



**Tompkins County**  
**DEPARTMENT OF PLANNING**

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Ithaca, New York 14850

Edward C. Marx, AICP  
Commissioner of Planning  
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December 9, 2011

Dan Kwasnowski  
Director of Planning  
Town of Dryden  
93 East. Main Street  
Dryden, NY 13053

**Re: Review Pursuant to §239 -l, -m and -n of the New York State General Municipal Law**  
**Action: Proposed Zoning Law Ordinance**

Dear Mr. Kwasnowski:

This letter acknowledges your referral of the proposal identified above for review and comment by the Tompkins County Planning Department 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 may have negative inter-community or county-wide impacts. We recommend modification of the proposal. If the Board does not incorporate these recommendations into its approval, such approval will require a vote of a supermajority (meaning majority plus one) of all members of the decision-making body.

### **Recommended Modifications**

- The Department reviewed the proposed zoning in relation to the 2008 Route 13/366 Corridor Management Plan, undertaken jointly with the Town and Village of Dryden, along with the Tompkins County Conservation Plan. Overall the proposed zoning supports those plans' recommendations. However, the two important ways it could be more effective in maintaining the function of Route 13 and promoting the continuation of agriculture in the Town are:
  - The proposed zoning along Route 13 north of the Village of Dryden is inconsistent with those recommendations. In particular, the area zoned Rural Residential on the west side of Route 13 will promote a development pattern that is not consistent with the Route 13/366 Corridor study and could encourage the conversion of active farmland to non-agricultural uses. The larger parcels have as recently as 2010 been either owned by or leased to an area farmer. The Conservation Plan notes the scarcity of available agricultural land and the significance of rented lands to the future viability of agriculture in this area. Continued use of this land for agriculture would also limit sprawling development along Route 13 north of the Village, maintain limited traffic access onto Route 13 in this area and support the continued function of Route 13 as an arterial highway. We recommend that the Town zone this area Rural Agricultural, as is proposed for all the surrounding area.
  - The proposed zoning also appears to permit development along Route 13 with minimal road frontage and setbacks. Although the provisions of section 601 appear to effectively limit the density of curb cuts in the RA, RR and CV districts, the only limit for the MC district appears to be the 150-foot frontage and 40-50 foot setback provided in section 600. The Route 13/366 study recommended a minimum lot width/frontage of 300 feet and setback of 90 feet in the

corridor areas outside the village, designated hamlets or nodes. We strongly recommend that these standards be applied for all properties fronting on Route 13. This would as a practical matter require a larger lot than the one acre minimum without public sewer and water, and 10,000 square feet with sewer and water, provided for the MC and LIO districts.

- Removing the Conservation Subdivision section from the proposed zoning ordinance effectively eliminates any significant protection for the ecological and open space resources identified in this district. We recommend including the conservation subdivision requirements in the proposed zoning ordinance. Furthermore, we recommend that conservation subdivisions be mandatory for parcels above a certain size, say 10 or 20 acres.
- We recommend that the property on which the Virgil Creek Dam flood control project is located and the area identified as the recharge area for the Virgil Creek Aquifer in the recently completed aquifer study both be included in a Conservation District.
- It does not appear that the proposed zoning ordinance includes any provisions for affordable housing. The County's Model Inclusionary and Incentive Zoning Ordinance ([http://www.tompkins-co.org/planning/housing\\_choices/](http://www.tompkins-co.org/planning/housing_choices/)) recommends creating incentives and inclusionary conditions in order advance affordable housing options. The Town can promote affordable housing in many different ways through these measures, with some programs being mandatory and others providing incentives to developers, such as density bonuses, or parking waivers. Some programs require cash contributions to an affordable housing fund, while others involve construction of affordable units within the development. We recommend including both of these types of measures into the Town's zoning ordinance.
- We strongly recommend including stream buffer setbacks in your zoning ordinance. We recommend a 100-foot setback from the top of bank for perennial streams with the first 50 feet maintained as natural vegetation and a 50-foot buffer for intermittent streams. (See, *Enhancing Water Resources in Tompkins County: Benefits of Riparian Areas and Stream Buffers*, under "Water Resources" at the Planning Department website, [www.tompkins-co.org/planning](http://www.tompkins-co.org/planning)).

Please inform us of your decision so that we can make it a part of the record.

Sincerely,

Edward C. Marx, AICP  
Commissioner of Planning  
and Community Sustainability