

TOWN OF DRYDEN  
PLANNING BOARD MEETING  
At the Varna Community Center  
November 20, 2019

Present: John Kiefer, Chair, Craig Anderson, Tony Salerno, David Weinstein, Jim Skaley (alternate), Joe Wilson, Dan Bussmann (alternate)

Absent: Martin Hatch, Tom Hatfield

Staff: Ray Burger, Director of Planning

Liaisons: Dan Lamb (Town Board), Alice Green (Town Board)

J Kiefer opened the meeting at 6:00 p.m.

**Public Comment**

None

**Approval of Minutes**

C Anderson moved to approve the minutes of October 23, 2019, seconded by D Weinstein  
All in favor – approved

C Anderson moved to approve the minutes of October 29, 2019, seconded by D Weinstein  
All in favor – approved

Jim Skaley was given voting privileges in absence of Martin Hatch.

**Resolution #24 Restrictive Covenants/Conservation Subdivision –**

J Kiefer reported that he sent an email to the Town Attorney detailing what has happened with the Blue Bird Subdivision and a list of questions that he and R Burger had come up with relative to that. She said she is happy to meet with the Planning Board or a subset thereof to give her opinion on this topic. Board members agreed that they would like to have the questions answered in writing and then arrange a meeting if the board needs any clarification. The Town Board will take up Planning Board's Resolution #24 tomorrow night.

**Resolution #25 Request that Town Board Review Planning Department Resources and Take Action**

J Kiefer said this resolution resulted from the Planning Board's observation that it seems there are a lot of code violations that nothing is being done about. The board's discussion resulted in this resolution asking the Town Board to consider increasing department fees which may allow the department to staff up a bit and establishment of a legal fund to enable the town to pursue in court those who refuse to meet the code. The Town Board will also discuss this tomorrow night.

### **Comprehensive Plan Work**

Planning Board members are to provide comments to EDR on the list of stakeholders that they created. EDR expect feedback by November 27. C Anderson suggested that be put off because people are having difficulty accessing their website. EDR can provide a spreadsheet via email. The board agrees they need more time and/or access. D Weinstein suggested December 2 as a deadline for comments. The next meeting is December 11. R Burger will share that and send the spreadsheet to Planning Board members and board liaisons.

### **Short Term Rentals**

T Salerno said he has some recommendations. D Bussmann was also doing some research and they have not gotten together. He is still trying to determine how many short-term rentals there are in the town of Dryden. He has reviewed a number of ordinances in other towns. Lansing is starting to work on something. They all have similar themes. This is something that is not covered in our current zoning. He will send out what information he has regarding the approach other towns are taking prior to the next meeting.

### **Ag District Review**

Monika Roth of Cooperative Extension will be at next meeting. The looking to add and delete parcels from the county ag districts.

### **Planning Board Membership Changes**

Marty Hatch's term is up and he is not reapplying. Jim Skaley will begin a term on town board on January 1. If anyone knows of someone who may be interested in serving on the board, please encourage them to apply.

### **Planning Board Chair Recommendation**

D Weinstein said that in his long tenure John Kiefer has possibly been the best chair of the board. He is on top of things in a way others were not and he is very fair in allowing a lot of different opinions to be aired.

### **RESOLUTION #26 (2019) – RECOMMEND JOHN KIEFER AS CHAIR**

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

RESOLVED, that the Town of Dryden Planning Board recommends that John Kiefer be appointed as Chair of this board for 2020.

2<sup>nd</sup> C Anderson – all in favor

Dan Bussmann arrived and was given voting privileges in the absence of Tom Hatfield.

## Varna Auto Garage

R Burger introduced the owners, Bill and Angie Chen, who are looking to expand their current garage facility. They have been in business at this location for decades. The lot is less than one acre with not a lot of green space. There are some issues as far as how to get this to site plan review and the possible need for variance(s). The purpose tonight is to review and discuss the process going forward.

Architect for the project, John Snyder, explained they propose a service bay addition to expand the operations of the building. They propose two service bays inside and renovations to the existing building. There will be a bit of site work along the side to make this happen. There will be a lot of internal work and some outside as well. The existing site is deficient in green space. There is a parcel across the street and the applicants own other parcels down the way as well.

### Comments/discussion:

- Could this parcel be combined with the parcel across the road?
- It is problematic to declare greenspace when it could be sold as a separate lot.
- The gravel area of the lot is not considered impervious surface, not green space.
- There is potential for making true green space across the road.
- There would be two service doors in the front of the addition and one in back.
- The wall to be shifted over would become hardscape.
- The two lots are in different zoning districts.
- Under current zoning a garage repair facility requires one acre.
- Adjacent lots owned by the Chens contain a storage facility and apartments.
- They would require a variance for the one-acre lot because of the addition.
- The non-conforming business can continue to exist; the question is how to approach the expansion.
- Neighbor across access road is concerned with fumes that penetrate her property.
- Applicants state there is no painting or body work done at the facility; only mechanical work.
- Section 1310 of the zoning law says the garage door shall be buffered from adjacent residential risers.
- According to the law they need ten parking spaces for visitor parking and two for each employee.
- Vehicles awaiting service shall be parked only in a side yard and rear yard; that could be an issue.
- The Varna design guidelines may be difficult to comply with.
- Buffering can be a feature of the site plan.
- Applicant would have to go to the ZBA for an area variance.
- Planning Board could proceed with site plan review and condition it on the ZBA granting a variance – or it could go to ZBA first (with recommendation).
- Need clarification on whether combining lots would matter.
- Cornell owns land adjacent to the lot across the road.

