

**TOWN OF DRYDEN
TOWN BOARD MEETING
January 16, 2020**

Present: Supervisor Jason Leifer, Cl Daniel Lamb, Cl James Skaley,
Cl Loren Sparling

Absent: Cl Kathrin Servoss

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

Other Town Staff: Ray Burger, Director of Planning
Khandi Sokoni, Town Attorney

Supv Leifer called the meeting to order 6:08 p.m. and board members and audience recited the pledge of allegiance.

RESOLUTION #28 – APPROVE MINUTES

Cl Lamb offered the following resolution and asked for its adoption:

RESOLVED, that this Town Board hereby approves the meeting minutes of December 12 and 19, 2019 and January 2, 2020.
2nd Supv Leifer

Roll Call Vote	Cl Sparling	Yes
	Cl Skaley	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

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

Supv Leifer opened the public hearing at 6:11 p.m. Ray Burger explained this arose from a recommendation of the Planning Board when they discovered, in going through some conservation subdivision plats, that restrictive covenants may not be an adequate tool for preserving open space. The moratorium would allow six months to investigate that and come back with some options for going forward. The proposed local law was introduced in December.

Comments:

David Weinstein, 51 Freese Road, member the Planning Board, said the Planning Board finds the ability to set conservation zones as a necessity for the town. There is more and more interest in these kinds of developments. The Planning Board doesn't know whether conservations zones can be enforced when they set them up on a plat.

CL Lamb said the town wants to prevent having a mishap again and at the very least need a moratorium to prevent a reoccurrence until there is a better process.

Board members have received the 239 review from the County Planning that states there are no negative community or county-wide impacts.

Cl Skaley said when he was on the Planning Board, they had at least two situations where a problem arose where there was inadequate communication and a house was built into the conservation zone and one related to the number of roadcuts that were allowed and what actually happened. There are complicated factors that need to be worked out.

John Kiefer said the town attorney is reviewing whether the town can enforce what is written on the plat or modify it some years later. If we find out it is a useful tool as far as regulating open space, ok. If the opposite is true, they will determine what to use to accomplish the same thing.

Atty Sokoni said the Planning Board has given her a list of questions. Some relate to specific conservation subdivisions they've had, and some are more generic. They are waiting for her to answer those questions to help them assess whether they want to change the law or whether the problems are more with process.

Chuck Geisler, 517 Ellis Hollow Creek Road – Thanked everyone for the fine work they do for the town and read the following statement:

I had intended to offer my thoughts on the amendments to the zoning law recently circulated by the Town Board. Since that is not on tonight's agenda, I'll hold those comments.

I would like to speak in favor of a thoughtful re-write of the Varna zoning section of our zoning code, such as the one contemplated by our Planning Board. It is informed by the Varna Community Development Plan and, as it should, the Varna Plan mirrors the Dryden Comprehensive Plan. It seeks a healthy mix of housing and residence types. And it sides with gradual, low-density development, so as not to displace residents from any particular income group.

I commend the Town Board for its 2019 Housing Conditions Survey as part of its strategy to rehabilitate housing stock (it is summarized at <http://dryden.ny.us/wp-content/uploads/2019/08/Conditions-Report.pdf>). Among the 3260 houses sampled, well over 1000 families live in substandard housing--and the sample doesn't consider over 800 families in our 15 mobile home parks. Long-term affordability is a paramount national concern today and Dryden is no exception.

The Planning Board's recent initiative assures a broad menu of housing options, affordability, and ownership types. It says no to gentrification and invites social and economic diversity. That's what sustainable Dryden should look like. I hope their thinking and your work as a Town Board to alleviate housing shortages and the festering issue of poor housing quality can be merged into one very soon.

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

Supv Leifer said they did pull the public hearing on the zoning amendment but may talk about it during the Planning Board update and perhaps with the attorney in executive session.

PUBLIC HEARING AMEND DOG CONTROL LAW

Supv Leifer opened the public hearing at 6:21 p.m. and said this amends fees for enumerated unlicensed dogs and a section on prohibited acts. If a dog is found to be unlicensed during an enumeration period there will be a charge of \$10 added to the license fee.

