

**TOWN OF DRYDEN PLANNING BOARD**

September 26, 2019

Present: John Kiefer (Chair), Joe Wilson, David Weinstein, Martin Hatch, Craig Anderson, Thomas Hatfield, Tony Salerno, James Skaley (alternate)

Absent: Dan Bussmann (alternate)

Staff: Ray Burger, Planning Director

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

**Public Comment**

None

**Approval of Minutes**

D Weinstein moved to approve the minutes of August 22, 2019, seconded by J Skaley.

Yes – Weinstein, Wilson, Skaley, Hatch, Anderson, Hatfield, Salerno

Abstained – J Kiefer

Approval of the meeting minutes of the comp plan meetings will occur at those meetings.

**Acting Chair**

J Kiefer reported that according to the law, the Planning Board in absence of the chair chooses an acting chair for the meeting. He said if anyone is interested, they should let him know.

**Training**

Several members will be attending training in Big Flats tomorrow. Training will also be offered at a Local Government Conference at TC3 on October 24, which is the regularly scheduled Planning Board meeting. After discussion, the board decided to meet on October 23 so that interested members could attend the local training.

**Future Meeting Dates**

October 23, 2019 at 6:00 p.m.

November 20, 2019 at 6:00 p.m.

December 17, 2019 at 6:00 p.m.

**1950 Slaterville Road**

**Small Scale PV Sketch Plan Review**

ETM Solar has applied on behalf of Ashleigh Imus for relief from Zoning Law Section 1312E.d in order to relocate an existing room mounted solar system to the front yard, 50' from the road right-of-way. R Burger said the set back for residential ground mounted solar is 100' from the road. ETM Solar (represented by Mike Ludgate) is taking the customer's solar off the roof and putting it in a logical spot in the yard, away from shading from neighbor's trees. The board has been provided with the Planning Department memo, application and other information. This went first to the Zoning Board of Appeals for a variance and they decided that since the Planning Board generated the solar law, they would rather this board take the action. Their interpretation of Section 1312 is that the Planning Board has the appropriate means to grant this relief from the 100' setback. A 239 review from the County is not required in this action, though in the ZBA matter their review resulted in no inter-community effects. Set back variances are on the Type II list for setback variances. Public notice for the ZBA hearing did not result in comments at the hearing or written comments.

Mike Ludgate explained the site location and plan. The property owner had to replace the roof and does not want to mount the arrays on the new roof. He indicated on the map the areas where placement of the arrays would be shaded by the neighbor's trees. The downhill area is swampy and not tillable but is dry enough to put in an array.

D Weinstein – the setbacks that were established were what people felt comfortable with, but they explicitly said they would evaluate on a site by site basis whether it was important to keep to those setbacks.

T Hatfield – said sight lines for traffic need to be taken into consideration. The site doesn't lend itself to the 100' setback from the road as required in our law because of competing uses of the property.

The applicant is open to some small screening in front of the panels.

#### **RESOLUTION #20 (2019) – APPROVE SKETCH PLAN – 1950 SLATERVILLE ROAD**

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

Whereas, the applicant is seeking 50' of relief of the setback of a solar photovoltaic array, and

Whereas, the Planning Board has discussed the proposal and see no significant adverse impacts related to the plan as presented, now therefore, be it

RESOLVED, that the Town of Dryden Planning Board hereby approves the sketch plan and waives further site plan review, and grants 50' of relief from the 100' setback requirement as set forth in the solar ordinance because of the unique hardships presented by the site, with the addition of landscaping of evergreens every 5' along the roadside edge of the array.

2<sup>nd</sup> D Weinstein – all in favor

#### **Varna Zoning Committee Update**

Members of the committee (David Weinstein, Jim Skaley, Craig Anderson & Marty Hatch) reviewed the attached slides, proposed changes to the current zoning law, and proposed resolution with the board.

