



Environmental Planning

93 East Main Street  
Dryden, NY 13053

T 607 844-8888  
F 607 844-8008  
dank@dryden.ny.us

[www.dryden.ny.us](http://www.dryden.ny.us)

February 19, 2010

**To: Dave Weinstein, Zoning Committee/Task Force, Planning Board**  
**C: Mary Ann Sumner, Mike Welti, Henry Slater, Josh Bogdan, Bambi Avery**  
**Re: Proposed Draft Criteria for Zoning District Mapping**

Below are draft general criteria for mapping zoning districts in the town. These are both for discussion Monday night, as well as eventual inclusion in the Environmental Assessment document that will accompany the Local Law when adopted.

To date the mapping has been done in a relatively general fashion based more upon personal knowledge and experience without a concerted effort of analysis of multiple factors. Mapping of districts should take into consideration many things, not the least of which is the current land use, the potential for future land use, and of course the goals and objectives of the Comprehensive Plan and other town policies.

Currently, the map accompanying the proposed Zoning Local Law is a refinement of the map contained in the Comprehensive Plan. This map is representative of the desire to protect open space resources in the town, and attract development to more suitable locations following analysis in the Comprehensive Plan. It is certainly not necessary to repeat the analysis that went into the Comprehensive Plan for development suitability, and the map does represent generally the areas that are physically suitable for intense development and/or are in, or in reasonable proximity to, water and sewer districts which allow for more intense development. This is not to say the analysis cannot be improved based upon new, current, or refined information, but that the general layout is a reasonable representation of development constraints, and fits the environment and character of the existing regions of the town.

Of the proposed zones, Hamlet, Commercial, Light Industrial/Office, Light Industrial/Office Adult Use, Rural Residential, Rural Agricultural, and Conservation, Conservation appears to be the more difficult district to map. This is due to several factors which are described below. The other zones are slightly more predictable. However, the Rural Agriculture zone is also somewhat problematic due to the common issue of a larger lot containing both obvious agriculture and conservation resources. Fortunately, the conservation districts in these cases sometimes provides a buffer to the agricultural resources as well as enhancing the limited housing development that might be found in these areas.

These criteria follow the general method that the Planning Department has taken in an effort to analyze, parcel by parcel, the approach needed to map zoning districts based upon the current draft proposed Zoning Local Law, and objective rational criteria in addition to personal knowledge of resources on a particular parcel. The Department's GIS system was used to view and analyze the following attributes of each parcel:

Tax Assessment data: primarily use (residential, commercial), and size. Also, to a lesser extent, ownership. Specific layers were created based upon lot size, and use.

Natural Resource Constraints: Primarily wetland data, slope, waterbodies, use (preserves, parks), state forest lands, watersheds, floodplains, known migratory routes, soils and to some extent Unique Natural Area designations.

Aerial Imagery: Natural color, and IR.

From this analysis, the following criteria are generally what was used to designate parcels.

#### **Hamlet -**

##### Zone Description from Proposed Local Law:

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.

##### Map Criteria:

This district should take into account existing Hamlets located within the town, namely Varna, Etna, and McLean. However, the only Hamlet that has existing water and sewer infrastructure is Varna. There are sewer resources somewhat near Etna, and a reasonable expectation that localized water resources could be procured there. McLean has no sewer prospects now or in the future, although water could likely be developed locally.

- Existing or reasonable potential for development of local services,
- Lack of environmental constraints on developable parcels,
- Proximity to a state or county highway,
- Existing relatively dense (to surrounding landscape) development pattern,
- Willingness of residents to accept more development.

With this criteria, McLean would likely drop out as a Hamlet zone, and be zoned Rural Residential. This zone has already been reduced from the Comprehensive Plan proposed zoning due to environmental constraints. Etna would also be rezoned RR with an OTNDO overlay, or the Hamlet portion of the zone reduced, and surrounded by the OTNDO overlay. Varna would remain essentially the same,

with the removal of residential parcels currently zoned Hamlet along Turkey Hill Road, reverting to RR.

### **Commercial -**

#### Zone Description from Proposed Local Law:

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.

#### Map Criteria:

This district is intended to replace the current R-D zone, which allows residential uses, and commercial uses by special use permit and site plan review, with specific requirements for buffering commercial uses from residential. This zone seeks to create a commercial zone, but with residential use, along or in close proximity to the state highways in town. This zone should be mapped with natural constraints to sprawl kept in mind. This constraint is achieved by natural constraints as well as regulatory. The mitigation of commercial development along the highways is achieved through strict adherence to the Commercial Design Guidelines in place.

- Along State Highways, or feeder roads such as Johnson Road, Mineah Road etc.
- Adjacent to or in the proximity of existing commercial or light industrial operations,
- Adjacent to or in the proximity of existing residential concentrations, or planned residential/mixed use areas,
- Can include residential properties for the purpose of encouraging redevelopment of those properties as commercial or other residential in the future.