There were no comments and the public hearing was left open at 6:23 p.m.

CITIZENS PRIVILEGE

David Weinstein said he was going to address the zoning amendment proposal. The second part of what the Planning Board presented in their resolution was that the town board should move quickly to eliminate Section 900(G) which gives the Town Board the authority to grant waivers of lot dimensions for districts outside of Varna. It is a bad idea and should be eliminated from the zoning.

Janet Morgan, 940 Dryden Road, was going to address the proposed amendment to the Varna part of the zoning law but will hold those comments. She thanked the board for the public information meeting in Varna last night about the Freese Road bridge. Everyone was able hear what the presenters said and to ask questions and get answers to some of those questions.

Peter Rothbart, 65 Hickory Road, said it has come to his attention that there are concerns about the Planning Board's approach to looking at revising the comprehensive plan. He understands there will be some focus groups formed and he has concerns about the process involved in selecting people for the focus groups. He's heard it's based on nominating people by name rather than going through a deliberative process in terms of looking at people's socioeconomic background or some sort of filtering system. When selecting people for a focus group, standard practice is that there is some sort of filter other than for people to name names or name their friends. Looking at economic background or longevity in the town or involvement with the town, anything along those lines could be used. He is concerned there is not a filtering process and people are naming friends or they have a list and draw from the list. There needs to be a more scientific approach. He asked that the Town Board make sure that best practices are being applied in this situation.

J Kiefer said if this were the only collection tool the Planning Board was using, he would agree, but it is just a beginning. The intent is to give the consultant an indication of the things that are going on in the town. Two very broad data collection pieces will be used. One is a survey that will go to everyone and at least three broad community meetings will be held. Anyone who wants to come to those is welcome. These two broad efforts will give everyone who wants to participate an opportunity to do so.

Cl Lamb said he is the liaison to the Planning Board and has been watching the process unfold. It is getting better in terms of who is being recommended. The Town Board appoint people to the Planning Board to represent entire town. They try to get people from different parts of the town, so they have a broader perspective. This is an opportunity to inventory different parts of the town: the non-profit world, business world, academic world, homeowners and other. He thinks they are doing a good job of getting a cross section. He hopes that all who are invited will come. He encouraged Peter Rothbart to attend the Planning Board meetings.

Fred Balfour, 177 Scofield Rd, encouraged board members to step close to the mic and breath from the diaphragm.

Supv Leifer closed the public hearing on the proposed local law for a moratorium on conservation subdivisions that use restrictive covenants at 6:31 p.m.

RESOLUTION No. 29 of 2020 – AUTHORIZING THE ADOPTION OF 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

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

WHEREAS, 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, and

WHEREAS, 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, and

WHEREAS, 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, and

WHEREAS, pursuant to 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.

WHEREAS, the Town Board finds that the within amendments to the Zoning Law are in the interest of the Town in order to ensure harmony among the various provisions of the Zoning Law, and

WHEREAS, notice of a public hearing was duly published in the Ithaca Journal, the official newspaper of the Town of Dryden on 1-2-20, and posted on the notice board outside the office of the Dryden Town Clerk on 12-30-19, and

WHEREAS, notice of said public hearing as well as a copy of the proposed local law were served by mail on each of the following neighboring municipalities:

1. Town of Caroline
2. Town of Danby
3. Town of Lansing;
4. Village of Lansing
5. Town of Groton
6. Town of Ithaca;
7. Village of Freeville;
8. Village of Dryden
9. Cortland County;
10. Tompkins County,
11. Town of Harford; and
12. Town of Virgil, and

WHEREAS, a public hearing was duly held on January 16, 2020 at 6:05 pm and all parties in attendance were permitted an opportunity to speak in support of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, the Tompkins County Department of Planning on 1-10-20, pursuant to section 239-m of the General Municipal Law, determined that the proposed Local Law has no negative inter-community, or county-wide impacts, and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Dryden Town Board that adoption of said proposed Local Law is a Type II action (617.5 (c) 36) and is not subject to review under this Part, and

