

**TOWN OF DRYDEN
TOWN BOARD MEETING
December 12, 2019**

Present: Supervisor Jason Leifer, Cl Daniel Lamb, Cl Linda Lavine,
Cl Kathrin Servoss, Cl Alice Green

Elected Officials: Bambi L. Avery, Town Clerk
Rick Young, Highway Superintendent

Other Town Staff: Jennifer Case, Bookkeeper
Ray Burger, Planning Director

Supv Leifer called the meeting to order at 6:06 pm

RESOLUTION #164 (2019) – APPROVE ABSTRACT #12

Supv Leifer offered the following resolution and asked for its adoption:

RESOLVED, that this Town Board hereby approves Abstract #12, as audited, general vouchers #879 through #954 (397,152.18) and TA vouchers #64 through #66 (\$4,167.15), totaling \$401,319.33.

2nd Cl Lamb

Roll Call Vote	Cl Lavine	Yes
	Cl Green	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

Budget Modifications

Budget modifications are needed to cover the expense of inspection of the stormwater facilities at town hall, to move funds for payment of expenditures for Freese Road and George Road bridge expenses, for Dodge Road bridge expense, to move the Red Mill/Malloryville bridge bond money to an expense line, to move county plow income to machinery equipment to be used toward a garage lift, to move funds to cover mileage in the supervisor budget, and from contingency to cover the payment made to CERT.

RESOLUTION #165 (2019) – APPROVE BUDGET MODIFICATIONS

Supv Leifer offered the following resolution and asked for its adoption:

RESOLVED, that this Town Board hereby approves the following budget modifications:

From	To	
A8745.403 Crispell Dam	A8790.401 Stormwater	600.00
A1320.4 Independent Audit	A1220.453 Supervisor - Mileage	95.00
A1990.4 Contingency	A1220.450 Supervisor - Miscellaneous	500.00
DA9710.6 Bond Principal	DA5120.412 Dodge Rd Bridge	6,701.50

To		To		
DA2702	Reimb Freese Rd Bridge Grant	DA5120.410	BridgeNY Grant - Freese Rd	25,322.55
DA2703	Reimb George Rd Bridge Grant	DA5120.411	BridgeNY Grant - George Rd	54,167.70
DA2702	Reimb Freese Rd Bridge Grant	DA5120.411	BridgeNY Grant - Freese Rd	22,037.58
DA2302	Services-Other (Co. plow money)	DA5130.2	Machinery Equipment	20,000.00
DA5720	Statutory Installments Bonds	DA5120.413	Red Mill/Malloryville Bridges	307,365.44

2nd Cl Green

Roll Call Vote	Cl Lavine	Yes
	Cl Green	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

Water/Sewer Consolidation

Supv Leifer explained that units are a factor in the formulas for billing. In the past a person in the bookkeeping office had been involved in that. That task will be taken over by the Planning Department because they are already involved in property changes and such.

PUBLIC HEARING PROPOSED LOCAL LAW TO ESTABLISH THE SS8 SEWER BENEFIT DISTRICT SEWER RENT LAW

Supv Leifer opened the public hearing on the sewer rent law at 6:19 p.m. He explained there would be no tax assessment in the consolidated sewer district. The minimum charge will be based on 5,000 gallons and any excess billed on actual usage at \$6.00 per thousand gallons. The amount of a minimum bill is \$30.00. Rents collected are used to fund maintenance and build the fund balance since the town is responsible for all capital costs in the district (same responsibility on the water side). This law does not cover sewer districts #1 and #3 that have not been consolidated.

There were no comments and the hearing was left open at 6:21 p.m.

Personnel Matters

There has been a new hire for code officer. Shelley Knickerbocker has accepted the position at an annual salary of \$48,410. She needs to get in her 24 certification hours. In the meantime, Dave Sprout will carry out major inspection duties. The appointment is provisional until she takes the civil service exam and scores adequately.

RESOLUTION #166 (2019) – APPOINT CODE ENFORCMENT OFFICER – KNICKERBOCKER

Supv Leifer offered the following resolution and asked for its adoption:

Whereas Steven Cortright has resigned from his position of Code Enforcement Officer,
and

Whereas Shelley Knickerbocker has been chosen to fill the vacant position, be it

Resolved: The Town Board hereby appoints Shelley Knickerbocker to the provisional position of Code Enforcement Officer effective 1/2/20 at a rate of pay of \$48,410 per year. The Board notes she will need to pass the Civil Service exam with a sufficient score before becoming eligible for permanent appointment. She is also expected to bring all required certifications up to date by March 31st 2020.

