

**Dryden Agriculture Advisory Committee  
August 8, 2018**

**Members present:** Evan Carpenter (Chair), Kim LaMotte, Steve Foote, Marie McRae, and Brian Magee

**Absent:** Jeremy Sherman

**Liaisons:** Craig Schutt (Conservation Board) and Craig Anderson (Planning Board)

E. Carpenter called the meeting to order at 7:32 PM.

E. Carpenter asked if everyone had reviewed the minutes from the July 11, 2018 meeting. K. LaMotte made a motion to accept the minutes, M. McRae seconded the motion and it was unanimously approved.

**Site Plan Review for Agriculture**

C. Anderson – Background: I presented the definitions, D. Michaud put them in the document. It was presented at the planning board and the majority of the board freaked out. They think that they should have some oversight on ag related enterprises. That term came out of the zoning law from Dan Kwasnowski and Mahlon Perkins when they wrote it. One reason I'm on the planning board is to fight against some of these. When zoning was first adopted, and when it was proposed, we all came out and said you can't do this on ag. There are so many things that ag isn't represented in in zoning at all.

E. Carpenter – A lot of it was against Ag & Markets law.

C. Anderson – Exactly, and they came up with the Agricultural District thinking that these ag enterprises could be confined in that, all commercial agriculture would be confined in that. That's where the Ag District came from. If you look at the use charts, you will see that in the Ag District ag related enterprises are allowed. They're not allowed elsewhere, which is interesting. That's one reason I got on the planning board was to help facilitate this and 6 ½ years later we are still nowhere close to being resolved on this. I think after two meetings talking about definitions (the planning board), they are okay with the definitions because they know it's right out of Ag & Markets law. But they still think there should be a site plan review process for agriculture. They keep using Hopshire as an example, nobody wants to see that next to their house. Well, realistically, he is an allowed use in that zone. So that is a poor example. Another example would be if you (M. McRae) opened that up on your land the neighbors might complain. It's more about what's going to happen in their backyard. Ag & Markets will allow a site plan review process for an ag related enterprise, I'm going to keep using that term because that's what it is about. It's not about agriculture. It's not about your farm operation.

7:40 PM B. Magee arrived.

M. McRae- So ag related is the key.

C. Anderson – That's the key piece and I want to emphasize that, and again, that's not an Ag & Markets term that's a Dryden term to simplify this process. It's already in our zoning. For example, Hopshire, the beer part is an ag business, the event side is an ag-related business. The event side is where the site plan review process would come in.

M. McRae- So if they were only a bar?

C. Anderson – If they were only growing hops and making beer for distribution then they would be an ag operation. But the fact that they open to the public, now you've created this situation where they could

have some oversight on it. The planning board talked about coming up with a list of ag related enterprises. It could be anything under the sun.

K. LaMotte – You never know. It's going to be evolving.

C. Anderson – I think it's already defined in the law, because we have a farm operation already defined and that changed agriculture. So that's protected, no one is going to stop you from building a barn and raising crops. You aren't going to have oversight on that, at least I don't want to see that.

E. Carpenter – But if she puts in a playground and a corn maze?

C. Anderson – Again, I think it must be up to the planning department. They may want to look at the parking situation. That's it. We have a pretty simple site plan review and sketch plan review process, which I distributed last month. Some of them don't relate to agriculture at all and some of them could. I was thinking that if we could marry the two of them together and come up with a simple checklist that could be done in house. The planning department would do it for us. Ag & Markets law says there has to be an expedited review and that we cannot hold a public hearing, so the planning board can't do it. In our laws we can hold a public hearing for any site plan, it is our choice. Just that language alone kicks out having the planning board do it. The timeframe is also an issue for the planning board because you do a preliminary with R. Burger, a sketch plan, and then a preliminary with us – there's three months. That's not an expedited review. The last sheet I handed out, in the red, had the starting of the process and who oversees this. I don't think I put a time frame in because it's a moving target. Last year was 30 days, this year is 45 for Ag & Markets. It'd be like a building permit. If you are a savvy businessperson you would be financially foolish to invest into something like a tack shop. Once the farm is gone the tack shop would be an illegal business in the conservation district. You would then have to get a special use permit to keep the business. It becomes a non-conforming use and you're at the mercy of the town board or ZBA.

K. LaMotte – So they can go backwards?

M. McRae – This is not backwards.

K. LaMotte- But if you have it and then suddenly something changes.

C. Anderson – What you're looking at is it's an allowed use to ag but it's not an allowed use to the zoning in the conservation district.

E. Carpenter- She used to be rural ag and then they changed it to be a rural conservation and that would throw that out of there.

C. Anderson – There are no rules for zoning. Zoning can change tomorrow.

E. Carpenter – And then that tack shop is an illegal entity.

C. Anderson – An example would be Icodema (the old Werninck's building which was mercantile), that got re-zoned as rural residential. The only use that could go into that building was mercantile. When Icodema came and felt it would be the perfect building for them, the zoning had to be changed. They are light industrial so the zoning was changed to mixed use commercial, then for it to not be spot zoning they also took in the Crawford property across the street. That's how quickly zoning can change. That changed in two meetings of the town board. Because of that, you're not going to see anybody invest heavily in an ag-related enterprise in the conservation district.

K. LaMotte asked M. McRae – When they changed that (maybe you don't have a problem with that) did you argue that at all? Or do you not care?

M. McRae- I don't have a tack shop or anything like that so it made no difference to me.

K. LaMotte – They did it to one parcel of ours and I squeaked a little bit and they changed it back to rural ag from conservation.

C Anderson – That's a bigger issue than just changing the zoning or adopting some sort of site plan/sketch plan process. That goes back in history why we have an ag district. It's basically rural residential with the only other difference being that it has the allowed use of an ag-related enterprise.

