

**Town of Dryden Planning Board
March 24, 2016**

Members Present: Joe Laquatra (Chair), Marty Moseley, David Weinstein, John Kiefer, Craig Anderson. Excused - Tom Hatfield and Marty Hatch

Guests: Noah Demerest, Stream Collaborative and Nickolas Bellisario

The meeting was called to order at 7:02PM.

Review and approval of meeting minutes from February 25, 2016:

D. Weinstein moved to approve the minutes as presented and C. Anderson seconded the motion and the minutes were unanimously approved.

Tiny Timbers: Noah Demerest, Architect and Nickolas Bellisario, property owner

- Buzz Dolph is a partner in this venture although he was not present tonight.
- Mr. Dolph is building timber framed structures in a modular form that can be partially constructed ahead of time and then put together on site. The buildings will be “adjustable” – expanded and contracted in different versions.
- They are building the smallest house that is permitted which is almost 600 sq feet (one bedroom house) up to 800 sq ft dependent on the potential of a basement. The basement/crawl space/or slab foundation has not been determined yet.
- This will be a cluster subdivision. There are 16 lots which will be owner occupied with a common parking area and driveway. The buildings will be arranged in such a way that they will front onto a common green area. There are entrances on three sides of the buildings so there isn't really a front or back to the buildings. The diagram shows two different size structures although they may have more size options available.
- The site is relatively flat with a steep drop off in the back. The downhill side will have stormwater management facilities.
- The area around the homes will be mowed and the steeper back area will be left natural
- The sidewalks are internal loops that connect to sidewalks that meet the sidewalk that will be constructed along Route 366 – allowing residents a walkable area as well as access to the main road.
- They have included two small common areas for benches, bar-b-que, etc.
- There will be an outdoor area for garbage storage next to each house and each home will be responsible for their own garbage/recycling
 - o Concern was the number of garbage cans and recycling that will line the road on pick up days.
- Will there be a home owners association? Most likely, there will have to be someone to deal with maintaining the parking lot, mowing, waste water, etc.
- J. Kiefer pointed out that the Planning Board can strongly recommend a bus pull off along Route 366 and maybe something can be worked out to combine a bus stop/garbage station.
- There will be a covenant that guides what the building exteriors can be covered with. All of the buildings will be similar in appearance so the owners will only have a set number of options. The exteriors will be either wood or a stucco-wood combination.

- Will the new buildings fit with the home styles in Varna? Varna has a variety of buildings – some are historical, some are town houses, some are mobile homes, etc. This site will be more like the mobile home park which is almost its own community.
- How is this site, these buildings going to be sustainable?
 - o The buildings will be constructed with a thermal envelope of foam.
 - o all electric powered with air source pumps in addition to possible solar so there is the potential to be net zero
- The crawl space, if one exists, will be sealed and conditioned
- They have included pocket parks for the community with walkways around the complex
- Within 3 miles of Ithaca there are not many homes available for sale at less than \$200,000. The goal is to provide housing opportunities for young professionals and older retirees.
- the intention is for the buildings to be owner occupied, not rentals
- The fire department has not yet been contacted but they have met all the NYS requirements
- There are only 20 parking spaces as part of the attempt to reduce vehicle usage; encouraging bike or bus usage or vehicle sharing. Concern by the Planning Board was the potential of street side parking.
- How much lighting throughout the community? The parking area will be lit but they do not anticipate community lighting. Perhaps downward facing lights triggered by motion sensors. They will comply with the night sky lighting requirements.
- Storm water – the swale on the drawing is considered the “end” of the system.
- Planting plan – a plan will be submitted for the major trees but the homeowners will plant their own small plots. Guidelines can be created.
- Sewer and water will both be available
- Yard hydrants will be added if necessary
- Site lines from Freese Road appear to be improved from the current situation
- The potential exists of creating a car port over the parking area and putting solar panels on the roof. Mr. Demerest believes solar is more efficient off site and the homeowners can buy into one of the anticipated solar farms.
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The sketch plan will be presented next month at the Varna Community Center on April 27th.