2nd Cl Green

Roll Call Vote	Cl Lavine	Yes
	Cl Green	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

The justices have requested that John Arsenault be appointed part-time court attendant. This will assist when either of the two regular court attendants are unable to work.

RESOLUTION #167 (2019) – APPOINT COURT ATTENDANT

Supv Leifer offered the following resolution and asked for its adoption:

RESOLVED, that this Town Board hereby appoints John Arsenault as part time Court Attendant at the rate of \$41.62 per hour effective November 25, 2019.

2nd Cl Green

Roll Call Vote	Cl Lavine	Yes
	Cl Green	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

The justices have requested a \$1,000 annual pay increase for successful completion of the six-month probationary period for Taylor Turcsik. The board has heard good reports about performance and there is precedent for it. The increase was not budgeted for and Cl Green asked that this be pending a budget mod to cover the increase specifying where it will be taken from in the court budget.

RESOLUTION #168 (2019) – AUTHORIZE PAY INCREASE FOR TAYLOR TURCSIK.

Supv Leifer offered the following resolution and asked for its adoption:

RESOLVED, that this Town Board hereby authorizes a \$1,000 pay increase for Taylor Turcsik effective January 1, 2020, pending a budget modification from the court specifying where in the court budget the funds would come from.

2nd Cl Green

Roll Call Vote	Cl Lavine	Yes
	Cl Green	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

Closing HG Fund

Supv Leifer said the HG Fund is a capital project fund set up in 2014 for the Yellow Barn Water District. The fund is no longer necessary, and the remaining funds should be transferred to the Yellow Barn Water District.

RESOLUTION #169 (2019) – APPROVE TRANSFER OF REMAINING MONEY IN YELLOW BARN WATER DISTRICT CAPITAL PROJECT FUND (HG)

Supv. Leifer offered the following resolution and asked for its adoption:

WHEREAS, a capital project fund (HG fund) was set up in 2014 so work could be done for the creation of the Yellow Barn Water District, and

WHEREAS, the work has been completed and the Yellow Barn Water District has been formed (SW7 fund), and

WHEREAS, there is a cash balance remaining in the capital project fund of roughly \$9,296, and

WHEREAS, the cash balance needs to be transferred to the water district so the capital project fund can be closed, be it

RESOLVED, that the Bookkeeper has permission to close the HG fund and transfer the cash balance as of 11/30/19 from the HG fund to the SW7 fund.

2nd Cl Lamb

Roll Call Vote	Cl Lavine	Yes
	Cl Green	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

Water Rates

Supv Leifer presented proposed resolutions setting the town water rates. In the consolidated water district, there is no current debt and there will be no benefit assessment on the real property tax bill for properties in the consolidated water district. He proposes a town water rate for the consolidated district of \$10.50 per 1,000 gallons with a minimum quarterly bill of \$52.50. This will allow slow replenishment of the fund balance. If any larger work takes place, the board will discuss whether there should be an assessment on the tax bill to pay for it. This rate is over and above the Bolton Point rate of \$5.41 per 1,000 gallons.

The current water rate in the Yellow Barn Water District is \$13.05 per thousand gallons with no minimum. The proposed rate is \$14.25 per 1,000 gallons with a 5,000 gallon minimum charge. This district still has a benefit assessment on the tax bills because it has debt from the bond taken out to build the new water tower.

Rates will be effective for usage on and after January 1, 2020, with the first quarter billing on April 1, 2020.

RESOLUTION #170 (2019) - ESTABLISH TOWN 2020 WATER RATE – SW8

Supv Leifer offered the following resolution and asked for its adoption:

WHEREAS, the water districts served by Bolton Point (SCLIWC) have been consolidated into a single water district; and

WHEREAS, the number of units in the consolidated water districts is seven hundred and eleven (711); and

WHEREAS; the Town Board of the Town of Dryden enacted the 2020 Budget on November 14, 2019; and

WHEREAS, no revenues generated from property taxes or assessments are contemplated under the consolidated water district for the 2020 budget cycle; therefore

RESOLVED, that this Town Board hereby establishes the Town of Dryden water rate at \$10.50 per 1000 gallons with a 5,000-gallon minimum per unit for 2020 for water districts served by Bolton Point (SCLIWC).