That is how ag-related enterprise got introduced into the zoning. I'm trying to use it as a foundation for the difference between an ag operation and something broader. It's there so you might as well use it, otherwise you're rewriting use tables and the whole thing. I think it should be up to the department because it changes so quickly. Agri-tourism wasn't in Ag & Markets law 4 years ago. That's a moving target. If they say they don't agree that's an ag related enterprise, then it's up to the farmer to call Ag & Markets and say they are denying me my right for this, or if they think that the site plan review process is too restrictive. There's always an out for the farmer there.

Debbie was questioning, last month, if you needed to get a permit for an ag building. I've always gotten permits on ag buildings. You don't have to meet any building code to build an agricultural building, you'd only have to get a permit.

E. Carpenter – I thought that according to Dryden you did.

C. Anderson – That was according to Dan. According to the law, they don't have to meet any standards so you don't have to get a permit. But, that building can only be used for ag. You can't convert it into another use. At least have the structure and the footings inspected.

B. Magee - I thought it was a good idea, I wasn't building it myself, to check on the builder.

C. Anderson – I had the new building up on Bradshaw inspected and when Dave asked why, I explained I wanted it inspected so no one would come back on me in 10 years and question the ability to change the use of the building.

B. Magee – The drainage off them is important too so it's not going into an active stream. Putting the gutters in we could have put them in going to the front, but the inspector indicated there was a stream to the front so we put the gutters to the back. That saved us a lot in terms of gravel and everything else. You just mentioned the corn maze. I've been to Stoughton's a couple of times and the parking is dangerous after dark. They don't have lighting, there are a lot of kids running around there, it petrified us to drive through the parking area. If it had rained very much, all their parking is down from the road.

K. LaMotte – It's your responsibility then. If somebody gets hurt in their maze or parking lot, they'll be done. I've been to some conferences where somebody had something where the public came on premises and there was an injury. That was the end of the farm.

C. Anderson – So I think that's where we're at as far as the planning board goes. If you want to proceed with this and try to come up with a checklist and run it by them. I think it would be easier if a couple of people sit down and go over it and come up with something that makes sense. I know the planning board will have a different opinion.

K. LaMotte – Checklist off this checklist here on page 65?

C. Anderson – Yes, site plan checklist.

K. LaMotte – It seems like we should just do it, whether you want to stay or not. All these things from 65 to

C. Anderson – Some of these are done administratively, they make sure that the first checklist is done by the planning department before it goes to the planning board. A lot of it, like landscaping plan, you don't have to do. Construction schedule, yes. I know they are going to ask for some sort of storm water, and that's if you disturb more than an acre of soil. A farm has to deal with storm water anyways.

K. LaMotte – Well you're familiar with the stuff.

C. Anderson – Any questions?

M. McRae – You think we should come up with our checklist?

C. Anderson – Yes, pick off the list.

E. Carpenter – Signage?

C. Anderson – I don't believe our zoning law is in compliance with Ag & Markets law. It restricts the size of the sign to smaller than that of a contractor sign. I can have a 4X8 contractor sign in the yard, but as a farm the sign is much smaller. I don't know why that didn't get changed in the law when it was going

through review. Technically, a farm can have as many signs as you want. You can put them down the street as directional signs and things like that, a business can't. It still reads in our zoning law that you are allowed two signs and only one out front. It hasn't become an issue yet that I'm aware of. You're looking at egress from the property, if it's back far enough so you can see to get out of the driveway. They want these low-profile signs.

They discussed signs around the town that don't meet the low-profile rule.

C. Anderson -If you want to go through the checklist, I'd be more than happy to.

E. Carpenter- Yes, let's start.

### **Review of attached Site Plan checklist to come up with an ag checklist**

C. Anderson – We will start with Section 1103: Application Content, page 65, section B:

#1 – Drawings – that's reasonable.

E. Carpenter – Professional drawings or farmer's sketches? How fussy are they going to be?

C. Anderson – It's easy enough to print a tax map. We have accepted, from homeowners, hand drawn sketches that aren't to scale. The larger the building, you're going to get a more professional drawing for.

E. Carpenter – The architect already has one drawn up, typically.

C. Anderson – So you're also going to get a more professional drawing and site plan along with that. It's going to be the planning department's decision as to what will or won't work.

#2 – Boundaries of the property plotted to scale.

C. Anderson – I think a tax map would suffice for that. You can print it off the Tompkins County website, you can certainly get it here too.

8:01 P.M. S. Hatfield arrived.

#3 – Identification of the highway – yes

#4 – Existing waterways/wetlands – Yes, you can get that on the GIS – they have that here. They will do an overlay so you're not building in the middle of a waterway. Again, that's touch and go with Ag & Markets. If it is the only place to put your structure and you'll be encroaching on the road, you are allowed to do that and not meet town setbacks.

#5 – Grading and drainage plans–

E. Carpenter – that's required by soil anyway.

M. McRae- As Brian pointed out, the drainage is important.

C. Anderson - I would tie this in with storm water if you are required to do storm water.

Again, if you're just putting up a garage or farm stand, you are going to take care of your own water.

E. Carpenter – Storm water?

C. Schutt - Yes, it would be to a certain extent.

C. Anderson – The trigger point for that would be 1 acre. We also do 2,000 feet, that is our soil disturbance law.

E. Carpenter -It's required by soil disturbance law.

#6 – Design and type of construction – No, but it's not that big of a deal to ask the construction.

#7 – Parking/loading areas – Shouldn't be a big issue to ask.

#8- Pedestrian sidewalks – No, ADA and building code will take precedence.

#9 -Bicycle parking – No.

#10 – Waste disposal containers/outdoor storage areas – No.

#11 – Location, design and construction materials for site improvements – No, can't require a farm to put up a screen from the neighbors.

