

Amended Zoning Law

Complete Revised Draft

TOWN OF DRYDEN

September 2009

For Review and Discussion with the Dryden Planning Board

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**ZONING ORDINANCE
TOWN OF DRYDEN
NEW YORK**

ARTICLE I: TITLE

ZONING ORDINANCE, TOWN OF DRYDEN, TOMPKINS COUNTY, NEW YORK

ARTICLE II: GENERAL PROVISIONS

Section 200: Purpose

The intended purpose of the Ordinance is: to promote the health, safety and general welfare of the community; to conserve land and natural resources and, under and pursuant to the Laws of the State of New York, to establish zones wherein regulations concerning the use of land and structures, the density of development, the size of yards, the percentage of lot that may be occupied, the provision of parking and control of signs, will be set forth so as to encourage the most appropriate development of the town and the preservation of the rural character of the community in accordance with the Comprehensive Plan.

Section 201: Precedence of More Restrictive Standards

The provisions of this chapter are in addition to the provisions set forth in other Town laws or regulations, as well as any other lawfully adopted rules, regulations or ordinances, including but not limited to those of the State of New York, the federal government and Tompkins County Health Department. Wherever the requirements of this chapter are at variance with the requirements of other lawfully adopted rules, regulations or ordinances, the more restrictive or that imposing the higher standards shall govern.

ARTICLE III: DEFINITIONS

Except where specifically defined herein all words used in this Ordinance shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "lot" includes the word "plot", the word "building" includes the word "structure", the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied."

Certain specific words and terms used in this Ordinance are to be interpreted as defined below, hereby made a part of this Ordinance.

Abandon - To give up with the intent of never again claiming one's right or interests in; to give over or surrender completely.

Active Recreation - A defined area reserved for and specifically designed to accommodate outdoor sports and outdoor activities such as, but not limited to, racquet sports, ice skating, roller skating, horseback riding, swimming, baseball, soccer, and softball.

Adult Bookstore - An establishment having as a substantial or significant portion of its stock in trade books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” and/or “specified anatomical areas” as defined herein (see Adult Physical Contact Establishment), or an establishment with a segment or section devoted to the sale or display of such material.

Adult Cabaret - A cabaret, which features go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers. (Note: this is an exception to “specified sexual activities” and/or “specified anatomical areas” as defined herein (see Adult Physical Contact Establishment).

Adult Drive-in Theater - A drive-in theater for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” and/or “specified anatomical areas” as defined herein (see Adult Physical Contact Establishment) for observation by patrons.

Adult Entertainment Business. - A public establishment, location, building or structure which features topless dancers, nude dancers or strippers, male or females, or a location, building or structure used for presenting, lending or selling motion picture films, video cassettes, cable television, or any other such visual media, or used for presenting, lending, or selling books, magazines, publications, photographs, or any other written materials distinguished or characterized by an emphasis on matter depicting, describing or relating to “specific sexual activities” and/or “specific anatomical areas” as defined herein (see Adult Physical Contact Establishment).

Adult Mini-Motion Picture Theater - An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” and/or “specified anatomical areas” as defined herein (see Adult Physical Contact Establishment) for observation by patrons therein.

Adult Motion Picture Theater - An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined herein (see Adult Physical Contact Establishment) for observation by patrons therein.

Adult Physical Contact Establishment - Any establishment which offers or purports to offer massage or other physical contact by members of the same or opposite sex. Medical offices, offices of a person licensed or authorized under the Education Law to practice massage therapy, offices of a person licensed or otherwise authorized under the Education Law as a physical therapist or physical therapist assistant and electrolysis, karate, judo and dance studios are not “adult physical contact establishments.”

i. Specified sexual activities:

- a. Human genitals in a state of sexual stimulation or arousal; or
- b. Acts of human masturbation, sexual intercourse or sodomy; or
- c. Fondling or other erotic touching human genitals, pubic region, buttock or female breast.

ii. Specified anatomical areas:

- a. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; or
- b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Adult Uses - The use of land, structures or location for an “adult entertainment business” or an “adult physical contact establishment” as herein defined. Also any use of land, structures or location which by the provisions of the Penal Law is required to restrict access thereto to minors.

Agricultural Use - The employment of land, including for the primary purpose of obtaining a profit in money, for raising, harvesting, and selling crops, or feeding, including but not limited to, grazing, breeding, managing, selling or producing livestock, poultry, fur-bearing animals or honeybees, or by dairying and the sale of dairy products, by any other horticulture, floriculture or viticulture, aquaculture, hydroponics, silviculture, animal husbandry, or by a combination thereof. It also includes the employment of land, including for the primary purpose of obtaining a profit, for stabling or training equines, including but not limited to providing riding lessons for persons who own or have a long-term lease from the farm owner for the horse that is boarded at the farm. However, such use is not to be construed as a Commercial Riding Facility.

Agriculture-Related Enterprise – retail or wholesale enterprise providing services or products utilized in agricultural production, such as structures, agricultural equipment and agricultural equipment parts, livestock, feed, seed, fertilizer and agricultural equipment repairs. Wholesale or retail sale of grain, fruit, produce, trees, shrubs, flowers or other products of local agricultural operations are also included in this definition.

Appeal - Any request submitted to the Zoning Board of Appeals for interpretation of this Ordinance, for decision on alleged grievances resulting from enforcement of this Ordinance, for a variance or for a Permit.

Artist Studio/ Craft Workshop - A place where artists, artisans, craftsman and other skilled tradespeople produce custom-made art or craft products, where they teach such skills, and/or where they sell such products.

Automotive Repair Garage - Any building and/or lot used for the repair, and/or servicing of motor vehicles, such as the conduct of motor vehicle body work, major structural repair or painting; and any area of land, including structures thereon, used for such purpose.

Automotive Sales - Sales, rental or leasing of new or used cars, trucks, motorcycles, boats or other large motorized equipment or vehicles such as tractors or construction vehicles.

Automotive Towing Service – An establishment that provides for the removal of a motor vehicle by towing, carrying, hauling or pushing from public or private property, and which may provide for the temporary storage of motor vehicles. This shall not include an automotive repair station that has a tow truck and repairs vehicles on-site, nor shall this use be construed as a junkyard.

Bar - A commercial enterprise whose primary activity is the sale of alcoholic beverages to be consumed on the premises.

Bed-and-Breakfast Establishment - A dwelling having a resident host in a private single-family home with common dining and leisure rooms and lodging rooms for overnight accommodation, the rates for which include breakfast and lodging only, and in which no public restaurant is maintained and no other commercial services are offered. The bed-and-breakfast establishment shall have not more than ten (10) occupants as lodgers in at least three (3) and not more than five (5) rooms. The period of accommodation shall be of a clearly temporary nature. Such use shall not be construed as a boarding house.

Bed-and-Breakfast Home - A dwelling having a resident host in the primary dwelling of a private single-family or two family home in which at least one and not more than two rooms are provided for overnight accommodations, the rates for which include breakfast and lodging only, and which no public restaurant is maintained. The bed-and-breakfast shall not have more than four occupants as lodgers. The period of accommodation shall be of a clearly temporary nature. Such use shall not be construed as a boarding house.

Billboard - See Sign – Outdoor Advertising Billboard

Boarding House - Any dwelling in which more than three persons either individually or as families are housed or lodged for hire with or without meals. A rooming house or a furnished rooming house shall be deemed a boarding house.

Buffer Strip - Row of densely planted shrubs and trees with low branches intended to reduce noise and screen out objectionable views.

Building - Any structure where space, greater than 150 square feet in area, is covered or enclosed.

Building Permit – No building with a dimension greater than 150 square feet in size shall be constructed, extended or use altered without a building permit issued by the town building department.

Building, Principal - A building or buildings within which is conducted the primary use of the lot on which said building is located.

Building, Accessory - A subordinate building, the use of which is customarily incidental to that of the principal building, and located on the same lot as the principal building.

Building Height - The vertical distance from finished grade to the highest point of a flat roof or the midpoint of a pitched roof. On a hillside lot, finished grade should be considered as the average finished grade on the uphill side of a structure.

Building Line - The line formed by the intersection of a vertical plane that coincides with the exterior surface of a building on any side and the ground. In the case of a cantilevered building, the vertical plane shall coincide with the most projected surface.

Cabin or Cottage - A building designed for seasonal occupancy and not suitable for year-round living.

Campground - An area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters of any kind. This use shall not be construed as a retreat or conference center.

Car Wash - A building or portion thereof used exclusively for washing, cleaning and waxing automobiles.

Cemetery - Land used or intended to be used for the burial of the dead and dedicated to cemetery purposes.

Commercial Development Design Guidelines – the Town of Dryden Commercial Development Design guidelines adopted on DECEMBER 3, 2008 and all subsequent revisions. These guidelines are found in Appendix C, hereby made a part of this Ordinance.

Commercial Riding Facility - The employment of land for the commercial boarding of horses and for the regular holding of special events, riding lessons and competitions that invite patrons onto the site in substantial numbers beyond those individuals who have a long-term lease from the farm owner for a horse boarded on the site. Such use shall not be construed as a race track.

Congregate Care Facility—A facility providing residential care and services in community integrated settings to 40 or more ambulatory adults, primarily persons 65 years of age or older, who may require assistance with daily activities. Such services include twenty-four-hour supervision, room and board, housekeeping, case management, recreation programs, medication management and, where necessary, provision or arrangement for the provision of enhanced professional services such as medical, nursing, physical therapy and other personal care services. Congregate care facilities include assisted living programs and adult care facilities run in accordance with New York State requirements.

Contractor's Yard - Any space, whether inside or outside a building, used for the storage or keeping of construction equipment, machinery or vehicles or parts thereof which are in active use by a construction contractor. A building trade or construction contractor is defined as but not limited to carpenters, electricians, masons, site work contractors, plumbers, HVAC technicians, general contractors, etc.

Day Care Center - A facility which is not a dwelling unit in which care is provided on a regular basis to three (3) or more people for more than three (3) hours per day per person as defined in 18 NYCRR § 418.

Day Care, Family Group - A dwelling unit which is a personal residence and occupied as a family residence which provides daycare to seven (7) to twelve (12) people as defined in 18 NYCRR § 416.

Day Care Homes, Family - A dwelling unit which is a personal residence and occupied as a family residence which provides day care on a regular basis for more than three (3) hours a day to three (3) to six (6) people, as defined in 18 NYCRR § 417.

Dwelling, Accessory Unit - A second dwelling unit accessory to a single-family dwelling, included as part of the initial construction of a single-family dwelling or subsequently added thereto, for use as a complete, independent living facility with provisions within the accessory apartment for cooking, eating, sanitation, and sleeping. An accessory dwelling unit may also be located in an accessory structure to the principal single-family dwelling, such as a detached garage, provided that the accessory structure is clearly an accessory use to the single-family dwelling and not the accessory dwelling unit.

Dwelling, Multi-Family - A dwelling or group of dwellings on one lot, containing separate living units for three or more families, having separate or joint entrances, and including apartments, group homes, townhouses, and condominiums.

Dwelling, Single-Family - A detached building (not including a mobile home) that is designed or used exclusively as living quarters for one family or household.

Dwelling, Two-Family - A detached dwelling containing no more than two dwelling units for the use and occupation by no more than two families.

Dwelling, Townhouse – Three or more attached dwelling units, each of which shares at least one common wall with an adjacent dwelling unit. For the purposes of this Local Law, except where specifically stated otherwise herein, a townhouse dwelling shall be construed as a form of multi-family dwelling.

Dwelling, Upper-Floor Apartment(s) - One or more rooms with provision for living, cooking, sanitary, and sleeping facilities arranged for the use of one or more families or households that is located above a commercial use.

Educational Use - Use of land where learning in a general range of subjects is provided, including related support and accessory uses, associated with the educational purposes of the institution. The definition includes institutions that provide cultural education, such as museums or galleries.

Elder Cottages - A separate, detached, temporary one-family dwelling, accessory to a one or two family dwelling on a lot; and occupied by no more than two residents, each of whom must be 55 years of age or older.

Family - An individual, or two or more persons related by blood, marriage or adoption, occupying a dwelling unit and living as a single household. For purposes of this Ordinance, a family may also consist of not more than three unrelated individuals occupying one dwelling unit. The two definitions cannot be combined.

Farm Stand – A temporary stand for the sale and display of farm products

Frontage - The distance between side lot lines measured at the street right-of-way line, or on dead-end streets, measured at the front-yard setback line.

Garage, Private - A carport or enclosed building for use by the inhabitants of a dwelling for private storage.

Gasoline Station - An area of land, including structures thereon or a building or part thereof, other than an Automotive Repair Garage, that is used for the sale of motor fuels dispensed from pumps and motor vehicle accessories and supplies. Permitted accessory uses may include facilities for lubricating, washing or other minor servicing of motor vehicles and/or the retail sale of convenience items, including but not

limited to snacks and beverages, provided such accessory uses are located indoors. The conduct of motor vehicle body work, major structural repair or painting by any means are not permitted accessory uses.

General Office - Any building or part of a building in which one or more persons are employed in or conduct the management or direction of an agency, business, organization, profession, or public administration, but excludes such uses as retail sale, manufacture, assembly or storage of goods, or places of assembly and amusement.

Home Occupation: Level 1 - A profession or trade conducted entirely within a dwelling and carried on by the inhabitants thereof; which use is clearly incidental and secondary to the use of the residence for residential purposes, and does not change the character thereof, and does not involve the employment of more than one person who does not reside in the residence. There shall be no exterior evidence, including signs, of such home occupation.

Home Occupation: Level 2 - A profession or trade conducted on a residential property and carried on by the inhabitants thereof; which use is clearly incidental and secondary to the use of the property for residential purposes, and does not change the character thereof. A level 2 home occupation may employ up to three persons. There may be a sign advertising the presence of the home occupation in accordance with this law.

Hotel/Motel - A facility offering transient lodging accommodations for a daily rate to the general public. A hotel may provide additional services, such as restaurants, meeting rooms and recreation facilities. The period of accommodation shall be of a clearly temporary nature. Such use shall not be construed as a boarding house.

Industry, Light - A manufacturing or maintenance operation conducted wholly within one or more buildings where any process is used to alter the nature, size or shape of articles or raw materials or where articles are assembled and where said goods or services are consumed or used at another location. The exterior appearance of the buildings shall resemble office buildings and the impacts of the use (noise, fumes, and vibrations) shall not exceed those typically associated with an office use.

Industry/Manufacturing - Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembly of component parts, the creation of products, and the blending of materials such as oils, resins or liquors. Manufacturing uses have greater impacts than light industry uses in terms of noise, fumes, and vibrations.

Inn - A commercial facility, resembling in character traditional residential construction, providing lodging and meals which is characterized by common dining facilities and a common leisure room available for use by lodgers and the general public. The period of accommodation shall be of a clearly temporary nature. Such use shall not be construed as a boarding house.

Invasive Species - Non-native species that can cause harm to the environment or to human health. Proposed plantings and landscaping in the Town of Dryden shall, at a minimum, avoid plants on the list published by the Invasive Plant Council of New York State, as well as the Tompkins County Invasive Plant list.

Junkyard - A lot or building, or part thereof, used for the collecting, storage or sale of scrap metal, discarded appliances or similar discarded material; or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not licensed and in running condition or for the sale or storage of parts thereof. An auto salvage yard.

kennel - Any commercial establishment where four or more dogs, cats, or other animals over three months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed.

Library - A public institution with a building containing printed, pictorial, and audiovisual material for public use for purposes of study and reference.

Loading berth - A dedicated area for the receipt or distribution of materials or merchandise by motor vehicles, including space for standing, loading and unloading.

Lodge or Club - A membership organization that holds regular meetings and may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage in professional entertainment for the enjoyment of dues paying members and their guests, as well as programs for the general public, such as retreats and recreational, educational, cultural, health, and public interest related programs.

Lot - An area of land all parts of which are owned by the same person(s) and having definite boundaries that were established either by the recording of a deed prior to the first adoption of subdivision regulations by the Town or by the filing of an approved subdivision plat, except to the extent that such boundaries may have been altered by an approved lot line change or such lot may have been combined with another lot by merger.

Lot Area - An area of land the size of which is determined by the limits of the lot lines bounding said area and is usually expressed in terms of square feet or acres.

Lot Coverage – A measure of intensity of land use that represents the portion of a lot that is impervious (i.e., does not absorb water). This portion includes but is not limited to all areas covered by buildings, parked structures, driveways, roads, sidewalks, and any area of concrete asphalt.

Lot Depth – The mean horizontal distance between the front and rear lot lines measured in the general direction of the side lot lines.

Lot Width – The horizontal distance between the side lot lines taken at the front yard line or principal building line and measured along a line which is at right angles to the lot depth.

Mining – The excavation and sale of topsoil, sand, gravel, clay or other natural mineral or vegetable deposit, or the quarrying of any kind of rock formation.

Mining Subject to State Jurisdiction – An operation which results in the mining or proposed mining from each use of more than one thousand (1,000) tons or seven hundred-fifty (750) cubic yards, whichever is less, of minerals from the earth within twelve (12) successive calendar months or an operation which

results in the mining or proposed mining of over one hundred (100) cubic yards of minerals from or adjacent to any body of water not subject to the jurisdiction of the New York State Environmental Conservation Law or the Public Lands Law.

Mining not Subject to State Jurisdiction – All mining which is not defined as Mining Subject to State Jurisdiction.

Mobile Home - A structure, transportable in one or more sections and while being transported is 8 body feet or more in width or 40 body feet or more in length or, when installed on a lot, is at least 320 square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term shall include any structure which meets the size requirements herein set forth, and for which the manufacturer has filed the certification required by the United States Department of Housing and Urban Development (HUD) and which structure complies with the National Manufactured Home Construction and Safety Standards. A mobile home should not be confused with a travel trailer which is towed by a motor vehicle and which can be operated independently of utility connections and is limited in width while being transported to 8 body feet, in length to 32 body feet and is designed to be used principally as a temporary dwelling and does not require a HUD seal. A mobile home shall include a double wide mobile home. A mobile home is identified as such by the existence of the seal required by HUD. A mobile home should not be confused with a modular home or a factory manufactured home which is manufactured and certified according to the New York State Uniform Fire Prevention and Building Code, Article 2.

Mobile Home Park - A parcel of land under single ownership, which is improved for the placement of mobile homes for non-transient use and which is offered to the public for the placement of five or more mobile homes.

Municipal Use - For the purposes of the use restrictions of this law means the use of land, building, or structures owned by the Town of Dryden and other governmental bodies.

Municipal Facilities – Streets, roads, water and/or sewer facilities or other services or facilities that are directly or indirectly provided and maintained by a municipality.

Native Species – A species that was not introduced and historically, or currently, occurs in a given ecosystem.

Nonconforming Use - A building or use of land existing on the date of enactment of this Ordinance which does not comply with the allowed use regulations of the zone in which said building or use is located.

Nursery/Greenhouse - A retail establishment for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed building.

Outdoor Storage – Storage outside the confines of an enclosed building of any equipment or materials in usable condition which are not being specifically displayed as merchandise or offered for sale at retail. Outdoor storage shall only be permitted, with town approval, as an accessory use to a permitted principal use. Outdoor storage shall not be construed as a junkyard, contractor's yard or self-storage.

Parent Parcel - A lot, as recorded in the Tompkins County Department of Assessment, existing in the Town of Dryden on the date of adoption of this Local Law.

Parking Space - An off-street space available for parking one automobile and which is an area at least 9 feet wide and 20 feet long, not including maneuvering area and access drives.

Paving - A smooth, hard, dense surface, which is durable and well-drained under normal use and weather conditions. For purpose of a public/dedicated road or street, see Town of Dryden Specifications for Town Highways.

Planned Unit Development - An area of land in one ownership, designed for and built or to be built upon one parcel, providing a street system, water and sewer facilities and used for residential, commercial, or industrial purposes or some combination thereof.

Professional Office – A place or establishment used for the organizational or administrative aspects of a trade or used in the conduct of a business and not involving the manufacture, storage, display, or direct retail sales of goods; which benefits from and contributes to an environment of semi-residential nature characterized by low traffic and pedestrian volumes, lack of distracting, irritating, or sustained noise, and low density of building developments. This may include, but is not limited to, offices of: accountants, appraisers, architects, community planners, engineers, financial planners, insurance brokers or adjusters, landscape architects, lawyers, consultants, secretarial agencies, bonding agencies, real estate, mortgage or title agencies, investment agencies, and persons with similar occupations.

Public Highway – Road or street, either deeded or by easement, that is maintained by a public agency, village, town, county, state or federal government.

Public Safety Use - Voluntary agencies engaged in providing municipal/governmental services which provide for the overall health, safety, and general welfare of the public; uses include, but are not limited to fire, emergency, medical, and police services.

Public Sewer and Water Facilities - Any sewage disposal system or water supply and distribution system which is operated by a municipality or a municipal agency; any sewage disposal system or water supply and distribution system authorized for public use, whether for a residential subdivision, or for commercial, industrial or manufacturing buildings, and approved by the State and County Departments of Health, the Department of Environmental Conservation, and any other governmental agency having jurisdiction thereof.

Public Utility – Infrastructure and services that supply an everyday necessity to the public at large, such as water, electricity, natural gas, communications services and other essentials. A public utility may be owned and operated by a public entity or a private entity, or a combination thereof.

Recreation, Active – Recreation that involves organized athletic activities requiring fixed infrastructure such as playing fields and/or accessory infrastructure such as seating areas, changing facilities and/or concessions. Active recreational activities include but are not limited to team sports such as baseball, soccer, and lacrosse, smaller group sports such as tennis and other active recreational uses that require permanent infrastructure such as a skateboarding park or ice rink.

Recreation, Passive – Recreation that generally does not involve organized athletic teams and/or significant fixed infrastructure, apart from such improvements as trails, parking areas, restrooms, picnic shelters and the like. Passive recreational activities include but are not limited to jogging, biking, cross country skiing hiking, walking or recreational trails and paths, horseback riding, wildlife viewing, picnicking and relaxation.

Recreational Facility, Amusement – A commercial or non-commercial recreational use that may be permanent or temporary in nature, for the conducting of recreational activities including but not limited to traveling carnivals, circuses, amusement parks, driving ranges, batting cages, mini-golf, paintball courses, bowling centers, roller skating facilities, and similar indoor or outdoor recreational activities. A public park shall not be considered and regulated as an Amusement Recreation Facility.

Recreational Facility, Athletic – A commercial or non-commercial recreational use that may be permanent or temporary in nature, for the conducting of recreational activities including but not limited to swimming, tennis, court games, baseball and other field sports, riding academies, and playground activities, but excluding recreational activities involving mechanical devices that are powered by non-human means, such as motorized vehicles. A public park shall not be considered and regulated as an Athletic Recreation Facility.

Recreational Facility, Motorized – A commercial or non-commercial recreational use that may be permanent or temporary in nature, which involves the operation of motorized vehicles, including but not limited to go-kart tracks, dirt bike tracks, and race tracks.

Religious Institution - Use of land, building, and structures by a tax-exempt institution, a bona fide religious sect or denomination where religious worship and related activity is conducted.

Residential Design Guidelines – the Town of Dryden Residential Design Guidelines adopted on DECEMBER 3, 2008 and all subsequent revisions. These guidelines are found in Appendix B, hereby made a part of this Ordinance.

Restaurant - An establishment, including taverns but excluding bars, where food and drink is prepared, served, and sold.

Retail Business - Any establishment selling goods to the general public for personal and household consumption.

Retail Shopping Centers/Plazas - A lot used for two (2) or more commercial units, attached or detached, which relate to a common parking area and common points of ingress and egress and a common circulation pattern.

Retreat or Conference Center - A facility used for service organizations businesses, professional, educational, or religious meetings or seminars limited to accommodations for attendees. The accommodations can include sleeping, eating, and recreation.

Self-Storage - A structure or structures in which materials, goods, or equipment are stored with separate storage units having individual access for storage of individual personal or business property. Self-storage operations with several separate structures shall all be considered together to form one (1) primary structure for the purpose of Site Plan Review.

Senior Housing - Living facilities offering a family type of living environment where residences are designed to feel like a home instead of a medical facility and blend in architecturally with neighboring homes. The residences are designed as efficient homes for six (6) to ten (10) seniors, each of whom has a private room with a private bath and easy access to all communal areas of the house, including a living room area, dining area, kitchen, laundry, outdoor garden, and patio.

Service Business - Any business or nonprofit that provides services to individuals, businesses, industry, government, or other enterprises.

Setback Lines - See Yards.

Sign - Any device, object, or building facade used for the visual communication or advertisement of a place, building, product, service or name.

Sign - Outdoor Advertising Billboard - Any device, object, or building facade situated on a private premise and used for advertising goods, services or places other than those directly related to the premises on which said sign is located.

Special Permit - An authorization of a particular land use which is permitted in a zoning ordinance or local law, subject to requirements imposed by such zoning ordinance or local law to assure that the proposed use is in harmony with such zoning ordinance or local law and will not adversely impact the neighborhood if such requirements are met.

Structure - Anything constructed or erected on the ground or with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include, but are not limited to, buildings of a size exceeding 150 square feet, walls and fences over 6 feet in height, radio towers, power generating equipment such as freestanding windmills and solar panels, swimming pools designed for a depth of 3 feet or more, billboards, poster panels and signs. All buildings, regardless of size, shall be erected in compliance with the setback requirements for their respective district. The following shall not be classified as structures for the purpose of this Ordinance: fireplace chimneys, flagpoles, and antennas.

Subdivision – The division of a lot into two or more lots.

Tavern - A commercial enterprise where food is prepared, served, and sold and alcoholic beverages are consumed on the premises. Such use shall not be construed as a bar.

Theater - A building or part of a building, devoted to showing motion pictures or for dramatic musical or live performances and which may include dinner theaters.

Use, Accessory – A use which is customarily incidental and subordinate to the principal use on a lot and which is located on the same lot. Accessory uses or buildings shall not be permitted on a lot without a

permitted principal use or building. Unless stated otherwise within this local law, an accessory structure shall not be permitted in the front yard of a principal use.

Use, Principal - The main or primary use of land and/or structure on a lot.

Variance – Permission to depart from the literal requirements of this ordinance.

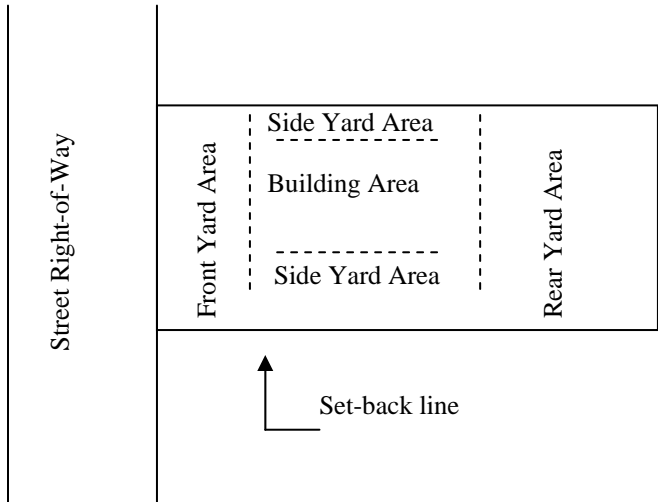
Variance, Area – The authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements established by this ordinance.

Variance, Use – The authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by this ordinance.

Warehouse - A building or part of a building for the storing of goods, wares, and merchandise, whether for the owner or for others, and whether it is a public or private warehouse. Includes a wholesale business for shipping/receiving.

Workshop/Garage – Non-Commercial – A structure not to exceed 350 square feet used for the conduct of non-commercial, low-intensity activities such as woodworking, personal vehicle repair, and storage. Activities conducted on the site and/or in the structure shall be restricted to those of the owner of the property on which the structure is located. A non-commercial workshop may be used to store up to three vehicles belonging to the owner of the property. No outdoor storage shall be permitted that is visible from any public right-of-way or adjacent property.

Yard - A yard is an open space other than a court on a lot, unoccupied and unobstructed from the ground upwards between the lot line and the nearest line of the buildings or structures on the lot, except as otherwise permitted. (See illustration below for location of front, side and rear yards.)



Article IV: ZONING DISTRICTS

Section 400:

For the purposes specified in this Ordinance, the Town of Dryden is divided into the following zones:

RR - Rural Residential District

The purpose of the Rural Residential (RR) District is to retain an area of the town where residential uses situated in a rural landscape constitute the primary land use, consistent with the Town of Dryden 2005 Comprehensive Plan. Urbanizing infrastructure, such as public water and sewer, does not exist and is not planned for this area in the future except where an overlay such as Optional Traditional Neighborhood Development Overlay is indicated on the map (see below for description). Single- and two-family homes are the predominant form of development. Agriculture is also expected to be a substantial land use well into the future.

RA - Rural Agricultural District

The purpose of the Rural Agricultural (RA) District is to reserve an area of the town primarily for agricultural use. Consistent with the Town of Dryden Comprehensive Plan, the Rural Agricultural District is an area that is intended to remain rural and where agriculture is recognized as the primary land use. Recognizing the entrepreneurial nature of contemporary agriculture, small scale rural businesses may be appropriate in this district upon review of site specific impacts. These should be primarily agriculture-related businesses.

CV - Conservation District

The purpose of the Conservation (CV) District is to protect areas of the town that contain a variety of ecological and open space assets that warrant protection from the impacts of development. Consistent with the Town of Dryden Comprehensive Plan, the town seeks to channel extensive development away from this area. Low-density residential uses and agriculture will remain the primary land use activities.

H – Hamlet District

The purpose of the Hamlet (H) District is to promote traditional patterns of higher density, mixed-use development in these existing small centers. Consistent with the Town of Dryden Comprehensive Plan, the Hamlet District will encourage new development and redevelopment that will increase the attractiveness of these areas by offering a diversity of options, including townhouses, single- and two-family dwellings, small multi-unit apartment buildings, and mixed use (residential/commercial) buildings. Careful attention to scale and design will ensure that new development complements the architectural and urban design character of the best existing buildings and streets in the hamlets consistent with the Residential and Commercial Design Guidelines. Agriculture is an allowable use in this district.

CC - Commercial District

The purpose of the Commercial (CC) District is to encourage neighborhood-oriented businesses providing goods and services to a primarily local market. Consistent with the Town of Dryden Comprehensive Plan and as set forth in §501, commercial retail development that is of a much larger scale than a typical neighborhood oriented business will be permitted only by special permit. Agriculture is an allowable use in this district.

LIO - Light Industrial / Office District

The purpose of the Light Industrial/Office (LIO) District is to reserve a location in the town for light industrial and warehousing enterprises, office buildings that could house corporate administrative operations and service enterprises, or research and development enterprises such as computer software and equipment design businesses. Consistent with the Town of Dryden Comprehensive Plan, Agriculture is an allowable use in this district.

LIO-A - Light Industrial / Office / Adult Use District

The purpose of the Light Industrial/Office/Adult Use (LIO-A) District is to reserve an appropriate location in the town for adult uses that is separated from and minimizes impacts to non-compatible uses such as residential areas, schools, churches and parks. In addition to adult uses, all other uses permitted within the Light Industrial/Office District are permitted within the Light Industrial/Office/Adult Use District. Agriculture is an allowable use in this district.

OTNDO - Optional Traditional Neighborhood Development Overlay District

The purpose of the Optional Traditional Neighborhood Development Overlay District (OTNDO) is to provide development alternatives for landowners located at the periphery of the town's two villages and some of its larger hamlets. These areas are specified as an overlay district on the Zoning Map and generally follow the Suburban Residential Future Land Use Area from the Town of Dryden Comprehensive Plan. Urbanizing infrastructure, such as public water and sewer, does not currently exist in these areas, and it will be necessary to develop or extend such infrastructure here in order to take advantage of the development alternatives provided under the provisions of this overlay district. Utilizing incentive zoning authority in Town Law, land in the overlay district can be developed more intensively in return for specified public benefits and the incorporation of Traditional Neighborhood Design (TND) principles in the design of sites and structures. Small scale businesses, primarily in mixed-use structures, can also be incorporated into these areas.