2nd Cl Lamb

Roll Call Vote	Cl Lavine	Yes
	Cl Green	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

RESOLUTION #171 (2019) - ESTABLISH 2020 WATER RATE – SW7

Supv Leifer offered the following resolution and asked for its adoption:

WHEREAS; the Town Board of the Town of Dryden enacted the 2020 Budget on November 14, 2019; and

WHEREAS; the Town Board of the Town of Dryden budgeted \$44,042.00 in non-tax revenue; and

WHEREAS; the water rate has not been adjusted since 2017; therefore

RESOLVED, that effective January 1, 2020 this Town Board hereby establishes the Town of Dryden water rate at \$14.25 per 1000 gallons with a 5000-gallon minimum per unit charge for the units served by the Yellow Barn Water District.

2nd Cl Lamb

Roll Call Vote	Cl Lavine	Yes
	Cl Green	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

Sewer Rent Law

Supv Leifer closed the public hearing on the sewer rent law at 7:45 p.m.

**RESOLUTION #172 (2019) – ADOPT LOCAL LAW TO BE KNOWN AS THE TOWN OF
DRYDEN SS8 SEWER BENEFIT DISTRICT SEWER RENT LAW**

Supv Leifer offered the following resolution and asked for its adoption:

RESOLVED, that this Town Board hereby adopts the following local law and directs the Town Clerk to file the same with the Secretary of State of the State of New York:

SECTION 1.

TITLE. This Local Law shall be known as the Town of Dryden SS8 Sewer Benefit District Sewer Rent Law. This Local Law shall apply to Sewer Benefit District SS8 as established by the Town Board of the Town of Dryden by acceptance of the consolidation plan for sewer benefit districts SS2, SS4, SS5, SS6, SS7 on October 17, 2019, and finalized after a public hearing on November 21, 2019.

SECTION 2.

AUTHORITY. This sewer rent law is enacted pursuant to Article 14-F of the New York General Municipal Law.

SECTION 3.

BASIS OF THE CHARGE OF SEWER RENTS. The basis of the charge for sewer rents shall be on a unit basis and water usage basis as herein set forth. In calculating such charges, the following shall apply:

- a) Each single-family dwelling shall be one (1) unit.
- b) The number of units assigned to a boarding house or for student housing shall be determined by dividing the number of lawful potential occupants by three (3). Any fraction shall be increased to the next whole number.
- c) Residences other than single family dwellings shall be counted as one unit for the first apartment therein, plus three-quarters (3/4) of a unit for each additional apartment.
- d) Each trailer or mobile home in a mobile home park shall equal one unit.
- e) Each laundromat shall equal ten (10) units.
- f) Each car wash shall be assigned two (2) units for each four (4) bays. Any fraction shall be increased to the next whole number.
- g) Commercial establishments with less than five (5) full time employees or equivalent shall be assigned one and one-quarter (1-1/4) units. The number of units to be assigned commercial establishments with six (6) or more full-time employees or equivalent shall be determined by dividing the number of employees by three (3). Any fraction shall be increased to the next whole number.

SECTION 4. PAYMENT DATES; PENALTIES; and ENFORCEMENT.

- 1) Payment of the sewer rents shall be made within 20 days of billing without penalty.
- 2) Any payment received after 20 days of billing shall include a 10% penalty of the amount due.
- 3) If payment of the amount due, plus penalty if applicable, is not made within 60 days of when due, then the amount due plus penalty shall be certified to the Town Clerk and the Town Board and shall be collected and enforced in the same manner and at the same time as may be provided by law for the collection and enforcement of Town taxes.

SECTION 5. MEASUREMENT OF WATER USAGE.

The District shall install or shall cause to be installed water meters for each user of the sewage system in the District for the purposes of measuring water usage and calculating the sewer rent charges. The District may impose a charge for the installation and the cost of the water meter.

SECTION 6. CALCULATION OF SEWER RENT

The District shall charge and collect for the use of the SS8 Sewer District the sewer rents as provided in this local law. In computing the sewer rent, the following shall apply.