M. McRae – So you can't require a screen from a related a business?

C. Anderson – No, because the business is part of the profitability of the farm, that's how Ag & Markets are going to look at it.

S. Foote – No if it's ag use in an ag district.

#12 – Method of sewage disposal – No,

#13 – Securing potable water – Yes.

#14 – Emergency zones/location of hydrants – Yes.

S. Foote – Explained emergency zone. Locations of chemicals on site is important to know.

#15 -Energy distribution- No.

#16 – Signage – Yes, but you don't have to comply.

#17 – Identification of 911 – Yes.

#18 – Buffer zone – No.

#19 – Outdoor lighting – Yes, it's a big issue.

E. Carpenter- Neighbors might not enjoy your lights

C. Anderson – Everyone is on night sky compliant lights – all down facing so you don't have flood lights blasting everywhere. Location, height and intensity are important.

#20 – Fixtures – goes hand-in-hand with #19.

#21 -Direction of lighting goes with #19.

#22 - #28- No.

#29 – Storm water -Yes.

C. Schutt– I would say all you probably would need would be the erosion/sediment control plan. I know that if a project has been funded through a grant, Ag & Markets says you have to have a simple erosion sediment control plan.

B. Magee – While you are building, until you establish grass.

C. Schutt – But they don't expect you to go to an engineered, huge storm water plan. That can be pretty darn expensive.

C. Anderson – So what would you say?

C. Schutt- Erosion and sediment control plan, by the town law (cross out storm water management).

C. Anderson – In your case, you would probably use hay bales.

#30 – Short or Full EAF – No.

C. Anderson – In our process for a site plan, this is what the planning department would review before it came to us for review. The checklist would be done for us. We would have this information in front of us and then we would critique that in this next step.

#### **Section 1104: Board Action on Site Plan Review Application**

A & B would not apply.

B. Magee – I went to a public hearing where Frosts were going to build the garage they have a little bit closer to the road than what was approved. All the neighbors were notified.

C. Schutt -But that wasn't an ag operation, that was just a building they were putting up. They had to get a variance.

B. Magee- If an ag building was closer to the road you would have to do something like that.

C. Schutt -No, do you?

C. Anderson – No, ag doesn't have to comply with zoning if it is the only place to put it. If there is another place to put it you would have to meet the setbacks.

#### Section C

C. Anderson – We get into the review questions and you'll see they are kind of repetitive again.

#1 - Location, arrangement, size, so we did that on the first one. – Yes

#2 – Vehicle traffic and pavement surfaces and width – Yes, rest of them – No

#3 – Location, arrangement, appearance, and sufficiency of off-street parking and loading – Yes

#4 – Pedestrian traffic – No, building code dictates that.

#5 – Adequacy of storm water/drainage – Yes.

#6 – Water supply and sewer – Yes.

#7-#12 – No.

#### Section D

K. LaMotte – If our goal is to have the planning department do this, why are we even worrying what the planning board determines?

C. Anderson – To get this written into the law, you will have to go through the planning board. The procedure needs to be changed in this law too. Now the planning board and the town board have jurisdiction over these actions. What is going to change is this new document will be done by the planning department, they would have jurisdiction.

The lawyer will have to come up with the wording to be used. This would be a site plan review for an ag-related enterprise and then the planning department would have jurisdiction.

K. LaMotte- We can't just say we want the planning department? The recommendation needs to come from us?

C. Anderson – We are asking for that, but the fine printing of that would need to be done by the attorney, and then there is a time issue involved.

I will condense this down into one document and send it out to all of you for review, then if you all agree on it we can send it out to the planning board and see what they want to do. I think it's smart to keep the language the same. It's still not too late to put signage into the mix of definitions if you wanted to change that too.

K. LaMotte – We should change it to what Ag & Markets allow.

C. Anderson – They do have a guidance document. A lawyer would have to come up with wording for the signage to match Ag & Markets.

B. Magee- Are fire vehicles any wider than tractors? S. Foote – Ladder truck can be tough getting in anywhere around these roads because of the wheel-base.

C. Anderson – But you have to remember that agriculture is exempt.

- B. Magee- But I would like to know to be able to warn the fire company, so they don't try to drive in.
- K. LaMotte- What would the fire department do?
- S. Foote- You don't put the ladder truck in the driveway, you do it simply with hoses and stuff off the ground.
- C. Anderson – We ran into this with the Pinney property where the solar farm is going, you've got two ag buildings back there. My complaint is you have two ag buildings. When they become a commercial use, you don't have fire protection back there. The road should at least be built to meet that issue.
- B. Magee – Who would evaluate that?
- S. Foote – Call your Harford chief.
- C. Anderson – We always recommend people talk to the fire chief to get turning radius. You get a different answer from each chief.
- S. Foote – Without water service there, they will have the tankers on the road and will have to run a line from the road.
- E. Carpenter- With the solar that is going on my property, the driveway going down to it (since the property is being subdivided off) must meet subdivision rules with regards to width and whatnot.
- C. Anderson – Solar is exempt from the fire code.
- C. Anderson – Delaware River were nice guys to work with. Had more of an issue with the planning board adding 10' to the right of way. It was a 40' right-of-way for service to two 20' flag lots. If it ever comes out of use of solar it becomes land locked. There can only be two lots back there. By putting in the extra 10' you can then put a roadway in that could service multiple houses or anything.
- C. Anderson – There is an alternate position on the planning board if anyone is interested in jumping ship, or if you know someone in agriculture that might be interested.

#### **Cornell student work**

- E. Carpenter – I would rather wait to have D. Teeter here for that discussion.

