

**Dryden Planning Board  
January 28, 2016**

**Members Present:** Joe Laquatra (Chair), Tom Hatfield, John Kiefer, Marty Hatch, Craig Anderson, David Weinstein, and Marty Moseley

**Alternate Member:** Joe Wilson

**Town Hall Staff:** Ray Burger

**Guests:** David Moore and Eric Newland, Stone Wall Wine and Spirits, and Nickolas Bellisario, Bellisario Construction

**Liaisons:** Craig Schutt (Conservation Board) and Deborah Cippolla-Dennis (Town Board)

The meeting was called to order at 7PM

**David Moore and Eric Newland: Stone Wall Wine and Spirits**

David Moore is the property owner and Eric Newland is the business owner.

They propose a wine and spirits store.

- there is an internal area of 3500 sq ft; Mr. Newland will be rehabbing about half of the building, removing cubicle, new lighting, etc

- there will be no structural changes other than a reinforced beam in the basement under one of the main sales areas.

- no additional exterior lighting is required and there are no drainage issues. Any additional lighting added to the front of the building will be facing down, illuminating the stone wall of the building.

- they want to expand the parking by 2400 sq feet to add 9 parking spaces including two handicap parking spaces near the door

- they want to add sidewalks to the rear parking

- additional parking will place the property just at 60% impervious surface

The strip of grass between the parking area and Route 366 will remain in place

Hours of business: 10 – 9 Monday – Wednesday, 10-10 Thursday and Friday and Sundays 12 – 5.

The side and rear parking will remain the same.

The sign will be 5'7" high and 4' wide. The sign will have a photometric eye which will be turned off over night. The island containing the sign will be landscaped.

The building behind the proposed site is also owned by Mr. Moore.

The proposal has been sent to the County and will be brought to the Planning Board for site plan next month

M. Moseley asked about side yard set-back for parking?

R. Burger said the plan meets all of the requirements.

**Nickolas Bellisario, Bellisario Construction**

Mr. Bellisario has purchased a 2.25 acre lot at the corner of Hall and Hall Woods Roads; tax map # 52.-1-4.122.

There are several trailers and old buildings on the lot that will be cleaned up.

Mr. Bellisario wants to build a 60 x 80 warehouse/storage with a buffer of 45 ft. and meets all set back lines.

He has planned the loading dock on one side of the building although they are planning on 3 sections in the building.

At this point he assumes whoever rents the space will be warehouse/storage.

Along the former railroad bed, there is a pile of dirt/debris that dips down to a low spot before meeting Hall Woods Road. Mr. Bellisario hopes to use that area for storm water retention.

The group discussed the extent of sewer and water services available in the area. The Town of Dryden has an easement for a road on the right hand side of the property. M. Hatch asked about a potential trade to make the rail bed accessible. Mr. Bellisario said having public water and sewer would be nice. Both the Board and Mr. Bellisario will consider the options.  
Mr. Bellisario will be back next month for a site plan review.

**Varna survey:**

D. Weinstein and C. Anderson have talked. C. Anderson suggested that perhaps Design Connect should do a review of the Varna Plan in relation to the development in Varna. They have dug up the old survey and hope to get some information from that. C. Anderson suggested meeting in Varna before the next planning board meeting (6-7PM) to talk to anyone who is interested. C. Anderson visited a couple of homes this week and found they didn't know about the Plan. For those whom he talked to traffic seemed like a bigger issue.

D. Weinstein said that a Varna list-serve exists and is a great avenue to get folks interested.

M. Hatch pointed out that 902 Dryden Road was a test of the Plan and has worked it's way through. Other people won't necessarily be interested unless/until it impacts them.

Maybe the Board should hold a regular meeting at Varna. Not next month but in the spring. D. Weinstein is going to determine when the Community Center is available

M. Moseley asked if a maximum density build out was determined for the Fall Creek side of 366 in Varna. D. Weinstein said the information is in the Varna plan via a partial build-out example. M. Moseley rephrased the question – what is the worst case scenario if all of the buildings along that side were to build to the maximum density? The goal along that side of the street is redevelopment of the older buildings. R. Burger stated it would be 6 dwelling units per acre all along the street, at least 100 units in that area. Density bonuses are available if the properties are redeveloped but the language is vague and the Board discussed the possibility of removing the bonus for that area since most are unlikely to qualify.

