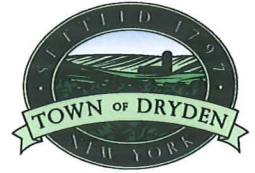


**TOWN OF DRYDEN**  
93 EAST MAIN STREET, DRYDEN, NEW YORK 13053  
(607) 844-8888 ext: 216 fax: 844-8008



October 20, 2010

Thomas Quinn, Chair, Dryden Town ZBA  
31 Card Road  
Freeville, NY 13068

Re: November 2<sup>nd</sup>, 2010 ZBA Agenda

Dear Tom,

I have (3) items of interest for the Zoning Board of Appeals (ZBA) to consider.

- a) Jay P. Smith 1706 Hanshaw Road withdrawal area variance request
- b) In-service Training opportunity December 1<sup>st</sup>, 2010 at TC-3 campus
- c) Lucente Development request for consideration of Mr. Pleasant Road area variance for Planned Unit Development (PUD) project

As you may recall, J.P. Smith 1706 Hanshaw Road appeared before the ZBA in September of this year asking consideration of an area variance necessary for insufficient public road/street frontage for a proposed two (2) family dwelling.

After much debate, Mr. Smith requested and was given a continuation while he explored options.

On October 12<sup>th</sup>, Mr. Smith submitted a written statement withdrawing his variance appeal. Mr. Smith elaborates; he has purchased the property at 1716 Hanshaw Road which, with common boundary line adjustments will provide street frontage conformance for the proposed (2) family dwelling.

The Smith appeal is no longer necessary and requires no more ZBA consideration.

**Mandatory In-Service Training for ZBA and Planning Boards**

As some of you are aware however in consideration of your 2 recently appointed ZBA members, beginning in 2007 New York State adopted mandatory in-service training (4 hours annually) for both appointed ZBA and Planning Board Members.

Since that time, in-service training opportunities have been very difficult to locate. In fact, as some of you will recall, during 2009 the Town of Dryden arranged an in-service training opportunity.

Concluding that activity a committee was formed to encourage a pilot in-service training opportunity through the community college system. TC-3 was approached and agreed to give it a try.

The attached announcement is the result.

As you will note, there is a \$25.00 fee. The Town of Dryden has arranged with TC3 for the college to bill the Town for all the registrants of the Dryden Boards. When registering please inform TC3 of this arraignment and what Board you participate in.

Please, make every possible effort to attend as this will be the only local opportunity to receive in-service training credit during 2010.

#### Lucente Development Planned Unit Development

Lucente Development DBA Varna II, LLC owns a 12.15 –acre parcel (taxable lands map 56.-5-19.3) along Mr. Pleasant Road some 300 feet east of the Mr. Pleasant Route 366 and Freese Road intersection.

The proposed Planned Unit Development (PUD) would combine the principle acreage (12.15) with several lesser acreage lots parcels 56.-5-9, 10,11 & 12 which front on Dryden Road (Rt. 366) to form a residential PUD. Also included would be 56.-5-19.4 a parcel along Mr. Pleasant Road immediately west of the principle acreage.

#### PUD Requirements

Generally, PUD districts are a unique zoning district which are formed consistent with in place comprehensive plan with diverse but compatible uses developed (in general) conformance with the zoning ordinance.

The Town's PUD provides 3 categories or types which include residential, business commercial and industrial.

Varna II, LLC has selected a residential type. Attached exhibit (A) is a copy of the Dryden Town PUD regulations. (Article XXII).

I would draw your attention to Article XXII Section 2202 Area and Density Requirements specifically; "All planned unit development districts shall contain a minimum of 100 acres".

Obviously this combined site provides something less than 20 acres (16.27 acres).

Rather than belabor the point by demonstrating the plan conforms to all other requirement, I will simply state the project meets all other minimum area planned unit development district requirements.

Varna II, LLC asks your consideration of relief from the 100 acre (Article XXII Section 2202) requirement.

The requirement (100 acres) has been a requirement of PUD districts since the initial PUD ordinance adoption. To the best of my knowledge PUD development was included within the initial 1969 Zoning Ordinance. There has not been any approved PUD districts formed during the 41 years the process has been available.

The draft zoning ordinance, as the application shows you, eliminates all minimum PUD acreage requirements. The draft zoning ordinance has been presented to the Town Board for adoption consideration.

