around 250 feet in order to be safe. They discussed conditions and Lamb said that there are some things that would be nice to see, but that they aren't conditions. They discussed the septic system and other conditions on the site.

The motion passed.

In favor: Dean, Lamb, Billington, Hicks

The applicants thanked the board and the BZA expressed excitement with their project (and coffee!).

Planner West gave updates about the STR survey for residents to please fill out, that the noise ordinance is being considered, and the Town Board is also working on a logging ordinance that the CAC has proposed. There is also the community development rehabilitation project. Hicks asked about packages of plants and seeds from a program at a Saratoga Nursery.

4. ADJOURNMENT

The meeting was adjourned at 8:29 pm