LSRDO - Large Scale Retail Development Overlay District

The purpose of the Large Scale Retail Development Overlay District (LSRDO) is to provide a location in the town where large scale retail development may be appropriate, and to define specific requirements for the review and possible approval of large-scale retail shops and shopping centers in this area. Within the LSRDO, landowners may continue to develop their property in accordance with the regulations of the underlying zoning district, or they may select to seek approval of a special use permit to develop their property for large-scale stores or shopping centers as defined and regulated herein.

Section 401:

All land in the Town of Dryden shall fall within one of the established zones as shown on a map entitled 'Town of Dryden Zoning Map'.

Section 402: Boundary Determinations

Where uncertainty exists as to the boundaries of the zoning districts as shown on the Zoning Map, the following rules shall apply:

1. Zone boundaries are intended to follow lot lines whenever possible. Where boundaries approximately follow lot lines such lot lines shall be construed to be said boundaries.
2. Where district boundaries are indicated as approximately following the center line or right-of-way line of streets, alleys, or highways, such lines shall be construed to be district boundaries and follow such center lines.
3. Where district boundaries are indicated as approximately following a stream, lake, or other body of water, such stream center line, lake or body of water shoreline shall be construed to be such district boundaries (unless otherwise noted on the Zoning Map). In the event of a change in the shoreline or stream, the district boundaries shall be construed as moving with the actual shoreline or stream.
4. Where a district boundary is not indicated as approximately following the items listed in Subsection (1), (2) and (3) above, or is not designated on the Zoning Map, the boundary line shall be determined by the use of the scale designated on the Zoning Map.
5. Where overlay district boundaries are based upon natural features such as slopes, topographic contour lines, watershed boundaries, soil types, or ecological communities, such boundaries may be more precisely established through field investigation by a qualified professional.
6. Whenever any street, alley or other public way is abandoned in the manner authorized by law, the district adjoining each side of such street, alley or public way shall be automatically extended to the center of the former right-of-way, and all of the area included in the abandoned right-of-way shall henceforth be subject to all regulations within the extended districts.
7. In the event that none of the above rules are applicable, or in the event that further clarification or definition is considered necessary or appropriate, the location of a district boundary shall be determined by the Zoning Board of Appeals.
8. The location of a property within a given zoning district does not confer on the property or the property owner the right to use the property for any and all uses that are permitted in the zoning district. Rather, the unique characteristics of the property, including but not limited to environmental constraints, the characteristics of the proposed use and other factors shall be taken into consideration by the town and/or entity charged with reviewing applications for uses permitted as set forth in this Law.
9. One Lot in Two Zones. When a lot is divided by a zoning district boundary, the regulations and requirements of the least restrictive zone may be extended for a distance of 100 feet into the more restrictive zone.

Article V: USE REGULATIONS

Section 500:

No structure or land shall be used except as provided in the Allowable Use Groups Chart below. Uses which are not explicitly permitted are prohibited, unless specifically stated elsewhere by this Local Law.

Section 501: Allowable Use Groups Chart

1. In the following Allowable Use Groups Chart the symbol “P” means the use is allowed as of right, the symbol “PA” means an accessory use allowed as of right, the symbol “SP” means the use requires a Special Use Permit, and the symbol “X” means the use is not allowed in that particular district.
2. The following uses shall be subject to Site Plan Review:
 - A. All Business Group Uses
 - B. All Community Group Uses
 - C. All uses requiring a Special Use Permit.
3. In the RR, RA and CV districts, no Business Group Use shall include a structure larger than 5,000 sf.
4. In the H District any use that includes a structure or structures larger than 10,000 sf requires a Special Use Permit. In the CC and LIO Districts, any use that includes a structure larger than 20,000 sf requires a Special Use Permit. Agricultural structures directly related to an agricultural use shall be exempt from such size limits.
5. No single retail structure shall be permitted in the town larger than 45,000 sf or a retail shopping center greater than 90,000 sf, except as provided for in §802.

USES	RR Rural Residential	RA Rural Agricultural	CV Conservation	H Hamlet	CC Commercial	LIO, LIO-A Light Industrial/ Office
AGRICULTURAL GROUP						
Agricultural Use	P	P	P	P	P	P
BUSINESS GROUP – All are subject to Site Plan Review						
Adult Use (see §1302)	X	X	X	X	X	SP Only permitted in LIO-A
Agriculture-Related Enterprise	X	SP	SP	SP	P	SP
Artist Studio/ Craft Workshop	SP	SP	SP	SP	P	P

USES	RR Rural Residential	RA Rural Agricultural	CV Conservation	H Hamlet	CC Commercial	LIO, LIO-A Light Industrial/ Office
Automotive Repair Garage (see §1310)	X	X	X	SP	SP	SP
Automotive Sales	X	X	X	X	SP	SP
Automotive Towing Service (see §1306)	X	X	X	X	SP	SP
Bed-and Breakfast establishment	SP	SP	SP	SP	X	X
Boarding House	X	SP	X	SP	X	X
Campground	SP	SP	SP	X	X	X
Car Wash	X	X	X	SP	SP	P
Commercial Riding Facility (see §1307)	X	SP	SP	X	P	X
Contractor's yard	X	X	X	X	SP	SP
Day care center	SP	SP	X	SP	P	P
Drive-through facility (see §1309)	X	X	X	X	SP	SP
Gasoline station	X	X	X	SP	SP	SP
General Office	X	X	X	SP	P	P
Hotel / Motel	X	X	X	X	P	SP
Industry, Light	X	X	X	SP	P	P
Industry/Manufacturing (see §1303)	X	X	X	X	X	SP
Inn	SP	SP	SP	SP	P	X
Kennel (see §1308)	X	SP	SP	X	SP	X
Mining (see §1304)	X	SP	X	X	X	SP
Nursery/Greenhouse	SP	SP	SP	X	P	X
Professional office	X	X	X	SP	P	P
Restaurant	X	X	X	SP	P	SP
Retail business	X	X	X	SP	P	P
Retail shopping centers / plazas	X	X	X	SP	SP	X
Retreat or Conference Center	X	SP	SP	SP	SP	X
Service business	X	X	X	SP	P	P
Self-storage	X	X	X	X	SP	SP
Theater	X	X	X	SP	P	P
Warehouse	X	X	X	X	X	P
RESIDENTIAL GROUP						
Bed-and-Breakfast home	SP	SP	SP	SP	X	X
Congregate Care Facility	X	X	X	SP	SP	X
Day care homes, Family	P	P	P	P	P	X

USES	RR Rural Residential	RA Rural Agricultural	CV Conservation	H Hamlet	CC Commercial	LIO, LIO-A Light Industrial/ Office
Day care, Family Group	SP	SP	X	SP	SP	X
Dwelling, accessory unit (see §1311)	P	P	P	P	P	X
Dwelling, multi-family	X	X	X	SP	SP	X
Dwelling, single-family	P	P	P	P	P	X
Dwelling, two-family	P	P	P	P	P	X
Dwelling, upper-floor apartments	X	X	X	SP	SP	X
Elder Cottages (see §1305)	SP	SP	SP	SP	SP	X
Home Occupation: Level 1	P	P	P	P	P	X
Home Occupation: Level 2	P SP (only on Town Roads)	P SP (only on Town Roads)	P SP (only on Town Roads)	P	P	X
Mobile Home (see Town Mobile Home ordinance)	X	P	P	SP	P	X
Mobile Home Park (see Town Mobile Home Park ordinance)						
Senior Housing	X	X	X	SP	SP	X
Workshop/Garage - Non-Commercial	X	P	P	P	P	P
COMMUNITY GROUP – All are subject to Site Plan Review						
Cemetery	P	P	P	P	P	P
Educational use	SP	SP	SP	SP	SP	X
Library	X	X	X	SP	SP	X
Lodge or club	X	SP	SP	SP	P	X
Municipal use	P	P	P	P	P	P
Public Safety	SP	SP	SP	SP	SP	SP
Public Utility	SP	SP	SP	SP	SP	SP
Religious institution	SP	SP	SP	SP	SP	SP
RECREATIONAL GROUP						
Active Recreation	SP	SP	SP	SP	SP	SP
Passive Recreation	P	P	P	P	P	P
Recreation Facility, Amusement	X	X	X	X	SP	SP
Recreational Facility, Athletic	X	SP	SP	SP	SP	SP
Recreational Facility, Motorized	X	SP	SP	X	X	X
ACCESSORY USES GROUP						
Any accessory building or use determined by the Planning Board to be customarily incidental to a permitted use, including detached garages and sheds.	PA	PA	PA	PA	PA	PA

USES	RR Rural Residential	RA Rural Agricultural	CV Conservation	H Hamlet	CC Commercial	LIO, LIO-A Light Industrial/ Office
Accessory recreational uses, such as swimming pools and sports courts, provided that they are in compliance with the setback requirements for the principal use.	PA	PA	PA	PA	PA	PA
Off-Street Parking Facilities	PA	PA	PA	PA	PA	PA

Article VI: AREA AND BULK REGULATIONS

Section 600: Area and Bulk Table

	RR Rural Residential	RA Rural Agricultural	CV Conservation	H Hamlet	CC Commercial	LIO, LIO-A Light Industrial/ Office
Minimum lot size						
With public sewer and water facilities	10,000 sf	10,000 sf	10,000 sf	10,000 sf	10,000 sf	10,000 sf
Without public sewer and water facilities	1 acre	1 acre	1 acre	1 acre	1 acre	1 acre
Permitted Density	See §601 below	See §601 below	See §602 below	Based on minimum lot size	Based on minimum lot size	Based on minimum lot size
Minimum front yard setback (feet)	50	50	50	10	40	40
Minimum side yard setback (feet)	15	15	15	0 or 7.5 if buildings are not attached	0 or 15 if buildings are not attached	15
Accessory building < 15 feet high and <200 square feet	1	1	1	1	1	1
Minimum rear yard setback (feet)	25	25	25	25	25	25
Accessory building < 15 feet high and <200 square feet	1	1	1	1	1	1
Minimum lot frontage (feet)	50 See §603 below	50 See §603 below	50 See §603 below	50	125	125
Minimum lot width (feet)	100	100	100	50	125	125
Maximum lot coverage (%)	25	25	15	50	25	25
Maximum building height (feet)	35 See §604 below	35 See §604 below	35 See §604 below	35 See §604 below	35 See §604 below	35 See §604 below

Section 601: Permitted Density in the RR and RA Districts

1. Maximum Permitted Density in the RR and RA Districts shall be 1du per 2 acres of Parent Parcel as determined on the adoption of this law. This density shall be based on the acreage of Parent Parcels as defined herein.
2. Actual Permitted Density may be less than or equal to the Maximum Permitted Density. Actual Permitted Density shall be calculated based on the linear feet of Road Frontage possessed by a Parent Parcel and the proposed form of development as follows:
 - A. Frontage Lot. With an individual curbcut/driveway onto an existing road - 1 lot per 400 feet of the Parent Parcel's Road Frontage. Note: The frontage of the actual building lot may be more or less than 400 feet at the discretion of the developer and in accordance with this law and physical feasibility of the site.
 - B. Shared Access Lot.
 - (i) With shared access (one curbcut/driveway) onto an existing road - 2 lots per 600 feet of the Parent Parcel's Road Frontage, plus
 - (ii) 1 additional lot per 200 additional feet of the Parent Parcel's Road Frontage if utilizing the same shared access point as the lots in (i) above. Note: the shared access point does not necessarily require a shared driveway, nor does it preclude one.
 - (iii) See §914 for additional requirements pertaining to shared access.
 - C. To achieve an Actual Permitted Density above what is possible under §601(2)(A) or (B) above, up to but not exceeding the Maximum Permitted Density for the RR and RA Districts, Conservation Subdivision procedures under Article VII shall apply.

EXAMPLE



Total Frontage = 2700 linear feet

Not To Scale

Existing Parent Parcel (see image above)

- 55 acres with 2700' of frontage
- Located in the RR or RA Districts
- Maximum Permitted Density = 27 units at 1du/2 acres - see §601(1). Note: 1 home already exists, so 26 new homes are theoretically possible
- Actual Permitted Density = "x" units. Varies based on frontage and form of development - see §601(2).

Development Scenarios

Scenario A: Owner of Parent Parcel decides to create 3 new lots, each with individual access (curbcut/driveway) to the existing road.

1. Parent Parcel: 55 acres and 2700' of frontage
2. Deduct 400 feet from the frontage for each new lot with individual access: $400 \times 3 = 1200$ [see §601(2)(A)].
3. Record Remaining Acres, Frontage, and Lots in accordance with §601(3) as follows:
 - a. 3 new lots (1.5 acre, 2.5 acre, and 4 acre) = 8 acres
 - b. Remaining acres of parent parcel = $55 - 8 = 47$
 - c. Remaining frontage for the purposes of calculating future development potential: $2700 - 1200 = 1500$
 - d. Maximum remaining new lots: $26 - 3 = 23$

Scenario B: Several years later, the owner of the Parent Parcel decides to create 2 new lots with a shared driveway (one curbcut).

1. See Remaining Acres, Frontage, and Lots for this Parent Parcel as recorded in Scenario A above.
2. Deduct 600 from the remaining frontage for 2 lots with shared access [see §600(2)(B)(i)]
3. Record Remaining Acres, Frontage, and Lots in accordance with §601(3) as follows:
(continued on next page)

3. Procedures. Recognizing that proper administration of the density provisions in §601(1) and (2) above is important for meeting the intent of this Local Law, the following procedures have been established to help ensure proper monitoring of lot splits in the RR and RA Districts:

A. Concurrent with the adoption of this law, an official parent parcel map indicating existing lots (“parent parcels”), parcel numbers, and land ownership for parcels in the RR and RA Districts shall be established along with an official register containing this information.

B. An allotment of lots possible under Maximum Permitted Density (from §601(1) above) shall be made for each Parent Parcel in the RR and RA Districts and recorded on the map and in the register. The acreage and the linear feet of road frontage of the Parent Parcel shall also be recorded on the map and in the register. Frontage and the Maximum Permitted Density calculation may be confirmed and/or re-calculated at the time of an application, based on a survey of the property.

C. As lots in the RR and RA Districts are created:

(i) The remaining acreage available for development, once actual acreage of the new lots has been subtracted from the parent parcel’s original acreage, shall be recorded on the map and in the register;

(ii) The remaining allotment of lots under Maximum Permitted Density shall be updated on the map and register to reflect these changes, and

(iii) The amount of road frontage used to determine the Actual Permitted Density (pursuant to §601(2) above) shall be subtracted from the Parent Parcel’s linear feet of Road Frontage. This shall be recorded on the map and in the register, and the remainder of feet will be used as the basis of future calculations of Actual Permitted Density.

Example (continued)

- a. 2 new lots (3 acre and 4 acre) = 7 acres
- b. Remaining acres of parent parcel: $47-7= 40$
- c. Remaining frontage for the purposes of calculating future development potential = $1500 - 600 = 900$ feet
- d. Maximum remaining new lots: $23-2= 21$

Scenario C: Several years later, the owner of the Parent Parcel decides to sell more lots. Based on remaining frontage, he/she could create 2 new frontage lots with individual driveways on the existing road or 3 new lots with one shared driveway. He/she chooses the latter.

- 1. See Remaining Acres, Frontage, and Lots for this Parent Parcel as recorded in Scenario B above.
- 2. Deduct 800 from the remaining frontage for 3 lots with one shared access [see § 601(2)(B)]
- 3. Record Remaining Acres, Frontage, and Lots in accordance with Section 601(3) as follows:
 - a. 3 new lots (1.5 acres, 3.5 acres, and 5 acres) = 10 acres
 - b. Remaining acres of parent parcel: $40-10= 30$
 - c. Remaining frontage for the purposes of calculating future development potential: $900 - 800 = 100^*$
 - d. Maximum remaining new lots = $21-3= 18$

*Note: In accordance with Section 600(1)(B)(iii), with only 100 feet of frontage remaining for the purposes of calculating future development potential, no further subdivision of the parent parcel would be allowed unless utilizing Conservation Subdivision.

- D. The official town map and register shall be maintained by a designated official of the Town and copies made available for inspection by the public.
- E. Shared driveway agreements that include clear definitions of responsibilities and maintenance procedures shall be submitted to the town for town approval. See §914.

Section 602: Permitted Density in the CV District

- 1. Maximum Permitted Density in the CV District shall be based on the acreage of the Parent Parcel in accordance with the Table below:

Size of Parent Parcel	Maximum Permitted Density
Less than 5 acres	1 Dwelling Unit
5 to 10 acres	Up to 2 Dwelling Units
10.01 to 18 acres	Up to 3 Dwelling Units
18.01 to 28 acres	Up to 4 Dwelling Units
28.01 to 40 acres	Up to 5 Dwelling Units
40.01 acres or more	Up to 1 Dwelling Unit per 8 acres

- 2. Procedures. Recognizing that proper administration of the density provisions in §602(1) above is necessary for meeting the intent of this Local Law, the following procedures have been established to help ensure proper monitoring of lot splits in the CV District:
 - A. Concurrent with the adoption of this law, a Parent Parcel Map indicating existing lots (“parent parcels”), parcel numbers, and land ownership for parcels in the CV District shall be established along with an official register containing this information.
 - B. An allotment of lots possible under Maximum Permitted Density (from §602(1) above) shall be made for each Parent Parcel in the CV District and recorded on the map and in the register, to be confirmed by survey instrument at time of application.
 - C. As lots in the CV District are created the remaining allotment of lots under Maximum Permitted Density shall be updated on the Parent Parcel Map and register to reflect these changes.
 - D. The Parent Parcel map and register shall be maintained by the Planning Department and copies made available for inspection by the public.

Section 603: Standards for Flag Lots in the RR, RA and CV Districts

A lot in the RR, RA, or CV Districts may derive its street frontage and access by means of a strip of land connecting the street and the main portion of the lot, provided that no portion of said access and frontage strip of land shall be less than 50 feet wide. The front yard setback of such a flag lot shall be measured from the rear lot line of the lot between the flag lot and the street on which it has frontage. In the case of a lot with radial or angled side lot lines, the front yard setback shall be established where the lot meets the minimum lot width requirement when measured parallel to the street from which the lot derives access

Section 604: Exemptions from Height Requirements

The following structures are exempt from height requirements listed in the table above: church steeples, water towers, farm structures, and public monuments.

Article VII. CONSERVATION SUBDIVISIONS

Section 701: Purpose

The purpose of these regulations is to achieve a balance between well-designed residential development, meaningful open space conservation, and natural resource protection in portions of the Town of Dryden by requiring conservation subdivisions instead of conventional subdivisions for large development projects. The use of conservation subdivisions is intended to preserve tracts of environmentally and scenically significant undeveloped land. Conservation subdivisions result in the preservation of contiguous open space and important scenic and environmental resources, while allowing compact development, more walkable and bikeable neighborhoods, and more design flexibility than conventional subdivisions.

Section 702: Applicability

1. These regulations may be utilized for any subdivision in the Town of Dryden if requested by the applicant and agreed to by the Planning Board.
2. These regulations shall apply to all subdivisions of property proposed within the Rural Residential (RR) and Rural Agricultural (RA) Districts that involve the creation of a greater number of lots from a Parent Parcel than what would be possible based on Actual Permitted Density, pursuant to §601(2) above.

Section 703: Types of Conservation Subdivisions

1. *Low Impact Conservation Subdivisions* – these are conservation subdivisions that have a proposed density that is clearly well-below the maximum permitted in the zoning district and which result in significantly more conserved land than is required herein. For the purposes of determining whether a proposed conservation subdivision is a “low impact conservation subdivision”, the Code Enforcement Officer and applicant shall first determine the base density for the site using the Density Calculation Method described below. If the proposed density of the conservation subdivision is less than 25% of the base density and at least 75% of the site will be preserved as permanently protected open space pursuant to §705, the Planning Board may, at its discretion, classify the project as a “low impact conservation subdivision”.

In addition to the simplified process for determining base density, “low impact conservation subdivisions” may be afforded an expedited review process by the Planning Board. For example, the SEQOR process may be easier to complete for a “low impact conservation subdivision.” Or the Planning Board could combine the preliminary plat review and final plat review stages if it finds that all necessary issues can be adequately addressed in one step.

2. *Standard Conservation Subdivisions* – Any proposed conservation subdivision that is not classified as a “low impact conservation subdivision” pursuant to §703(1) above, shall be considered a “standard conservation subdivision.”

Section 704: Standards for Conservation Subdivisions

1. Determining Base Density

A. *Density Calculation Method* – For the purpose of establishing whether a proposed conservation subdivision should be classified as a “low impact conservation subdivision”, the Zoning Officer and the applicant shall utilize a simple density calculation. Under the density calculation method, the maximum number of residential units allowed on a site (base density) shall be calculated using a formula based upon the acreage of “unconstrained land” on the property as follows:

- i. To determine unconstrained acreage, subtract from the total (gross) acreage of the proposed development parcel the acreage of “constrained land.” Constrained land includes wetlands, watercourses, 100-year floodplains, and slopes over 25%, which are 2,000 square feet or more of contiguous sloped area.
- ii. To determine the “base” number of allowable residential units on the site, divide the unconstrained acreage by the Maximum Permitted Density in the zoning district. Round down fractional units of 0.5 or less and round up fractional units greater than 0.5. The resulting number is the “base density” allowed on the site.
- iii. In the H and CC zoning districts, to determine the “base” number of allowable residential units on the site, divide the unconstrained acreage by the minimum required lot size for each residential unit. Round down fractional units of 0.5 or less and round up fractional units greater than 0.5. The resulting number is the “base density” allowed on the site.

B. *Yield Plan Method* – For any standard conservation subdivision (a proposed conservation subdivision that is not classified as a “low impact conservation subdivision”) the yield plan method shall be utilized to determine the maximum number of residential units allowed on a site (base density). Yield Plans shall meet the following requirements:

- i. A Yield Plan must be prepared as a sketch plan in accordance with the standards of the Subdivision Regulations, containing proposed lots, streets, rights-of-way, and other pertinent features. Although it must be drawn to scale, it need not be based on a field survey. However, it must be a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account the presence of wetlands, floodplains, steep slopes, existing easements or encumbrances and, if unsewered, the suitability of soils for subsurface sewage disposal.
- ii. For the purposes of preparing the Yield Plan only, the maximum permitted density in the zoning district shall serve as the minimum lot size. For example, in the RR and RA Districts, the maximum permitted density is 1 du/2 acres. For the purposes of preparing a Yield Plan in these districts, the minimum lot size would be 2 acres.
- iii. In the H and CC zoning districts the maximum permitted density is based on the minimum required lot size per residential dwelling unit.

The Planning Board, at its sole discretion, must determine whether the layout shown on the Yield Plan is realistic, reflecting a development pattern that could reasonably be expected to be implemented under conventional subdivision review. The number of housing lots identified on the Yield Plan then becomes the “base density” allowed on the site.

- C. Once the number of lots for a proposed conservation subdivision has been established, this number may be increased by up to 15% at the sole discretion of the Planning Board if permanent public access will be granted to the protected open space land and any associated improvements as delineated in this section.
- D. The density permitted by this section shall not be reduced as a result of the conservation analysis required in this section or as a result of the reservation of parkland during the subdivision process.
- E. The density permitted by this section may be reduced as a result of the necessary land needed for septic and water systems as per Tompkins County Health Department regulations.

2. Conservation Analysis

- A. As part of its Preliminary Plat submission an applicant shall prepare a conservation analysis, consisting of inventory maps and photographs, description of the land, and an analysis of the conservation value of various site features. The Town’s Residential Development Design Guidelines document provides information about the types of resources that should be considered in the conservation analysis. The conservation analysis shall show lands with conservation value, including but not limited to the following:
 - i. “constrained land” as defined in § 704(1)(A)(i) above
 - ii. “open space and environmental resources” as described in the Town’s Comprehensive Plan or resources identified in the Town Open Space Inventory or subsequent documents and plans as applicable
 - iii. buffer areas necessary for screening new development from adjoining parcels
 - iv. land exhibiting present or potential recreational, historic, ecological, agricultural, water resource, habitat, scenic or other natural resource value.
 - v. land, that considered together with land on adjoining parcels, would constitute a contiguous area or network of open space for the benefit of conserving the resources identified in sections i through iv above.
- B. The Planning Board, and/or at its request, the Town’s Conservation Board, town staff, or appropriate professionals retained by the town, may, and are encouraged to, conduct a site visit to review the applicant’s conservation analysis for completeness and accuracy. The site visit may also be used by the Planning Board to help determine which of the lands identified as being of conservation value are most important to preserve.
- C. The conservation analysis shall describe the importance and the current and potential conservation value of all land on the site. In the course of its initial Preliminary Plat review, the Planning Board shall indicate to the applicant which of the lands identified as being of conservation value are most important to preserve.

- D. The outcome of the conservation analysis and the Planning Board's determination shall be incorporated into the approved Preliminary Plat showing land to be permanently preserved by a conservation easement. The Preliminary Plat shall also show preferred locations for intensive development as well as acceptable locations for less dense development.
- E. The final determination as to which land has the most conservation value and will be protected from development by conservation easement or other acceptable instrument shall be made by the Planning Board. Whenever the Planning Board approves a plan with protected open space, it shall make written findings identifying the specific conservation values protected and the reasons for protecting such land (the "conservation findings"). The Planning Board shall deny an application that does not include a complete conservation analysis sufficient for the Board to make its conservation findings.
- F. The Preliminary Plan shall show the following as land to be preserved by conservation easement:
 - i. The constrained land identified by the analysis described in § 704(1)(A)(i) above, and
 - ii. At least 40% of the land not preserved in §704(2)(F)(i) above.

3. Types of Development in a Conservation Subdivision

The allowable residential units in a conservation subdivision may be developed as single-family or two-family dwellings. The allowable residential units in a conservation subdivision may be developed in multifamily dwellings upon approval by the Planning Board of a Special Use Permit.

4. Lot Sizes in Conservation Subdivisions

There shall be no minimum lot size in a conservation subdivision. The Planning Board shall determine appropriate lot sizes in the course of its review of a conservation subdivision. In order to permit a clustered lot configuration, wells and septic systems may be located in areas of protected open space, provided that necessary easements are provided for maintenance of these facilities. Communal or shared septic systems may be utilized with approval of the Department of Health.

5. Other Area and Dimensional Requirements

- A. There shall be no required area, bulk, or dimensional standards in a conservation subdivision, except that where such subdivision abuts an existing residence in a residentially zoned area, a suitable buffer area to adjoining properties to the project shall be required by the Planning Board. This buffer shall be at least the same distance as the minimum rear or side yard setback in the district in which the abutting land is located.
- B. The applicant shall specify dimensional requirements for a proposed conservation subdivision by identifying setbacks and other lot dimensions to be incorporated into the Final Plat.
- C. In accordance with Section 278 of Town Law, when the Final Plat is filed with the county clerk and a copy of the Final Plat is filed with the town clerk, the town clerk shall make appropriate notations

and references thereto on the town zoning map. The town clerk shall make such notations and references as needed, but not less frequently than semiannually.

6. Conservation Subdivision of a Portion of Larger Tract

The Planning Board may entertain an application for a subdivision of a portion of a Parent Parcel if a conservation analysis is provided for the entire parcel, and the approval to develop a portion of the parcel is not a basis for the applicant or successor in interest to subsequently request an exception under subsection 704(2)(G) for the remainder of the parcel.

7. Residential Development Design Guidelines

The applicant shall demonstrate to the Planning Board's satisfaction how the layout of a proposed conservation subdivision is consistent with the design principles outlined in the Town of Dryden's Residential Development Design Guidelines.

Lots shall be arranged in a manner that protects land of conservation value and facilitates pedestrian and bicycle circulation. Permitted building locations or areas ("building envelopes") shall be shown on the Final Plat.

8. Road Standards

Roads built within conservation subdivisions shall conform to the construction requirements outlined in Town of Dryden Specifications for Town Highways. These standards may be reduced at the discretion of the Planning Board and with approval of the Town Highway Department and the Town Engineer.

Section 705: Permanent Open Space

Open space set aside in a conservation subdivision shall be permanently preserved as required by this Section. Any development permitted on land located in a conservation subdivision that is not protected as open space shall not compromise the conservation value of such open space land.

1. Conservation Value of Open Space

The open space protected pursuant to this Section must have "conservation value," which shall be determined in the course of the conservation analysis described in §704(2) above.

2. Permanent Preservation by Conservation Easement

- A. A perpetual conservation easement restricting development of the open space land and allowing use only for agriculture, forestry, passive recreation, protection of natural resources, or similar conservation purposes, pursuant to Section 247 of the General Municipal Law and/or Sections 49-0301 through 49-0311 of the Environmental Conservation Law, shall be granted to the town, with the approval of the Town Board, and/or to a qualified not-for-profit conservation organization acceptable to the Town Board. Such conservation easement shall be approved by the Planning Board and shall be required as a condition of Final Plat approval. The Planning Board shall require that the conservation easement be enforceable by the town if the town is not the holder of the conservation easement. The conservation easement shall be recorded in the County Clerk's Office,

and recording information (liber and page) shall be shown on the Final Plat prior to filing of the Final Plat in the County Clerk's Office.

The conservation easement shall prohibit residential, industrial, or commercial use of open space land (except in connection with agriculture, forestry, and passive recreation), and shall not be amendable to permit such use. At the discretion of the Planning Board, the conservation easement may permit publicly accessible, outdoor active recreation on the portion of protected open space comprised of unconstrained land, or may be amendable to permit such use in the future, provided that the Planning Board finds such use would be compatible with the surrounding neighborhood and that it would not impair the conservation value of the land. Driveways, wells, underground sewage disposal facilities, (including constructed wetlands), local utility distribution lines, stormwater management facilities, trails, and agricultural structures shall be permitted on preserved open space land, provided that they do not impair the conservation value of the land. Forestry shall be conducted in conformity with applicable best management practices as described by the NYS Department of Environmental Conservation's Division of Lands and Forests.

- B. A land management plan, approved by the Planning Board, shall be included in the conservation easement. The conservation easement shall provide that if the Town Board finds that the management plan has been violated in a manner that renders the condition of the land a public nuisance, the town may, upon 30 days written notice to the owner, enter the premises for necessary maintenance, and that the cost of such maintenance by the town shall be assessed against the landowner or, in the case of an HOA, the owners of properties within the development, and shall, if unpaid, become a tax lien on such property or properties. Preserved open space may be included as a portion of one or more large lots, or may be contained in a separate open space lot. The conservation easement may allow dwellings to be constructed on portions of lots that include preserved open space land, provided that the total number of dwellings permitted by the conservation easement in the entire subdivision is consistent with applicable density limitations as determined under §704(1).

3. Notations on Final Plat

Preserved open space land shall be clearly delineated and labeled on the subdivision Final Plat as to its use, ownership, management, method of preservation, and the rights, if any, of the owners of lots in the subdivision and the public to the open space land. The Final Plat shall clearly show that the open space land is permanently preserved for conservation purposes by a conservation easement required by this Section, and shall include deed recording information in the County Clerk's office for the conservation easement.