***Critical to your decision is to bear in mind your only consideration here is to determine the significance of the 100 acre minimum as it applies to this project.***

#### 239 L&M and SEQR

This area variance is subject to 239 L&M General Municipal Regional Planning Review. (Ref. General Municipal Law) Section 239 M 3 (a) (v) and 239 M 3 (b) (iii). A copy of the project has been provided to the designated regional planning reviewer (Tompkins County Department of Planning) for recommendation.

The regional reviewer (by law) is provided 30 days to respond which means at least November 13<sup>th</sup>, or later depending when County Planning receives the project would be provided for 239 L&M response. The project reviewer, in this case the ZBA, is not typically permitted the luxury of decision prior to the 239 recommendation.

You will observe the application is dated September 30<sup>th</sup>, which was filed in anticipation of 239 L&M Review.

What was not anticipated was my work load. It seems that anyone who ever had a project in mind requiring my attention has filed for consideration.

I will ask for a 239 Recommendation by November 2<sup>nd</sup> but do not know if it can be available.

Your choice will be either come to a decision if a 239 L&M Recommendation is available; conduct a hearing leaving it open ( continuance) until December or do not conduct a hearing until a 239 Recommendation is available. The safe decision is schedule for December.

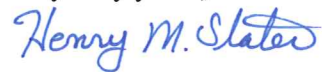
However you decide to proceed, I am ready to support you, however; I must know immediately as we would have to post public notice on Monday October 25.

SEQR:

The project is subject to SEQR and the request does contain a short form part #1 which should be adequate for the appeal decision.

Please advise you decision as soon as reasonably possible. If I do not have a response by 10/25/10, I'll assume there will not be a November 2<sup>nd</sup> meeting.

Very truly yours,



Henry M. Slater, Director of Building, Zoning and Environmental Department  
Town of Dryden

Cc: ZBA Members  
Kristin Gutenberger, ZBA Legal Counsel  
Mary Ann Sumner, Dryden Town Supervisor  
Applicant agent, Larry Fabroni, P.E.  
File, ZBA



## Exhibit A

### **ARTICLE XXII: PLANNED UNIT DEVELOPMENT DISTRICTS**

**Section 2200. 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 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 2201. 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 R—C, R—D and M—A zones. All Planned Unit Development Districts shall be located on State or County Highways.



It should noted zoning is R.C.

**Section 2202. Area and Density Requirements.** All Planned Unit Development Districts shall contain a minimum of 100 acres. In Residential Planned Unit Development Districts located in a R—B 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 R—B zone. A minimum of 30% of the gross district area in all districts must remain open and free from buildings and structures, streets, driveways or parking areas.

**Section 2203. Allowed Uses.** *Not a consideration*

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
  - c. Religious institution
  - e. School
  - f. Community Center
  - g. Membership clubhouse
  - h. Public outdoor recreation
  - i. Parking
  - j. Personal service
  - k. Retail stores which are of a neighborhood or local service nature
  - l. Business offices
  - m. Mobile homes, except in areas which are currently designated as R—B districts under Town of Dryden Zoning Ordinance
  - 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. Residential uses
  - e. Religious institutions
  - f. Community centers
  - g. Indoor recreation
  - h. Personal services
  - i. Enclosed accessory uses
  - j. Parking
  - k. Mobile Home Parks
  - l. 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 set-back requirements shall be subject to the approval of the Planning Board, as hereinafter provided.

**Section 2204. 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 2205. Development in Stages.** Lands within any 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 2206. Application for Planned Unit Development Districts.**

- (1) 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 con-



sistency 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.

- (2) The fees for filing an application shall be as set forth in Article XXIV.

**Section 2207. 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, 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 or approval with modification or disapproval of the application, or may remand the application to the Town Planning Board for its further consideration an 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 2208. 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 2207 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 2209. 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. Application for site 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 2210. Final Site Plan.** A copy of a certified approval final plan shall be furnished by the Town Planning Board to the Town Zoning Office 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.

**Section 2211. Effective Date.** This amendment to the zoning ordinance shall be in force and effect immediately upon adoption and publication as provided by law.





