

**TOWN OF DRYDEN**  
**TOWN BOARD MEETING**  
**November 19, 2020**  
**Via Zoom**

Present: Supervisor Jason Leifer, CI Daniel Lamb, CI James Skaley,  
CI Kathrin Servoss, CI Loren Sparling

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

Other Town Staff: Ray Burger, Planning Director  
Amanda Anderson, Bookkeeper/HR  
Andrew Pierce, Recreation  
Peter Walsh, Town Attorney

Supv Leifer opened the meeting at 6:00 p.m.

Approval of Minutes

**RESOLUTION #139 (2020) – APPROVE MINUTES**

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

RESOLVED, that this Town Board hereby approves the meeting minutes of October 8,  
October 15, and October 22, 2020.  
2<sup>nd</sup> CI Lamb

Roll Call Vote	CI Sparling	Yes
	CI Servoss	Yes
	CI Skaley	Yes
	CI Lamb	Yes
	Supv Leifer	Yes

**Announcements**

CI Skaley reported the grant applications to the Environmental Facilities Corporation for sewer and water have been sent. The Department of Health has scheduled a conference call for November 30. He is still looking into the possibility of CDBG funding.

He has received a partial report from the company conducting the associated income survey. The response rate on the letter survey was pretty good and they will be visiting residences for follow up after Thanksgiving.

**Recreation Department**

Andrew Pierce presented a proposal to develop five acres of the land behind town hall (adjacent to the community garden space) into multi-purpose fields for programs. The PowerPoint presentation is on the website. The rec reserve fund balance is \$27,045.55 and he hopes that with grants and donations this can be accomplished.

Comments during discussion:

- Highway/DPW staff can help with construction.
- Dozer rental could be one of the larger costs.
- Cost estimates and cost savings would be helpful.
- Adequate parking and access are available.
- The location is near the barn where goals and supplies are stored.
- Having everything onsite and accessible is more efficient.
- Are there future plans to do something on the western side of town?
- This is a current need and savings over time for town programs that all can attend.
- They are working on plans for the other side of town.
- The land by town hall is already owned by the town.
- The town recently acquired a small piece of land on Wood Road that might be used for fields.
- There was a Recreation Master Plan that talked about trying to locate something in the center of town.
- Something in the center of town kind of makes sense, but it isn't walkable for anybody.
- Support for existing facilities on the west side would be great.
- The trail benefits everyone in the town.
- This seems like a logical use of land that exists and makes it easier for staff to manage programs.

David Peck, of the Dryden Recreation of Youth Commission, said the DRYC has had several discussions about parkland and recreation space and the general desire is to locate smaller spaces around the town rather than one large complex. He is glad that Andrew has brought this forward. Most of the programming for youth sports happens in and around the Village even though it draws from the whole town. They would like to see park areas around the town to serve both youth and adults.

Alice Green said now, while the town is looking at its comprehensive plan, is a great time to be thinking about recreational spaces around town that are walkable. They have asked the consultants to look at the Recreation Master Plan. She doesn't think it makes sense to put a lot of money into one space in a town the size of ours, but this is a reasonable compromise. This is a good, efficient proposal that uses town lands. It is not extravagant and is doable. She hopes we can get behind it.

The sense of the board is to move forward and after dollar estimates are received, they can pass a formal resolution.

### **Vacation Policy**

A proposal was presented and discussed last week to amend the town's vacation policy to allow for new employees to have vacation days in their first year of employment.

### **RESOLUTION #140 (2020) - Amendment to Personnel Vacation Policy for New Employees**

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

WHEREAS, on February 14, 2019, the Dryden Town Board approved the amended the policy for the accrual of vacation leave for town employees that changed from monthly accrual to an annual accrual, and

WHEREAS, the new policy indicates that new employees are not allowed any vacation time in

their first year of employment with the Town, which is discouraging to new employees, and

WHEREAS, the Personnel Committee has reviewed the policy and recommended a new amendment to the Vacation Policy to allow new employees up to 5 days of Vacation Leave in their first year of employment, and

WHEREAS, the Town Board discussed the recommended amendment during the Agenda Meeting on November 12, 2020, now therefore be it

**RESOLVED**, that the Dryden Town Board hereby approves the following amendment to the Vacation Policy for Town Employees not covered under the Highway/DPW union contract, retroactive to January 1, 2020:

**ACCRUAL**

Vacation time will be allocated to each employee on January 1<sup>st</sup> each year, beginning in 2020.

Permanent employees (including full time or part time employees, excluding temporary and seasonal employees) shall earn vacation time based on length of service with the Town.

