

**Town of Dryden Planning Board
November 21, 2013, 7PM**

Members Present: Joe Laquatra (Chair), Martin Hatch, Craig Anderson, David Weinstein, and Heather Maniscalco

Town Board Members and Planning Department Representatives were not in attendance.

Guests: Bruno Schickle joined at 7:39PM

The meeting was called to order at 7:00 PM by Chairman Laquatra.

1. Review and approval of the minutes from October 23rd.

J. Laquatra read the charge from the Town Board as presented on the Planning Board page on the Town's website:

This is an appointed volunteer board. Their purpose is to decide on the best use of land and at the same time protect residents of our town. They review and approve new subdivisions including road development and proper drainage.

J. Laquatra brought this to the attention of the Board as support for his belief that the Planning Board has the right, and possibly even the responsibility, to ask potential builders and engineers interested in using a property for a new use how they will deal with the lead and asbestos when renovating. He said there is nothing in the State building code or in our local code about lead-safe work practices. The Environmental Protection Agency (federal level) has regulations and requirements but New York State doesn't enforce the law because of the budget. Instead the EPA is hoping for a high profile lawsuit that will bring attention to the issue and encourage others to follow the law. Someone that is not using proper lead-safe work practices can be fined \$37,500 per day. All it takes is an amount of lead that is equivalent to 4 grains of sugar to cause traumatic brain injury to a child.

C. Anderson said that he feels the questions that the Planning Board should be asking refer to the intended use of the site and whether that use is allowed and acceptable to the zoning requirements. Asking building questions is not part of the plan reviews and puts the contractor on the spot.

J. Laquatra reiterated that part of the Board's job is the safety of the Town residents and since no one is enforcing the law as it pertains to lead, at least the Board is making them think about it, putting the seed in their minds.

C. Anderson's concern is causing contractors to avoid building in Dryden since it becomes cumbersome or frustrating. The contractors talk among themselves.

D. Weinstein agreed that it is necessary to present the information to the contractors since the Planning Board is the only board reviewing project applications and asking the question whether this is going to help or hurt the community.

J. Laquatra pointed out the federal legislation that created the 2010 lead-safe work practices law has been on the books since 1992 but no one actually paid much attention until the 2010 implementation.

C. Anderson said that if you are conscientious, you will do what is necessary to protect your employees and the household you are working in regardless of the threat of fines and shut down, etc.

H. Maniscalco said that if the result of the changing use leads to water contamination, then it is by far our responsibility. She gave the example if a person wanted to convert an old farm house into a day care, but the proper care wasn't taken, then the children could eat the dirt and end up very sick. J. Laquatra agreed, pointing out that the fine dust floats through the air and a minute amount will affect a child's brain.

D. Weinstein quoted from the Site Plan Review checklist the question that asks the contractor for a description of methods of waste disposal, construction designs, etc. He believes that means the Board is expected to ask questions about lead and asbestos abatement.

Martin Hatch moved to approve the minutes from October 23, 2013 and Craig Anderson seconded. D. Weinstein abstained and the rest approved the minutes.

2. Review of the Comprehensive Plan Goals

3. Goals & Objectives

Introduction

The basic principles of this comprehensive plan are outlined in the following goals and objectives. In comprehensive planning practice, goals are generally defined as statements of a desired outcome, based on values held by a community at large, and which may not necessarily be attainable. Progress toward any particular goal is also not generally quantifiable. Objectives in contrast are intended to outline specific desirous outcomes that are tangible, and for which progress toward achieving can generally be measured in some manner.

The overall goal of this comprehensive plan is to promote the health, safety and general welfare of the people of the town of Dryden. The avenue by which this goal would be pursued is through fostering a pattern of growth and development that would achieve the following objectives:

- protect the quality of life of residents, and provide opportunities for advancement in the quality of life for residents;
- protect the unique natural assets of the town;
- make optimum use of existing and future investments in public services and infrastructure;
- minimize the cost of government to residents and businesses;
- encourage inter-municipal cooperation and communication in land use policies and the provision of public services.