4. Ownership of Open Space Land

- A. Open space land shall under all circumstances be protected by a perpetual conservation easement, but may be owned in common by a homeowner's association (HOA), offered for dedication to Town, County, or State governments, transferred to a non-profit organization acceptable to the Planning Board, held in private ownership, or held in such other form of ownership as the Planning Board finds appropriate to properly manage the open space land and to protect its conservation value.
- B. If the land is owned in common by an HOA, such HOA shall be established in accordance with the following:

- i. The HOA application must be submitted to the NYS Attorney General's Office before the approved subdivision Final Plat is signed, and must comply with all applicable provisions of the General Business Law. The HOA must be approved by the NYS Attorney General's Office prior to issuance of the first Certificate of Occupancy from the Code Enforcement Officer.
- ii. Membership must be mandatory for each lot owner, who must be required by recorded covenants and restrictions to pay fees to the HOA for taxes, insurance, and maintenance of common open space, private roads, and other common facilities.
- iii. The HOA must be responsible for liability insurance, property taxes, and the maintenance of recreational and other facilities and private roads.
- iv. Property owners must pay their pro rate share of the costs in (ii) above, and the assessment levied by the HOA must be able to become a lien on the property.
- v. The HOA must be able to adjust the assessment to meet changed needs.
- vi. The applicant shall make a conditional offer of dedication to the Town, binding upon the HOA, for all open space to be conveyed to the HOA. Such offer may be accepted by the Town, at the discretion of the Town Board, upon the failure of the HOA to take title to the open space from the applicant or other current owner, upon dissolution of the association at any future time, or upon failure of the HOA to fulfill its maintenance obligations hereunder or to pay its real property taxes.
- vii. Ownership shall be structured in such a manner that real property taxing authorities can satisfy property tax claims against the open space lands by proceeding against individual owners in the HOA and the dwelling units they each own.
- viii. The Town Attorney's Office shall find that the HOA documents presented satisfy the conditions in Subsections (i) through (vii) above, and such other conditions as the Planning Board shall deem necessary.

Section 706: Conservation Subdivision Procedures

1. Review Process

The conservation subdivision process involves the following three steps:

- Existing Conditions / Sketch Plan Discussion
- Preliminary Plat Review
- Final Plat Review

2. Existing Conditions / Sketch Plan Discussion

An applicant shall request an Existing Conditions / Sketch Plan Discussion with the Planning Board prior to the applicant making any formal subdivision submission. The Existing Conditions/Sketch Plan Discussion is a mandatory pre-application procedure. In preparation for the Existing Conditions/Sketch Plan Discussion:

- A. The applicant shall submit an assessment of existing conditions on the site to be subdivided. This initial site assessment shall be based on data regarding natural resources, aerial or satellite photography, or other publicly available information as required by the building department. It need not be based upon surveyed data. This initial site assessment shall show the approximate area of the project that might constitute constrained lands (wetlands, floodplains, steep slopes, etc) and the area

that might be classified as developable lands, with photographs of these areas. It shall also describe (with text and photographs) special or unique physical features on the site that may be considered further in the conservation analysis during preliminary plat review, and which may influence the design of the conservation subdivision.

B. The applicant shall submit a conceptual sketch plan of the proposed subdivision. The sketch plan submitted need not be based upon surveyed data, but it should contain the following information:

- i. A vicinity map showing the location of the land to be subdivided and the boundaries of all tax parcels within 500 feet of the property.
- ii. The tax map sheet, block and lot numbers, as available from the Town Assessor's Office.
- iii. Information regarding all known restrictions on the use of land including easements, covenants or zoning district classification.
- iv. An estimate of the number of lots and/or units that might be accommodated within the project
- v. A broad concept plan to indicate any initial ideas about the location of homes, roads, trails, conservation areas, and utilities.

C. During the sketch plan discussion the applicant and the Planning Board may discuss the possible requirements of the project in relation to standards for street improvements, grading, drainage, sewerage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information.

3. Preliminary Plat Review

A. The Preliminary Plat application shall contain the following:

- i. A density calculation, as described in §704(1) above.
- ii. A conservation analysis as described in §704(2) above including a proposed conservation analysis map.
- iii. A schematic ("bubble") diagram showing which areas on the parcel would be developed and where land would be protected as permanent open space by a conservation easement.
- iv. A conceptual layout showing approximate building locations or areas ("building envelopes"), road and trail alignments, and lot lines. Approximate dimensions of roads and lots, topography and drainage, and a description of all proposed facilities (unsized) shall also be provided.
- v. Additional submission requirements available from the Planning Department.

B. The Preliminary Plat shall be reviewed by the Planning Board, which shall hold a public hearing and make its conservation findings as required by §704 above. The notice and hearing procedures shall be the same as those for a subdivision contained in the Town of Dryden Land Subdivision Regulations. In order to approve a Preliminary Plat, the Planning Board must find that it complies with all relevant provisions of the Zoning Law.

C. SEQR compliance for the Preliminary Plat shall be the same as required by the Town Law, Section 276, for a Preliminary Plat application.

4. Final Plat Review

- A. Within one hundred eighty (180) days of the approval of the preliminary plat, whether with or without modification, the owner must submit the plan in its final form. If such plan is not so submitted, approval of the preliminary plat is subject to revocation by the Planning Board. Upon application, the Board may grant up to two, ninety (90) day extensions of this time requirement. The Planning Board may grant an extension only upon the determination of what the Board, in its sole discretion, finds to be extraordinary conditions.

- B. The procedure for Final Plat Review, including notice and hearing procedures, shall be the same as those for a subdivision plan contained in the Town of Dryden Land Subdivision Regulations. In order to approve a Final Plat, the Planning Board must find that it is consistent with the Preliminary Plat and complies with all relevant provisions of the Zoning Law.

- C. The Final Plat Review application shall contain the following:
 - i. All the materials required for approval as provided in the Town of Dryden Land Subdivision Regulations unless waived by the Planning Board.
 - ii. Proposed conservation easement(s) for the protection of permanent open space land.
 - iii. A final land management plan for the permanent open space areas, to be incorporated into the conservation easement and made enforceable by the Town.
 - iv . Other submission requirements as specified by the Planning Board.

- D. SEQR compliance for the Final Plat shall be the same as required by the Town Law, Section 276, for Final Plat approval.
 - i. Final Plat approval shall expire after one hundred eighty (180) days if the applicant has not complied with all conditions of the approval. Upon an application, the Board may grant up to two (2) ninety (90) day extensions of this time requirement. The Planning Board may grant an extension only upon the determination of what the Board, in its sole discretion, finds to be extraordinary conditions.

Article VIII: OVERLAY DISTRICTS

Section 801: Optional Traditional Neighborhood Development Overlay District (OTNDO)

1. Purpose

It is the purpose of the OTNDO Optional Traditional Neighborhood Development Overlay District to establish a second development option for parcels that fall within this overlay district. Landowners of these parcels may continue to develop their property in accordance with the regulations of the underlying zoning district, or they may select to develop their property utilizing the provisions of this section. Public water and public sewer must be available to make use of this development option.

The provisions of the OTNDO are intended to promote Traditional Neighborhood Development patterns in areas that adjoin existing villages or hamlets. Within these extensions of an original village or hamlet, higher density residential development will be allowed; and will be designed according to special guidelines to ensure that the resulting form incorporates the design principles of traditional neighborhoods.

The OTNDO is a variation of the Conservation Subdivision process in Section 704, with new residential development clustered adjacent and interconnected to an existing village or hamlet, and permanently protected open land set aside at the periphery of the extended village or hamlet (farthest away from the center) creating a greenbelt at the village or hamlet edge, with the exception of parks designed for active and passive recreation, which may be located more centrally.

All proposals utilizing the OTNDO provisions shall follow the process and procedures described in Article VII for Conservation Subdivisions, except as modified below.

2. Establishment of Overlay District

The Town of Dryden Official Zoning Map shall delineate the boundaries of the OTNDO Optional Traditional Neighborhood Development Overlay District.

3. Density

Maximum density in the OTNDO Optional Traditional Neighborhood Development Overlay District shall be six (6) dwelling units per acre of land and subject to other provisions in this Local Law.

4. Permitted Principal Uses

A primary objective of the TND option is to provide for a diversity of household types, age groups, and income levels, in a manner consistent with the variety of existing homes in the municipality and with traditional village/hamlet building and site development patterns. Within the overall residential density figures in this overlay zone, new construction is to be predominantly single-family detached residential on a variety of compact village/hamlet-scale lot sizes, which should range in area from 6,000 sq. ft. to 12,000 sq. ft. with an average lot size of 10,000 sq. ft. Up to 40% of new units may be in two-family or multiple-family dwellings. When two-family or multi-family dwellings are proposed, they shall be integrated architecturally and in scale so that they can be physically incorporated within the same streetscape as single-family dwellings, and not isolated from each other in separate areas.

A. Single-family dwelling

- B. Two-family dwelling
- C. Townhouse
- D. Multi-family dwelling

5. Permitted Accessory Uses and Structures

- A. Private garages, or carports, for the parking of automobiles of residents on the premises.
- B. Customary accessory structures serving residential uses including but not limited to private swimming pools, hot tubs, storage buildings and greenhouses, pet shelters and fireplaces all subject to the provisions of this Local Law.
- C. Customary farm accessory buildings for the storage of products or equipment.
- D. Off-street parking, fencing, and signs in accordance with the provisions of this Local Law.
- E. Home Occupations: Level 1

6. Design and Dimensional Requirements

- A. Open Space: Not less than one-fifth of the permanently protected open space set aside in the conservation subdivision process shall be in a form that is integrated into the residential neighborhood and accessible to the public, such as a central green, neighborhood squares or commons, tot lots, a community park, or any combination of the above.
- B. Blocks: Streets shall be designed to create blocks that are generally rectilinear in shape, a modified rectilinear shape, such as curves, or another regularly repeating, distinct geometric shape. Amorphously shaped blocks are generally discouraged, except where topographic or other conditions necessitate such a configuration. To the greatest extent possible, blocks shall be designed to have a maximum length of 480 feet. Lanes or alleys shall be permitted to bisect blocks.
- C. Street Layout: The street layout shall form an interconnected system of streets primarily in a rectilinear grid pattern, however, modified to avoid a monotonous repetition of the basic street/block pattern. The use of cul-de-sacs and other roadways with a single point of access shall be minimized. To the greatest extent possible, streets shall be designed to have a maximum length of 600 feet from intersection to intersection, and, to the greatest extent possible, shall either continue through an intersection, or terminate in a "T" intersection directly opposite the center of a building, an internal open space area, or a view into a peripheral open space area.
- D. Sidewalks. A sidewalk network shall be provided throughout the development that interconnects all dwelling units with other units, non-residential units, common open spaces, and the original village/hamlet to which this new development is adjacent. If the development is not adjacent to a village/hamlet area, but rather an open space, then a trail system through the open space will be provided. Sidewalks shall be a minimum of four feet in width, expanding to five feet and six feet along major pedestrian routes. Sidewalks shall be of barrier-free design to the greatest extent possible. The pedestrian circulation system shall include crosswalks where appropriate, and include gathering/sitting areas and provide benches, landscaping, and other street furniture where appropriate.

- E. Minimum Lot Area: 6,000 square feet, on average.
- F. Minimum Lot Width at Building Line: 40 feet.
- G. Yard Regulations: The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards:

I. Front yard:

- a. Principal buildings: 12 feet minimum (6 feet to front porches /steps)
- b. Attached Garages (front-loaded): min. 10 feet behind plane of house
- c. Attached Garage (side-loaded): min. 10 feet from street R.O.W.
- d. Detached Garages (front-loaded): min. 40 feet from street

II. Rear yard:

- a. 30 feet minimum for principal buildings and 5 feet for accessory buildings (excluding garages);
- b. Detached Garages (rear-loaded): min. 10 feet from alley or lane.

III. Side yard:

There shall be a minimum separation of 20-foot between principal buildings; however, the side yard for any individual principal structure shall be a minimum of 5 feet.

- H. Maximum Impervious Coverage: 50 percent limit on each lot.
- I. Minimum Street Frontage: Lots must have frontage either on a street or on a back lane or shared driveway. Houses served by rear lanes may front directly onto parks or greens, which shall be designed with perimeter sidewalks.
- J. Maximum Height: 35 feet

7. Special Permitted Uses

The following uses may be permitted consistent with the provisions of Article XII, provided that a Special Use Permit is issued by the Planning Board:

- A. Single Family Dwelling with Accessory Dwelling Unit
- B. Home Occupations: Level 2
- C. Churches and other religious institutions.
- D. Horticultural nurseries.
- E. Essential services, public utility or communication installations.
- F. Recreational facilities of charitable, not-for-profit organizations.
- G. Public and semi-public buildings and uses.
- H. Bed-and-Breakfast Establishment
- I. Bed-and-Breakfast Home
- J. Congregate Care Facility

K. All Business Group Uses permitted by Special Use Permit in the Hamlet District

8. Site Plan Approval

No site preparation nor construction shall commence until site plan approval has been granted by the Planning Board for the development of any use within the OTNDO Optional Traditional Neighborhood Development Overlay District. The Planning Board shall have full discretion to approve or deny applications for proposed projects within the OTNDO based on compliance with the standards set forth above, as well as in consideration of the proposed project’s overall merits and benefit to the town. Amenities and resources that benefit the town at large, including trails, parks and other improvements, shall be taken into consideration in evaluating the merits of the proposed project.

Section 802: Large Scale Retail Development Overlay District (LSRDO)

1. Purpose and Applicability

The purpose of this overlay district is to define a location in the town where large scale retail development may be appropriate, and to define specific requirements for the review and possible approval of large scale retail shops and shopping centers in this area.

Within the Large Scale Retail Development Overlay District, landowners may continue to develop their property in accordance with the regulations of the underlying zoning district, or they may select to seek approval of a special use permit to develop their property for large scale stores or shopping centers as defined and regulated below.

2. Establishment of Overlay District

The Town of Dryden Official Zoning Map shall delineate the boundaries of the Large Scale Retail Development Overlay District.

3. Size regulations:

- A. Stores- No individual store shall be greater than 45,000 gross square feet in floor area unless an amenity package is included as part of the store’s site plan approval, as indicated in (5) below.
- B. Retail Shopping Centers- No retail shopping center shall be greater than 90,000 gross square feet in floor area unless an amenity package is included as part of the center’s site plan approval, as indicated in (5) below.
- C. For the purpose of the size limits set forth above, floor area shall include floor area or floor space of any sort within a building as well as exterior space used for sale or storage of merchandise. This shall include, but is not limited to, garden centers, outdoor display areas, or lumber yards.

4. Building Placement, Parking, Lighting and Landscaping:

Conformance to the Town’s commercial design guidelines shall be required to the maximum extent practicable, in addition all applicable requirements set forth in this zoning law.

5. **Optional Amenity Package:** In order to gain additional square footage for an individual store or shopping center, a developer may include an amenity package that would assist the town in meeting other needs related to goals stated in the Comprehensive Plan or other adopted town plan (Open Space, Recreation etc.)..
- A. An increase or bonus in size, up to a maximum of 60,000 gross square feet of floor area for individual stores and 120,000 gross square feet of floor area for a shopping center, may be granted by the Planning Board if an amenity package is provided. The value of the increased square footage allowed must be commensurate with the value of the amenity or benefit provided.
 - B. These amenities shall include provisions for on-site and/or off-site improvements beyond measures required to service the needs of the subject project and/or beyond the measures needed to mitigate the impact of the subject project. The amenities may include but are not limited to the following:
 - i. Provision for needed affordable housing options
 - ii. The enhancement of public facilities including local roads, public water, stormwater, sewage and community services / public safety / transportation facilities.
 - iii. Creation or extension of an open space system for the public including a comprehensive multi-purpose path system and conservation lands (including developable land) permanently protected by conservation easement or other measure acceptable to the town.
 - iv. Creation of recreational amenities including parks, walking or biking trails, community centers and similar features designed for use by the immediate residents and local public alike.
 - v. Cash payment to the Town for placement in a dedicated fund for use in future public improvements or acquisition of community facilities such as recreation facilities, trails, fishing and water access; public works such as water, sewer, and transportation facilities; and the acquisition and/or permanent protection of open space and agricultural lands.
 - vi. Non-corporate design features for the store and/or shopping center that evoke the sensibilities of the Dryden area.
 - vii. Enhanced stormwater retention facilities, both on and off site.
 - C. Where the Planning Board determines that a suitable community benefit or amenity is not immediately feasible, or otherwise not practical, the board may require, in lieu thereof, a payment to the town of a sum to be determined by the board. These funds shall be deposited in a dedicated fund to be used by the Town Board exclusively for community benefits or amenities as defined herein.
6. **Abandoned Building Surety Bond:** As may be required by the Town, all large scale commercial development as defined herein, shall obtain, provide evidence to the Town, and carry in full force and effect throughout the duration of the life of the project, or time period as may be stipulated by a development agreement, a performance/surety bond providing for demolition of the primary building or buildings as identified by the Town. Said performance/surety bond shall provide funds to cover the cost of complete building demolition and maintenance of the vacant

building site if the primary building is ever vacated or abandoned, and remains vacant or abandoned for a period of more than twelve consecutive months following primary business closure.

ARTICLE IX: GENERAL REGULATIONS

Section 900: General Regulations

Except as hereinafter provided, the following general provisions shall apply to land use and development in the Town of Dryden:

1. No land or building shall hereafter be used or occupied and no building or part thereof shall hereafter be enlarged or its use altered unless such action is in conformance with all the regulations specified for the zone in which said action occurs and any special regulations pertinent thereto.
2. Until such time as public water and/or sewer facilities are installed, the Health Department standards for minimum lot size shall take precedence over any less restrictive provisions of this Ordinance.
3. No lot shall hereafter be reduced or altered so as to result in a lot that does not meet the minimum area or yard requirements prescribed by this Ordinance.
4. No yard provided about any building for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard for any other building.
5. Public utilities facilities (including electric, gas, telephone and T.V. cable) and necessary appurtenances thereto, shall be allowed uses in all zones by Special Permit.
 - A. Telecommunications towers and necessary appurtenances as defined in the “Telecommunications Tower Siting Law for the Town of Dryden” shall be sited as provided in such local law.
6. The provisions of this Ordinance shall not be in conflict with the Land Subdivision Rules and Regulations of the Town of Dryden. The most restrictive conditions shall apply unless otherwise modified by the Zoning Board of Appeals or the Planning Board.
7. Waiver or Modification of Lot Requirements.
 - a. The Town Board reserves the right to waive or modify upon a determination as herein provided, the area and bulk requirements pertaining to the dimensions of a lot, as set forth in Article VI to encourage development or redevelopment, as the case may be, in accordance with the Residential Design Guidelines and Commercial Development Design Guidelines which are found in **Appendices B and C to this Ordinance**. An applicant requesting a waiver or modification of lot requirements must demonstrate by clear and convincing evidence that, to the maximum extent practicable, the proposed development complies with the Residential and/or Commercial Development Guidelines.
 - b. In reaching a determination whether the applicant has, to the maximum extent practicable, complied with the applicable Design Guidelines, the Town Board shall consider:
 - i) the recommendations of Environmental Planner, Zoning Officer, and the Planning Board;

- ii) the scope of the proposed development, including number of new lots;
 - iii) minimization of new public infrastructure;
 - iv) maximization of permanently preserved open space; and
 - v) utilization of techniques designed to enhance public safety, environmental quality, property values, economic opportunity, town character as expressed in the Town's Comprehensive Plan and the overall quality of life for all town residents.
- c. The Town board shall hold a public hearing on any application to waive or modify lot requirements under this subsection. Notice of such public hearing shall be published in the official town newspaper at least ten (10), but not more than 20 days prior to such public hearing.
 - d. In reaching a determination about whether to waive or modify any of the foregoing lot requirements, the Town Board shall make detailed findings of fact and conclusions based on the application, the recommendations of the various reviewers, the public hearing and the standards herein set forth. Such determination by the Town Board shall be by resolution and is hereby declared to be a legislative act.

8. Administrative Waiver or Lot Frontage Requirements.

Upon finding of good cause, the lot frontage requirement may be waived by a maximum of 15% by the town's Zoning Officer and/or designee. All other requirements and regulations pertaining to the lot and the use thereon shall be in full effect.

Section 901: Unregistered Vehicles

- 1. All lots shall be kept free of vehicles that are unregistered, or abandoned or inoperable, and shall be kept free of trash, rubbish or junk. For the purposes of this section, one (1) vehicle that is unregistered but operable shall be permitted. An inspection certificate less than one (1) year old by an inspector licensed by the New York State Department of Motor Vehicles shall be prima facie proof of the vehicle being operable. For vehicles that do not have such an inspection certificate the owner may certify, under the penalty of perjury, that such vehicle is operable. An owner's certification shall not be entitled to prima facie status as to the vehicle being operable.

Section 902: Off-Street Parking

- 1. Off-street parking space shall be provided as specified in this Article and shall be paved (see Definitions: paving) drained, maintained and provided with necessary access driveways. All such parking spaces shall be considered to be required space on the lot on which they are located, unless otherwise stated, and shall not therefore be encroached upon in any manner.
- 2. All uses allowed by this Ordinance, as well as use variances and permits, shall include at minimum the amount of off-street parking spaces specified in the following schedule:

- a. For each dwelling unit—one space, except for dwelling units occupied by more than three unrelated persons where one space per bedroom shall be required.
 - i. There shall be no limitation on the number of agricultural vehicles permitted accessory to a farm use.
- b. For all residential lots, any unoccupied camping trailer, utility trailer, boat and/or boat trailer and recreational vehicle may be stored on the lot. Such outside storage shall take place to the rear of or to the side of such residence but shall be no closer than five feet to any side or rear property line.
- c. For hotels and motels—one space per room plus one space per two employees.
- d. For a church—one space for each 4 persons to be seated in a sanctuary area.
- e. For an educational building—one space for each employee and one space for each 10 students.
- f. For a college, trade school, or other post-secondary educational facility—one space for each two employees and one space for each two students for which the maximum capacity is designed.
- g. For a community center or other civic or semi-public structure—one space for each 250 square feet of gross floor space plus one space for every two employees.
- h. For public or private parks or playgrounds—ample space to accommodate the parking requirements of the expected use.
- i. For commercial recreation facilities—one space for each 200 square feet of space enclosed for indoor facilities plus one space for each 7,500 square feet, or major fraction thereof, up to 10 spaces, and thereafter, one space for every 20,000 square feet, or major fraction thereof, of outdoor facilities
- j. For a restaurant, club, lodge or similar use—one space for each 150 square feet of gross floor area.
- k. For any retail shop or store—five parking spaces for each 1,000 square feet of gross floor area.
- l. For any gasoline filling station---one space per pump island, plus applicable parking for all other uses on site.
- m. For any shopping center – five parking spaces for each 1,000 square feet of gross leasable area up to 25,000 square feet, then four parking spaces for each 1,000 square feet thereafter
- n. For professional office, studio or bank (except medical and dental offices)—one space for each 250 square feet of gross floor area
- o. For medical and dental offices and clinics—one space for each 150 square feet of gross floor area
- p. For research offices and laboratories—one space for each 200 square feet of gross floor area or one space for each two employees working on the largest shift, whichever is greater.
- q. Home occupation level two—in addition to the dwelling unit requirement, ample space to accommodate parking requirements of the expected use.
- r. For a hospital, nursing home, similar use—one space for each four bed spaces plus one space for each employee.
- s. For all machinery display and repair uses—one space for each two employees plus one space for each 5,000 square feet, or major fraction thereof, of gross lot area.
- t. For a manufacturing, assembly or other industrial use—one space for each two employees.
- u. For lumber, building materials and other similar storage yards—one space for each two employees plus one space for each 5,000 square feet or major fraction thereof of gross storage area.

- v. For wholesale, storage and warehouse facilities—one space for each 2,000 square feet of warehouse space plus one space for each 250 square feet of office space..
- w For all service uses such as printing, welding, plumbing and similar shops—one space for each employee or one space for each 500 square feet of floor area devoted to such use, whichever is greater.
- x For a boarding house, bed-and-breakfast establishment and bed-and-breakfast home – one space for each approved room to be rented.

3 Shared Parking— In order to encourage safe and convenient traffic circulation, the Planning Board may require the interconnection of parking areas via access drives within and between adjacent lots. The Board shall require written assurance and/or deed restrictions, satisfactory to the Town Attorney, binding the owner and his heirs and assignees to permit and maintain such internal access and circulation and inter-use of parking facilities.

4. Loading---

a. Every use requiring receipt or distribution of materials or merchandise by motor vehicles shall have one or more loading berths or other space for standing, loading and unloading on the same or adjoining premises. Loading space shall be sufficient to allow normal loading and unloading operations appropriate to the property served, and they shall not be used for storage of vehicles or materials, or to meet off-street parking requirements.

OFF-STREET LOADING REQUIREMENTS

Land Use Classification	Space Requirements
Hotel/motel uses	One loading berth for every 100,000 square feet of floor area, up to a maximum of three berths.
Industrial and commercial uses:	Minimum number of loading berths required as follows:
Less than 25,000 square feet	1
25,000 to 49,999 square feet	2
50,000 to 99,999 square feet	3
Each additional 100,000 square feet	One additional space

b. This section shall apply to new structures or additions to structures, and shall not be considered to make any existing structure nonconforming for lack of such off-street loading berths.

c. Based on the adopted fire prevention code, adequate fire lanes may be required.

5. Bicycle Parking. In all cases, applicable facilities for bicycle parking, as determined by the Planning Board, shall be included on-site.

6. Landscaping and Layout of Parking Areas

- a. All areas in a parking lot not required for parking space or access drives shall be suitably landscaped and maintained and include the use of shade trees. A landscaping plan for parking areas shall be submitted for those uses requiring Site Plan Review by the Planning Board.

- b. In all off-street parking facilities which contain 25 or more parking spaces, at least 15% of the total parking facility within the perimeter of the area dedicated to parking shall consist of raised landscaped islands, as follows, except that the Planning Board may waive or modify the requirement for good cause and in the interest of good design where there are fewer than 50 parking spaces:
 - i. Landscaped islands shall be located at the ends of each parking bay which contains 10 or more spaces, separating adjacent rows of parking spaces at least every second parking bay and elsewhere as determined appropriate by the Planning Board to properly guide vehicle movement, to provide for plant growth and vehicle overhang, to provide for pedestrian circulation and to otherwise help assure proper traffic circulation, pedestrian safety and aesthetics. Such landscaped islands and the plantings within them shall be designed and arranged so as to provide vertical definition to major traffic circulation aisles, entrances and exits; to safely channel internal traffic flow; to prevent indiscriminate diagonal movement of vehicles; to provide cooling shade and relief from the visual impact, monotony and heat of large expanses of paved areas; and, where appropriate, to accommodate stormwater management practices such as bioretention areas, swales and sand filters.

 - ii. Unless modified by the Planning Board, the minimum width of landscaped islands shall be eight feet where located at the ends of parking bays and ten feet where separating opposing rows of parking spaces or adjacent to circulation aisles. All corners shall be rounded with a curb radius of not less than three feet unless otherwise required by the Planning Board.

 - iii. The landscaping of off-street parking areas shall include at least one shade tree of not less than three inches caliper for each six parking spaces. Main traffic circulation aisles shall be emphasized with such shade trees. Other landscaped islands may be planted with flowering trees and/or other plantings, as appropriate. This is in addition to ground cover, shrubs and hedges which are to be provided where appropriate to serve their intended function while not interfering with safe sight distance for pedestrians and vehicles.

 - iv. The Planning Board may also permit non-landscaped islands, if appropriate for purposes such as pedestrian circulation, snow storage and so forth. Such islands shall not be less than four feet in usable width.

 - v. Screening. In addition to the buffer requirements of Section 912, all off-street parking and loading facilities shall also be attractively landscaped along their periphery. Such landscaped screening shall be a minimum of ten feet in width. The buffer shall consist of evergreen planting of such type, height, spacing and arrangement as, in the judgment of the Planning Board, will serve the intended function. The Planning Board may allow or require a landscaped berm, wall or fence of location, height, design and materials

determined suitable by the Board to be substituted for or to supplement the required screen planting.

vi. Species. New planting shall be comprised of appropriate native species and shall not incorporate invasive species.

7. Maximum Parking Threshold. No use shall be allowed to provide parking facilities that accommodate more than 20% over the amount specified in this Section unless expressly allowed by the Planning Board as part of an application for Site Plan approval. Any parking that exceeds the amount specified in this Section shall be provided using pervious materials that allow stormwater to infiltrate the ground.
8. Stormwater Management, Use of Pervious or Porous Materials
 - a. All parking facilities shall be designed in compliance with the town's adopted Stormwater Management, Erosion and Sediment Control Law.
 - b. Where feasible, the use of pervious or porous materials in the construction of parking facilities is highly encouraged, such as grass, crushed stone, porous asphalt and concrete mixtures and blocks or brick laid in sand. The porous or pervious surfaces can cover the entire lot, or certain areas, such as parking stalls. Porous surfaces should be designed to encourage the direct infiltration and cleansing of storm water, thus reducing the adverse environmental impacts of large impervious parking areas.
9. Joint Use of Spaces: In the case of two or more uses located on the same lot, the sum of the space required for all uses individually may be reduced to an amount no less than 125 percent of the largest number of spaces required by any single use, upon a determination by the Planning Board that such a reduced amount of parking space will be adequate to serve all uses on the lot due to their different character and hours of operation.
10. Handicap Spaces. Parking spaces for the handicapped shall be at least eight feet in width and shall have an adjacent access aisle at least eight feet in width or as otherwise required by the New York State Uniform Fire Prevention and Building Code, as amended. The minimum number of accessible spaces shall also be as required by State Code. An eight-foot-wide access aisle may be shared by two adjacent handicap parking spaces and shall be part of an accessible route to the building or use which it is designed to serve. Such spaces shall be appropriately located and clearly identified and limited in their use by appropriate signage and pavement markings.
11. Waiver of Improvement. Where the Planning Board determines that less than the required number of parking spaces will satisfy the intent of this chapter, it may waive the initial improvement of up to 50% of the parking spaces required. In all cases it shall be expressly demonstrated on the site plan that sufficient space remains for the provision of the total amount of off-street parking required, as well as any associated site improvements required to accommodate such parking, including but not limited to stormwater management facilities and landscaping. All such undeveloped parking space shall be used and maintained as additional landscaped grounds until required for parking. Written guaranties, satisfactory to the Town Attorney, shall be submitted by the applicant for the eventual improvement of any such spaces which may have been waived; these spaces must be constructed by the property owner

within six months of the date of written notice to the property owner by the Planning Board that such spaces have been determined as necessary and must be constructed.

Section 903: Signs

1. The intent and purpose of this Article is to establish specifications for signs in all zones in the Town of Dryden, which will permit proper identification, preserve and enhance the visual character of the area, and prevent installations that are distracting and hazardous to vehicular or pedestrian traffic.
2. In general, and unless otherwise specified in this Article, no portion of any sign shall be located closer than 15 feet to any road right-of-way line. All identification signs shall be located on the premises.
3. All uses allowed by this Ordinance, including use-variances and permits, may incorporate signs if such signs are in accordance with the following specifications:
 - A. Signs required by law, as required.
 - B. Official signs required by a governmental agency or utility company: Maximum size 32 square feet.
 - C. Roadside farm stands advertising the sale of farm products: Not more than three signs, 16 square feet each.

TABLE 1

Size, Free Standing: Use Category	Number of Signs	Square Feet	Size on Façade	Remarks
a. Retail business not in shopping center	2	40	25%	
b. Retail business in shopping center	1	16	(16 Sq. Ft.)	
c. Shopping centers or plazas; manufacturing, assembly or industrial uses	2	160	20%	For any sign facing a road, a minimum setback of 30 feet from the road right-of-way shall be required.
d. Wholesaling, storage, printing, welding, plumbing, and similar service use; automobile and machinery sales, service, washing and maintenance; commercial indoor recreation; motels, outdoor theater	2	80	20%	
e. Offices and laboratories	1	80	20%	
f. Gasoline stations	2	32	10%	In addition, two small (10 Sq. Ft.) advertising signs are allowed.

- D. Camps, clubs, outdoor recreation facilities, schools, churches: Not more than two signs, maximum size 24 square feet each.
- E. Residential signs:
 - i. One sign, maximum size 1 square foot for each dwelling unit.
 - ii. One sign, maximum size 10 square feet for a multiple dwelling, bed-and-breakfast establishment or home and home occupation level 2 in addition to (i.).
 - iii. One sign, maximum size 1 square foot for each home occupation in addition to (i.).

