

TOWN OF DRYDEN
PLANNING BOARD MEETING
January 23, 2020

Present: John Kiefer, Chair, Tom Hatfield, Craig Anderson, Daniel Bussmann,
Joe Wilson, David Weinstein, Alice Green (alternate), Simon St Laurent (alternate)

Absent: Tony Salerno

Staff: Ray Burger, Planning Director

Liaisons: Loren Sparling (Town Board), Nancy Munkenbeck (Conservation Board)

Chair John Kiefer opened the meeting at 6:00 p.m. S St Laurent was given voting privileges in the absence of Tom Hatfield.

Public Comment

Shirley Lyon asked for an update on short-term rentals. J Kiefer told her that Tony Salerno was going to present a draft set of recommendations, but is unable to be here tonight, so that will happen at the February meeting.

Alice Green was given voting privileges in the absence of Tony Salerno.

Approval of Minutes

Craig Anderson moved to approve the minutes of December 17, 2019, seconded by A Green, all in favor.

D Weinstein moved to approve the minutes of January 14, 2020, seconded by A Green, all in favor.

(Tom Hatfield arrived, voting privileges for S St Laurent were rescinded.)

Planning Board Training & New Member Manual

A new member manual will be prepared for A Green.

There was discussion about arranging a training for planning board members. There are some online trainings available on the Department of State Local Government Training website. B Avery will investigate what can be arranged locally.

Ag Advisory Committee Resolution –

The Ag Committee passed a resolution asking the Planning Board to facilitate placement of a reference to the guidelines for solar energy projects on agricultural lands by NYS Agriculture & Markets in the solar energy law. The guidelines recommend that the project company engage the services of an environmental monitor. They talk about stockpiling topsoil, restoration of construction impacts and post-construction monitoring. There is a section on decommissioning and spreading the topsoil set

aside during construction. J Kiefer said he believes it is appropriate to put it in our local law because the beginning of the process of meeting these requirements happens during municipal approval. It should be part of the approval process to talk with the developer about how they are going to execute Ag & Markets requirements. He suggested that the Planning Board recommend to the Town Board that this be placed into the town's section of law pertaining to solar projects.

There were some comments about whether the document should be included or referenced. Perhaps it should be noted that applicants comply with the guidelines of NYS Ag and Markets, because the document itself could change. There were some questions and discussion about the definitions. C Anderson will look at the solar law for a place to add this and report in February.

A Green asked whether this will impact the unified solar application that the Town Board approved last year. Ray Burger said he doesn't think this will impact residential installations but will investigate it.

Varna Auto Addition

This project was introduced a couple of months ago and an updated plan and narrative is provided tonight. It is a business expansion on an existing lot where they have a few restrictions. They need a one-acre minimum lot size and 40% green space. There are two area variances required. R Burger said in NYS Town Law there is a provision where if there are constraints within a site plan review process, the applicant can go directly to the ZBA for an area variance. He believes the ZBA will want to see some guidance from the Planning Board in a preliminary evaluation of the project and a read on the constraints. After the ZBA acts there will be a site plan review by the Planning Board.

Note: The board asked that in the future material be provided to them at the latest before close of business on the Friday before the meeting.

John Snyder, architect for the project, described the proposed building addition and site plan.

Comments during discussion:

- If applicant installed a green roof, it would get them closer to the green space requirement.
- Building design would need to support the additional weight.
- Some parking along the garage was removed; may have added some green space.
- The site is lacking green space; applicant will ask ZBA for 50% relief.
- Green space helps maintain the open character of the neighborhood and helps to avoid over densifying.
- The ZBA will balance the benefit to applicant versus detriment to the community.
- This is an incremental increase in use, and we should find ways to encourage that.
- Varna Auto is a well-known quantity, an existing business that wants to grow.
- It seems the rules are written for new endeavors, not incremental expansion of existing businesses.
- There is a petition in support of the expansion.
- The Planning Board must apply the rules to each applicant the same.
- We need to find ways to accommodate the incremental expansion.
- The sign by the road will be removed.