- a) The water meter for the premises connected to the sewer system shall be read and the water usage computed for each billing period.
- b) As of January 1, 2020, annual sewer rates shall be established at a rate of \$6.00/1000 gallons used for treatment of wastewater originating from properties located within the Town of Dryden sewer district SS8.
- b)(1) Since the sewer district will contract with the Town of Ithaca, Cornell University, and the Ithaca Area Wastewater Treatment Plant (IAWWTP), all of which are located within Tompkins County, New York, for the transportation, treatment and disposal of sewage from the district, the direct costs to the district shall be paid by the users of the sewer system. Billing for this service shall be conducted as set forth by the Special Joint Committee that operates and oversees the IAWWTP according to the operating agreements in effect at the time this law takes effect as may be amended from time to time.
- c) In the event that the product computed according to sub-section (b) above is less than \$30.00 then the bill shall be rounded up to \$30.00 which shall be a minimum bill for each billing period. In the event the premises are not connected to a water meter, then a minimum bill as set forth herein shall be imposed for each billing period, until such time as a water meter is installed. All premises served by a sewer system shall have a water meter installed within nine (9) months of connection of the premises to the sewer system.
- d) The District may impose additional sewer rents on a per unit and/or water usage basis for users of the sewer system to pay for the District costs of operation, maintenance and repairs of the sewer system other than those direct costs to be billed in [b] above.
- e) Amendments to sewer rents established under this local law may be made by Board Resolution.

SECTION 7. SEWER RENT FUND.

Revenues derived from sewer rents, including penalties and interest, shall be credited to a special fund, to be known as the "sewer rent fund". Moneys in such fund shall be used in the following order:

- a) For the payment of the costs of operation, maintenance, and repairs of the sewer system or such part or parts thereof for which sewer rents have been established and imposed.
- b) For the payment of the interest on and amortization of, or payment of, indebtedness which has been or shall be incurred for the construction of the sewer system or such

part or parts thereof for which sewer rents have been established and imposed, other than indebtedness, and the interest thereon, which is to be paid in the first instance from assessments upon benefited real property).

- c) For the construction of sewage treatment and disposal works with necessary appurtenances including pumping stations, or for the extension, enlargement, or replacement of, or additions to, such sewer systems, or part or parts thereof. Such revenues from sewer rents shall not be used (1) to finance the cost of any extension or any part of a sewer system (other than any sewage treatment or disposal works with necessary appurtenances including pumping stations) to serve unsewered areas if such part has been constructed wholly or partly at the expense of the real property especially benefited, or (2) for the payment of the interest on, and the amortization of, or payment of, indebtedness which is to be paid in the first instance from assessments upon the benefited real property.

SECTION 8. EFFECTIVE DATE.

This Local Law shall take effect upon filing with the Secretary of State and the compliance with the provisions of the New York General Municipal Law.

2nd Cl Lamb

Roll Call Vote	Cl Lavine	Yes
	Cl Green	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

Rail Trail Task Force – Selection of Engineer

A subcommittee of the Task Force was set up to administer the TAP grant. An RFP was put out for expressions of interest to work on the design through construction of the pedestrian bridge over Route 13. Three of the six applicants were interviewed, and Erdman Anthony and Associates has been recommended.

Cl Lamb said this is the same firm that is doing similar work on the pedestrian bridge over the inlet for the Black Diamond Trail. They are familiar with the process. Cl Green added that is also a TAP grant project so there may be some synergies between the two projects. The fact that they are the engineers for another project so like Dryden’s was one of the factors the committee weighed.

RESOLUTION #173 (2019) – Selection of Contractor for the Design, ROW and Construction of Dryden Rail Trail Phase 2

Supv Leifer offered the following resolution and asked for its adoption:

Whereas, the Town of Dryden received a Transportation Alternatives Program grant in the amount of \$1,476,540 to fund Dryden Rail Trail Phase 2 (PIN 395071) , the construction of a bridge across Route 13 to connect the Dryden Rail Trail, and

Whereas, a Request for Proposals (RFP) went out to eligible firms on 9-30-19 requesting an Expression of Interest to do Preliminary and Final Highway/Bridge Design, Right-of-Way Acquisition and Construction Supervision and Inspection Services for this project, and

Whereas, six firms responded to this RFP and after their proposals were reviewed by the Dryden Rail Trail Grant Committee (“Committee”) three firms were interviewed, and

Whereas, the Committee recommends the award of this contract to Erdman Anthony and Associates, Inc. according to their proposal dated 11-1-19 and the RFP.

Therefore, be it resolved, that the Town Board of the Town of Dryden hereby authorizes the Town Supervisor to execute a contract with Erdman Anthony and Associates, Inc. to provide the services outlined in their proposal dated 11-1-19 and in the RFP dated 9-30-19.