- F Commercial and industrial signs: The number of signs and the size of each sign shall not exceed the listing shown in Table I for each respective use category. Signs may be free standing or placed on the exterior surface of the building.
- G. Signs advertising the sale, lease or rental of the premises upon which the sign is located: One sign, 10 square feet if located upon the land and 50 square feet if located on the building.
- H. Signs denoting the architect, engineer, or contractor placed on premises where construction, repair, or renovation is in progress: One sign maximum size 32 square feet.
- I. Billboards: Billboards shall be allowed only by permit (see Article XII) and in no case shall exceed 160 square feet in area or be located closer than 30 feet from any road right-of-way line. When approving such billboards the Town Board shall take into consideration the size, construction, and design; location and effect on surrounding property; safety of vehicular traffic; and maintenance provisions, including provision for removal of an abandoned sign.
 - i. Setbacks at intersections: Any outdoor advertising billboard, as defined in Article III, Definitions, except those attached to a building, hereinafter erected on an intersecting road at any intersection shall be located no closer than 300 feet from the intersecting road right of way line. Any such billboard which has been in existence prior to the effective date of this amendment and which does not conform to the aforesaid setback requirement, shall be removed within six months from the effective date hereof, unless within such period such billboard has been moved and relocated at a site no more than 1000 feet from the original site which will comply with the setback requirements.
 - ii. Maintenance of outdoor advertising billboards: All outdoor advertising billboards as defined in Article III, Definitions, whether new or existing, must be kept clean, neatly painted, and free from all hazards including, but not limited to, holes in such billboards, faulty wiring, loose fastenings or standards. The billboard must be kept in good repair and shall not be dangerous to the public health or safety. If the Zoning Officer shall find that any such billboard violates this or any of the foregoing provisions, he shall give written notice of such violation, and the billboard shall be removed or corrected within a period of not less than 30 days of such notice, unless a longer period is allowable under the other provisions hereof.
 - iii. In the event that the owner of the outdoor advertising billboard, as defined in Article III, Definitions, or the owner of the land on which it is situated shall fail and refuse to remove, repair, or relocate such billboard within the required period, the Zoning Officer may remove, repair or relocate the said sign or billboard. All costs and expenses incurred in the removal, repair or relocation of such billboard shall be collected either from the owner of the land or the owner of the sign in any action at law after a written demand of at least 5 days served on either owner or such costs and expenses shall be assessed against the owner of the land upon which billboard is erected and shall be paid and collected as part of the Town & County Tax next due and payable. No such amount shall be so assessed and collected unless a notice in writing of the amount due has been delivered personally or mailed to the owner of the land on which the billboard is erected prior to the first day of September of the year in which the amount is first levied and assessed for collection along with the general Town Tax.
- J. For a boarding house, bed-and-breakfast establishment, or bed-and-breakfast home: One sign advertising the home, house or establishment, not exceeding six square feet with indirect lightning only. Any such sign is subject to approval of the Town Board at the time of the special permit hearing required for such home, house, or establishment.

4. Any illuminated sign or lighting device shall employ only lights emitting a light of constant intensity, and no signs shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In

no event shall an illuminated sign or lighting device be so placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upward so as to cause light pollution, or to be directed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

5. Advertising letters or symbols on opposite sides of a material or structure less than one foot thick shall be considered only one sign.

6. If a sign consists of independent, detached letters or symbols the area of said sign shall be determined by measuring the area within a polygon enclosing all of such letters or symbols as they are intended to be installed.

7. No freestanding sign shall exceed 15 feet in height, including support.

8. Signs allowed on buildings shall be placed on the exterior wall of the building; no portion of a sign or its support shall extend above the fascia of the roof edge, nor be mounted on the roof or above the roof.

Section 904: Obstruction to Vision. On any corner lot no hedge, fence, planting, wall, or structure shall be permitted nearer than 15 feet from either road right-of-way line when this results in an obstruction to the vision of passing motorists.

Section 905: Flight Hazard Area.

1. For the purposes of this section "Flight Hazard Area" shall mean that area as defined by Article 14 of the General Municipal Law and pursuant to the applicable statutes, codes, rules and regulations governing the Federal Aviation Administration.
2. The Town of Dryden Zoning Map is hereby revised to delete any reference to the Airport Hazard Zone or Flight Hazard Zone except as to the extent such zone is consistent with a Flight Hazard Area established under Article 14 of the General Municipal Law and the statutes, rules and regulations pertaining to and promulgated under and by the Federal Aviation Administration.
3. All uses may be allowed in the Flight Hazard Area of the Ithaca Tompkins Regional Airport as provided herein.
4. No multi-family dwelling, hospitals, nursing homes, or places of public assembly shall be allowed in an area designated as a Flight Hazard Area for any private airport or heliport.
5. Before any building permit can be issued for any building or use in the Flight Hazard Area of the Ithaca Tompkins Regional Airport, the Zoning Officer shall be satisfied that such building or use complies with all applicable Federal, state and local statutes, codes, rules and regulations for the use or construction of said property within a Flight Hazard Area.
6. Before a building permit can be issued for any building or use allowed in the Flight Hazard Area of any private airport or heliport, the Zoning Officer shall be satisfied that such building or use complies with all applicable federal, state and local statutes, codes, rules and regulations for the use or construction of said property within a Flight Hazard Area.

Section 906: Abandoned Cellar Holes and Buildings

Within one year after work on any excavation for a building has begun, any excavation for a building must be covered over or refilled by the owner to normal grade. Any building substantially damaged or destroyed by any cause shall be totally rebuilt or demolished within a year except as provided by Section 1501.5. Any excavation of cellar hole remaining after demolition or destruction of a building from any cause shall be covered over or filled by the owner within one year.

Section 907. Farm Stands

1. A roadside farm stand shall be at least 50 feet from the road centerline.
2. A farm stand shall provide a safe means of ingress/egress and parking for customer vehicles.
3. Signage for a farm stand shall conform to the requirements set forth in Article IX, Section 903.

Section 908. Outdoor storage.

Outdoor storage/display may be allowed as an accessory use, provided that such storage/display areas are screened from all streets and residential areas. Such storage/display area shall not encroach on any yard setback, nor be located in any designated landscaping/buffer area set forth on the approved site plan.

Section 909. Landscaped buffer requirements for multifamily and non-residential uses.

1. Landscaping of unused areas. All portions of multi-family and nonresidential properties which are not used for locations for buildings, structures, off-street parking and loading areas, sidewalks or similar purposes shall be landscaped and permanently maintained in such manner as to minimize erosion and stormwater runoff and harmoniously blend such uses with the residential character of the Town as a whole.
2. Buffer requirements. In connection with the review of any site development plan or special permit application for multifamily and nonresidential use abutting or directly across a local street from any property in a residential district, a buffer strip shall be required along all such property lines. Such buffer strip shall comply with at least the following minimum standards:
 - A. It shall be of evergreen planting of such type, height, spacing and arrangement as, in the judgment of the Planning Board, will effectively screen the activity of the lot from the neighboring residential area. Nonevergreen planting may be included to supplement evergreen planting, but not to take its place. In the case of industrial uses, plantings shall be at least 6 feet high at planting and 12 feet high at maturity.
 - B. It shall be at least 20 feet in width, except in conjunction with industrial uses, in which case the buffer strip shall be at least 30 feet in width.
 - C. No improvement including parking areas shall be allowed within 15 feet of the inside edge of any buffer strip.

D. A wall or fence of location, height, design and materials approved by the Planning Board may be substituted for part or all of the required planting and buffer area.

E. Where the existing topography and/or landscaping provides adequate screening, the Planning Board may modify the planting and/or buffer area requirements.

Section 910. Exterior Lighting.

All exterior lighting in connection with all buildings, signs or other uses shall be directed away from adjoining streets and properties and shall not cause any objectionable glare observable from such streets or properties. Hours of lighting may be limited by the Planning Board in acting on any site development plan. No use shall produce glare so as to cause illumination beyond the property on which it is located in excess of 0.5 footcandles. Light fixtures shall be designed to prevent light pollution by shielding the light source and directing light downwards, away from the sky.

Section 911. Access and shared driveway requirements.

1. No building permit shall be issued for the establishment of any use or construction of any structure unless the street or highway giving access to said use or structure has been suitably improved to town road standards or a bond posted therefore, in accordance with the provisions of Section IV.4 of the town's subdivision law. Further, for the purposes of this subsection, "access" shall mean that the lot on which said use or structure is proposed has frontage on said street or highway sufficient to allow the ingress and egress of fire trucks, ambulances, police cars and other emergency vehicles, in accordance with town requirements. The actual access to said use or structure shall be over the frontage for the lot on which the use or structure is sited, except that the Planning Board may permit or require common driveways and cross-access easements subject to the following findings and conditions:
 - (A) It shall be demonstrated that each single-family residential lot is capable of independent access over its own frontage.
 - (B) All common driveways and/or access over an adjacent lot or lots shall require a common driveway easement, construction plan and maintenance agreement approved by the Planning Board and the Town Attorney and filed with the County Clerk's office.
 - (C) All relevant subdivision plats and site development plans shall include a notation referencing the required common driveway easement, construction plan and maintenance agreement.
 - (D) The Planning Board must find that use of a driveway easement and/or a common driveway will result in one or more of the following:
 - (i) A reduction in the number of curb cuts;
 - (ii) Avoidance or minimization of unnecessary land disturbance;
 - (iii) Minimization of the need for the construction of new, short dead-end roads to serve single-family residential lots;
 - (iv) Protection, maintenance or improvement of the environment, community character, or safety or operation of vehicular and pedestrian traffic;

- (v) Consistency with or implementation of the Town of Dryden Residential and Commercial Development Design Guidelines.
- (E) Not more than three lots shall be served by a single common driveway.
- (F) The minimum width of a shared driveway shall be 16 feet. All shared driveways shall, at a minimum, meet the construction standard in Attachment of this chapter.
- (G) Right-of-Way requirement. The town shall secure a ROW/easement that would allow the shared driveway to be brought up to town road standards, should a town road be required in the future to serve additional lots. This requirement may be waived by the Planning Board if it determines that additional lots or a future road connection are highly unlikely or impossible.
- (H) The property owner shall be required to record in the County Clerk's office a declaration of covenants and restrictions acceptable to the Planning Board and the Attorney to the town governing the use, maintenance and operation of the common driveways. The declaration of covenants and restrictions shall contain, at a minimum, provisions that will impose a permanent easement for as long as the common driveway is used by two or more lots, provide for standards of construction and maintenance of the common driveway, provide for the prompt removal of obstructions of the common driveway, provide for the continued maintenance and upkeep of the common driveway as well as the share of the costs thereof, and provisions for the enforcement of the declaration, including the recovery of legal fees associated with any successful enforcement proceedings.
- (I) The proposed declaration of covenants and restrictions shall be submitted to the Planning Board and approved by both the Planning Board and the Attorney to the town prior to or simultaneously with the Planning Board's resolution of final subdivision plat approval or, if no subdivision approval is required, prior to the issuance of a driveway permit by the Town of Dryden Superintendent of Highways. If the common driveway is proposed in connection with new lots created by subdivision, the declaration of covenants and restrictions shall be recorded simultaneously with the filing of the subdivision plat in the County Clerk's office.

ARTICLE X: PLANNED UNIT DEVELOPMENT DISTRICTS

Section 1000: Intent and Purpose. The intent and purpose of the Planned Unit Development Districts is to permit establishment of areas under unified sponsorship and control, in which areas diverse uses may be brought together as a compatible and unified plan of development, which shall be in the interest of the public. The creation of planned unit development districts and regulation of land and buildings within such districts shall be consistent with the comprehensive plan and the general intent of the zoning ordinance and shall be designed to encourage innovation in land development, variety in type, design and layout of buildings and uses, and conservation of open space, so that resulting economies and benefits may inure to the public.

Section 1001: Categories and location of Planned Unit Development Districts. There shall be three Planned Unit Development Districts, as follows:

- A. Residential
- B. Business and Commercial
- C. Industrial

The Residential Planned Unit Development District and the Business and Commercial Planned Unit Development Districts may be located in any zone district in the Town of Dryden, but the Industrial Planned Unit Development Districts shall be limited to CC, LIO and LIO-A zones. All Planned Unit Development Districts shall be located on State or County Highways.

Section 1002: Area and Density Requirements. All Planned Unit Development Districts shall contain a minimum of 25 acres. In Residential Planned Unit Development Districts located in an RR, RA, or CV zone, the total number of dwelling units shall not exceed the number which could be permitted if the land were subdivided into lots conforming to the minimum lot size and density requirements of the Town of Dryden Zoning Ordinance applicable to the underlying zoning district, except under the provisions of Article VII of the Town's Zoning Ordinance. A minimum of 30% of the gross district area in all PUD districts must remain open and free from buildings and structures, streets, driveways or parking areas, except in the case of Residential Planned Unit Developments built under the requirements of Article VII.

Section 1003: Allowed Uses.

1. **Planned Unit Development District: Residential.** A minimum of 60% of the use shall be residential. Open areas, recreational areas, and residential accessory uses shall be included in computation of such percentage of use.
 - A. One-family and two-family dwellings
 - B. Multiple family dwelling
 - C. Professional residence office
 - D. Religious institution
 - E. School
 - F. Community Center
 - G. Membership clubhouse
 - H. Public outdoor recreation
 - I. Parking
 - J. Personal service
 - K. Retail stores that are of a neighborhood or local service nature
 - L. Business offices
 - M. Mobile homes and mobile home parks
 - N. Accessory uses
 - O. Other uses approved by the Planning Board

2. **Planned Unit Development Districts, Business and Commercial**
 - A. Retail stores
 - B. Business offices
 - C. Hotels, Motels
 - D. All Residential uses listed as (1) A-C above
 - E. Religious institutions
 - F. Community centers
 - G. Indoor recreation

- H. Personal services
- I. Enclosed accessory uses
- J. Parking
- K. Other uses approved by the Planning Board

3. Planned Unit Development Districts, Industrial.

- A. Enclosed manufacturing industries
- B. Machinery and equipment sales
- C. Enclosed warehouse
- D. Enclosed wholesale uses
- E. Public utilities
- F. Gasoline station
- G. Enclosed service and repair
- H. Trucking and freight terminal
- I. Enclosed industrial processes and services
- J. Public garages
- K. Enclosed accessory uses
- L. Parking
- M. Other uses approved by the Planning Board

All other area density, height, and setback requirements shall be subject to the approval of the Planning Board, as hereinafter provided.

Section 1004: Commonly used property. The owner or owners of the land contained within a Planned Unit Development District shall be chargeable with and responsible for the maintenance and operation of commonly owned property, such as, but not limited to, private roads and recreation areas, shared by the owner or owners and occupants of individual building sites within such district, unless such maintenance and operation shall be assumed by a Homeowner's Association or Landowner's Association duly qualified by law to so act.

Section 1005: Development in Stages. Lands within any Planned Unit Development District may be developed in stages to be determined by the Planning Board. In the event there is development in stages, the owner or owners of the land shall provide for a mixture of uses in each stage of the development.

Section 1006: Application for Planned Unit Development Districts.

1. Pre-Application Meeting

- A. The applicant shall, prior to submission of a sketch plan, meet with the Environmental Planner and Zoning Officer to discuss the establishment of the Planned Unit Development District and adherence to the recommendations in the Town of Dryden Residential and Commercial Development Design Guidelines.

- B. Documentation of the Pre-Application Meeting shall be required in order to submit a Sketch Plan.
2. Sketch Plan Meeting. A sketch plan conference shall be held with the Zoning Officer, Environmental Planner and applicant to review the basic district design concept and generally determine the information to be required on the preliminary site plan. The applicant shall adhere to the Town of Dryden Residential and Commercial Development Design Guidelines, to the maximum extent practicable, in determining site design features. At the sketch plan meeting, the applicant shall provide the details required in subsection (3) below in addition to a statement describing the proposal.
 3. The application shall be filed with the Town Zoning Officer. The contents of the application shall include, but shall not be limited to a sketch plan of the proposed district, approximately to scale, showing the location and approximate dimensions of the various uses and buildings, outlines of any proposed interim roadway system and all existing rights-of-way and easements, delineations or residential uses, showing density, dwelling unit type and general description of proposed market structure, the interim open space system, overall drainage system, topography, principal ties to the community at large with respect to transportation, water supply and sewage disposal, general descriptions of provisions of necessary community facilities, and a location map showing ownership and the use of abutting lands. Regulations may require the applications shall be accompanied in such form as the Town Board deems appropriate by the submission of evidence of how the proposed planned development district will meet community needs and of its consistency with community and area wide comprehensive planning and by an example of the proposed form of ownership of any common property, and by a proposed schedule of development if development is to be staged.
 4. The fees for filing an application for a Planned Unit Development District shall be as set forth in Article XVII.

Section 1007: Planning Board Hearing, Recommendation to Town Board, Town Board Hearing, Referral to County Planning Board.

Within 20 days after the filing of a complete application for a Planned Unit Development District, the Town Planning Board shall hold a public hearing, upon such application notice whereof to be published in the Official Town Newspapers at least five days prior to the date of hearing. Within 45 days of the said hearing, the Town Planning Board shall make a written report to the Town Board, recommending approval, approval with modification, or disapproval of the application. If the application is approved, or approved with modification, the Town Board shall schedule a public hearing upon due notice to be held within 20 days after receipt of said written report of the Town Planning Board. After such public hearing, the Town Board shall make a decision of approval, approval with modification, or disapproval of the application; or may remand the application to the Town Planning Board for its further consideration and recommendation. Upon approval or approval with modification by both the Town Planning Board and the Town Board, the Town Board shall within 5 days, submit the application to the Tompkins County Planning Board for review. If the Tompkins County Planning Board disapproves the application or recommends modification thereof, the Town Board shall not act contrary to such disapproval or modification except by a vote of a majority plus one of all the members thereof and after adoption of a resolution fully setting forth the reasons for such contrary action.

Section 1008: Conditional Approval by the Town Board.

Upon approval of the application by the Tompkins County Planning Board or the adoption of a resolution by the Town Board as provided in Section 1007 the Town Board shall approve in writing the application at its next scheduled meeting. Approval by the Town Board of the application shall result in the creation of the Planned Unit Development District and conditional approval of the sketch plan, which becomes the basis for the land use controls in the Planned Unit Development District. Such conditional approval shall expire 12 months from its issuance.

Section 1009: Referral to the Town Planning Board for Site Plan Review.

The Town Planning Board shall make a preliminary plat review, but may not substantially alter the sketch plan. An application for site plan review shall be made, reviewed and granted or denied by the Town Planning Board in a manner consistent with the provisions of sections two hundred seventy-six and two hundred seventy-seven of Town Law for the approval of subdivision plats.

Section 1010: Final Site Plan.

A copy of the approved final plan shall be furnished by the Town Planning Board to the Town Zoning Officer who shall then issue building permits if the project conforms to all applicable requirements. Such building permits shall expire 12 months from the date of issuance, unless there has been substantial progress in the construction, as determined by the Town Zoning Officer. If the development is to be done in stages, application for approval of each stage shall be made in accordance with an approval schedule. Notwithstanding any other provisions of law, once a site plan or subdivision plat providing a schedule of development in stages has been given final approval, no zoning ordinance or amendment or alteration to such schedule of development, enacted after the date of the final approval shall be applicable to lands within the planned development district shown on the site plan or subdivision plat for the periods of time provided in the schedule of development, as such schedule existed on the date of such approval, without mutual consent. If, however, the Town Board finds that any conditions or requirements of the schedule of development are violated, any such ordinance, amendment, or alteration of the schedule of development may become effective without mutual consent. Final site plan or subdivision plat approval pursuant to this subdivision shall permit filing of the site plan or subdivision plat with the county clerk in the manner provided in section two hundred seventy-eight of Town Law for the filing of subdivision plats, and shall have the same force and effect.

ARTICLE XI: SITE PLAN REVIEW

Section 1101: Purpose

1. The purpose of this article is to allow the proper integration of uses into the community based on their characteristics, or the special characteristics of the area in which they are to be located; to allow the Town to accommodate growth without creating an adverse effect on the Town and its citizens and taxpayers; to protect the health, safety and welfare of the citizens; and to promote consistency with the goals and objectives of the Town of Dryden Comprehensive Plan.

2. Applicability - This provision applies to all new Business Group Uses or changes from one Business Group Use to another; all new Community Group Uses or changes from one Community Group Use to another; all new, or changes to, uses within the OTNDO Overlay District and the Large Scale Retail Development Overlay District (LSRDOD), all uses requiring a Special Use Permit, and all PUD applications that have received conditional approval from the Town Board.

Section 1102: Site Plan Review and Approval procedure

1. All applicants shall refer to the Town of Dryden's Residential and Commercial Design Guidelines and review concept with the Zoning Officer and Environmental Planner prior to scheduling a Sketch Plan conference with the Planning Board. Scheduling of the Sketch Plan Conference with the Planning Board is at the discretion of the Planning Board Chairperson.
2. Application shall be made to the Planning Board using forms supplied by the Town Planning Department. Application must be received by the Town Planning Department not less than ten (10) business days prior to a scheduled Planning Board meeting to be placed on the agenda for a Planning Board meeting.
3. Prior to formal submission of a detailed site plan, applicants shall schedule a Sketch Plan conference.
4. The purpose of the sketch plan conference is to allow the Planning Board to review the basic site design concept, provide the applicant with constructive suggestions, and generally, to determine the information to be required for the site plan. In order to accomplish these objectives, the applicant:
 - A. Must provide a brief narrative and preliminary concept showing the locations and dimensions of principal and accessory structures, parking areas, and other planned features and any anticipated changes in the existing topography and natural features.
 - B. Must provide a sketch or map of the area which clearly shows the location of the site with respect to nearby streets, rights-of-way, properties, easements and other pertinent features within 200 feet.
 - C. May be required to provide a topographic or contour map of adequate scale and detail to show site topography.
 - D. Must show a conceptual stormwater plan that shows the approach to managing runoff and post construction treatment on the site. Erosion and Sediment Control do not have to be submitted at this time.
5. If additional information is requested by the Planning Board, it shall be done in writing following the meeting detailing a list of necessary components for a complete application after the sketch plan conference.
6. A complete application shall be reviewed by the Zoning Officer and Environmental Planner in order to determine completeness. When deemed complete, in writing, the Zoning Officer will schedule with the Chair of the Planning Board a Final Site Plan Review.
7. The applicant will supply all necessary materials for Final Site Plan Review including digital or paper copies of the plans as instructed by the Zoning Officer at the time.

Section 1103: Application content

1. The Planning Board may request that the applicant provide the information requested at the Sketch Plan conference and may further request any or all of the items from the following list. The Planning Board is not limited to this list and may request any additional information it deems necessary or appropriate. In determining the amount of information it will require, the Planning Board will consider the type of use, its location, and the size and potential impact of the project. It is understood that the applicant may need to obtain professional assistance to provide some of these items.
2. Site plan checklist:
 - A. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing.
 - B. Boundaries of the property, plotted to scale, and including north arrow, scale and date.
 - C. Identification of public streets.
 - D. Existing watercourses and wetlands.
 - E. Grading and drainage plan showing existing and proposed contours.
 - F. Location, design and type of construction, proposed use and exterior dimensions of all buildings.
 - G. Location, design and type of construction of all parking and truck loading areas showing access and egress.
 - H. Provision for pedestrian access including sidewalks along public streets. Pedestrian facilities shall be ADA (Americans with Disabilities Act) compliant. Sidewalks must be constructed continuously across all driveways.
 - I. Provisions for bicycle parking, such as bicycle racks or bicycle lockers as appropriate. All bicycle parking devices shall be provided in accordance with guidelines published by the Association of Pedestrian and Bicycle Professionals (APBP). Some portion of bicycle parking should be provided in a covered area protected from the weather.
 - J. Location, type and screening details of waste disposal containers and outdoor storage areas.
 - K. Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.
 - L. Description of the method of sewage disposal and location.
 - M. Description of the method of securing public water and location, design and construction materials of such facilities.
 - N. Location of fire and other emergency zones, including the location of fire hydrants.
 - O. Location, design, and construction materials of all energy distribution facilities, including electrical, gas and solar energy.
 - P. Location, height, size, materials, and design of all proposed signage.
 - Q. Identification of street number(s) in accordance with any applicable 911 numbering system, and method for ensuring that building identification numbers are installed in a manner that will be visible to emergency responders during the day and night.
 - R. Location and proposed development of all buffer areas, including existing vegetation cover.
 - S. Location and design of outdoor lighting facilities.
 - T. Location, height, intensity, and bulb type of all external lighting fixtures.

- U. Direction of illumination and methods to eliminate glare onto adjoining properties.
 - V. Identification of the location and amount of building area proposed for retail sales or similar commercial activity.
 - W. Proposed limit of clearing showing existing vegetation. Individual trees with a DBH of 12” or greater within the clearing line shall also be shown, if the Planning Board finds that there are uniquely beneficial species on the site and/or exceptionally mature trees.
 - X. Landscaping plan and planting schedule.
 - Y. Estimated project construction schedule.
 - Z. Record of application for and approval status of all necessary permits from state and county agencies.
 - AA. Identification of any state or county permits required for the project's execution.
 - BB. Other elements integral to the proposed development as considered necessary by the Planning Board.
 - CC. Stormwater Management Plan
3. Environmental Review. Applications for site plan review and approval shall be accompanied by a short-form or a long-form EAF or a draft EIS, as required by SEQRA.

Section 1104: Planning Board action on Site Plan Application

- 1. Site inspections. The Planning Board, and any such persons as they may designate, may conduct such examinations, tests and other inspections of the site(s) which are the subjects of such applications, as the Planning Board deems necessary and appropriate.
- 2. Public Hearing.
 - A. The Planning Board may hold a public hearing. Any such public hearing shall be held within 62 days following the receipt by the Planning Board of a complete application.
 - B. In determining whether a public hearing is necessary, the Planning Board shall be guided by the expected level of public interest in the project.
 - C. Applicants may request a public hearing. When an applicant requests a public hearing, no site plan review project may be disapproved without such a hearing.
 - D. Notice
 - i. The Planning Board shall notice the public hearing by publication in the official newspaper at least 5 days prior to the date of the public hearing.
 - ii. The Planning Board shall make a decision of the application within 62 days after such a hearing, or after the application is received if no hearing has been held.
 - iii. If the Planning Board must hold a SEQR hearing as lead agency, the notice of hearing must be published at least 14 calendar days prior to the date of the public hearing in a newspaper of general circulation in the area of the potential impacts of the action.
 - E. Professional assistance. If the Planning Board finds that its volunteer members need professional assistance to make an informed decision about a particular application, it may engage the services of professional consultants during site plan review, at the expense of the applicant. The cost of said review shall not exceed 3% of the project value. The cost is separate from any other fees or costs associated with SEQRA review.

3. If the project requires a special use permit, the Planning Board shall refer to Article XII of this local law.
4. Planning Board Decision.
 - A. The Planning Board shall render a decision within 62 days after a required public hearing or within 62 days after the receipt of a complete application where no public hearing was required.
 - B. The Planning Board shall approve, approve with modifications, or disapprove.
 - C. The Planning Board's review of the site plan shall include, but is not limited to, the following considerations:
 - i. Location, arrangement, size, design, and general site compatibility of buildings, lighting, and signs.
 - ii. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, and traffic controls.
 - iii. Location, arrangement, appearance, and sufficiency of off-street parking and loading.
 - iv. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic, and overall pedestrian convenience.
 - v. Adequacy of stormwater and drainage facilities.
 - vi. Adequacy of water supply and sewage disposal facilities.
 - vii. Adequacy, type, and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
 - viii. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
 - ix. Adequacy of the site's ability to support the proposed use given the physical and environmental constraints on the site, or portions of the site.
 - x. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
 - xi. Conformance with the Town's residential and commercial design guidelines to the maximum extent practicable.
 - D. The Planning Board may alter the dimensional requirements so that they are more restrictive than the minimums and maximums provided in the Dimensional Requirements table.
 - E. No approval or approval with conditions shall be granted until the Planning Board determines that the applicant is in compliance with all other provisions of this local law.
5. Filing of decision.
 - A. The Planning Board shall notify the applicant in writing of its decision.
 - B. The decision of the Planning Board shall immediately be filed in the office of the Town Clerk and a copy thereof mailed to the applicant.
 - C. The Planning Board, in conjunction with its approval of any site plan review project, may impose such requirements and conditions as are allowable within the proper exercise of the police power, including the restriction of land against further development of principal buildings, whether by deed restriction, restrictive covenant, or other similar appropriate means, to ensure that guidelines as to intensity of development as provided in this Local Law shall be respected.
 - D. The Planning Board may impose reasonable conditions to ensure that the project will be adequately supported by services and improvements made necessary by the project and to ensure

that the project will be completed in accordance with the requirements and conditions authorized under this Local Law.

E. In addition, the Planning Board may require that the Zoning Officer incorporate any such requirements and conditions in any permit issued with regard to such site plan review project. Upon approval of the site plan and payment by the applicant of all fees and reimbursable expenses due to the Town, the Planning Board shall endorse its approval on a copy of the final site plan and shall forward a copy to the applicant and the Zoning Officer, and file same with the Town Clerk. Upon disapproval of a site plan, the Planning Board shall so inform the Zoning Officer, and the Zoning Officer shall deny a zoning permit to the applicant.

Article XII Special Use Permits

Section 1201: Special Use Permit Review

1. Intent: The intent of this Article is to set forth additional requirements which shall apply to certain land uses and activities which due to their characteristics, or the special characteristics of the area in which they are to be located, require special consideration so that they may be properly located and planned with respect to the objectives of this Local Law and their effect on the surrounding properties and community character.
2. All applications must comply with the following standards. Additional standards for certain uses that require a special use permit are found in Article XIII.
3. The primary purpose of special use permit review is to ensure compatibility with the surrounding neighborhood and to ensure the long-term benefit of the use to the Town.
4. Special Use Permit Procedure. All special use permit review and approval shall occur concurrently with site plan review. Applicants shall refer to Article XI for application content.
5. The Planning Board shall not issue a special use permit unless it makes a recorded finding that the proposed use will satisfy the standards set forth herein. In order to reach positive findings in support of the special use permit, the Planning Board may require conditions of, and/or modifications to, the project. Such conditions must relate to the impact of the project. If the Planning Board does not make a positive finding in support of the special use permit, it shall deny the special use permit. In issuance of such a denial, the record of the Planning Board must address the standards outlined below and include the facts and reasons upon which such denial was based:
 - A. Compatibility of the proposed use with the principles of the district, the purposes set forth in this Local Law, and the goals of the Comprehensive Plan.
 - B. Compatibility of the proposed use with adjoining properties and with the natural and manmade environment.
 - C. Adequacy of parking, vehicular circulation, and infrastructure for the proposed use, and its accessibility to fire, police, and emergency vehicles.
 - D. The overall impact on the site and its surroundings considering environmental, social and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, glare, or any other nuisances.
 - E. Restrictions and/or conditions on design of structures or operation of the use (including hours of operation) necessary either to ensure compatibility with the surrounding uses or to protect the natural or scenic resources of the Town.

- F. Consistency with the requirements for site plan approval, including the Town's residential and commercial design guidelines.

Section 1202: Planning Board action.