Discussion on the deliberation process regarding site plan reviews: R. Burger

- Deliberations should end in a SEQR determination and a resolution to approve a site plan
- The process is where the administrative challenges to decision making by Town Boards.
- He wants to tighten up the process and proposed to create SEQR resolutions and approval resolutions before the site plan review.
- D. Weinstein asked how having the documents prepared before-hand creates the deliberation record.
- It makes sure all the points are addressed correctly, like the 239 review.

- M. Moseley agrees with R. Burger that having the prepared documents will be beneficial. He assumed there will be two options – one approving and one disapproving.
- The Board’s general feeling was that this is a good idea. R. Burger agreed he will attempt to get the documents to the Board a week prior to the meeting.
- J. Kiefer added that there are a couple of questions in the SEQR over which the Planning Board doesn’t have the knowledge to answer with certainty such as whether the project meets the State Energy Code. M. Moseley pointed out that is a question from Part one of the SEQR and thus the applicant is the one answering that question. The Planning Board does review the SEQR but they are not responsible for defending the applicant’s answer.
- Is it R. Burger’s intention to go through part one and offer an opinion on the veracity of the developer’s answers? Mr. Burger agreed he will provide his interpretation.
- Part three needs to be filled out if the Planning Board determined there was moderate to large impact. Low or no environmental impact does not need to have an explanation although it is an opportunity to provide more detail.

Amendment to renewable energy law: D. Weinstein

- D. Weinstein brought the amendment to the Board anticipating the potential of discussion and approval of the amendment but upon further review he determined there needs to be more discussion. When he sent the amendment around for review, he realized that there are a lot of questions still unanswered.
- The Commercial Guidelines do not require screening except for utility boxes.

Issues still unresolved with regard to permitting large-scale solar systems

The current law limits the size of a solar farm, so if that area is expanded, all of the issues related to that expansion need to be addressed. The charge from the Town Board was to recommend whether such limits should be relaxed, and, if so, recommend adjustments to the law that would specify the requirements under which large-scale solar expansions could be permitted. To do a better job with these requirements, some decisions would be useful for the following issues that have been brought up.

1. *Are we going to require fencing around electrical equipment (which is not typical around private home solar panels)?*
2. *Should there be an upper limit on how big a site could be?*
3. *What screening guidelines should be applied?*
 - o *There are not any screening requirements in the current renewables law, since these would potentially defeat the purpose of a solar system by blocking the solar radiation.*
 - o *There are no commercial guidelines requiring screening between commercial and residential uses. The only screening guideline is “All above ground utility boxes and similar facilities should be clustered and screened with landscaping.”*
 - o *Does the size of the property influence a need for a screening requirement?*
 - o *Does it make sense to require a vegetated buffering or screening; certainly*

a tall buffer will under-mine the potential power generation?

4. *Do we need to examine the difference between roof mounted and ground mounted?*

Roof mounted can be less obtrusive than ground mounted, with different requirements.

5. *Is there a difference is a commercial endeavor versus a personal, private system?*

6. *Do we need to consider solar rights/solar access?*

Who owns the rights to the sun, the person with tall trees along his property or the person who builds solar panels near the edge of his property that are then blocked by tall trees?

- J. Laquatra asked what the purpose is of fencing around electrical equipment.
 - for safety and to prevent trespassing
- 2.3 megawatts is the current thresholds for solar farms but there is legislation coming that might push it to 4 megawatts which equals farms of 12 acres and 20 acres respectively
- the larger solar farm are going to put fencing around the “farms” regardless of the Town’s law; does the Planning Board want to require fencing for the smaller operations – for example, a small group of 6 houses getting together to create their own little solar farm.
- C. Anderson asked about the height limit of 35 feet that is in the amendment. D. Weinstein said it was due to the maximum height in the zoning – buildings cannot be taller than 35 feet.
- Any solar farm is going to require a SUP if they are more than 2000 sq feet
- Farms are exempt from the SUP as long as they are only producing for their own use – a large dairy may actually use a 2.3 megawatt system
- The Board members agreed that the solar farms should be fenced
- Should there be an upper limit to the size of a site? It would depend on the zone or the community character
- J. Kiefer stated that he does not believe the solar farms should be allowed everywhere – solar farms do not belong in residential areas but small groups putting up a few panels are acceptable
- M. Moseley pointed out that with the site plan review checklist, the tools are available to funnel the solar farms to a certain area.
- Should screening be required? M. Moseley believes they should be required around the entire project. He specifically encouraged decorative fences in place of vegetation since they won’t grow over time and block the sun.
- C. Anderson strongly encouraged adding co-use to the amendment. Ie - grazing sheep under the panels
- roof mounted versus ground mounted? There isn’t an issue with screening in relation to roof mounted solar panels since roof mounted panels are less obvious; people don’t generally tend to look up nor will the panels be hugely different from roofing material anyhow.
- commercial versus a personal private system? If the commercial situation is one where people are buying in, then there isn’t any reason to differentiate the two. It