#### **New Business**

M. McRae – Remember the legislation on carbon farming? We sent letters in support. There is a small group of us that are planning a forum on carbon farming in Ithaca on September 26<sup>th</sup> at the library. We have somebody from California coming in. He has been doing a lot of range land reclamation and he will talk about that. Then we will have a panel, can't tell you who is going to be on the panel yet, of local people. I'll send more information. It's going to be at 7 or 7:30 in the evening.

C. Anderson -Last year Tompkins County was going to try to do some siting for some small wind. Did that ever go anywhere?

M. McRae – I didn't make it to the meeting where the wind ordinance was being talked about.

C. Anderson – This was more location related, not zoning. They were anywhere from 50KW to 500KW, I think.


S. Foote- We got a report on that at our farm. They sent a map that had wind speed and sites.

C. Schutt – The town board has given the task to the planning board, conservation board, and ag committee to all discuss that renewal energy code in small wind.

S. Foote made a motion to adjourn the meeting, seconded by K. LaMotte and unanimously approved.

The meeting was adjourned at 9:05 PM.

Respectfully submitted,

A handwritten signature in cursive script that reads "Chrystle Terwilliger".

Chrystle Terwilliger  
Deputy Town Clerk



## **ARTICLE XI: SITE PLAN REVIEW**

### **Section 1101: Purpose, Applicability and Authority**

- A.
  1. The purpose of this article is to provide the specifications and necessary elements to be included in a sketch plan and site plans for those uses which are subject to Site Plan Review including, but not limited to, proposed parking, means of access, screening, signs, landscaping, architectural features, location and dimensions of buildings, adjacent land uses and physical features meant to protect adjacent land uses.
  2. This article is intended to supplement the substantive and procedural requirements of Town Law § 274-a.
- B. **Applicability.** This article applies to all new Business Group Uses, or changes from one Business Group Use to another; all new Community Group Uses, or changes from one Community Group Use to another; all new, or changes to, uses within a TNDO District and LSRD District, all uses requiring a Special Use Permit, and all uses in a PUD district, as well as any other uses for which Site Plan Review is required in this Law. Agricultural-Related Enterprise see sections 1101:C.4, 1102-E., 1105: A.B.
- C. **Jurisdiction.**
  1. All Site Plan Reviews performed in connection with a Special Use Permit shall be conducted by the Town Board.
  2. Unless otherwise provided, all other Site Plan Reviews shall be conducted by the Planning Board.
  3. For simplicity sake, in this section, both boards are referred to as "the Board."
  4. Agricultural-Related Enterprise Site Plan Review shall be conducted by the Planning Department.

### **Section 1102: Site Plan Review and Approval Procedure**

- A. All applicants should refer to the Town of Dryden Residential and Commercial Design Guidelines and then meet the Planning Department prior to requesting a sketch plan conference.
- B. Applications for Site Plan Review shall be made on a form provided by the Planning Department. The application must be received and reviewed by the Planning Department. Once the application is deemed complete by the Planning Department, it will be scheduled for a sketch plan conference with the Board.
- C. The sketch plan conference with the Board shall precede the submission of a detailed site plan.
- D. The purpose of the sketch plan conference is to allow the Board to review the basic site

design concept, provide the applicant with constructive suggestions, and generally, to determine the information to be required in the detailed site plan. In order to accomplish these objectives, the applicant must:

1. Provide a brief narrative and preliminary concept showing the locations and dimensions of principal and accessory Structures, parking areas, and other planned features and any anticipated changes in the existing topography and natural features.
  2. Provide a sketch or map of the area which clearly shows the location of the site with respect to nearby streets, rights-of-way, properties, easements and other pertinent features within 500 feet.
  3. Provide a topographic or contour map to adequate scale and detail to show site topography and natural features such as streams or wetlands.
  4. Provide a conceptual stormwater management plan consistent with the Town of Dryden Stormwater Management, Erosion and Sediment Control Law that outlines the approach to manage runoff and its post construction treatment on the site. A Stormwater Pollution Prevention Plan does not have to be submitted at this time, but a Notice of Ground Disturbance form is required.
  5. If not the owner of the land under consideration, provide written approval from the owner to submit the sketch plan.
- E. At the sketch plan conference, based upon the information provided, the Board will determine any and all additional information required in the detailed site plan. Within 10 days of the completion of the sketch plan conference the Board shall provide in writing a detailed list of necessary components for a complete application and detailed site plan after the sketch plan conference. Applications for an Agricultural-Related Enterprise must be received and reviewed by the Planning Department.
- F. The Board may, in appropriate cases, waive further Site Plan Review based upon the information provided in the sketch plan after review of the same.
- G. Detailed site plans shall be reviewed by the Planning Department in order to determine completeness. When deemed complete, the Planning Department will schedule a final Site Plan Review and public hearing, if required.
- H. The applicant shall supply all necessary materials for final Site Plan Review including digital and paper copies of plans as required by the Planning Department.

## Section 1103: Application Content

- A. At or following the Sketch Plan conference the Board may request that the applicant provide more information, including, but not limited to any or all of the items from the following list. In determining the information it will require, the Board may consider the type of use, its location, and the size and potential impact of the project.
- B. Site plan checklist:
1. Title of drawing, including name and address of applicant and person responsible for preparation of the drawing;
  2. Boundaries of the property, plotted to scale, and including north arrow, scale and date;
  3. Identification of public highways;
  4. Existing watercourses and wetlands;
  5. Grading and drainage plan showing existing and proposed contours;
  6. Location, design and type of construction, proposed use and exterior dimensions of all buildings;
  7. Location, design and type of construction of all parking and truck loading areas showing ingress and egress to the public highway;
  8. Provisions for pedestrian access including sidewalks along public highways. Pedestrian facilities shall be ADA (Americans with Disabilities Act) compliant. Sidewalks must be constructed continuously across all driveways;
  9. Provisions for bicycle parking, such as bicycle racks or bicycle lockers as appropriate. All bicycle parking devices shall be provided in accordance with guidelines published by the Association of Pedestrian and Bicycle Professionals (APBP). Some portion of bicycle parking should be provided in a covered area protected from the weather;
  10. Location, type and screening details of waste disposal containers and outdoor storage areas;
  11. Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences;
  12. Description of the method of sewage disposal and location;
  13. Description of the method of securing potable water and location, design and construction materials of such facilities;

