

**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.
2nd 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 goal posts 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 and 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 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 1st 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 1st thereafter, employees will be credited with vacation time based on the chart below:

Term of Employment	Vacation Days Earned
6 month Anniversary	2 ½
9 month Anniversary	2 ½
1 st Anniversary	5
2 nd Year (beginning Jan 1st)	10
3 rd Year	11
4 th Year	12
5 th Year	13
6 th Year	14
7 th Year	15
8 th Year	16
9 th Year	17
10 th Year	18
11 th Year	19
12 th 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
- 2nd 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.
2nd 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 of State to allow 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 in 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.
2nd 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,

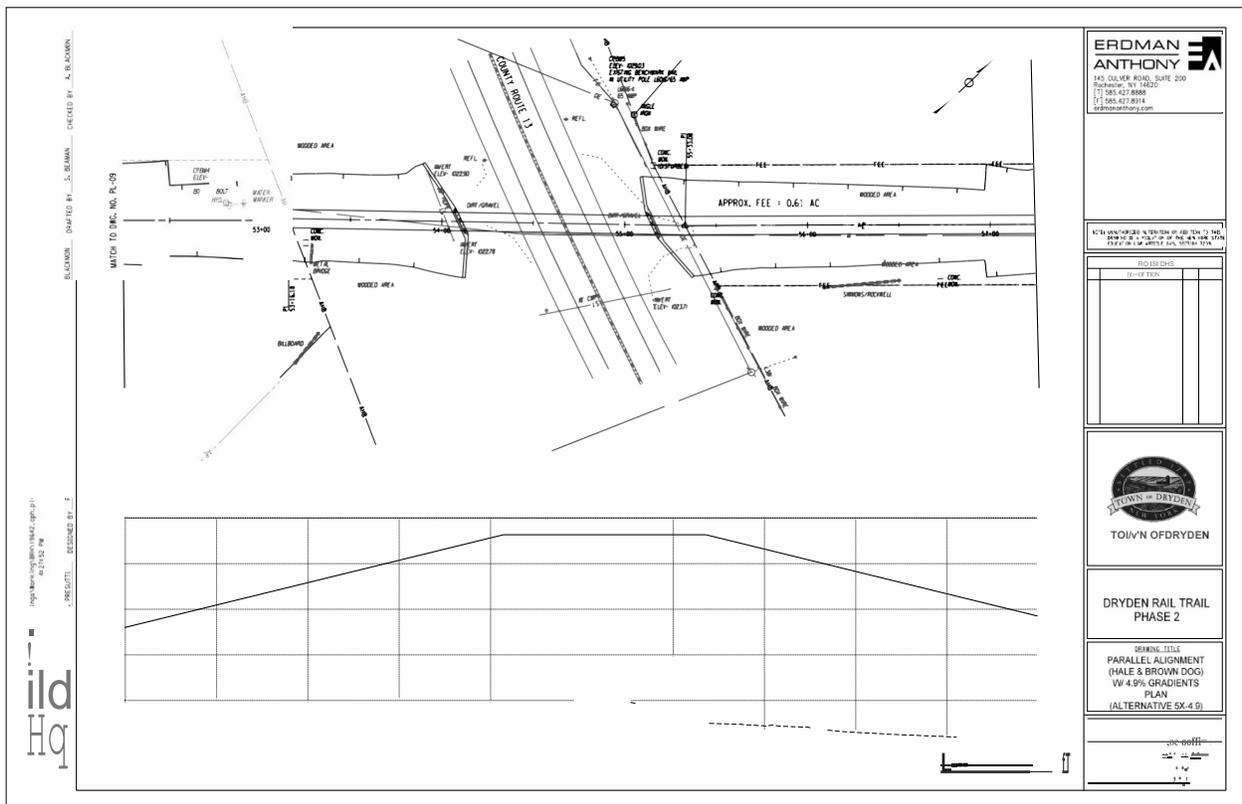
NOW THEREFORE BE IT RESOLVED that the Town of Dryden accepts the recommendation of the Rail Trail Task Force and selects Alternative 5X as the preferred alternative.

