

TOWN OF DRYDEN  
PLANNING BOARD MEETING  
August 22, 2019

Present: Craig Anderson, Tony Salerno, Martin Hatch, Joe Wilson, David Weinstein, Daniel Bussmann (alternate), James Skaley (alternate)

Absent: John Kiefer, Tom Hatfield

Staff: Ray Burger, Planning Director

Liaisons: Craig Schutt (Conservation Board), Daniel Lamb (Town Board)

In the absence of Chair John Kiefer, J Wilson moved that C Anderson act as chair for the purpose of tonight's meeting, seconded by D Weinstein, unanimously carried and the meeting was called to order at 6:00 p.m. Alternates D Bussmann and J Skaley were given voting privileges.

### **Approve Minutes**

The minutes of July 25 and July 31 were discussed. A minor change was made on page 4 of the July 25 minutes and on motion of D Weinstein, seconded by T Salerno, the minutes were unanimously approved.

### **PUBLIC HEARING**

#### **FINAL PLAT APPROVAL**

#### **MILL CREEK SUBDIVISION**

Alan Lord presented the final plat for the Mill Creek Subdivision. They have identified and labeled the building set back lines for each lot. The covenants were reviewed and found to be sufficient and in accordance with decisions made at last month's meeting. The building set back lines were brought to the road to indicate that the driveway must be built within the building set back lines. No construction of buildings or fill materials shall be allowed outside of the building set back limit line shown on each parcel. Lots cannot be further subdivided. There can be one home per lot (and one accessory home as allowed by the town's zoning law). A lot line adjustment between lots can be made, but no subdivision of lots.

There was a question about converting any of the property to ag land and whether fertilizer or pesticides would be precluded. *It would be permissible unless within 100 feet of a stream. Ag and Markets Law would trump any local regulation.*

### **Public Comment:**

Resident: What is the town's intent for the parcels to be conveyed to it? *When the town does a resolution to accept title to that land it will address that this results from a conservation subdivision and the intent is that it will be kept as open space. The one on Wood Road will be developed as parking lot,*

*picnic area, playground, fields or such. Fall Creek is part of the Unique Natural Area (UNA) so the resolution accepting that larger parcel will probably allude to the UNA and those open space values.*

Resident: There is a concern that the Town may not in fact maintain the property as stated, and all the other lots will have single-family homes. The Town may do something with the property that could have a negative effect on those. *R Burger said the deed to the town will state that the originating action was a conservation subdivision, so that puts it into the public record as to intent. He thinks it will also be reinforced in the resolution by the Town Board to accept the parcel (open space values, UNA and things that clearly state the intent) so that years down the road there is a record to go to that clearly states the intent and purposes. The Planning Board can make the recommendation to the Town Board in the resolution approving the final plat. Reiterated that the Town Board will receive a deed that contains few restrictions and the resolution of the Town Board when accepting title is an appropriate time to make a statement of purpose for the land.*

J Skaley suggested that the resolution of this board be clear that the intent of the parcel on Wood Road is a recreational area (town park) and that with the respect to the larger parcel to be conveyed to the town it be described as a unique natural area that will have limited use.

J Wilson would like to see on the final plat and in the covenants language to the effect that the parcel that is to be a public park will be a public park and there will be no construction or activity on it that is inconsistent with that. And the purpose of the 23 acres is to preserve it essentially in its natural state and that no activity will occur there that is inconsistent with that. R Burger said the more restrictive language can be added by the Town Board, but a condition in any resolution tonight could be the recommendation to the Town Board to insert these on the two parcels in question.

Resident: Would like the board to note that neighbors in the area will all be affected by chainsaws, falling trees, disruption of wildlife, bull dozers and backhoes, and asked how long that will last. Driveways and traffic flow will affect the neighborhood. There are a lot of little things that affect all the neighbors. *These are single family building lots, not apartment buildings or large developments. Not all properties will be built on at the same time, and some may never be built on. Each lot will be sold separately as vacant land.*

The hearing was left open at 6:35 p.m.

**SKETCH PLAN REVIEW**  
**Contractor Yard Office**  
**4 Hall Road**

Tim Marchell, representing the Estate of John T. Marchell (owner of the property), said a long time tenant in the building closed their business and vacated this spring. He introduced Richard Clark, owner of Strawbridge & Jahn Construction, the contractor that is hoping to convert and occupy the premises. There is an error in the proposal with respect to the two elements outside of the existing structure. They are proposing that there be a ladder rack and a metal storage container in the two alley ways between the two main structures of the building. Those are proposed in opposite locations than portrayed in the plan. The ladder rack would be on the front side of the building and the storage container in the back alley, accessible via a driveway there. They have a similar footprint. The sign tower will remain the same size. Driveway and parking will remain the same.

R Clark - The space will be occupied by the construction company owner and crew with an occasional customer visit. The additional use of available space will not impact the other tenant. The storage container is 8' wide by 20' deep and 8.5' high (a shipping container). The ladder rack will be moved to the back of the alley as far as possible and not easily visible. Hours of operation are Monday through Friday 8:30 a.m. to 4:30 p.m.