WHEREAS, the Dryden Town Board, after due deliberation, finds it in the best interest of the Town to adopt said Local Law,

NOW, THEREFORE BE IT RESOLVED that the Dryden Town Board hereby adopts said Local Law as Local Law No. 1 of 2020 entitled " 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," a copy of which is attached hereto and made a part hereof, and the Dryden Town Clerk is hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Dryden of, and to give due notice of the adoption of said Local Law to the Secretary of State by filing the same with the Secretary of State as required by law.
2nd Cl Lamb

Roll Call Vote	Cl Sparling	Yes
	Cl Skaley	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

**PUBLIC HEARING
PUBLIC INTEREST ORDER ON INCREASED AMOUNT TO BE EXPENDED FOR
THE IAWWTF GRIT REMOVAL IMPROVEMENTS**

Supv Leifer opened the public hearing at 6:32 p.m. He explained that the project came in higher than originally estimated. Dryden’s share increases by \$77,570. Dryden’s share of

expenses is 1.98%. This project allows the plant to process the waste and remove the grit and other solids that are not biodegradable.

Cl Skaley explained that the that grit moving through the system adds stress to the town's already old sewer lines. He hopes the town will be upgrading the sewer and water lines soon. There is an upgrade for Route 366 possibly happening next year and it would be good to have work done on the lines prior to that project so that new sidewalks or road are not dug up.

Supv Leifer said there is a system wide infiltration issue and plant owners are meeting to discuss that later this month.

There were no public comments and the hearing was left open at 6:36 p.m.

Supv Leifer closed the public hearing on the dog control law amendment at 6:37 p.m.

RESOLUTION #30 (2020) – ADOPT AMENDMENT TO DOG CONTROL LAW

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

RESOLVED, that this Town Board hereby adopts the following amendment to the Town of Dryden Dog Control Law and directs the Town Clerk to file the same with the Secretary of State of the State of New York.

SECTION 1. Local Law No. 2 of the year 2010 (the Town of Dryden Dog Control Law) filed with the Secretary of State on December 23, 2010, and amended by Local Law No. 1 of 2012 which was filed with the Secretary of State on February 9, 2012, is hereby further amended to increase the additional fee for enumeration provided in Section 7 H to now read as follows:

“H. Additional Fee for Enumerated Unlicensed Dog. In addition to the license and other fees provided for herein, the owner of a dog identified as unlicensed during a dog enumeration shall be charged an additional fee of \$10 at the time of licensing. All such additional fees under this subsection shall be used to pay the expenses incurred by the town during such enumeration.”

Furthermore, Section 4(B) of the Town of Dryden Dog Control Law is amended to add the word unreasonable to now read as follows:

“Prohibited Acts. It shall be unlawful for any owner of a dog in the Town of Dryden to permit or allow such dog to:

B. Make sounds that create unreasonable disturbance across a residential real property line.”

SECTION 2. 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 3. This local law shall supersede or repeal any prior inconsistent local law.

SECTION 4. This local law shall take effect upon filing with the Secretary of State.

2nd Cl Skaley

Roll Call Vote	Cl Sparling	Yes
	Cl Skaley	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

Supv Leifer presented a resolution for a job title change from Recreation Assistant to Director of Recreation for Marty Conger. Marty has served as the department head since she was hired in 2017. He noted the town of Ulysses also has a part-time recreation director.

RESOLUTION #31 (2020) – Job Title Change to Director of Recreation – Part-time

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

WHEREAS, there was some employee turnover in the Recreation Department at the same time Marty Conger was hired as a part-time Recreation Assistant in 2017, and

WHEREAS, Marty Conger has been the head of the Recreation Department since she was hired, and

WHEREAS, the job description for the title of Director of Recreation – Part-time more accurately describes the tasks being completed by Marty Conger, and

WHEREAS, Tompkins County Civil Service has approved her application for the position of Director of Recreation – Part-time, be it

RESOLVED, that Marty Conger’s job title be changed to Director of Recreation – Part-time effective 1/16/20.