**Town Board Charges to the Planning Board:**

**RESOLUTION #45 (2016) – CHARGE TO PLANNING BOARD**

Supv Leifer offered the following resolution and asked for its adoption:

RESOLVED, that the Town Board hereby charges the planning board to make recommendations to the Town Board on the following items

- 1) Recommendations to amend Local Law #5 – 2006 – Renewable Energy Facilities Law ADOPTED OCTOBER 5, 2006.
  - a. The Town Board would like to expand opportunities for residents and investors to develop solar and wind resources to take advantage of New York Public Service Law § 66-j. Net energy metering for residential solar, farm waste, non-residential solar electric generating systems, micro-combined heat and power

generating equipment, fuel cell electric generating equipment, and micro-hydroelectric generating equipment - See more at:

<http://codes.findlaw.com/ny/public-service-law/pbs-sect-66-j.html#sthash.N06Peaec.dpuf>

- 2) Review and make recommendations to the Town Board on whether the current use tables in the Town's Zoning code can be amended to reduce the number of special use permits.
- 3) Make recommendations about whether site plan review for special use permits should be delegated to the Planning Board.
- 4) Make recommendations about whether Special Use Permit review should be delegated to the Planning Board.
- 5) Study and make recommendations about preparing for the adoption of green building codes by the State and/or the Town of Dryden.
- 6) Fill Law – if there was a formal recommendation to the Town Board please forward this to the Supervisor, if there was not please make a formal recommendation re: a fill law.
- 7) Sync Town Zoning Law with the Town franchise agreement with NYSEG. The intent is to cover the delivery of both gas and electric utilities.

J. Laquatra requested the Planning Board break up into pairs to work on the above goals.

Marty Hatch and Dave Weinstein will address Charge #1

Marty Moseley and Tom Hatfield will address Charge #2

Joe Wilson and John Kiefer will address Charges #3&4

Joe Laquatra and Marty Moseley will address Charge #5

Craig Anderson and Dave Weinstein will address Charge #6

Joe Wilson and Marty Hatch will address Charge #7

D. Cippolla-Dennis addressed Charge #7

The Town has a franchise agreement with NYSEG dated 1951. There are inconsistencies in terms between our zoning law and the franchise agreement (that are referenced in the franchise agreement). One term is “public utility”. The definition in the zoning law has implications regarding the franchise agreement. Review by a variety of people indicates that the definition in the franchise agreement is preferable. It is important to make the language consistent. The timing is important because if NYSEG were to present an application for the pipeline, it would be grandfathered under the 1951 agreement. The recommended changes could result in a revenue source for the Town.

J. Wilson has sat in on several workshops that have been held in regard to this issue.

M. Hatch asked what exactly the Town Board wants from the Planning Board. J.

Wilson responded that it could be as simply as changing the public utilities definition

in zoning and conform it to the franchise agreement so it says a public utility is an

installation which serves the public and private buildings within the town of Dryden. It

is conceivable that litigation could arise due to the discrepancy between the two and

which will take precedent.

M. Hatch clarified his previous question – what does the Town Board want in terms of

a Planning Board response? Do they want a simple recommendation that the two

(zoning and the franchise agreement) be reviewed for consistency or do they want a

document/resolution defining the exact changes to be made?

D. Weinstein suggested that attorneys have already put forth a proposal and the Town Board is asking for feedback.

D. Cippolla-Dennis agreed. She asked that they review the proposals, do they make sense, what pitfalls could occur, what are the pros and cons, etc.

J. Kiefer asked if she could send the pertinent information to the Board.

She agreed to send copies of the franchise agreement, attorney opinions and the zoning (if necessary).

Joe Wilson and Marty Hatch agreed to review the documents.

**Zoning Amendment – Multi-Family definition**

After several attempts, it was determined that focusing on density in the Rural Residential and Rural Agriculture districts will resolve the issue.

Proposed amendment to the Town of Dryden Zoning Law  
LOCAL LAW NO. 1 OF THE YEAR 2016

A LOCAL LAW TO AMEND THE TOWN OF DRYDEN ZONING LAW TO ADD DENSITY REGULATIONS FOR THE RURAL RESIDENTIAL, RURAL AGRICULTURAL, NEIGHBORHOOD RESIDENTIAL, AND CONSERVATION DISTRICTS, AND SPECIFY THE REVIEW REQUIRED.

