

PLANNING BOARD
September 27, 2018

Present: Marty Moseley, Joe Wilson, John Kiefer, David Weinstein, Jim Skaley (alternate), Tom Hatfield, Craig Anderson

Absent: Martin Hatch

Town Staff: Ray Burger, Planning Director
Bambi Avery, Town Clerk

Liaisons: Craig Schutt (Conservation Board), Alice Green (Town Board)

Chair Moseley called the meeting to order at 7:02 p.m.

Approval of Minutes - Approval of the minutes of July 26, 2018, was moved by J Wilson, seconded by Tom Hatfield. Aye – Moseley, Wilson, Kiefer, Weinstein, Anderson, Hatfield

Chair Moseley appointed Jim Skaley as a member with full rights and privileges due to the absence of Marty Hatch.

Public Comment - None

SITE PLAN REVIEW
651 PERUVILLE ROAD
2ND DWELLING UNIT ON PROPERTY

Applicants Stephen and Denise Dans explained they are looking to put a manufactured home (16' x 80') about 200' behind their dwelling and a 53-acre parcel. The second home is for their daughter and two grand kids. It can't be seen from the road. There is some screening (2 hedgerows) between the two dwellings. There is a shared driveway. There are no wetlands and no steep slopes. The second dwelling will have its own septic and well. This is a Type 2 action listed as exempt. D Weinstein suggested the applicant consider air source heat pumps.

RESOLUTION #22 - WAIVE FURTHER SITE PLAN REVIEW – 651 PERUVILLE ROAD

J Kiefer offered the following resolution and asked for its adoption:

RESOLVED, that the Town of Dryden Planning Board hereby acknowledges that this is a Type 2 action, exempt under SEQR regulations, and waives any further site plan review of the proposal by Stephen and Denise Dans to place a second dwelling unit on their property at 651 Peruville Road in the Town of Dryden.

2nd T Hatfield Aye: - Moseley, Wilson, Kiefer, Weinstein, Anderson, Hatfield, Skaley

RESOLUTION #23 - SITE PLAN APPROVAL – 651 PERUVILLE ROAD

J Kiefer offered the following resolution and asked for its adoption:

RESOLVED, that the Town of Dryden Planning Board hereby approves the site plan submitted by Stephen and Denise Dans to place a second dwelling unit on their property at 651 Peruville Road as the final site plan.

2nd D Weinstein; Aye: - Moseley, Wilson, Kiefer, Weinstein, Anderson, Hatfield, Skaley

Mineah Road development update – R Burger stated this development was before the Planning Board in 2017. The ZBA will hear an appeal next week of the decision by the Planning Department to issue three building permits on the 16 Mineah Road site after the applicant came back with an application for 3 cottages on this land using the existing driveway. There is an appeal before the ZBA and the requested action is to rescind the building permit. This is separate and independent of the original site plan previously by the Planning Board.

Shirley Lyon said the residents of Mineah, Knoll Wood and Kirk Roads have joined together in their efforts. She contacted Albany about incompatible land uses two months ago and has had no response. There has been no response to the traffic study. There are flooding concerns, traffic concerns and road problems. She has tried to contact Rick Young and has no response despite leaving five messages.

They have looked at the conservation district and the residential districts in the zoning law and didn't feel it offered them that much protection. They are working on an overlay. There are traffic concerns with Kirk Road. There is flooding on Knoll Wood due to Mineah Road. They are losing their property and homes.

J Wilson said the elected official who is a liaison to the Planning Board may have more sway over the Highway Department. The elected official may have more ability to sway other agencies to be more responsive. The Planning Board understands the frustrations, but is unable to make people do what she wants.

S Lyon said this is an admonishment because the Planning Board approved the project. Residents will be going to the Town Board as well. They will come to the Planning Board over and over again to say that the Planning Board approved the 16 cottages on the comprehensive plan on a steep slope. There is a bit of anger here and they want to keep coming back and saying look where you put us.

D Weinstein said the Planning Board doesn't have jurisdiction to get the studies done, but does have the ability to consider alterations of the zoning that might help alleviate many of the problems. We know they have a severe water shortage problem. The number of units constructed at that location has a direct effect and the Planning Board can change the allowable distribution of units. There was a petition to the Planning Board change the area from mixed commercial to neighborhood residential, but now they've said that won't work. The idea of an overlay is reasonable.