## Discussion/Comments:

- Zoning refers to units not bedrooms. The conversion is based on the census data and is 2.65 bedrooms per unattached house and 2.52 bedrooms for apartments/rental units and 1.5 for manufactured homes.
- Does LEED really give us the kind of energy efficiency we want?
- Redevelopment bonuses have been problematic with some asking for that bonus on vacant land; is that really redevelopment?
- Has the committee talked with any developers?
- Is there is a market for this type of housing/scale? We need something that will work.
- If there is no demand, it won't work.
- INHS is very interested in building in Varna, both for sale and for rent.
- The traditional district would see the largest reduction in density, basically to protect Fall Creek.
- The table presented would have to be compared to the current table.
- A 100' buffer is suggested for Fall Creek.
- There are tiny distinctions between the residential and mixed-use districts.
- District descriptions are being refined.
- The redevelopment definition may be vague; if not necessary, eliminate it.
- A 100' buffer is suggested for Fall Creek in the area and bulk table.
- Establishing the Conservation zone on Freese Road will not impact the Freese Road Bridge proposals.
- Proposed changes are reflected on the map.
- PUDs must contain a commercial element.
- There is concern about single family homes or duplexes being able to meet LEED standards and the expense involved.
- Can the town identify its own energy standard?
- Could the energy stretch code be used?
- Input should be sought from developers.
- The County hasn't seen this proposal.
- Development will happen in Varna; do we want to guide it?
- The Planning Director needs to weigh in.

Some changes will be made to the proposed resolution resulting from the discussion. Ray Burger asked for a track changes document. The amended resolution will be on the agenda for next month.

**Comprehensive Plan Update** – There will be no meeting in October. The next meeting with EDR is scheduled for November 13 at 6:00 p.m. There is a SharePoint file set up for sharing documents.

**Short-Term Rentals** – will be discussed next month. T Salerno asked what people would find most helpful. He has information from a couple of different towns on what they have done. Most restrict the short-term rentals by putting maximum numbers of days per year they can be rented, and distinctions are made for when the owner is present or not. He has looked at the existing zoning law and it looks like the Mineah Road situation is in violation of our current zoning. There have been recent news articles and the Village of Freeville is also working on this. It would be useful to have an idea of how many short-term rentals we have in the town. T Salerno said he believes the town should look at this and will get more information out to members before the next meeting.

**Planning Department Staffing** – The board needs to look at what things are not getting done that need to get done and discuss that before making a recommendation. R Burger will present general numbers and how the work of the department is prioritized.

R Burger said next month there will be a small site plan review for a couple of duplexes on Hanshaw Road for rental purposes. He will send out the package in the next week or so.

On motion made, seconded and unanimously carried, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Bambi L. Avery

## The Problem:

There is a current lack of agreement between the Varna Community Development Plan and the current zoning's allowable density:

- The Varna Plan set as a build-out goal adding 454 bedrooms to the 807 bedrooms existing in 2012 (424 units).
- The current zoning allows approximately 2700 bedrooms to potentially be added.
  - ✓ not including any modifications that might be made to the Hillside Acres manufactured housing park that would increase the density there.

## Overall recommendation concepts:

The potential number of bedrooms added could be reduced to approximately 1200 (instead of 2700) by a combination of:

1. More precisely defining the purpose and goals for each district,
2. Improving definitions of those development types,
3. Changing what development types would be allowed in each district to promote the goals of that district,
4. Reducing the allowable development units per acre of each of those types in each district and create differences among districts,
5. Eliminating both the energy and redevelopment bonus in the hamlet districts, requiring energy efficiency for all new construction in the hamlet.

1. More precisely defining the purpose and goals for each district,

**Varna Hamlet Traditional District purpose:**

- Foster less-dense development that is in keeping with protecting Fall Creek.

**Varna Hamlet Residential District purpose:**

- Foster a mixed variety of moderately-dense dwelling types, with predominately single-family unattached dwelling units.

