

Dryden Planning Board  
April 24, 2014

**Members Present:** Joe Laquatra (Chair), Heather Maniscalco, Craig Anderson, Marty Hatch, David Weinstein, and Tom Hatfield.

**Guests Present:** Nickolas Bellisario, Otis Phillips and Nickolas Bellisario, Jr.

**Town Hall Staff:** Jane Nicholson (Planning Director) and Greg Sloan (Town Board Member)

**Town Attorney:** Mahlon Perkins

Meeting was open at 7:02 PM

Site Plan Review: 5 Freese Road, Varna

***Part one of the Full Environmental Assessment Form***

J. Laquatra said that the Planning Board will require a Public Hearing and the Zoning Law requires that new construction include a sidewalk along Route 366. The Planning Board and the Planning Department will allow the project until 2018 to install the sidewalks based on the application for and anticipated receipt of Federal funds to complete part of the Varna plan which includes sidewalks. The project will need to provide an assurance that the sidewalks will be installed should the funding fail to materialize.

M. Hatch added that the Department of Planning requires the applicant to install sidewalks with adequate landscape buffering; that implies that a sidewalk is not only anticipated by 2018 but also landscape buffering beyond that. He asked about the width of the sidewalk and the buffering. He feels that is something that should be further discussed.

Atty. Perkins indicated that will be discussed further on in the review. He said the Planning Board has to determine whether or not the plan is adequate, whether that is what it should be, what you have to do is apply not only the Site Plan requirements but also Article Seven of the Zoning Ordinance which has to do with Varna. The Board has to look at both of them and then decide whether what has been submitted is sufficient. If it is, then we can go ahead with the public hearing; if it is not, then we ask the applicant for more information.

M. Hatch asked if drainage and storm water are part of the site plan review.

Atty. Perkins - Only generally, the details are left to the SWPPP and reviewed by the engineers.

M. Hatch - But what is the general discussion?

Atty. Perkins - Has provision been made for it. Do you have a better location? The technical details of the size of the drainage, how it is transported, etc are all technical things.

M. Hatch – what if you have a Town report by the Town engineer which mentions some aspects of drainage that “should be” and “should consist of” and “should reflect”, are those to be taken as guidance for understanding without a SWPPP how the general picture of storm water management fits in this deliberation.

Atty. Perkins said that typically what would happen is you would make your site plan approval contingent upon compliance with the recommendations of the engineer.

M. Hatch asked about a subsequent review of those recommendations.  
Atty. Perkins said that is up to the storm water manager and engineer.  
M. Hatch asked if we don't get to review how that is carried out.  
Atty. Perkins said no, that is outside of your responsibility. It is contingent upon complying with the SWPPP

**Review of the EAF:**

Atty. Perkins told the Board that any changes they wish to make have to have the approval of the applicants.

Page One:

Complete

Page Two:

- d. Other local agencies (D. Weinstein feels that should be marked yes)
- e. County Agencies (D. Weinstein feels County Planning should be added but Atty. Perkins said that we don't need County approval. They get to look at it.)

Page Three:

C.3. Zoning

- a. M. Hatch asked if the Varna Hamlet Mixed Use District imply the Varna Plan?

Atty. Perkins said the Varna Plan is simply a basis; it is like an amendment to the Comp plan to enable the development of the Varna regulation in Article Seven.

M. Hatch – Article Seven is the Varna Hamlet Mixed Use District ....

Atty. Perkins – embodied in the Zoning Ordinance

D. Weinstein agreed except the zoning refers to the design guidelines which are part of the Varna Plan.

Atty. Perkins said that is one of the functions that the Planning Board will undertake in the capacity of the Site Plan Review Board, does the plan substantially comply with the suggestions of the design guidelines?

D.1. e. J. Laquatra asked if the applicant has any plans for construction on the other part of their property? The lower section.

The applicants replied that at this time, they do not have any plans. They also pointed out that it is a separate property with a separate deed.

Atty. Perkins replied that the question has to do with the environmental review that this board must conduct because those are contiguous parcels under your control.

The applicants again stated that they have no plans at this point.

Atty. Perkins - Do you anticipate any more fill going down onto that lot?

Applicants replied that yes they are going to be adding more fill and they have a permit.

H. Maniscalco stated that there doesn't appear to be a guarantee that all the buildings will be built.

Cl. G. Sloan asked in what order the buildings will go up.