New employees receive 2 ½ days of vacation time on their six-month anniversary, 2 ½ days' vacation time on their nine-month anniversary and 5 days of vacation time on their one-year anniversary. No vacation is available before their six-month anniversary. Each January 1<sup>st</sup> thereafter, employees will be credited with vacation time based on the chart below:

<b>Term of Employment</b>	<b>Vacation Days Earned</b>
6 month Anniversary	2 ½
9 month Anniversary	2 ½
1 <sup>st</sup> Anniversary	5
2 <sup>nd</sup> Year (beginning Jan 1st)	10
3 <sup>rd</sup> Year	11
4 <sup>th</sup> Year	12
5 <sup>th</sup> Year	13
6 <sup>th</sup> Year	14
7 <sup>th</sup> Year	15
8 <sup>th</sup> Year	16
9 <sup>th</sup> Year	17
10 <sup>th</sup> Year	18
11 <sup>th</sup> Year	19
12 <sup>th</sup> Year & beyond	20
Vacation leave shall not exceed 20 work days per year.	

Recognizing that vacation time may be used in hours, not just days, vacation hours shall be determined as follows:

- 40 hour/week employees receive 8 hours/day of vacation
  - 35 hour/week employees receive 7 hours/day of vacation
  - 25 hour/week employees receive 5 hours/day of vacation
  - 20 hour/week employees receive 4 hours/day of vacation
- 2<sup>nd</sup> Cl Lamb

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

### **Covid-19 Guidelines for Town Employees**

R Young explained the procedures being followed by employees at the Highway/DPW Department. These guidelines cover the town hall employees and what should be done in certain circumstances. The board agrees that these are more guidelines than policy and the guidelines suggested by the state and county could rapidly change. These guidelines will apply to employees not covered under the union contract and will be distributed to department heads to be shared with their department employees. Guidelines attached.

### **EMS Resolution**

Cl Lamb explained that this resolution came out of the Emergency Services subcommittee of the Tompkins County Council of Governments. This is a way to put the plight of the volunteer fire and emergency medical services on the agenda of state legislators and asking for more attention on the issue. Services in rural areas are stressed right now and this resolution asks the state to look at this and provide a formula funding for our fire and EMS services. TCCOG is asking participating municipalities to pass this resolution or some form of it and speak as a group on the matter. He has spoken with members of the Dryden Fire Department and they like it. R Young and Mike Hall both commented that they support this resolution.

### **RESOLUTION #141 (2020) – REQUEST FINANCIAL SUPPORT FOR EMERGENCY MEDICAL SERVICES**

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

WHEREAS, volunteer Fire and EMS services in rural New York State have been under pressure for many years - ongoing declining volunteerism rates which leads to the closure of departments, which leads to the expansion of coverage areas for nearby agencies, which themselves struggle with staffing – in an environment of ever-increasing costs; and,

WHEREAS, efforts to increase volunteerism, particularly in EMS, while noble, are neither sustainable nor effective enough to make a meaningful impact; and,

WHEREAS, as a result of these circumstances, many municipalities have been forced to implement paid EMS Departments, contract for services with other paid departments, or do without timely EMS coverage for their residents; and

WHEREAS, the ongoing Covid-19 pandemic has highlighted the critical nature of EMS services, particularly in rural areas where EMS response is the primary source of frontline emergency healthcare to millions of NY residents; and

WHEREAS, as a subset of the healthcare field, annual EMS cost increases strain the budgets of rural towns and villages who are nevertheless morally and ethically obligated to provide these services to their constituents; and

WHEREAS, Article XVII §3 of the New York State Constitution states that,

*“The protection and promotion of the health of the inhabitants of the state are matters of public concern and provision therefor **shall be made by the state** and by such of its subdivisions and in such manner, and **by such means as the legislature shall from time to time determine.**” (emphasis added);*

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Dryden calls upon New York State to allocate funding to local municipalities to support the provision of rural EMS services. The Town requests that New York State consider creating a Consolidated Local Street and Highway Improvement Program (CHIPS) or State Transportation Operating Assistance (STOA) model of funding wherein funds will be allocated to municipalities using formulae which takes into account call volume, coverage area and funding needs; and,

BE IT FURTHER RESOLVED, that this resolution shall be sent to the town’s state legislators.  
2<sup>nd</sup> Supv Leifer

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

### **Dog Control Update**

Town dog control providers are selling the property that the shelter is situate on and moving. The new buyer of the property is interested in continuing to lease the shelter to the town and has been negotiating a lease price with the Supervisor. The town will have to hire a new dog control officer and Rich Leonard’s son, who has helped with the duties over the years, is interested. Supv Leifer will meet with him and update the board in December.