**Varna Hamlet Mixed Use District purpose:**

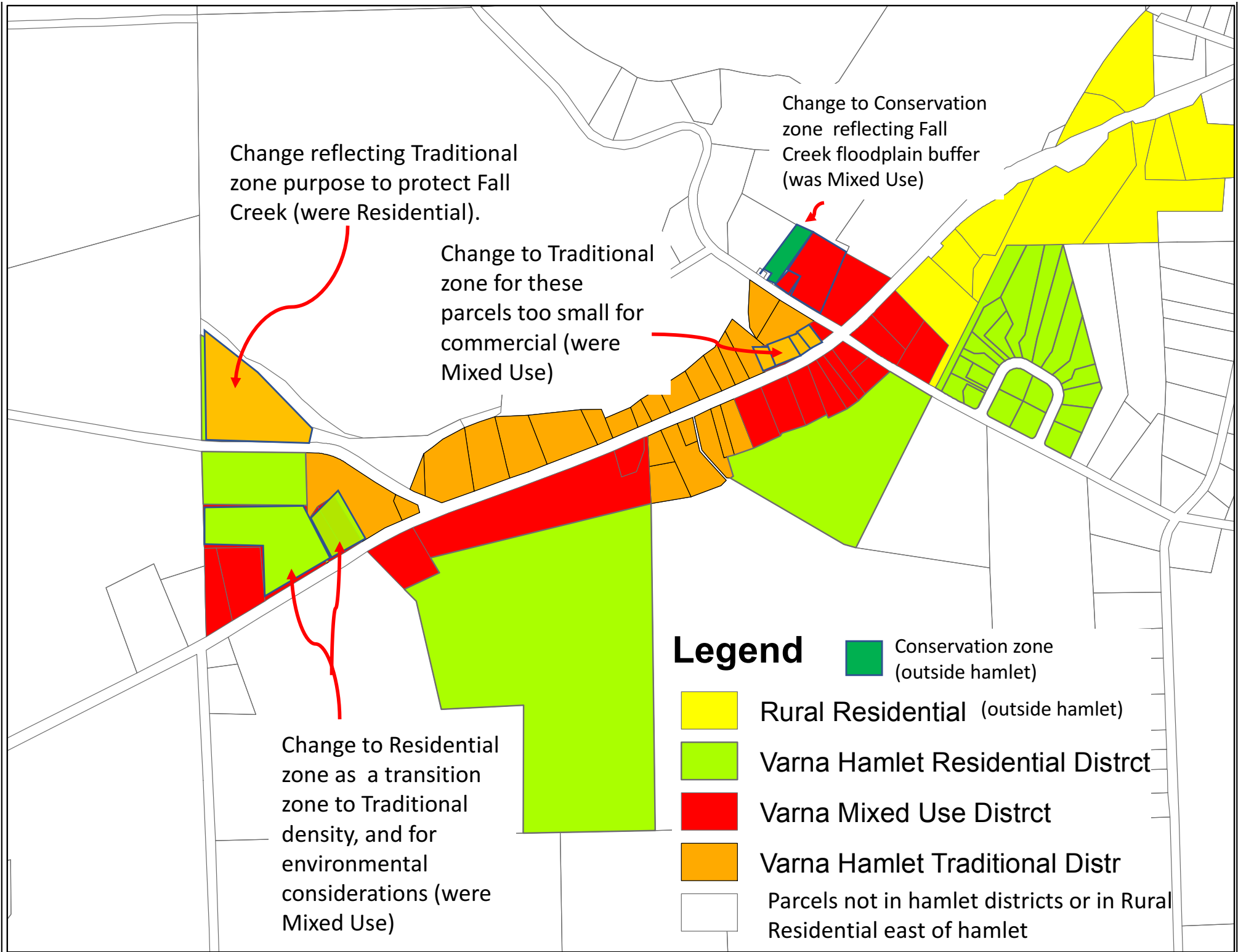
- Foster a mix of commercial and higher-density residential (preferably in combination) while retaining the traditional character of buildings and the hamlet character.

## **2. Refined definitions (with notes about the main idea modified):**

- Boundary Line Adjustment – clarify.
- Family – two or more related people, or not more than 4 unrelated.
- Green Space – do not include impermeable surfaces.
- Dwelling-Condominium -- individually owned units and a vehicle for managing the property.
- Dwelling Townhouse – not necessarily separately owned.
- Lot consolidation – shall not cross zone boundaries.
- Planned Unit Development in hamlet – must include both residential and commercial.
- Redevelopment – refers to a building in a measurable state of decline or abandonment.
- Story – count a ground floor living space as a story; building must not have more than 3 stories.



3 & 4. Revised table of allowable units per acre			
Development type	Mixed Use <sup>1</sup>	Residential, <sup>2</sup>	Traditional
Single Family Home	8	8	4
Duplex (Rental)	8	6	2
Townhouse	8	6	X
Condominium	8	6	6
Rental Apartments	8	4	X
Senior Housing	10	8	X
Residential over Commercial <sup>1</sup>	8 d.u. per 2,000 square feet	X	X
Multi Family Rental-Detached Units	X	X	X
	<sup>1</sup> Developments with > 9 units must have 2000 sq. ft. of commercial for each 10 units. These may be phased in over time.	<sup>2</sup> - Multi-family units limited to covering no more than 40% of the acreage remaining after removing the open space land	



## 5. Eliminating both the energy and redevelopment bonus in the hamlet districts. Requiring energy efficiency for all new construction in the hamlet.