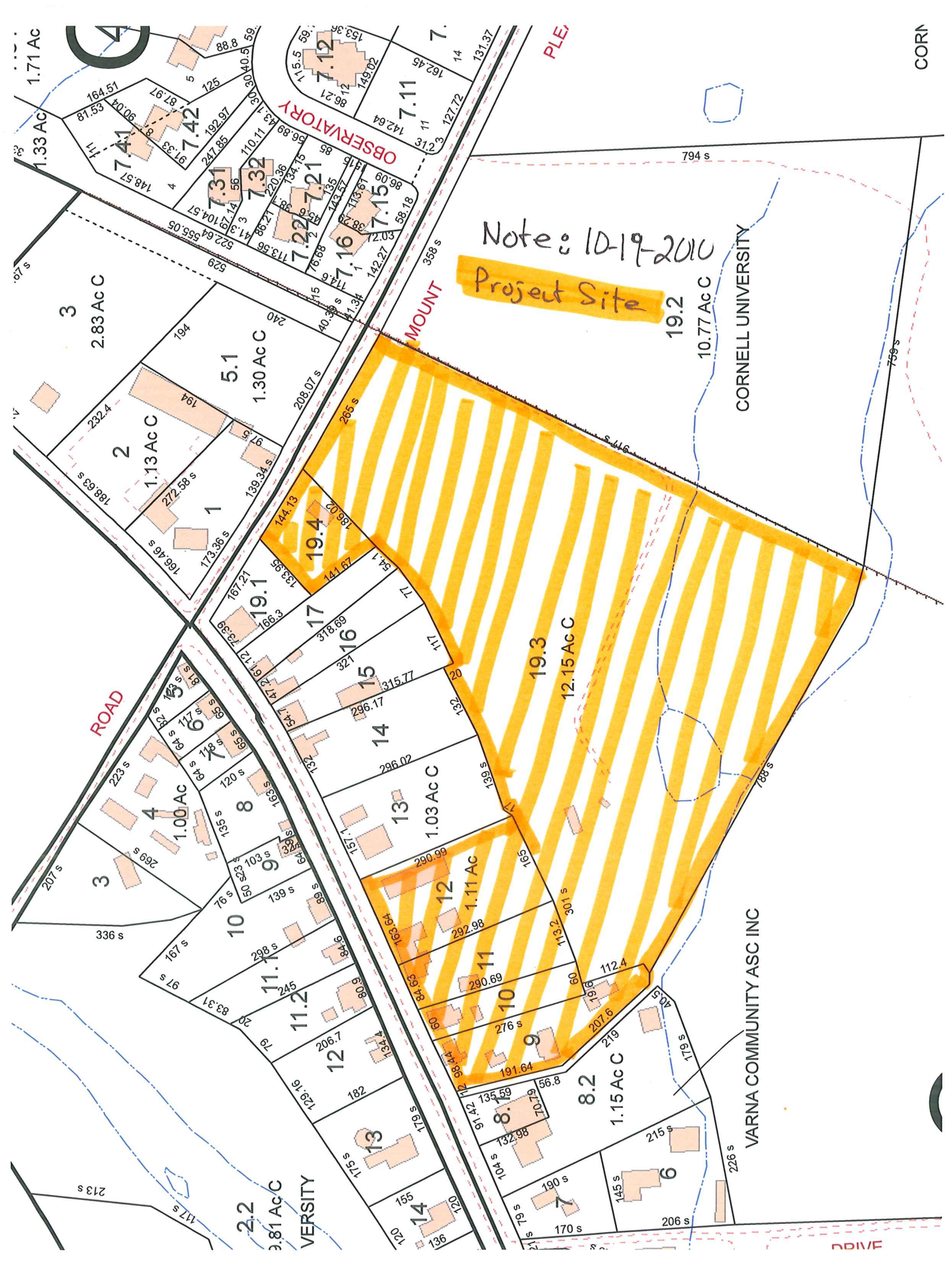
Approximate  
Project Area

(c) Copyright 2006, Pictometry International Corp.

Creation Date: Apr 18, 2006 16:10  
Modification Date: May 17, 2006 08:48

Average Scale: 1 inch = 136.9 feet







TOWN OF DRYDEN  
DRYDEN, NEW YORK  
93 EAST MAIN STREET, DRYDEN, NEW YORK 13053  
(607) 844-8888 ext: 216 fax: 844-8008



APPLICATION FOR ZONING PERMIT

Date of Application 8/17/2010

Tax Parcel # 56-3-12; 56-5-9; 56-5-10; 56-5-11

Name: Stephen P. Lucente

56-5-12; 56-5-19.3; 56-5-19.4

Address: Lifestyle Properties, 959 Dryden Rd.