2nd Cl Lamb

Roll Call Vote	Cl Lavine	Yes
	Cl Green	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

Dog Enumeration

B Avery said the dog enumeration will begin February 1, 2020. It is included in the budget. Her office will do some press releases and ads, send information via local list-serves and such, and there is an agreement to be signed with the enumerators. The current local law (first adopted in 2010) provides for license fees and an enumeration fee. The license fees appear to still be in line with neighboring municipalities. She asked the board to consider raising the enumeration fee to \$10.00 for those dog owners who are discovered to have an unlicensed dog during the enumeration. That would help offset the cost of the enumeration. The board agrees that a \$10.00 enumeration fee is reasonable and will consider a local law amendment to change the fee in January.

DPW/Highway Purchases

R Young asked the board for a resolution to authorize the order and purchase of a new JCB 3CX-15 4-wheel drive backhoe that is on the Source Well bid (#042815) at a cost not to exceed \$103,000. This would be paid from the 2020 budget and split between highway and DPW. He will not trade the old backhoe and intends to offer it for sale through Auctions International and would like to put the proceeds of that sale into the DA5130.2 equipment account.

RESOLUTION #174 (2019) – AUTHORIZE HIGHWAY SUPERINTENDENT TO PURCHASE A BACKHOE

Supv Leifer offered the following resolution and asked for its adoption:

RESOLVED, that this Town Board hereby authorizes the Highway Superintendent to order and purchase from 2020 budget funds a new JCB 3CX-15 4-wheel drive backhoe that is on the Source Well bid (#042815) at a cost not to exceed \$103,000.

2nd Cl Green

Roll Call Vote	Cl Lavine	Yes
	Cl Green	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

R Young asked the board for a resolution to authorize the order and purchase of a new 2021 Western Star ten-wheel dump truck with plow package off the Onondaga County Contract #8996 at a cost not to exceed \$235,000 to be paid from the 2020 budget. The price on the quote is \$229,000 but he is asking for a bit more in the event any of the specs change. If he gets it ordered now, it will likely be delivered next September or October.

RESOLUTION #175 (2019) – AUTHORIZE HIGHWAY SUPERINTENDENT TO PURCHASE A NEW 2021 WESTERN STAR WITH PLOW PACKAGE

Supv Leifer offered the following resolution and asked for its adoption:

RESOLVED, that this Town Board hereby authorizes the Highway Superintendent to order and purchase from 2020 budget funds a new 2021 Western Star ten-wheel dump truck with plow package off the Onondaga County Contract #8996 at a cost not to exceed \$235,000
2nd Cl Green

Roll Call Vote	Cl Lavine	Yes
	Cl Green	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

R Young said the geo-thermal heating system for the town hall is having issues and there is no heat in one office section of the building. There aren't many companies that work on geo-thermal systems. In addition, the R22 in the system that runs the purge switch that turns the heat on and AC off is no longer legal we need to replace the bad components. He has two estimates, one for \$10,250 and one for \$9,500, one local and one from Waterville, NY. There may need to be a budget mod to cover this repair. There has been a significant amount of repair and money spent on this system since it was installed. R Young will do some further investigation and bring more detail to the board next week.

Moratorium on conservation subdivisions that use restrictive covenants

R Burger said this local law was based on a recommendation by the Planning Board for a moratorium on taking conservation subdivision applications that are requesting to use restrictive covenants as a protection tool for open space. There have been a couple of instances where they have not worked out to be useful tools. This would give the town six months to study the problem and make a recommendation. The Planning Board has asked a series of questions of the town attorney and are waiting for that response. There would then be a consultation process and the Planning Board will do an evaluation of the usefulness of the tool, modify it, or take it off the books and make a recommendation for amendment to the subdivision law. A public hearing could be set for January 16 and there would be time for the county to provide a 239 review.

J Kiefer said that this doesn't mean the town can't accept applications for conservation subdivisions during the moratorium, but they cannot assume to use restrictive covenants to protect open space. A conservation easement, a more formal and well-defined process, would be acceptable. With restrictions written on the plat, it doesn't seem, at this point, that the town can enforce that.

The board agrees a moratorium at this point is sensible, introduced the following local law and set the public hearing for January 16, 2020 at 6:05 p.m:

TOWN OF DRYDEN LOCAL LAW No. _____ OF 2020

A LOCAL LAW PROVIDING FOR A MORATORIUM ON THE USE OF CONSERVATION
SUBDIVISIONS IN THE TOWN OF DRYDEN FOR ONE HUNDRED AND EIGHTY (180) DAYS

SECTION 1. Findings and Purpose.