To further the above overall goal, the following goals and objectives that address specific areas of land use, quality of life for town residents, and the provision of municipal services are set forth.

1. Generally

Goal

Preserve the rural and small town character of the Town of Dryden, and the quality of life its residents enjoy, as the town continues to grow in the coming decades.

Objectives

Prepare a new Comprehensive Plan for the Town of Dryden that recommends, among other actions:

1. Efforts to channel new residential, commercial, industrial and other types of development into existing villages and hamlets and their immediate environs, or into and around existing nodes of development outside the villages and hamlets. *The effort has been there and can be called **Completed***
2. Efforts to ensure to the extent possible the long-term viability of the town's agricultural community. *Partially – the Agriculture Committee has been established but we don't yet have the Ag Protection Plan. D. Weinstein said we have not enacted zoning that would wick development away from ag land. C. Anderson thinks that will come about when the Ag Protection Plan is implemented. The Planning Board decided this is **On-going***
3. Efforts to protect to the extent possible the important natural open space and scenic resources of the town, including woodlands, stream corridors, wetlands and steep slope areas. *The Planning Board determined this was **Partial** due to the fact that Open Space and scenic views have not yet been defined and protections implemented. The Open Space Plan should take care of this goal. M. Hatch added that he isn't sure how to reconcile the need to preserve open or scenic spaces while at the same time permit a person to engage in agricultural activities such as tree farming, etc.*

4. Efforts to protect and enhance the livability of existing residential neighborhoods. *The Varna Plan, the Residential and Commercial Design Guidelines, and the Zoning guidelines all lend support to this goal and the Planning Board agreed that they can call this **Complete**.*
5. Efforts to ensure a safe and diversified transportation system to serve the needs of all town residents. ***This has not been accomplished.***
6. Efforts to provide for adequate and efficient provision of necessary public facilities and services. *C. Anderson and D. Weinstein feel the strides made already are enough to say this has been **Completed**.*

2. Agriculture

Dryden has long been supportive of local agriculture, as evidenced by the Town's Right to Farm Law, and zoning that has permitted agriculture in all districts. This comprehensive plan will build on existing strengths by taking the steps outlined below.

Goal

Promote the long-term economic viability of the agricultural community in the town, and preserve agricultural land resources, without unduly infringing on property rights.

Objectives

Adopt land use regulations which grant agriculture primacy as a land use in areas zoned for agriculture, and which recognize the nature of contemporary agricultural enterprises in those areas of the town designated for agricultural use in this comprehensive plan. Agriculture and related enterprises will continue to be permitted in other areas throughout the town, but will have special rights in the areas where primacy is granted. *This goal has been **partially** met. C. Anderson's example was Doug Barton's farm that is zoned Conservation but it really should be zoned Agriculture; the farm has Ag Assessment and he is engaged in Ag related activities.*

Direct inappropriate intensity levels of residential development away from productive agricultural areas of the town to minimize loss of higher quality agricultural lands, the unnecessary fragmentation of agricultural land resources, and the potential for conflicts between farm and non-farm residents. To the extent possible, use non-regulatory methods to achieve this objective. *C. Anderson said **partial** and used the example of the farm next to him that used to be a minnow farm but now is zoned rural residential when the property on both sides are zoned agriculture. In that sense, the zoning has not directed residential away from agriculture.*

Encourage investments in public infrastructure, such as extensions of public water or sewer service, if, when, and where such services become necessary for agriculture related operations. *D. Weinstein suggested that the reason this goal has not been accomplished is due to the public's decision that they didn't want public water or sewer expanded. C. Anderson said that it hasn't been encouraged at all but D. Weinstein reiterated that if folks don't want public services, why would we push it? **Irrelevant**.*

Permit commercial retail and service enterprises that serve the needs of the agricultural community. **Completed.**

Promote the continued stewardship of the land through agricultural practices that minimize soil erosion, surface water runoff and water pollution. *The Planning Board determined this is a **Partial** due to the lack of regulation regarding mining or drilling.*