Be it enacted by the Town Board of the Town of Dryden as follows:

SECTION 1. A new section 606 of the Zoning Law is hereby enacted to read as follows:

Section 606: Density in the Rural Residential and Rural Agricultural districts:

Single-, Two-, and Multi-Family dwellings are permitted subject to a maximum allowable density of 2 Dwelling Units per acre with a maximum of 10 Dwelling Units per lot. Subject to the foregoing limits the maximum number of Dwellings that can be built on a lot is the equal to maximum number of conforming lots that could be created if the lot were subdivided, as calculated by the Town Planning Director. This determination by the Town Planning Director of the maximum number of Dwellings shall be recorded in the Tompkins County Clerk's Office and cross-referenced to the deed of the lot in question and the maximum number of Dwellings for said lot shall not increase even if said lot is thereafter subdivided.

The following review is required:

Number of Dwellings on a lot	Review required	
1 Single- or Two-Family	No SPR or SUP required	
2-4 Single or Two-Family Dwellings	SPR (Site Plan Review)	
All others	SUP	

These provisions shall not apply to farm worker housing on lots on which

a Farm Operation is conducted.

SECTION 2. A new section 607 of the Zoning Law is hereby enacted to read as follows:

Section 607: Density in the Neighborhood Residential and Conservation districts:

In the Neighborhood Residential District only one Single-Family Dwelling plus one Accessory Unit Dwelling is allowed. In the Conservation District only the following is allowed: one Single-Family Dwelling plus one Accessory Unit Dwelling, or one Two-Family Dwelling.

SECTION 3. The Allowable Use Groups Chart in Section 501 is amended to read "See Section 606" for the following uses: "Dwelling, multi-family"; "Dwelling, single-family"; and "Dwelling, two-family" under the RR and RA districts. The Allowable Use Groups Chart in Section 501 is amended to read "See Section 607" for the following use: "Dwelling, single-family" under the NR district.

The Allowable Use Groups Chart in Section 501 is amended to read “See Section 607” for the following uses: “Dwelling, single-family”; and “Dwelling, two-family” under the CV districts.

SECTION 4. Section 501 B) of the Zoning Law is hereby amended by addition of the following language: “4) wherever specifically required by other sections of this law.”

SECTION 5. This local law shall take effect upon filing in the office of the Secretary of State.

SECTION 6. The provisions of this local law are severable. If any court of competent jurisdiction decides that any section, clause, sentence, part or provision of this local law is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections clauses, sentences, parts, or provisions of the Local Law.

SECTION 7. This local law shall supersede or repeal any prior inconsistent Local Law.

T. Hatfield expressed concern that the density restrictions might undermine the intention of cluster housing by requiring subdivision at 10 units.

The issue with the definition as presented will be a single owner wanting more than 10 units which will lead to a PUD (Planned Unit Development). That option needs to be available; we need to see the complete vision, not piecemeal. R. Burger stated that he would add language to that effect.

M. Moseley recommended changing the language of section 606 (in reference to the max number of conforming lots being calculated by the Town Planning Director) to require the developer to calculate the number which would then be verified by the Planning Director.

M. Moseley suggested the determination of maximum conforming lots that can be created by a subdivision contain a cross reference to the subdivision law which is where the requirements for subdivision (the determination of number of lots) applicable to particular districts are found.

Adding the cross reference will make density changes easier in the future.

R. Burger indicated the changes have to be added to the Varna plan; they already have density requirements but the cross reference needs to be addressed.

### **239 Review agreement with the County**

See attached.

The County already has agreements with other municipalities to forgo the 239 review on simple actions that are already predetermined to not have an impact on the County: small subdivisions, minor variances, a home business level one etc.

R. Burger has talked with Scott Doyle (County Planning) about which actions can be put into an agreement between the Planning Board Chair and the County and the ZBA Chair and the County.

D. Weinstein asked for a list of actions that would be affected. R. Burger shared a list with the planning members. They are generally small projects that the Town and the Planning Board can expedite.