D Weinstein said while he doesn't want to dismiss our well designed and heavily thought about zoning laws, it is important to acknowledge that the owners have been great citizens of the community. They've brought value in terms of being flexible people to work with as well as trying their best to not

do things that would alienate the community around them. The board should work hard to try and find ways to allow them to use this. The main reason they want to expand is so they can remain a business in the community for the long term. We want the few businesses here to stay and function economically so it is viable. Those considerations need to be thought about when evaluating the application. We need to explore the avenues we have. They are good business owners and a value to the community.

- If this were a special use permit matter, site plan review would go to the Town Board who has more flexibility.
- They may have go to the ZBA regardless.
- ZBA would want to hear from the Planning Board.
- Combining the two lots would negate the need for a one-acre variance, but they would still need a green space variance (17-24%).
- Could parking across the street be expanded behind the building also owned by the applicants?
- How to deal with the two lots being in different zones? If combined which district prevails?
- There is no overnight parking on the lot across.
- Higher quality mapping and survey was suggested for future consideration.
- They may have to move the bus stop.

J Kiefer said there are some things that the Planning Board can't grant such as minimum lot sizes and ratios of hardscape to softscape. The ZBA would have jurisdiction on those. He encouraged the applicants to think about how to avoid having to go to the ZBA. He asked them to consider conformance with the Varna Design Guidelines and demonstrate how they can make the site more consistent with those.

R Burger will consult with the town attorney on the feasibility and implications of combining the lots.

It was suggested that the applicants respond to the discussion tonight and then come back for sketch plan before going to ZBA.

### **1610 Dryden Road Dog Daycare & Boarding Facility**

R Burger explained this is a proposed business next to the Elemental Pet Vets business at 1610 Dryden Road (the old Phoenix Books store). The veterinary business received a special use permit, and there is now a proposal for this business to open on a one-acre subdivided lot. He said there will be no outdoor runs. Dogs outside will be supervised in a fenced area. He said because there are no outdoor runs there is no requirement for a five-acre minimum lot size and separation from residential areas. That all is intended to protect residents from the noise of an outdoor run.

D Weinstein said the concept behind the 5-acre requirement was to keep noise down. The idea was they need 5 acres if there were outdoor runs because there will be barking.

C Anderson said the site plan review has changed from the vet clinic approval. The driveway is not in the spot that was approved a year ago. The Town Board approved the site plan with the eastern driveway and walkway along the side. They are now occupying the building using the present driveway apron.

R Burger said that was communicated with DOT and his office. They were issued a temp Certificate of Occupancy until the other entrance is complete. Applicant plans to move the driveway next year.

Comments/discussion:

- Recommend to the Town Board to narrow the drive only allowing access from the east side of telephone pole.
- There could be a shared driveway with these two businesses and the lot next door, marking fewer road cuts on Route 13.
- This business and the veterinary business will share a driveway.
- They are trying to take advantage of the synergy of these two businesses.
- There is potential for building a road to be dedicated to town.
- Proximity of the site to Fall Creek is not a concern.
- The area tally form should include building plus driveway plus parking.
- Noise cancelling insulation will help keep barking noises inside.
- A dirt berm with plantings on top is more effective on the west side than just plantings.

After further discussion, the Planning Board recommendation to the Town Board is:

- Install sound-proofing insulation in the building walls and ceiling.
- Install a berm and evergreen hedge along the west boundary to mitigate noise.
- Install evergreens along the west, south and east boundaries to mitigate noise.
- Prior to construction next year meet with Elemental Pet Vets owner and owner of the property to the east to explore the possibility of a shared driveway to Route 13.

## **16 Freeville Road**

### **I-Deal Self Storage**

R Burger explained that this business was granted a special use permit and has been in operation there since 2016. Due to their success they need to expand and are proposing a 20' x 170' building to the east of the present building. This is a special use amendment that will go before the Town Board. The applicant has offered a stormwater plan. A full SWPPP would be required if they were to expand further; applicant says this the end of build-out on this parcel so they can do a simple SWPPP.

Comments/discussion:

- The HVAC is at the opposite end from the previous plan and should be screened.
- The color scheme should be the same as the current building.
- There should be setback distances on the map.
- The fire department has seen the plan.
- The proposed resolution to approve is conditioned on the fire department approving the driveway dimensions and turning radii.
- An orange façade sign is not acceptable; retain the monument sign.
- Silt fence to be installed per state requirement; not a big giant arc.

Recommendations to Town Board:

- Maintain present monument sign and no façade sign.
- Screen the HVAC appliance.
- Install the silt fence per DEC regulations.

### **51 Hall Road**

#### **Heavy Equipment and Truck Repair**

This business is in the very back corner of small industrial district at the NYSEG intersection. The building previously housed the Tiny Timbers assembly operation and is now being proposed for reuse as a heavy equipment and truck repair. The auto repair component means this will have to go to the Town Board for special use permit. There is no change to the building, but it will be a different type of business.

J Kiefer noted that folks on Hall Road had come to the Rail Trail meeting and commented that customers of businesses in the area park in the residential area. We need to keep parking in the business area, not on the street. R Burger said this property has ten parking spaces on the south property boundary that should be more than sufficient.

#### **Varna Subcommittee Update –**

J Kiefer explained that over last few years the Planning Board has reviewed projects that have gone through special use permits at the Town Board's request. They have looked at ones proposed to be built in the hamlet and always have questions on whether what is proposed is consistent. When the Trinitas application came along, the Town Board asked the Planning Board to do a SEQR review even though the Town Board is doing the review. The Planning Board took a lot of time on that and one of the findings was that we did not believe the Trinitas project is consistent with the Varna Plan and passed that along to the Town Board for use in their review.