1. Site Plan approval. Site plan approval is a required step in the consideration of all special use permit uses and shall be carried out either prior to, or in conjunction with, these special use permit procedures.
2. Public Hearing
 - A. The Planning Board shall schedule a public hearing within sixty-two (62) days of the date of the meeting at which the application was considered complete for receipt by the Planning Board.
 - B. The Town shall give public notice of such a hearing by causing publication of a notice of hearing in the official newspaper at least five (5) days prior to the hearing date. Such notice of hearing shall be mailed directly to all land owners within two hundred and fifty (250) feet of the property line at least ten (10) days prior to the hearing date. The cost of the notification shall be billed to the applicant.
 - C. After the conclusion of a public hearing for a special use permit, including site plan approval, the Planning Board shall grant, deny, or grant subject to conditions, the special use permit within sixty-two (62) days.
3. The conditions for granting a special use permit will contain any modification or conditions to the site plan that the Planning Board deems necessary to conform to the provisions of this local law.
4. The decision of the Planning Board shall be filed in the office of the Town Clerk, and a copy thereof mailed to the applicant.

Section 1203: Special use permit expiration, revocation, and enforcement.

1. A special use permit shall be deemed to authorize only the particular special use or uses specified therein.
2. A special use permit will expire if the applicant fails to obtain a building permit or fails to comply with the conditions of the special use permit (unless other provisions are set forth by the Planning Board in connection with its approval) eighteen (18) months after approval.
3. A special use permit will expire if the special use or uses shall cease for any reason for more than twenty-four (24) consecutive months
4. A special use permit may be revoked by the Planning Board if the conditions of the special use permit are violated.
5. Any violation of the conditions of a special use permit or a violation of any applicable performance criteria of this Local Law shall be deemed a violation of this Local Law and shall be subject to enforcement action as provided herein.

6. Special use permits shall not run with the land nor be transferred to successive property owners, even if the permit has not expired and has not been revoked for failure to meet the permit conditions.

ARTICLE XIII: STANDARDS AND REQUIREMENTS FOR CERTAIN USES

Section 1301: Special Permit and Other Uses Subject to Individual Standards and Requirements

A special permit use or other permitted use subject to additional standards and requirements shall conform to the following individual standards and requirements set forth below, where applicable, in addition to all other regulations pertaining to such use.

Section 1302. Adult Uses

1. No adult use may be established within:
 - A. Five hundred (500) feet of any single-family, two-family or multiple-family dwelling, including structures devoted to both residential and commercial or business purposes.
 - B. One thousand (1,000) feet of any public or private school.
 - C. Five hundred (500) feet of any church or other religious facility or institution.
 - D. One thousand (1,000) feet of any public park.
 - E. Two thousand five hundred (2,500) feet of any premises licensed by the State Liquor Authority under the provisions of the Alcohol Beverage Control Law.
2. Measurement of Distance. The distance provided in this chapter shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the adult use is to be located to the nearest point of the parcel property from which the adult use is to be separated.
3. Additional requirements. In addition to the requirements above, the interior of every adult use building, structure of location:
 - A. shall be well lighted at all times and be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided, shall be clearly visible from the common areas of the premises. Visibility into such booths, cubicles, rooms or stalls shall not be blocked or obscured by doors, curtains, partitions, drapes, or any obstruction whatsoever. It shall be unlawful to install enclosed booths, cubicles, rooms or stalls within adult entertainment business establishments for whatever purpose, but especially for the purpose of providing for the secluded viewing of motion pictures or videotapes depicting specified sexual activities or specified anatomical areas, or other types of adult entertainment businesses; and

- B. the operator of each adult entertainment business shall be responsible for and shall provide that any room or other area used for the purpose of viewing adult-oriented motion pictures or other types of live adult entertainment shall be well lighted and readily accessible at all times and shall be continuously open to view in its entirety. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot candle as measured at the floor level. It shall be the duty of the operator and its agents to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
4. Additional screening. The Planning Board may require that an adult entertainment business cover or screen the entrances, doorways and windows to prevent viewing activities inside the building or structure from the outside.

Section 1303. Industry/Manufacturing Uses

- 1. Industrial Performance Standards
 - A. No Special Use Permit for industrial or manufacturing uses in an LIO or LIO-A Zone will be issued until the Planning Board has been provided with a description of the proposed industrial or manufacturing process. In addition to the requirements of Article XII, if it appears that the proposed use will not produce conditions that are noxious, offensive or hazardous to the health, safety or general welfare of the community, a Special Permit may be approved. Special attention will be given to the disposal or storage of any wastes or materials that could cause or contribute to pollution of any kind
 - B. If the performance characteristics are doubtful, the Planning Board shall require a determination that:
 - i. Liquid wastes and effluent shall be treated and discharged in a manner approved in writing by the County Board of Health
 - ii. Disseminated smoke shall not exceed 3 on the Ringlemann Smoke Chart.
 - iii. Protection against fire hazards, explosion and proper handling and storage of combustible material shall be approved by the appropriate town fire official.
 - iv. No odors, noises, vibration or glare will be evident at a point more than 150 feet from the source of said odor, noise, vibration or light.

Section 1304. Mining (Quarries and Excavations, Topsoil Removal)

1. The Planning Board may authorize the issuance of a special permit for the excavation and sale of topsoil, sand, gravel, clay or other natural mineral or vegetable deposit, or the quarrying of any kind of rock formation in the RA and LIO Zones only. No sand or gravel or other excavation operation, except a topsoil removal operation, shall be conducted on land of less than 20 acres in area. The Planning Board must be guided by the public health, safety and general welfare, not only of the citizens of the Town of Dryden, but of any other municipality, and must give particular consideration to certain factors as follows:
 - A. Soil erosion by water and wind.
 - B. Drainage.
 - C. Soil fertility, topsoil preservation.
 - D. Lateral support, slopes and grades of abutting streets and lands.
 - E. Environmental and land values and uses.
 - F. The planting of cover in the interest of avoiding erosion and to improve the aesthetic quality of the restored area.
2. Before a special permit for such use is issued, the Planning Board shall find such excavation or quarrying will not endanger the stability of adjacent land nor constitute a detriment to public welfare, convenience or safety by reason of excessive dust, noise, traffic congestion, exceeding of designated load limits on roads in the immediate vicinity of the operation, or other conditions. The Planning Board may specify any reasonable requirements to safeguard the public health, safety and welfare in granting the permit.
 - A. Certain requirements shall be specified in whole or in part by the Planning Board in granting the special permit and shall be fulfilled by the applicant prior to, during the course of and following the actual period of excavation or quarry working as follows:
 - i. The operation of the excavation or quarry shall be conducted in a manner as to control dust and noise, and shall provide for such treatment as may be deemed necessary by the Planning Board. All access roads shall be provided with a dust-controlled surface not less than twenty-two (22) feet wide from the connection to a public street to a point within one hundred (100) feet of the loading point, and such road shall be properly maintained by the operator during the life of the operation.

- ii. The slope of the material in the excavation or the face of any quarry walls or other excavation shall not come nearer than 350 feet to any boundary line of the Town of Dryden, property lines, street or highway line (whether such street or highway line be within or outside the boundaries of the Town of Dryden) or nearer than 350 feet to any existing residence. No permanently installed excavation machinery or equipment shall be placed nearer than 1000 feet to any existing residence.
 - iii. Water used in washing operations shall not be discharged into a stream or natural drainage channel unless a permit for said discharge is obtained from the Department of Environmental Conservation
3. The applicant shall file with the Planning Board a statement of the proposed work, together with a sketch map showing a plot plan showing existing grades and contours and the grades and contours after the operation has been completed. The plan shall be drawn to scale and shall show the location of streets or roads adjoining the premises; the names of adjacent property owners; the location of the premises and the dimensions of that portion of the premises upon which the excavation is to be made; the location, size and use of any existing or proposed structures; cross sections of the property at intervals of fifty (50) feet showing existing and proposed elevations at intervals of five (5) feet and also any break in grade; and the elevation of the premises as compared to the United States Coastal Geodetic Service maps (quadrangle maps) may be used by the applicant. Recontouring and back filling is required where necessary to return the area to its original contours or to the grades indicated by the plot plan when required by the Planning Board, and the applicant shall reseed such area with green cover.
4. Before the issuance of a special permit by the Planning Board for quarries or excavations, the applicant must have executed an agreement with the Planning Board whereby the applicant contracts to restore the premises to the conditions approved and established in accordance with the provisions of this section. The applicant shall execute a bond or deposit cash with the Town Clerk in an amount sufficient in the opinion of the Planning Board to secure the performance of said agreement.
5. The amount of the bond may be reduced and/or portions of the cash deposit returned to the applicant from time to time when, in the opinion of the Planning Board, the lesser amount will be sufficient to accomplish its purposes, or increased, in the event conditions, in the opinion of the Planning Board, require an increase. In the event the applicant who executed the agreement does not fulfill his agreement, such bond or cash deposit shall be forfeited to the Town of Dryden and the Town shall proceed to restore the premises in the manner prescribed either with its own forces or by contract, after due notice to the applicant. If a surety bond was provided by the applicant, notice shall be given to the surety upon the bond, and, if the surety fails to comply with the agreement, the Town shall charge the costs to the surety. The bond shall be a one year bond, which must be renewed annually at least 30 days before the termination date. Failure to renew said bond as specified shall result in revocation of the special permit. The bond shall continue in full force and effect until the Planning Board shall have issued a certificate of

compliance to the effect that all of the provisions of the applicant's agreement have been fulfilled.

6. Whenever a quarry or excavation operation as hereinabove specified has been discontinued for a period of 12 consecutive months (from a beginning date to be determined by the Zoning Officer), such use shall not be reestablished except by a new special permit granted by the Planning Board upon application.

Section 1305. Elder Cottages

1 Definitions

- A. An 'elder cottage' is a separate, detached, temporary one-family dwelling, accessory to a one and two family dwelling on a lot erected and occupied in accordance with the provisions of Article XI of this Ordinance.
 - B. For the purpose of this Article, the term 'owner' as applied to ownership of a principal building shall mean a natural person
 - i. Who owns at least a 50 percent interest in the real property and related building, whether individually or as a tenant in common; or
 - ii. Who owns the real property and related building with no more than one other individual or entity as co-joint tenants or tenants by the entirety, in either event each of the co-joint tenants or tenants by the entirety having identical interests.
2. Elder cottages shall be permitted as accessory uses, upon obtaining site plan approval (herein 'approval') from the Planning Board and subject to the following provisions and conditions:
- A. **Use limitations:** An elder cottage shall not be occupied by more than two persons
 - i. who shall be the same persons enumerated on the application for the elder cottage, and
 - ii. who shall be persons 55 years of age or older.
 - B. **Dimensional Limitations:**
 - i. The elder cottage shall not exceed 850 square feet in total floor area.
 - ii. Notwithstanding any other provisions of this Ordinance, the minimum size of the elder cottage may be reduced to no less than 250 square feet of enclosed floor area.
 - iii. The elder cottage shall not exceed one story in height and under no circumstances shall the total height exceed 20 feet.
 - C. **Location Requirements:**
 - i. An elder cottage shall, subject to the further limitations of this Article IX, be located only on a lot where there already exists a one-family or two-family dwelling.
 - ii. No elder cottage shall be located within the front yard of any lot.
 - iii. No elder cottage shall be permitted on a non-conforming building lot.
 - iv. No more than one elder cottage shall be located on any lot.
 - v. The placement of the elder cottage shall be otherwise in conformity with all other provisions of the Zoning Ordinance including lot coverage and side and rear yard setbacks.
 - D. **Building Requirements:**
 - i. An elder cottage shall be clearly subordinate to the principal building on the lot and its exterior appearance and character shall be in harmony with the existing principal building.

- ii. An elder cottage shall be constructed in accordance with all applicable laws, regulations, codes and ordinances, under the New York State Uniform Fire Prevention and Building Code as it pertains to factory manufactured housing or components, in addition to complying with any other law, it shall bear an Insignia of Approval issued by the N.Y. State Fire Prevention and Building Code Council.
 - iii. An elder cottage shall be constructed so as to be easily removable. The cottage's foundations shall be of easily removable materials so that the lot may be restored to its original use and appearance after removal with as little expense as possible. No permanent fencing, walls, or other structures shall be installed or modified that will hinder removal of the cottage from the lot.
 - iv. Adequate water supply and sewage disposal arrangements shall be provided, which may include connections to such facilities of the principal building. If a cottage is located in an area where electrical, cable, and/or telephone utilities are underground, such utilities serving the elder cottage shall also be underground.
 - v. It shall be disclosed at the time of application whether the proposed inhabitants of an elder cottage will have a car. If so, an adequate area for parking shall be required for the expected number of cars.
- E. Approval:
- i. The construction or placement of an elder cottage on a lot shall not occur until approval for same is granted by the Planning Board.
 - ii. The approval shall be for a period of one year (unless earlier terminated as hereinafter set forth) and thereafter may be renewed annually by the Code Enforcement Officer upon receipt of an application for same, provided that the circumstances have not changed.
 - iii. The approval shall terminate 120 days after
 - a. the death or permanent change of residence of the original occupant or occupants of the elder cottage, or
 - b. any of the occupancy requirements set forth in this Article are no longer met.

Without limiting other indicia of a permanent change of residence, continuous absence from the elder cottage of a person for a period of 180 consecutive days shall be considered to be a permanent change of residence. During the 120-day period following any of the events set forth in subparagraphs (a) and (b) above, the unit shall be removed and the site restored so that no visible evidence of the elder cottage and its accessory elements remains. If the elder cottage has not been removed by the end of the 120-day period, in addition to the existing sanctions in the Zoning Ordinance, actions to insure removal may be taken, including removal and salvage by the Town with a lien imposed to defray any costs incurred. Such lien may be added to the real estate taxes applicable to the lot on which the elder cottage is located and collected in the same way as any other tax payable to the Town.

F Procedure for Obtaining Approval:

- i. The application for original issuance of an approval and renewal shall contain such information as the Planning Board and Code Enforcement Officer may require to adequately review the qualification for granting the approval, but, for an original application shall contain at a minimum:
 - a. Name of owner of the lot

- b. Name of occupants of principal building
 - c. Name of proposed occupants of the elder cottage.
 - d. Age of proposed occupants of the elder cottage.
 - e. Relationship of elder cottage occupants to owners and occupants of the principal building.
 - f. Sketch plan or survey, which shall be drawn to scale, showing
 - i.i. location of all existing buildings, structures, driveway, walkways and the layout of utility services,
 - i.ii proposed location, size and appearance/design of the elder cottage,
 - i.iii proposed water, septic, and other utility connections,
 - i.iv proposed landscaping and screening if any is contemplated.
 - g. Agreement to remove the elder cottage when it no longer qualifies as such.
 - h. Consent for the Town to enter on the property and to remove the elder cottage if the owner fails to timely remove it, as set forth below.
- ii. By applying for approval for the erection of an elder cottage, the owner of the lot on which the elder cottage is to be located, for himself or herself, his or her heirs, successors and assignees, irrevocably consents to the entry of the Town and its authorized officials and agents upon the property, after notice and an opportunity to be heard before the Planning Board, for the purpose of removing the elder cottage in the event the requirements for construction or placement of same are no longer met, and further agrees that any costs incurred by the Town in so removing the cottage shall become a lien upon the property on which the cottage was located subject to collection in the manner set forth above.
- iii. The granting of site plan approval for an elder cottage shall be governed, in addition to the provisions set forth in this Article, to provisions relating to granting approval of site plans. The Planning Board shall have the authority, in determining whether to grant the approval, to review the site plan and apply the criteria relating to site plan approval that the Planning Board uses in granting site plan approvals under Article XI of this ordinance and in addition shall, before granting such approval, make the following determinations:
- a. Whether Section F.i requirements have been met.
 - b. Whether the location, the placement, and the nature of the elder cottage will be in conflict with the allowed uses of the zone or neighborhood.
 - c. Whether such proposed placement will be more objectionable or reprinting to adjacent and nearby properties (by reason of traffic, noise, disposal of waste or sewage) than the allowed uses of the zone.
 - d. Whether such proposed placement will discourage or hinder the appropriate development and use of adjacent properties or neighborhood.
 - e. Whether such proposed placement adjacent to an existing residential use shall be screened by a landscaped buffer strip or suitable fence.
 - f. Whether the health, safety, and general welfare of the community may be adversely affected.
- iv. The Planning Board shall have the further authority when granting approval, to impose such reasonable conditions as the Planning Board may deem necessary to minimize the impact of the addition of an elder cottage upon the lot on which it is being located as well as the neighborhood in which it is being located.

- v. In addition to site plan approval as herein required, before placing an elder cottage on a lot the owner shall also obtain a zoning permit and a building permit. The zoning permit is required prior to filing an application for site plan approval.
- G. **Limitation on Extensions of Time to Remove Elder Cottage:**
Notwithstanding any other provision of this Ordinance there shall be no extension of time for removal of an elder cottage except that the Planning Board may, upon making the same findings that would normally be required for the granting of a use variance, extend the time for removal of the elder cottage for one additional six month period.

Section 1306. Automotive Towing Service

1. An Automotive Towing Service shall provide a fenced-in area for storage of towed vehicles so as to obstruct views of them from adjacent properties and roadways. The storage area shall be maintained in a reasonably neat and orderly manner.
2. No more than 15 customer vehicles may be stored on the property at any one time.
3. Customer vehicles that are not repairable and are to be junked shall be stored on the property no longer than 21 consecutive days. Customer vehicles that are to be repaired shall be stored on the property no longer than 90 consecutive days.

Section 1307. Commercial Riding Facility

1. Adequate land area for the number and type of animals to be raised and kept on the property shall be provided.
2. No storage of manure or any other odor- or dust-producing substance or operation shall be permitted within 100 feet of a street or property line, nor within 150 feet of a watercourse or wetlands area, unless the storage is within a fully enclosed building.
3. No events, competitions, or shows shall be allowed except where specifically permitted by the Planning Board.
4. No outdoor lighting shall be permitted, except for normal security lighting in accordance with a plan approved by the Planning Board and consistent with the lighting requirements in Article IX.
5. No outdoor loudspeakers or other forms of public address system shall be permitted.
6. The Planning Board or its duly authorized representative shall be granted the right, upon reasonable notice to the property owner, to conduct inspections of the riding academy or commercial stable to ensure compliance with the conditions of special permit and site plan approvals.

7. The Planning Board may require any other additional requirements as deemed necessary to avoid or minimize noise, odor, nuisance, or traffic impacts and the impairment of the use, enjoyment and value of property in the area.

Section 1308. Kennel

1. The minimum lot area shall be five (5) acres for kennels or any other facilities with outdoor runs.
2. All facilities shall be centrally located on the property to allow for adequate distance from the property line to reduce the effect of barking animals.
3. The Planning Board may impose such conditions as it deems necessary to avoid or minimize traffic, noise and odor impacts and impairment of the use, enjoyment and value of property in the area.

Section 1309. Drive-Through Facility

1. The regulations and requirements set forth in this section are intended to allow for drive-through facilities by reducing the negative impacts they may create. Of special concern are noise from idling cars and voice amplification equipment, lighting, and queued traffic interfering with on-site and off-site traffic and pedestrian flow. The specific purposes of this chapter are to:
 - A. Reduce noise, lighting and visual impacts on abutting uses, particularly residential uses;
 - B. Promote safer and more efficient on-site vehicular and pedestrian circulation; and
 - C. Reduce conflicts between queued vehicles and traffic on adjacent streets.

The special requirements set forth for drive-through facilities are in addition to all other requirements pertaining to the principal use to which a drive-through facility is attached.

2. Vehicular Traffic Stacking or Queuing Requirements. A drive-through use, for the following specific principal or accessory uses shall provide the following minimum vehicular traffic queuing or stacking distances:
 - A. For a fast food restaurant the minimum distance shall be one hundred forty (140) feet between start of lane to service window
 - B. For a bank and other business not using order stations the minimum distance shall be sixty (60) feet from start of lane to service window.
 - C. The stacking spaces shall be located so as not to interfere with the use of parking spaces or the free flow of traffic on the site and shall be adequately striped and marked with directional signs.

3. Multiple Drive-Through Vehicular Traffic Lanes. The planning board may allow lesser stacking distances than those specified in subsection 2 of this section for businesses with multiple drive-through lanes, when substantial documentation supporting such reduction is provided in an approved site plan.
4. Noise.
 - A. Any drive-through speaker system shall emit no more than 50 decibels measured at four feet from the speaker and shall not be audible above daytime ambient noise levels beyond the property boundaries. The system shall be designed to compensate for ambient noise levels in the immediate area and shall not be located within 30 feet of any residential district or any property used for residential uses.
 - B. No noise-generating compressors or other such equipment shall be placed within 10 feet of a property line adjoining any residential district or any property used for residential uses. Noise-generating equipment shall be screened as necessary to prevent noise intrusion onto or visibility from adjacent residential properties and adjacent rights-of-way. At the property boundary, noise generated by such equipment shall not be loud enough to interfere with the use and enjoyment of adjacent residential property.
5. Location, setbacks, size and landscaping.
 - A. Drive-through service areas shall not be located in the front yard.
 - B. Abutting a residential zone. Service areas and stacking lanes must be set back at least 30 feet from all lot lines which abut a residential zone and shall be screened as determined necessary by the Planning Board.
 - C. Abutting a nonresidential zone. Service areas and stacking lanes must be set back at least 10 feet from all lot lines which abut nonresidential zones and shall be screened as determined necessary by the Planning Board.
 - D. Abutting a street. Stacking lanes must be set back 10 feet from all street lot lines and shall be screened as determined necessary by the Planning Board.
- 6.

Section 1310. Automotive Repair Garage

1. Ten visitor parking spaces, plus two spaces for each three employees, shall be provided. Vehicles awaiting servicing/repairs shall be located in an enclosed area and only in a side yard or rear yard, unless waived by the Planning Board.
2. Overhead garage doors providing access to maintenance and repair facilities shall be visually buffered from surrounding residential districts.

3. The storage of vehicles for repair shall be confined to the portions of the site designated for storage on the approved site plan. Partially dismantled vehicles shall not be stored in any required yard setback nor be located in any buffer strip required by this chapter, except where the Planning Board determines that an adequate buffer will be provided to protect adjacent properties and uses and that the appearance of such storage will not result in adverse visual impact.
4. No outdoor sales or display of vehicles for sale shall be permitted.
5. All automobile parts or similar articles shall be stored within a building. All repair and service work, including car washing, but excluding emergency service and the sale of fuel and lubricants, shall be conducted entirely within either a building or, where deemed appropriate by the Planning Board due to such factors as the size of the property involved and/or its location, shall be conducted entirely within a fenced-in area in which such work is visually screened from all adjoining properties and roadways.

Section 1311. Accessory Dwelling Unit

1. Standards. Accessory apartments shall comply with the following standards:
 - a. Principal use. The principal use of the premises must be that of a single-family dwelling. An accessory dwelling unit may be located in an accessory structure, such as a detached garage, provided that the owner of the single-family dwelling can demonstrate that the accessory structure, such as a garage, primarily serves the needs of the principal single-family dwelling.
 - b. Required occupancy. The owner of the property upon which the accessory apartment is located shall occupy the principal or accessory dwelling unit on the premises as his/her primary residence.
 - c. Number of accessory apartments. Only one accessory apartment shall be permitted on any lot.
 - d. Maximum size. An accessory apartment shall be subordinate in area to the principal dwelling. The accessory apartment shall not exceed 35% of the gross floor area of said principal dwelling, and in no event shall exceed 1,000 square feet of gross floor area.
 - e. Maximum occupancy. The accessory apartment shall be limited in occupancy to two persons.
 - f. Setbacks. If the accessory apartment is within a detached accessory building, said building must meet the required setbacks.
 - g. Access. In the event that an accessory apartment is provided with an externally located entrance separate from that of the single-family dwelling in which it is located, such entrance shall be located on the side or rear of the single-family

dwelling, or along the front only if the entrance is on a separate, perpendicular plane from that of the front door of the single-family dwelling.

- h. Any outside stairways and/or fire escapes for the accessory apartment shall be at the rear or side of the building.
 - i. Exterior appearance. If an accessory apartment is located in a detached one-family dwelling, to the degree reasonably feasible the exterior appearance of the building will remain that of a one-family residence.
 - j. Utilities. Unless the premises is serviced by a community sewer or water system, approval of the Tompkins County Health Department shall be obtained prior to issuance of a building permit, certificate of occupancy and/or certificate of compliance.
 - k. Maintenance and continued compliance. An accessory apartment shall be permitted only where all structures on the premises are in compliance with the Uniform Code and Zoning Code. The Zoning Officer shall not issue a certificate of occupancy and/or certificate of compliance until the accessory apartment complies with all sections of the Uniform Code of the State of New York and the Town Code and until violation(s) of the Uniform Code and Town Code, if any, have been corrected.
 - l. Parking. Off-street parking shall be provided in accordance with Section 902 of this chapter.
 - m. An applicant failing to meet any of the above conditions may apply to the Zoning Board of Appeals for a variance.
2. Application. An application for an accessory apartment must contain sufficient information to demonstrate compliance with each of the standards set forth in Section 1311 (1), including but not limited to provision of the following information:
- a. A floor plan of each habitable floor of the building, with all interior dimensions, including windows and doors, and with an assignment of spaces to the proposed dwelling units, including types of rooms.
 - b. Plans shall be prepared in sufficient size and detail to enable the Zoning Officer to determine compliance with the requirements for an accessory apartment.
3. Certificate of occupancy. Upon certification by the Zoning Officer that the applicant has complied with all conditions of this chapter, the Zoning Officer shall be authorized to issue a certificate of occupancy for an accessory apartment.
4. Renewal inspections. Each accessory apartment shall be reviewed and/or inspected by the Zoning Officer every year in order to determine whether the apartment remains in compliance with this chapter. In the event that the inspection determines that the

apartment is no longer in compliance with this chapter, the certificate of occupancy shall be revoked. The certificate of occupancy, once issued, shall be valid for a period of one year, provided that the owner-applicant complies with the terms of this chapter.

5. Change in ownership. Upon a change in ownership or a change in the residence of the owner-applicant, the certificate of occupancy for the accessory apartment shall terminate. A new owner-applicant may apply for permission to maintain an accessory apartment pursuant to this chapter.
6. Declaration of covenants and restrictions. The owner-applicant shall be required to execute a declaration of covenants and restrictions to be recorded in the Tompkins County Clerk's Office and indexed against the subject property, prior to the issuance of a certificate of occupancy for the accessory apartment. The declaration of covenants and restrictions shall be in favor of the Town of Dryden and shall state that:
 - a. Upon the death of the undersigned or the survivor of the undersigned or upon the transfer of title to said premises or upon the undersigned no longer occupying the premises as his or her principal residence, the new owner shall apply to the Zoning Officer for a transfer of the certificate of occupancy in accordance with Section 1311.3 of the Town of Dryden Zoning Law.
 - b. The new owner of the premises shall have to apply to the Zoning Administrator for a transfer of the certificate of occupancy and/or certificate of compliance to continue the accessory apartment within 30 days of closing and transfer of title.
 - c. As a condition for permission to maintain an accessory apartment, the Zoning Officer shall have the right to inspect the premises upon reasonable notice to the owner.

ARTICLE XIV VARIANCES AND APPEALS

Section 1401: Appeals from official orders, requirements, decisions and determinations.

1. The Zoning Board of Appeals shall perform the duties and powers prescribed by the laws of New York State and by this local law in connection with requests for variances from this local law and appeals to review any order, requirement, decision, interpretation, or determination made by officials charged with the enforcement of this local law. Unless otherwise provided by this local law, the jurisdiction of the Zoning Board of Appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation, or determination made by the administrative officials charged with the enforcement of this local law.

2. Administrative review. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, interpretation, or determination of any such administrative official or to grant a use variance or area variance. Such appeal may be taken by any person aggrieved, or by an officer, department, board or bureau of the Town. The Zoning Board of Appeals may reverse or affirm, wholly or in part, or may modify any order, requirement, decision, interpretation, or determination made by officials charged with the enforcement of this local law. In so doing, the Zoning Board of Appeals shall have all of the powers of such officials in granting relief in the form of reversal, modification, affirmation, interpretation or determination.

Section 1402: Appeals for Variances

The Zoning Board of Appeals shall have the power to vary or modify the application of this section, where it imposes practical difficulties or unnecessary hardship. Upon appeal for a variance and after public notice and hearing, the Zoning Board of Appeals may grant such variances relating to the use, area, construction or alteration of structures or use of land, so that the spirit of this local law is observed, public safety and welfare secured and substantial justice done.

1. Use Variances.
 - A. Use variances shall not be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused an unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Zoning Board of Appeals that, for each and every permitted use under the zoning regulations for the particular district where the property is located:
 - i. The applicant cannot realize a reasonable return, provided that lack of return is substantial, as demonstrated by competent financial evidence
 - ii. The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood

iii. The requested use variance, if granted, will not alter the essential character of the neighborhood; and

iv. That the alleged hardship has not been self-created

B. The Zoning Board of Appeals, in the granting of use variances, shall grant the minimum variance that it deems necessary and adequate to address the unnecessary hardship proved by the applicant and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

2. Area Variances.

A. In its consideration of area variances, the Board of Appeals shall take into account the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community by such grant. In making such determination the Board of Appeals shall also consider:

i. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance

ii. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance

iii. Whether the requested area variance is substantial

iv. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

v. Whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

B. The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Section 1403: Imposition of conditions

1. The Zoning Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this local law and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the Town of Dryden.

Section 1404: Appeal process and procedures

1. **Application.** Application for appeal shall be in writing and must be filed with the Zoning Officer within 60 days after the filing of the order, requirement, decision, interpretation, or determination that is being appealed. Such application shall refer to the specific provisions of this local law involved and shall specify the grounds for the variance requested, the interpretation claimed or the reversal of an order, requirement, decision, or determination of an administrative official and the relief sought. The Zoning Officer shall forward the application to the Zoning Board of Appeals. The Zoning Board of Appeals may request additional information, including but not limited to any or all of the items listed in this local law.
2. **SEQRA.** The Zoning Board of Appeals shall comply with the provisions of the New York State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title 6, Part 617, of the New York Codes, Rules and Regulations.
3. **Meetings.** Meetings of the Zoning Board of Appeals shall be open to the public to the extent provided this section. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.
4. **Assistance of employees.** The Zoning Board of Appeals shall have the authority to call upon any department, agency, or employee of the Town for such assistance as shall be deemed necessary and as shall be authorized by the Town Board. Such department, agency or employee may be reimbursed for any expenses incurred as a result of such assistance.
5. **Hearing on appeal.** The Zoning Board of Appeals shall fix a reasonable time within 62 days of receipt of an appeal for the hearing of an appeal or other matter referred to it and give public notice of such hearing by publication in a paper of general circulation in the Town at least five days prior to the date thereof. The cost of sending or publishing any notices relating to such appeal, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the Board of Appeals prior to the hearing of such appeal. Upon the hearing, any party may appear in person or by agent or attorney.
6. **Time of decision.** The Zoning Board of Appeals shall decide upon the appeal within 62 days after such hearing. The time within which the Zoning Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Zoning Board of Appeals.
7. **Filing requirements and notice of decision.** Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Zoning Board of Appeals shall be filed in the office of the Town Clerk and shall be a public record. Decisions of the Zoning Board of Appeals on appeal shall be filed within five business days after the day such decision is rendered, and a copy thereof mailed to the applicant.

8. Action. The Zoning Board of Appeals may reverse or affirm, wholly or in part, or may modify any order, requirement, decision, interpretation or determination made by officials charged with the enforcement of this local law. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to grant a use variance or area variance.
9. Rehearing. A motion for the Zoning Board of Appeals to hold a hearing to review any order, decision or determination of the Zoning Board of Appeals not previously reheard may be made by any member of the Zoning Board of Appeals. A unanimous vote of all members of the Zoning Board of Appeals then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing the Zoning Board of Appeals may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided that the Board of Appeals finds that the rights vested in persons acting in good faith in reliance upon the reheard order, decision or determination will not be prejudiced thereby.
10. Stay upon appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative official charged with the enforcement of this local law, from whom the appeal is taken, certifies to the Zoning Board of Appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by a court with jurisdiction on application , with notice to the administrative official from whom the appeal is taken, and on due cause shown.
11. Expiration of appeal decision. Unless otherwise specified by the Zoning Board of Appeals and without any further hearing by the Zoning Board of Appeals, a decision on any appeal including the granting of area and use variances shall automatically lapse and expire if the applicant fails to exercise the variance or fails to obtain any necessary building permits within one year of the date the decision is filed.