Phone # (607) 256-8920

Application for a Zoning Permit is HEREBY made for the purpose of:

(☒) to Build; ( ) to Extend; ( ) to Convert; ( ) to Place a Mobile Home; or ( ) Other.

Description of project: 260 Unit, 30,000 sf. mixed use development; 3.0 acres of new publicly accessible open space, connecting public trailway to Fall Creek

Project Site: 16.27 acres (949,952,953,957,959 Dryden Rd.; Mt Pleasant Rd - no address)

Land Owner S. Lucente

Estimated Project Cost: \$                     

Project Owner S. Lucente

Is this a Land Contract Sale? No

**Please note, this is NOT A CONSTRUCTION PERMIT. If a Zoning Permit is GRANTED, you will then be required to submit all necessary applications for construction and copies of other required agency permits. Once those applications and permits are found acceptable, a CONSTRUCTION PERMIT may be ISSUED.**

Attached is a copy of the ZONING PERMIT REGULATIONS, a sample site plan, page (2) provides a space for you to provide your necessary site plan. A site plan of your own design may be submitted. It must contain the requested site plan details as described within this application.

FEES for Zoning Permit:

Project cost estimated at less than \$10,000 fee is \$25.00 ( )

Project cost estimated at more than \$10,000 fee is \$75.00 (☒)

FOR OFFICE USE ONLY

Zone RC

Zoning Permit Approved

Zoning Permit Denied: 10-19-2010

Under Section Art. 22 Sec. 2202 of the Zoning Ordinance; Date of Appeal: 9-30-2010

Date of Hearing To be determined Date of Advertising

Zoning Permit # 130-2010Z

Building Permit #

Signature of Zoning Officer:

Henry M. Slater 10-19-2010



**SITE PLAN which CLEARLY ILLUSTRATES  
Zoning Compliance**

The Space below is provided for the applicant to draw a site plan which will show placement of and type of structure or structures FOR WHICH THIS ZONING PERMIT is being applied for.

The following information SHALL be sufficiently detailed on this SITE PLAN so that the reviewer can verify Zoning Compliance.

- |                                         |                                     |
|-----------------------------------------|-------------------------------------|
| 1). Dimensions of the Lot in feet.      | 8). Yard dimensions, set backs.     |
| 2). Names of adjoining property owners  | 9). Road Frontage in feet only      |
| 3). Location of Proposed Structures.    | 10). Water Courses, contours        |
| 4). Place all Driveway & Road Cuts.     | 11). Sewer Facilities, Well         |
| 5). Structure Dimensions & Separation   | 12). Utility and Utility Easements. |
| 6). Location of all Existing Structures | 13). North Arrow                    |
| 7). Significant Topographical Features  |                                     |

All lots within the Town of Dryden created after September, 1969 SHALL be at least 30,000 Square feet in area and have no less than 125 contiguous feet of Public Road Frontage. Where private septic systems and wells are necessary, Lot Sizes are determined by TOMPKINS COUNTY DEPT. of ENVIRONMENTAL HEALTH.

See attachment

Attached is a sample site plan which would be acceptable if submitted. If there are questions, or compliance is not possible, please call 607-844-8888 X 216 as necessary 8:00 AM till 4:00 PM Monday through Friday.

APPLICANT SIGNATURE: \_\_\_\_\_

Date: \_\_\_\_\_

8-17-2010



**Exhibit : Ownership**  
**Varna Center: Environmental Assessment Form**

The map displays the following lot details:

- Lot 1:** 1.13 Ac C
- Lot 2:** 2.83 Ac C
- Lot 3:** 1.00 Ac
- Lot 4:** 1.33 Ac
- Lot 5:** 1.71 Ac
- Lot 6:** 1.26 Ac
- Lot 7:** 1.03 Ac C
- Lot 8:** 1.11 Ac
- Lot 9:** 1.11 Ac
- Lot 10:** 1.11 Ac
- Lot 11:** 1.11 Ac
- Lot 12:** 1.11 Ac
- Lot 13:** 1.11 Ac
- Lot 14:** 1.11 Ac
- Lot 15:** 1.11 Ac
- Lot 16:** 1.11 Ac
- Lot 17:** 1.11 Ac
- Lot 18:** 1.11 Ac
- Lot 19:** 1.11 Ac
- Lot 20:** 1.11 Ac
- Lot 21:** 1.11 Ac
- Lot 22:** 1.11 Ac
- Lot 23:** 1.11 Ac