### **Noise Ordinance**

The board discussed two drafts of a noise ordinance. Attorney Walsh said the board already addresses noise for commercial/industrial uses. He suggests taking what is already in place and broadening it slightly to encompass the public purpose to be served. He suggests the law be made effective on the first Monday of the month following filing with the Secretary to allowing the town time to make the public aware of it. Comments were made regarding time limits and decibel levels. The intent of this as written is to provide something that can be prosecuted on something other than a meter reading. The definition of unreasonable noise is officially broad. Ag activities, natural phenomena and other things are excluded in the zoning law.

The following language was introduced and a public hearing set for December 17, 2020, at 6:30 p.m.

**TOWN OF DRYDEN, NEW YORK LOCAL LAW No. \_\_\_ of 2020.**

A Local Law Enacting Noise Control Regulations in the Town of Dryden, New York.

BE IT NOW ENACTED by the Town Board of the Town of Dryden (hereafter “Town Board”) as follows:

Section 1. Subdivision A. Policy Statement of Section 1307 of the Town of Dryden Zoning Law is hereby amended to read as follows:

The Town of Dryden has a compelling interest in ensuring for its residents an environment free from excessive noise which may jeopardize their health or welfare or degrade the quality of life. The prohibitions of this section are intended to protect, preserve and promote the health, safety, welfare and quality of life for residents of the town through the reduction, control and prevention of such loud and unreasonable noise.

Section 2. Subsection C. Definitions, of Section 1307 of the Town of Dryden Zoning Law is hereby amended to add thereto two new definitions to read as follows:

Unreasonable noise - any excessive or unusually loud sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities, or which causes injury to animal life or damage to property or business.

Person in charge of a party or other event or gathering – the person or persons who obtained permission to utilize public property for that party, event or gathering, or the person or persons who own or rent private property for any party or event (regardless of whether the renter has a long-term or short-term lease), and any adult person who lives in or on the premises involved in such party, event or gathering.

Section 3. Section 1307 of the Town of Dryden Zoning Law is hereby amended to add thereto a new Subsection I, entitled “Prohibition of Unreasonable Noise”, to read as follows:

I. Prohibition of Unreasonable Noise.

1. No person shall make, continue, cause or permit to be made any unreasonable noise.

2. It shall be unlawful for any person in charge of a party, event or gathering that occurs on any private or public property to allow that party, event or gathering to produce unreasonable noise within any building, or outside of a building at a distance of 25 feet or more from the source of such sound. It shall also be unlawful for any participant in that party, event or gathering to contribute to such unreasonable noise.

3. Factors to be considered in determining whether noise is unreasonable in a given situation include, but are not limited to, any or all of the following:

- a. The intensity of the noise.
- b. The duration of the noise.
- c. The intensity of the background noise, if any.
- d. The zoning district within which the noise emanates and all zoning districts that lie within 500 feet of the source of the noise.
- e. The time of day or night that the noise occurs.
- f. The proximity of the noise to sleeping facilities.
- g. Whether the noise is continuous or impulsive.
- h. The existence of complaints concerning the noise from one or more persons who are affected by the noise.
- i. Whether the nature of the noise is usual or unusual.
- j. Whether the noise is due to a natural or human-made activity.

Section 4. Severability. Should any section or provisions of this Local Law be declared by any court of competent jurisdiction to be unconstitutional or invalid, such declaration shall not affect the validity of this Local Law as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 5. Effective Date. This Local Law shall take effect on the first Monday of the month following upon its filing with the Secretary of State.

### **County Briefing**

Martha Robertson reported that the county passed its 2020 budget on Tuesday night. There is a decrease local spending of .83% and a decrease in all spending of 5.5%. The tax rate will be \$6.21 per thousand and the overall tax levy increase is 2.21%. A median priced home (\$200,000) will see a tax increase of \$42.87. They still have a lot of big question marks. One of those is TC3. We don't know about the aid they have budgeted from the state.

The Varna Community Association is applying for a childcare grant through the IDA. They have \$100,000 available and four programs have applied and gotten some funding, including the TC3 childcare center. She encouraged the VCA to apply for assistance with their ventilation system.

The town's Housing Fund contribution will be put to work. Jim Skaley is the Dryden representative to the program oversight committee. Second Wind, a non-profit, has applied for and received funding toward a project in the Village of Dryden (4 units for women; housing and support services). The grant is \$120,000, so Dryden's \$50,000 will be matched with \$70,000 of county money. This round they had more than a million dollars in requests and \$780,000 to spend. Supv Leifer said he hopes to be able to commit another \$50,000 for the next round.

### **Planning Department Report**

The monthly update is on the website. R Burger said there will be a couple of public workshops (virtual) on December 8 and 9 to get some feedback from the public on preliminary goals and strategies.