R Burger - This is a Type II SEQR action: commercial space less than 4,000 square feet.

**RESOLUTION #17 (2019) – APPROVE SITE PLAN FOR 4 HALL ROAD (TM #52.-1-4.12)**

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

RESOLVED, that this Planning Board has reviewed the application of Timothy C. Marchell for site plan approval for a contractor yard/office at 4 Hall Road (TM #52.-1-4.12), hereby accepts the sketch plan as the final plan, waives further site plan review, and approves the plan submitted with the application dated July 9, 2019, except that the locations of the ladder rack and storage container will be reversed. 2<sup>nd</sup> J Wilson, all in favor.

**SKETCH PLAN REVIEW**

**Elder Cottage**

**374 Ed Hill Road**

R Burger explained that Ithaca Neighborhood Housing Services (INHS) is moving this elder cottage from Freeville to this new site. Our Zoning Law has stipulations for elder cottages and board members have received the Planning Department memo on that. This is a SEQR Type II action. The County 239 review is not required. Tompkins County Health Department has approved the septic, treating this as an added bedroom for the existing system. Placement of the cottage is in accordance with recommendations from INHS. Setbacks are in conformance.

D Weinstein inquired how the neighbors felt about the placement being next to their garden. Applicant Bryan Vliet said he has been in constant communication with them and presented a letter signed by the neighbors supporting the project (attached).

This is a temporary structure and INHS will remove the cottage when it is no longer needed.

**RESOLUTION #18 (2019) – APPROVE SITE PLAN FOR 374 ED HILL ROAD (TM #23.-1-15.21)**

M Hatch offered the following resolution and asked for its adoption:

RESOLVED, that this Planning Board has reviewed the application of Bryan and Rebecca Vliet for site plan approval for placement of an elder cottage at 374 Ed Hill Road (TM #23.-1-15.21), hereby accepts the sketch plan as the final plan, waives further site plan review, and approves the plan submitted with the application dated August 2, 2019. 2<sup>nd</sup> J Skaley, all in favor.

**Mill Creek Subdivision (continued)**

The public hearing for final plat approval for Mill Creek Subdivision was closed at 6:50 p.m.

**RESOLUTION #19 (2019) – APPROVE MILL CREEK SUBDIVISION (TM #33.-1-3.2)**

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

WHEREAS, the Town of Dryden Planning Board has reviewed the final plat for the subdivision of tax parcel 33.-1-3.2 and found that it meets the definition of conservation subdivision in the town's subdivision law; and

WHEREAS, approximately 500 acres of land will be conserved through the covenants and deed restrictions presented by the developer and approved by this board; and

WHEREAS, the Town of Dryden will receive a 22.8-acre parcel along Fall Creek that will be preserved as a conservation area and 3.5 acres on Wood Road that will be used for recreational purposes via deeds in a form acceptable to the Town Attorney as well as satisfactory title documents, now, therefore, be it

RESOLVED, that the Planning Board hereby approves the subdivision to be known as Mill Creek Subdivision (TM #33.-1-3.2) subject to the Standard Conditions of Approval as amended August 14, 2008, and

FURTHER RESOLVED, that conveyances of the two parcels to the town shall be via deeds in a form acceptable to the Town Attorney as well as satisfactory title documents, and

FURTHER RESOLVED, that the Planning Board recommends to the Town Board that when the parcels being conveyed are accepted after public hearing by resolution, that such resolution state the 3.5 acre parcel is intended to be a public park and there will be no activities inconsistent with that on the parcel and that the 22.8 acres along Fall Creek will be conserved essentially in its natural state and activities on the parcel will not be inconsistent with such conservation.

2<sup>nd</sup> T Salerno – all in favor

**Comprehensive Plan Update**

A second meeting a month will be held by the Planning Board for purposes of the update. The Town Board has selected EDR as the consultant and they are ready to proceed. R Burger will coordinate a kick off meeting and a regular monthly meeting to discuss the comp plan update.

**Varna Committee Update**

D Weinstein reported the committee has been meeting diligently and are making progress. Varna currently has three zoning districts that essentially allow the same number of allowable units. They are trying to move toward a model that would make a real difference in allowable units in the three districts and meet the real objective of each. They have some concrete ideas that will be presented at the next Planning Board meeting. C Anderson has joined the committee. J Skaley asked for significant time on the agenda for discussion, perhaps a special meeting or time at the comp plan kick off meeting. M Hatch said this is part of the broader sense of the comprehensive plan and shouldn't be treated in an isolated way, so having it integrated in the comp plan discussion makes sense. D Weinstein said he thinks they will be ready to make a presentation on the night the consultant meets with the board.

