

**TOWN OF DRYDEN  
NOTICE OF PUBLIC HEARING  
LAND SUBDIVISION RULES AND REGULATIONS AMENDMENTS**

PLEASE TAKE NOTICE that the Town Board of the Town of Dryden will hold a public hearing on proposed amendments to the Town of Dryden Land Subdivision Rules and Regulations. The proposed amendments relate to the implementation of part of the 2005 Comprehensive Plan which recommended the development and use of commercial development and residential design guidelines.

The text of the proposed amendments follows:

1. Section III (Definitions) is hereby amended by adding new definitions of “Commercial Development Design Guidelines” and “Residential Design Guidelines” to read respectively as follows:

“Commercial Development Design Guidelines – the Town of Dryden Commercial Development Design Guidelines dated December 3, 2008, and all subsequent revisions. These guidelines are found in Appendix C of the Town of Dryden Zoning Ordinance.”

“Residential Design Guidelines – the Town of Dryden Residential Design Guidelines dated December 3, 2008, and all subsequent revisions. These guidelines are found in Appendix B of the Town of Dryden Zoning Ordinance.”

2. Section IV (Procedure in Filing Subdivision Applications) is hereby amended by re-numbering subsection 1 (Sketch Plan) to be subsection 1-A Sketch Plan, and by adding a new subsection 1 to precede subsection 1-A to read as follows:

“1. Pre-Application Meeting

- A. The subdivider shall, prior to subdivision of land, shall 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 Section 500 (7) of the Zoning Ordinance, the subdivider shall so indicate in writing as part of the documentation of the Pre-Application Meeting.”

3. Paragraph B (Discussion of Requirements) of subsection 1-A (Sketch Plan) of Section IV (Procedure in Filing Subdivision Applications) is hereby amended in its entirety to read as follows:

“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 Section 500(7) of the Zoning Ordinance, then the Sketch Plan shall specify which waivers or modifications are requested.”

4. Section IV (Procedure in Filing Subdivision Applications) is hereby amended by adding a new paragraph G to subsection 3 (Plat for Subdivisions) to read as follows:

“G. a. Action on Proposed Subdivision Plat. If the subdivider has requested a waiver or modification of the lot requirements pursuant to Section 500(7) 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.

b. 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.

- c. 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.
5. Paragraph A of Subsection 1 (Policy) of Section V (General Requirements and Design Standards for Improvements) is hereby amended in its entirety to read as follows:

“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.”

6. Paragraph A of Subsection 1. (Sketch Plan) of Section VI (Documents to be submitted) is hereby amended by adding thereto a new subparagraph (9) to read as follows:

“(9) 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.”

At the time of the public hearing the Town Board will also hear all interested parties on the Commercial Development Design Guidelines dated December 3, 2008 and the Residential Design Guidelines dated December 3, 2008, which guidelines were developed with the assistance of Behan Planning Associates and the Town of Dryden Planning Board. Copies of such guidelines are available at the Town Clerk's Office at 93 East Main Street, Dryden, NY 13053 or online at

[www.behanplanning.com/bpfiles/dryden/committee.html](http://www.behanplanning.com/bpfiles/dryden/committee.html).

The public hearing on the proposed amendments to the Land Subdivision Rules and Regulations will be held on February 11, 2009 at 7:15 P.M., prevailing time at the Town Hall, 93 East Main Street, Dryden, NY 13053 at which time interested parties will be heard.

Dated:  
January 30, 2009

By Order of the Town Board of  
The Town of Dryden

---

Bambi L. Hollenbeck  
Town Clerk