1. The Town of Dryden finds:

A. Town of Dryden Subdivision Law, enacted by Local Law Number 4 of 2012, and amended by Local Law Number 4 of 2016, which Subdivision Law is codified as Article IX of the Laws of the Town of Dryden provides for the Conservation Subdivisions as a form of Cluster Subdivision as permitted by New York Town Law. Article VI of the Dryden Subdivision Law defines a "Conservation Subdivision" as a Subdivision in which the otherwise applicable area and bulk regulations of the Zoning Law are modified to encourage flexibility of design and development of land in such a manner that the layout, configuration and design of lots, structures, driveways, roads, parks, trails and landscaping are designed to preserve important natural resources and scenic qualities of the site. A Conservation Subdivision is a cluster development authorized by Town Law Section 278 and the Town of Dryden Subdivision Law.

B. Under the Dryden Subdivision Law Section 900, any Major Subdivision in a Conservation District (CV) is subject to the provisions of Article X1 (Conservation Subdivisions). However, an applicant for proposed subdivisions of land in the Rural Agricultural District (RA), or the Rural Residential District (RR) may opt to utilize the Conservation Subdivision.

C. The tools currently available to applicants for Conservation Subdivisions for assuring preservation of green space and open space include conservation easements, restrictive covenants, homeowners' association or title transfer to a grantee approved by the Planning Board. However, the Town Planning Board, by Resolution Number 24 of 2019, expressed to the Town Board concern that the current use of a Restrictive Covenant is not a reliable or suitable arrangement to permanently protect open space, and recommended that the Town Board implement a moratorium to allow time to study the issues that are a source of concern.

D. By Resolution Number 163 of 2019, the Town Board accepted the Planning Board's recommendation and hereby seeks to implement a moratorium to allow sufficient time to study the matter and determine the most effective way to ensure that the continued use of Restrictive Covenants as a tool in the Conservation Subdivision process does not undermine the Town's goals of preserving open and green space.

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.

SECTION 2. Prohibited Actions. For a period of one hundred eighty (180) days from the effective date of this local law, the Town Board declares a moratorium prohibiting each of the following actions in the Town, regardless of the submittal or receipt of any application prior to the effective date of this local law, unless permitted under Section 3 hereunder:

A. Acceptance, consideration, preliminary approval or final approval by the Town of Dryden Planning Department and/or the Town of Dryden Planning Board of any application for

a Conservation Subdivision which proposes the use of Restrictive Covenant as the tool for ensuring preservation of open space or green space.

B. The issuance of any permits by the Town of Dryden Code Enforcement Officer in connection with any activity prohibited hereunder.

C. The issuance of any permit by the Town of Dryden for highway utility work in connection with any activity prohibited hereunder.

SECTION 3. Exemptions: Applications for a Conservation Subdivision that propose the use of other permissible means of green space preservation such as a Conservation Easement or conveyance of a parcel of land for conservation purpose in a manner approved by the Town are exempt from the moratorium.

SECTION 4. Waivers.

A. Any property owner may appeal to the Town Board for a waiver of the above prohibitions, and the Town Board shall have authority on good cause shown to grant such relief, or so much relief as the Town Board may determine to be necessary and appropriate. In determining the suitability of a waiver under this section, the Town Board shall consider the following factors:

1. Unnecessary hardship to the applicant, which hardship is substantially greater than any harm to the general public welfare that would result from the granting of the waiver (for the purposes of this local law, unnecessary hardship shall not be mere delay in receiving an approval, the granting of which is otherwise prohibited during the period of the moratorium); and

2. The project's harmony (or lack thereof) with the existing character of the community as a whole and the area of the community in which the property is located; and

3. Whether or not the goals of Article IX of the Town of Dryden Subdivision Law can adequately be met by applicant's use of the other green and open space preservation tools provided under Article IX that remain available for use by applicants, without unnecessary hardship to the applicant.