The Maifly development at the corner of Freese Road and Dryden Road received final site plan approval from the Planning Board last night.

### **Highway/DPW Department**

Supv Leifer reminded board members to contact Rick Young if they want to look at the Apple Orchard PRV in light of recommended repairs or replacement. TG Miller is putting numbers together for either scenario.

R Young has requested authorization to purchase a JCB Teleskid-3TS-8T to replace the skid unit sold at auction. With this piece of equipment, because of the telescoping boom, they could load smaller trucks with salt safer and more efficiently, among other things. The cost would not exceed \$84,000.00 (from account DA5130.2). He expects \$122,000 from the equipment that was sold at auction. Attachments that worked on the old machine will work on this one.

### **RESOLUTION #142 (2020) – AUTHORIZE PURCHASE OF TELESKID**

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

RESOLVED, that this Town Board hereby authorizes the purchase of a new JCB Teleskid-3TS-8T at a cost not to exceed \$84,000.00.  
2<sup>nd</sup> Cl Sparling

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

### **Freese Road Bridge Update**

Cl Lamb reported that the town's findings document was acceptable to NYS DOT and they have forwarded it on to the State Historic Preservation Office where it presently remains. It will then be sent on to Federal Highway and if approved there, we will have the approvals we need.

### **Advisory Board Updates**

**Planning Board** – They are urging participation in the comprehensive plan update via virtual open houses. They are looking at goals that will lead to recommendations and action items. There will also be the ability to comment on the Dryden2045 website and a hard copy available at the town hall.

**Conservation Board** – There was a discussion regarding the dam at Dryden Lake and whether it should be removed or repaired. They also discussed deer management and developments that are proposed without an associated recreation space and the possibility of a recreation trust fund or impact fee.

Bob Beck said Craig Schutt has taken the lead on gathering information on Dryden Lake Dam. Roger Beck, who replaced the dam in 1974, has been consulted and they are trying to get the plans from that construction from DEC. He may be helpful in making a recommendation to the Town Board.

**Recreation & Youth Commission** – In addition to items already reported tonight, the DRYC supported the Rec Department's proposal to host the Willow Running Ugly Sweater 5K planned for December 5. Donations will be used to preserve the trail.

**Ag Committee** – No meeting.

**Rail Trail Task Force** – A subcommittee of the Rail Trail working on the Route 13 pedestrian bridge has decided which alternative they feel is in the best interests of the town based on cost and alignment while staying within the town's water/sewer easement on the old railroad bed. A resolution for adoption by the board was presented and reviewed by Cl Lamb. The Rail Trail Task Force supported this resolution unanimously.

**RESOLUTION #143 (2020) - RECOMMENDING THAT THE DRYDEN RAIL TRAIL RT 13 PEDESTRIAN BRIDGE ALTERNATIVE, IN WHICH THE BRIDGE, RAMPS AND ALL ASSOCIATED COMPONENTS STAY WITHIN TOWN'S EXISTING WATER AND SEWER EASEMENT TO THE MAXIMUM EXTENT POSSIBLE, AND THAT THE TOWN ACQUIRE LAND NEEDED FOR THE PROJECT.**



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

WHEREAS, the Rail Trail Task Force's successful grant-writing efforts have yielded multiple awards for the Town to construct a pedestrian bridge crossing at Route 13. These grants include: a Tompkins County Tourism Implementation Grant, a Tompkins County Tourism Capital Grant, a New York State Multi-Modal Grant and a New York State Department of Transportation (NYSDOT) Transportation Alternatives Program (TAP) grant,

WHEREAS, Erdman Anthony, the engineering company charged with overseeing the project, has prepared four bridge alignment alternatives with cost estimates and land requirements,

WHEREAS, the Rail Trail Task Force in carefully reviewing the four alternatives, while considering cost and the alternative alignments (within the historic railroad 66-foot "curb cut" constraint in crossing this controlled-access highway) has selected Alternative 5X (see attachment) which offers the most straight-forward alignment and lowest estimated cost,

WHEREAS, the trail and eastern bridge-approach ramp of the selected alternative requires land on two parcels east of Route 13 for which extensive Task Force effort has, to date, been unsuccessful in obtaining adequate trail easements,

WHEREAS, the area of land required to cross the edge of each parcel will be contained mostly, if not entirely, within a previously encumbered Town of Dryden sewer and water easement,

WHEREAS, the width of the required land crossing the edge of each parcel will be defined as a minimum needed for construction, use and maintenance of the trail and bridge approach ramp,

WHEREAS, the eastern end of the approach ramp will be positioned as far as feasibly away from the private residence to the north, and

WHEREAS, NYSDOT has offered to provide to the Town of Dryden their services and expertise in property acquisition,