Maintain a Town Agricultural Advisory Committee that will review and make recommendations regarding proposals for local ordinances that may affect agricultural practices and lands. **Completed.**

Promote the use of existing programs to enhance the viability of agriculture and to protect farmland, as provided through the NYS Department of Agriculture and Markets, the Tompkins County Soil and Water Conservation District, and other governmental and private non-profit organizations. *J. Laquatra suggested on-going for this goal; it will never be completed, but will be on-going.*

3. Commercial Development *The Planning Board determined that all of the Commercial Development goals have been met and Completed.*

Goal

Provide for a variety of options for town residents to purchase goods and services at locations convenient to home and work while preserving the rural and small-town character of the town.

Objectives

Channel future commercial development into or in the vicinity of existing downtown areas and other nodes of retail and services activities.

Recognize Ithaca, Cortland and areas adjoining those cities as the centers of regional commercial activity.

Allocate land resources for commercial development on the basis of anticipated future town population and attendant demand for retail and services.

Encourage new commercial development in villages and hamlets through re-use of existing commercial structures or through new in-fill development in their traditional commercial centers.

Minimize the adverse impacts of commercial development on adjacent residential areas.

Develop design standards to ensure safe and attractive commercial development site designs, including standards for traffic circulation, parking, pedestrian facilities, buffer areas, landscaping, site coverage, stormwater management, signage and outdoor lighting design.

Review Town land development regulations to identify opportunities for revisions that could assist in mitigating some impacts of development by minimizing the creation of impervious surfaces through use of (for example) smaller parking lots, shared driveways and reduced building setbacks.

4. Economic Development

Goal

Provide for a wide variety of employment options for town residents.

Objectives

Allow for continued development of light industrial, warehousing, research and development and service enterprises within and adjacent to existing industrial and commercial areas of the town. *Completed*

Develop design standards to ensure attractive industrial and office park site designs, including standards for traffic circulation, parking, pedestrian facilities, buffer areas, landscaping, site coverage, stormwater management, signage and outdoor lighting design. *Completed*

Ensure that areas designated for future light industrial and office park developments are outside environmentally sensitive areas such as mature woodland, stream corridors, or wetland areas. *Completed*

Ensure that adequate provisions for public water and public sewer are available in areas designated for industrial development. *D. Weinstein thinks that the services are available in the NYSEG and 84 Lumber areas. Bruno Schickle asked the Board if they knew that the Town and the Village are considering running a water line along the Route 13 corridor between NYSEG and Dryden Village. J. Laquatra thought that was interesting since when the Comprehensive Plan was initially created, the idea was to keep that corridor area as a buffer zone. Mr. Schickle observed that the only real area of industrial zoning is out by the NYSEG area which has water and potentially sewer. The group decided to put a question mark on this goal.*

Facilitate the development of state-of-the-art telecommunications systems within the town to ensure capacities and levels of service adequate to meet the needs of residents and businesses. *The Planning Board determined this goal has only been partially met. M. Hatch doesn't think that our Town is going to have "state-of-the-art" telecommunication; sufficient telecommunication would work.*

Enact design and safety guidelines to ensure that the development of future telecommunications facilities be consistent with protection of community character and the public health, safety and welfare. *The Planning Board was considering categorizing this as not completed but then decided that they want more information before they make that decision. A question mark....*

5. Housing and Residential Development

Goal

Provide for a variety of affordable, high-quality housing options for all town residents.