M. Hatch offered the following resolution:

**Whereas**, the County Planning Board and the Town of Dryden Planning Director have determined certain actions do not need a 239 (l) and (m) review; and

**Whereas**, the Town of Dryden Planning Board agree with the determination; and

**Whereas**, R. Burger, Planning Director, has indicated the agreement will be subject to legal review;

**Therefore**, let it be resolved, the Planning Board requests that Joseph Laquatra, Chair of the Planning Board, sign the agreement.

The motion was seconded by T. Hatfield and unanimously approved.

C. Anderson asked R. Burger if he has talked with Jeff Smith, County Highway, about attending a Planning Board meeting to discuss what Town bridges are coming up on the repair list. R. Burger stated that he is beginning discussion with Mr. Smith but as far as the Red Mill Bridge and the Malloryville Road Bridge, the Town is not on the hook (financially) until 2018.

M. Hatch asked about the **route 366 development/TIP**

The grant is now \$700,000 with \$105,000 for planning and design in federal year 2017 and construction in the following year.

The Planning Board will be able to review the project design but this project will have a lot of other input as well.

T.G. Miller is currently reviewing the Town's infrastructure to determine if it is possible to combine the Town's 17 water and sewer districts. As part of that project, they are looking at Varna's infrastructure as well. That way the Varna district will have information available if they need to do any upgrades or improvements. They are also looking at the possibility of burying the utilities.

Review and Approval of Minutes from December 16, 2015:

M. Hatch moved to approve the minutes as amended by R. Burger.

T. Hatfield seconded the motion which was unanimously approved.

The meeting was adjourned at 8:43 PM

Respectfully Submitted,

Erin A. Bieber  
Deputy Town Clerk

Inter-governmental Agreement  
Tompkins County Review of Local Zoning and Planning Actions  
Under New York State General Municipal Law

- I. This agreement is made this \_\_\_\_\_ day of \_\_\_\_\_, 2016 between the Tompkins County Planning Department and the Town of Dryden Planning Board.
- A. Authority and Purpose of State Law  
The authority for county planning agency review of certain local planning and zoning actions is provided in Article 12-B, Section 239 (l, m & n) of New York State General Municipal Law (GML). The purpose as stated in law is “to bring pertinent inter-community and county-wide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction.”
- B. Current Practice in Tompkins County  
The Tompkins County Charter gives responsibility for the implementation of this county review to the Commissioner of Planning. All matters identified in GML Section 239 (m & n) are currently subject to review.
- C. Authority for Inter-governmental Agreement  
GML Section 239 (m) specifically authorizes the county planning agency to “enter into an agreement with the referring body or other duly authorized body of a city, town or village to provide that certain proposed actions set forth in this subdivision are of local, rather than inter-community or county-wide concern, and are not subject to referral under this section.” GML Section 239 (n) authorizes the same agreement with respect to subdivision plats.

II. Items to be Excluded from Review

Pursuant to the authority cited herein the parties to this agreement do hereby agree that the following items are of local, rather than inter-community or county-wide, concern and are not subject to referral to the Tompkins County Planning Department under New York State General Municipal Law Article 12-B Section 239 (l, m & n):

- A. Lot frontage, width or depth variances for residential uses;
- B. Lot area variances for additions to residential uses on existing non-conforming lots;
- C. Special Permits or Site Plan Reviews for permitted accessory uses and home occupations on residential lots;
- D. Residential subdivisions of fewer than 5 lots all of which comply with local zoning standards and Tompkins County Sanitary Code requirements, and do not involve new local roads or streets directly accessing a State or county road;
- E. Yard setback variances not abutting County or State property, a State or County road right of way, or a municipal boundary;

- F. Site Plan Reviews or Special Permits for change of commercial use in an existing building not involving any change in building footprint and with no change in vehicular access on a State or County highway;
- G. Sign variances exceeding local standards by 20% or less.

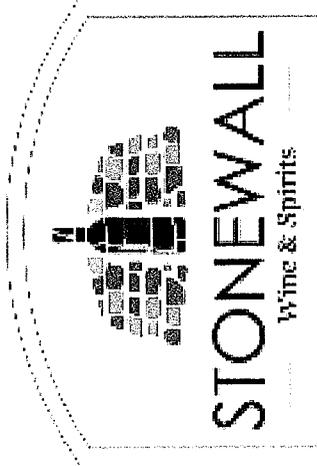
III. Execution, Termination and Modification

- A. The undersigned parties attest that they have the authority to enter into this agreement. This agreement shall become effective upon execution by both parties.
- B. The agreement shall remain in effect unless terminated by 60 days advance written notice by either party. Such notice shall be by certified mail to the Tompkins County Commissioner of Planning or the authorized local municipal official, as appropriate.
- C. The agreement may be modified by mutual agreement of the parties hereto.