B. Waiver Procedure. Such petition shall be the subject of a public hearing before the Town Board. Upon submittal of a written petition to the Town Clerk by the property owner seeking a waiver of this moratorium in a form to be provided by the Town Clerk, and supported by such documentation as the applicant deems relevant, the Town Board shall, within forty (40) days of receipt of such petition, conduct a public hearing on said petition upon five (5) days public notification in the official newspaper of the Town. At said public hearing, the property owner and other parties wishing to present evidence on the proposed waiver shall have an opportunity to be heard. The Town Board shall, within forty (40) days of the close of the public hearing, render its decision in writing, either granting or denying the petition for a waiver from the strict requirements of the moratorium.

SECTION 5. Statement of Authority and Supersession.

A. The Town Board adopts this local law pursuant to authority in the New York State Constitution, Article IX, Section 2; section 10 of the New York Municipal Home Rule Law; section 10 of the Statute of Local Governments; the relevant provisions of the Town Law of the State of New York; the Zoning Law and other laws of the Town of Dryden; and the general police power

vested with the Town of Dryden to promote the health, safety and welfare of all residents and property owners in the Town.

B. During the time that this law is in effect, it shall take precedence over and shall be considered controlling over contrary laws, ordinances and provisions. It is the intent of the Town Board, pursuant to authority under section 10, subdivision 1(ii)(d)(3), and section 22 of the Municipal Home Rule Law, to supersede inconsistent provisions of the New York State Town Law and the Town of Dryden Zoning Law.

1. In particular, it is the intent of the Town Board, pursuant to authority under sections 10 and 22 of the Municipal Home Rule Law, to supersede inconsistent provisions of the New York State Town Law and the Town of Dryden Zoning Law, relating to time limits in connection with zoning and planning determinations. Without limitation, the instant local law hereby supersedes the following provisions of the Town Law of New York State:

a. Subdivisions 7 and 8 of section 267-a, relating to time limits for Zoning Board of Appeals hearings and decisions, respectively.

b. Section 267-b, relating to the hearing of appeals for variances by the Zoning Board of Appeals.

c. Subdivision 8 of section 274-a, relating to time limits for hearings and determinations on site plan applications.

d. Subdivision 6 of section 274-b, relating to time limits for hearings and determinations on application for special permits.

2. For the duration of this moratorium, the Town Board also intends to supersede, and the instant local law hereby supersedes, section 262 of the Town Law of New York State to the extent that the provisions of said section are inconsistent with any provision herein.

SECTION 6. This local law shall take effect upon filing with the Secretary of State.

SECTION 7. The provisions of this local law are severable. If any court of competent jurisdiction decides that any section, clause or sentence, part or provision of this local law is illegal, invalid or unconstitutional, such decision shall not affect, impair or invalidate any of the remaining sections, clauses, sentences, parts or provisions of the local law.

SECTION 8. This local law shall supersede or repeal any prior inconsistent local law.

Zoning Law Amendments for Varna Districts

R Burger explained these amendments are corrections to the zoning law that affect the Varna area. There is one in Section 900 concerning the waiver process applying to area and bulk regulations that adds the area and bulk tables in Article 7. Cl Green said it was explained that it was an oversight to not have included Article 7 originally and this will rectify that.

The amendment in Section 909 is where the law originally referenced H for hamlet district. Article 7 actually contains three districts and this will clarify that.

In Section 701 where it talks about compliance with guidelines, it usually has a modifying phrase “to the maximum extent practicable” and this adds that to the section.

The board introduced the following proposed local law and set the public hearing for January 16, 2020, at 6:10 p.m.

TOWN OF DRYDEN LOCAL LAW No. ____ OF 2020
A LOCAL LAW TO AMEND DRYDEN ZONING LAW SECTIONS 900, 909 AND 701

SECTION 1

Section 701 is amended to add the words “...to the maximum extent practicable...” in order to make it consistent with Section 702 so that Section 701 now reads:

Section 701: Design Guidelines and Standards

All development and re-development of Lots and property in Varna shall comply, to the maximum extent practicable, 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 2

Section 900(G) is amended to include a reference to Article VII so that it now reads:

Section 900: General Regulations

Except as hereinafter provided, the following general provisions shall apply to land use and development in the Town of Dryden:

- A. No land or Structure shall hereafter be used or occupied and no Structure or part thereof shall hereafter be enlarged or its use altered unless such action is in conformance with all the regulations specified for the zone in which said action occurs, any special regulations applicable thereto, and the provisions of this Law.
- B. Until such time as public water and/or sewer facilities are available, the Tompkins County Health Department standards for minimum Lot size shall take precedence over any less restrictive provisions of this Law except as may be provided in the Town of Dryden Subdivision Law.
- C. No Lot shall hereafter be reduced or altered so as to result in a Lot that does not meet the minimum Lot area or Yard requirements prescribed by this Law.
- D. No Yard provided for any Structure for the purpose of complying with the provisions of this Law shall be considered as providing a Yard for any other Structure.