- Combining this lot with the lot across the street may help with the area and green space problems.
- The two lots are in different zoning districts.
- 9 parking spaces are shown; the law is 10 spaces for an auto repair and 2 spots for every 3 employees.
- The business utilizes the lot across the street for parking.
- Variances allowed today may make it more acceptable in the future.
- There is a big distinction between something new in a community and an expansion of an existing facility.
- This is a pre-existing stakeholder in the community.
- Applicant is surrounded on the back and two sides by the mobile home park.
- Applicant has tried to purchase some land around them but was not successful.
- The argument to the ZBA is that the benefits offered outweigh the loss of green space.
- Benefits include a new façade, trees & bushes, hidden dumpsters, and removal of current sign.
- Applicant is trying to conform to the Varna plan guidelines and capturing green space where they can.
- The requirements call for screening the front doors.
- There could be plantings in the small green space to screen the doors from neighbors.
- Sidewalks are required in the zoning. DOT has plans for a sidewalk on Route 366.
- A special use permit is required for buildings over 5000 sq ft; applicant will review the computation of footage.
- The Town Board has more leeway; perhaps applicant should go before that board for special use permit.
- The guidelines say to limit facilities that are incompatible and intrusive on the landscape.
- This is an expansion of a current business, a relatively small increase in the use of that site.
- Applicant could consider trellised areas on the building to increase green space.

There was discussion about whether passing a resolution with recommendations to the Zoning Board of Appeals indicating that the Planning Board would grant site plan review if the variances were granted by the ZBA was proper procedure. A straw poll may be preferable. ZBA has asked the opinion of the Planning Board in the past. A problem may arise when the applicant must come back to the Planning Board after a variance is granted by the Planning Board. R Burger will consult with the town attorney.

Board members believe the applicant has a strong application for the Zoning Board of Appeals. D Weinstein would like to recommend approval. T Hatfield believes the process should run on its own and doesn't want to set a precedent; the Planning Board should not steer the ZBA.

Pedestrian safety is a concern when parking vehicles in the lot across Route 366. It would be a good place for a crosswalk. Perhaps the applicant can talk with NYS DOT.

Updates/Next Steps:

Resolution #24 - Restrictive Covenants/Conservation Subdivision – The Town Board held a public hearing and passed a local law putting a moratorium in place for six months. The town attorney will have something for the board to review next month.

Resolution #25 – Planning Department Resources – R Burger is working on pulling information together. A new code enforcement officer has been hired and that help to increase productivity.

Resolution #1 (2020) - Varna Rezoning – The Town Board has asked D Weinstein to do the presentation again at their February meeting. He is working on a redline copy for the Town Board showing the differences from the original zoning.

The Town Board did not hold a hearing last week on their proposed zoning change and there was no action on it.

D Weinstein would like to amend the 6th whereas of the resolution. He explained that when he originally wrote it, he didn't realize that there is a difference between the ZBA's responsibilities for area variances versus use variances. He referred to their responsibilities for use variances instead of area variances. He made a motion to amend the 6th whereas so that it is clear that it refers the ZBA's responsibilities for area variances.

RESOLUTION #2 (2019) – AMEND RESOLUTION #1 OF 2020

RESOLVED that this board hereby amends Resolution #1 of 2020 by removing the 6th “whereas” and replacing it with the following language:

WHEREAS before granting an area variance, the Zoning Board of Appeals must balance five conditions, among which is an evaluation of whether “an undesirable change will be produced in the character of the neighborhood” by issuing the variance,

The resolution now reads in its entirety:

WHEREAS a proposed amendment, entitled “TOWN OF DRYDEN LOCAL LAW No. ___ OF 2020 A LOCAL LAW TO AMEND DRYDEN ZONING LAW SECTIONS 900, 909 AND 701” is being considered by the town board to extend the town board's authority to waive or modify the area and bulk requirements pertaining to the dimensions of a Lot, set forth in Article VI, to the Varna zoning districts in Article VII, and

WHEREAS this amendment has been moved forward without consultation with either the Planning Board or the Zoning Board of Appeals, and