will be different if it is a small group of folks putting up 6-7 panels for their personal use.

- solar rights/solar access is a State issue. It has been determined that they cannot make you cut down your trees if you are there first but you cannot plant to shade a solar field. J. Laquatra will update the Board regarding this issue.
 - Currently the Town has a standard setback of 50' from other property
- Has there been any consideration to incentivize the use of roof tops for solar panels? What form can that take? R. Burger suggested a financial incentive. M. Moseley suggested an increase in permitted footage. D. Weinstein asked if there is a level of coverage that the Planning Board would be uncomfortable with. Right now the coverage is 60-70% depending on the district. Fire safety might be an issue – the Board would want to be sure the fire code is met.
- Solar panels are exempt from storm water regulations since the thought is that there is space between the panels which allows sufficient ground to absorb the water run off

Recommended changes to the definition of public utilities: J. Wilson

Please see attached documents.

- M. Moseley verified that a SUP is not required for a gas hook-up but is required for the installation of a gas pipeline. The existing local law can be (potentially) construed to require a SUP for a natural gas or electric connection to a home.
- D. Cipolla-Denis stated that the Town Board will have to adjust the law more to make clear that a SUP is not required for any public utilities hook-up, such as cable or electric. Transmission lines should need a SUP
- M. Moseley asked how a SUP will work on a transmission line since the SUP is connected with the individual property.
- D. Cipolla- Denis said the SUP would be on the easement or project which would be necessary before the line could be put in anyhow.
- M. Moseley said that there isn't anything in the zoning that connects usage to easements. Is it legal to have a SUP on an easement rather than with the property itself?

D. Weinstein offered the following resolution:

Whereas, the Town Board has charged the Planning Board to review and revise the definition of "Public Utilities"; and

Whereas, the Planning Board has revised the terms "public at large" to "public and private buildings and places within the Town"; and

Whereas, the Planning Board recommends removing the Special Use Permit requirement for individual lots with natural gas service pressure of 5 psi or less;

Therefore, be it resolved, the Planning Board submits the following resolution to the Town Board for consideration.

Seconded by J. Kiefer and approved 4 ayes - 1 nay

(the nay is based on a need for more information)

J. Laquatra said the **Green Building Codes** charge is ready and can be taken to the Town Board. New York State is moving toward a green building code and adoption of

the 2015 ICC recommendations will soon be adopted. J. Laquatra will review the recommendation and bring it to the Planning Board for a vote next month.

D. Cipolla – Denis said that the renewable energy law is a priority for the Town Board.

R. Burger asked advice from the Planning Board. The new zoning amendment was passed by the Town Board setting a 2 dwelling unit per acre limit in the rural residential, rural ag and conservation districts. That has created a few holes – areas in those districts that have public water and sewer service. He would like to increase the density permitted in those areas to 8 units per acre in those areas.

D. Weinstein said the conservation districts only have water service and he would not support increased density in those areas.

R. Burger indicated that east of Varna along Route 366, just outside the Hamlet boundaries, has sewer and water but they are currently limited to 2 units per acre. In the Hamlet, they are permitted up to 12 dwelling units

D. Weinstein was not in favor of expanding. He pointed out that there are plenty of opportunities for concentration in Varna, which is starting to happen. He questioned why we would want to string out developments along the route 366 corridor beyond what are considered the traditional boundaries.