Meanwhile, a subcommittee of the Planning Board took on the task of reviewing the zoning regulations that were developed as a result of the Varna Plan and determining whether they reflect what the Varna Plan says and if they don't what could be done to bring the regulations in line with the plan. The subcommittee and the Planning Board as a whole have discussed this on several occasions. This presentation is the result and their recommendations for modification.

D Weinstein said the subcommittee met almost weekly in August and September to come up with solutions to what they saw as a problem. The problem is that there is a current conflict between the Varna Community Development Plan and the current zoning's allowable density. The Varna Plan set as a buildout a goal of an addition of 454 beds to the 807 bedrooms that were in place in 2012. Current zoning allows approximately 2700 bedrooms to potentially be added. They worked to come up with strategies for how to try and get to a density number that would be more in line with what was envisioned in the Varna plan. They didn't get down to 454 bedrooms but got considerably closer to that and in doing so considered how to do it so that the districts are different in density and the kinds of housing opportunities that are offered to people. They want diverse options for housing in Varna, and most of what has happened is one kind of development (rental housing since 2012). It is important to maintain a variety of housing types.

The presentation is attached.

J Kiefer said the next step, if the Planning Board agrees that these proposed changes make sense and approve a resolution saying that, the recommendation will be passed on to the Town Board. If the Town Board agrees to move forward with it, there will be a process with discussion and public hearings, and it will proceed with them from that point.

J Wilson said the Planning Board has had thorough discussions, changes were suggested and many changes were made. The subcommittee's work has gotten a thorough review and modifications where the group as a whole thought it was necessary. It was a very thorough process.

The proposed modifications have been on the town's website and have been publicly available.

At the request of C Anderson, D Weinstein reviewed recent changes made to bring us to the current document. There was a change in the definition of townhouse.

J Kiefer asked the audience for feedback.

Deb Lecoq said she appreciates all the work and it looks like a huge help. She is concerned about more people because the traffic is nerve racking already. She appreciates the care and concern for environment and natural resources.

Art Lecoq said developers' money should not be the answer.

A few questions were answered about the map.

Janet Morgan – with respect to the mixed residential and commercial space and the provision that commercial wouldn't have to be added immediately. Sometimes developers build and then sell. What provision is there for extending the approval to the new owner?

C Anderson and R Burger responded that there could be a covenant added to the deed and to the certificate of occupancy. It could be picked up in the inspection process. Adding that commercial space can be phased in and that can make it more workable for a developer.

T Salerno said the wording used in this document is the wording in the zoning law, but there was an amendment done in February and the wording here is not consistent. After discussion it was agreed to use the following wording: *In addition to the density permitted in the Varna Density Table in Section 705, a density bonus may be awarded if a neighborhood development proposal achieves at least basic LEED certification according to the most current LEED neighborhood development protocol. The board shall have the discretion to excuse non-compliance with LEED prerequisites which can't be reasonably attained within the Town of Dryden.*

D Weinstein said the next thing to work on is a Dryden-centered LEED.

Resolution #26 - 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), Article IV (Zoning districts), and Article VII (Hamlet of Varna) of the Dryden zoning, along with the map of Varna zoning districts.

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

Whereas the Dryden Planning board authorized a subcommittee to produce recommendation 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 build-out goal articulated in the Varna Plan, as well as to guide development in Varna in the directions that were articulated in the 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 replacement of Article III and Article IV, containing the addition of new definitions and the modifications of existing definitions, replacement of Article VII, and replacement of the map of zoning districts in Varna, as attached in the files, "Article III. Zoning definitions revised-11-11-19.docx", Article IV revised-11-11-19.doc", "Article VII revised-11-11-19.doc", and "Proposed modifications to the hamlet of Varna district zoning".  
2<sup>nd</sup> J Wilson – all in favor, none opposed

### **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.”

**Agricultural Use** – See **Farm Operation**.

**Agriculture-Related Enterprise** – A retail or wholesale enterprise providing services or products utilized in agricultural production, such as Structures, agricultural equipment and agricultural equipment parts, livestock, feed, seed, fertilizer and agricultural equipment repairs and wholesale or retail sale of grain, fruit, produce, trees, shrubs, flowers or other products of local agricultural operations.

**Appeal** – An application to the Zoning Board of Appeals (ZBA) for relief from and review of any order, requirement, decision, interpretation, or determination made by the administrative official charged with the enforcement of the Zoning Law.

**Artist Studio/Craft Workshop** – A place where artists, artisans, craftsmen and other skilled tradespeople produce custom-made art or craft products, where they teach such skills, and/or where they sell such art or products.

**Automotive Repair Garage** – Any Structure and/or Lot used for the repair and/or servicing of motor vehicles, or for motor vehicle body work, structural repair or painting.

**Automotive Sales** – Any Lot or Structure used for sales, rental or leasing of new or used cars, trucks, motorcycles, boats or other motorized vehicles including tractors or construction vehicles.

**Automotive Salvage/Junk Yard** – A Lot or Structure and any place of storage or deposit, whether in connection with another business or not, where two or more unregistered, old, or secondhand motor vehicles, no longer intended or in condition for legal use on the public highways, are held, whether for the purpose of resale of used parts therefrom, for the purpose of reclaiming for use

some or all of the materials therein, whether metal, glass, fabric or otherwise, for the purpose of disposing of the same or for any other purpose; such term shall include any place of storage or deposit for any such purposes of used parts or waste materials from motor vehicles which, taken together, equal in bulk two or more such vehicles provided, however, the term junk yard shall not be construed to mean an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal produce is scrap iron, steel or nonferrous scrap for sale for remelting purposes only.