14. Location of fire and other emergency zones, including the location of fire hydrants;
15. Location, design, and construction materials of all energy distribution facilities, including electrical, gas and solar energy;
16. Location, height, size, materials, and design of all proposed signage;
17. Identification of street number(s) in accordance with any applicable 911 numbering system, and method for ensuring that building identification numbers are installed in a manner that will be visible to emergency responders during the day and night;
18. Location and proposed development of all buffer areas, including existing vegetation cover;
19. Location and design of outdoor lighting facilities;
20. Location, height, intensity, and bulb type of all external lighting fixtures;
21. Direction of illumination and methods to eliminate glare onto adjoining properties;
22. Identification of the location and amount of building area proposed for retail sales or similar commercial activity;
23. Proposed limit of clearing showing existing vegetation. Individual trees with a diameter at breast height (DBH) of 12 inches or greater within the clearing line shall also be shown, if the Board finds that there are uniquely beneficial species on the site and/or exceptionally mature trees;
24. Landscaping plan and planting schedule;
25. Estimated project construction schedule;
26. Record of application for and approval status of all necessary permits from state and county agencies;
27. Identification of any state or county permits required for the project;
28. Other elements integral to the proposed development as considered necessary by the Board;
29. Stormwater Management Plan as required by the Town of Dryden Stormwater Management, Erosion and Sediment Control Law;
30. Short or Full Environmental Assessment Form or draft Environmental Impact Statement as determined by the Board at the sketch plan conference.

## Section 1104: Board Action on Site Plan Review Application

- A. Site inspections. The Board, and any such persons as they may designate, may conduct such examinations, tests and other inspections of the site deemed necessary and appropriate.
- B. Public Hearing.
  1. The Board may hold a public hearing.
  2. In determining whether a public hearing is necessary, the Board shall be guided by the expected level of public interest in the project.
  3. Applicants may request a public hearing. When an applicant requests a public hearing, no site plan review may be disapproved without such a hearing.
- C. The Board's review of the site plan shall include, but is not limited to, the following considerations:
  1. Location, arrangement, size, design, and general site compatibility of buildings, lighting, and signs;
  2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, and traffic controls;
  3. Location, arrangement, appearance, and sufficiency of off-street parking and loading;
  4. Adequacy and arrangement of pedestrian traffic access and circulation, walkway Structures, control of intersections with vehicular traffic, and overall pedestrian convenience;
  5. Adequacy of stormwater and drainage facilities;
  6. Adequacy of water supply and sewage disposal facilities;
  7. Adequacy, type, and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation;
  8. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants;
  9. Adequacy of the site's ability to support the proposed use given the physical and environmental constraints on the site, or portions of the site;

10. Special attention to the adequacy and impact of Structures, roadways and landscaping in areas susceptible to ponding, flooding and/or erosion;
  11. Conformance with the Town's Residential and Commercial Design Guidelines to the maximum extent practicable;
  12. Completeness of the application and detailed site plan in light of the Board's requirements following the sketch plan conference.
- D. No approval or approval with conditions shall be granted until the Board determines that the applicant is in compliance with all other provisions of this Law and other applicable ordinances.

▪ **Section 1105: Site Plan Review for Agricultural-Related Enterprise**

Application Content:

- A. Provide a brief narrative of the proposed new use, structures, parking areas, and other planned features. Any changes to the existing topography. Daily anticipated vehicle and/or truck trips.
- B. Site plan checklist:  
(From pages 64, 65 and 66)
  1. Title of drawing, including name and address of applicant and person responsible for preparation of the drawing;
  2. Boundaries of the property, plotted to scale, and including north arrow, scale and date;
  3. Identification of public highways;
  4. Existing watercourses and wetlands;
  5. Location, design and type of construction, proposed use and exterior dimensions of all buildings;
  6. Location, design and type of construction, proposed use and exterior dimensions of all buildings;
  7. Location, design and type of construction of all parking and truck loading areas showing ingress and egress to the public highway;
  8. Description of the method of sewage disposal and location;
  9. Description of the method of securing potable water and location, design and construction materials of such facilities;

10. Location, height, size, materials, and design of all proposed signage;

11. Identification of street number(s) in accordance with any applicable 911 numbering system, and method for ensuring that building identification numbers are installed in a manner that will be visible to emergency responders during the day and night;

12. Location, height, intensity, and bulb type of all external lighting fixtures;

13. Direction of illumination and methods to eliminate glare onto adjoining properties;

14. Provide a conceptual stormwater management plan consistent with the Town of Dryden Stormwater Management, Erosion and Sediment Control Law that outlines the approach to manage runoff and its post construction treatment on the site. A Stormwater Pollution Prevention Plan does not have to be submitted at this time, but a Notice of Ground Disturbance form is required.

15. State Environmental Quality Review.

- C. No Approval or approval with conditions shall be granted until the Planning Department determines that the applicant is in compliance with all other provisions of this Law and other applicable ordinances.

### ARTICLE III: DEFINITIONS

Except where specifically defined herein, all words used in this Law shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "Lot" includes the word "plot," the word "Building" includes the word "Structure," the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied."

Certain specific words and terms used in this Law and generally capitalized are to be interpreted as defined below. The failure to capitalize a word or term in this Law shall not be construed that such word or term should have a meaning different from that defined herein.