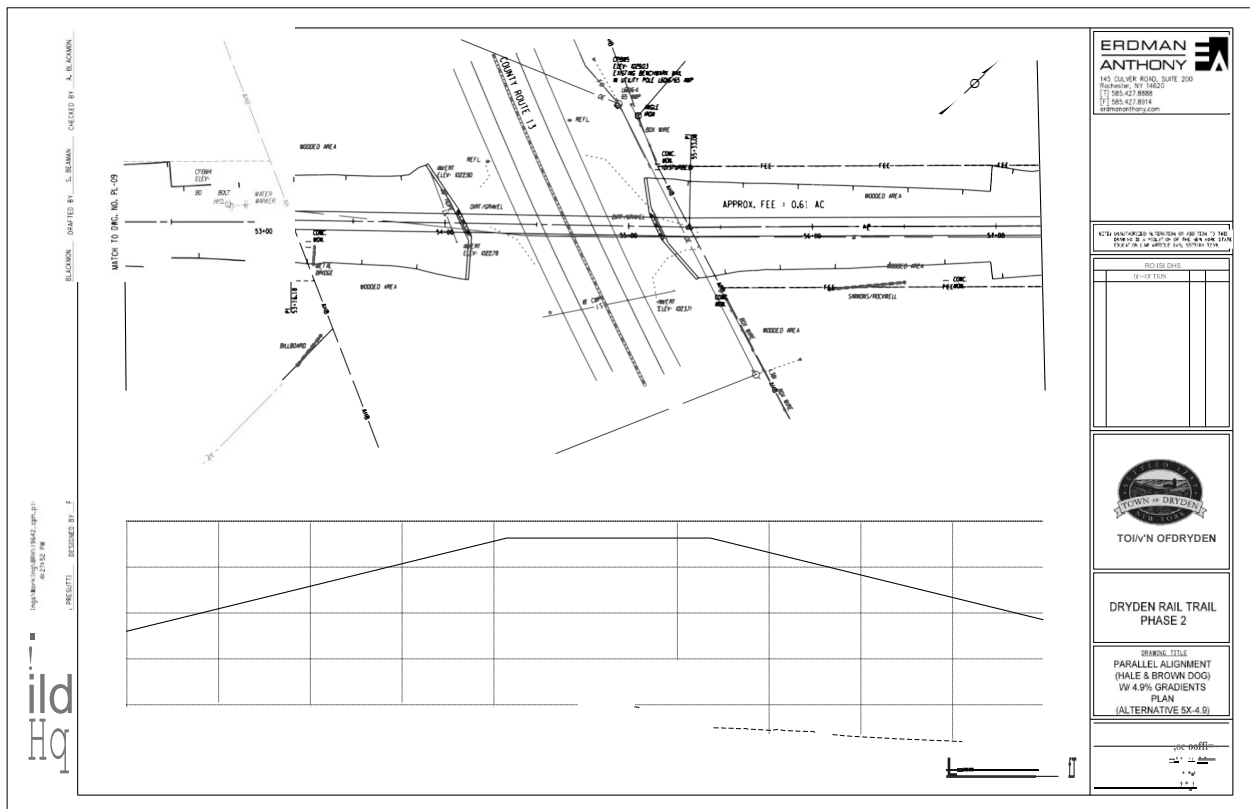
NOW THEREFORE BE IT RESOLVED that the Town of Dryden accepts the recommendation of the Rail Trail Task Force and selects Alternative 5X as the preferred alternative.

BE IT FURTHER RESOLVED that the Town of Dryden will ask NYSDOT to proceed with the process of property acquisition for the required portions of the two land parcels adjacent to Route 13.

2<sup>nd</sup> Supv Lamb

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

Attachment: Route 13 Pedestrian Bridge Alternative 5X



**Safety & Preparedness** – No report.

**Climate Smart Community Task Force** – Met October 27, 2020 and most of the meeting was a presentation on the NYS Stretch Code from Lou Vogel. It was suggested that he present to a joint session of the Planning Board and Town Board. Perhaps that can be done at the December 10 meeting.

**Broadband Committee** – Met last Friday and expect to hear in December about the ReConnect grant. They hope to be rolling fiber by mid-2021. Ryan Garrison will present a business plan and update the board in December so that everyone knows where the project stands and what the timelines are. There will be outreach to the high schools and a logo contest.

**PUBLIC HEARING  
PROPOSED LOCAL LAW REGULATING SHORT-TERM RENTALS**

Supv Leifer opened the public hearing at 7:45 p.m. In August of 2019 the Town Board gave the Planning Board a charge to work on this, indicating that we don't have a definition for short-term rentals in the zoning law. They don't really fit the definition of a bed and breakfast, boarding house, inn or hotel. The Planning Board was asked to define short-term rentals and to recommend any regulations to be sure they are used in a way that doesn't diminish the quality of life for the rest of the town. The proposed law is on the town's website.