**Automotive Towing Service** – An establishment that provides for the transport of a motor vehicle by towing, carrying, hauling or pushing from public or private property, and which may provide for the temporary storage of motor vehicles. This definition shall not include an Automotive Repair Garage with a tow truck(s) which repairs vehicles on-site, nor shall this use be construed as a Junk Yard.

**Bed-and-Breakfast Establishment** – A Dwelling having a resident host in a private single- family home with common dining and leisure rooms and lodging rooms for overnight accommodations, the rates for which include breakfast and lodging only, and in which no public restaurant is maintained and no other commercial services are offered. The Bed-and-Breakfast Establishment shall have not more than ten (10) occupants as lodgers in at least three (3) and not 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.

**Car Wash** – A Structure or portion thereof used exclusively for the business of washing, cleaning and waxing motor vehicles.

**Cemetery** – Land used or intended to be used primarily for the burial of the dead and dedicated to cemetery purposes.

**Commercial Development Design Guidelines** – the Town of Dryden Commercial Development Design guidelines adopted on December 3, 2008 as an amendment to the Town of Dryden Zoning Ordinance. These guidelines are now found in Appendix C, and are hereby made a part of this Law by reference to such Appendix.

**Commercial Horse Boarding Operation** – an agricultural enterprise, consisting of at least seven (7) acres and boarding at least ten (10) horses, regardless of ownership, that receives ten thousand dollars (\$10,000.00) or more in gross receipts annually from fees generated either through the boarding of horses or through the production for sale of crops, livestock, and livestock products, or through both such boarding and such production. Under no circumstances shall this definition be construed to include operations whose primary on-site function is horse racing.

**Comprehensive Plan** – The Town of Dryden Comprehensive Plan adopted by the Town Board pursuant to Town Law 272-a on December 8, 2005, including amendments thereto.

**Congregate Care Facility** – A facility providing residential care and services in community integrated settings for persons who may require assistance with daily activities. Such services may include twenty-four-hour supervision, room and board, housekeeping, case management,

recreation programs, medication management and, where necessary, provision or arrangement for the provision of enhanced professional services such as medical, nursing, physical therapy and other personal care services. Congregate care facilities include assisted living programs and adult care facilities run in accordance with New York State requirements.

**Contractor's Yard** – Any space, whether inside or outside a Building, used for the storage or keeping of operable construction equipment, machinery or vehicles or parts thereof which are used by a construction contractor. A building trade or construction contractor is defined as but not limited to carpenters, electricians, masons, site work contractors, plumbers; heating, ventilating, and air conditioning (HVAC) technicians, general contractors, etc.

**Day Care Center, Child** – A facility which is not a Dwelling Unit in which care is provided on a regular basis to three (3) or more children [See 18 NYCRR § 413.2(g)].

**Day Care Home, Family** – A Dwelling Unit which is a personal residence and occupied as a family residence which provides daycare to three (3) to six (6) children [See 18 NYCRR § 413.2(i)].

**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-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, 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 or townhome** – A single-family dwelling that shares one or more walls but no ceiling-floor connection with other dwelling unit or units.

**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 institution. The definition includes institutions that provide cultural education, such as museums or galleries.

**Elder Cottage** – A separate, detached, temporary Single-Family Dwelling, accessory to a Single- or Two-Family Dwelling on a lot; and occupied by no more than two residents, one of whom must be 55 years of age or older.

**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.

**Farm Operation** – The land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a Commercial Horse Boarding Operation, a Timber Operation and “compost, mulch or other biomass crops” as defined in the New York Agriculture and Markets Law. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

**Farm Stand** – A seasonal or temporary stand for the sale and display of farm products.

**Frontage** – The linear measurement in feet of that part of a Lot coincident with a Public Highway measured at the edge of the Public Highway. A corner lot shall be considered to have frontages on both Public Highways.

**Gasoline Station** – A Lot, including Structures thereon or parts thereof, other than an Automotive Repair Garage, that is used for the sale of motor fuels dispensed from pumps and motor vehicle accessories and supplies. Permitted accessory uses may include facilities for lubricating, washing or other minor servicing of motor vehicles and/or the retail sale of convenience items, including but not limited to snacks and beverages, provided such accessory uses are located indoors. Motor vehicle body work, major structural repair or painting by any means are not to be considered permitted accessory uses.

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

**Green Space** – Areas of vegetated and permeable surfaces 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, green roofs, and sidewalks or trails used exclusively to access these areas, including accessory structures (e.g. gazebos or similar 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.

**Industry-Manufacturing** – Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembly of component parts, the creation of products, and the blending of materials such as oils, resins or liquors. These Industry-Manufacturing uses have greater impacts than light industry uses in terms of noise, fumes, and vibrations.

**Inn** – A commercial facility, resembling in character traditional residential construction, providing lodging and meals which is characterized by common dining facilities and a common leisure room available for use by lodgers and the general public. The period of accommodation shall be of a clearly temporary nature. Such use shall not be construed as a Boarding House.

**Invasive Species** – Non-native plant species on the list of invasive plants compiled by F. Robert Wesley, April 1998 which includes the common name, species name and family. This list is now found in Appendix D, and is hereby made a part of this Law by reference to such Appendix.

**Junk Yard** – Any place of storage or deposit, whether in connection with another business or not, where two or more unregistered, old, or secondhand motor vehicles, no longer intended or in condition for legal use on the Public Highways, are held, whether for the purpose of resale of used parts therefrom, for the purpose of reclaiming for use some or all of the materials therein, whether metal, glass, fabric or otherwise, for the purpose of disposing of the same or for any other purpose; such term shall include any place of storage or deposit for any such purposes of used parts or waste materials from motor vehicles which, taken together, equal in bulk two or more such vehicles provided, however, the term Junk Yard shall not be construed to mean an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal produce is scrap iron, steel or nonferrous scrap for sale for re-melting purposes only.