2nd Cl Lamb

Roll Call Vote	Cl Sparling	Yes
	Cl Skaley	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

COUNTY BRIEFING

Martha Robertson thanked David Weinstein for his in-depth report about the County’s forest land. They are trying to decide how to manage the forest lands they own in Newfield and Dryden. D Weinstein did some scientific research on the issue and the county has benefited from his work. The environmental management committee will look at this on January 26 at 9:30 a.m.

The annual Report of the County Historian (Carol Kammen) mentioned a celebration of the 19th Amendment allowing women to vote in national elections. The Historical Commission is developing about a dozen historical plaques commemorating specific women in Tompkins County who were active as suffrages. Some of those women lived in Dryden and when there is more information it will be shared.

At the public safety committee meeting this afternoon there was quite a discussion about fire department radios. There has been a request that the County help pay for replacement radios because it is a county emergency response system. M Robertson explained that when the county upgraded the emergency system for the county, they purchased radios

for all the fire departments with the clear agreement that departments would be responsible for replacement. Brian Robison brought information to the meeting that showed since 2007 departments have purchased another 50% of the initial radio purchase on their own. If the county were going to pay for all that had been added since 2007 it would have been 3.5 million dollars. Departments have made those purchases themselves. The county does the ordering from state bid, programs the radios then deliver back to departments. That arrangement will not change. The impetus for this recent request could be that Motorola, the company that makes the radios, is changing the model. The old radios will still work; it will take five years to transition. Motorola is no longer manufacturing the parts for the old radios, so eventually the radios will need to be upgraded/replaced.

Cl Lamb noted that Dryden would be proud to continue to have one of its county representatives as chair of the County Legislature. M Robertson said that having the best possible chair benefits Dryden as well.

Supv Leifer closed the public hearing on grit removal at 6:47 p.m.

RESOLUTION No. 32 (2020): Adopt Public Interest Order Increasing the Maximum Amount to be Expended for the Town of Dryden’s Contribution to the IAWWTF Grit Removal Improvements From \$142,362 to \$219,932.

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

Resolved, that this Town Board hereby adopts the following Public Interest Order

In the Matter
of
the Proposed Improvement Project Pursuant to
Town Law §202-b for the Wastewater
Treatment Plant in the City of Ithaca serving
the Town of Dryden known as the IAWWTF Grit
Removal Project

PUBLIC INTEREST ORDER

WHEREAS, on January 10, 2019, the Dryden Town Board held a public hearing and subsequently adopted a Public Interest Order authorizing the IAWWTF Grit Removal Improvements (“the Improvements”) through Resolution 26 of 2019 covering the entire area of the of the Town of Dryden sewer districts served by the jointly owned and managed Ithaca Area Waste Water Treatment Facility (IAWWTF) in the City of Ithaca (hereafter “Sewer Improvement Area”); and

WHEREAS, the notice of public hearing and subsequently adopted Public Interest Order initially determined that the total project cost was \$7,190,000 with the total estimated total cost to the Sewer Improvement Area (for the Town of Dryden) being \$142,362, and the adopted Public Interest Order stated that the maximum amount proposed to be expended by the Town of Dryden was \$142,362, and

WHEREAS, subsequent to adoption of said Public Interest Order, the Town of Dryden Town Board adopted a Sewer District Consolidation Plan pursuant to Town Board Resolution 140 of 2019 which consolidation took effect on January 1, 2020; and

WHEREAS, by Resolution dated December 18, 2019, a copy of which shall be attached to the minutes of the Dryden Town Board adopting this Public Interest Order, the Sewer Joint Commission (“SJC”) of which the Town of Dryden is a member, resolved that the total Grit Removal Improvement Project costs had been under-estimated and the total project costs have increased from an estimated total of \$7,190,000 to \$11,107,675, with the Town of Dryden’s total cost increasing from \$142,362 to \$219,932, resulting in an increase in cost to the Town of Dryden of \$77,570; and