**Abandon** – To give up with the intent of never again claiming one's right or interests in; to give over or surrender completely.

**Adult Bookstore** – An establishment having as a substantial or significant portion of its stock in trade in books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to Specified Sexual Activities and/or Specified Anatomical Areas, or an establishment with a segment or section devoted to the sale or display of such material.

**Adult Entertainment Business** – A public establishment, location, or Structure which features topless dancers, nude dancers or strippers, male or female, or a location, or Structure used for presenting, lending or selling motion picture films, video cassettes, digital media, cable television, or any other such visual media, or used for presenting, lending, or selling books, magazines, publications, photographs, or any other written materials distinguished or characterized by an emphasis on matter depicting, describing or relating to Specified Sexual Activities and/or Specified Anatomical Areas. An Adult Entertainment Business includes an Adult Bookstore.

**Adult Use** – The use of land, or a Structure for an “Adult Entertainment Business” or an “Adult Bookstore.”

**Agri-tourism** - Recreational, educational and entertainment activities operated in conjunction with and subsidiary to an active farm operation, as part of an overall direct marketing strategy that contributes to the production, preparation and marketing of crops, livestock and livestock products, and including activities such as petting zoos, hayrides, corn mazes and other such recreational activities, educational demonstrations, the onsite processing of foodstuffs and sale of prepared foods comprised primarily of ingredients produced on the premises for consumption on site and off site.



more than five (5) rooms. The period of accommodation shall be of a clearly temporary nature. Such use shall not be construed as a Boarding House.

**Bed-and-Breakfast Home** – A Dwelling having a resident host in the primary Dwelling of a private single-family or two-family home in which at least one (1) and not more than two (2) rooms are provided for overnight accommodations, the rates for which include breakfast and lodging only, and in which no public restaurant is maintained. The Bed-and-Breakfast Home shall not have more than four (4) occupants as lodgers. The period of accommodation shall be of a clearly temporary nature. Such use shall not be construed as a Boarding House.

**Billboard** – See **Sign – Outdoor Advertising Billboard**.

**Boarding House** – Any Dwelling in which more than three (3) persons, either individually or as families, are housed or lodged for hire with or without meals. A rooming house or a furnished rooming house shall be deemed a Boarding House.

**Buffer Strip** – A row of densely planted shrubs and trees with low branches intended to reduce noise and screen out objectionable views.

**Building** – Any Structure where space, greater than 150 square feet in area, is covered or enclosed (See **Structure**). The preferred term is Structure.

**Building, Accessory** – A subordinate Structure, the use of which is customarily incidental to that of the Principal Building, and located on the same Lot as the Principal Building.

**Building Height** – The vertical distance from finished grade to the highest point of a flat roof or the midpoint of a pitched roof. On a hillside lot, finished grade should be considered as the average finished grade on the uphill side of a Structure.

**Building Line** – The line formed by the intersection of a vertical plane that coincides with the most projected surface of the Structure.

**Building Permit** – A building permit issued by the town based upon plans that comply with all applicable codes, statutes, laws, rules, regulations and necessary approvals.

**Cabin or Cottage** – A Structure designed for seasonal occupancy and not suitable for year-round living.

**Campground** – An area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters of any kind. This use shall not be construed as a Retreat or Conference Center.

**Day Care Homes, Group Family** – A Dwelling Unit which is a personal residence and occupied as a family residence which provides day care on a regular basis for seven (7) to twelve (12) children [See 18 NYCRR § 413.2(j)].

**Dwelling** – A house, apartment, or other place of residence.

**Dwelling, Accessory Unit** – A secondary Dwelling Unit which is accessory to a Single-Family Dwelling, for use as a complete, independent living facility with provisions within the accessory unit for cooking, eating, sanitation, and sleeping. An Accessory Dwelling unit may also be located in an accessory Structure to the principal Single-Family Dwelling, such as a detached garage, provided that the accessory Structure is clearly an accessory use to the Single-Family Dwelling. An Accessory Dwelling Unit shall not be confused with a Two-Family Dwelling.

**Dwelling, Multi-Family** – A Dwelling with separate living units for three or more families having separate or joint entrances and including apartments, group homes, townhouses, cottage homes and condominiums, also a group of Dwellings on one lot with each Dwelling containing separate living units for three or more families having separate or joint entrances and including apartments, group homes, townhouses, cottage homes and condominiums.

**Dwelling, Single-Family** – A detached Structure (not including a mobile home) that is designed or used exclusively as living quarters for one (1) family.

**Dwelling, Townhouse** – A Series Building of three (3) or more attached Dwelling Units, each of which shares at least one common wall with an adjacent Dwelling Unit. For the purposes of this Law, except where specifically stated otherwise herein, a Townhouse Dwelling shall be construed as a form of Multi-Family Dwelling.

**Dwelling, Two-Family** – A detached Dwelling containing no more than two Dwelling Units for the use and occupation by no more than two (2) families.

**Dwelling, Upper-Floor Apartment(s)** – One or more Dwelling Units that are located above a commercial use.

**Dwelling Unit, d.u.** – A group of rooms which are designed for residential occupancy by a single family and providing housekeeping facilities for such family. In determining the number of Dwelling Units within a Structure, consideration is given to the separate use of or the provision made for cooking, heating and sanitary facilities whether installed or not; both the actual use to which the Dwelling is being put and the potential use to which the Dwelling might be put.

**Educational Use** – Use of land where learning in a general range of subjects is provided, including related support and accessory uses, associated with the educational purposes of the

**Green Neighborhood Development** – A neighborhood developed and certified in LEED Neighborhood Development rating system and achieving at least basic certification.