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.

2nd Supv Leifer

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't 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 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 local law, 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.

2nd 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.

2nd 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.

2nd 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 and 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.

2nd 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

COVID-19 Guidelines for Town of Dryden

1. What if an employee tests positive for COVID-19?

Any areas that have been used for prolonged periods of time by the sick person should be closed off, according to CDC instruction. Twenty-four (24) hours should elapse before cleaning and disinfecting the space(s). (This delay is to minimize the exposure of the cleaning person to the respiratory droplets.)

The infected employee will remain in home isolation for at least 14 days or until the employee is allowed to return to work (See item #2 below).

The Department Head will inform fellow employees of their possible exposure to COVID, but not mentioning the name due to privacy. The Department Head will also alert the HR Director.

Employees who work directly with the infected employee should immediately quarantine in their home with the option to work remotely. HR Director will alert the Tompkins County Health Department of the positive case so they can start the contact tracing process.

If the employees who are exposed are highway or DPW employees, see below. Note that exposure means having been within 6 feet of an infected employee for more than 15 minutes over a 24-hour period.

2. When will an employee who tested positive be allowed to return to work?

The CDC advises that the employee may discontinue home isolation after at least 10 days have passed since the symptoms started AND at least 24 hours have passed since having no fever without the use of fever-reducing medication AND other symptoms have improved.

3. What if an employee is contacted from the Tompkins County Health Department regarding exposure and needs to quarantine?

According to Tompkins County Health Department guidelines, the employee who has been exposed should quarantine in their home for 14 days and work remotely, if possible.

If the employee who was exposed is a highway or DPW employee, they are considered essential. If they are not showing any symptoms and there are no other employees available to do their work, they are allowed to work, but will wear a mask at all times, stay socially distanced, and be closely monitored for any symptoms.

4. What if an employee was at a business where there was a known positive case?

Tompkins County Health Department guidelines should be followed. If the employee was at the business during the time listed on the notice, the employee should immediately quarantine and schedule an appointment to be tested at a local testing site.

If the employee is a highway or DPW employee, they are considered essential. If they are not showing any symptoms and there are no other employees available to do their work, they are allowed to work, but will wear a mask at all times, stay socially distanced, and be closely monitored for any symptoms.

5. What if an employee's family member is exposed?

The employee is still allowed to go to work if the family can follow the quarantine instructions from the Tompkins County Health Department. (The employee is not in quarantine, only the family member.)

6. Does an employee who cannot work remotely and is quarantined, sick, or cannot work due to family responsibilities (see description below) have to use their personal sick time?

An employee who cannot work remotely and is quarantined, sick, or cannot work due to family responsibilities does not have to use their personal sick time.

The Families First Coronavirus Response Act that is currently effective until December 31, 2020 requires that employees are

- paid 2 weeks (up to 80 hours) of paid sick leave at their regular rate if the employee is quarantined and/or is experiencing COVID-19 symptoms
- paid 2 weeks (up to 80 hours) of paid sick leave at two-thirds (2/3) the employee's regular rate of pay because the employee is unable to work because of caring for an individual subject to quarantine or care for a child whose school or child care provider is closed
- given up to an additional 10 weeks of paid expanded family and medical leave at two-thirds (2/3) the employee's regular rate of pay, if the employee has been employed for at least 30 days and unable to work due to care of a child whose school or day care is closed
- part-time employees would be eligible for the number of hours of leave that the employee works on an average over a 2-week period

NYS has a quarantine sick leave law which says basically the same thing, but also says that public employers are required to provide 2 weeks of paid sick leave, no matter the size of the employer.

7. If an employee travels to a state that is on the New York State Travel Advisory list, and is required to quarantine for 14 days or until such a time as they have a negative COVID test, is the employee eligible for New York State COVID sick leave?

According to Executive Order 202.45, employees will forgo their paid COVID sick leave benefits if they engage in non-essential travel to any states other than contiguous states. If an employee chooses to travel, they will have to use their personal vacation time during their returning quarantine.