WHEREAS, as outlined in a resolution of the SJC dated December 18, 2019 bids were received for the IAWWTF Grit Removal and Miscellaneous Improvements Project on November 26, 2019, and Staff, in association with the Plant’s consulting engineers, GHD, have completed the Post-Bid Project Cost Analysis, and have concluded that GHD's "opinion of probable project costs" (Engineers Estimate) was low, and the bids received were responsive and reflective of today's reality, and

WHEREAS, based on the determination that the previously estimated cost of the project was low, the SJC is requesting members Town of Dryden, Town of Ithaca and City of Ithaca to approve an increase in their respective contributions to the total estimated cost of improvements; and

WHEREAS, in light of the increase in estimated costs of the improvements, the Engineers, GHD have prepared a new estimate of cost in a memo that amends the map, plan and report for the Improvement by increasing the maximum estimated cost to the Sewer Improvement Area from \$142,362 to \$219,932, and

WHEREAS, no other changes are proposed to any aspect of the Sewer Improvement Area; and

WHEREAS, after said memo amending the plan, report and map to increase the estimate of costs was filed in the office of the Town Clerk, the Dryden Town Board did, on 1-2-20, duly adopt an Order describing the increase in the maximum amount to be expended by the Town of Dryden for the Improvements, and specifying that the Dryden Town Board shall hold a public hearing at the Dryden Town Hall at 93 East Main Street, Dryden, New York on the 16th day of January, 2020 at 6:30 PM Prevailing Time, for the purposes of hearing all persons interested in being heard on the subject of the proposed increase in the maximum amount to be expended, and

WHEREAS, copies of said Order were duly published and posted according to law; and said Town Board did, at the time and place specified in said Order, duly meet and consider such proposal and held a public hearing in which it heard all persons interested in the subject thereof, who appeared at such time and place, concerning the same; and

WHEREAS, the Town Board now wishes to authorize the increase in the maximum amount to be expended on the Improvements based on the evidence offered at such time and place;

NOW THEREFORE BE IT RESOLVED by the Dryden Town Board that it be and hereby is determined as follows:

- (1) The notice of hearing was published and posted as required by law and is otherwise sufficient.
- (2) It is in the public interest to authorize the increase in the maximum amount proposed to be expended on the Improvements as hereinafter described; and it is

FURTHER RESOLVED, that the Dryden Town Board does hereby authorize the increase in the maximum proposed to be expended by the Town of Dryden for the Improvements including costs, legal fees and other expenses, from \$142,362 to \$219,932; and be it

FURTHER RESOLVED, that this Order is subject to a permissive referendum in the manner prescribed by Town Law Article 7 and Town Law Section 209-q; and be it

FURTHER RESOLVED, that it is hereby determined that the estimated expense of the aforesaid Improvements does not exceed one-tenth of one per cent of the full valuation of the taxable real property in the area of said Town outside of villages, and therefore, in accordance with the provisions of subdivision 13(a) of Section 209-q of the Town Law, the permission of the State Comptroller is not required for such improvements; and be it

FURTHER RESOLVED, that pursuant to Subdivision 6(d) of Section 209-q of the Town Law, the Town Clerk is hereby ordered and directed to cause a copy of a certified copy of this Order to be duly recorded in the Office of the Tompkins County Clerk within ten (10) days of the date this Order becomes effective pursuant to Town Law Section 91, which when so recorded, shall be presumptive evidence of the regularity of the proceedings and actions taken by the Town Board in relation to aforesaid Improvements.

2nd Cl Daniel Lamb

The question of the adoption of the foregoing Order was duly put to vote on a roll call, which resulted as follows:

Cl Loren Sparling	Yes
Cl Kathrin Servoss	Absent
Cl James Skaley	Yes
Cl Daniel Lamb	Yes
Supervisor Jason Leifer	Yes

HIGHWAY DEPARTMENT

Rick Young explained that for security purposes at town hall he would like to expand the system the court has. There have been instances recently that pointed to a need to have coverage in the areas that currently are not monitored. He would like to install cameras to cover the hallways and entrances that are not covered presently. The estimate is \$3,895 to connect additional cameras to the current system and install a monitor in the town clerk’s office. Supv Leifer will work with R Young to identify the budget line the funds will come from.