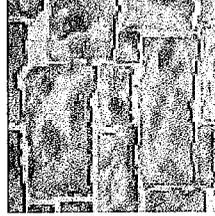
By: \_\_\_\_\_ Date \_\_\_\_\_  
Tompkins County Commissioner of Planning

\_\_\_\_\_ Date \_\_\_\_\_  
Planning Board Chair  
Town of Dryden

48" wide



57" tall

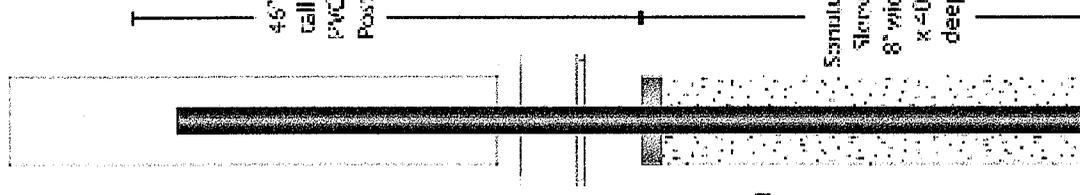


Masonry Finish:  
- applied to all sides of sign structure

front & back views



12"



46" tall PVC Post

82" tall Steel Post

profile view

Samutube Sleeve  
8" wide x 40" deep



1000 S. 10th Avenue  
316 State Street Hill  
Hillsdale, NJ 07033  
Middlesex County, NJ 07033

SIGNS & CONSTRUCTION DRAWINGS  
1000 S. 10th Avenue  
316 State Street Hill  
Hillsdale, NJ 07033  
Middlesex County, NJ 07033  
Tel: 908.261.1111  
Fax: 908.261.1112  
www.stonewallworks.com

MONUMENT SIGN

2 SIDE - MONUMENT SIGN  
(2 Side / Monument)

PROJECT NO.	11-1000-11
CLIENT	STONEWALL
DATE	11-10-11
SCALE	AS SHOWN
DESIGNED BY	AL. JONES
DRAWN BY	AL. JONES
CHECKED BY	AL. JONES
APPROVED BY	AL. JONES

INSTALLATION  
- direct burial galvanized steel posts  
- 2" x 4" - Galvanized Steel/Flwr  
- posts spaced 48" PVC tubes 12" dia