- Special bonuses for the few buildings in a state that requires redevelopment to make them safe can be offered on a case-by-case basis.

### **The reasoning behind this:**

- It has been emphasized that the community strongly desires high energy efficiency construction design and implementation.
- It has not been clear that the evaluation method used to decide this bonus results in the energy efficiency being sought.
  - ✓ The best way to meet this goal is to require energy efficiency in all new construction.
- The number of buildings in a state that requires redevelopment to make them safe is very limited in number.
  - ✓ It has proved very difficult to identify which properties meet the qualifications for this bonus.

Resolution on the Recommendations of the Dryden Planning Board to the Town Board on Revisions to be made in the Dryden Town Zoning Law in Article III (Definitions) and Article VII (Hamlet of Varna).

*Whereas* the Dryden Planning board authorized a subcommittee (Resolution \_\_\_) to produce recommended changes to the zoning for the hamlet of Varna, and that subcommittee met in open public meetings from August 1 through Sept 3, 2019,

*Whereas* the Dryden Town Zoning Law currently allows potential development densities in Varna that far exceed those specified in the Varna Community Development Plan of 2012,

*Whereas* changes need to be made to bring the potential allowable densities into compliance with the build-out goal articulated in the Varna Plan,

**Be it Resolved** that the Dryden Planning Board recommends the following changes be made to the Varna Hamlet zoning districts as indicated in the attached Proposed Varna Hamlet Districts Map.

**Be it Resolved** that the Dryden Planning Board recommends the following changes be made to the Dryden Zoning, consisting of the addition of new definitions and the modifications of existing definitions in Article III, an addition to Article IV, and replacement of Article VII as described below: (specific changes have been sent to board members previously in the file, “Resolution on revision of Varna Zoning”).

**ARTICLE III: DEFINITIONS. The following definitions are to be replaced or added:**

Varna Hamlet Traditional District. The purpose of the Varna Hamlet Traditional District (VHTD) is to foster a type of development that is deeply attentive to the environmentally sensitive areas of the district. This area is along Fall Creek, an important drainage area in the hamlet, and is intended to have lot sizes and a limited amount of development that is sensitive to these resources. The purpose of this district is aimed at achieving a traditional owner-occupied neighborhood with single-family and two-family dwelling units, including a conservation buffer from the banks of Fall Creek.

Varna Hamlet Residential District. A mix of predominately single-family unattached dwelling units, but including a variety of dwelling units.

Varna Hamlet Mixed Use District. The purpose of the Varna Hamlet Mixed Use District (VHMUD) is to foster new and redevelopment of existing properties while retaining the traditional character of buildings, as well as the hamlet character found in Varna and described in the Varna Community Development Plan. The purpose includes Traditional Neighborhood Design as defined in Article III of the Dryden Zoning, and commercial development of vacant lots, including the combining of lots and rehabilitation of existing buildings.

Boundary Line Adjustment (BLA) - A reconfiguration of property lines between two or more separate legal parcels. BLAs are not subdivisions and cannot create new parcels or building sites.

Family—An individual, or two or more persons related by blood, marriage or adoption, occupying a Dwelling Unit and living as a single household; For purposes of this Ordinance, a family may also consist of not more than four unrelated individuals occupying a Dwelling Unit and living as a single household. The two definitions cannot be combined.

Green Space—Areas of vegetated and permeable surfaces of a development not occupied by Structures or Paved areas for vehicles and including formal stormwater management facilities (no more than 20% of total Lot Area) as well as green infrastructure stormwater facilities Open Space set aside include swales and parks, dedicated Open Space, landscaped areas, plantings, lawns, parking lot islands, and sidewalks or trails used to access these areas, including Accessory Structures (e.g. gazebos or similar structures) accessible to the public and intended to enhance the Green Space.

Dwelling-Condominium—The term condominium refers to a system of ownership and administration of property with three main features. A portion of the property is divided into individually owned units, the balance of the property is owned in common by all the individual owners and a vehicle for managing the property, known as the condominium **corporation**, is established.

