

**Dryden Planning Board  
November 10, 2016**

**Members Present:** Marty Moseley (Chair), John Kiefer, Craig Anderson, David Weinstein, Marty Hatch, Hilary Lambert, and Joe Wilson. Tom Hatfield, excused.

**Town Hall Staff:** Ray Burger, Planning Director

**Review and Approval of minutes from October 27, 2016:**

J. Wilson moved to approve the minutes with amendments. M. Hatch seconded the motion which was unanimously approved.

**Suggested changes to the Comprehensive Plan:**

- R. Burger recommended changes to the Comprehensive Plan (see attached).
- D. Weinstein expressed concern about making small changes (regarding the implementation of the Solar Law) to the Comprehensive Plan since the Comp plan doesn't prevent/block solar energy installation. He questioned if this is the right time to make the changes.
- J. Wilson reminded the Board that it was just last year that they decided not to make changes to the Plan yet; the feeling was that the Plan has not been in existence long enough to determine whether it is working or not.
- D. Weinstein suggested that the Board "save up" the recommended changes and then make a single larger change later since the Town Board has to hold public hearings before they can change the law.
- C. Anderson pointed out that there is a gap between the zoning law and the comprehensive plan. Adding the Solar law is going to widen the gap.
- M. Hatch asked if the change to the Comprehensive Plan can happen at the same time as the solar zoning change. Yes.
- D. Weinstein suggested that the language be changed to permit solar in all areas of the Town.
- J. Kiefer suggested that the Planning Board add that this change is just a start of work on the sustainability aspects of the Comprehensive Plan and request their permission to work further on that topic.
- M. Hatch asked that the Planning Board move the Solar Law to the Town Board and revisit the review of the Comprehensive Plan in the future.
- The phrase "in all areas of the Town" was changed to "in the Town".

M. Hatch offered the following resolution:

**Whereas**, Ray Burger, Planning Director, has recommended changes to the Town of Dryden Comprehensive Plan per the proposed Solar Law; and

**Whereas**, failure to implement these changes will leave a gap between the Comprehensive Plan and the Zoning Law; and

**Therefore, be it resolved**, the Dryden Planning Board hereby requests the Town Board amend the Comprehensive Plan to incorporate language to support the use of solar facilities within the Town.

The motion was seconded by D. Weinstein and unanimously approved.

**Solar Law:**

- C. Anderson asked if infrastructure improvements of the facility should be reviewed as part of the site plan. He gave the example of the facility in Harford and he noted that for the interconnection, they have changed electrical poles to 3 phase poles for about half of a mile. When visiting the airport facility, there are not any obvious infrastructure changes.
- The Board agreed to add the interconnection to existing infrastructure including upgrades, etc. under #6, subsection D3 (Special Use Permit Application Requirements).

M. Hatch offered the following resolution:

*The Dryden Planning Board hereby recommends the Dryden Town Board approve the Solar Energy Law.*

C. Anderson seconded the motion which was approved unanimously.

**Zoning Law revisions:**

- R. Burger presented changes to the Zoning Law to permit cluster subdivisions in the Varna district (see attached).
- The ZBA has tabled the Tiny Timbers project based on their determination that this should be treated as a subdivision. The other option is for the developer to apply for a variance for each individual property.
- The change will permit cluster subdivision in the VHMUD - Varna Hamlet Mixed Use District and will eliminate future issues for applicants.
- C. Anderson pointed out that Conservation Subdivisions generally have open space associated. Tiny Timbers has 68-70% open space.
- D. Weinstein doesn't want to set a specific amount of open space. He also has concerns about back and side lot setbacks.
- Conservation Subdivision Law Article 9, Section 900 C2a deals with buffering
- Changes to Section 901 C3i will cover the density in Varna Conservation Subdivisions.

R. Burger stated that the Town Board will hold a public hearing on December 15<sup>th</sup>. If the Town Board approves the changes, a conditions report and conservation analysis will be needed. Usually those items are provided at the beginning of the process but in this case, since the applicant has already completed most of the requirements, the Planning Board can announce another public hearing for a final plat approval and approve the project on the December 21<sup>st</sup>.

- After the law is approved by the Town Board, the law needs to be filed with the Secretary of State in Albany, NY. If the law is not in place by the 21<sup>st</sup>, the lawyers have indicated that the final plat approval can be provisional based on the filing of the law.
- The new law will kick the Tiny Timbers project back to the sketch plan phase which means another set of required time periods (30 days). The Board was concerned about the time requirements in the law – if followed by the letter, the project will be another 3 months before approval. The lawyers are confident that, based on the amount of review the application has already received, the Board can move this project.