### **Light Industrial/Office -**

#### Zone Description from Proposed Local Law:

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.

#### Map Criteria:

This district is intended to replace the Manufacturing and Assembly zone in the current zoning ordinance, with further refinement to allow uses not allowed in the Commercial zone and vice versa. This zone will, for the most part, follow the current zones mapped

- Along State Highways, or feeder roads such as Royal or Hanshaw Road,

- Adjacent to or in the proximity of existing commercial or light industrial operations,
- Not in a location where extensive residential development is proposed or likely to inhibit light industrial development.

## **Rural Residential -**

### Zone Description from Proposed Local Law:

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.

### Map Criteria:

This district is intended to replace the current R-B, R-B-1 zones, which allow primarily residential uses. This zone seeks to create a dedicated residential zone, with very limited commercial use. It should map existing neighborhoods outside of hamlets with water and sewer. It should also be mapped over incremental development along arterial roadways that are de facto neighborhoods.

- Vacant lots with relative lack of environmental constraints, although larger lots may contain environmental constraints if those constraints do not appear to overly inhibit the development of the site (make up less than 50-60% of the site),
- Residential lots that are adjacent to other residential lots in a cluster.
- Lots that are not active intensively farmed fields. Does not include hobby farms, or less intense forms of pasture or other livestock.
- Lots that do have abundant natural or environmental constraints will rely on Residential Design Guidelines to protect those areas through conservation analysis.

## **Rural Agricultural -**

### Zone Description from Proposed Local Law:

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.

### Map Criteria:

This district is intended to a certain extent replace the current R-B-1 District, which allows primarily residential uses but with allowances for agricultural operations. The RA zone seeks to create a dedicated agricultural zone, with limited commercial and residential use. Commercial uses are allowed, but with a prejudice to service of the agricultural nature of the area. Residential development is okay, if it is developed in a way that does not inhibit agricultural operations. The district may map existing neighborhoods outside of hamlets with water and sewer, that are located in an area predominated by agricultural operations. It should also be mapped over incremental development along arterial roadways that are de facto neighborhoods.

- Intensely farmed agricultural crop fields and support lands (forest).
- Residential lots that also contain cropped fields.
- Residential lots surrounded by agricultural operations.

### **Conservation -**

#### **Zone Description from Proposed Local Law:**

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.

#### Map Criteria:

This district is intended to protect open space resources, including natural resources areas, scenic resources, migration corridors, floodplains and other resources that provide significant ecological services to the residents of Dryden and people in the region, as well as prevent development in hazardous areas. This zone seeks to create a dedicated conservation zone, with limited development based upon the value of these resources, or the hazard represented by natural processes such as flooding. Mapped resources, and known areas of natural resource value or risk are to be used in determining that the conservation zone applies at a location.

- Vacant lots with an inhibitive amount of environmental constraints, although larger lots may contain environmental constraints if those constraints do not appear to overly inhibit the development of the site (they make up less than 50-60% of the site), and protection of those natural resources will be achieved during development by utilizing the conservation analysis procedures in the design guidelines.
- Developed lots adjacent to, or containing, constraining natural resources of such a size that they could, realistically, be further developed.
- Continuous corridors with natural resource values and a distinct boundary that can be mapped such as stream corridors, floodplains, etc. Lot lines will be followed to the extent practicable.
- Those areas identified as a result of the the Virgil Creek Aquifer Study as being recharge areas to that aquifer, as well as other aquifer recharge areas identified through study.
- Those lots found in the headwater areas of the Six Mike Creek watershed.
- Those areas of the town with significant, identifiable scenic value.

- Those areas of the town that are extensively mined, and to a certain extent those lots adjacent to such uses.

### **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.

This overlay shall be applied to those undeveloped Rural Residential areas adjacent to villages and hamlets currently not served by water and sewer districts in order to continue a similar pattern and density as the hamlet area.

### **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.

This overlay intends to identify those areas where large scale retail development may, under the right circumstances, be considered. These areas should be easily accessible to state routes, constrained in growth by natural features as well as regulatory mechanisms. To date, no location has been identified as suitable for this type of development, and this overlay may have to be reserved until further study is conducted.

### **Boundaries**

When possible, zone boundaries should follow parcel boundaries for objective clarity in determining what zone applies where.

The law contains language which allows that if a parcel falls within two zones, then the zoning designation shall be the one that is considered less restrictive. This language has been evaluated relative to analysis of lots that should fall in two zones for the purpose of natural resource protection. For example, the above rule could apply to all lots except those areas of lots located in a conservation zone. This should also be considered for the commercial and light industrial zones.