- E. Public utility facilities (including electric, gas, telephone and television cable) and necessary appurtenances thereto, shall be allowed uses in all zones by Special Use Permit.
- F. The provisions of this Law shall not be in conflict with the Town of Dryden Subdivision Law and the most restrictive provisions shall apply.
- G. Waiver or Modification of Lot Requirements during Site Plan Review Approval.
 - 1. To encourage development, or redevelopment, as the case may be, the Town Board reserves the right to waive or modify, upon a determination as herein provided, the area and bulk requirements pertaining to the dimensions of a Lot, set forth in ~~Article~~ Articles VI and VII. An applicant requesting a waiver or modification of Lot requirements must demonstrate by clear and convincing evidence that, to the maximum extent practicable, the proposed development complies with the Residential and/or Commercial Development Guidelines.
 - 2. In reaching a determination whether the applicant has, to the maximum extent practicable, complied with the applicable Design Guidelines, the Town Board shall consider:
 - a. the recommendations of the Planning Department and the Planning Board;
 - b. the scope of the proposed development, including number of new lots;
 - c. minimization of new public infrastructure;
 - d. maximization of permanently preserved Open Space; and
 - e. utilization of techniques designed to enhance public safety, environmental quality, property values, economic opportunity, town character as expressed in the Town's 2005 Comprehensive Plan, and the overall quality of life for all town residents.
 - 3. The Town Board shall hold a public hearing on any application to waive or modify Lot requirements under this subsection, and the provisions of Town Law § 265 shall apply.
 - 4. In reaching a determination about whether to waive or modify any of the above-mentioned area and bulk Lot requirements, the Town Board shall make detailed findings of fact and conclusions based on the application, the recommendations of the various reviewers, the public hearing and the standards herein set forth.

SECTION 3

Section 909(B) is amended to delete a reference to the no-longer existing "H" (Hamlet) District and replace it with references to the Districts in Varna, namely, VHMUD, VHRD and VHTD

Section 909: Landscaped Buffer Requirements for Multi-Family and Non-Residential Uses

- A. All portions of Multi-Family and non-residential Lots which are not used for Structures, off-street parking and loading areas, sidewalks or similar purposes shall be landscaped and permanently maintained in such manner as to minimize erosion and stormwater runoff and harmoniously blend such uses with the surrounding residential character.
- B. Multi-Family or non-residential uses abutting or directly across a Highway from any residential property in a districts CV, H, VHMUD, VHRD, VHTD, NR, RA, RR or TNDO, ~~District~~ shall have a Buffer Strip along or facing any common property lines. Such Buffer Strip shall comply with the following minimum standards:
 1. It shall be a planting of such type, height, spacing and arrangement as, in the judgment of the Board, will effectively screen the activity on the Lot from the neighboring residential area. In the case of industrial uses, plantings shall be at least six (6) feet high at planting and at least 12 feet high at maturity.
 2. It shall be at least 20 feet in width, except in conjunction with industrial uses, in which case the buffer strip shall be at least 30 feet in width.
 3. No site improvements, including parking areas, shall be allowed within 15 feet of the inside edge of any buffer strip.
 4. A wall or fence of location, height, design and materials approved by the Board may be substituted for part or all of the required planting and buffer area.
 5. Where the existing topography and/or landscaping provide adequate screening, the board may waive or modify the planting and/or buffer area requirements.

SECTION 4

This local law shall take effect upon filing with the Secretary of State.

SECTION 5

The provisions of this local law are severable. If any court of competent jurisdiction decides that any section, clause or sentence, part or provision of this local law is illegal, invalid or unconstitutional, such decision shall not affect, impair or invalidate any of the remaining sections, clauses, sentences, parts or provisions of the local law.

SECTION 6

This local law shall supersede or repeal any prior inconsistent local law.

Agenda Items for Next Week

- The recommendations from the Planning Board on zoning law changes for the Varna districts.
- Resolution for postage for tax bills.
- Approval of insert with tax bills.

The organizational meeting was set for January 2, 2020, at 2:00 p.m.

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

Respectfully submitted,

Bambi L. Avery
Town Clerk