Dwelling Townhouse or townhome - A single-family home that shares one or more walls with other dwelling units. Townhouses are distinguished from a Condominium Townhouse, which is a single-family home that shares one or more walls with other independently-owned units.

Lot Consolidation - A Lot Consolidation is used to combined two existing parcels. Lot Consolidations erase parcel lines so that only one parcel remains.

Redevelopment — A process to rebuild or restore an area in a measurable state of decline, disinvestment, or abandonment undertaken in accordance with a redevelopment plan adopted by a municipality or to transform an underutilized or distressed area into an economically viable and productive part of the community.

Story—A story is any level part of a building with a floor that could be used by people (for living, work, storage, recreation). A building that has four levels, including the ground/earth level has four stories but three floors. This is because the ground floor does not count as a floor. The floor above is 1st floor, second floor, third floor + the ground floor = three floors, yet four stories. Stories refer to the overall height of the building.

ARTICLE IV, Section 402: Add the following:

Lot consolidation shall only be allowed within established zones and the new parcel shall conform to the criteria of that zone. Lot consolidation shall not cross zone boundaries so as to erase or modify the criteria of either zone. Those interested in lot consolidation across boundary lines must apply to have the district boundary altered to place the lots to be consolidated into the same zoning district.

**ARTICLE VII: VARNA – Article VII is to be replaced by the following:**

**Section 700: Purpose**

The purpose of Article VII of this zoning law is to provide the structure and rules for development in accordance with the Varna Community Development Plan (VCDP) as adopted. This Article creates distinct zones and a Traditional Neighborhood Overlay within the hamlet of Varna, along with rules relative to maintaining form in an effort to implement the goals set forth in the Varna Community Development Plan.

**Section 702: Applicability**

This article applies only to the three zoning districts that are within the Hamlet of Varna: The Varna Hamlet Mixed Use District (VHMUD), Varna Hamlet Residential District (VHRD), and the Varna Hamlet Traditional District (VHTD). Development within these zones is based on the descriptions in the Varna Community Development Plan as adopted as an amendment to the Town Comprehensive Plan.

**Section 703: Definitions**

Refer to the purpose and goals listed for each district in the definitions (Article III) for the Varna Hamlet Mixed Use District (VHMUD), Varna Hamlet Residential District (VHRD), and the Varna Hamlet Traditional District (VHTD).

**Section 704: Design Guidelines and Standards**

All development and re-development of Lots and property in Varna shall comply with the Varna Design Guidelines and Landscape Standards, including:

- A. Landscape Design. Any proposed development or re-development subject to a building

permit or review under this Law shall include a landscape and planting plan that includes:

1. A map or sketch of existing vegetation to be retained or removed.
2. A detailed landscape plan that includes a list of the number, type and location of proposed vegetation.
3. A narrative or drawing demonstrating how the development or re-development will preserve open space and existing natural features including mature trees, tree canopies, land forms, existing topography and vegetation.

B. Streetscape and Sidewalk Design. Any proposed development or re-development subject to a building permit or review under this Law shall include plans for sidewalks or pedestrian paths that contribute to the goal of a unified pedestrian network in Varna. Any such proposed development or re-development shall include a streetscape and sidewalk plan that includes:

1. A map or sketch and list of dimensions of proposed pedestrian paths, sidewalks, and trails.
2. A map and sketch detailing streetscape amenities including lighting, sidewalk furniture (such as benches and refuse containers), signage, and a maintenance plan for such amenities, including provisions for snow removal.
3. Any proposed development or re-development along Route 366 requires sidewalks.

C. Building and Architectural Detail.

1. No proposed Building shall exceed 40 feet in height.
2. Any proposed development shall be designed to preserve, as much as practicable, the existing views and line of sight of existing buildings and neighboring properties.

D. Streets and Parking.

1. Any proposed development shall provide a circulation plan in and around the development for pedestrians, vehicles, and cyclists which includes a detailed map showing:
  - a. Proposed roads, trails and cyclist paths.
  - b. The connection of proposed roads, trails and cyclist paths to existing public highways.
  - c. Circulation patterns including points of ingress and egress.
  - d. The dimensions of any proposed roads, trails and cyclist paths.
  - e. The location of any proposed curbcuts to Route 366.