Kyra Stephanoff said her neighbor has been renting his house all summer long every weekend and sees a lot of flaws in the proposed law. Fifteen weekends from mid-June through

Labor Day is about 30 days. There is no community in the neighborhood when she has strangers next to her house every weekend.

Cl Lamb – The first and foremost concern with this law was to make sure that we didn't have empty houses being rented out on a short-term basis perpetually. We wanted the owner to be an occupant. This law states that an owner of a property cannot be absent more than 30 days of year if they are doing short-term rentals. So that allows someone to be able to rent out their house for Ithaca College or Cornell University graduations.

Comments during discussion:

- 15 weekends equal 30 days – 15 weekends with total strangers next door.
- The police responded this summer to a drug overdose there.
- You should feel safe in your own home.
- People party until late and have other people over to the property who don't stay there.
- Who will monitor this? It's like a hotel with no manager on site.
- You can get a decent night's sleep during these weekends.
- The owner is present during the week, vacates for the weekend and rents the place out.
- The effect on wells is a concern. Stephanoff has run out of a water this summer.
- She doesn't have peace and quiet or drinkable water because of the activities next door.
- They've lived quietly in the house since 1983 and now they are continually being disturbed.
- The proposed law addresses this on two sides: noise and rental.
- Water quality and quantity is an issue. The law doesn't address that.
- We can't address the water issue through rental restriction.
- The law limits occupancy to two adults per bedroom that effectively limits the number of people in a house.
- The primary goal of the law is to prevent houses from being used exclusively for short-term rental.
- Her husband died in September. He had MS, couldn't sleep this summer, and it stressed his heart and he died of a heart attack.
- Do any municipalities restrict short-term rentals based on density? Yes, in some larger cities.
- It could be limited in locations where there are aquifers.
- There could be a computation of dwellings and acreage and limit usage that way.
- That would be difficult and perhaps make the town liable for limiting the economic potential of their property.
- This would take the town from nothing to having something on the books about short-term rentals.
- Some of the things described could happen just if you had a bad neighbor.
- The Sheriff can handle some of these problems.
- Could this be further limited to no more than two weekends a month?
- Weekend rentals is big in this area and people rely on the income.
- Limiting the number of people in the house will help alleviate a water problem.
- The town is working on a noise ordinance to respond to that issue.
- There is a permitting process in the law.
- The owner or an agent must be available in case of any problems or issues.
- Can a permit be revoked or suspended due to a number of complaints? Not currently, it could be added.
- There are monetary penalties for violations of the zoning law.
- The town is considering a noise ordinance that would help in this situation.
- A permit for a short-term rental should be able to be revoked for complaints.
- That can be addressed in the permitting process.

- Will short-term rentals be subject to inspection? No, commercial facilities and multi-family rentals are subject to regular inspection.
- Requirements such as smoke detectors can be tied in via the property maintenance code.

The board discussed whether to make amendments to the proposed law, which would require another public hearing. They decided that getting this in sooner rather than later would be better, knowing that it can be amended.

The public hearing was closed at 8:51 p.m. The board reviewed the short environmental review form. The response from County Planning had no recommendations or comments.

**RESOLUTION #144(2020) – Lead Agency Designation and Negative Declaration of Environmental Significance – Local Law Regulating Short-term Rentals and Amending Town of Dryden Zoning Law**

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

WHEREAS, the Town Board has before it a draft local law entitled “A Local Law Regulating Short-term Rentals and Amending Town of Dryden Zoning Law Articles III (DEFINITIONS); V (USE REGULATIONS); AND VII (VARNA) AND IX (GENERAL REGULATIONS)”;

WHEREAS, the Town Board has reviewed a short-form EAF prepared by the Town Planning Department with respect to the proposed action; and

WHEREAS, the Town Board on November 19, 2020 conducted a public hearing on said draft local law; and

WHEREAS, the adoption of said local law is an unlisted action under the regulations implementing Article 8 of the Environmental Conservation Law (the New York State Environmental Quality Review Act, also known as SEQRA);

NOW, it is hereby RESOLVED as follows:

1. The Town Board hereby establishes itself as lead agency to coordinate the environmental review of the proposed action;
2. Based upon its thorough review of the EAF and any and all other documents prepared and submitted with respect to this proposed, the Town Board makes a negative determination of environmental significance (“Negative Declaration”) in accordance with SEQRA for the above-referenced proposed action and determines that an Environmental Impact Statement will not be required; and
3. The Responsible Officer of the Town Board of the Town of Dryden is hereby authorized and directed to complete and sign as required the determination of significance, confirming the foregoing Negative Declaration, which fully-completed and signed EAF and determination of significance shall be incorporated by reference in this Resolution.