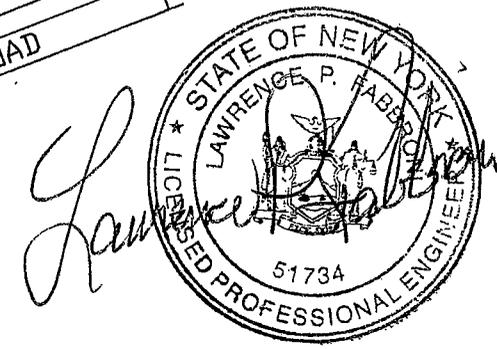
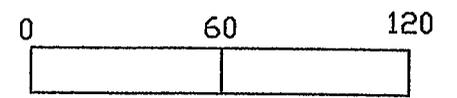
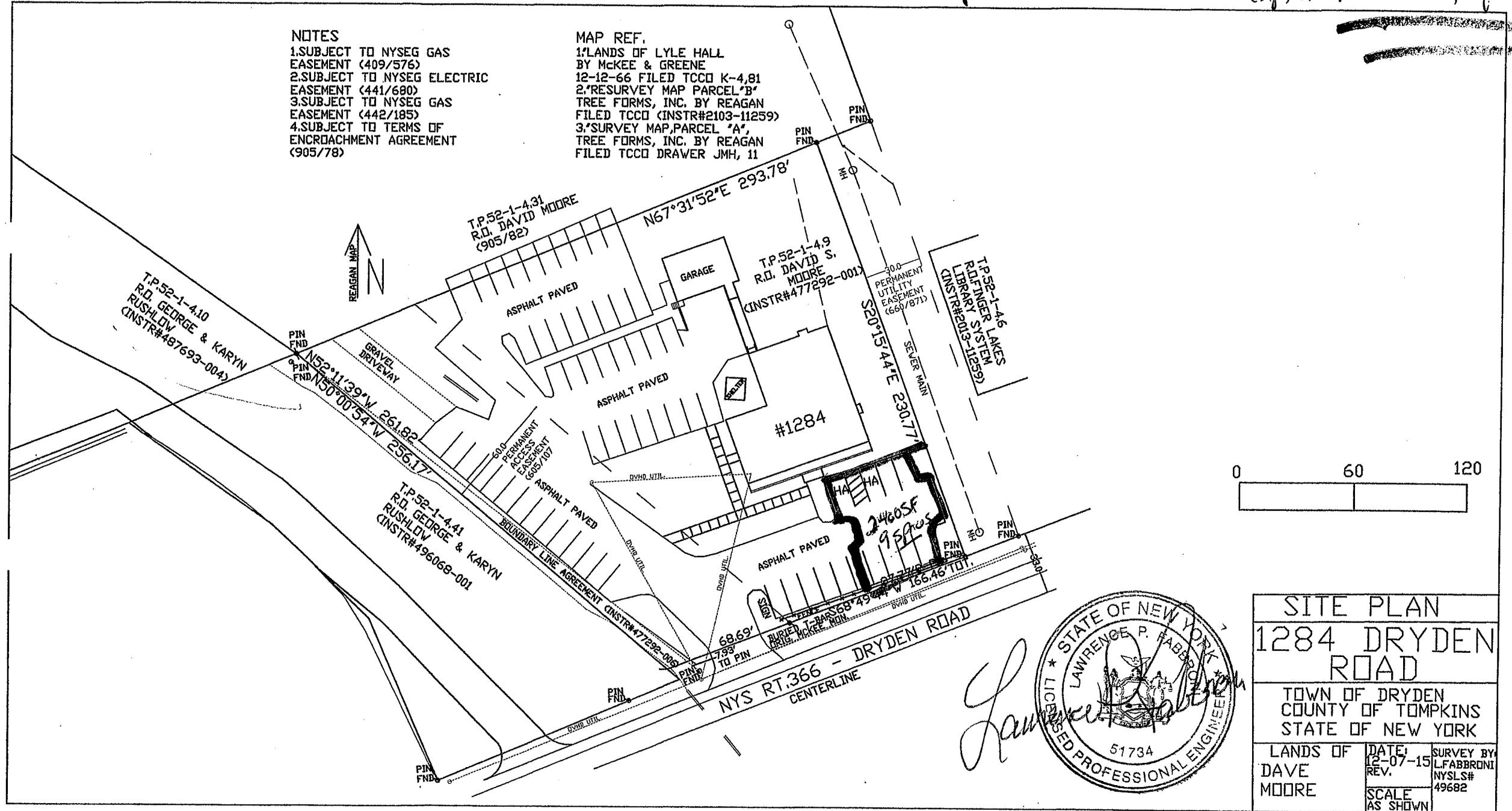
INTERIOR & EXTERIOR SIGNS

Initial Drawing	11-23-11
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14 Proposed Changes 2400 SF Expansion + 9 Parking Spaces.

**NOTES**  
 1. SUBJECT TO NYSEG GAS EASEMENT (409/576)  
 2. SUBJECT TO NYSEG ELECTRIC EASEMENT (441/680)  
 3. SUBJECT TO NYSEG GAS EASEMENT (442/185)  
 4. SUBJECT TO TERMS OF ENCROACHMENT AGREEMENT (905/78)

**MAP REF.**  
 1. LANDS OF LYLE HALL BY MCKEE & GREENE  
 12-12-66 FILED TCCD K-4,81  
 2. RESURVEY MAP PARCEL 'B' TREE FORMS, INC. BY REAGAN FILED TCCD (INSTR#2103-11259)  
 3. SURVEY MAP, PARCEL 'A', TREE FORMS, INC. BY REAGAN FILED TCCD DRAWER JMH, 11



SITE PLAN		
1284 DRYDEN ROAD		
TOWN OF DRYDEN COUNTY OF TOMPKINS STATE OF NEW YORK		
LANDS OF DAVE MOORE	DATE: 12-07-15	SURVEY BY: LFABBRONI NYSLS# 49682
	REV.	
SCALE AS SHOWN		