RESOLUTION #33 (2020) – AUTHORIZE INCREASE OF SURVEILLANCE EQUIPMENT

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

RESOLVED, that this Town Board authorizes the purchase and installation of additional surveillance equipment for the town hall at a cost not to exceed \$3,895.00.

2nd Cl Lamb

Roll Call Vote	Cl Sparling	Yes
	Cl Skaley	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

R Young presented his 284 Agreement for 2020. He noted this is his plan at present, and the agreement is subject to change, depending on changes in condition and budget. Board members will review it, and the board will vote next month.

R Young asked the board to authorize purchase of new wood chipper (after securing bids) at a cost not to exceed \$40,000. They will put the old one out for bid if they are authorized to purchase a new one. They've had to make repairs to the old one, and the new ones come with more safety equipment.

RESOLUTION #34 (2020) – AUTHORIZE PURCHASE OF WOOD CHIPPER

RESOLVED, that this Town Board authorizes the Highway Superintendent to purchase (after securing bids or off contract) a new wood/brush chipper at a cost not to exceed \$45,000.00.

2nd Cl Lamb

Roll Call Vote	Cl Sparling	Yes
	Cl Skaley	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

R Young would like the board to authorize the sale of an international truck, a wood chipper, and a flail mower and he would like sale proceeds to be put in DA5130.2.

RESOLUTION #35 (2020) – AUTHORIZE SALE OF EQUIPMENT

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

RESOLVED, that this Town Board hereby authorizes the sale of a Salsco Model 813 wood/brush chipper (serial #44603906), a 2005 International dump truck (VIN #1HTWLAZR65J010562), and John Deere flail mower, the proceeds of which will go to DA5130.2.

2nd Cl Sparling

Roll Call Vote	Cl Sparling	Yes
	Cl Skaley	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

The town has received a grant for streambank stabilization in the amount of \$705,000. Jennifer Karius distributed a summary. She said it will take a few weeks or months to begin the project. Supv Leifer said the grant was awarded for a non-point source streambank stabilization program to address severe erosion, flow flooding and sedimentation in lower Fall Creek to control erosion, repair, and protect infrastructure and waterways in preparation for high impact water events. Areas to be repaired include Lower Creek Road, Etna Road, Knollwood and Mineah Roads.

D Weinstein is there a specific plan or process to get to a plan, opportunity for citizen contribution. J Karius said this encompasses what is in the application; there has been a preliminary assessment. There will need to be a design engineered. Everything will take place according to the contract, content and purpose of the grant.

PLANNING DEPARTMENT

The department's monthly report is on the web. The comp plan effort is going on and there is a new website to engage the public and keep them updated on the project, Dryden2045.org. It will have links from the town website. The next meeting of the Planning Board regarding the comp plan will be January 29 at 6:00 p.m.

Trinitas made an application that had a reduced unit count (202). They still have a green space requirement to meet. The twelve-acre upper lot is still deficient, 54% instead of 60%.

A new code enforcement officer has been hired and the department is at full staff now.

The Route 13 corridor study is moving forward. There is a subcontract for Highland Planning to do a land use study to see what recommendations might come toward land use that would help with the function of the corridor.

Because the town has now consolidated the water sewer districts in the area, the infrastructure study near NYSEG can now resume. There is an MOU between the county and town to fund that.

ADVISORY BOARD UPDATES

Planning Board – Cl Lamb said he is looking forward to seeing the short-term rental proposals the Planning Board has been working on. He appreciates the special meeting on the zoning issue. He asked that they be more careful with the wording in their resolutions. This one contained a few errors. For instance, the law provides the ZBA can seek a waiver under five conditions, not three.

Atty Sokoni said she sent a memorandum to the Town Board and Planning Board this afternoon. State law clearly provides for issuance of waivers and it is a policy decision for the town board. It was portrayed as if waivers were being introduced now. They are on the books now and she believes there was an omission when the Varna piece was pulled out from where it was before. The proposed local law was recommending fixes.