- f. The location and number of proposed parking spaces.
2. New roads should be designed and located to preserve existing topography, as much as practicable.

**Section 705: Varna Use Regulations**

All uses in Varna shall comply, to the maximum extent practicable, with the Varna Design Guidelines and Landscape Standards.

- A. Planning Department Report. No application shall be deemed complete without a written report by the Planning Department detailing the extent to which the application complies with the Varna Design Guidelines and Landscape Standards.
  1. For applications which require either Town Board approval or Planning Board approval, such report shall be considered part of the application and subject to review by the respective Boards.
  2. For applications which require only a Building Permit, such report shall be completed prior to the issuance of a Building Permit.
  
- B. No structure or land in Varna shall be used except as provided in the Allowable Use Groups Chart in subsection D below. Uses which are not explicitly permitted are prohibited, unless specifically stated elsewhere in this Law.
  
- C. Building Sizes:
  1. In the Varna districts, no Use shall include a Structure larger than 5,000 square feet without a Special Use Permit.
  2. All exemptions in Section 603 shall also apply in Varna.
  
- D. **Insert Allowable Use Table.** The Allowable Use Groups Chart **remains unchanged.**

**Section 706: Varna Density Table**

All residential uses in Varna are subject to the maximum number of Dwelling Units per area set forth in the following Varna Density Table.

Development type	Mixed Use (requires commercial) <sup>2</sup>	Residential	Traditional
Single Family Home	8	8	4
Duplex (Rental)	8	6	2
Townhouse	8	6	X
Condominium	8	6	6
Rental Apartments	8	4	X
Senior Housing	10	8	X



Residential over Commercial	8 d.u. per 2,000 square feet <sup>1</sup>	X	X
Multi Family Rental- Detached Units	X	X	X
1- Developments with > 9 units must have 2000 sq. ft. of commercial for each 10 units. These may be phased in over time.	2- Multi-family units limited to covering no more than 40% of the acreage remaining after removing the open space land.		

**Section 707: Required Green Space Table**

All uses in Varna shall incorporate the amount of Green Space set forth in the following table.

Varna District	Required Green Space
Varna Hamlet Mixed Use District (VHMUD)	40% of Lot
Varna Hamlet Residential District (VHRD)	60% of Lot
Varna Hamlet Traditional District (VHTD)	70% of Lot

**Section 708: Area and Bulk Table**

The following table includes the minimum requirements for a building lot. Unless otherwise indicated this table does not indicate the number of lots that can be created from a parcel.

	VHMUD, VHRD and VHTD
Minimum front yard setback	10 feet
Minimum side yard setback	None or 7.5 feet if buildings are not attached
Accessory Building with less than 15 feet Building Height and 200 square feet or less	1 foot
Minimum rear yard setback	25 feet
Accessory Building less than 15 feet Building Height and 200 square feet or less	1 foot
Minimum Lot Frontage	45 feet

A. Multi-family units in VHRD are limited to covering no more than 40% of the acreage remaining after removing the open space land from consideration.

B. A conservation zone buffer shall be established of a 100 ft buffer from the normal high-water bank of Fall Creek in which no landscape alteration or construction shall occur. The width of this buffer shall be extended to include the designated FEMA designated 100-year flood plain. The importance of a buffer to protect Fall Creek is described in the Dryden Natural Resource Plan, and the Dryden Open Space Inventory, along with the importance

of protecting the Designated Scenic Recreation River section of Fall Creek which begins a short distance downstream.

**Section 709: Green Neighborhood Development; Additional Density**

New structures shall conform to the latest LEED standards with an emphasis on maximizing energy conservation. Given this requirement, no bonuses will be included in the allowable zoning densities. Every use in the Varna Density Table in Section 703, requires that each Neighborhood Development proposal achieves at least basic LEED certification (40 points)

**Section 710: Planned Unit Development**

Planned Unit Development (PUD) —An area of land intended to provide for a variety of land uses and structures which shall include both commercial and residential planned and developed in a manner which will provide a community design that preserves critical environmental resources, provides above-average Open Space amenities, incorporates creative design in the layout of Structures, Green Space and circulation of vehicles and pedestrians; assures compatibility with surrounding land uses and neighborhood character; and provides efficiency in the layout of highways, public utilities and other Municipal Facilities. Planned Unit Developments best serve as nodal areas connected to and/or serving several adjoining neighborhoods.