Other labels on the map include: TOWN OF DRYDEN, MOUNT, OBSERVATORY CIRCLE, RCAD, CORNELL UNIVERSITY, and various acreage measurements (e.g., 5.21, 7.51, 7.52, 1.33, 1.71, 1.26, 5.31, 4.94, 5.32, 1.58, 7.10, 7.14, 7.11, 7.13, 7.12, 7.15, 7.16, 7.17, 7.18, 7.19, 7.20, 7.21, 7.22, 7.23, 7.24, 7.25, 7.26, 7.27, 7.28, 7.29, 7.30, 7.31, 7.32, 7.33, 7.34, 7.35, 7.36, 7.37, 7.38, 7.39, 7.40, 7.41, 7.42, 7.43, 7.44, 7.45, 7.46, 7.47, 7.48, 7.49, 7.50, 7.51, 7.52, 7.53, 7.54, 7.55, 7.56, 7.57, 7.58, 7.59, 7.60, 7.61, 7.62, 7.63, 7.64, 7.65, 7.66, 7.67, 7.68, 7.69, 7.70, 7.71, 7.72, 7.73, 7.74, 7.75, 7.76, 7.77, 7.78, 7.79, 7.80, 7.81, 7.82, 7.83, 7.84, 7.85, 7.86, 7.87, 7.88, 7.89, 7.90, 7.91, 7.92, 7.93, 7.94, 7.95, 7.96, 7.97, 7.98, 7.99, 8.00).

[illegible]



**Sketch Plan to Scale**  
Varna Center: Special Permit Application



**APPEAL TO  
BOARD OF ZONING APPEALS  
TOWN OF DRYDEN**

Having been denied permission to create a Planned Unit Development (PUD) for 260 dwelling units and 30,000 sf of commercial space **ON LESS THAN 100 ACRES**

949, 952, 953, 957, 959 Dryden Rd, ; and

At Mt Pleasant Rd (no address) Dryden, N.Y. as

Shown on the accompanying Application and/or plans or other supporting documents, for the stated reason that the issuance of such permit would be in violation of

Section or Section (s) 2202

of the Town of Dryden Zoning Ordinance

The UNDERSIGNED respectfully submits this appeal from such denial and in support of the appeal, affirms that strict observance of the Ordinance would impose PRACTICAL DIFFICULTIES and/or UNNECESSARY HARDSHIP as follows:

Current Zoning does not include provisions for townhouse development, nor for

mixed use development which includes owner-occupied dwelling units. Current Planned

Unit Development zoning requires a minimum 100-acre site to apply for consideration,

which the Town of Dryden Planning, Building & Zoning Code Staff has informed the

Applicant makes implementation nearly impossible because of site availability/location.

If you have additional supporting details of information, please attach such details to this application and make reference to such attachment.

Applicant Signature: 

SEND to: **Oers Kelemen, Chair**  
**Dryden Town Z.B.A.**  
**1 Lilac Lane**  
**Dryden, NY 13053**

Address: 959 Dryden Rd., Dryden, NY 14850

Phone Number: 607-387-3547 Date: 9-30-2010

**Send by Certified Mail Only.**



**PART TWO**  
**Return this page and all supporting Application Documents**  
**to The Zoning Office**  
**TOWN OF DRYDEN**  
**NEW YORK**

**APPEAL TO**  
**BOARD OF ZONING APPEALS**  
**TOWN OF DRYDEN**

Having been denied permission to *CREATE A PLANNED UNIT DEVELOPMENT (PUD) FOR 260 DWELLING UNITS AND 30000 SF OF COMMERCIAL SPACE ON LESS THAN 100 ACRES*

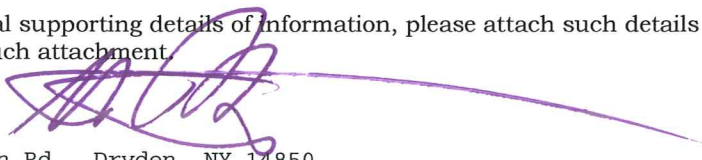
At 949, 952, 953, 957, 959 Dryden Rd.,; Mt Pleasant Rd (no address); Dryden, N.Y. as shown on the accompanying Application and/or plans or other supporting documents, for the stated reason that the issuance of such permit would be in violation of

Section or Section (s) 2202  
of the Town of Dryden Zoning Ordinance

The UNDERSIGNED respectfully submits this appeal from such denial and in support of the appeal, affirms that strict observance of the Ordinance would impose PRACTICAL DIFFICULTIES and/or UNNECESSARY HARDSHIP as follows:

Current Zoning does not include provisions for townhouse development, nor for mixed use development which includes owner-occupied dwelling units. Current Planned Unit Development zoning requires a minimum 100-acre site to apply for consideration, which the Town of Dryden Planning, Building & Zoning Code Staff has informed the Applicant makes implementation nearly impossible because of site availability/location.