ARTICLE XV: NON-CONFORMING USES AND STRUCTURES

Section 1501: Non-Conforming Uses

1. **Continuance.** Except as otherwise provided in this Article, the lawful use of any buildings or land existing at the date of adoption of this Ordinance may be continued even though such use does not conform to the provisions for the district in which such land is located. The right to continue a nonconforming use, subject to the provisions of this Article, remains with the land when title is transferred.

2. **Extension or Enlargement.**
 - A. A nonconforming use existing at the date of adoption of this Ordinance may be extended or enlarged to adjacent lands owned of record on the effective date of this Ordinance by Special Permit.
 - B. A nonconforming building or use may not be extended or enlarged to other structures or land acquired subsequent to the date of adoption of this Ordinance,
 - C. No Special Permit or variance allowing the construction or enlargement of a nonconforming use or structure shall be granted by the Town Board or the Zoning Board of Appeals unless the regulations of the Ordinance, other than allowed uses (i.e., density, yards, parking, etc.) for the district in which said nonconforming use is located, can be substantially complied with.

3. **Changes.** A nonconforming use may be changed to another similar or more restrictive nonconforming use as interpreted by the Zoning Board of Appeals. . When so changed to a more restrictive nonconforming use it shall not subsequently be changed back to a less restrictive nonconforming use. No nonconforming use shall, if once changed to a conforming use, be changed back to a nonconforming use.

4. **Discontinuance.** Whenever a nonconforming use has been discontinued for a period of 12 consecutive months (from a beginning date to be determined by the Zoning Officer), such nonconforming building or use shall not be re-established and any subsequent use of such building or land shall be in conformity with the provisions of this Ordinance for the district in which such building or land is located.

5. **Repair and Restoration.** Only on a permit issued by the Zoning Board of Appeals shall a building used to house a nonconforming use be restored if damaged or destroyed to the extent of 50% or more of its total floor area by fire, flood, earthquake, or Act of God. Restoration shall be commenced within six months after damage or destruction, but this time limit may be extended by such Board in case of practical difficulty or hardship

Section 1502: Non-conforming buildings and structures

1. **Continuance.** Where a lawful building or structure exists at the effective date of adoption or amendment of this Local Law that could not be built under such adoption or amendment by restriction on the lot area, lot coverage area, height, yards or other characteristics of the structure or its location on the lot, such structure may be maintained so long as it remains otherwise lawful, subject to the following provisions.
2. **Expansion.** Nothing in this Local Law shall prevent the strengthening or alteration to a safe condition of all or part of a building or structure that is nonconforming provided that the repair or alteration will not increase the height, size or volume of the building or structure or otherwise increase the nonconformity.
3. Additions, Alterations, Maintenance, and Repairs
 - A. A nonconforming building or structure shall not be added to or enlarged or altered in any manner, in a way which increases its nonconformity.
 - B. Should such structure or building be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
 - C. A nonconforming building or structure is hereby required to be maintained in such condition as will not constitute a danger to the health, safety, or general welfare of the public.
 - D. A single-family dwelling may be enlarged or rebuilt to within the dimensional provisions of the district where it is located.
4. Discontinuance
 - A. A building or structure, or a portion thereof, shall be deemed discontinued if: the building or structure is vacant for twelve (12) consecutive months, or, if in a lesser period of time, there is a manifestation of a clear intent on the part of the owner to abandon the nonconforming building or structure.
 - B. If deemed discontinued, such building or structure shall not be reestablished, and any subsequent use shall not commence until the building or structure is brought into conformity with the provisions of the district in which it is located.
5. Restoration. A nonconforming building or structure destroyed or damaged by fire, wind, explosion, structural failure, or other natural cause to the extent of fifty percent (50%) or more of its fair market value at the time of such damage, shall not be repaired or rebuilt unless the appropriate variances are granted by the Zoning Board of Appeals.
6. Completion of substantially constructed structures. Nothing contained in this Local Law shall require any change in plans, construction, alteration or designated use of a structure for which substantial construction work has lawfully commenced prior to the adoption of this Local Law.

Section 1503: Non-conforming lots

1. Any lot held in single and separate ownership, for which a map was filed or a deed recorded prior to the adoption of this Law, whose area and/or width are less than the specified minimum lot requirements of this Law for the district in which it is located, may be considered as complying with such minimum lot requirements provided that:
 - A. It does not adjoin other land held by the same owner, whose aggregate area and/or lot width is equal to or greater than the minimum lot area required for that district.
 - B. All other lot dimensions, such as bulk and yard requirements, for that district are complied with to the maximum extent feasible, notwithstanding the regulations governing non-conforming uses and structures set forth in Section 1501 and Section 1502.

2. In consideration of any proposed use of an existing, non-conforming lot, as defined in Section 1503.1 above, the town may require such non-conforming lot to be merged with any adjacent lot under common ownership, for the purpose of rendering the aggregate area and/or lot width equal to or greater than the minimum requirements for the district in which the lots are located; or, for the purpose of rendering the aggregate area and/or lot width less non-conforming with respect to the minimum requirements for the district in which the lots are located.

ARTICLE XVI: ADMINISTRATIVE PROVISIONS

Section 1601: General provisions

1. Notice of public hearing. Each notice of hearing upon an application for site plan review, a special use permit, or for the review of a variance application upon an appeal to the Zoning Board of Appeals, or any other public hearing shall be published once in the official newspaper of the Town at least 5 days prior to the date of the hearing. In addition, at least 10 days prior to the date of the hearing, notices shall be mailed to all owners of property within 250 feet of the exterior boundary of the property for which the application is being made, as may be determined by the latest assessment records of the Town.
2. Referral to County Planning Board.
 - A. Notwithstanding any agreements between the town and county with respect to review thresholds, any variance application, site plan review or zoning change application within the following thresholds shall be referred to the Tompkins County Planning Board for their review and comment:
 - i Within 500 feet of the Town boundary.
 - ii. Within 500 feet of an existing or proposed county or state park or recreation area.
 - iii Within 500 feet of a right-of-way of any existing or proposed parkway, thruway, expressway, road or highway.
 - iv. Within 500 feet of any existing or proposed county or state stream or drainage channel or easement.
 - v. Within 500 feet of the existing or proposed boundary of any county or state owned land on which a public building or institution is situated.
 - vi. Within 500 feet of the boundary of a farm operation located in an agricultural district as defined by Article 25-AA of the Agriculture and Markets Law.
 - B. Within 30 days after receipt of a full statement of such referred matter, the Tompkins County Planning Board shall report its recommendations to the referring Town body. If the county fails to report within 30 days, the Town body may act without such report. If the county disapproves the proposal, or recommends modification thereof, the Town body having jurisdiction shall not act contrary to such disapproval or recommendation, except by a vote of a majority plus one of all the members thereof, and after the adoption of a resolution fully setting forth the reasons for such contrary action.
 - C. Within 7 days after final action by the Town body, a report of said final action shall be filed with the Tompkins County Planning Board.
 - i. Records to be retained. The original or a certified copy of all decisions, approvals, rulings and findings of any board under this Local Law, and of all permits and certificates issued under this article, shall be promptly furnished by the Zoning Officer to the Town Clerk and retained as a permanent Town public record.
 - ii. Assistance to Boards. Planning Board and Zoning Board of Appeals shall have the authority to call upon any department, agency or employee of the Town for such

assistance as shall be deemed necessary and as shall be authorized by the Town Board. Such department, agency, or employee may be reimbursed for any expenses incurred as a result of such assistance. The Planning Board and Zoning Board of Appeals shall have the power and authority to employ experts, clerks, and a secretary; and to pay for their services, and to provide for such other expenses as may be necessary and proper, not exceeding the appropriation that may be made therefore by the Town Board.

- iii. The Planning Board and Zoning Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act under Article Eight of the Environmental Conservation Law and its implementing regulations as codified in Title Six, Part Six Hundred Seventeen of the New York Codes, Rules and Regulations.

Section 1602: Zoning Officer

1. Zoning Officer. The Zoning Officer shall have the power and duty to administer and enforce the provisions of this Local Law. The Zoning Officer shall be appointed by, and may be removed at the pleasure of, the Town Board. An appeal from an action, omission, decision, or rule by the Zoning Officer regarding a requirement of this Local Law may be made only to the Zoning Board of Appeals. The Zoning Officer shall have the power to make inspections of buildings or lots necessary to carry out his or her duties in the enforcement of this Local Law. The Town Board may appoint a Deputy Zoning Officer to exercise any or all of the duties of the Zoning Officer.
2. Zoning Officer Duties
 - A. The Zoning Officer shall not issue a permit for the use of any property unless such use conforms to all laws and ordinances of the Town.
 - B. The Zoning Officer shall maintain files, open to the public, of all applications for certificates of occupancy and building permits along with plans submitted therewith as well as final certificates and permits.
 - C. The Zoning Officer shall also maintain records, open to the public, of every complaint of a violation of the provisions of this local law as well as any action taken as a result of such complaints.
 - D. The Zoning Officer shall submit to the Town Board for insertion in the Board minutes a written report summarizing for the month all building permits and certificates of occupancy issued as well as complaints of violations and any action taken as a result of such complaints.

Section 1603: Planning Board.

1. General Provisions
 - A. The Planning Board shall have all the powers and perform all the duties prescribed by state statute and by this local Law. The Planning Board shall have original jurisdiction for all matters pertaining to this Zoning Law pursuant to state statute.
 - B. The Planning Board consists of seven members. The members and the Chairperson of such Planning Board shall be appointed by the Supervisor subject to Town

Board approval. In the absence of a Chairperson the Planning Board may designate a member to serve as Chairperson.

- C. The Town Board may provide for the compensation of Planning Board members. The Town Board may require Planning Board members to complete training and continuing education courses in accordance with any local requirements for the training of such members.
- D. Town Board Eligibility. No person who is a member of the Town Board shall be eligible for membership on the Planning Board.
- E. Chairperson Duties. All meetings of the Planning Board shall be held at the call of the Chairperson and at such other times as such Planning Board may determine. Such Chairperson, or in his or her absence, the Acting Chairperson, may administer oaths and compel the attendance of witnesses.
- F. Service on other Planning Boards. No person shall be disqualified from serving as a member of the Town Planning Board by reason of serving as a member of the Town or County Planning Agency.
- G. Rules and Regulations. The Planning Board may recommend to the Town Board regulations relating to any subject matter over which the Planning Board has jurisdiction under this Local Law or any other statute, or under any Local Law of the Town. Adoption of any such recommendations by the Town Board shall be by Local Law.
- H. Report on Referred Matters. The Town Board may seek input from the Planning Board where their input would help the Board make a more informed decision. The Town Board may by resolution provide for the referral of any matter or class of matters to the Planning Board before final action is taken thereon by the Town Board or other office or officer of the Town having final authority. The Town Board may further stipulate that final action shall not be taken until the Planning Board has submitted its report, or after the Planning Board has exceeded the time period set by the Town Board for the Planning Board to submit its report.

Section 1604: Zoning Board of Appeals.

- 1. General Provisions.
 - A. **Zoning Board of Appeals.** The Zoning Board of Appeals shall have all the powers and perform all the duties prescribed by state statute and by this Local Law. The Zoning Board of Appeals shall have appellate jurisdiction for all matters pertaining to this Zoning Law.
 - B. **Chairperson Duties.** All meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such other times as such Zoning Board of Appeals may determine. Such Chairperson, or in his or her absence, the Acting Chairperson, may administer oaths and compel the attendance of witnesses.
 - C. **Application for appeal** shall be in writing and must be filed with the Zoning Officer within sixty (60) days after the filing of the order, requirement, decision, interpretation, or determination that is being appealed. Such application shall refer to the specific provisions of this Local Law involved and shall specify the grounds for the variance requested, the interpretation claimed, or the reversal of an order, requirement, decision, or determination of an administrative official and the relief

sought. The Zoning Officer shall forward the application to the Zoning Board of Appeals. The Zoning Board of Appeals may request additional information.

- D. **Hearing on Appeal.** The Zoning Board of Appeals shall fix a reasonable time within sixty-two (62) days of receipt of an appeal for the hearing of an appeal or other matter referred to it and give public notice of such hearing by publication in the official newspaper in the Town at least five (5) days prior to the date thereof. The cost of sending or publishing any notices relating to such appeal, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the Zoning Board of Appeals prior to the hearing of such appeal. Upon the hearing, any party may appear in person or by agent or attorney.
- E. **Time of Decision.** The Zoning Board of Appeals shall decide upon the appeal within sixty-two (62) days after such hearing. The time within which the Zoning Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Zoning Board of Appeals.
- F. **Action.** The Zoning Board of Appeals may reverse or affirm, wholly or in part, or may modify, any order, requirement, decision, interpretation, or determination made by officials charged with the enforcement of this Local Law. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to grant a use variance or area variance.
- G. **Rehearing.** A motion for the Zoning Board of Appeals to hold a rehearing to review any order, decision or determination of the Zoning Board of Appeals not previously reheard may be made by any member of the Zoning Board of Appeals. A unanimous vote of all members of the Zoning Board of Appeals then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing the Zoning Board of Appeals may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided the Zoning Board of Appeals finds that the rights of persons acting in good faith in reliance upon the reheard order, decision or determination will not be prejudiced thereby.
- H. **Stay Upon Appeal.** An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative official charged with the enforcement of this Local Law, from whom the appeal is taken, certifies to the Zoning Board of Appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by a court with jurisdiction on application, with notice to the administrative official from whom the appeal is taken, and for due cause shown.
- I. **Expiration of Appeal Decision.** Unless otherwise specified by the Zoning Board of Appeals and without any further hearing by the Zoning Board of Appeals, a decision on any appeal, including the granting of area and use variances, shall automatically lapse and expire if the applicant fails to exercise the variance or fails to obtain any necessary building permits within one (1) year of the date on which the decision is filed.

- 2. **Imposition of Conditions** - The Zoning Board of Appeals shall, in the granting of both

use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property, and to specify the period of time such variance shall be in effect. Such conditions shall be consistent with the spirit and intent of the zoning Local Law and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

ARTICLE XVII: ENFORCEMENT

Section 1701: Violations.

1. Any person or corporation, whether as owner, lessee, agent or employee, who shall violate any of the provisions of this Local Law or who fails to comply with any order or regulation made hereunder; or who erects, alters, moves, uses or offers for sale any building or uses any land in violation of any detailed statement of plans submitted and approved under the provisions of this Local Law shall be guilty of a violation.
2. Any such person or corporation, whether as owner, lessee, agent or employee who shall violate, disobey, omit, neglect, or refuse to act in compliance with any order or regulation shall be deemed guilty of a separate offense for each day of such violation. Where the person committing such violation is a partnership, association, or corporation, the principal executive officer, partner, agent, or manager may be considered to be the "person" for the purpose of this article. The Zoning Officer shall have the authority to issue a citation to property owners who are in violation of this Local Law.

Section 1702: Fines and imprisonment.

1. A violation of this Local Law is hereby declared to be an offense punishable by a fine not exceeding three hundred fifty dollars (\$350), or imprisonment for a period not to exceed six months, or both, for conviction of a first offense. Conviction of a second offense, both of which were committed within a period of five years, is punishable by a fine of not less than three hundred fifty dollars (\$350), nor more than seven hundred dollars (\$700), or imprisonment for a period not to exceed six months, or both. Conviction for a third or subsequent offense, all of which were committed within a period of five years, is punishable by a fine of not less than seven hundred dollars (\$700), not more than one thousand dollars (\$1000), or imprisonment for a period not to exceed six months, or both.

Section 1703: Restraint and reparation.

1. In the event any building or structure is erected, constructed, reconstructed, altered, dismantled, converted or maintained; or any building, structure or land is used; or any land is divided into lots, blocks, or sites; or any building, structure or lot is offered for sale in violation or in threat of violation of this Local Law or of any ordinance or other regulation made under authority conferred thereby, or conditions imposed by a building permit; the proper local authorities of the Town, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, occupancy, moving, use or division of land; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure, or land; or to prevent any illegal act, conduct, business or use in or about such lot.
2. Additional penalties. In addition to any other remedies or penalties that may be imposed, a violation of this article shall entitle the Town Board to remedy or repair the conditions constituting the violation, at the premises owner's expense, in order to bring the premises into conformity and compliance with this article. The disbursements and expenses shall become a charge and a lien upon the premises and the same shall be added to the premises' next annual Town tax bill, to be collected in accordance with the provisions of law and the procedure for the payment of Town taxes with interest, as may be provided by law. This provision shall be in addition to any other provisions, penalties or powers available to the Town for enforcement of this local law

Section 1704: Stop work order.

1. The Town Board hereby grants the Zoning Officer the administrative responsibility of immediately terminating any actions violating this Article by posting a stop-work order on the premises wherein the alleged violation has occurred.
2. The stop-work order shall serve notice to the owner, builder, developer, agent, and/or any other individual or business on the premises that all actions specified on the stop-work order must be terminated immediately.
3. Relief from the stop-work order can be realized as follows:
 - A. If all provisions of this Local Law, together with other conditions specified by the Zoning Officer, are met, then the Town Board may authorize the termination of the stop-work order.
 - B. Except for cases involving site plan review, if a variance is granted by the Zoning Board of Appeals permitting the violations specified on the stop-work order to continue thenceforth as allowable, said administrative decision shall also specify the conditions for the termination of the stop-work order.

Section 1705: Misrepresentation

1. Any permit or approval granted under this Local Law that is based upon or is granted in reliance upon any material misrepresentation, or failure to make a material fact or circumstance known, by or on behalf of an applicant, shall be void. This section shall not be construed to affect the remedies available to the Town under this Local Law.

Section 1706: Complaints of violations

1. Whenever a violation of this Local Law is alleged to have occurred, any person may file a written complaint in regard thereto. All such complaints shall be filed with the Zoning Officer. The Zoning Officer shall investigate such complaints and report about their outcomes to the Town Board.

Article XVIII : Miscellaneous Provisions

Section 1801.- Severability

1. 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, 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, and the Town Board hereby declares that it would have enacted this Local Law or the remainder thereof had the invalidity of such provision or application thereof been apparent.

Section 1802 – Amendments

1. This Local Law may from time to time be amended. An amendment shall be effected by a simple majority vote of the Town Board, or by a super-majority vote of the Town Board in the event that such amendment is the subject of a written protest presented to the Board and signed by:
 - A. The owners of 20% or more of the area of land included in such proposed change; or
 - B. The owners of 20% or more of the area of land immediately adjacent to that land included in such proposed change, extending 100 feet therefrom; or
 - C. The owners of 20% or more of the area of land directly opposite thereto, extending 100 feet from the lot frontage of such opposite land.

Section 1803 - Amendment procedure

1. The Town Board shall provide for the manner in which such regulations, restrictions and the boundaries of such districts, including any amendments thereto, shall be determined, established and enforced. However, no such regulations, restrictions or boundaries shall become effective until after a public hearing in relation thereto, at which the public shall have an opportunity to be heard. At least ten days' notice of the time and place of such hearing shall be published in a paper of general circulation in the Town.
2. Service of written notice. At least ten days prior to the date of the public hearing, written notice of any proposed regulations, restrictions or boundaries of such districts, including amendments thereto, affecting

property within 500 feet of the following shall be served personally or by mail by the Town upon each person or persons as listed below:

- A. The property of the housing authority erecting or owning workforce housing authorized under the Public Housing Law: upon the executive director of such housing authority and the chief executive officer of the municipality providing financial assistance thereto.
 - B. The boundary of a Town: upon the Clerk thereof.
 - C. The boundary of a county: upon the Clerk of the Board of Supervisors or other person performing like duties.
3. **Public hearing.** The public, including those served notice pursuant to this Local Law, shall have the opportunity to be heard at the public hearing. Those parties set forth in Subsection B(1), (2), and (3) above, however, shall not have the right of review by a court as hereinafter provided.
4. **Additional requirements.** The procedural requirements set forth herein shall be in addition to the requirements of the provisions of §§ 239-l and 239-m of the General Municipal Law relating to review by a county planning agency or regional planning council; the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations which are codified in Part 617 of Title 6 of the New York Codes, Rules and Regulations and any other general laws relating to land use and any amendments thereto.
5. **Filing.** Every zoning law and every amendment thereto (excluding any map incorporated therein) adopted shall be entered in the minutes of the Town Board, and a copy, summary or abstract thereof (exclusive of any map incorporated therein) shall be published once in the official newspaper, and a copy of such local law or amendment, together with a summary or abstract of any map incorporated therein, shall be posted conspicuously at or near the main entrance to the office of the Town Clerk, and affidavits of the publication and posting thereof shall be filed with the Town Clerk. Such minutes shall describe and refer to any map adopted in connection with such local law or amendment.
6. **Map.** The designated Town Official shall maintain every map adopted in connection with the zoning Local Law or amendment.
7. **Effective date.** Such local laws shall take effect upon filing in the office of the Secretary of State, but such local laws or amendments shall take effect from their date of service as against a person served personally with a copy thereof, certified by the Town Clerk, and showing the date of passage and entry in the minutes.

**SUBDIVISION RULES AND
REGULATIONS
TOWN OF DRYDEN**

PUBLIC NOTICES

PUBLIC NOTICE

TOWN OF DRYDEN

TAKE NOTICE, that the following LAND, SUBDIVISION REGULATIONS, DRYDEN, NEW YORK of the Town of Dryden was duly adopted by the Town Board of the Town of Dryden, Tompkins County, New York, on February 24, 1976 and entered in its minutes, to wit:

LAND SUBDIVISION

REGULATIONS

DRYDEN, NEW YORK

SECTION I. TITLE

Land Subdivision Rules and Regulations of the Town of Dryden, New York.

SECTION II. PURPOSE

The purpose herein is to provide rules, regulations and standards to guide the orderly subdivision of land in the town of Dryden in order to promote the public health, safety, convenience, and general welfare of the Town. It shall be administered to insure the orderly growth and development, the conservation, protection and proper parceling of land, the adequate provision of service and the safe movement of vehicles in the Town of Dryden.

SECTION III. DEFINITIONS

APPROVAL OF FINAL PLAT - Final approval of plat in final form is the signing of a final plat by a duly authorized officer of the Planning Board after a resolution granting final approval to the plat, or after conditions specified in a resolution granting conditional approval of the plat are completed. Such approval is given after all engineering plans, public hearings, etc. are completed and all required improvements installed or a performance guarantee for their completion has been properly posted. Final approval qualifies the plat for recording in the Office of the County Clerk of Tompkins County.

COMMERCIAL DEVELOPMENT DESIGN GUIDELINES - The Town of Dryden Commercial Development Design Guidelines adopted on DECEMBER 3, 2008 and all subsequent revisions. These guidelines are found in Appendix C of the Town of Dryden Zoning Ordinance.

CONDITIONAL APPROVAL - The approval of a final plat subject to conditions set forth by the Planning Board in its resolution conditionally approving the plat. Conditional approval does not qualify the plat for recording. At the time of the resolution conditionally approving the plat, the Planning Board must empower a duly authorized officer of the Planning Board to sign the plat subject to completion of the requirements stated in the resolution. Upon completion of these requirements, the plat must be signed by the officer so designated. The subdivider has 180 days to satisfy the requirements upon which the approval has been conditioned and obtain the certification of the officer of the Planning Board. The period may be extended by the Planning Board, if in its opinion the circumstances warrant this, for up to two 90-day periods beyond the 180 days.

DATE OF PRESENTMENT OF PRELIMINARY PLAT - The date when the Planning Board receives the Preliminary Plat, complete and with all supporting data required by Section VI of these rules and regulations.

DATE OF SUBMISSION OF FINAL PLAT - The date when the Final Plat, complete with all supporting data required by Section VI of these rules and regulations and by the Planning Board in its action on the Preliminary Plat is submitted to the Town Clerk.

EASEMENT - Authorization by a property owner for the use by another, and for a specified purpose, of any designated part or attribute of his property.

ENGINEER - A person licensed as a professional engineer by the State of New York.

FINAL PLAT - The final plat of all or a portion of the subdivision presented to the Town Clerk for final approval by the Planning Board and prepared in compliance with the provisions of Section VI of these rules and regulations and which, if approved, shall be filed in the County Clerk's Office.

LOT - Any tract, block or site of land separated from other parcels or tracts by description, as on a subdivision or record of survey, or by metes and bounds for the purpose of sale or lease on the installment plan or sale under a land contract.

LOT LINE ADJUSTMENT – The adjustment of one or more lot lines between two or more existing building lots, which does not result in the creation of one or more new building lots. The procedure for review and approval of a lot line adjustment is set forth in Section X below.

PERFORMANCE GUARANTEE - Any security that may be acceptable to the Town Board in lieu of a requirement that all improvements to be made by the subdivider, as specified in these Rules and Regulations, be made before the Planning Board approves the Final Plat.

PLANNING BOARD - The Planning Board of the Town of Dryden.

PLAT - A subdivision map.

PRELIMINARY PLAT - The preliminary presented for Planning Board review showing the proposed design layout of the subdivision and prepared in compliance with the provisions of Section VI of these Rules and Regulations.

RESIDENTIAL DESIGN GUIDELINES - the Town of Dryden Residential Design Guidelines adopted on DECEMBER 3, 2008 and all subsequent revisions. These guidelines are found in Appendix B of the Town of Dryden Zoning Ordinance.

SHALL - The word "shall" is always mandatory.

SKETCH PLAN - Drawing(s) of the proposed subdivision made with sufficient accuracy to be used for the purpose of discussion and classification by the Planning Board as required by Section VI of these Rules and Regulations.

STREET - Any street, avenue, boulevard, road, lane, parkway, alley, or other way which is an existing County or Town roadway, or a street or way shown on the official Town map filed and recorder in the office of County Clerk. Streets shall include the land between street lines whether improved or unimproved and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the street lines. For the purpose of these Rules and Regulations streets shall be classified as follows:

PRIMARY STREETS - Those streets used primarily for fast or heavy traffic.

SECONDARY STREETS - Those streets which carry traffic from local streets to primary streets and which connect primary streets but do not carry heavy volumes of fast traffic.

LOCAL STREETS - Those streets which are used primarily for access to the abutting properties.

STREET WIDTH - The width of right-of-way, measured at right angles to the center line of the street.

SUBDIVIDER - Any person, firm, corporation, partnership or association, who shall lay out any subdivision or part thereof as defined herein, either for himself or others.

SUBDIVISION – The division of a lot into two or more lots. A lot line adjustment shall not be construed as a subdivision.

SUBDIVISION, MAJOR - The division of any lot, block or site of land into five (5) or more lots. A lot line adjustment shall not be construed as a subdivision.

SUBDIVISION, MINOR – The division of any lot, block or site of land into four (4) or fewer lots. The procedure for review and approval of a minor subdivision is set forth in Section IX below. A lot line adjustment shall not be construed as a subdivision.

SURVEYOR - A person licensed as a land surveyor by the State of New York.

SECTION IV. PROCEDURE IN FILING SUBDIVISION APPLICATIONS

Whenever any subdivision of land is proposed to be made, (and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made), and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures.

1. PRE-APPLICATION MEETING

- A. The subdivider shall, prior to subdivision of land, meet with the Environmental Planner and Zoning Officer to discuss subdivision of the property and adherence and conformity to the maximum extent practicable with the Town of Dryden Residential and Commercial Development Design Guidelines
- B. Documentation of the Pre-Application Meeting shall be required in order to submit a Sketch Plan for consideration.
- C. In the event the subdivider intends to request a waiver or modification by the Town Board of lot requirements pursuant to Article VI of the Zoning Ordinance, the subdivider shall so indicate in writing as part of the documentation of the Pre-Application Meeting.”

2. SKETCH PLAN

- A. Submission of Sketch Plan** Any subdivider in the Town of Dryden shall, prior to subdividing or re-subdividing land, as defined in these rules and regulations, submit to the Town Clerk for the Planning Board at least ten days prior to the regular meeting of the Board four copies of a Sketch Plan of the proposed subdivision, which shall comply with the requirements of Section VI, No.1 for the purpose of a preliminary discussion.
- B. Discussion of Requirements** The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the requirements of these regulations for street improvements, drainage, sewage, water supply, fire protection, and similar aspects as well as the availability of existing services and other pertinent information, including adherence to the Town’s Residential and Commercial Development Design Guidelines. If the subdivider intends to request a waiver or modification by the Town Board of the lot requirements pursuant to Article VI of the Zoning Ordinance, then the Sketch Plan shall specify which waivers or modifications are requested.
- C. Study of Sketch Plan** The Planning Board shall determine whether the Sketch Plan meets the purposes of these regulations and shall, where it deems it necessary make specific recommendations in writing to be incorporated by the applicant in the next submission to the Planning Board.

2. PRELIMINARY PLAT FOR SUBDIVISION

A. Application

(1) Upon receiving Sketch Plan approval, with or without modification and prior to the filing of an application for the approval of a Subdivision Plat, the subdivider shall file an application for the consideration of a Preliminary Plat of the proposed subdivision, in the form described in Section VI, No. 2 hereof. The preliminary plat shall, in all respects, comply with the requirements set forth in the provisions of Sections 276 and 277 of the Town Law, and these regulations, except where a waiver may be specifically authorized by the Planning Board.

(2) The fee for an application of preliminary plat approval shall be \$100.00 if 10 lots or less are proposed and \$250.00 if more than 10 lots are proposed.

- B. Number of copies** Two copies of the Preliminary Plat shall be presented to the Town Clerk for the Planning Board at least ten days prior to a regular monthly meeting of the Planning Board.
- C. Subdivider to Attend Planning Board Meeting** The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plat.
- D. Study of Preliminary Plat** The Planning Board shall study the practicability of the Preliminary Plat taking into consideration the requirements of the community and the best use of the land being subdivided. The

layout drawing shall be reviewed for compliance with any Sketch Plan plus required modifications and with the provisions required by Section VI, No. 2 of these Rules and Regulations. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Master Plan, the Official Map, and Zoning Regulations.

- E. When Officially Submitted** The time of submission of the Preliminary Plat shall be considered to be the date of the regular monthly meeting of the Planning Board at least ten days prior to which the application for conditional approval of the Preliminary Plat, complete and accompanied by the required fee and all data required by Section VI, No. 2 of these regulations, has been filed with the Town Clerk for the Planning Board.
- F. Public Hearing** A public hearing shall be held by the Planning Board within 45 days after the receipt of such plat by the Planning Board. The hearing must be advertised at least once in a newspaper of general circulation in the town at least 5 days before it is held.
- G. Planning Board Action on the Preliminary Plat** Within forty-five (45) days after the public hearing for a Preliminary Plat, the Planning Board shall take action to approve, with or without modifications, or disapprove such Preliminary Plat and the ground of any modification required or the ground for disapproval shall be stated upon the records of the Planning Board. Failure of the Planning Board to act within such forty five (45) day period shall constitute approval of the Preliminary Plat. This time may be extended upon mutual consent of the subdivider and the Planning Board.
- H. When granting approval to a Preliminary Plat**, the Planning Board shall state in writing the modifications, if any, with respect to (1) the specific changes which it will require in the Preliminary Plat, (2) the character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, morals, and general welfare, (3) the amount of improvement the bonds therefore which it will require as prerequisite to the approval of the Subdivision Plat. The action of the Planning Board plus any modifications attached thereto shall be noted on both copies of the Preliminary Plat. One copy shall be returned to the subdivider and one retained by the Planning Board. Approval of a Preliminary Plat shall not constitute approval of the Subdivision Plat, but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plat as a guide to the preparation of the Plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations and the modifications required in the Approval, if any. Prior to the approval of the Subdivision Plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.