The applicants reviewed the design and stated that buildings one and two will go up first, they are the closest to Route 366.

Atty. Perkins reminded the Board that they are reviewing the Site Plan. If they don't building all four buildings now, and then decide to later, they still need to comply with the site plan. They will not have to come back to the Planning Board unless there is a change.

Page Four: no comments

Page Five:

D. Weinstein suggested letter d. be answered with a yes. They have already said how much will go into the sewage line.

Page Six:

M. Hatch has concerns related to letter e. The way that the hearing is structured, nothing that was said actually gets recorded here. The idea of compliance with certain recommendations or requirements from the Town Engineer about water management.

D. Weinstein said that discussion will come later. M. Hatch said this is only a description of the proposal not a prescription of the solution.

H. Maniscalco pointed out that EAF form is simply what they are proposing.

M. Hatch – we approve what they propose if we accept this, before the recommendations of the town engineer are put in effect.

H. Maniscalco – we are reviewing for completeness of the EAF not the substance.

Atty. Perkins – the part that you are working on, part one, is called project and setting.

Are the answers to part one correct, do we have enough information to move onto part two which you will complete – you want to look at this and decide if you think these are reasonable answers, you are not approving anything by saying the answers the applicant has supplied are correct. This is what the applicant has submitted. Your environmental review will consist of looking at part one, making any necessary corrections. Completing Part two and discussing in part three any impacts that need to be discussed and making the determination whether they can be mitigated or not. And then your environmental review will consist of whatever you decide, it will either be a negative declaration or positive declaration based on what you have done here.

M. Hatch asked about letter e, subsection i. he verified that .5 is the roof of the buildings and the 2 acres are the total acres.

Page Seven:

D. Weinstein said that under *k.*, it should be marked yes. It wasn't marked one way or another and a guess at the estimated annual electricity is 120,000 kw hours/ hours and is served by NYSEG.

J. Laquatra pointed out that section doesn't apply because it deals with commercial development not residential.

H. Maniscalco asked why the apartments won't count as a commercial activity since it is a money generating operation. J. Laquatra explained that multi-family housing isn't considered commercial under the zoning ordinance.

D. Weinstein said he would like the applicants to identify the hours of construction. Because it is a residential area so we don't want heavy construction going on in the evening hours.

Mr. Bellisario asked if there is any ordinance requiring the work be done during certain times.

D. Weinstein replied that it was just him asking for you guys to consider, there isn't an ordinance guiding the question.

Mr. Bellisario suggested it could be simply daylight hours.

D. Weinstein is concerned with the noise during the evening hours and was hoping for an agreement on 8AM-5PM or 8AM-6PM.

Mr. Otis asked if D. Weinstein was asking for personal or Planning Board reasons. It sounds like he is confused because he has a personal conflict.

G. Sloan mentioned that if the applicants are starting at sun-up, then in the summer that is pretty early.

Mr. Bellisario said he is agreeable to starting at 7AM but he has to go to sundown to get the work done.

G. Sloan asked if he meant 7AM Monday through Friday or Saturday too?

Mr. Bellisario said 7AM to sundown Monday through Sunday.

Mr. Phillips pointed out that it is not going to be the rest of their lives. It is only until the project is done and they still have other jobs to work. They need to be able to work when they have time available.

M Hatch asked if D. Weinstein was trying to get the applicants to fill in the hours of operation. He was wondering about *part l. the hours of operation "during construction"*.

Atty. Perkins said that this is a legitimate part of the EAF. The applicants need to answer the question. When you do your environmental review, one of the things you have to consider is whether this is a significant impact and if so, how can it be mitigated?

Mr. Bellisario agreed to 7AM to sunset, Monday through Sunday and holidays.

Mr. Phillips reminded everyone that the construction noise will only be during construction of the buildings and won't be every day.

Page Eight:

*m.* needs to be answered

D. Weinstein said that it should be Yes for the question, fill in the details under i. (typical construction noise) and ii. should be no since there are no barriers to move.

Page Nine:

D. Weinstein questioned some of the *section b. land uses and covertypes on the project site*.

He suggested changing "roads, buildings and other paved or impervious surfaces" to approximately .75 acre, "meadows, grassland or brushlands" to approximately 1 acre and water features don't exist. The swale or retention pond is going to be covered with grass. "Other" - pervious parking lot will change to .25 acres.