Objectives

Protect the quality of life in existing residential communities from the adverse impacts of incompatible land uses and increased traffic. *Completed*

Provide for the construction and placement of different types and styles of housing, and different densities, to serve the needs of different populations in the town. *Partially. Poet's Landing is in the Village but it is still part of the Town. D. Weinstein said the Varna Plan calls for this but that does not apply to the rest of the Town.*

Channel residential development toward areas where public infrastructure such as water and sewer service, park facilities and public transit exist or are planned in future years. *Completed*

Encourage where appropriate new residential development within existing villages and hamlets. *The Varna Plan does that but the villages haven't had a lot of encouragement yet. Partially – we can do more to increase communication with the villages.*

Ensure that allowed residential development densities take into account environmental constraints such as slope, soils, vegetation and water resources. *Completed*

Encourage where appropriate the use of cluster subdivision design approaches for new residential development to protect open space and other natural or scenic resources. *Completed*

Review Town land development regulations to identify opportunities for revisions that could assist in mitigating some impacts of development by minimizing the creation of impervious surfaces through use of (for example) narrower roads, shared driveways and reduced building setbacks. *Completed*

Discourage creation of new residential lots with access available only off major highways and collector roads. **Completed**

Discourage development that leads to excessive noise or light pollution in residential areas of the town. **Completed**

Minimize conflicts between established and future residential areas and established and future commercial or industrial areas. **Completed**

6. Open Space and Environmental Protection

Goal

Preserve the natural open space resources, environmentally sensitive areas and unique flora and fauna of the town as it develops in the coming decade.

Objectives

Identify and map the significant environmental and open space resources of the town and channel future incompatible development away from such areas. **Completed**

Encourage the use of creative development concepts such as cluster subdivision to protect sensitive environmental resources on a site. **Completed**

Encourage development that promotes conservation of energy and water resources and minimizes where possible adverse impacts such as loss of agricultural and forest lands, soil erosion and sedimentation, and stormwater run-off. *D. Weinstein asked if we have accomplished any. J. Laquatra reminded the Board of the Agriculture Protection Plan for which the Town has applied for a grant.* **Partial**

Support private land trusts and similar organizations in their efforts to protect significant open space and environmental resources within the town. **Completed**

Protect stream corridors, wetlands and other water bodies from inappropriate levels of development. **Partial**

Protect the functional capabilities of floodplains by channeling development away from such areas. *D. Weinstein said that zoning has attempted to protect Fall Creek. H. Maniscalco said that the flood plains of the waterways would have to be identified. D. Weinstein reminded the Board that we didn't have any zoning to stop someone from building in an area that could be a 100 year flood zone.* **Not Completed**

Establish standards for stormwater runoff from new development to decrease pollution from streets and parking lots. **Completed**

Identify and implement measures to protect key viewsheds within the town. *The Town has not even defined what View Sheds are.* **Not Completed**

7. Parks and Recreation ***This section will be assessed by the Recreation Department***

Goal

Develop a system of park and recreational facilities designed to serve the variety of recreational needs of town residents in a cost effective manner, and located as to provide easy access from major town population centers.

Objectives

Coordinate the development of town parks with adjacent municipalities, schools, town community associations, and local civic clubs to ensure optimum use of public and private investment in park and recreation facilities close to where residents live.

Identify and acquire locations close to existing and future residential neighborhoods that are suitable in terms of size and topography for park and recreation facilities.

Use existing authority under State statutes to acquire wherever appropriate park land through dedication by the developer, or cash payment in lieu of land.

Ensure that town parks provide adequate recreational facilities to serve the variety of athletics and other recreational activities town residents engage in.

Incorporate natural features such as woodland, meadows and stream corridors into town parks for the purpose of preserving such natural assets and ensuring their continued enjoyment by the public.

Create a system of bicycle/pedestrian paths that will integrate existing and future park and recreation facilities with residential and commercial areas.

Ensure, to the extent practicable, access to town parks by persons with varying mobility capabilities through compliance with the requirements of the Americans with Disabilities Act of 1990 and its successors.

8. Public and Semi-Public Facilities

Goals

Develop and maintain public facilities such as water, sewer and road infrastructure in an efficient and cost effective manner.

Improve and enhance the electronic infrastructure within the town.

Objectives

Maximize the use of existing public water and sewer infrastructure by channeling future growth and development toward areas of the town where public facilities and services are available or easily accessible.