2<sup>nd</sup> Cl Skaley

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

**RESOLUTION No.145 of 2020 - Adopting Local Law No. 4 of 2020 amending the Town of Dryden Zoning Law and entitled “A Local Law Regulating Short-term Rentals and Amending Town of Dryden Zoning Law Articles III (DEFINITIONS); V (USE REGULATIONS); AND VII (VARNA) AND IX (GENERAL REGULATIONS)”.**

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

WHEREAS, the Town has authority to adopt the local law referred to above (hereafter, “the Local Law”) pursuant to Article 9 section 1 of the New York State Constitution and section 10 of the New York State Municipal Home Rule Law; and

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

WHEREAS, the Local Law was introduced at the meeting of the Town Board on October 15, 2020, and the Town Board reviewed and discussed the Local Law and set a public hearing to be held by said Town Board on November 19, 2020 at 6:30 p.m. to hear all interested parties on the Local Law; and

WHEREAS notice of said public hearing was duly advertised in The Ithaca Journal; and

WHEREAS said public hearing was duly held on said date and time and all parties in attendance were permitted an opportunity to speak and comment on the Local Law; and

WHEREAS, the adoption of the Local Law is an unlisted action pursuant to the New York State Environmental Quality Review Act and its implementing regulations, for which the Town Board of the Town of Dryden acting as lead agency in an environmental review with respect to the adoption of the Local Law made a negative determination of environmental significance on November 19, 2020, after having reviewed and accepted as adequate a Short Environmental Assessment Form Parts 1, 2, and 3 prepared by the Town’s Planning staff;

NOW, THEREFORE, be it hereby

RESOLVED, that the Town Board of the Town of Dryden hereby adopts said Local Law as Local Law No. 4 of 2020, entitled “A Local Law Regulating Short-term Rentals and Amending Town of Dryden Zoning Law Articles III (DEFINITIONS); V (USE REGULATIONS); AND VII (VARNA) AND IX (GENERAL REGULATIONS)”, a copy of which is attached hereto and made a part hereof, and the 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, and to give timely notice of the adoption of said Local Law to the Secretary of State as required by law.

2<sup>nd</sup> Cl Skaley

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

**PUBLIC HEARING  
AMEND SITE PLAN & SPECIAL USE PERMIT  
4-SEASON STORAGE  
1400 DRYDEN ROAD**

Supv Leifer opened the public hearing at 9:11 p.m.

R Burger explained that this is an existing business that was given a special use permit by the town about five years ago for two buildings. A third building is now proposed. That triggered a process to deal with stormwater issues, so some of the recommendations that came from the Planning Board's review were regarding the stormwater issues. Applicant, Michael Moore, is present.

M Moore said they propose to build a third building with climate-controlled units. There will be one roll-up entrance and three emergency exit doors.

What is the capacity for storage units in the county? Applicant runs at 80-90% occupancy and above, and gets calls daily for more climate-controlled storage. His facility on Trumansburg Road is currently 100% full and has been for several months. The demand is high.

The third building will be behind the existing ones, not really visible from the road and accessed by the driveway currently in place.

The board reviewed the short EAF. There is no water/septic/restroom on site. Question 17 was amended in response to recommendations from the Planning Board last night to acknowledge that there is a significant runoff from that building's roof that is being directed into the swale then fed into the stormwater basin at the back of the property.

**RESOLUTION #146 (2020) - NEG SEQR DEC - APPLICATION TO AMEND THE SPECIAL USE PERMIT AND SITE PLAN APPROVAL FOR THE SELF-STORAGE BUSINESS LOCATED AT 1400 DRYDEN ROAD, TAX PARCEL 52.-1-8.5**

Supv Leifer offered the following resolution:

WHEREAS,

- A. The proposed action involves consideration of the application of Michael and Kathleen Moore, 4-Season Self Storage to amend the Special Use Permit and Site Plan Approval for the self-storage business located at 1400 Dryden Road, tax parcel 52.-1-8.5; and
- B. The proposed action is an Unlisted Action for which the Town Board of the Town of Dryden is the lead agency for the purposes of uncoordinated environmental review in connection with approval by the Town; and
- C. The Town Board of the Town of Dryden, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of SEQRA, (i) thoroughly reviewed the Short Environmental Assessment Form ("EAF"), Part I and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR §617.7(c), and (iii) completed the EAF, Part 2.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board of the Town of Dryden, based upon (i) its thorough review of the EAF, Part I and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR §617.7(c), and (iii) its completion of the EAF, Part 2, including the reasons noted thereon (which reasons are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance ("Negative Declaration") in accordance with SEQR for the above referenced proposed action, and determines that an Environmental Impact Statement will not

be required; and

2. The Responsible Officer of the Town Board of the Town of Dryden is hereby authorized and directed to complete and sign as required the determination of significance, confirming the foregoing Negative Declaration, which fully completed and signed EAF and determination of significance shall be incorporated by reference in this Resolution.