- Final plat approval is different for the Conservation Subdivision (versus the original applications). The applicant will have to provide:
  - an open space maintenance plan
  - town engineer approval of driveways and sidewalks

M. Hatch offered the following resolution:

*Whereas, the Town of Dryden Planning Board has reviewed a proposed project in the Varna Hamlet Mixed Used District; and*

*Whereas, the Planning Board believes cluster subdivisions in the Varna Hamlet Mixed Use District, the Varna Hamlet Residential and the Varna Hamlet Traditional Districts are a viable and desirable method of development;*

*Therefore, be it resolved, the Planning Board hereby recommends the Town Board amend the Zoning Law to permit cluster subdivisions in the Varna Hamlet Mixed Use District per the recommendations presented by Ray Burger, Planning Director.*

H. Lambert seconded the motion which was passed 6-1-0 with J. Wilson abstaining.

**Other Business:**

C. Anderson questioned the follow up to site plan review. Businesses have come to the Planning Board for review but then they are not sticking to the plan requirements. Is there any way to keep the businesses/projects to what they agreed to during the review?

He provided the example of Green Scene – they originally wanted a sign on the building but then they applied for a sign permit and returned to the Planning Board. Encodema is a business that did not follow their approved site plan and did not return to the Planning Board for permission to install a large lighted sign.

Prior Planning Directors have gone back to the original site plan but the point was also made that things change over years and we cannot stop someone from making changes as long as they following the law.

Site plans are in place as long as they are not amended.

D. Weinstein suggested that the Board revisit this situation at the next meeting and propose a resolution to the Town Board outlining a potential solution. M. Moseley said there should be some language in the zoning law indicating what may or may not trigger an amendment to an existing special permit or site plan. There should also be a mechanism to determine whether the change is major or minor.

The Town Board did not require sidewalks along the Freeville Road nor Ellis Drive with the new storage center in the village. The Planning Board believes that will send the wrong message to future developers. It was suggested that the Planning Board do all of the site plan reviews to provide consistency.

There being no further business, the meeting was adjourned at 7:30PM

Respectfully Submitted,

Erin A. Bieber

Deputy Town Clerk  
Draft amendments to Town of Dryden Comprehensive Plan (amended language  
underlined)

**Plan Synthesis chapter, Land Use section on page 39**

**After paragraph reading:** “In the new comprehensive plan accommodations must be made to allow commercial and industrial development within the town, but in a manner that minimizes the impacts on existing and future residential neighborhoods, and the overall character of the community.”

**Add:** “While small scale solar energy generation exists on some small private lots, there is a desire to provide more options for solar energy generation. Large solar installations will allow this but the impacts should be mitigated through careful siting and adequate buffering.”

**Plan Recommendations chapter, Future Land Use section,  
Industrial/Office/Research subsection on page 60**

**After paragraph reading:** “Although it occupies a small proportion of the town’s land area, industry continues to be an important economic sector. Currently there are approximately 275 acres of land dedicated to industrial uses in the town and another 412 acres dedicated to utilities. These utilities include the electrical distribution system of New York State Electric and Gas Corporation, and the gas pipeline compressor station in Ellis Hollow.”

**Add:** “To diversify our electrical supply grid large scale solar installations should be allowed in all areas of the town with careful siting and adequate buffering provided to mitigate adverse impacts.”

## Zoning Law

Section 601: Relief from Lot dimension requirements in the CV, RR, ~~and RA~~, VHMU, VHR and VHT

Districts

For relief from the minimum Lot size and minimum Lot Frontage requirements in the CV, RR, ~~and RA~~, VHMU, VHR and VHT Districts, see the Town of Dryden Subdivision Law which permits smaller Lot dimensions by utilizing the Conservation Subdivision procedure.

## Subdivision Law

Article IX. CONSERVATION SUBDIVISIONS

Section 900: General Rule; Optional Use of Article; Area and Bulk Regulations

A. General Rule

Whenever any Major Subdivision of land in a Conservation District (CV) is proposed, and before any contract for the sale of, or any offer to sell any Lot in such Subdivision is made, and before any permit for the erection of a structure in such Subdivision shall be granted, the Subdivider, shall apply in writing for approval of such Subdivision in accordance with

the applicable provisions of Town Law Sections 276, 277, 278, 279 and this Article.