**Kennel** – Any commercial establishment where four or more dogs, cats, or other animals over three months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed.

**LEED** – The acronym for “Leadership in Energy and Environmental Design.” LEED is a family of green building rating systems developed by the United States Green Building Council (USGBC). LEED provides verification of high environmental performance in building and neighborhood design and construction. The LEED family of rating systems includes a rating system for Neighborhood Development. A LEED rating system contains a combination of required prerequisites and optional credits and evaluates projects based on a 100-point base scale (not including up to 10 special “innovation” and “regional priority” bonus points, explained in the

Rating System). Projects seeking certification must meet all prerequisites and earn at least 40 points by achieving various credits. Beyond basic certification, projects may achieve Silver (50 points), Gold (60 points), or Platinum (80+ points) certification for increasingly high performance.

**Library** – A public institution with a Structure containing printed, pictorial, and audiovisual material for public use for purposes of study and reference.

**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 Consolidation** - A Lot Consolidation is used to combined two or more existing parcels. Lot Consolidations erase parcel lines so that fewer parcels remain.

**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 Line Adjustment** – the adjustment of one or more Lot lines between two or more existing and adjoining Lots which does not result in the creation of one or more new Lots.

**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 chassis and designed to be used as a Dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term shall include any Structure that meets all of the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States secretary of housing and urban development and complies with the standards established under Title 42 of the United States code; and except that such term shall not include any self-propelled recreational vehicle.

**Manufactured Home Park** – A parcel of land under single ownership, which is improved for the placement of Manufactured Homes for non-transient use and which is offered to the public for the placement of five (5) or more Manufactured Homes.

**Mining** – The excavation and sale of topsoil, sand, gravel, clay or other natural solid mineral or vegetable deposit, or the quarrying of any kind of rock formation.

**Mining Subject to State Jurisdiction** – An operation which results in the mining or proposed mining from each use of more than one thousand (1,000) tons or seven hundred-fifty (750) cubic yards, whichever is less, of minerals from the earth within twelve (12) successive calendar months, or an operation which results in the mining or proposed mining of over one hundred (100) cubic yards of minerals from or adjacent to any body of water not subject to the jurisdiction of the New York State Environmental Conservation Law or the Public Lands Law.

**Mining not Subject to State Jurisdiction** – All mining which is not defined as Mining Subject to State Jurisdiction.

**Mobile Home** – A moveable or portable unit designed and constructed to be towed on its own chassis, comprised of frame and wheels, connected to utilities, and designed and constructed without a permanent foundation for year-round living. A unit may contain parts that may be folded, collapsed or telescoped when being towed and expanded later to provide additional cubic capacity as well as two or more separately towable components for repeated towing. Mobile Home shall mean units designed to be used exclusively for residential purposes, excluding travel trailers.

**Motel** – See **Hotel**.

**Municipal Facilities** – Highways, water and/or sewer facilities or other public services or facilities that are directly or indirectly provided and maintained by a municipality.

**Municipal Use** – For the purposes of the use restrictions of this Law means the use of land, building, or Structures owned by the Town of Dryden or other municipal corporations or governmental bodies.

**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** – 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.

**Open Space** – Any space or area characterized by (1) natural scenic beauty or, (2) whose existing openness, natural condition, or present state of use enhances the present or potential value of abutting or surrounding property, or maintains or enhances the conservation of natural or scenic resources. For purposes of this Local Law natural resources shall include, but not be limited to, agricultural lands actually used in bona fide agricultural production.

**Outdoor Storage** – Commercial and industrial storage outside the confines of an enclosed Structure of any equipment or materials in usable condition which are not being specifically displayed as merchandise or offered for sale. Outdoor Storage shall not be construed as a Junk Yard, Contractor’s Yard or Self-Storage.

**Parking Space** – An off-street space available for parking one vehicle and which dimensions are 9 feet wide and 20 feet long, not including maneuvering area and access drives, but with Board approval in Site Plan Review or Special Use Permit review may be approved to be modified to target specific vehicles such as compact cars and motorcycles.

**Paved** – A smooth, hard, dense surface, which is durable and well-drained under normal use and weather conditions.

**Planned Unit Development** – An area of land intended to provide for a variety of land uses 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.

**Planning Board** – The Town of Dryden Planning Board.

**Professional Office** – A Structure used for the organizational or administrative aspects of a trade or profession or used in the conduct of a business and not involving the manufacture, storage, display, or direct retail sales of goods, characterized by low traffic and pedestrian volumes, lack of distracting, irritating, or sustained noise, and low density of building developments. This definition may include, but is not limited to, the offices of: accountants, appraisers, architects, planners, engineers, financial planners, insurance brokers or adjusters, landscape architects,

lawyers, consultants, secretarial agencies, bonding agencies, real estate, mortgage or title agencies, investment agencies, and persons with similar occupations.

**Public Highway** – A road or street, either deeded or by prescriptive easement, that is maintained by a village, town, county, state or the federal government.

**Public Safety Use** – Voluntary or professional individuals or entities providing municipal/governmental services providing for the health, safety, and general welfare of the public; including, but not limited to, fire, emergency, medical, and police services.

**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.

**Religious Institution** – Use of land and/or Structures by a tax-exempt institution, a bona fide religious sect or denomination where religious worship and related activity is conducted.