**Green Space** – The area of a development not occupied by Structures or Paved areas for vehicles and including formal storm water management facilities (no more than 20% of total Lot Area) as well as green infrastructure storm water facilities (Open Space set aside, swales and 60% of the area of a green roof if not accessible by or visible to the public), and including parks, dedicated Open Space, landscaped areas (plantings, lawns, parking lot islands), and including sidewalks or trails used to access these areas, including Accessory Structures accessible to the public and intended to enhance the Green Space.

**Hamlet of Varna Community Development Plan** – An amendment to the Comprehensive Plan pursuant to Town Law 272-a and adopted by the Town Board on December 20, 2012.

**Highway** – See **Public Highway**.

**Home Occupation: Level 1** – A business conducted entirely within a Dwelling and carried on by the inhabitants thereof; which use is clearly incidental and secondary to the use of the Dwelling for residential purposes, and which use does not change the character thereof, and which business does not involve the employment of more than one person at the Dwelling on a daily basis. The business may employ others who do not report to the Dwelling on a daily basis. There shall be no exterior evidence of such home occupation, except for a sign in accordance with Section 903(C)(3)(c).

**Home Occupation: Level 2** – A business conducted on a residential property and carried on by the inhabitants thereof; which use is clearly incidental and secondary to the use of the Dwelling for residential purposes, and which use does not change the character thereof. A Level 2 Home Occupation may employ up to three (3) persons who report to the Dwelling on a daily basis. The business may have more employees who do not report to the Dwelling on a daily basis.

**Hotel** – A facility offering transient lodging accommodations for a daily rate to the general public. A Hotel may provide additional services, such as restaurants, meeting rooms and recreation facilities. The period of accommodation shall be of a clearly temporary nature. Such use shall not be construed as a Boarding House.

**Industry-Light** – A manufacturing or maintenance operation conducted wholly within one or more Structures where any process is used to alter the nature, size or shape of articles or raw materials or where articles are assembled and where said goods or services are consumed or used at another location. The exterior appearance of the Structures shall resemble Office Buildings and the impacts of the use (noise, fumes, and vibrations) shall not exceed those typically associated with an office use.

**Loading Berth** – A dedicated area for the receipt or distribution of materials or merchandise by motor vehicles, including space for their standing, loading and unloading.

**Lodge or Club** – A membership organization that holds regular meetings and may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage in professional entertainment for the enjoyment of dues paying members and their guests, as well as programs for the general public, such as retreats and recreational, educational, cultural, health, and public interest related programs.

**Lot** – An area of land having defined boundaries held in separate ownership from adjacent property and which in all respects complies with the requirements of the district in which it is situate.

**Lot Area** – An area of land the size of which is determined by the limits of the Lot lines bounding said area and is usually expressed in terms of square feet or acres.

**Lot Coverage** – A measure of intensity of land use (usually represented as a percentage of the Lot Area) that represents the portion of a Lot that is impervious (i.e., does not absorb water). This percentage includes but is not limited to all areas covered by Structures, driveways, roads, sidewalks, parking areas, and any other impervious area.

**Lot Depth** – The mean horizontal distance between the front and rear Lot lines measured in the general direction of the side lot lines. For the purposes of these definitions and the provisions of this Law, Lot Depth and Setback Lines shall be measured from the title line of dedicated, platted or deeded Public Highways and from the user line for highways by use.

**Lot Width** – The horizontal distance between the side Lot lines taken at the front Yard line or Principal Building Line and measured along a line which is at right angles to the Lot Depth.

**Lot of Record** – Any lot with an area, width or other dimension which is less than prescribed for a lot in the district in which such lot is situated if such lot is (i) under one ownership of record since the effective date of the original Town of Dryden Zoning Ordinance, or (ii) under one ownership of record since the time of any amendment to the original Town of Dryden Zoning Ordinance which amendment changed the area, width or other dimension requirements with respect to lots in such district and which lot, except for such amendment, would have been in all respects in conformance with the requirements of such original Zoning Ordinance, or (iii) any lot shown on an approved subdivision plat filed with the Tompkins County Clerk and not combined with any other lot or parcel for the purposes of real property assessment at any time following such filing.

**Manufactured Home** – A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent

**Natural Gas** – Any gaseous substance, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarified state at standard temperature and pressure conditions, and/or gaseous components or vapors occurring in or derived from petroleum or other hydrocarbons.

**Natural Gas and/or Petroleum Exploration** – Geologic or geophysical activities related to the search for natural gas, petroleum or other subsurface hydrocarbons including prospecting, geophysical and geologic seismic surveying and sampling techniques, which include but are not limited to core or rotary drilling or making an excavation in the search and evaluation of natural gas, petroleum, or other subsurface hydrocarbon deposits.

**Natural Gas and/or Petroleum Exploration and Production Materials** – Any solid, semi-solid, liquid, semi-liquid or gaseous material used in the exploration or extraction of natural gas.

**Natural Gas Exploration and/or Petroleum Production Wastes** – Any garbage, refuse, cuttings, sludge, flow-back fluids, produced waters or other discarded materials, including solid, liquid, semi-solid, or contained gaseous material that results from or is associated with the exploration, drilling or extraction of natural gas and/or petroleum.

**Natural Gas and/or Petroleum Extraction** – The digging or drilling of a well for the purposes of exploring for, developing or producing natural gas, petroleum or other subsurface hydrocarbons.

**Natural Gas and/or Petroleum Support Activities** – The construction, use, or maintenance of a storage or staging yard, a water or fluid injection station, a water or fluid gathering station, a natural gas or petroleum storage facility, or a natural gas or petroleum gathering line, venting station, or compressor associated with the exploration or extraction of natural gas or petroleum.

**Neighborhood Development** – The development or redevelopment in Varna of at least three (3) tax parcels, or an area of at least two (2) acres.

**Nonconforming Use** – A Structure or use of land existing on the date of enactment of this Law which does not comply with the allowed use regulations of the zone in which said Structure or use is located.