B. Optional Use of Article

A Subdivider proposing a Subdivision in the Rural Agricultural ~~District~~ (RA), ~~or the Rural Residential District~~ (RR), Varna Hamlet Mixed Use (VHMU), Varna Hamlet Residential (VHR) or Varna Hamlet Traditional Districts may elect to proceed under this Article, in which event the provisions of this Article shall govern.

C. Area and Bulk Regulations

1. Lot Area. Other than as required by the Tompkins County Sanitary Code, there shall be no minimum Lot size in a Conservation Subdivision. The Planning Board shall determine appropriate Lot sizes in the course of its review of a Conservation Subdivision. In order to permit a clustered Lot configuration, wells and septic systems may be located in areas of protected Open Space, if there are easements for maintenance of these facilities. Shared septic systems or wells may be utilized with approval of the agencies having jurisdiction over the same. Shared driveways in accordance with the standards set forth herein are encouraged.

2. Other Dimensional Requirements.

a. In a Conservation Subdivision, where a proposed Subdivision Lot abuts an existing residence, a suitable buffer area may be required by the Planning Board. This buffer shall be at least the same as the minimum rear or side yard setbacks in the district in which the existing residence is located.

b. The Subdivider may propose all other dimensional requirements for the Conservation Subdivision Lots including setbacks.

3. Subdivision Lots shall be arranged in a manner that protects land of conservation value and Open Space and facilitates vehicle, pedestrian and bicycle circulation. Access management techniques, such as shared driveways, should be used to minimize curb cuts on rural highways.

D. Conservation Subdivision of a Portion of a Larger Parcel

The Planning Board may approve a Conservation Subdivision of only a portion of a parent parcel if a Conservation Analysis is provided for the entire parcel.

E. Private Road Standards

Proposed Private Roads and Common Driveways within a Conservation Subdivision shall be designed and constructed according to the requirements of this Local Law to ensure their suitability for access to the Lots in the Conservation Subdivision based on projected traffic, terrain and relevant safety factors. The design of Private Roads and Common Driveways shall be approved by the Planning Board and the Town's Engineer.

Section 901: Procedure

A. Major Subdivision Procedure to Govern

The procedures for approval of a Conservation Subdivision shall be the same as for a Major Subdivision (Article VII), except as specifically modified by the provisions of this Article.

B. Pre-Application Meeting

1. Purpose. The Subdivider shall meet with the Planning Department to discuss Subdivision of the property and conformity, to the maximum extent practicable, with the Town of Dryden Residential Development Design Guidelines.

2. Condition Precedent. The pre-application meeting is required prior to submission of a Sketch Plan to the Planning Board.

3. Fee. There is no fee for a pre-application meeting.

4. At the pre-application meeting the Planning Department shall advise the Subdivider of the amount of the initial deposit established by resolution of the Town Board to cover the fees and expenses incurred by the Town pursuant to the provisions of Local Law No. 5 of the year 2000 (A local law providing for the reimbursement by developers of engineers and attorneys representing the Town of Dryden) and Local law No. 5 of the year 2007 [A local law amending Local Law No. 5 of the year 2000 to provide for reimbursement by developers of expenses incurred by the Town in connection with Stormwater Pollution Prevention Plans (SWPPP)].

C. Sketch Plan; Existing Conditions Report; Conservation Analysis

1. Submission of Sketch Plan, Existing Conditions Report and Conservation Analysis. Seven (7) copies of the Sketch Plan, Full Environmental Assessment Form (EAF), Existing Conditions Report and Conservation Analysis shall be filed at least 14 days prior to the regular meeting of the Planning Board at which the Sketch Plan, Existing Conditions Report and Conservation Analysis will be first reviewed.

2. Discussion of Requirements. The Subdivider shall attend the meeting of the Planning Board to discuss the Sketch Plan, Existing Conditions Report and Conservation Analysis, other requirements of this Local Law, including the manner in which water service and sewer service will be provided, the availability of existing utility services, and conformance, to the maximum extent practicable, with the Residential Development Design Guidelines.