WHEREAS the Zoning Board of Appeals is granted the authority over all zoning districts of the town to apply consistent criteria to decision-making, and

WHEREAS this amendment would create 2 different non-equivalent Site Plan Reviews, depending on which Board is doing the review:

(1) an applicant applying for a Special Use Permit would have Site Plan Review through the Town Board, which can grant a waiver if this amendment is approved, while

(2) an application that needs approval from the Planning Board has that board conduct Site Plan Review, and no such waiver power is available from the Planning Board, and

WHEREAS this amendment would therefore create two paths to site plan review, which could result in different findings depending upon which board is reviewing the application. The applicant and the community must be certain that the result of the Site Plan Review would be the same regardless of the body doing the review, and

WHEREAS before granting an area variance, the Zoning Board of Appeals must balance five conditions, among which is an evaluation of whether “an undesirable change will be produced in the character of the neighborhood” by issuing the variance,

WHEREAS through this amendment the town board would have to show only that it considered “the utilization of techniques designed to enhance”, among other things, the town character, thus softening the protection of this character, and

WHEREAS the checks and balances offered in this amendment and in Section 900 G of the Dryden Zoning Law allow for spot zoning, a violation of NY State Law, and are not sufficient to protect local landowners or to ensure zoning regulations are consistently applied throughout the town, and

WHEREAS, the effect of the proposed amendment and Section 900 G of the Town could enable the town board to make decisions that would abrogate the specific provisions in the Town’s Comprehensive Plan,

THEREFORE,

BE IT RESOLVED that the Planning Board opposes the adoption of this afore described amendment.

BE IT RESOLVED that the Planning Board recommends that Section 900 G of the current Zoning Law of Dryden should be eliminated from the Dryden Zoning Law.

Moved – D Weinstein

Second – J Wilson

All in favor

Wind Energy Amendment – The Town Board would like to move ahead with this. R Burger will make sure that the town attorney has it.

Comp Plan Update -

Public Speaker Subcommittee – The PowerPoint is ready. A subcommittee was formed to do the presentations: J Wilson, A Green and D Weinstein (and perhaps T Salerno). The committee will get comfortable with the presentation. It will be projected and also available as a handout. The committee will compile a list of groups to make the presentation to and set up a schedule. This is a way to gather feedback and the committee will need to gather that in a consistent way to be presented to the Planning Board and to the comp plan consultant.

The presentation will be made at community centers and board members were asked to provide other suggestions to the subcommittee.

Information gathered at these presentations should parallel the questions being asked at the stakeholders meetings.

Finalize Stakeholder List - J Kiefer has compiled a document from all the suggestions of board members.

Discussion/comments:

- Do the groupings suggested by the consultant make sense? Should they be recategorized or another added?
- The community people may be better served in their own category.
- Transportation is broader than just vehicular traffic.
- It would be helpful to know what is already underway.
- Public safety & transportation go hand in hand.
- Infrastructure directly impacts communities.
- Large entities may be more interested in what they want than what the community needs.
- Comment can be gathered from town boards/committees as a whole. Remove any of those individual members from this list.
- School representation should come from teachers, PTO members or other people closest to the students, not administration.
- School and college students should be represented; they are the ones that are being planned for and should have a voice.
- There should be representation on the list from the far northwest and southwest sections of town.

It would be good to gather information from younger folks about why they are or are not leaving New York.

Members should send suggested additions/subtractions to the list to J Kiefer by Sunday.

The next meeting on the comp plan is January 29 at 6:00 pm at the DPW building.

Planning Department Report

There is a Dollar General proposed next door to the Upscale business on Route 13 near NYSEG.

Maifly Development (who did 802 Dryden Road) is now looking at 5 & 9 Freese Road where the Tiny Timbers project had been proposed.

Nick Bellisario is using his property on Route 13 near Elemental Vets as a staging area for Cornell's North Campus project for a year. The neighbors have been consulted and are agreeable. If it were a long-term staging area (more than a year), it would require a permit.

For next month's agenda: consider liaisons to other town boards and committees.

There being no further business, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Bambi L. Avery