A Planned Unit Development (PUD) shall be developed in accordance with the provisions in Article X.

Resolution on the Recommendations of the Dryden Planning Board to the Town Board on Revisions to be made in the Dryden Town Zoning Law in Article III (Definitions) and Article VII (Hamlet of Varna).

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Whereas the Dryden Town Zoning Law currently allows potential development densities in Varna that far exceed those specified in the Varna Community Development Plan of 2012,

Whereas changes need to be made to bring the potential allowable densities into compliance with build-out goal articulated in the Varna Plan,

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*Other definitions:*

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#### **ARTICLE IV, Section 402: Add the following:**

Lot consolidation shall only be allowed within established zones and the new parcel shall conform to the criteria of that zone. Lot consolidation shall not cross zone boundaries so as to erase or modify the criteria of either zone. Those interested in lot consolidation across boundary lines must apply to have the district boundary altered to place the lots to be consolidated into the same zoning district.”

**ARTICLE VII: VARNA – Article VII is to be replaced by the following:**

**Section 700: Purpose**

The purpose of Article VII of this zoning law is to provide the structure and rules for development in accordance with the Varna Community Development Plan (VCDP) as adopted. This Article creates distinct zones and a Traditional Neighborhood Overlay within the hamlet of Varna, along with rules relative to maintaining form in an effort to implement the goals set forth in the Varna Community Development Plan.

**Section 702: Applicability**

This article applies only to the three zoning districts {which constitute} that are within the Hamlet of Varna: The Varna Hamlet Mixed Use District (VHMUD), Varna Hamlet Residential District (VHRD), and the Varna Hamlet Traditional District (VHTD). Development within these zones is based on the descriptions in the Varna Community Development Plan as adopted as an amendment to the Town Comprehensive Plan.

**Section 703: Definitions**

Refer to the purpose and goals listed for each district in the definitions (Article III) for the Varna Hamlet Mixed Use District (VHMUD), Varna Hamlet Residential District (VHRD), and the Varna Hamlet Traditional District (VHTD).

**Section 704: Design Guidelines and Standards**

All development and re-development of Lots and property in Varna shall comply with the Varna Design Guidelines and Landscape Standards, including:

- A. Landscape Design. Any proposed development or re-development subject to a building permit or review under this Law shall include a landscape and planting plan that includes:
  - 1. A map or sketch of existing vegetation to be retained or removed.
  - 2. A detailed landscape plan that includes a list of the number, type and location of proposed vegetation.
  - 3. A narrative or drawing demonstrating how the development or re-development will preserve open space and existing natural features including mature trees, tree canopies, land forms, existing topography and vegetation.
  
- B. Streetscape and Sidewalk Design. Any proposed development or re-development subject to a building permit or review under this Law shall include plans for sidewalks or pedestrian paths that contribute to the goal of a unified pedestrian network in Varna. Any such proposed development or re-development shall include a streetscape and sidewalk plan that includes:
  - 1. A map or sketch and list of dimensions of proposed pedestrian paths, sidewalks, and trails.

2. A map and sketch detailing streetscape amenities including lighting, sidewalk furniture (such as benches and refuse containers), signage, and a maintenance plan for such amenities, including provisions for snow removal.
3. Any proposed development or re-development along Route 366 requires sidewalks.

C. Building and Architectural Detail.

1. No proposed Building shall exceed 40 feet in height.
2. Any proposed development shall be designed to preserve, as much as practicable, the existing views and line of sight of existing buildings and neighboring properties.

D. Streets and Parking.

1. Any proposed development shall provide a circulation plan in and around the development for pedestrians, vehicles, and cyclists which includes a detailed map showing:
  - a. Proposed roads, trails and cyclist paths.
  - b. The connection of proposed roads, trails and cyclist paths to existing public highways.
  - c. Circulation patterns including points of ingress and egress.
  - d. The dimensions of any proposed roads, trails and cyclist paths.
  - e. The location of any proposed curbcuts to Route 366.
  - f. The location and number of proposed parking spaces.
2. New roads should be designed and located to preserve existing topography, as much as practicable.

**Section 705: Varna Use Regulations**

All uses in Varna shall comply, to the maximum extent practicable, with the Varna Design Guidelines and Landscape Standards.