3. Approval of Sketch Plan, Existing Conditions Report and Conservation Analysis. The Planning Board shall determine whether the Sketch Plan meets the requirements of this Local Law and whether the Existing Conditions Report adequately describes the existing site conditions, and shall provide by resolution its determination of what, if any, modifications are necessary for approval of the Sketch Plan and Existing Conditions Report, or if a revised Sketch Plan or Existing Conditions Report are not required, on the Preliminary Plat. The Planning Board shall also review the Conservation Analysis and determine by resolution:

i. the permitted number of Lots in the Subdivision [in accordance with Town Law Section 278(3)(b)] which shall not exceed the number of Lots which could be permitted, in the Planning Board's judgment, if the property were subdivided into Lots conforming to the minimum Lot size requirements in such district without taking into account Constrained Lands, but taking into account infrastructure such as streets necessary to develop the

property; In the Varna districts, when no minimum lot size is specified, the Varna Density Table in Section 702 of the Town Zoning Law shall be used to determine the number of lots that could be permitted. and

ii. the portion or portions of the property which have the most conservation value and should be protected from development, and

iii. the preferred method of protection of such property, whether by Conservation Easement, restrictive covenant, conveyance to a suitable title holder or other method, or

iv. if a revised Conservation Analysis is required for approval, the modifications required.

4. Fee. The application fee for Sketch Plan, Existing Conditions Report and Conservation Analysis approval shall be paid at the time the same are filed.

5. Approval of a Sketch Plan, Existing Conditions Report and Conservation Analysis is a condition precedent to filing a Preliminary Plat.

D. Preliminary Plat Approval

1. Approval Procedure. The provisions of Town Law Sections 276(5) and 278 govern the procedure for approval of Preliminary Plats and coordination of Planning Board review with SEQR.

2. Application. After Sketch Plan, Existing Conditions Report and Conservation Analysis approval, the applicant may file an application for Preliminary Plat approval. The Preliminary Plat shall comply with the requirements of this Local Law and the requirements of this Article. In addition to the requirements of Article X, the Preliminary Plat shall show or be accompanied by:

a. Constrained Land in the parent parcel and the proposed Subdivision.

b. All Open Space and environmental resources included in the approved Conservation Analysis and determined by the Planning Board to be protected from further development.

c. Locations of structures (“building envelopes”).

d. A protected Open Space management plan.

e. Proposed plans for private roads or any shared driveways.

f. Proposed instruments designed to protect the Open Space.

3. Number of copies. Seven (7) copies of the Preliminary Plat and one (1) digital copy shall be filed at least 30 days prior to the regular meeting of the Planning Board at which the Preliminary Plat will be reviewed.

4. Subdivider to Attend Planning Board Meeting. The Subdivider shall attend the meeting of the Planning Board for its review of the Preliminary Plat.

5. Review of Preliminary Plat. The Planning Board shall review the practicability of the Preliminary Plat taking into consideration Sketch Plan approval, the requirements of this Local Law, and the requirements and standards set forth in Town Law Sections 277 and 278. The Planning Board shall by resolution set forth the grounds for its action on the Preliminary Plat.

6. Fee. The application fee for Preliminary Plat Approval shall be paid at the time the Preliminary Plat is filed.

E. Final Plat Approval Procedure

7. Approval Procedure. The provisions of Town Law Sections 276(6) and 278 govern the procedure for approval of a Final Plat.

8. Application. After Preliminary Plat Approval, the applicant may file an application for Final Plat Approval.

9. Number of Copies. Seven (7) copies of the Final Plat and one digital copy shall be filed at least 30 days prior to the regular meeting of the Planning Board at which the Final Plat will be reviewed.

10. Review of Final Plat. The Planning Board shall review the Final Plat and by resolution set forth the grounds for its action on the Final Plat.

11. Conditional Final Approval of a Final Plat. If the Final Plat does not contain the approvals of all other governmental agencies having jurisdiction over the Subdivision, such as, but not limited to the approval of the Tompkins County Health Department, then the Planning Board may grant Conditional Approval of a Final Plat. In granting such conditional approval the Planning Board shall specify the requirements which, when

completed, will authorize the signing of the Final Plat.

12. Fee. The application fee for Final Plat approval shall be paid at the time the Final Plat is filed.

**Section 902: Open Space Protection**

Open Space in the Conservation Subdivision determined by the Planning Board to be protected shall be permanently protected by a suitable arrangement, such as Conservation Easement, Restrictive Covenant, homeowner's association, or title transfer to a grantee approved by the Planning Board. Any development permitted on land located in a Conservation Subdivision that is not protected as Open Space shall not compromise the conservation value of such Open Space, except for the installation of water and sewer facilities and other utilities. All arrangements for the protection of such Open Space shall be approved by the Planning Board, Town Board, if the town is to hold title or empowered to enforce the protective measures, and by the attorney for the Town as to legal sufficiency.