**Residential Design Guidelines** – the Town of Dryden Residential Development Design Guidelines adopted on December 3, 2008 as an amendment to the Town of Dryden Zoning Ordinance. These guidelines are now found in Appendix B, and are hereby made a part of this Law by reference to such Appendix.

**Restaurant** – An establishment, including Taverns but excluding bars, where food and drink is prepared, served, and sold.

**Retail Business** – Any business involving the sale in small quantities of a larger inventory of items to transient customers whether in a shop or other building, or electronically or by mail.

**Retail Shopping Centers/Plazas** – A lot used for two (2) or more commercial units, attached or detached, which relate to a common parking area and common points of ingress and egress and a common circulation pattern.

**Retreat or Conference Center** – A facility used for service organizations, businesses, professional, educational, or religious meetings or seminars limited to accommodations for attendees. The accommodations can include sleeping, eating, and recreation.

**Road** – See **Public Highway**.

**SEQR** – The New York State Environmental Quality Review Act found in Environmental Conservation Law Article 8 and the implementing regulations found in 6 NYCRR Part 617.

**Self-Storage** – A Structure or Structures in which materials, goods, or equipment are stored with separate storage units having individual access for storage of personal or business property. Self-storage operations with several separate Structures shall all be considered together to form one (1) primary Structure for the purpose of Site Plan Review.

**Senior Care Facility** – A living and care facility for over ten (10) seniors in a variety of settings.

**Senior Housing, Family** – Living facilities offering a family type of living environment where residences are designed to feel like a home instead of a medical facility and to blend in architecturally with neighboring homes. The residences are designed as efficient homes for six (6) to ten (10) seniors, each of whom has a private room with a private bath and easy access to 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.

**Street** – See **Public Highway**.

**Story** – Any story having its finished floor surfaced entirely above grade plane, or in which the finished surface of the next floor above is

1. more than 6 feet above grade plane, or
2. more than 12 feet above the finished ground level at any point.

**Structure** – Anything constructed or erected on the ground or with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include, but are not limited to, Buildings of a size exceeding 150 square feet, walls and fences over 6 feet in height, radio towers, power generating equipment such as freestanding windmills and solar panels, swimming pools designed for a depth of three (3) feet or more, billboards, poster panels and signs. All Structures, regardless of size, shall be erected in compliance with the setback requirements for their respective district. The following shall not be classified as Structures for the purpose of this Law: fireplace chimneys, flagpoles, and antennae.

**Tavern** – A commercial Structure where food is prepared, served, and sold and alcoholic beverages are consumed on the premises.

**Theater** – A Structure or part of a Structure, devoted to showing motion pictures or for dramatic and/or comedic live performances including musicals, recitals, concerts, or other similar entertainment, including dinner theaters. **Timber Operation** – The on-farm production, management, harvesting, processing and marketing of timber grown on the farm operation into woodland products, including but not limited to logs, lumber, posts and firewood, provided that such farm operation consists of at least seven (7) acres and produces for sale crops, livestock or livestock products of an annual gross sales value of ten thousand dollars (\$10,000) or more and that the annual gross sales value of such processed woodland products does not exceed the annual gross sales value of such crops, livestock or livestock products.

**Town Board** – The Town Board of the Town of Dryden, Tompkins County, New York.

**Traditional Neighborhood Design (TND)** – A type of neighborhood design with a focus on pedestrian facilities, front porches, back alleys and emphasis on the human use of spaces in the resulting form and function, as well as commercial or mixed-use developments that emphasize human use of spaces and attractive character of buildings.

**Use, Accessory** – A use which is customarily incidental and subordinate to the Principal Use on a Lot and which is located on the same Lot. Accessory Uses or Structures shall not be permitted on

a Lot without a permitted Principal Use or Structure. Unless otherwise permitted in this Law, an Accessory Structure shall not be permitted in the front yard of a Principal Use.

**Use, Principal** – The main or primary use of land and/or Structure on a Lot and which determines the overall character and appearance of use on the Lot.

**Variance**

- 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.)

**ARTICLE IV: ZONING DISTRICTS**

**Section 400: Districts**

For the purposes specified in this Law, the Town of Dryden is divided into the following zoning districts:

**CV - Conservation District**



The purpose of the Conservation (CV) District is to protect areas of the town that contain a variety of ecological and Open Space assets that warrant protection from the impacts of development. Residential uses and agriculture will remain the primary land use activities.

**LIO - Light Industrial / Office District**

The purpose of the Light Industrial/Office (LIO) District is to define a location in the town for light industrial and warehousing enterprises, office buildings and administrative operations and service enterprises, or research and development enterprises such as computer software and equipment design businesses. Agriculture is an allowed use in this district.

**LIO-A - Light Industrial / Office / Adult Use District**

The purpose of the Light Industrial/Office/Adult Use (LIO-A) District is to define an appropriate location in the town for adult uses that is separated from and minimizes impacts to non-compatible uses such as residential areas, schools, churches and parks. In addition to adult uses, all other uses permitted within the Light Industrial/Office District are permitted within the Light Industrial/Office/Adult Use District. Agriculture is an allowed use in this district.

**LSRDD - Large Scale Retail Development District**

The purpose of the Large Scale Retail Development District (LSRDD) is to provide the opportunity to evaluate a location in the town where large-scale retail development may be appropriate, and to define specific requirements for the review and possible approval of large-scale retail shops and shopping centers. This type of development requires a Special Use Permit and Site Plan Review to develop a property for large-scale stores or shopping centers as defined herein. This district is not mapped, but may be proposed on any property, not in Tompkins County Agricultural District 1, along a State or County Public Highway.