If you have additional supporting details of information, please attach such details to this application and make reference to such attachment.

Applicant Signature: 

Address: 959 Dryden Rd., Dryden, NY 14850

Phone Number: 607-387-3547 Date: 9-30-2010

FILE THIS COPY, ALONG WITH, THE REST OF THE APPLICATION at the Zoning Office 93 East Main St, Dryden, NY 13053 8:00AM - 4:00PM Monday-Friday.

**Tompkins County**  
**DEPARTMENT OF PLANNING**

121 East Court Street  
Ithaca, New York 14850

Edward C. Marx, AICP  
Commissioner of Planning  
and Public Works

Telephone (607) 274-5560  
Fax (607) 274-5578

October 29, 2010

Mr. Henry Slater, Zoning/Code Enforcement Officer  
Town of Dryden  
93 East Main Street  
Dryden, NY 13053

**VIA FACSIMILE AND MAIL**

Re: **Review Pursuant to §239 -l and -m of the New York State General Municipal Law**  
Action: **Area Variance, 15 Mt. Pleasant Road, Tax Parcel No. 56.-5-19.3, 56.-5-9, 56.-5-10, 56.-5-11, 56.-5-12, 56.-5-19.4, Applicant, Steven Lucente**

Dear Mr. Slater:

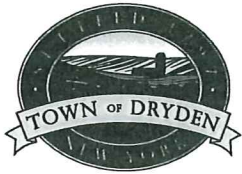
This letter acknowledges your referral of the proposal identified above for review and comment by the Tompkins County Planning Department pursuant to §239 -l and -m of the New York State General Municipal Law. The Department has reviewed the proposal, as submitted, and has determined that it has no negative inter-community, or county-wide impacts.

Please inform us of your decision so that we can make it a part of the record.

Sincerely,



Edward C. Marx, AICP  
Commissioner of Planning and Public Works



## TOWN OF DRYDEN

DRYDEN, NEW YORK

93 EAST MAIN STREET, DRYDEN, NEW YORK 13053

(607) 844-8888 ext: 216 fax: 844-8008



October 20, 2010

Edward C. Marx, AICP, Commissioner of Planning  
Old Court House Building  
121 East Court Street  
Ithaca, NY 14850

*emailed  
✓ 10/20/10  
Hardcopy  
✓ 10/20/10*

Re: Area Variance Review pursuant to 239 L&M NYS General Municipal Law

Dear Commissioner Marx:

Please find enclosed a copy of an area variance application, Short Form SEQR and a request on behalf of the Dryden Town ZBA to establish itself as the lead agency for both the SEQR and the variance review.

Steven Lucente, dba, Varna II, LLC is requesting area relief consideration for the 100 acre minimum development area for a proposed 260 unit residential type Planned Unit Development (PUD) project at or about 15 Mr. Pleasant Road, Town of Dryden.

At this time, the ZBA would desire to conduct the necessary public hearing at either November 2<sup>nd</sup> or upon receipt of your 239 L&M recommendation.

Very truly yours,

Henry M. Slater, Director of Building, Zoning and Planning, Code Enforcement Officer  
Town of Dryden

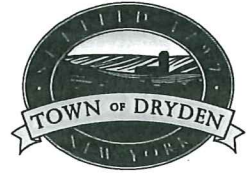
HMS/jmf

cc: Thomas Quinn, Chair, Dryden Town Zoning Board of Appeals  
ZBA Board Members  
Mary Ann Sumner, Dryden Town Supervisor  
Mahlon Perkins, Dryden Town Attorney  
Kristin Gutenberger, ZBA Legal Counsel  
Bambi Avery, Dryden Town Clerk  
Dan Kwasnowski, Town of Dryden Environmental Planner  
Joe Solomon Liaison, Town Board  
Applicant, Larry Fabroni, P.E., Agent for Lucente  
Project File ZBA-10-2010





**TOWN OF DRYDEN**  
DRYDEN, NEW YORK  
93 EAST MAIN STREET, DRYDEN, NEW YORK 13053  
(607) 844-8888 ext: 216 fax: 844-8008



Date: October 20, 2010

To: Whom It May Concern

From: Henry M. Slater, Zoning & Building Code Enforcement Office  
Town of Dryden  
93 E. Main St.  
Dryden, NY 13053

***Sub: SEQR Declaration as "Lead Agency Status"***

Ladies and Gentlemen:

An application has been received from: Steven Lucente, DBA, Varna II, LLC

For: an area variance, appealing a 100 acre minimum development site, proposing 16.27 acres for 260 residential units, a Planned Unit Development.