Town Law § 274a(5) says a Town Board in its zoning law can designate a particular body to do site plan. Dryden's law says if you are doing site plan with a special use permit, you go to the Town Board. If you are doing site plan without a special use permit, you go to the Planning Board. When 900(b) was first enacted it read "in connection with site plan, the Town Board may give a waiver" and there are conditions. You can give waivers on dimensional stuff, the area and bulk pieces of a site plan application. It specifically said area and bulk in Article 6. At that time, the Varna chart was in Article 6. She believes from research that at some point the area and bulk for Varna was put in Article 7. The other parts of the Zoning Law were not fixed to not just refer to Article 6, but to Articles 6 and 7. You don't realize it's a problem until you have applications. You need to cross-reference and make sure that there is consistency.

She understands that the Planning Board does not think waivers are a good idea, and that is a policy decision for the Town Board. Waivers are not being introduced here; they are already in place.

When state laws say you can provide for waivers, the Planning Board is part of that process and their input is considered. The Planning Board has said an applicant can go to the Zoning Board of Appeals for relief from the area and bulk table. But the Town Board has that authority here.

Waivers can be removed all together, but there are waivers on the books now.

Supv Leifer said he does not want to debate this. The board is not considering an amendment to the zoning law tonight.

Cl Skaley said he conferred with Association of Towns counsel at a recent training and was told that in these situations the ZBA is the appropriate place to deal with these waivers. There are a couple of court cases that he will share with board members and the town attorney.

Conservation Board – there was no December meeting. Regular meetings are the last Tuesday of each month.

Recreation & Youth Commission - will meet January 22, 2020.

Agricultural Advisory Committee – Met January 8, 2020.

Rail Trail Task Force – Cl Lamb reported they had meeting with the consultant (Erdman & Associates) and reviewed draft scope of the project for the bridge across Route 13. The consultant understands the town's needs and things are off to a good start.

Safety & Preparedness Committee – Supv Leifer said they had their first group of graduates for the CERT program. They may have also submitted a letter in support of the upgrades at Dominion to reduce emissions. They have worked pretty closely with Dominion.

Climate Smart Task Force - will meet January 20.

Broadband Committee – is trying to schedule a meeting next week. If not, they will meet the first part of February.

OTHER UPDATES

Tompkins County Legislature – Supv Leifer or Cl Servoss will try to get to a meeting each month to give an update on what is going on in Dryden.

Special Joint Commission (sewer treatment plant) – Ray Burger or Supv Leifer will attend these meetings. Supv Leifer believes this should be a public authority. The people in charge rely on engineers, so having oversight by people who don't understand how the plant operates may not make sense. Dryden can go on record in support of converting to public authority. It would make it easier to make upgrades to part of the system. Now if a municipality can't afford to make an upgrade in a part of the system, it affects the rest of the system.

Bolton Point - acts regardless of whether something is approved properly or not.

J Skaley said that next month he would like another presentation of the Planning Board's zoning recommendations for Varna for the members that were not present this month.

The zoning law amendments could be introduced next month, and a public hearing held in March.

Dryden Community Center Café is closing at the end of this month. There will be a farewell meeting on the 27th of this month. They are looking for new space but may not have a

café component. Supv Leifer said the landlord increased the rent and they were also experiencing financial difficulties.

Cl Skaley remarked that community centers are a considerable amount of work to keep things going and upgrading facilities. It requires a lot of dedicated volunteer effort. Ellis Hollow has had issues as well. Maintaining community is essential in terms of these operations. The board needs to recognize that.

Supv Leifer said Ellis Hollow is looking to build a new community center. They are looking for grants and may be coming to the town for letters of support for those applications. There may be CDBG funding available to help.

Wind Ordinance – Atty Sokoni will review the language for introduction February 20.

There being no further business, on motion made, seconded and unanimously carried, the meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Bambi L. Avery
Town Clerk

Local Law No. 1 of the year 2020

A local law Providing for a Moratorium on the Use of Conservation Subdivisions in the

(Insert Title)

Town of Dryden for One Hundred and Eighty (180) Days

Be it enacted by the Town Board of the Town of Dryden as follows:

(Name of Legislative Body)

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.