**MC – Mixed Use Commercial District**

The Mixed Use Commercial (MC) District allows a mix of retail and service businesses, office buildings and research and development businesses such as computer software and equipment design businesses as well as residential development. The district allows for mixed use development. Agriculture is an allowed use in this district.

**NR - Neighborhood Residential District**

The purpose of the Neighborhood Residential (NR) District is to define areas of the town where established neighborhoods are situated in a rural landscape and constitute the primary land use. Single family homes are the predominant form of development, and future development is unlikely. Home Occupations are the primary commercial activity in this district. Agriculture is an allowed use in this district.

**RA - Rural Agricultural District**

The purpose of the Rural Agricultural (RA) District is to define an area of the town primarily for agricultural use and associated natural areas protection. The Rural Agricultural District is an area that is intended to remain rural and where agriculture is recognized as the primary land use. Small

scale rural businesses which are agriculturally related or supporting may be appropriate in this district.

### **RR - Rural Residential District**

The purpose of the Rural Residential (RR) District is to define an area of the town where residential uses situated in a rural landscape constitute the primary land use. Public water and sewer does not exist in this area. Single- and two-family homes are the predominant form of development. Agriculture is also expected to be a substantial land use well into the future.

### **TNDO - Traditional Neighborhood Development Overlay District**

The purpose of the Traditional Neighborhood Development Overlay District (TNDOD) is to provide development alternatives for landowners located at the periphery of villages and in hamlets that do not currently have water or sewer. Public water and sewer does not currently exist in these areas, and it will be necessary to develop or extend such infrastructure in order to take advantage of the development alternatives provided under the provisions of this overlay district. Utilizing incentive zoning authority in Town Law, land in the overlay district can be developed more intensively in return for specified public benefits and the incorporation of Traditional Neighborhood Design (TND) principles in the design of sites and structures. Small scale businesses, primarily in mixed-use structures, can also be incorporated into these areas.

### **VHMUD – 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.

### **VHRD – Varna Hamlet Residential District**

The purpose of the Varna Hamlet Residential District (VHRD) is to foster development of new residential neighborhoods, and accommodate existing neighborhoods with a mix of predominately single-family unattached dwelling units, but including a variety of dwelling units

### **VHTD – Varna Hamlet Traditional District**

The purpose of the Varna Hamlet Traditional District (VHTD) is to foster development that is deeply attentive to the environmentally sensitive areas of the district, 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 (see Article VII, Section 707, B).

## **Section 401: Zoning Map**

All land in the Town of Dryden shall fall within one of the established zones as shown on a map entitled the “Town of Dryden Zoning Map” Dated September 1, 2011, and revised March 18,

2014. The original and official Town of Dryden Zoning Map as revised is filed with the Town Clerk. A reduced and unofficial copy is found in Appendix A-1.

#### **Section 402: Boundary Determinations**

Where uncertainty exists as to the boundaries of a zoning district as shown on the Zoning Map, the following rules shall apply:

- A. Zone boundaries are intended to follow parcel lines whenever possible. Where boundaries approximately follow parcel lines such parcel lines shall be construed to be said boundaries.
- B. Where district boundaries are indicated as approximately following the center line or right-of-way line of Public Highways, such lines shall be construed to be district boundaries and follow such center line or right-of-way line.
- C. Where district boundaries are indicated as approximately following a stream, lake, or other body of water, such stream center line, lake or body of water shoreline shall be construed to be such district boundaries (unless otherwise noted on the Zoning Map). In the event of a change in the shoreline or stream, the district boundaries shall be construed as moving with the actual shoreline or stream.
- D. Where a district boundary is not indicated as approximately following the items listed in subsections (1), (2) and (3) above, or is not designated on the Zoning Map, the boundary line shall be determined by the use of the Town's Geographic Information System utilizing the Zoning Map boundaries laid over aerial imagery.
- E. Where district boundaries are based upon natural features such as slopes, topographic contour lines, watershed boundaries, soil types, or ecological communities, such boundaries may be more precisely established through field investigation by a qualified professional.
- F. Whenever any Public Highway is abandoned in the manner authorized by law, the district adjoining each side of such highway shall be automatically extended to the center of the former highway, and all of the area included in the abandoned highway shall henceforth be subject to all regulations within the extended districts.
- G. In the event that none of the above rules are applicable, or in the event that further clarification or definition is considered necessary or appropriate, the location of a district boundary shall be determined by the ZBA.
- H. Special condition of one Parcel that is situated in Two Zones: Except in the VHMUD, VHRD, and VHTD, when a parcel is divided by a zoning district boundary, the regulations and requirements of the least restrictive zone may be extended for a distance of 100 feet

into the more restrictive zone.

**ARTICLE VII: VARNA – Article VII is to be replaced in its entirety 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 in an effort to implement the goals set forth in the Varna Community Development Plan.

**Section 701: 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 702: Definitions**

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

**Section 703: 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 curb cuts 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 704: 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.

1. Building Sizes: 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. Allowable Use Groups Chart. In the following:

“P” means the use is allowed as of right, but in many cases requires Site Plan Review; “SPR” means this use requires Site Plan Review; “Special Use Permit” or “SUP” means the use requires a Special Use Permit; “X” means the use is not allowed in that particular district.