S Lyon said the group wants to go to the Town Board with the overlay and request that the overlay be reviewed by the Planning Board. They are looking at precautionary slopes and wants the board to be able to make the developer responsible for engineering study prior to the issuance of a building permit for a new residence on Mineah Road.

Zoning Board of Appeals – There are three other matters that same night. Two are requests for relief of front yard setbacks. The third case is at 33 Quarry Road, the former quarry site. Buzz Dolph is asking to

transfer the non-conforming use on that property to a similar non-conforming use (the manufacture and fabrication of Tiny Timber homes).

Wind Local Law – The Town Board requested the Conservation Board and Planning Board to review and provide an update the town’s wind energy law. D Weinstein provided a digital version to the Planning Board after revisions by the Conservation Board. The original document is the town’s renewable energy law (minus the solar part). The original height limit was 80’ and that has been changed to 150’. Some of the suggestions come from information and the template on the county’s website for a small-scale wind farm. Currently no commercial wind farm is allowed in the town is and is capped at 25 KW, needing a minimum two-acre circle on the property. The board was asked to become familiar with this version and be prepared to discuss it next month. It was suggested that the Conservation Board chair also be present at that meeting.

Comments/Discussion:

- When asked whether it was the town’s intent to allow small scale wind facilities, D Weinstein explained that Dan Lamb had told the Conservation Board that our current law is not allowing individual home owners to get into wind because the limits are too low.
- So there was an interest in allowing for that to be a reasonable option for people by changing the limits (increasing the height and other appropriate things).
- Understanding the proposed law better will help the Planning Board determine whether there should be any restrictions as to zoning district.
- We need to identify what the demand and the issues are.
- We may be able to do a more precise, less invasive change overall and put it in the hands of the town board for special use permit and the ability to deal with these individually.
- One a year isn’t much but if it were many a month, we’d need a more streamlined process and maybe the code office could deal with it in terms of a building permit.
- The intention was to list the acceptable conditions and if people meet those, then they won’t need a special use permit to put up a wind tower.
- When Dan Lamb came to the Conservation Board his point was that they wanted to get rid of SUP on certain things.
- If we can come up with a process that is acceptable and have certain conditions met, then people wouldn’t need a SUP.
- The Planning Board invite an expert to discuss this topic and invite Conservation Board members.
- Weaver knows the market and what people are looking for.
- In the event a SUP is required the board will need to identify concerns for review of a permit (fall radius, decibel levels and such) and convey those to the Town Board.
- The Town Board will appreciate something that has already been vetted by the Planning Board and Conservation.

R Burger will invite Art Weaver and Peter Davies to the next Planning Board meeting.

Ag Site Plan Review – Craig Anderson has been working with the Ag Advisory Committee. In the process of developing the Ag and Farmland Protection Plan an outside planner had to look at the zoning law for conflicts with Ag & Markets law. This list of proposed changes came from that. The Planning Board looked at the list of definitions two months ago and thought they were fine the way they were

introduced. He has come up with a site plan review process for ag projects. Some of the definitions were discussed.

Farm Worker Housing – there is concern that a farmer buys a parcel of property elsewhere in the town and then is exempt when farm worker housing is put there. The operative term is “on-farm housing” and the definition is straight from Ag and Markets Law. The goal of Ag and Markets Law is to not unreasonably hinder the operations of a farm. After discussion the board agreed to add the following: (Farm housing shall be located on the same production facility.)

Agri-tourism - crosses all zoning districts for an ag operation. Is there a method of controlling the operation of the listed activities? Probably not necessary. Agri-tourism is typically a weekend event or promotion.

Ag-related enterprise is not linked to the farm. It is in the use chart in the zoning law. An agri-related enterprise is allowed by right in every district except rural residential and industrial (perhaps a glitch in the zoning law at the time). This is not linked to a farm operation. It was suggested to link it to a farm operation. Why treat it differently than other retail/wholesale? If they feel unreasonably burdened they can appeal to Ag & Markets. The definition was changed to read “A retail or wholesale enterprise *that is part of a farm operation* providing services...” and ending the paragraph after the word flowers. C Anderson will talk with the Ag Committee about this change and changing it to a permitted use across the board on the use chart.