**Nursery/Greenhouse, Retail/Horticultural nursery**– A retail establishment for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed Structure.

**Office Building** – Any Structure in which space is rented and persons employed in or who conduct the management or direction of an agency, business, organization, profession, or public administration, but excluding such uses as retail sale, manufacture, assembly or storage of goods, or places of assembly and amusement.

**Public Sewer and/or Water Facilities** – A sewage disposal system or water supply and distribution system operated by a municipality; a sewage disposal system or water supply and distribution system authorized for public use, whether for a residential subdivision, or for commercial, industrial or manufacturing Buildings, and approved by the New York State and/or Tompkins County Departments of Health, the Department of Environmental Conservation, and any other governmental agency having jurisdiction thereof.

**Public Utility** – Infrastructure and services that supply an everyday necessity to the public at large, such as Public Water and/or Public Sewer Facilities, electricity, natural gas, and telecommunications. A Public Utility may be owned and operated by a municipality or a private entity, or a combination thereof.

**Recreation, Active** – Recreation that involves organized athletic activities requiring fixed infrastructure such as playing fields and/or accessory infrastructure such as seating areas, changing facilities and/or concessions. Active recreational activities include but are not limited to team sports such as baseball, soccer, and lacrosse, smaller group sports such as racquet sports, golf courses (and associated facilities such as driving ranges) and other active recreational uses that require permanent infrastructure such as a skateboarding park or ice rink.

**Recreation, Passive** – Recreation that generally does not involve organized athletic teams and/or significant fixed infrastructure, apart from such improvements as trails, parking areas, restrooms, picnic shelters and the like. Passive recreational activities include but are not limited to jogging, biking, cross country skiing, hiking, walking on recreational trails and paths, horseback riding, wildlife viewing, picnicking and relaxation.

**Recreational Facility, Amusement** – A commercial or non-commercial recreational use that may be permanent or temporary in nature, for the conducting of recreational activities including but not limited to traveling carnivals, circuses, amusement parks, driving ranges (not associated with a golf course), batting cages, mini-golf, paintball courses, bowling centers, roller skating facilities, and similar indoor or outdoor recreational activities. A public park shall not be considered and regulated as an Amusement Recreational Facility.

**Recreational Facility, Athletic** – A commercial or non-commercial recreational use that may be permanent or temporary in nature, for the conducting of recreational activities including but not limited to swimming, tennis, court games, baseball and other field sports, riding academies, and playground activities, but excluding recreational activities involving mechanical devices that are powered by non-human means, such as motorized vehicles. A public park shall not be considered and regulated as an Athletic Recreational Facility.

**Recreational Facility, Motorized** – A commercial or non-commercial recreational use or accessory use that may be permanent or temporary in nature, which involves the operation of motorized vehicles which includes All Terrain Vehicles, motorcycles etc., including but not limited to go-kart tracks, dirt bike tracks, and race tracks.

all communal areas of the house, including a living room area, dining area, kitchen, laundry, outdoor garden, and patio.

**Series of Building** – For the purposes of this Law, a series of Multi-Family Dwelling Units with shared wall construction.

**Service Business** – Any business or nonprofit organization that provides services to individuals, businesses, industry, government, or other enterprises.

**Setback Lines** - See **Yards**.

**Sign** – Any device, object, or building facade used for the visual communication or advertisement of a place, building, product, service or name.

**Sign – Outdoor Advertising Billboard** – Any device, object, or building facade situated on private property and used for advertising goods, services or places other than those directly related to the property on which said sign is located.

**Site Plan** – A rendering, drawing, or sketch prepared to specifications and containing necessary elements, as set forth in this Law, which shows the arrangement, layout and design of the proposed use of a single parcel of land as shown on said plan. Plats showing lots, blocks or sites subject to review as subdivisions under Town Law § 276 and the Town of Dryden Subdivision Law are also subject to review as site plans.

**Special Use Permit** – An authorization of a particular land use which is permitted in this Ordinance, subject to requirements imposed by this Law and by the Board authorized to grant such permit to assure that the proposed use is in harmony with this Law and will not adversely affect the neighborhood if such requirements are met.

**Specified sexual activities:**

- a. Human genitals in a state of sexual stimulation or arousal; or
- b. Acts of human masturbation, sexual intercourse or sodomy; or
- c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

**Specified anatomical areas:**

- a. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; or
- b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

- a. **Variance, Area** – The authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements established by this Law.
- b. **Variance, Use** – The authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by this Law.

**Varna** – that area of the Town encompassing the Varna Hamlet Mixed Use District, Varna Hamlet Residential District, and Varna Hamlet Traditional District.

**Varna Design Guidelines and Landscape Standards** – The Town of Dryden “Hamlet of Varna Design Guidelines & Landscape Standards” adopted on December 20, 2012 and effective January 14, 2013 as an amendment to the Town of Dryden Zoning Ordinance. These guidelines and standards are found in Appendix E, and are hereby made a part of this Law by reference to such Appendix.

**Warehouse** – A building or part of a building designed for the receiving, storing, and distribution of goods, wares, and merchandise, whether for the owner or for others, and whether it is a public or private warehouse. This definition includes a wholesale business for shipping/receiving. Not including incidental or temporary use of an empty building for storage.

**Workshop/Garage – Non-Commercial** – A Structure used for the conduct of non-commercial, low-intensity activities such as woodworking, personal vehicle repair, and storage. Normally considered an accessory use, but may be allowed without a principle building.

**Yard** – A Yard is a Green Space other than a court on a Lot, unoccupied and unobstructed from the ground upwards between the Lot Line and the nearest line of the Structures on the Lot, except as otherwise permitted. (See illustration below for location of front, side and rear yards.)