Completed

Allow the extension of public water and sewer services into areas not designated for more intensive development where required for the protection of public health and safety. *D. Weinstein pointed out that people are not asking for sewer or water services and therefore why would that be pushed. C. Anderson said that in another 15-20 years the properties that have limited soil capability in the leech fields could lead to an issue in areas that had been targeted for increased population. D. Weinstein said that there is a mechanism in place for a community or group to acquire public facilities in the future. C. Anderson said it doesn't matter if the folks don't want the increased services and cost. In the future we are going to need it, we need to think for the future.*

Not Completed

Evaluate future expansions of public water and sewer infrastructure based on cost and the need to protect environmental resources. **Completed**, could add Municipal to the "existing public water."

Utilize future expansions of public water and sewer infrastructure to encourage development in areas identified as being best suited for growth. **Completed**

Ensure a continuous and systematic program of monitoring, maintenance and upgrading of existing water and sewer facilities to maximize their efficiency and life span. **Completed**

Continue to work cooperatively with other municipalities to minimize the cost of public water and sewer services and to maximize the efficiency of such systems. *H. Maniscalco pointed out that even though people don't want municipal water and sewer due to an increase of taxes, if the Town started to consider the possibilities now, it can be done with less monetary difficulty. M. Hatch recommended that we talk about this issue with a couple of Board members and the Village mayor plus the Supervisor. D. Weinstein reminded the group that Supervisor Sumner attends meetings with Bolton Point.*

Not Completed

Wherever appropriate, promote the efficient use of frontage on existing and future roads in the town in order to minimize the amount of such infrastructure and associated maintenance costs. **Completed**

Facilitate the development of state-of-the-art telecommunications systems within the town to ensure capacities and levels of service adequate to meet the needs of residents and businesses. **Partial**

9. Public Safety

Goal

Ensure the provision of a comprehensive system of fire, police and emergency services and communications to protect life and property throughout the town.

Objectives

Channel future growth and development toward areas of the town where fire, police and emergency services are available or easily accessible. **Completed**

Promote the continued recruitment and retention of volunteers by local volunteer fire and emergency services organizations. **Partial**

Continue to work cooperatively with Tompkins County and other municipalities to enhance the provision of fire police and emergency services and to minimize the cost of such services to the public. ***This is a question mark – J. Laquatra believes this is a Town Board job***

Implement the recommendations of the Hazard Mitigation Plan adopted in 1999, including proposed infrastructure improvements, awareness education, and training and equipment for local public safety and public works staff. ***This is a question mark – J. Laquatra believes this is a Town Board job***

Work cooperatively with police and other emergency services organizations to ensure an effective program of public education and awareness of hazards to life and property, and appropriate action in case of public emergency. ***This is a question mark – J. Laquatra believes this is a Town Board job***

10. Transportation

Goal

Provide for a safe, efficient and diversified transportation system to serve the needs of all town residents.

Objectives

Ensure land use and growth management policies that promote efficient use of existing streets, roads and highways. **Completed**

Provide for a network of streets, roads and highways that have adequate capacity to accommodate traffic without congestion. **Completed**

Wherever feasible channel excessive vehicular traffic around established neighborhoods. *This could be hard to accomplish. J. Laquatra pointed out all the different entities (the State, the County, and the Town) make it hard to accomplish this. With a few exceptions (Palmear Road), this is* **Not Completed.**

Work with the State and Tompkins County to initiate steps that will channel truck traffic away from residential areas of the town and off minor highways within the town. *D. Weinstein pointed out that no one is working with the State or the County. Using German Cross Road as an example, this is* **Not Completed.**

Develop and implement tools to control access to and from major highways within the town to limit congestion along those routes and limit the need to upgrade such facilities in the future. **Not Completed**

Wherever feasible provide for a network of bicycle and pedestrian paths that interconnect residential neighborhoods, commercial centers, schools, parks and places of employment. **On-Going**, *the Dryden Trail and the situation in Varna.*

Provide for residential streets that are designed, constructed and maintained in a manner that protects the livability of neighborhoods, and ensures the safety of local residents. **Completed**