With respect to signage, Ag & Markets law says you can’t limit the size of a sign on a farm operation to smaller than any other business in town. It is currently limited in our zoning to 16 square feet and the town allows shopping centers 160 square feet. You can’t limit the number of signs on a farm operation. Farm operations are allowed directional signs to their farm. You can limit the size of directional signs to a farm. It was recommended to change the sign size to 80 square feet and limit the size of directional signs to 5 square feet.

Site Plan Review for Ag-related Enterprise – C Anderson explained Ag & Markets wants an expedited process of site plan review for ag-related enterprises. They say 45 days and no public hearing. He suggested giving the responsibility for this to the Planning Department they can do it in the 45 days required by Ag & Markets law. It may be difficult for the Planning Board to accomplish the review in the 45 day period.

Comments/discussion:

- If it is something that will stay forever, the Planning Board may be the better review body.
- There could be a provision in the zoning law that the Planning Department could refer the site plan approval process to the Planning Board for large or otherwise complex project proposals.
- Currently site plans for ag and markets projects are infrequent; we are trying to get in sync with Ag & Markets Law.
- The Planning Board could conduct a site plan review in one meeting.
- The recourse is for the farmer to complain to Ag & Markets if the process is prolonged.
- The Planning Department could deal with seasonal matters.
- If it is a year-to-year permanent structure, that is a different scenario.

- Farm stand has a definition and is not included in ag-related enterprise. Farm stands would not be reviewed under this process; only ag-related enterprise as defined.
- Matters could be referred to the Planning Board at the discretion of the Planning Department.

C Anderson asked members to review what was sent by him and they can finish up at the next meeting.

Possible recommendations to Town Board 1610 Dryden Road – R Burger said it has been standard over the past year to make the various boards aware of projects that come in. There will be a hearing at the October 18 Town Board meeting on this professional office (veterinary office) at 1610 Dryden. J Wilson asked about energy conservation measures or conversion to renewable energy. They have a standard system and don't intend to modify it, but the barn is being converted to the new energy code. There was a discussion about there being two driveways, in order to provide ideal site lines according to the applicant.

The Planning Board recommends an investigation of the possibility of a single driveway. They would also like the applicant to look at ways to decrease gas use and emissions and incorporate solar or wind.

The barn will continue to look like a barn. The applicant understands this is a historic feature and wants to maintain it. A basic SWPPP has been submitted. Parking is sufficient. Signage, lighting, lighting along the walkway and other details will be shown on the next site plan.

Recommendation for Planning Board Chair

D Weinstein offered a resolution in support of John Kiefer being appointed at Chair of the Planning Board. J Kiefer said Marty Moseley has set a very high standard for how the chair conducts himself. He has an incredible set of technical skills and has managed the group extremely well and he is appreciative of the time M Moseley has spent with the board. He appreciates the diversity of this group and that discussions are handled nicely in reaching consensus. He would happy to serve as chair.

RESOLUTION #24 - RECOMMENDATION FOR CHAIR APPOINTMENT TO TOWN BOARD

D Weinstein offered the following resolution and asked for its adoption:

RESOLVED, that the Town of Dryden Planning Board hereby recommends that the Town Board appoint John Kiefer to serve as Chair of the Planning Board.

2nd T Hatfield Aye: Moseley, Wilson, Kiefer, Weinstein, Anderson, Hatfield, Skaley

RESOLUTION #25 - APPRECIATION AND THANKS TO MARTY MOSELEY

T Hatfield offered the following resolution and asked for its adoption:

RESOLVED, that the Town of Dryden Planning Board offers its appreciation to Marty Moseley for his leadership, efforts and inspiration and thanks him for his service on the Planning Board.

2nd D Weinstein Aye: Wilson, Kiefer, Weinstein, Anderson, Hatfield, Skaley

M Moseley confirmed that Planning Board members had received an email notification of upcoming trainings. He thanked them for allowing him to be a part of the board. He thanked the Supervisor Leifer and the town board for appointing him. When he became part of the board he didn't think about being chair. He said it has been a pleasure to serve the citizens of the town of Dryden, the Town Board and to serve with the members of this board.

There being no further business, on motion made, seconded and unanimously carried, the meeting was adjourned at 9:08 p.m.

Respectfully submitted,

Bambi L. Avery