

TOWN OF DRYDEN  
PLANNING BOARD  
December 17, 2019

Present: John Kiefer, Chair, Tom Hatfield, David Weinstein, Craig Anderson,  
James Skaley, (alternate) Tony Salerno, Dan Bussmann (alternate)

Absent: Martin Hatch, Joe Wilson

Town Staff: Ray Burger, Planning Director

Liaisons: Dan Lamb (Town Board)

Chair Kiefer called the meeting to order at 6:05 p.m. He recognized Jim Skaley who will be leaving the Planning Board, having been elected to a seat on the Town Board effective January 1, 2020. He also recognized Marty Hatch who was on the Planning Board for twelve years. J Kiefer said he will greatly miss Marty reading through Part 2 of SEQR for the board.

D Bussmann and J Skaley were given voting privileges in the absence of M Hatch and J Wilson.

#### **Public Comment**

Shirley Lyons thanked the board members for their service. She noted she is the only member of the public in the audience and said she wished more residents attended and were aware of the work of the boards. Most who do come, come to complain instead of contributing.

#### **Approval of Minutes**

C Anderson moved to approve the minutes of November 20, 2019, seconded by T Salerno.

Yes – J Kiefer, T Hatfield, D Weinstein, C Anderson, J Skaley, T Salerno, D Bussmann

T Hatfield – abstained

D Weinstein said it is helpful to review at a meeting the status of resolutions that have been passed on to the town board. They have not yet acted on the recommendation of the Planning Board with respect to the wind energy law.

#### **Ag District Review**

Monika Roth of Cooperative Extension explained that this review process happens every 8 years. The Town of Dryden was where the ag district process started in Tompkins County around 1978. There were five farms originally that put a petition together to get the county to designate certain farms. Ag Districts were started because of state legislation that allows for mostly contiguous farm land (about 500 acres) to petition to form an ag district. The process over the years has added land every time there is a review. The Ag Committee has been reviewing what land is in the district and discussing whether some pieces should be kept in the district or removed because it has been developed. There are some isolated areas to look at. Members reviewed maps with Monika.

Lands in an Ag District are protected by the right to farm law and protected from local ordinances that restrict farming. The SEQR form asks whether a project is in an ag district.

The Ag Committee has reviewed some individual lots and discussed whether to remove some. M Roth asked that the Planning Board let them know if there are any major plans for development. She would like concurrence that they are on the right track and is hoping to get a final list to the County Ag Committee on January 24th. Our Ag Committee has reviewed the data multiple times. The Planning Board indicated it is comfortable with what they have done so far.

M Roth will contact the villages for their input. She will send the next version to the Planning Board as well as the Ag Committee.

### **Updates**

J Kiefer gave an update regarding these resolutions at the Town Board level:

Resolution #24 Restrictive Covenants/Conservation Subdivisions– Town Board introduced a local law on a moratorium and there is a public hearing scheduled for January 16, 2020. Attorney Sokoni is working on clarifying the restrictive covenant question and whether the town can control/enforce or has an obligation to enforce. She is working on a written response. This board will select a subcommittee in January, if the moratorium is put in place, to decide how we will handle this problem.

Resolution #25 Planning Department Resources – enforcement and staffing of Planning Dept. The Town Board wants more information. R Burger was tasked to put together a report regarding enforcement and recommendations for improvements. When asked if there would be a restructuring of fees, R Burger advised there won't be a dramatic increase.

Resolution #27 Varna Rezoning– The Town Board will discuss this Thursday.

### **Short term rentals**

T Salerno sent provided an outline of steps we need to do should the Planning Board decide to move forward. Based on information that we have that short-term rentals are happening, it is difficult to get a sense of the level at which this is happening within the town. Does the Planning Board believe it should be looking at zoning modifications for short term rentals? Currently short-term rentals are not allowed in the town. Boarding houses are allowed by special use permit in rural residential and rural agricultural —a specific use – not the same as short term rental. Cayuga Heights really restricted short term rentals in their village. Ithaca is looking at regulations. There is some protection in NYS law that somebody cannot buy an apartment building and turn it into short term rentals.

Discussion points:

- How would we enforce?
- Town will have to do inspections; would the Town then be liable?
- There are services that help municipalities monitor and enforce.
- Advantages/Disadvantages – provides income to stay in home, brings revenue into the town/ drives up cost of housing, changes the character of neighborhood, absentee landlord.
- County is looking to put out model regulations to help the towns.

- Suggest you can only rent if owner is present on the property.
- Restrict the number of nights that can be rented.
- Use this approach until the County comes up with something.
- We need to define short time rentals, what they are, list it as a use, and it would need to be added to our zoning law.
- Income is taxable.
- Allow to percolate a bit and pay attention to it.
- Limits potential affordable housing for other people.

S Lyon stated she has no problem with owner occupied dwellings, it's when the owner lives in another area. Zoning is made to promote health, safety and welfare of the citizens. Do you want different people all the time? You're fracturing neighborhoods. B and Bs are being affected by these short-term rentals, when it's the B and Bs that have met code requirements.

D Bussmann- It isn't just about the amount of time rented, but a 3-bedroom house shouldn't have 20 people staying there.

R Burger would like guidance in our regulatory structure. He supports a moderate path. D Bussmann stated enforcement would be likely when there is a complaint. D Weinstein - specifics would explain what we do/don't want and carries more weight for someone to register a complaint.

T Hatfield - Define what we don't want – a commercial operation with no owner present, and other things that could create a problem for the town.