## Short-term Rentals

The Town Board has charged the Planning Board as follows:

*The TB seeks guidance from the PB regarding how short-term rentals shall be defined (perhaps several categories) and what common sense regulations need to be established to ensure that appropriate uses of residential property are followed in Dryden.*

*The TB would also like the PB to look into the growing use of short-term rentals in the town and county, the estimated numbers/projections, and the pros and cons of regulating.*

*The TB would like the PB to review actions being taken in the town of Ithaca and village of Cayuga Heights (and elsewhere, i.e. town of Chatham) to address/regulate short-term rentals, and make recommendations to the TB for possible actions.*

D Lamb - This is a growing issue. He knows that the town of Ithaca has the third most short-term rentals in the state. The town of Ithaca has considered short-term rental regulations. He believes they defined short-term rentals a year ago and put some baseline regulations in place, but more regulations are under consideration. The village of Cayuga Heights just passed something. A constituent brought a matter of concern to the town board last week. He is concerned that this may be impacting some of our residents and we need to define what we want in this growing industry. The danger is that a residential property will be perpetually rented on a short-term basis. You can have a house full of people in a string of rental periods with no owner ever on the premise. If the owner is on the premise is that still a short-term rental? Should we have regulations that say we allow up to a 29-day stay if the owner is on the premises, or 14 days if the owner is not on the premise?

D Weinstein - Cayuga Heights had instances where clearly the short-term rentals were causing a problem with the neighborhood and that is what pushed them to consider regulations.

J Skaley - This is a nationwide phenomenon and is removing affordable housing from the market.

J Wilson - There are multiple definitions in the zoning law that describe different schemes of rentals and assumes they will be thrown into the mix and where they overlap there should be some thought given to it.

T Salerno and D Bussman will research what other communities are doing in this regard.

Shirley Lyon - A home in her neighborhood that used to be long-term rental just went to an Airbnb and it is advertised for as many as ten people. She has visited other zoning offices. They've had to handle it at Lake Placid and Lake George. The problem is if you go over 30 days you have a tenant and landlord and there is a set of laws for that relationship.

It impacts and fractures a neighborhood. And when you look at all of Dryden it impacts affordable housing. She hears a lot about affordable housing and now we are moving backwards. The more people find out where the money is, they will do it.

Septic systems can be impacted because a system installed in 1988 won't be sufficient for ten people in the house with showers and washing bedding and laundry. With even two loads of laundry a day, the

system needs time to recover. If you turn homes into businesses and are running a mini-hotel, there is no conversion on the septic. She doesn't need stranger's DNA in her well.

S Lyon - She doesn't have a problem with someone who rents out a room in their home. She would trust her neighbor would take care of that. The owner of the home on her road lives 40 minutes away.

C Anderson - The definition of a boarding home is "any dwelling in which more than three persons, either individually or as families, are housed or lodge for hire, with or without meals. A rooming house or a furnished rooming house shall be deemed a boarding house." Four people unrelated living in a house becomes a boarding house. She could file a complaint with the Planning/Zoning Department.

S Lyon - She has tried that. R Burger said how they deal with complaints is a matter of priorities.

C Anderson said this is an enforcement issue and it clearly states in our zoning law that what they are doing is illegal. A boarding house is subject to special use permit. It seems the Planning Department has a staffing issue.

J Skaley said some municipalities require these short-term rentals to be licensed so there is a record of who is actually running these operations. That should be a record in the town.

Other comments/discussions:

- A boarding house is only allowed in the rural residential and rural ag districts.
- That law on the books allows enforcement.
- If a use is not specifically permitted it is prohibited.
- How do you find these places?
- If the owner is in the building, there could still be a problem.
- The Health Department is concerned about the stress on septic systems.
- Use of a home for only short-term rentals may make it a commercial business.
- There may be a simple fix.

The board discussed staffing and priorities in the Planning Department. R Burger said they have tried to be proactive in prioritizing the building construction and business establishment end of things rather than reactive to complaints. The highest priority complaints get dealt with. He's happy that the board is looking for a new approach to short-term rentals and not applying our present regulations to the short-term rentals, because we might be going fairly deep and need to restrict that. We need to have our limited resources focused. But it will entail more inspections; having more staff to go out in the field and do inspections would be helpful.

J Wilson said a presentation on the operational priorities within the office would be helpful. M Hatch would like to know about the operational opportunities that are being missed out on. He would also like more information so that perhaps a recommendation could be made.

C Anderson said it appears there is support from this board for increased staffing in the Planning Department. He asked R Burger to do a presentation next month.

Next month's agenda doesn't look too full at this point, and if there isn't time for a presentation on what the Varna Committee is doing at the kickoff meeting with the comp plan consultant, then there may be 45 minutes to an hour at the September meeting.

There being no further business, on motion made, seconded and unanimously carried, the meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Bambi L. Avery

(A)

To whom it may concern,

I acknowledge that our neighbors, Bryan & Rebecca Vliet, who own/occupy the property at 374 Ed Hill Rd. Freeville, NY, are having an Elder Cottage placed on their property for Bryan's mother, Nancy Snyder. The home will be set back approximately 350 feet from the road and 20 feet away from the adjoining property line. We have no issues with this project.

S. Douglas Kesselton  
Printed Name

S. Douglas Kesselton  
Signature

8-22-19  
Date

Deborah Watrous  
Printed Name

Deborah Watrous  
Signature

8-22-19  
Date