Page Ten: Complete

Page Eleven: Complete

Page Twelve: Complete

Page Thirteen: Complete

J. Laquatra asked if Mr. Bellisario and Mr. Phillips were in agreement with the changes made on the EAF. They agreed they were satisfied with it.

T. Hatfield moved to accept as complete the Environmental Assessment Form, Part one as modified. M. Hatch seconded the motion and all the Board members approved.

### **Public Hearing**

J. Laquatra said that we need to give the public a ten day notice, if we asked people to write or share their comments, we will have a week to consider their input.

Mr. Bellisario asked if the Public Hearing was normal? Atty. Perkins indicated that it is optional. Mr. Bellisario said that the last time they were at the Planning Board, they were told that the current meeting was the public hearing.

J. Nicholson said they had waived the public hearing for the sketch plan. Mr. Bellisario reiterated that he thought this was a public hearing. G. Sloan said that we have to invite the public. J. Nicholson said that the Planning Department will take care of letting the public know about the hearing.

Atty. Perkins recommended that the hearing be held May 15 so the minutes can be typed up for consideration prior to the actual meeting on May 22. He has found it helpful when deliberating on part 2 of the EAF and the Site Plan Checklist, to have the comments in front of the Board.

D. Weinstein asked Atty. Perkins why he feels a public hearing is warranted? The Storm water Protection plan and the Landscaping plan are not complete but otherwise there isn't significant public concern. He said the Hamlet would like prettier buildings but that is not going to happen.

Atty. Perkins replied that the Planning Board will be able to address both of those concerns in the site plan review. He then asked how many site plans the Board has done. D. Weinstein said they have only done one but J. Nicholson recalls at least eight in the past few years.

Atty. Perkins asked how many of those projects had an article in The Ithaca Journal? He senses there might be enough public interest to warrant the public hearing; it errs on the side of caution. One of the things you also have to do tonight is take a look at Jane's comments and the material that you have before you and decide if there is anything further that you want, whether you want it supplemented or if it is sufficient as it is. That gives the applicant an opportunity to supplement what you have before the public hearing. He recommends having the public hearing without making any decisions. He suggested that the Board let the public have their say, let the engineer make a presentation, maybe have Andy Scriabba come and comment. Then take the record of all that (the minutes and written comments) to the next meeting and make that a work session. At that point, the Board will have all the input and the public will have had their say. We have spent a lot of money on the Varna Plan.

M. Hatch wondered if we can ask for Mr. Bellisario's or Mr. Phillips' comments? He thinks it is a rational idea. It would be useful if the water and landscaping plans were finished by the public hearing. That will give the Board more comfort.

Mr. Phillips said that if they were doing something that wasn't an allowed use, he could understand but since this is an allowed use, they are not asking for anything special so he doesn't understand the need for the public hearing. He doesn't see where the public input makes a lot of difference since sooner or later that area is going to get developed. They are going by the rules and suggestions.

Atty. Perkins pointed out that the rules allow this board to ask for a public hearing.

M. Hatch stated that the allowed use part also includes the Varna guidelines. If you (the applicants) feel that you have looked through them and conformed to these and you also include the kinds of things what Mr. Scriabba said are necessary to fulfill the requirements of the Town, then you have fulfilled those requirements.

Mr. Bellisario asked if we are within the law and zoning and everything, what does the public have to say about it.

M. Hatch said that the Board has already identified three areas.....

Atty. Perkins said that no one has doubts that they (Mr. Bellisario and Mr. Philips) are doing everything within what is allowed there and so forth and that before you get the building permits, all these approvals will be in place and the SWPPP will have been approved. It is more of a public relations thing and more of a protection for both this board and you in the approval process, it doesn't add any a lot of significant time because they will still be making the determination in the same schedule, at the next board meeting.

T. Hatfield suggested that having a public hearing is one step further. Failure to have a public hearing could allow those who might want to stop the project by claiming the SEQR process wasn't fully vetted. He doesn't generally advocate public hearings, if it is black and white, because it just gives people the chance to come and complain about other issues.

Atty. Perkins pointed out that we have rational people on the Board that are going to follow the law. If you give the people a public hearing and let them vent, as long as what this Board does is rational and follows the law, it is bullet-proof.

T. Hatfield added that with all of the work that has been done with Varna, it is advisable to have a hearing.

Mr. Bellisario expressed his concern regarding the parcel adjacent to the site for which he currently holds a fill permit. He is worried that it might become part of the public hearing.