2<sup>nd</sup> Cl Lamb

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

There were no public comments and Supv Leifer closed the public hearing at 9:10 p.m.

R Burger noted maximum building coverage in this district is 60% and this project is at 57%.

**RESOLUTION #147 (2020) - Approving Site Plan and Special Use Permit Amendment for an Additional Self-Storage Building at 1400 Dryden Road, Tax Parcel 52.-1-8.5**

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

WHEREAS,

A. Michael and Kathleen Moore, 4-Season Self Storage have applied to amend their Special Use Permit (SUP) and site plan to add a 102 ft. x 167 ft. building to the existing self-storage business at 1400 Dryden Road, Tax Parcel 52.-1-8.5; and

B. The original SUP and site plan was approved by the Town Board on January 2, 2015; and

C. An application, sketch plan, short EAF, and Stormwater Pollution Prevention Plan (SWPPP) have been submitted, and

D. The Town Planning Department considers the application complete and in conformance with the requirements of Town Zoning Law §501, §600, §1103 and §1201, and

E. A public hearing was held on November 19, 2020 with public comments registered in the meeting minutes and considered by this board, and

F. The Tompkins County Planning Department has reviewed the application pursuant §239 -l, -m, and -n of the New York State General Municipal Law, and

G. In a letter dated October 20, 2020, the Tompkins County Department of Planning and Sustainability stated that they had no recommendations or comments on this proposal, and

H. Pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations at 6 NYCRR Part 617, the Town Board of the Town of Dryden has, on November 19, 2020, made a negative determination of environmental significance, after having reviewed and accepted as adequate the Short Environmental Assessment Form Parts 1, 2, and 3, and

I. The Town Board has reviewed this application relative to the considerations and standards found in Town Zoning Law §1104 for site plan review and §1202 for Special Use Permit.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the sketch plan documents, submitted with the application dated September 16, 2020 as site plan for 1400 Dryden Road, conditioned on the following prior to issuance of a Certificate of Occupancy:
  - a. Provide Operation and Maintenance Agreement/Easement for Stormwater practices, subject to Town Attorney approval.
  - b. Resolve the issues in the TG Miller review letter dated 11-6-20, subject to Town Engineer approval.
2. The Town Board hereby finds that the considerations for approval of the requested Special Use Permit listed in Section 1202 of the Town of Dryden Zoning Law have been met, specifically that:
  - a. The proposed use is compatible with the other permitted uses in the Mixed Use Commercial district and compatible with the purpose of this district as self-storage is an allowed use in this district and this parcel is located along the Route 13 corridor with other commercial businesses;
  - b. The proposed use is visually compatible with adjoining properties and with the natural and manmade environment, as this proposal is for expanding an existing allowed use in this commercial district. The property is bordered on the east and west by a dollar store and a café. A residential area lies to the north some landscaped screening on the south and west borders of the lot.
  - c. Parking, vehicular circulation, and infrastructure for the proposed use is adequate. There will be no sidewalk along Route 13 as there is no other sidewalks to connect to; while 9 parking spaces are required by code the proposed 6 spaces are adequate since use of this facility is intermittent; the fire department has approved the access for their vehicles; and there is no demand for sewer and water;
  - d. The overall impact on the site and its surroundings considering the environmental, social and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, glare, or any other nuisances has been considered and found to be negligible, based on the information in the Short Environmental Assessment Form;
  - e. Restrictions and/or conditions on design of structures or operation of the use necessary to ensure compatibility with the surrounding uses or to protect the natural or scenic resources of the Town have been incorporated into the site plan;
  - f. The project complies with the requirements for site plan review and conforms to the Town's Commercial Design Guidelines to the maximum extent practicable in that: the new building is screened from the roadway and landscaping along the road frontage will break up the large expanse of the buildings.
3. The Town Board, finding that the applicant is in compliance with all other provisions of the Town Zoning Law and other applicable ordinances, approves a Special Use Permit amendment for the self-storage business at 1400 Dryden Road with the Town of Dryden Standard Conditions of Approval as amended August 14, 2008.



2<sup>nd</sup> Cl Lamb

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

**Citizens Privilege**

None.

There being no further business, on motion made, seconded and unanimously carried, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Bambi L. Avery  
Town Clerk