Site: at or about 15 Mt. Pleasant Road, Town of Dryden

Which is under review by the Dryden Town: ZBA

And by the SEQR requirements are now declaring themselves as, "Lead Agency" in the review of this application. Since you may have interest, impute or may yourself want to assume the lead agency in this review, request that you respond to this office in writing by no later than: 30 days after receipt. If we have not received a response by then, it will be assumed that you have no objection to the Town being Lead Agent and that you have no impute for the review.

Thank you,

*Henry M. Slater*  
Henry M. Slater

cc: County Planning  
Thomas Quinn, Chair, Dryden Town Zoning Board of Appeals  
ZBA Board Members  
Mary Ann Sumner, Dryden Town Supervisor  
Mahlon Perkins, Dryden Town Attorney  
Kristin Gutenberger, ZBA Legal Counsel  
Bambi Avery, Dryden Town Clerk  
Dan Kwasnowski, Town of Dryden Environmental Planner  
Joe Solomon Liaison, Town Board  
Applicant, Larry Fabroni, P.E., Agent for Lucente  
Project File ZBA-10-2010

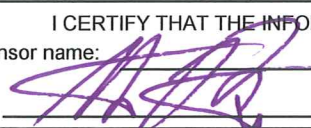
## Appendix C

## State Environmental Quality Review

**SHORT ENVIRONMENTAL ASSESSMENT FORM**

For UNLISTED ACTIONS Only

**PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)**

1. APPLICANT/SPONSOR Stephen P. Lucente	2. PROJECT NAME Varna Center
3. PROJECT LOCATION: Municipality <u>Dryden</u> County <u>Tompkins</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 949, 952, 953, 957, 959 Dryden Rd.; Mt Pleasant Rd (no address)	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Varna Center will be a Planned Unit Development with 260 owner-occupied units, and 30,000 sf of commercial space on 16.27 acres of land. The project will include a series of open spaces, accessible to the public, which are linked to the regional trail and open space amenities.	
7. AMOUNT OF LAND AFFECTED: Initially <u>1.4</u> acres    Ultimately <u>14.82</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If No, describe briefly Proposed Action will comply with proposed new Zoning for the Town of Dryden.	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Forest/Open Space <input checked="" type="checkbox"/> Other Describe: The project site is located in the Hamlet of Varna which includes a mix of single family residential, multi-family residential, commercial, light industrial/automotive, community, and open space uses.	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals: Town of Dryden, Tompkins County, Varna Fire Company, DOT, DEC, EPA.	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Stephen P. Lucente</u> Date: <u>9/30/2010</u> Signature: 	

**If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment**



**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

<b>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, coordinate the review process and use the FULL EAF.
<b>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?</b> If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING:</b> (Answers may be handwritten, if legible) C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:  C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:  C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:  C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:  C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:  C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:  C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:  	
<b>D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No    If Yes, explain briefly:	
<b>E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No    If Yes, explain briefly:	

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- ☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- ☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)

**Reset**

# Proposed New Zoning Ordinance

## 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~~ the RA, RR, CC, H zones 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, and CC zone, 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



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Suggestion is to look at the parcel, take out unusable acreage, then apply formula of 1 unit per 2 acres density allowed with lot sizes to be determined by developer. Health Department is still going to weigh in for septic systems.

## Section 702: Applicability

Change #1 to in the Hamlet and Commercial Zone, change # 2 to be mandatory in the Conservation Zone and make the current #2 the new #3.

## Section 600 Density table

Added tables for all of the zones that were not previously listed. Reviewed some of those tables.

## PUD

Discussed PUD minimum acreage requirement – will delete acreage requirement.

## **Varna Community Vision Meeting**

Varna Community is having a meeting next Monday at the Varna Community Center from 7-9.