J. Laquatra assured him that the hearing is site specific.

D. Weinstein pointed out also that the owners have already indicated that they don't currently have plans for the adjacent parcel so it should not be an issue.

### ***Discussion of Sidewalks:***

J. Laquatra asked about whether the Board needs to have a supermajority to approve the site plan in regard to the County recommendations for sidewalks.

T. Hatfield doesn't believe they do, all the county is asking is for sidewalks.

J. Laquatra indicated that the Town has applied for a grant to pay for the sidewalks in Varna.

J. Nicholson said the Town has already applied and at this time the town is expecting to be working on the sidewalks between 2016 and 2018.

M. Hatch believes a thorough landscaping plan that includes plans for sidewalks and a pull off spot for busses can be completed and would be beneficial.

Atty. Perkins said the plan has to be revised to reflect sidewalks because that is what the Zoning Law requires. What we are trying to do is save the owners the expense of installing sidewalks if the Town is planning on doing it already.

Mr. Phillips asked for clarification. At this point the Board is going to let the sidewalk requirement slide but if by 2018, the Town has not received funding or completed the Varna sidewalk, then the contractors have to go back and build sidewalks.

Atty. Perkins said that in 2018, the contractors can come back and ask for an extension. The bottom line is that the Planning Board does not have the right to waive the sidewalk requirement.

Mr. Phillips said he understands but as he is looking at the map, if the sidewalk was built along Route 366, it will simply drop off at the edge of the site in question. Basically, it would be a path to nowhere.

Atty. Perkins said that they still need to work a sidewalk in.

Cl. Sloan suggested that the sidewalk run from the entrance to the lot to the corner of route 366 and Freese road.

Mr. Bellisario also expressed concern regarding a sidewalk without curbs. He then suggested putting a sidewalk a short distance in front of the buildings with access to the bus stop.

Atty. Perkins said that this Board needs to make a reasonable interpretation of the zoning and Varna requirements for sidewalks in this particular case.

J. Laquatra said the requirements actually only call for a plan for a sidewalk. They can plan to have it done in 2018 and if the Town doesn't actually get the grant and put in the sidewalks, then the contractors can ask for an extension then.

***Planning Department review:***

See attached

Item 7: Parking – Despite the recommendation by the Planning Department, the Board agreed to keep it at 38.

Item 8: Sidewalks

Item 9: Bike racks

The applicants agreed with the suggestion of bike racks. The Planning Board recommends bike racks for each building and encourages the applicants to cover a portion of them.

Item 10: Waste disposal

J. Nicholson suggested moving the dumpster location due to the challenges the garbage truck will face in its current location. The contractors were concerned about the view but the Planning Department has recommended hiding the dumpster with a wooden fence.

T. Hatfield suggested that the Planning Board allow the contractors come up with their own design since they understand what is being asked.

Item 11: location, design,.....

The Planning Board refers the contractors to the Engineering Report.

Items 20 and 21: Lighting

The applicants have already agreed to supply this information.

Item 24: line of site and landscape buffer

They have to conform to section 909 of the Zoning code.

Cl. Sloan asked about state review since the project is on a state road. J. Nicholson said that all the contractors need is a letter from them stating that the curb cuts are ok.

Item 27: DOT

See above.

Item 26: Bolton Point

The applicants are aware that they need to talk to Bolton Point to connect to public services.

M. Hatch asked about the phasing. He is wondering what the plans are to treat the non-built portions until they are actually built. Do they have some kind of landscaping plan?

Mr. Phillips said that if the other 2 structures don't get built, then they will turn it into lawn but since their intention is to do 2 structures per year so there won't be any landscaping done. That would be a waste of resources so for the next year, it will be a level area. It will look presentable.

M. Hatch proposed that the areas that are not currently under construction be maintained in an ascetically pleasing manner.

Mr. Bellisario said that the top of the site will be mowed and maintained but the sloped edges will be left with natural vegetation.

Atty. Perkins suggested that the Board ask the contractors for a contingency plan in case the second 2 buildings were not built.

The Planning Board determined that the Public Hearing will be held on May 15<sup>th</sup> from 5PM to 6PM.

T. Hatfield moved and H. Maniscalco seconded the motion. All approve.

There being no further business, the meeting was adjourned at 8:48PM.

Respectfully Submitted,

Erin A. Bieber  
Deputy Town Clerk