J Kiefer – Summarize advantages – financially related, tourism, tax income, etc. Disadvantages - Neighborhood quality, affordable housing, potential safety related issues. Disadvantages may be something that could be regulated and controlled. Not much support for Cayuga Heights approach. Reasonable thing to do in our code is to define short term rentals and then deal with the disadvantages. Put regulations in place that would protect our neighborhoods and prevent large scale conversion of housing stock away from affordability and to the degree that we can handle safety related issues. Move ahead? Yes. D Bussmann suggested we offer some incentive to register. D Weinstein -but we do not want absentee owners. Looking more at unhosted facilities.

J Skaley – Have them register with the town so we know where they are located, make known what we would like to see. We want conformance with appropriate occupancy. People need education on how it should work. Need information on septic and wells – may impact neighbors.

T Salerno can come up with wording to limit the number of days for unhosted rentals.

D Lamb stated this is the kind of information the town board wants. T Salerno will draft a recommendation of wording to be circulated based on this discussion. He would like to look at the host compliance service and review the information with R Burger and anyone else that would like to be included.

**Comprehensive Plan Update Agenda Preview for the January 8, 2020 meeting with EDR**

There has been a lot of activity going on in discussions between J Kiefer, R Burger & EDR. Several have expressed concern about the direction we are headed in with EDR. We had a fiasco with the file sharing, which damaged confidence. We have heard nothing from EDR, where is material they are supposed to be giving us to review? R Burger & J Kiefer put them on notice about what the expectation of the town is. EDR should provide a detailed description of who the stakeholders are, rationality used to select them, draft questions for meetings and get this information in time for the Planning Board to review and to get feedback on the 8<sup>th</sup>.

The Public presentation plan is where we go out and meet with smaller groups and present to them what we are doing with the Comprehensive Plan update and I wanted EDR to send us a power point presentation. Process related things feel wrong. J Kiefer and R Burger spoke with Jane and she is on board with the concept that they will give detailed guidance in plenty of time for the meeting on the 8<sup>th</sup>. The purpose of the Jan 8<sup>th</sup> meeting is for us to do a final polishing up of this, give them some feedback, and that is how we want to work with EDR.

T Hatfield said his observation is when this group was chosen, they seemed to have the best grip on what we wanted, and now they are not what they started out to be. Time and money are issues, and if they can't get it together, we need to move in another direction.

J Kiefer -We have spent months and have nothing to show for it. We now seem to have their attention and the principal will be more involved. We will know by January 8th.

J Skaley - I emailed with Sam on focus groups, what I suggested is that the focus group selections be made so you have a variety of all types of entities. The request for proposals emphasized focus on energy and climate change. Are we updating whole plan or restraining to areas? The whole plan is being updated. Sam responded that they would make sure these groups are a mix of all types of groups.

C Anderson thinks what they are doing is terrible. If they don't get information to us before January 1<sup>st</sup>, we will not have time to discuss it before the 8<sup>th</sup>. It will be a free for all. He would rethink having a meeting that soon. Planning Board can't choose stakeholders in 2 hours; should have a pre-meeting of the Planning Board in order to discuss as a group.

T Salerno – With regard to the focus groups, there are advantages and disadvantages to having cross talk in a group. If all are done as a mix, there will be a lot of repetitive stuff.

J Kiefer has proposed to EDR that they should provide guidance on how to structure focus groups, questions, desired outcomes, etc. By hearing our discussion EDR learns about us, it is important to hear opinions and excluding EDR from that we are is short-changing the process.

Documents that would be in support of the January meeting would be:

1. Complete description of the stakeholder meetings;
2. Complete description of the presenter plan that was discussed; (believe SharePoint is fixed and website is in place.)
3. Dryden2045.org is website password: Dryden2045Test!

They have a large list of things they are working on for us over the next few weeks. They will send R Burger and J Kiefer an update. The intent is to give everyone a week to review the documents. The Planning Board can meet by itself if necessary. Everything will be on SharePoint site.

We are ready for EDR to reach out again and provide new login information. The Planning Board will be more proactive and decide deadlines for EDR. EDR will provide minutes within two days of a meeting. We will know by January 8th whether it is working.

### **Tompkins County Climate Change Resiliency and Recovery Project**

Recommended that we split our climate change topic in two:

1. Resiliency and the other has to do with a greenhouse gas inventory
2. What is the town's role in mitigating production of greenhouse gases?

The County has a big effort on the resiliency part and will be meeting regularly. Who is representing Dryden. Alice Green said Cornell Cooperative Extension Consultant, Osamu or his supervisor are attending those meetings. Nancy Munkenbeck is the new Conservation Board representative on the Climate Smart Community Task Force. They will see if she will be attending the meetings representing Dryden. We will rely on the county to fill in on the comprehensive plan. The county will produce list of areas that need to be in our comprehensive plan. EDR will do a greenhouse gas emission inventory. Someone from the Climate Smart Task Force could report to Planning Board on the topic. A Green will follow up.

### **RESOLUTION #28 (2019) – RECOMMENDATION FOR 2020 MEMBERS TO TOWN BOARD**

C Anderson offered the following resolution and asked for its adoption:

RESOLVED, that the Town of Dryden Planning Board hereby recommends D Bussmann as a full Planning Board Member and A Green as an alternate.

2<sup>nd</sup> D Weinstein - all in favor.

C Anderson - Ag & Markets has created a guidance document for solar installation on agricultural lands. The Agricultural Committee has recommended it be attached to the renewable energy law to both the Planning Board and Town Board.

Renewable energy law – There is a need to address some of the things that are wrong with it. For example, from the inverters to connectors they ran pipe in conduit and put junction boxes at every elbow so now a farmer has these junction boxes that come up out in the fields. They are flush with the soil so they could easily be hit by a tractor and damaged. The Carpenter farm has a problem with drainage, plastic, and screening.

There being no further business, on motion made, the meeting was adjourned at 8:02 p.m.

Respectfully submitted,

Bambi L. Avery