Identify and provide for a network of existing and future collector roads, and standards for development along such roads to ensure the safety and efficiency of said roads, and the protection of adjacent development from the impacts of anticipated traffic. **Not Completed**

Wherever feasible encourage the increased use of *existing or new* public transit services as an alternative to individual automobiles. **Not Completed**

Work with the Tompkins Consolidated Area Transit to expand public transit routes within the town and to develop a network of bus stops, park and ride facilities and other facilities that will attract increased use of public transit. **Not Completed**

Where population densities warrant, develop a system of sidewalks and off-street walkways to serve existing and future residential neighborhoods. **Partial**, *they have tried in Varna*

3. Fill Ordinance

D. Weinstein presented a potential Fill Ordinance for the consideration and discussion of the Planning Board. The reason the Planning Board believe that they wanted a fill ordinance stems from the issues the Planning Board faced when considering a proposal for the lot at the corner of Route 366 and Freese Road. The owners really did themselves a disservice by not having guidelines and allowed fill to be dumped without any regulation. There is another issue with German Cross Road where there appears to be a big operation bringing fill in and out creating an industrial type action.

M. Hatch said the DEC is the authorizing agent that allows a person to fill one acre at a time but the overall amount is unlimited. They have certain rules for capping but they don't include soil testing, which means that

asphalt and construction debris or fill from areas around the construction site is not tested to verify pollution potential.

D. Weinstein didn't know that the Town can say anything about fill.

M. Hatch said it can't unless it is related to storm water

D. Weinstein wants to get to the point that the Planning Board can offer guidelines to someone who is going to fill so they can do it the right way. And also, if big problems are created, the Town would be in a position to hold the contractor to the guidelines.

D. Weinstein suggested that if we are going forward, the issues that need to be discussed:

1. Where are we setting the threshold in terms of amount of soil being disturbed that warrants a permit?
2. Are we going to require that they replace the top soil and what is defined as top soil?
3. Is the planning department going to be the entity that holds responsibility for determining whether a permit is required or not?
4. Are we going exempt the town from getting involved in the permitting process? H. Maniscalco indicated that she didn't think that was a good idea and C. Anderson agreed, he thinks we should lead by example.
5. Are we going to exempt farming?

C. Anderson has concern about the German Cross road situation. He doesn't think that there is much that the Town can do about this property since it is zoned commercial. He also has concerns about a fill ordinance for the whole town based on the fact that Varna's needs are different from this side of town. The Town already has a soil disturbance law requiring anyone that is disturbing any amount of soil to come to the Planning Department for a form that will determine whether the project violates the Storm Water Law or Storm Water Pollution Prevention Plan.

C. Anderson also questioned the necessity of the same rules being applied equally across the town; the needs of Varna are different than the needs of less populated areas.

H. Maniscalco recommended that the Board take the information home and do some more research.

J. Laquatra pointed out that we could have a town-wide law but provide exemptions.

D. Weinstein asked about Farms and whether they should be exempted.

C. Anderson said that Ag and Markets are going to trump local laws when it comes to farms.

H. Maniscalco suggested that farms should be part of the fill law because they might not be farms forever. If someone wanted to build residences on a former farm, can we be sure that dangerous fill hasn't been dumped that could affect the health and safety of future residences?

J. Laquatra asked that D. Weinstein incorporate the suggestions and conversation into his Fill Law and then email it to other board members.

H. Maniscalco and J. Laquatra advocated for a Town wide-law due to the potential of leeching into personal wells.

C. Anderson is interested in having an overlapping map that applies different levels of overview depending on zoning.

4. Planning Board application review.

The Planning Board took a few minutes to review the applications that we have on file and choose who they might want to recommend to the Town Board.

The next meeting will be held December 19th at 7PM.

There being no further business, M. Hatch moved to close the meeting, the motion was seconded by H. Maniscalco, and with unanimous consent, the meeting was closed at 8:59PM.

Respectfully Submitted,

Erin A. Bieber
Deputy Town Clerk