3. PLAT FOR SUBDIVISION

- A. Application for Approval** The subdivider shall, within six months after the approval of the Preliminary Plat, file with the Planning Board an application for approval of the Subdivision Plat in final form, using the approved application blank available from the Planning Board. If the final plat is not submitted within six months after the approval of the Preliminary Plat, the Planning Board may refuse to approve the final plat and require resubmission of the Preliminary Plat.
- B. Number of Copies** A subdivider intending to submit a proposed Subdivision Plat for the approval of the Planning Board shall provide the Town Clerk for the Planning Board with four copies of the Plat and all

supporting documents required by Section VI of these Rules and Regulations, at least 14 days in advance of the regular monthly Planning Board meeting at which it is to be officially submitted.

- C. **When Officially Submitted** The time of submission of the Subdivision Plat shall be considered to be the date of the regular monthly meeting of the Planning board at least 14 days prior to which the application for approval of the subdivision plat, complete and accompanied by all data required by Section VI of these regulations, has been filed with the Town Clerk.

- D. **Endorsement of State and County Agencies** Water and sewer facility proposals contained in the Subdivision Plat shall be properly endorsed and approved by the Tompkins County Department of Health, and the State Department of Environmental Conservation whenever such State approval may be required. Applications for approval of plans will be filed by the subdivider with all necessary Town, County and State agencies. Endorsement and approval by the Tompkins County Department of Health and the State Department of Environmental Conservation shall be secured by the subdivider before official submission of Subdivision Plat.

- E. **Public Hearing** A public hearing shall be held by the Planning Board within forty-five (45) days after the time of submission of the subdivision plat for approval. This hearing shall be advertised in a newspaper of general circulation in the Town at least five (5) days before such hearing when the Planning Board deems the final plat to be in substantial agreement with an approved preliminary plat, (and modified in accordance with the requirements of the approval given to the preliminary plat if the preliminary plat was approved with modification). The Planning Board may waive the requirement for the public hearing on the final plat.

- F. **Action on Proposed Subdivision Plat** The Planning Board shall within forty-five (45) days from the date of the public hearing on the Subdivision Plat, or within 45 days after the receipt of the final plat by the Town Clerk if no hearing is to be held, approve, **conditionally** approve with or without modification, or disapprove the Subdivision Plat. However, the Subdivision Plat shall not be signed by the authorized officers of the Planning Board for recording until the subdivider has complied with the provisions of Section 5 of this Article. Provision is made for extension of this time by mutual consent of the subdivider and the Planning Board. **Conditional** approval does not qualify the final plat for recording; at the time of the resolution conditionally approving the plat, the Planning Board must empower a duly authorized officer of the Planning Board to sign the plat subject to completion of the requirements stated in the resolution. Upon completion of the requirements, the plat must be signed by the officer so designated. The subdivider has 180 days to satisfy the requirements on which the approval has been conditioned and obtain the certification of the officer of the Planning Board. This period may be extended by the Planning Board, if in its opinion the circumstances warrant this, for up to two 90-day periods beyond the 180 days. Two copies of the approved plan shall be returned to the subdivider, one filed with the Town Clerk and one kept in the files of the final plat.

- G. **Waiver or Modification of Lot Requirements.**
 - i. If the subdivider has requested a waiver or modification of the lot requirements pursuant to Article VI and VII of the Zoning Ordinance, the Planning Board shall within 15 days following the public hearing on the preliminary plat forward to the Town Board a copy of the preliminary plat, its written recommendations and a summary of the comments received at the public hearing.

 - ii. An applicant requesting a waiver or modification of the lot requirements must demonstrate by clear and convincing evidence that, to the maximum extent practicable, the proposed subdivision complies with the

Residential and/or Commercial Development Guidelines, as the case may be. In reaching a determination whether the applicant has, to the maximum extent practicable, complied with the applicable Design Guidelines, the Planning Board shall consider:

- a. the recommendations of Environmental Planner and Zoning Officer;
 - b. the scope of the proposed development, including number of new lots;
 - c. minimization of new public infrastructure;
 - d. maximization of permanently preserved open space; and
 - e. utilization of techniques designed to enhance public safety, environmental quality, property values, economic opportunity, town character as expressed in the Town's Comprehensive Plan and the overall quality of life for all town residents.
- iii. The Town Board shall consider the subdivider's request to waive or modify lot requirements and shall forward its determination (resolution) of approval, disapproval or approval with modifications to the Planning Board which shall then be bound by such determination, with respect to the request to waive or modify the lot requirements only. If approving, or approving with modifications, the preliminary plat the Planning Board shall incorporate such determination in its decision on the preliminary plat and if the preliminary plat is approved by the Planning Board, or approved with modifications, then upon compliance with such lot requirements by the subdivider, the Town Board shall be deemed to have approved the waiver or modification of the lot requirements. The determination of the Town Board on the application of the subdivider to waive or modify lot requirements shall not be deemed to be an approval of the preliminary plat or the final plat, only the specific lot requirements for which a waiver or modification was requested.

4. REQUIRED IMPROVEMENTS

- A.** All improvements shall be installed by the subdivider at his expense with no reimbursement from the Town of Dryden and shall be installed to the satisfaction of the Town Highway Superintendent and the Town Board.
- B. Improvements and Performance Bond** Before the Planning Board grants final approval of the Subdivision Plat, the subdivider shall follow the procedure set forth in either sub-paragraph (1) OR sub-paragraph (2) below, and shall meet the requirements set forth in the discussion of conditional approval above.
 - i. In an amount set by the Planning Board the subdivider shall either file with the Town Clerk a certified check to cover the full cost of the required improvements OR the subdivider shall file with the Town Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of Section 277 of the Town Law and further, shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. A period of one year (or such other period as the Planning Board may determine appropriate, not to exceed three years) shall be set forth in the bond within which required improvements must be completed.

ii. The subdivider shall complete all required improvements to the satisfaction of the Town Highway Superintendent and the Town Board who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Board. For any required improvements not so completed the subdivider shall file with the Town Clerk a bond or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvements not approved by the Town Highway Superintendent and Town Board. Any such bond shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety.

C. Modification or Design of Improvements If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Town Highway Superintendent that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Town Highway Superintendent may, upon approval of the Board, authorize modifications, provided these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board.

D. Inspection of Improvements At least five (5) days prior to commencing construction of required improvements the subdivider shall notify the Planning Board in writing of the time when he proposes to commence construction of such improvements so that the Planning Board may cause inspection to be made to assure that all Town specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

E. Proper Installation of Improvements If the Town Highway Superintendent shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Town Board, Subdivision Control Office, and Planning Board. The Town Board then shall notify the subdivider and, if necessary the bonding company and take all necessary steps to preserve the Town's rights under the bond. No Plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved plat.

5. FILING OF APPROVED SUBDIVISION PLAT

A. Final Approval and Filing Upon completion of the requirements in Section 3 and 4 above, and notation to that effect upon the Subdivision Plat, it shall be deemed to have final approval and shall be properly signed by the appropriate officer of the Planning Board (Chairman or Acting Chairman) and must be filed by the applicant in the Office of the County Clerk. Any subdivision Plat not so filed or recorded within thirty (30) days of the date upon which such Plat is approved or considered approved by reasons of the failure of the Planning Board to act, shall become null and void.

B. Planning Board Approval Required No plat shall be accepted for filing by the County Clerk unless it has been duly approved by the Town of Dryden Planning Board in accordance with this Section.

C. Plat Void if Revised After Approval No changes, erasures, modifications, or revisions shall be made in any Subdivision Plat after approval has been given by the Planning Board and endorsed in writing on the Plat, unless the said Plat is first resubmitted to the Planning Board and such Board approves any modifications. In the event that any such Subdivision Plat is recorded without complying with this

requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the Plat stricken from the records of the County Clerk.

6. PUBLIC STREETS, RECREATION AREAS

- A. Acceptance of Roads as Town Highways** New streets or roads shown on final approved Plats shall not become town highways until accepted by the Town Board.
- B. Public Acceptance of Streets** The approval by the Planning Board of a Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, or other open space shown on such Subdivision Plat.
- C. Ownership and Maintenance of Recreation Areas** When a park, playground, or other recreation area shall have been shown on a Plat, the approval of said Plat shall not constitute an acceptance by the Town of such area. The Planning Board shall require the Plat to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Town Board covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

7. APPLICATION OF SECTION 281 OF THE TOWN LAW

Whereas pursuant to resolution of the Town Board, the Planning Board is empowered to modify applicable provisions of the Zoning Ordinance in accordance with the provisions of Section 281 of the Town Law for the purpose of enabling and encouraging flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic use of streets and utilities and to preserve the natural and scenic qualities of open lands, the following shall be the procedure and standards:

- A.** See Article VII of the Town of Dryden Zoning Ordinance.

SECTION V. GENERAL REQUIREMENTS AND DESIGN STANDARDS FOR IMPROVEMENTS

The purpose of this Section is to provide design principles and minimum standards for improvement which a subdivider is expected to install which shall be applied to the subdivision of land in the Town of Dryden. Those principles and standards are established to promote and assure sound, efficient and safe long-range development throughout the Town. All subdividers in Town of Dryden shall observe the following requirements and principles of land subdivision in the design of each subdivision or portion thereof.

In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth hereinafter. The said standards shall be considered to be minimum requirements and shall be waived by the Board only under circumstances set forth in Article VI herein.

1. POLICY

- A. General** - The subdivision plat shall conform, to the maximum extent practicable, to the recommendations in the Town of Dryden Residential and Commercial Development Design Guidelines which are intended to encourage efficient and beneficial development patterns within the Town. Where either or both an Official Map or a Comprehensive Plan have been adopted, the subdivision shall conform to the proposals and conditions shown thereon.
- B. Character of Land** - Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
- C. Conformity to Official Map and Comprehensive Plan** - Subdivisions shall conform to the Official Map of the town and shall be in harmony with the Comprehensive Plan, if such exists.
- D. Specifications for Required Improvements** - All required improvements shall be constructed or installed to conform to the Town specifications.

2. STREET LAYOUT

- A. Arrangement** The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and the construction of extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities and shall take into consideration topography, public convenience and safety and the proposed uses of the land, public amenity to be served by such streets. Where, in the opinion of the Planning Board, topographic or other conditions make such continuance desirable or impracticable, the above conditions may be modified.
- B. Special Treatment Along Major Arterial Streets** When a subdivision of 4 or more lots abuts or contains an existing or proposed major arterial street, the Board may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- C. Provision for Future Resubdivision** Where a tract is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Board may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in these regulations.
- D. Dead-End Streets** The creation of dead-end or loop residential streets will be encouraged wherever the Board finds that such type of development will not interfere with normal traffic circulation in the area. In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a 20-foot wide easement to provide for continuation of pedestrian traffic and utilities to the next street. Subdivisions containing twenty (20) lots or more may be required to have at least two street connections with existing public streets, or streets shown on the Official Map, if such exists, or streets on an approved Subdivision Plat for which a bond has been filed.

- E. Block Size** Block size may be required to be determined on the basis of convenient circulation, control and safety of vehicular traffic. Blocks generally may be required to be not less than 500 feet nor more than 1250 feet in length. In general, no block width may be required to be less than twice the normal lot depth. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a 20-foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion that a 5 foot wide paved foot path be included.
- F. Intersections with Collector of Major Arterial Roads** Minor or secondary street openings into such roads may be required, in general, to be at least 500 feet apart.
- G. Street Jogs** Street jogs with centerline offsets of less than 125 feet may be required to be avoided.
- H. Angle of Intersection** In general, all streets may be required to join each other so that for a distance of at least 100 feet the street is approximately at right angles to the street it joins. In no case shall intersection be at an angle of less than 60 degrees.
- I. Relations to Topography** The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography. All natural features such as trees, streams, hill-tops, and views shall be preserved whenever possible in designing and laying out any subdivision containing such features. The Planning Board may require changes in the layout to assure that such features will be preserved.

3. STREET DESIGN

- A. Widths of Rights of Way** Street right of ways widths shall be measured from the center of the street to each side and shall not, unless otherwise shown on the General Plan or Official Map, if any, be less than 60 feet wide (total).
- B. Subdivisions Adjoining Existing Non-conforming Streets** Subdivisions adjoining or including existing streets which do not conform to right of way widths as specified by these Rules and Regulations shall dedicate additional width along either or both sides of said street.
- C. Improvements** Streets shall be graded and improved with pavements, curbs, and gutters, sidewalks, storm drainage facilities, water mains, street lights and signs, street trees, and fire hydrants, except where waivers may be requested, and the Planning Board may waive, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to the public health, safety and general welfare. Pedestrian easements shall be improved as required by the Planning Board. Such grading and improvements shall be approved as to design and specifications by the Town Highway Superintendent.
 - i. In water districts in the Town of Dryden the subdivider within such district shall provide water mains with fire hydrants. Installation of fire hydrants shall be in conformity with all requirements of standard thread and nut as specified by the New York Fire Insurance Rating Organization and the Division of Fire Safety of the State of New York.

ii. **Street Lighting Facilities.** Lighting Facilities, when required shall be in conformance with the lighting system of the Town. Such lighting standards and fixtures shall be installed after approval by the appropriate power company and the authorized electrical inspector.

- D. Utilities in Streets** The Planning Board shall, whenever possible, require that underground utilities be placed in the street right of way between the paved roadway and the street line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved.
- E. Utility Easements** Where topography is such as to make impractical the inclusion of utilities within the street rights of way, perpetual unobstructed easements at least 20 feet in width shall be otherwise provided with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary.
- F. Grades** All streets shall be graded in accordance with specifications obtained from the Town Highway Superintendent. Grades on all streets shall conform in general to the terrain, and shall not be less than 1 1/2 nor more than 8 percent for primary streets or 10 percent for secondary streets, or for local streets in residential zones, but in no case more than 3 percent within 100 feet of any intersection. No street shall have a grade of less than 1.5 percent.
- G. Changes in Grade** All vertical curves shall be designed with sufficient radius to provide a safe transition from one direction to another at 25 miles per hour and to provide proper sight distance, and in no case shall the radius be less than 150 feet.
- H. Curve Radii at Street Intersections** All street right of way lines at intersections shall be rounded by curves of at least 20 feet radius and curbs shall be adjusted accordingly.
- I. Curve Radii** In general, street lines within a block, deflecting from each other at any one point by more than 10 degrees, shall be connected with a curve, the radius of which for the centerline of the street shall not be less than 400 feet on major streets, 200 feet on collector streets and 100 feet on minor streets.
- J. Steep Grades and Curves: Visibility of Intersections** A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new street with an existing street) which is shown shaded on Sketch A shall be cleared of all growth (except isolated trees) and obstructions above the level three feet higher than the centerline of the street. If directed, ground shall be excavated to achieve visibility.
- K. Watercourses** Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Soil Conservation Officer.
- L. Service Streets or Loading Space in Commercial Development** Paved rear service streets of not less than 20 feet in width, or in lieu thereof, adequate off-street loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use.

M. Free Flow of Vehicular Traffic Abutting Commercial Developments In front of areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated, the street width shall be increased by such amount on each side as may be deemed necessary by the Planning Board to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business district.

4. STREET NAMES

A. Type of Name All street names shown on a Preliminary Plat or Subdivision Plat shall be approved by the Planning Board. In general, streets shall have names and not numbers or letters.

B. Names to be Substantially Different Street names shall be substantially different so as not to be confused in sound or spelling with present names except that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name. Generally, no street should change direction by more than 90 degrees without a change in street name.

5. LOTS

A. Lots to be Buildable The lot arrangement shall be such that in constructing a building in compliance with the Zoning Ordinance, there will be no foreseeable difficulties for reasons of topography or other natural conditions.

B. Corner Lots In general, corner lots should be larger than interior lots to provide for proper building setback from each street and provide a desirable site.

C. Driveway Access Each lot must face on an approved street and have satisfactory access to a public street. Driveway grades between the street and the setback line shall not exceed 10 percent.

D. Access from Private Streets Access from private streets shall be deemed acceptable only if such streets are designed and improved in accordance with these regulations.

E. Monuments and Lot Corner Markers Markers of galvanized pipe driven at least 2 feet into the ground shall be set at all block corners, or, if no complete blocks are involved, at each corner of the area to be subdivided, and at intervals of approximately 500 feet. Placement of such markers shall be approved by the Planning Board.

6. DRAINAGE IMPROVEMENTS

A. Installation Required All drainage facilities (ditches, culverts, etc.) required by the Planning Board shall be installed and banks shall be stabilized to prevent erosion.

B. Removal of Spring and Surface Water The subdivider may be required by the Planning Board to carry away by pipe or open ditch any spring or surface water that may exist either previous to, or as a result of the subdivision. Such drainage facilities shall be located in the street right of way where feasible, or in perpetual unobstructed easements of appropriate width.

C. Drainage Structure to Accommodate Potential Development Upstream A culvert or other drainage facility shall, in each case, be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside the subdivision. The Soil Conservation Service shall approve the design and size of facility based on anticipated run-off from a "25 year" storm under conditions of total potential development permitted by the Zoning Ordinance in the watershed.

D. Responsibility from Drainage Downstream The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Soil Conservation Service. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility during a five year storm, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the subdivision until provision has been made for the improvement of said condition.

E. Land Subject to Flooding Land subject to flooding or land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy, nor for such other use as may increase danger to health, life or property, or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board to remedy said hazard conditions.

7. PARKS, OPEN SPACES, AND NATURAL FEATURES

A. Recreation Areas Shown on Town Plan Where a proposed park playground or open space shown on the Town Plan is located in whole or in part in a subdivision, the Board shall require that such area or areas be shown on the Plat in accordance with the requirements specified in paragraph (B) below. Such area or areas may be dedicated to the Town or County by the subdivider if the Town Board approves such dedication.

B. Parks and Playgrounds Not Shown on Town Plan The Planning Board shall require that the Plat show sites of a character, extent, and location suitable for the development of a park, playground, or other recreation purpose. The Planning Board may require that the developer satisfactorily grade any such recreation areas shown on the Plat. The Board shall require that not less than 3 acres of recreation space be provided per 100 dwelling units shown on the plat. However, in no case shall the amount be more than 10 percent of the total area of the subdivision. Such area or areas may be dedicated to the Town by the subdivider if the Town Board approves such dedication. Appropriate legal measures should be taken to assure that such land can never be developed for other than recreational purposes.

C. Information to be Submitted In the event that an area to be used for a park or playground is required to be so shown, the subdivider shall submit, prior to final approval, to the Board, 2 prints showing, at a scale of not less than thirty (30 feet to the inch, such area and the following features thereof:

- i. The boundaries of the said area, giving lengths and bearings of all straight lines; radii, lengths, central angles and tangent distances of all curves.
- ii. Existing features such as brooks, ponds, clusters of trees, rock outcrops, structures.
- iii. Existing, and, if applicable, proposed changes in grade contours of the said area and of area immediately adjacent.

D. Waiver of Plat Designation of Area for Parks and Playgrounds In cases where the Planning Board finds that due to the size, topography, or location of the subdivision, land for park, playground or other recreation purpose cannot be properly located there, or, if in the opinion of the Board it is not desirable, the Board may waive the requirement that the Plat show land for such purposes. The Board may then require as a condition

to approval of the Plat a payment to the Town of Two Thousand (\$2,000) Dollars per gross acre of land which otherwise would have been acceptable as a recreation site. The amount of land which otherwise would have been acceptable as a recreation site shall be determined in accordance with the standards set forth in Section 7 B above. Such amount shall be paid to the Town Board at the time of final Plat approval, and no Plat shall be signed by the authorized officer of the Planning Board until such payment is made. All such payments shall be held by the Town Board in a special Town Recreation Site Acquisition and Improvement Fund to be used for the acquisition of land that (a) is suitable for permanent park, playground or other recreational purposes, and (b) is so located that it will serve primarily the general neighborhood in which the land covered by the Plat lies, and (c) shall be used only for park, playground or other recreational land acquisition or improvements. Such money may also be used for the physical improvement of existing parks or recreation areas serving the general neighborhood in which the land shown on the Plat is situated, providing the Planning Board finds there is a need for such improvements.

E. Reserve Strips Prohibited Reserve strips of land, which might be used to control access from the proposed subdivision to any neighboring property, or to any land within the subdivision itself shall be prohibited, unless the Planning Board determines the best interests of the community are served by a variance.

F. Preservation of Natural Features The Planning Board shall wherever possible, establish the preservation of all natural features which add value to the residential developments and to the community, such as: large trees or groves, water courses and falls, beaches, historic spots, vistas and similarly irreplaceable assets. No tree with a diameter of 6 inches or more as measured 3 feet above the base of the trunk shall be removed unless such tree is within the right of way of a street as shown on the final Subdivision Plat. Removal of additional trees shall be subject to the approval of the Planning Board. In no case, however, shall a tree with a diameter of 8 inches or more as measured 3 feet above the base of the trunk be removed without prior approval by the Planning Board.

SECTION VI. DOCUMENTS TO BE SUBMITTED

1. SKETCH PLAN

A. The Sketch Plan initially submitted to the Planning Board shall be based on tax map information or some other similarly accurate base map at a scale (preferably not less than 200 feet to the inch) to enable the entire tract to be shown on one sheet. The Sketch Plan shall be submitted, showing the following information:

- i. The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing streets and street intersections.
- ii. All existing structures, wooded areas, streams and other significant physical features including large trees and tree masses, bodies of water, ditches, etc., within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than 10 feet.
- iii. The name of the owner and all adjoining property owners as disclosed by the most recent municipal tax records.
- iv. The tax map sheet, block and lot numbers, if available.
- v. All the utilities available, and all streets that are either proposed, mapped or built.

- vi. The proposed pattern of lots (indicating lot width and depth), street layout and widths, recreation areas, systems of drainage, sewerage, and water supply (see Section 2-A3) within the subdivided area.
- vii. All existing restrictions on the use of land including easements, covenants, or zoning lines.
- viii. General information regarding proposed water supply and sewage treatment.
- ix. Documentation of the Pre-Application Meeting between the subdivider, Zoning Officer and Environmental Planner, including any unresolved issues which might prevent compliance with the requirements of Sections IV and V, and the Town of Dryden Residential and Commercial Development Design Guidelines.

2. SUBDIVISION PRELIMINARY PLAT AND ACCOMPANYING DATA

The following documents shall be submitted:

A. The Preliminary Plat A Preliminary Layout of the proposed subdivision shall be presented to the Planning Board in duplicate at a scale of one inch equals 100 feet or one inch equals 50 feet, whichever most clearly illustrates the subdivider's proposal.

- i. Proposed subdivision name, name of Town and County in which it is located, date, true north point, scale, name and address of record owner, subdivider and engineer or surveyor, including license number and seal.
- ii. The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property.
- iii. Zoning District, including exact boundary lines of district, if more than one district, and any proposed changes in the zoning district lines and/or the zoning ordinance text applicable to the area to be subdivided.
- iv. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- v. Location of existing property lines, buildings, ditches, streams, water courses, marshes, rock outcrops, wooded areas, and other significant and existing features for the proposed subdivision and adjacent property.
- vi. Location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.
- vii. Contours with intervals of 5 feet or less as required by the Board, including elevations on existing roads. Approximate grading plan if natural contours are to be changed more than 2 feet.

- viii. The width and location of any streets or public ways or places shown on the Official Map or the Master Plan, if such exists, within the area to be subdivided, and the width, location, names, grades, and street profiles of all streets or public ways proposed by the developer.
 - ix. The approximate location and size of all proposed water lines, valves, hydrants and sewer lines, and fire alarm boxes where required. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law. Profiles of all proposed water and sewer lines.
 - x. Storm drainage plan indicating the approximate location and size of proposed lines and their profiles. Connection to existing lines or alternate means of disposal.
 - xi. Plans and cross-sections showing the proposed location of type of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewer and storm drains, and the size and type thereof, the character, width and depth of pavements and subbase, the location of manholes, basins and underground conduits.
 - xii. Preliminary designs of any bridges or culverts which may be required.
 - xiii. The proposed lot lines with approximate dimensions and area of each lot.
 - xiv. Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the preliminary plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than 20 feet in width and which shall provide satisfactory access to an existing public highway or other public highway or public open space shown on the subdivision or the official map.
 - xv. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distance, made and certified to by a licensed land surveyor. The corners of tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Zoning Officer, and shall be referenced and shown on the Plat.
 - xvi. Location, width, and purpose of all easements.
 - xvii. Location of all other features proposed by the Subdivider or required by these Rules and Regulations or the Planning Board.
- B.** If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than 400 feet to the inch showing an outline of the platted area with its proposed streets and indication of the probable future street system with its grades and drainage in the remaining portion of the tract shall be submitted. The part of the subdivider's entire holding submitted shall be considered in the light of the entire holdings.
- C.** A copy of such covenants or deed restrictions as are intended to cover all or part of the tracts.

3. SUBDIVISION PLAT AND ACCOMPANYING DATA

The following documents shall be submitted for Plat approval:

- A. Final Plat** A Final Plat shall be submitted in permanent reproducible form at a scale of one inch equals 100 feet or one inch equals 50 feet, whichever most clearly illustrates the subdivider's proposal. Four copies of all maps and supplementary data shall be submitted. The Final Plat shall show or be accompanied by the following:
- i. Location, names and right of way widths of all existing streets and easements; locations of existing building lines, structures, creeks, ditches and other features to be retained.
 - ii. Proposed subdivision name or identifying title and the name of the Town and County in which the subdivision is located, the location of the proposed subdivision, the name and address of record owner and subdivider, the name, license number and seal of licensed land surveyor, and licensed engineer.
 - iii. Property lines of all lots with accurate dimensions, bearings, or deflection angles, and radii and arcs of all curves.
 - iv. Street names and rights of way, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
 - v. The boundaries of the property, location, graphic scale and north point.
 - vi. The Plan shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the Subdivision Plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefore.
 - vii. Sufficient data acceptable to the Zoning Officer to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Where applicable, there should be referenced to monuments included in the State system of plane coordinates, and in any event should be tied to reference points previously established by a public authority.
 - viii. The length and bearing of all straight lines, radii, length of curves and central angles of all curves, tangent bearings shall be given for each street.
 - ix. Detailed drawings showing profiles and cross sections of all proposed streets.
 - x. All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
 - xi. Lots and blocks within a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing Town practice.

xii. All lot corner markers shall be made of metal and permanently located satisfactorily to the Town Engineer, at least three-quarter (3/4) inches in diameter and at least 24 inches in length, and located in the ground to existing grade.

xiii. Monuments of a type approved by the Zoning Officer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; and at all street intersections, angle points in street lines, points of curve and appropriate intermediate points shall be required by the Zoning Officer.

B. Construction drawings including plans, profiles and typical cross-sections, as required, showing the proposed location, size and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers, and storm drains; pavements and sub-base manholes, catch-basins and other facilities.

C. County Board of Health Certification and State Department of Environmental Conservation approval, when required by State Law.

1. Prior to approval of construction of any new street by the Town Highway Superintendent, the subdivider or developer shall provide a certification by a licensed engineer that the street has been constructed in accordance with the approved design of said street as designated on the final plat.

SECTION VII. FILING OF APPROVED PLAT

1. After Planning Board approval of the Final Plat of a Subdivision, in accordance with Section VI of these Rules and Regulations, the Plat shall be signed by the Chairman of the Planning Board, or the member acting in his place. Subdivision plats must be filed by the subdivider in the County Clerk's Office. Any subdivision plat not so filed within thirty (30) days from the date of Planning Board approval shall be null and void.

2. No Final Plat shall be in any way altered or revised after it has been given approval and has been properly signed in accordance with this Section. Such alterations or revisions shall cause said Final Plat to be null and void, unless approved by the Planning Board after public hearing.

SECTION VIII. VARIANCES AND WAIVERS

1. Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map, the Master Plan, or the Zoning Ordinance, if such exists.

2. Where the Planning Board finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivisions, it may waive such requirements subject to appropriate conditions.

3. In granting variances and modifications, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

SECTION IX. APPROVAL PROCESS FOR MINOR SUBDIVISIONS

1. Up to four (4) building lots in a minor subdivision may be approved by the Planning Board with an approved Conceptual Subdivision Plan. The purpose of the Conceptual Subdivision Plan approval is to encourage the orderly layout of future lots, without requiring such lots to be platted and filed as part of the conceptual approval.

A. PRE-APPLICATION MEETING

- i. The subdivider shall, prior to subdivision of land, meet with the Environmental Planner and Zoning Officer to discuss subdivision of the property and adherence and conformity to the maximum extent practicable with the Town of Dryden Residential and Commercial Development Design Guidelines.
- ii. Documentation of the Pre-Application Meeting shall be required in order to submit a Conceptual Subdivision Plan to the Planning Board for consideration.
- iii. In the event the subdivider intends to request a waiver or modification by the Town Board of lot requirements pursuant to Article VI, Area and Bulk Requirements of the Zoning Ordinance, the subdivider shall so indicate in writing as part of the documentation of the Pre-Application Meeting.

B. CONCEPTUAL SUBDIVISION PLAN PREPARATION

- (1) Preparation of Conceptual Plan. A Conceptual Subdivision Plan shall be submitted to the Planning, Building and Zoning Code Enforcement Department at least ten days prior to the regular meeting of the Planning Board. Sufficient copies of a Conceptual Subdivision Plan of the proposed subdivision shall be provided in compliance with the requirements of Section VI, No.1 for the purpose of a preliminary discussion. A Notice of Ground Disturbance Form shall also be submitted with the conceptual plan.
- (2) Discussion of Requirements. The subdivider, or his or her duly authorized representative, shall attend the meeting of the Planning Board to discuss the requirements of these regulations for street improvements, drainage, sewage, water supply, fire protection, and similar aspects as well as the availability of existing services and other pertinent information, including adherence to the Town's Residential and Commercial Development Design Guidelines. If the subdivider intends to request a waiver or modification by the Town Board of the lot requirements pursuant to Article VI of the Zoning Ordinance, then the Conceptual Subdivision Plan shall specify which waivers or modifications are requested.
- (3) Approval of Conceptual Subdivision Plan. The Planning Board shall determine whether the Conceptual Subdivision Plan meets the purposes of these regulations and shall, where it deems it necessary make specific recommendations to be incorporated by the applicant. It is the discretion of the Planning Board to approve the Conceptual Subdivision Plan, or to require that the subdivider resubmit a revised Conceptual Subdivision Plan with the recommended changes at the next regular meeting of the Planning Board. The Planning Board can also authorize the Zoning Officer to approve the incorporation of recommendations administratively.

- i. Upon approval of the Conceptual Subdivision Plan, or authorization of administrative approval by the Zoning Officer, the Planning Board de facto authorizes the Zoning Officer to approve such lots as presented on the Conceptual Subdivision Plan administratively for filing with the County Clerk.

C. APPROVAL PROCESS

Conceptual approval shall be subject to the following additional requirements:

- i. Administrative review and approval shall be obtained from the town's Environmental Planner, and Zoning Officer before conceptual lots may be formally platted and filed with the Office of the County Clerk.
- ii. If there are substantive changes, as determined by staff review, to the Conceptual Subdivision Plan at the time of Administrative Approval then the Planning Board shall be informed of an application to the town's Environmental Planner for approval of conceptual lots and shall be given an opportunity to review and comment on the application at a regularly scheduled planning board meeting.
- iii. The town's Zoning Officer shall determine an application for administrative approval is complete and demonstrates compliance with all applicable regulations and requirements.
- iv. Conceptual approval shall expire after 10 years. However, conceptual approval may be renewed at the discretion of the Planning Board at the time that administrative approval for a conceptual lot or lots is sought by the applicant.
- v. Preliminary and final plat approval and the associated public hearings shall not be required for a minor subdivision.