Allowed Principal Uses	Varna Hamlet Mixed Use District (VHMUD)	Varna Hamlet Residential District (VHRD)	Varna Hamlet Traditional District (VHTD)	Minimum Lot Size
Agricultural Use	P	P	P	None
Farmstand	P	P	P	None
Artist Studio/Craft Workshop	SPR	X	SPR	1/8 Acre
Automotive Repair Garage	SPR	X	X	1 Acre
Bed And Breakfast Establishment	SPR	SPR	SPR	None
Boarding House	SPR	SPR	SPR	¼ Acre
Day Care Center	SPR	SPR	X	1 Acre
Gasoline Station	SPR	X	X	2 Acres
General Office Building	SPR	SPR	X	1 Acre

Hotel/Motel	SPR	X	X	1 Acre
Industry, Light	SUP/SPR	SUP/SPR	X	2 Acres
Inn	SPR	SPR	SPR	½ Acre
Nursery/ Greenhouse, Retail	SPR	SPR	X	1 Acre
Professional Office	SPR	SPR	SPR	None
Restaurant	SPR	X	X	None
Retail Business	SPR	X	X	None
Retail shopping center/plaza	SPR	X	X	2 Acres
Retreat/Conference Center	SPR	SPR	X	2 Acres
Service Business	SPR	X	X	None
Theater	SPR	SPR	X	1 Acre
Allowed Principal Uses	Varna Hamlet Mixed Use District (VHMUD)	Varna Hamlet Residential District (VHRD)	Varna Hamlet Traditional District (VHTD)	Minimum Lot Size
Bed and Breakfast, Home	SPR	SPR	SPR	None
Congregate Care Facility	SPR	SPR	X	1 Acre
Day care home, Family	SPR	SPR	SPR	None
Day Care, Family Group	SPR	SPR	SPR	None
Dwelling, accessory unit (See § 1311)	SPR	SPR	SPR	None
Dwelling, multi-family	SPR	SUP	SUP	1 Acre
Dwelling, single-family	P	P	P	None
Dwelling, two-family	SPR	SPR	SPR	10,000 square feet
Dwelling, upper-floor apartments	SPR	SPR	SPR	None
Elder Cottages	See Section 1305	See Section 1305	See Section 1305	None
Home Occupation: Level 1	P	P	P	None
Home Occupation: Level 2	P	SPR	SPR	None
Manufactured Home	X	X	X	None
Manufactured Home Park	X	PUD	X	5 Acres
Senior Housing	SPR	SPR	SPR	1 Acre

Senior Care Facility	SPR	SPR	X	2 Acres
Workshop/Garage – Non-Commercial	P	P	P	None
Educational Use	SPR	SPR	X	None
Library	SPR	SPR	X	1 Acre
Lodge or Club	SPR	SPR	SUP	2 Acres
Municipal Use	SPR	SPR	X	None
Public Safety	SPR	SPR	X	½ Acre
Public Utility	SUP	SUP	SUP	½ Acre
Religious Institution	SPR	SPR	SUP	None
Recreation, Active	SPR	SPR	X	1 Acre
Allowed Principal Uses	Varna Hamlet Mixed Use District (VHMUD)	Varna Hamlet Residential District (VHRD)	Varna Hamlet Traditional District (VHTD)	Minimum Lot Size
Recreation, Passive	SPR	SPR	SPR	None
Recreation Facility, Amusement	SPR	SPR	X	2 Acres
Recreation Facility, Athletic	SPR	SPR	X	2 Acres

**Section 705: 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.

Dwelling type	Mixed Use (requires commercial) <sup>1</sup>	Residential <sup>2</sup>	Traditional <sup>3</sup>	Green development bonus (see section 708)
Single Family Home	6	6	4	2
Duplex (Rental)	6	4	2	X
Townhouse (Rental)	6	4	X	2
Condominium	6	4	6	2
Rental Apartments	6	2	X	2



Senior Housing	8	6	X	2
Residential over Commercial	6	X	X	2
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.	3- No bonuses will be granted in the Traditional district	

**Section 706: 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 707: 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 current FEMA (Federal Emergency Management Agency) 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. Buffers shall be considered to be established for other environmentally sensitive areas within the hamlet districts.

### **Section 708: Green Neighborhood Development**

In addition to the density permitted in the Varna Density Table in Section 705 with the exception of the Traditional district, a density bonus may be awarded if a Neighborhood Development proposal achieves at least basic LEED certification according to the most current LEED Neighborhood Development protocol. The board shall have the discretion to excuse non-compliance with LEED prerequisites which cannot be reasonably attained within the town of Dryden.

### **Section 709: Planned Unit Development**

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

J Kiefer thanked the committee for their work on this.

Next meeting is Tuesday, December 17, at Town Hall at 6:00 p.m.

There being no further business, the meeting was adjourned at 8:13 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. Defining the purpose and goals for each district:
  - **VHMUD – Varna Hamlet Mixed Use District** - Foster a mix of commercial and higher-density residential (preferably in combination) while retaining the traditional character of buildings and the hamlet character.
  - **VHRD – Varna Hamlet Residential District** - Foster a mixed variety of moderately-dense dwelling types, with predominately single-family unattached dwelling units
  - **VHTD – Varna Hamlet Traditional District** - Foster less-dense development that is in keeping with protecting Fall Creek and other sensitive environments.
2. Changing what development types would be allowed in each district to promote the goals of that district.
3. Reducing the allowable development units per acre of each of those types in each district and create differences among districts

Dwelling type	Mixed Use (requires commercial) <sup>1</sup>	Residential <sup>2</sup>	Traditional <sup>3</sup>	Green development bonus
Single Family Home	6	6	4	2
Duplex (Rental)	6	4	2	X
Townhouse (Rental)	6	4	X	2
Condominium	6	4	6	2
Rental Apartments	6	2	X	2
Senior Housing	8	6	X	2
Residential over Commercial	6	X	X	2
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.	3- No bonuses will be granted in the Traditional district
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