8. Who are essential employees?

New York State defines the following employees as essential:

- DPW and Highway Employees
- Code Enforcers

9. What if a Town building is directed to close to the public due to the pandemic?

Essential employees are allowed to work from the building following social distancing and capacity guidelines. ALL other employees should work remotely, if possible. If an employee is not able to work remotely and the state allows municipal buildings to be open to conduct business, the employees in shared workspaces should make a plan to stagger their working times so employees are following capacity guidelines and not sharing the same space. If possible, a mix of working remotely and working

in the building shall be utilized. All department working schedules should be approved by the department head.

Staggering hours in the building may reduce total working hours. Should this occur, the municipality may authorize paid sick leave to cover the hours not worked up to the employee's normal/average working hours per week.

Employees are responsible to track their own hours, specifying the number of hours worked, not worked up to their normal/average hours per week, and number of hours paid via leave (vacation or sick) each pay period due to the pandemic.

November 17, 2020

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)

SECTION 1. AUTHORITY. This Local Law is enacted pursuant to the statutory authority conferred on the Town of Dryden by Municipal Home Rule Law Section 10, and New York Town Law Section 264.

SECTION 2. Article III, Article IV, Article V, Article VII and Article IX of the Town of Dryden Zoning Law are hereby amended as follows:

“ARTICLE III: DEFINITIONS.

Add “Short Term Rental” Definition:

“SHORT-TERM RENTAL - Rental of a residence or a portion of a residence to the same natural person or family for fewer than thirty (30) consecutive days.”

In ARTICLE VII: VARNA

Section 702: Varna Use Regulations add Section 702 – E as follows:

“E. Short Term Rental provisions contained in section 912 shall also apply in Varna, and shall be subject to the short-term rental permit process outlined in that section.”

SECTION 3.

In ARTICLE IX: GENERAL REGULATIONS add Section 912 as follows:

“Section 912: Short Term Rentals

- A. Use of a dwelling unit or a portion of a dwelling unit for short term rental is permitted only when the residence containing the dwelling unit is contained in or adjacent to the primary residence of the property owner and only as an accessory use.
- B. Short term rental of a residence or a portion of a residence, meeting all of the following requirements:
 - a. Compliance with all Federal, State, County, and local laws, codes, rules and regulations, including but not limited to the New York State Uniform Fire Prevention and Building Code.
 - b. Permitted short term rental types:
 - i. Rental of a residence or a portion of the residence, such as a secondary self-contained accessory apartment or a room contained in a residence, for a maximum of thirty (30) days total in any calendar year where the owner is not present in the residence, provided that the owner of the residence or his/her agent is available locally in order to respond in a timely manner to complaints regarding the condition

of the residence or the property at which the residence is located or regarding the conduct of occupants of the residence.

- ii. Rental of a secondary self-contained accessory apartment, provided that the owner of the residence is present in the residence during the term of the rental.
- iii. Rental of a room, or portion contained in a residence, provided that the owner of the residence is present in the residence during the term of the rental.

A short-term rental may not be used by a total that exceeds 2 adults per bedroom.”

C. Short-term rental registration permit:

- (a) Prior to use of a residence or any part thereof for short-term rental, the owner of the owner of the residence must obtain a registration permit from the Town.
- (b) The owner shall complete a registration form and submit it with a bi-annual registration permit fee of \$90. The registration permit must be renewed every two years.
- (c) Advertising of a property for short-term rental is prohibited absent a valid registration permit.

D. Presumption. In a court action or proceeding involving an alleged violation of this Article, the publication in an advertising medium including but not limited to print newspaper, an online forum such as Craigs List or a social media publication shall be deemed to create a rebuttable presumption that the owner of the property rented the property out as advertised.

SECTION 4.

The “Allowable Use Groups Chart” in Sections 501 and 702 (Varna) respectively are hereby amended to include “short-term rentals” as an allowed use in all zoning districts in the Town including Varna.

SECTION 5. SEVERABILITY. If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances. Any prior inconsistent Local Law is hereby repealed and superseded.

SECTION 6. EFFECTIVE DATE. This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.