SECTION X. APPROVAL PROCESS FOR LOT LINE ADJUSTMENT

- A.** An application for a lot line adjustment shall be submitted to the town's Environmental Planner and Zoning Officer for review and approval.

SECTION XI AMENDMENTS

- A.** These Rules and Regulations may be amended after public hearing and approval by the Town Board as set forth by Section 272 of the Town Law.

SECTION XII. VIOLATIONS OF RULES AND REGULATIONS-PENALTIES

- A. The violation of any rule or regulation adopted by the Town Board herein shall be deemed an offense against such rules and regulations.**
- B.** For any violations of the rules and regulations herein the person violating same shall be subject to a fine or imprisonment or by both such fine and imprisonment as specified in Town Law Section 268.

- C. In addition to the above provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of rules and regulations herein.

SECTION XIII. SAVING CLAUSE

If any clause, sentence, paragraph, section or part of the Rules and Regulations shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof, directly involved in the controversy in which such judgment shall have been rendered.

SECTION XIV. COURT REVIEW

Any person or persons, jointly or severally, aggrieved by any decision of the Planning Board concerning such plat may have said decision reviewed by special term of the Supreme Court in the manner provided by Article 78 of the Civil Practice Law and Rules, providing the proceeding is commenced within thirty (30) days after the filing of the decision in the office of the Planning Board all as set forth in Town Law.

SECTION XV. EFFECTIVE DATE

These rules and regulations shall take effect 10 days after being published and posted.

- Subdivider submits SKETCH PLAN to Planning Board for review (10 Days prior to P.B. meeting).
- Pre-Application conference for classification and discussion (at regular P.B. meeting).
- Subdivider submits PRELIMINARY PLAT and supporting data.
- Public hearing (within 45 days of receipt).
- Planning Board approval, with or without modification, or disapproval (within 45 days of hearing).
- Subdivider submits FINAL PLAT and supporting data (within 6 months).
- P.B. review of FINAL PLAT for compliance with required modifications.
- Public hearing (may be waived by Planning Board if the FINAL PLAT is judged to be substantially in agreement with the PRELIMINARY PLAT plus required modifications).
- Planning Board approval, conditional approval, or disapproval (within 45 days of public hearing, or within 45 days of submission of FINAL PLAT if a second public hearing is not required).
- Conditional approval (180 days to comply).
- Final Approval
- File subdivision plat with the county Clerk within 30 days of approval.

MOBILE HOME PARK ORDINANCE

Section 1. Title.

This ordinance shall be known and cited as the Town of Dryden Mobile Home Park Ordinance.

Section 2. Purpose.

- (1) It is the purpose of this Ordinance to promote the health, safety, comfort, convenience and the general welfare of the community and to protect and preserve the property of the Town of Dryden and its inhabitants by regulating mobile home parks in the Town of Dryden, New York.
- (2) Mobile homes shall only be allowed in mobile home parks, which are established or extended pursuant to this Ordinance. Mobile home parks may only be established or extended in those areas of the Town of Dryden which are served by municipal water and sewer services.

This amendment shall take effect after publication and as provided by law.

Section 3. Definitions.

- A. For the purpose of this Ordinance a mobile home is defined as a portable unit designed and built to be towed on its own chassis, comprised of frame and wheels, connected to utilities, and designed without a permanent foundation for year-round living. A unit may contain parts that may be folded, collapsed or telescoped when being towed and expanded later to provide additional cubic capacity as well as two or more separately towable components designed to be joined into one integral unit capable of being again separated into the components for repeated towing. A mobile home should not be confused with a travel trailer which is towed by an automobile, can be operated independently of utility connections, is limited in width to 8 feet, in length to 32 feet, and is designed to be used principally as a temporary vacation dwelling.
- B. *Health Authority* means the legally designated health authority or its authorized representative of the Town of Dryden.
- C. *Mobile Home Lot* means a parcel of land for the placement of a single mobile home and the exclusive use of its occupant. Allowable structures in addition to the mobile home shall be as follows: a one-car garage or a one-car carport; a patio, either open or enclosed; an addition attached or connected to the mobile home, but such addition shall not exceed more than 30% of the total square footage of the mobile home proper; and one storage building which shall not exceed 120 square feet in dimension. There will be no separate structures other than those hereinabove specified. All structures shall be subject to set-back requirements and lot area as specified in Section 5.01 of this Ordinance.
- D. *Mobile Home Park* means a parcel of land under single ownership, which has been planned and improved for the placement of five or more mobile homes for nontransient use.
- E. *Mobile Home Stand* means that part of an individual lot that has been reserved for the placement of the mobile home, appurtenant structures or additions.
- F. *Permit* means a written permit issued by the authority permitting the construction, alteration, and extension of a mobile home park under the provisions of this Ordinance and regulations issued hereunder and the Zoning Ordinance of the Town of Dryden.
- G. *Person* means any individual, firm, trust, partnership, public or private association or corporation.
- H. *Service or Recreational Building* means a structure housing operational office, recreational, park maintenance and other facilities built to conform to required standards.
- I. *Internal Street* is a road situated within the mobile home park. *Right of Way* is that portion of designated land set aside for the installation of utilities and/or sidewalks, curbs, gutters or other unrestricted uses.

Section 4. Procedures for Application for Special Permit.

4.01 A preliminary application for a special permit must be obtained from and filed with the Zoning Officer. A non-refundable filing fee of \$75.00 will be retained by the Town.

4.02 A preliminary application must contain:

- A. A legal description of property on which the proposed park will be located.

- B. A sketch map of the proposed park must be enclosed with said application and must contain:
 1. General layout plan of the proposed park including the estimated number of lots, lot size locations, recreation areas, accessory buildings, service buildings.
 2. Abutting property owners and their existing property use.
 3. Proposed access and ingress routes and internal streets.
 4. Present and proposed method of sewer and water service and other utility lines.
 5. Any unusual special land features such as streams, creeks, areas subject to flooding and areas of steep slopes in excess of 10%.

- C. Said application, when completed, filed and fee deposited, shall be submitted to the Town Board at its next scheduled regular meeting.

4.03 Town Board Action, Referral to the Town Planning Board.

The Town board shall hold, and give notice of a public hearing upon such application by publishing in the official Town Newspapers at least 5 days prior to the date of said hearing. Any rescheduled hearing shall require due notice just as the initial hearing.

Within 45 days after said hearing, the Town Board shall either deny the application for a special permit or shall refer such application to the Town Planning Board. The applicant or his representative shall present engineering plans, Health Department approvals and other approvals as required by this Ordinance to the Planning Board, and may be requested to attend Planning Board meetings in order to insure compliance with all of the provisions and requirements of the within Ordinance.

Upon a determination by the Planning Board that the applicant has fully complied with all such provisions and requirements, the Planning Board shall recommend in writing the final approval of the application to the Town Board. Such approval by the Planning Board shall be a prerequisite to the issuance of a special permit to the applicant by the Town Board. Upon receipt of such final approval by the Planning Board, the Town Board shall direct the Town Zoning Officer to issue the special permit to the applicant.

Said special permit shall expire 12 months form the date of issuance, unless there has been substantial progress in the construction, alteration and/or extension of said Mobile Home Park.

Section 5. Location of Mobile Home Parks.

No mobile home park shall hereafter be established, located, maintained, altered or expanded in any district of the Town of Dryden except in the specified districts as defined and established by the Zoning Ordinance of the Town of Dryden as it may from time to time to amended, and upon compliance with all the provisions of this Ordinance.

5.01 Size of Lots and Yards.

Every lot shall meet the following minimum requirements:

- A. Lot area per mobile home - 5,000 square feet
- B. Front yard set-back from mobile lot line, 20 feet.
- C. Side yard set-back depth from mobile home lot line, 10 feet.
- D. Rear yard set-back depth from mobile home lot line, 10 feet.
- E. All mobile homes shall be located at least 90 feet from the center line of any State Road and at least 70 feet from the center line of any other public road.
- F. The mobile home lot line hereinabove referred to shall be the boundary line as established on the engineering plans.
- G. All mobile homes shall be located at least 25 feet from the mobile home park property lines.

5.02 Skirts.

Each mobile home owner shall be required to enclose the bottom portion of the mobile home with either a metal or wood skirt or other durable material, properly ventilated, within 60 days after arrival in park.

5.03 Landscaping.

The appropriate landscaping requirements for the mobile home park shall be determined by mutual agreement between the Town Planning Board and the applicant.

Section 6. Streets and Parking.

6.01 General Requirements.

A safe and convenient vehicular access shall be provided from abutting public streets or roads. The Planning Board may require additional entrances or exits whenever they deem it necessary for the public safety and welfare.

6.02 Access.

The entrance road connecting the park streets with a public street or road shall have a minimum road pavement width of 20 feet and a total width of 36 feet including rights of way.

6.03 Internal Streets.

Surfaced roadways shall be of adequate width to accommodate anticipated traffic including emergency vehicles, and in any case shall meet the following minimum requirements:

- A. Where parking is permitted on both sides, a minimum width pavement of 28 feet will be required.
- B. A minimum road pavement width of 22 feet will be required here parking is limited to one side.
- C. A minimum road pavement width of 18 feet will be required where off-street parking is provided. Each off-street parking space shall have an area at least 9 feet wide and 20 feet long, not including maneuvering to access areas.
- D. The paved portions of such streets shall be finished with a smooth, hard and dust-free surface which shall be durable and well-drained under normal use and weather conditions.
- E. All streets shall be constructed, graded and leveled as to permit the safe passage of emergency vehicles at a speed reasonable and prudent.

F. Cul-de-sac shall be provided in lieu of closed end streets, a turn around having an outside roadway diameter of at least ninety (90) feet, or an equivalent "T" turnaround shall be provided.

6.04 Two parking spaces must be provided for each mobile home lot.

6.05 The appropriate lighting, including, but not limited to spacing and kind of lighting units, as will provide necessary illumination for the safety of pedestrians and vehicles, shall be determined by mutual agreement between the Town Planning Board and the applicant.

Section 7. Sanitary Facilities.

7.01 Water - General Requirements.

An adequate supply of water shall be provided for mobile homes, service buildings and other accessory buildings as designated by this Ordinance, which water supply system shall be approved by the Tompkins County Health Department or other authorities having jurisdiction thereof.

7.02 Sewage - General Requirements.

- A. An adequate and approved system shall be provided in all parks for conveying and disposing of sewage from mobile homes, service buildings and other accessory facilities. Such systems must be designed, constructed and maintained in accordance with the Tompkins County Health Department's standards and regulations.
- B. Sewage treatment and/or discharge - where the sewer lines of the mobile home park are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the County Department of Health prior to construction.
- C. Storm drainage pipes, ditches, etc., may be required by the Planning Board.
- D. Garbage and refuse - Each mobile home park shall provide sanitary equipment to prevent littering of the grounds and premises with rubbish, garbage and refuse and all containers shall have tightly fitting covers. Regular disposal shall be provided for all rubbish, trash and garbage. All areas shall be kept free of abandoned or inoperable vehicles, trash and junk.

Section 8. Electrical Distribution System and Individual Electrical System.

8.01 General Requirements.

Every park shall contain an electrical wiring system consisting of wiring fixtures, equipment and appurtenances which shall be installed and maintained in accordance with local electric power company's specifications and regulations.

Section 9. Fuel Supply and Storage.

9.01 General Requirements - Fuel Oil Supply Systems.

- A. All fuel oil supply systems, provided for mobile homes, service buildings and other structures shall be installed and maintained in conformity with the rules and regulations of the authority having jurisdiction when provided.

9.02 Specific Requirements.

- A. All fuel oil tanks shall be placed not less than five (5) feet from any exit.
- B. Supports or standards for fuel storage tanks are to be of noncombustible material.

9.03 Gas Supply (Natural).

Natural gas piping systems installed in mobile home parks shall be maintained in conformity with utility company practices.

9.04 Liquefied Gas.

- A. Such system shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
- B. Systems shall have at least one accessible means for shutting off gas. This means shall be located outside of individual mobile homes.
- C. All Liquid Propane Gas piping shall be well-supported and protected against mechanical injury.
- D. Storage tanks shall not be less than 100 lbs. and must be located not less than five (5) feet from any exit.

Section 10. Recreational Areas and Open Spaces.

- A. Every Mobile Home Park shall have a recreational area for the public use of persons living in the park, the minimum size of such area shall be 5,000 square feet plus 200 square feet per mobile home furnished by the applicant.
- B. The Planning Board, as a condition of approval, may establish such conditions on the use, and maintenance of open spaces as it deems necessary to assure the preservation of such open spaces for their intended purposes.

Section 11. License for Operation and Maintenance of Mobile Home Park.

After such time that all rules, regulations, codes and provisions of the Mobile Home Park Ordinance have been met, the Town Clerk of the Town of Dryden will issue a license for operation and maintenance of a mobile home park. Said license is for a twelve (12) month period.

11.01 Renewal of License.

Approval of the license renewal shall be automatic upon demonstration that the design and maintenance of the park is in accordance with the requirements at the time of approval of the initial permit.

11.02 Transfer of license.

All licenses are transferable upon written notification of the Zoning Officer.

Section 12. Application of Ordinance.

- A. The provisions of the Ordinance shall supersede local laws, ordinances, codes or regulations to the extent that such laws, ordinances, codes or regulations are inconsistent with the provisions of the Ordinance provided that nothing herein contained shall be construed to prevent the adoption and enforcement of a law, ordinance or regulations which is more restrictive or establishes a higher standard for mobile home parks than those provided in this Ordinance, and such more restrictive requirement or higher standard shall govern during the period in which it is in effect.

B. In a case where a provision of the Ordinance is found to be in conflict with a provision of a zoning, building, electrical, plumbing, fire safety, health, water supply or sewage disposal law or ordinance, or regulations, the provisions or requirements which is more restrictive or which establishes a higher standard shall prevail.

Section 13. Violations and Penalties.

A violation of this Ordinance is an offense punishable by a fine not exceeding \$50.00 or by imprisonment for a period not to exceed 60 days or both. Each week's continued breach shall constitute a separate additional violation. In addition, the Town Board shall have such other remedies as are provided by law to enforce the provisions of this Ordinance.

Section 14. Invalidity.

If a term, part, provisions, section, subsection or paragraph of this Ordinance shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to invalidate the remaining terms, parts, provisions and paragraphs.

Section 15. Effective Date.

MOBILE HOME ORDINANCE

ARTICLE I. GENERAL

Section 100. Title.

This ordinance shall be cited as the Town of Dryden Mobile Home Ordinance.

Section 101. Purpose.

It is the purpose of this ordinance to promote the health, safety and general welfare of the inhabitants of the Town of Dryden, Tompkins County, New York by the regulation of site design for mobile home lots, and the establishment of site installation and occupancy standards for all mobile homes located on mobile home lots in the Town. This Ordinance does not apply to mobile homes in mobile home parks or to mobile home parks.

Section 102. Definitions.

- A. American Concrete Institute (ACI)** The organization which publishes standards for concrete foundations and other concrete structures. Such standards may be different from local building code requirements, in which case, the more stringent requirements will control.
- B. ANSI-NFPA Standards** - The standards and/or specification promulgated by the National Fire Protection Association and National Conference of States on Building Codes and Standards, Inc., and published as ANSI A225.1 NFPA 501 A Manufactured Home Installations 1982 or its most recent counterpart, however identified.
- C. Commercially Manufactured & Installed** Designed and intended for use with a mobile home and installed according to manufacturer's instructions and complying with all appropriate codes, laws, rules, regulations, ordinances, and local laws.
- D. Construction Permit** - A permit issued by the Town authorizing the construction of a Mobile Home lot.
- E. Enforcement Officer** - The person or persons, by whatever title designated by the Town Board, charged with the enforcement and inspections required under this ordinance.
- F. Front Setback Line** - A line marking the minimum distance from the center of the road right-of-way. (Also see Yards)
- G. House Roof Systems** - Designed and constructed of materials permitted in the construction of single family dwellings by the New York Uniform Fire Prevention and Building Code.
- H. House Siding System** - Designed and constructed of materials permitted in the construction of single family dwellings by the New York Uniform Fire Prevention and Building Code.
- I. Installation Permit** - A permit issued by the Town authorizing the installation of an individual mobile home.

J. (a) Mobile Home - A structure, transportable in one or more sections and while being transported is 8 body feet or more in width or 40 body feet or more in length or, when installed on a lot, is at least 320 square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term shall include any structure which meets the size requirements herein set forth, and for which the manufacturer has filed the certification required by the United States Department of Housing and Urban Development and which structure complies with the National Manufactured Home Construction and Safety Standards. A Mobile Home is identified as such by the existence of the seal required by the United States Department of Housing and Urban Development. A modular home is manufactured and certified according to the New York Uniform Fire Prevention and Building Code, Article 2. Unless the context requires otherwise, the term mobile home shall include a double wide mobile home but the term double wide mobile home shall not include a single wide mobile home. A double wide mobile home includes at least two such sections transported separately and designed and intended to be joined together as a single dwelling unit when placed on a site. A Mobile Home should not be confused with a travel trailer which is towed by a motor vehicle and which can be operated independently of utility connections and is limited in width while being transported to 8 body feet, in length to 32 body feet and is designed to be used principally as a temporary dwelling and does not require a HUD seal.

(b) Non-Conforming Mobile Homes – A structure which would be a mobile home as herein defined except that it lacks the certification required by the United States Department of Housing and Urban Development and/or it does not comply with the National Manufactured Home Construction and Safety Standards shall referred to as a “non-conforming mobile home.”

K. Mobile Home Lot - A parcel of land (outside a mobile home park) for the placement of one mobile home for the exclusive use of the owners. All placements and structures shall be subject to set back requirements and lot area as specified in this ordinance, and in the Town of Dryden Zoning Ordinance, whichever is more restrictive.

L. Mobile Home Stand - That part of a mobile home lot which has been constructed for the placement of the mobile home and accessory buildings or structures. A mobile home stand shall be constructed and consist of either:

- 1) ten (10") inches of compacted gravel; or
- 2) a concrete slab at least six (6") inches thick and reinforced according to the standards of the American Concrete Institute (ACI); or
- 3) six (6") inches of compacted gravel with a reinforced concrete runner on each side of the stand to provide support, such a runner to be a minimum of 2' wide, 4 inches thick and the length to extend to within 2' of each end of the home body; or
- 4) masonry piers installed into the ground at least three feet below grade; or
- 5) a stand as defined in ANSI - NFPA standards of installation of manufactured homes.
- 6) A mobile home stand shall not have an elevation exceeding 1.5 feet from the surrounding mean elevation and the site shall be sloped to provide drainage away from the stand. All stands shall be suitably graded to permit the rapid surface drainage of water.

M. Mobile Home Support System - Installation instructions provided by the manufacturer of a mobile home, or if unavailable, designed by a Registered Professional Engineer, Architect, or as set forth in NFPA - ANSI Standards.

N. Occupancy Certificates - Written authorization from the Enforcement Officer to occupy a mobile home lot and the mobile home placed thereon.

O. Parking Space - An off street space available for parking of one motor vehicle and which is an area at least nine (9) feet wide and twenty (20) feet long, not including maneuvering area and access drives.

P. Permanent Residence - Residence for a period in excess of 60 days.

Q. Person - An individual, partnership, corporation or association.

R. Professionally Designed and Built

- 1) Designed and built according to plans prepared and sealed by a licensed Professional Engineer or Architect; or
- 2) Designed and Built according to plans so that upon completion the construction will be architecturally consistent with the design of other buildings on said lot and be aesthetically pleasing.

S. Rear Setback Line - A line marking the minimum distance from the rear lot line (Also see Yards).

T. Road - Road means road, street, avenue, right-of-way or other public line marking the exterior boundary of the public ownership or right-of-way. (Not to be confused with the traveled or maintained portion of a road.)

U. Secondary Additions - Expanded rooms, enclosed patios, or structural additions that are added to the mobile home on the mobile home stand.

V. Side Setback Line - A line marking the minimum distance from the side lot lines. (Also see Yards)

W. Single Ownership - Refers to any individual, partnership or corporation owning a parcel of land.

X. Skirting (manufactured) - A new durable vinyl or aluminum product sold commercially and designed and intended as an enclosure for the space between the mobile home and mobile home stand.

Y. Skirting Wall - Material of a weatherproof nature that is used to enclose the space between the mobile home and the mobile home stand. Skirting wall shall be masonry, or pressure treated lumber or other material that would be permitted by the New York State Uniform Fire Prevention and Building Code for enclosing a crawl space of a single family home with no cellar. The skirting wall shall be installed with its bottom edge below the frost line to eliminate any frost heave.

Z. Storage - Refers to the placement of articles not in use.

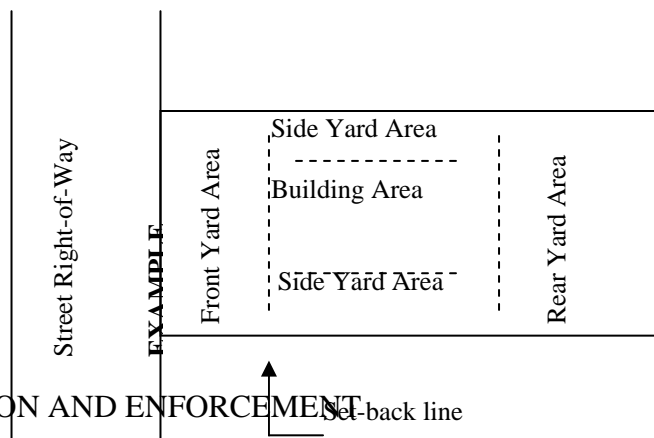
AA. Storage Buildings

- 1) Portable - a structure with less than 150 square feet of floor space, manufactured or sold in kit form, is easily movable on its own support system not requiring a permanent foundation and not requiring a building permit.

- 2) Permanent - a structure over 150 square feet for which a building permit is required and which must comply with the New York Uniform Fire Prevention and Building Code and the Town of Dryden Zoning Ordinance.

BB. Temporary Residence - Residence for a period of less than 60 days.

CC. Yard - A yard is an open space other than a court on a lot, unoccupied and unobstructed from the ground upwards, except as otherwise permitted (See illustration for location of front, side and rear yards.)



ARTICLE II: INSPECTION AND ENFORCEMENT

Section 201. Prohibition.

- A. No person shall occupy or permit to be occupied any mobile home on any mobile home lot without first complying with the provisions of this ordinance.
- B. All mobile homes in the Town of Dryden shall comply with all applicable laws, codes, rules and regulations, ordinances and local laws.
- C. Non-Conforming mobile homes are not permitted in any zone in the Town of Dryden.

Section 202. This ordinance shall be enforced by the Enforcement Officer, who is authorized and has the right in the performance of duties, to enter any mobile home or mobile home lot to make such inspections as are necessary to determine compliance with this ordinance or any other applicable laws, codes, rules and regulations, Ordinances and local laws. Such entrance and inspection shall be accomplished at reasonable times, or at any time in an emergency and whenever it is necessary to protect the public interest. Owners, agents, operators or occupants of a mobile home or mobile home lot shall be responsible for providing access within their control for the Enforcement Officer in the furtherance of official duties.

Section 203. Duties of Enforcement Officer

It shall be the duty of the Enforcement Officer:

- A. To make initial inspections for Occupancy Certificates for mobile homes placed on mobile home lots, and
- B. To investigate all complaints made under this Ordinance, and

- C. To enforce this ordinance by inspection for compliance, and in the case of violations to prosecute the responsible persons in a court of competent jurisdiction, and to
- D. Request the Town Board to take appropriate legal action on all violations of this ordinance, and to provide such applications and forms as are necessary to implement the provisions of this ordinance.

Section 204. Violations

- A. Upon determination by the Enforcement Officer that there has been a violation of any provision of this ordinance, notice of such violations may be given to the person responsible for obtaining or maintaining the Construction/Installation Certificate for the mobile home or mobile home lot in violation. Such notice shall be in writing and shall state the nature of the violation and the remedial actions necessary to correct it. The notice shall also specify the dates by which remedial action must be taken to correct such violation.
- B. The Enforcement Officer may bring an appropriate legal proceeding to punish the responsible person for such violation or in an appropriate case, and with the prior approval of the Town Board, a proceeding to enjoin such violation.
- C. Whenever the Enforcement Officer determines that an emergency exists which requires immediate action to protect the public health, safety or welfare, he may issue an order stating the existence of such emergency and require that such action be taken as may be deemed necessary to protect the public health, safety and welfare.

Section 205. Violations and Penalties

- A. Violation of this Ordinance is an offense punishable by a fine not exceeding \$100.00, or by imprisonment for a period not exceeding 15 days or both. Each day's continued breach shall constitute a separate, additional violation. In addition the Town Board shall have such other remedies as are provided by law to enforce the provisions of this Ordinance.
- B. Occupancy/Installation Certificates may be invalidated for a conviction of a violation of this Ordinance if the violation has not been corrected.

Section 206. Variances - When unnecessary hardships or practical difficulties make strict compliance with any requirement of this ordinance unreasonable or impossible, an appeal may be taken to the Town of Dryden Board of Appeals from those provisions of this Ordinance. The Zoning Board of Appeals shall act in strict compliance with established case law, the Town Law, and may vary or modify the provisions of this ordinance only as minimally as may be necessary upon the required showings and facts as presented.

Section 207. Effect of Partial Invalidity - Should any section or provision of this Ordinance be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect.

Section 208. Interpretation - The provisions of this Ordinance shall be held to be minimum requirements. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted codes, rules, regulations, ordinances, or local law, the more restrictive, or those imposing the higher standards, shall prevail.

Section 209. Existing Mobile Homes and Mobile Home Lots - Mobile homes and mobile home lots lawfully placed in the Town of Dryden on the effective date of this Ordinance may be maintained in their existing placement unless they:

- 1) are moved, or
- 2) are improved, or restored after damage, and the improvement or restoration affects 50 or more of its total floor area.

Section 210. Effective Date - This ordinance shall take effect and be in force from and immediately after its passage, publication of Notice of Adoption and Posting as required by law.

ARTICLE III: MOBILE HOME LOTS

Section 300. A. Mobile Home Lots may be located in any zone permitted in the Town of Dryden Zoning Ordinance as amended from time to time.

Section 301. Applications for Installation Permits and Occupancy Certificates shall be filed with the Enforcement Officer. The application shall be in writing, signed by the applicant, and shall include but not be limited to the following:

- A. Name and address of applicant
- B. Address and location of the land or premises on which the mobile home is or is proposed to be located.
- C. Sketch drawing to scale of the mobile home lot showing the location or proposed location of the mobile home and any other structures, buildings or improvements to be placed on the lot, with dimensions and information to demonstrate compliance with the provisions of this ordinance.
- D. Satisfactory evidence that the mobile home lot will have an approved individual water supply and individual sewage disposal system or is on municipal water and/or sewer.
- E. The Application and accompanying information shall be filed in duplicate with the Enforcement Officer.
- F. The application shall contain such other information as the Enforcement Officer deems reasonably necessary to insure compliance with this Ordinance.

Section 302. Section 102 (J) (a) and 102 (J)(b) Definitions: Mobile Home and Non-Conforming Mobile Home of the Town of Dryden Mobile Home Ordinance shall apply to this Ordinance.

Section 303. If a proposed mobile home lot will, when constructed in accordance with plans submitted as part of the application, comply with the provisions of this Ordinance, the Enforcement Officer shall issue a Construction/Installation Permit. At such time as construction is complete and a mobile home has been placed on said lot and if such construction and placement is in compliance with the provisions of this ordinance, the Enforcement Officer shall issue an Occupancy Certificate. No mobile home or mobile home lot shall be occupied until an Occupancy Certificate has been issued.

Section 304. No changes shall be made to a mobile home lot or mobile home, which will make the mobile home lot or mobile home in violation of this Ordinance or any other applicable code, law, rule, regulation, ordinance or local law.

Section 305. All mobile homes hereafter placed on any mobile home lot shall conform to and comply with all applicable mobile home construction requirements in effect as of the date of manufacture of the mobile home.

Section 306. Lot Size - All mobile home lots (not in a mobile home park) shall be at least one acre in size and have a minimum usable area such that a circle with 150' diameter may be inscribed within the usable area.

Section 307. Yards - Mobile homes and mobile home stands shall not be installed closer than 70 feet from the centerline of any road, and no closer than 25 feet from any rear property line and no closer than 15 feet from any side lot line. Secondary additions, carports and individual storage structures shall be subject to the same set back requirements.

Section 308. Each mobile home lot shall be provided with a mobile home stand and mobile home support system constructed according to the provisions of this ordinance,. Mobile homes shall be installed on the mobile home stand and mobile home support system according to the provisions of this ordinance.

Section 309. Single wide mobile homes shall be enclosed with manufactured skirting or a skirting wall within 60 days of placement of the mobile home on the mobile home lot. Doublewide mobile homes on mobile home lots shall be enclosed with a skirting wall within 60 days of placement of the mobile home on the mobile home lot.

Section 310. Portable storage buildings shall be a manufactured or kit type or be professionally designed and built. Permanent storage buildings require a building permit and must meet the set-back requirements outlined in this Ordinance.

Section 311. Carports or Awnings - Attached or free standing carports and awnings must be commercially manufactured and installed or be professionally designed and built.

Section 312. Steps and Decks - Steps and decks must be either commercially manufactured and installed or be professionally designed and built.

Section 313. Solid Fuel Installations

All solid fuel installations must be approved by the agency having jurisdiction thereof and the owner of the mobile home shall apply for and obtain all required approvals.

Section 314. Secondary Additions to mobile homes must be either commercially manufactured and installed as if professionally designed and built. For all secondary additions, exterior design and construction shall be compatible with the existing home exterior sheathing and roofing treatment.

Section 315. For each mobile home on a mobile home lot one (1) parking space shall be provided. Such space and the required access driveway shall be the same as required for a single family dwelling by the Town of Dryden Zoning Ordinance.

Section 316. No outdoor storage of furniture, operable or inoperable machinery, appliances, unlicensed or inoperable vehicles or trailers or similar items shall be permitted. All such items shall be stored in approved storage buildings or inside enclosed carports.

Section 317. Each mobile home stand shall be connected to a septic system which will be used exclusively for that mobile home located on said stand.

Section 318. Every mobile home lot and mobile home stand shall comply with the Electrical Code of the Town of Dryden (Local Law No. 3 of the year 1981) and all the requirements of the public utility furnishing electricity

to the site. All fuel supply and storage systems shall be installed and maintained in accordance with all applicable codes, laws, rules and regulations ordinances and local laws governing such systems.

Section 319. Mobile home stands with natural gas shall have an approved manual shut off valve. The gas outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use. All natural gas supply systems shall be installed and maintained in conformity with the public utility company standards.

Section 320.

- A. Mobile homes provided with liquefied petroleum gas systems shall have approved safety devices to relieve excessive pressure and shall discharge at a safe location.
- B. Such systems shall have at least one accessible approved manual shut off valve located outside of the mobile home.
- C. All piping shall be well supported and protected against mechanical injury.
- D. Storage tanks shall not be less than 100 lbs. and be located not less than five (5) ft. away from any exit.

Section 321.

- A. Mobile homes with fuel oil storage tanks shall have the tanks securely supported and fastened in place.
- B. Tanks shall be equipped with permanently installed and secured piping.
- C. Tanks shall be at least 275 gallons capacity.
- D. Fuel oil storage tank installations shall be screened from public view.

Section 322

All mobile homes placed on mobile home lots after the enactment of this ordinance, shall be a minimum of 672 square feet. (i.e. 12 body feet wide by 56 body feet long).

Section 323. Responsibility of Mobile Home Lot Occupants

- A. Occupants of mobile homes shall comply with the requirements of this Ordinance and shall maintain the mobile home lot, facilities and equipment in good repair and in a clean and sanitary condition.
- B. Sufficient garbage containers with tight fitting covers shall be utilized for the storage and disposal of garbage and rubbish. Containers shall be screened from public view.