## **Aquifer Protection Zone discussion**

Communication was sent to J Lalley, M Sumner and forwarded to the Planning Board earlier this week with some information on Virgil's aquifer protection law. A well was drilled this summer on Keith Lane. The Village doesn't have adequate backup for their water supply. This test well may be a possibility for a backup for the Village water supply. A pump test needs to be done, but water was found. The well has at least an 8-foot cap, which is very good.

An aquifer protection zone would regulate the area around the aquifer so as to not contaminate the aquifer and hence the water supply. There would be different layers of protection depending on where you are in relation to the watershed of the aquifer.

We could also have a general aquifer protection law that could handle the rest of the town as well.

## **Map changes**

Map changes were discussed. All were in agreement with the changes Dan proposed.

## **Comments**

Please have to D Kwasnowski as soon as possible if there are any further comments.

## **Public Input Session**

This is scheduled for July 22<sup>nd</sup> at 7 pm to be held at the Town Hall.

## **Next Meeting**

The next Planning Board meeting will be July 29<sup>th</sup> at 7 pm.

Meeting adjourned at 9:40 pm.

Respectfully submitted,

**Lucente Application for Area Variance  
Varna Planned Unit Development – Page 1**

***Factor 1. Neighborhood Character***

The community will be enhanced in the following ways:

A series of publicly accessible open spaces will extend the East Ithaca Recreation Trail, and connect it through the project, across Route 366, to Fall Creek and the Cornell Plantations.

A mixed use “Village Square” located along Route 366 will provide a “front door” address for the Hamlet, include neighborhood amenities, and create a central public space for community to gather. The buildings surrounding the Square, will be of the character of a small village or Hamlet, improving upon the current aesthetic of commercial properties in Varna.

The community will also be enhanced as owner-occupied homes are typically better maintained than rental units. A Homeowner’s Association will ensure that the outsides of the structures including painting, trim, roofing, walkways, driveways, lawns, landscaping, and other items in the view of the community, are maintained and kept attractive.

The project will service as a connection to multiple modes of transportation. A connection for bicyclers and runners will provide access to the regional trail system; sidewalks will facilitate pedestrian access throughout the project and along Route 366; and a bus stop will serve residents of the project, the Hamlet, and commuters who utilize a newly proposed Park & Ride.

***Factor 2. Other Alternatives***

The original “Varna II” plan submitted in 2000, included 170 rental units which were isolated from the surrounding community, and did not include any neighborhood amenities, or accessible open spaces.

The Applicant has also considered applying for a Special Permit, which would be possible by making all units rentals, rather than offering the majority of units as owner-occupied townhouses and condominiums.

***Factor 3. Degree of Variance Sought***

The proposed new Zoning Ordinance requires a minimum of zero (0) acres in order to designate a project as a Planned Unit Development. This is highlighted in the attached documents:

1. Section 1002: *Area and Density Requirements* of the “Proposed Zoning Local Law



*Draft Final - Planning Board, TOWN OF DRYDEN, July 8, 2010*” (available on the Town of Dryden web site)

2. Town of Dryden Planning Board Minutes, June 17, 2010 (from Town of Dryden web site)

Based on these documents, the relief being sought by the Applicant is no more than what has been proposed as the revised Zoning Ordinance.

***Factor 4. No Adverse Impacts***

The proposed variance will have a positive effect on the physical/environmental conditions as follows:

Stormwater design for the site will capture runoff not only from the project site, but also from sites above, which currently run across the site. This will alleviate project neighbors’ from existing drainage problems, as well as protect Fall Creek, the community’s most precious natural resource.

The new Village Square will provide neighborhood amenities which have been requested by the community, and will provide a central gathering space for community functions.

The new open spaces will be accessible to the public and will create critical connections to the community’s open space amenities: the East Ithaca Recreation Trail, Fall Creek, and the Cornell Plantations.

The new higher density development will develop the largest previously-disturbed site available to the east of Cornell University, and provide connections for residents to walk, bike, and use mass transit, as alternatives to driving. This proximity paired with multi-modal options will result in lower future traffic as compared to sprawl development throughout the Town of Dryden to the East.

Further, buildings will be designed utilizing “green” building methods and technologies wherever possible.

***Factor 5. No Self-Created Difficulty***

The events/conditions which lead to this application were not self-created. The existing Zoning Ordinance does not have any provisions for Townhome development. Further the current Planned Unit Development minimum requirement of 100 acres has led to no such developments being implemented (as the Applicant has been informed by the Office of Planning, Building and Zoning Code Enforcement).