- A. Planning Department Report. No application shall be deemed complete without a written report by the Planning Department detailing the extent to which the application complies with the Varna Design Guidelines and Landscape Standards.
  1. For applications which require either Town Board approval or Planning Board approval, such report shall be considered part of the application and subject to review by the respective Boards.

2. For applications which require only a Building Permit, such report shall be completed prior to the issuance of a Building Permit.
- B. No structure or land in Varna shall be used except as provided in the Allowable Use Groups Chart in subsection D below. Uses which are not explicitly permitted are prohibited, unless specifically stated elsewhere in this Law.
- C. Building Sizes:
1. In the Varna districts, no Use shall include a Structure larger than 5,000 square feet without a Special Use Permit.
  2. All exemptions in Section 603 shall also apply in Varna.
- D. The Allowable Use Groups Chart **remains unchanged**.

**Section 706: Varna Density Table**

All residential uses in Varna are subject to the maximum number of Dwelling Units per area set forth in the following Varna Density Table.

Development type	Mixed Use (requires commercial) <sup>2</sup>	Residential	Traditional
Single Family Home	8	8	4
Duplex (Rental)	8	6	2
Townhouse	8	6	X
Condominium	8	6	6
Rental Apartments	8	4	X
Senior Housing	10	8	X
Residential over Commercial	8 d.u. per 2,000 square feet <sup>1</sup>	X	X
Multi Family Rental- Detached Units	X	X	X
1- Developments with > 9 units must have 2000 sq. ft. of commercial for each 10 units. These may be phased in over time.	2- Multi-family units limited to covering no more than 40% of the acreage remaining after removing the open space land.		

**Section 707: Required Green Space Table**

All uses in Varna shall incorporate the amount of Green Space set forth in the following table.

<b>Varna District</b>	<b>Required Green Space</b>
Varna Hamlet Mixed Use District (VHMUD)	40% of Lot
Varna Hamlet Residential District (VHRD)	60% of Lot
Varna Hamlet Traditional District (VHTD)	70% of Lot

**Section 708: Area and Bulk Table**

The following table includes the minimum requirements for a building lot. Unless otherwise indicated this table does not indicate the number of lots that can be created from a parcel.

	<b>VHMUD, VHRD and VHTD</b>
<b>Minimum front yard setback</b>	<b>10 feet</b>
<b>Minimum side yard setback</b>	<b>None or 7.5 feet if buildings are not attached</b>
<b>Accessory Building with less than 15 feet Building Height and 200 square feet or less</b>	<b>1 foot</b>
<b>Minimum rear yard setback</b>	<b>25 feet</b>
<b>Accessory Building less than 15 feet Building Height and 200 square feet or less</b>	<b>1 foot</b>
<b>Minimum Lot Frontage</b>	<b>45 feet</b>

A. Multi-family units in VHRD are limited to covering no more than 40% of the acreage remaining after removing the open space land from consideration.

B. A conservation zone buffer shall be established of a 100 ft buffer from the normal high-water bank of Fall Creek in which no landscape alteration or construction shall occur. The width of this buffer shall be extended to include the designated FEMA designated 100-year flood plain. The importance of a buffer to protect Fall Creek is described in the Dryden Natural Resource Plan, and the Dryden Open Space Inventory, along with the importance of protecting the Designated Scenic Recreation River section of Fall Creek which begins a short distance downstream.

**Section 709: Green Neighborhood Development; Additional Density**

New structures shall conform to the latest LEED standards with an emphasis on maximizing energy conservation. Given this requirement, no bonuses will be included in the allowable zoning densities. Every use in the Varna Density Table in Section 703, requires that each Neighborhood Development proposal achieves at least basic LEED certification (40 points)

**Section 710: Planned Unit Development**

Planned Unit Development (PUD) —An area of land intended to provide for a variety of land uses and structures which shall include both commercial and residential planned and developed in a manner which will provide a community design that preserves critical environmental



resources, provides above-average Open Space amenities, incorporates creative design in the layout of Structures, Green Space and circulation of vehicles and pedestrians; assures compatibility with surrounding land uses and neighborhood character; and provides efficiency in the layout of highways, public utilities and other Municipal Facilities. Planned Unit Developments best serve as nodal areas connected to and/or serving several adjoining neighborhoods.

A Planned Unit Development (PUD) shall be developed in accordance with the provisions in Article X.