

MINUTES

For the
Village of Dryden
Public Hearing

Held on Wednesday November 28, 2023 at 6:00 PM

Approved
2/21/24

MAYOR:	Michael Murphy
TRUSTEES PRESENT:	Trustees Wakeman, Trustee Dickinson, Trustee Sinclair
ATTORNEY PRESENT:	Natalie French
CLERK/TREASURER:	Rotha Marsh, also recording secretary
CODE ENFORCEMENT:	Dave Sprout
GUEST:	Rick Young

The Pledge of Allegiance was recited and the Public Hearing was opened at 6:05 pm

ITEMS FOR BOARD ACTION:

Discuss the application submitted by the Town of Dryden (Rick Young) on November 6, 2023 to build a pole barn in a Residential Area:

The Town of Dryden wishes to construct a 50' x 100' storage building near its salt storage building in the Village. The property is zoned only for one and two-family dwellings or for multi-family dwellings, therefore a variance would be required to expand a nonconforming use or the Village Trustees could decide not to subject the Town to some or all of its Village land use regulations for this project.

On November 20, 2023, Natalie French emailed the following to the Board to review. She proceeded to read each of the nine items and the Boards responses are in red:
Good afternoon, all,

As a reminder a public hearing on whether to subject the Town of the Village's zoning rules as it relates to the pole barn storage building is scheduled for next Tuesday. Please review the 9 factors below and be prepared to discuss them. I've included my thoughts in green for your consideration during the review. Shelley and Dave, please be sure to give your thoughts especially on number 9 and SEQR.

1. the nature and scope of the instrumentality seeking immunity; Neutral. The Town does not have substantially more power/authority than the Village. Agree Neutral
2. the encroaching government's legislative grant of authority; Neutral, there is no specific authority/ legislation that would empower the Town to do this Agree Neutral
3. the kind of function or land use involved; It seems to align with current use, also a "passive" uses as opposed to a place of business or something that would invite 3rd parties to the premise. Barns for vehicles, salt and storage are already there in existence so would align with what is already there. Trustee Wakeman asked where the pole barn would be located. Rick Young provided an

aerial photograph of the parcel with a red square which indicated the proposed location. Said photograph shall be added to the application and attached to these minutes. It was asked and answered that there would be an 8" poured slab then pole barn erected.

4. the effect local land use regulation would have upon the enterprise concerned; This use would be prohibited. There are sincere doubts that the Zoning Board of Appeals would or could approve a variance so agreed with Attorney.

5. alternative locations for the facility in less restrictive zoning areas; The town would have to locate the barn elsewhere, either in the town or purchase property in the Village where the zoning would allow the pole barn. I do not know if those alternatives are viable/practical for the Town. Agreed with Attorney

6. the impact upon legitimate local interests; provides for cleanup of the space and improved aesthetics to the Village. Also benefits the town in keeping its equipment out of the elements and maintaining/ elongating its usable life. Agreed with Attorney.

7. alternative methods of providing the proposed improvement; See 5 above, alternatively if just storage of machinery is an issue, then downsizing the fleet of vehicles would be an alternative. That would likely be impractical. From a zoning perspective, I believe if they sought a use variance that application would be unsuccessful since this is a "self-imposed hardship", therefore I don't believe an alternative exists for them to place the barn on this property. Agreed with Attorney no other alternative

8. the extent of the public interest to be served by the improvements; and There is public interest in maintaining the equipment and beautification of the space if equipment is otherwise left outside. Agreed with Attorney. Trustee Dickerson asked what the use of the pole barn would be. Rick Young advised that it would be for storing equipment such a lawn mower, plows etc., and that currently those items are just left out in the elements on the same parcel. Recently they had to replace tires on a piece of equipment because it had been left out in the elements. French noted that as Village residents are also Town taxpayers this furthers their interests in maintaining equipment.

9. intergovernmental participation in the project development process and an opportunity to be heard: We are holding the public hearing and as the Mayor requested, the exact location of the barn should be clear and considered when deciding how it may impact the legitimate public interest. As to whether SEQR is required, I believe this would be an "unlisted" action and therefore the Town should provide a short EAF. If Dave and Shelley agree with this point, can someone please make that request of the Town? The Board considered the Short Environmental Assessment form Mr. Young filed. This would be considered an unlisted action. Attorney French confirmed everyone had a chance to review the form and asked if anyone had any questions. Trustee Sinclair asked whether this would impact drainage. Dave Sprout stated water drainage was not a problem due to the location of the pole barn and its proximity to the roadway.

Trustee Sinclair moved that it be determined as a negative declaration meaning that there was no environmental impact by virtue of the pole barn. Trustee seconded the motion. Vote Murphy- Aye, Wakeman-Aye, Dickinson-Aye, Sinclair- Aye

Vote- 4 Ayes, 0 Nays

It was noted that the Village had requested to review where the barn would be located on the premises and the same had been provided by Rick Young in the meeting and would be incorporated into the application if not already done so.

Thank you

There was discussion involving removal of a bridge “Red Mill Bridge”, which is currently in the area intended for the pole barn. Rick Young stated that Caroline Drifters snowmobile club had agreed to take it and the Town was only ever supposed to have temporary storage of it.

The Board decided that as long as this building was used only for cold storage of equipment & vehicles there posed no problem with granting the Town of Dryden immunity from Village Zoning Laws for this structure only. Any other use or structure would still be subject to obtaining a variance.

A motion to close the Public hearing at 6:18pm was made by Trustee Sinclair, seconded by Trustee Dickinson,

Vote- 4 Ayes, 0 Nays

On a motion by Trustee Dickinson and seconded by Trustee Sinclair the following was passed: Vote Murphy- Aye, Wakeman-Aye, Dickinson-Aye, Sinclair- Aye

Resolution No. 11.28.1-2023
Town of Dryden Pole Barn application

Resolved, that the Board of Trustees of the Village of Dryden hereby approves exempting the Town of Dryden from obtaining a variance to build a 50 x 100 pole barn as applied for.

Trustee Dickinson asked Rick Young how high the pole barn would be. Young estimated there would be 14-foot poles with a 14’ door on the gable end of the structure to allow for equipment and vehicles to be moved in and out, with a man door on the side.

Adjourn

On a motion by trustee Wakeman and seconded by trustee Dickinson the following was passed: Vote Murphy- Aye, Wakeman-Aye, Dickinson-Aye, Sinclair- Aye

Resolution No. 11.28.-2023
Adjourn

Resolved, that the Board of Trustees of the Village of Dryden hereby adjourns at 6:32pm not to reconvene.