D. Cipolla-Denis suggested incorporating that area into the Varna overlay district.

There being no further business, meeting was adjourned at 9:04PM

Respectfully Submitted,

Erin A. Bieber
Deputy Town Clerk

Recommended amendments to Dryden (Zoning) Town Law Article III and Section 900

Re Article III, Definitions: “**Public Utility**” (page 13) [See highlighted phrases.]

1) Current law:

Public Utility – Infrastructure and services that supply an everyday necessity to the **public at large**, such as Public Water and/or Public Sewer Facilities, electricity, natural gas, and telecommunications. A Public Utility may be owned and operated by a municipality or a private entity, or a combination thereof.

2) Recommended:

Public Utility – Infrastructure and services that supply an everyday necessity to the **public and private buildings and places within the Town**, such as Public Water and/or Public Sewer Facilities, electricity, natural gas, and telecommunications. A Public Utility may be owned and operated by a municipality or a private entity, or a combination thereof.

3) Intent:

To to ensure that the residents, public and private buildings in Dryden are served by any natural gas utility installation in the Town under the Town Law as amended by the Town Zoning Law and to make those Laws consistent with the 1951 Franchise Agreement with the predecessor to current natural gas supplier, NYSEG. To make possible the Town's negotiating for rent for use

of right-of-ways by utilities and private companies which are on or in Town-owned land.

Re **Section 900** (page 36): Add a new subsection E (1) to current law.

1) Current law:

E. Public utility facilities (including electric, gas, telephone and television cable) and necessary appurtenances thereto, shall be allowed uses in all zones by Special Use Permit.

2) Recommended:

E. Public utility facilities (including electric, gas, telephone and television cable) and necessary appurtenances thereto, shall be allowed uses in all zones by Special Use Permit.

(1) Nothing contained in this Zoning Law shall be construed as requiring a Special Use Permit for a natural gas connection to an individual lot where the service line pressure is 5 psi or less.

3) Purpose:

To ensure that residents and businesses are not burdened with the SUP process for simple connections to natural gas services.

Resolution to recommend to the The Town Board of Dryden an amendment to Town (Zoning) Law “Article III: Definitions” re the term, “Public Utility” (p. 13) and to add a new subsection “E” under current Section 900 (p. 36)

Whereas it is in the public interest to ensure that residents of Dryden and the public and private buildings in said Town be served by and receive all the benefits of infrastructure and services that can supply an everyday necessity such as Public Water, Public Sewer Facilities, electricity, natural gas, and telecommunications whether the infrastructure and/or services are provided, owned and/or operated by a municipality or a private entity or a combination of both; and

Whereas the current Town Law does not appear to make this purpose sufficiently explicit regarding the infrastructure and services involving natural gas; and

Whereas the current Town Law as it applies to natural gas appears inconsistent with a 1951 franchise agreement which purports to provide certain rights and privileges to an entity then wishing to provide natural gas infrastructure and services within the Town of Dryden and to the successors to this entity; and

Whereas it is believed to be in the public interest that the Town Law be made more consistent with said franchise agreement to maximize the likelihood that residents as well as the public and private buildings in Dryden receive all said benefits of infrastructure and services; and

Whereas matters pertaining to natural gas infrastructure and services can be comprehensively governed or regulated by one or more several jurisdictions in addition to the Town of Dryden and the matters themselves can be highly technical, it is important that the Town Board be advised regarding changes to the Town Law in such matters by attorneys experienced and actively practicing in them;

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Planning Board

Be it Resolved that the Dryden Planning Board recommends to the Town Board of Dryden that it amend the Town Law to make this purpose more explicit; and

Be it further resolved that the Dryden Planning Board recommends to the Town Board of Dryden that it consider amending the Town Law as described in the attached document "**Recommended amendments to Dryden (Zoning) Town Law Article III and Section 900**" subject first to a review by one or more attorneys experienced and actively practicing in areas of the law pertinent to the recommended changes and amendments.