

**Dryden Planning Board  
July 28, 2016**

**Members Present:** Joe Laquatra (Chair), David Weinstein, Marty Hatch, Craig Anderson, Marty Moseley and Tom Hatfield. John Kiefer and Joe Wilson, excused  
**Guests:** Noah Demerest, Buzz Dolph, Kim Michaels, Steve Hugo, Gary Sloan, Carol Whitlow, James Skaley, Simon St. Laurent, and Will Parker  
**Town Hall Staff:** Ray Burger, Planning Director  
**Liaisons:** Deborah Cipolla-Denis

The meeting was called to order at 7PM.

**Review and approval of minutes from June 23, 2016:**

D. Weinstein moved to approve the minutes as presented. M. Hatch seconded the motion which was approved with M. Hatch abstaining.

Tiny Timbers: Noah Demerest (Stream Collaborative) and Buzz Dolph (Builder)

- Mr. Demerest presented a slide show demonstrating the designs for the houses, how the houses are built and what the final layout will be of the site.
- “Mount Varna” still exists but the topographic information presented is from prior to the soil storage. The current project is limited to the upper area of the property.
- The prototype that was displayed was built on piers but the ones that will be built for Tiny Timbers will have a crawl space/basement.
- The builders will have a variety of sizes and options to personalize each building. The homes will range from 500 to 1200 square feet. The homes are relatively rustic but have modern amenities.
- The asphalt coverage has been reduced from previous plans and they have removed one of the potential lots so they are now proposing 15 lots.
- There will be 20 parking spaces.
- The storm water retention pond will be located on a lower level of the site and all of the water will be funneled in that direction.
- They will install a sidewalk along route 366.
- The Board was concerned about the garbage and recycling pick-up along route 366. They encouraged the developers to see if the home owners’ association can work with the local garbage companies to get the pick-up location within the complex.
- M. Moseley asked about lighting – they have not determined the final details. There will not be any large poles; most of the lighting will be associated with the homes. There will be some lights near the parking lot but they will probably be triggered by motion sensors.
- In terms of utilities, the application says that they have sufficient capacity. The engineer is working on verifying that fact.
- M. Moseley asked if they have checked with the local fire chief in regard to the driveway layout and fire protection. They are working through that process now.
- For the traffic analysis, have they reviewed the General Engineering Practices? No, but they will verify the traffic analysis.

- Their civil engineer is working on the SWPPP (Storm Water Pollution Protection Plan) right now so by next month the Planning Board will have access to information regarding the storm water retention, grading and planting plans.
- Mr. Dolph mentioned a potential phase 2 for this site. M. Moseley asked if they were incorporating phase 2 in the SWPPP? Mr. Demerest indicated that phase 2 is simply in the conversation stage with no real plans.
- C. Anderson asked that the Homeowners Association permit public access to the small park near the back of the site and include maintenance of open space. Mr. Dolph and Mr. Demerest stated that they will put together a draft Association agreement but it cannot actually exist until the project has been approved.
- Mr. Dolph and his attorney are already working with Cornell University to secure the border and easement.
- The project will have to get an area variance from the Zoning Board of Appeals due to the limited road frontage.

M. Hatch offered the following resolution:

**Whereas**, the Dryden Planning Board has reviewed the sketch plan for Tiny Timbers (intersection of NYS Route 366 and Freese Road) as presented by Noah Demerest, Stream Collaborative; and

**Whereas**, the Planning Board approves the sketch plan with the attached recommendations;

**Therefore**, be it resolved, the Planning Board recommends the Zoning Board of Appeals grant the applicant an area variance to permit a reduction in lot frontage.

**Recommendations:**

- The applicant is strongly encouraged to include a bus pull off along NYS Route 366.
- Design a method for internal trash and recycling collection.
- Verify fire safety compliance with the Varna Fire Department and the Code Enforcement Office.
- Develop a rough draft of a Home Owners' Association agreement.
- Verify the maintenance of open space.

The motion was seconded by C. Anderson and unanimously approved.

**Public Hearing: Evergreen Town Houses** Concept Plan, 1061 Dryden Road  
Kim Michaels, Steve Hugo and Gary Sloan (owner)  
The hearing was opened at 8:12PM.

**Public Comments:**

**James Skaley:** Please see attached statement.

- In looking at the Town zoning and conventional concepts related to a PUD, this plan does not fit his interpretation. Access by the public is lacking and the concept of some kind of commercial business that would encourage the congregation of residents. He submits that this project does not fit within the community plan or zoning definitions.

**Carol Whitlow:**

- When she bought her single family home, chickens running across the street, she had no idea that such a commercial/industrial development, not across the street, but across the little dirt road (her driveway). This project is extremely out of character and she cannot imagine how this can be considered. It is a beautiful piece of property that adjoins the rail-trail, it is up off the main road so for a single family home it would be a nice and peaceful place. The natural spring makes it a unique piece of property.
- She hopes the Planning Board will listen to the voices of those people that have written letters, the people of Varna that created the wonderful comprehensive plan and the Tompkins County principles that are a great guide for where we want to go. She is not standing in the way of progress. She has always been at the forefront of progress but she is concerned about regretting the use of the property.

**Simon St. Laurent:** 1259 Dryden Road

- Mr. St. Laurent was not planning on attending the meeting tonight but after a treacherous drive home, he began comparing the situation he was in during his drive with the conditions surrounding 1061 Dryden Road.
- Some of the conditions are the same, the proposed location is on a similar hill, with possibly worse visibility, lots of gravel and concrete trucks and, at this section, the road has concrete walls so there aren't any shoulders.
- Although this is not a huge development, it is enough to make the traffic pattern weird there. He does not believe this development is on the "correct" side of the road, getting in and out of the driveway is challenging.

**Will Parker:**

- He did not attend to speak but to support the prior speakers.

**Discussion:**

- There was a short discussion regarding the PUD process. At this point, the plan is a "concept plan" which is a general overview of the potential development. At this point, the Planning Board is looking at the land use. The Development Plan will be submitted after the Town Board has also approved the concept plan.

Ms. Michaels presented the updated concept plan for Evergreen Townhouses.

- 6.5 acre site
- 1/3 of a mile from the Freese Road, Mt. Pleasant, Route 366 intersection
- The site is currently zoned rural with the adjacent zones allowing 11 units per acre with 60% green space. The proposed PUD will have 5.5 units per acre with 68% green space
- Current zoning would permit subdividing the land and creating multiple single family homes similar to the Tiny Timbers project but that will affect the land greater than the current proposal. The PUD will maintain the steep slopes and natural vegetation and won't have to fill low areas. This concept plan also proposes to rebuild the rail trail and provide the Town an easement; that is almost 2 acres (758 linear feet of trail) of public space.
- The other main concern is traffic. From the traffic study, at peak hour, about 19 vehicles will be exiting the site. A standard for traffic engineers and DOT is 100 trips or more at peak hour therefore from the view of the study, the vehicular impact is minimal.

- D. Weinstein indicated that there is a major difference between a traffic study which looks at numbers versus a situation like this, where vehicles are attempting to make a left hand turn into a downhill lane during a peak traffic time.
- C. Whitlow added that last week as she traveled from Varna to Dryden, the traffic was solid at 7:40 am. She also indicated that the weather also creates very difficult conditions in the winter.
- T. Hatfield suggested that a recommendation to the Town Board might be to limit the exiting vehicles to right turns only during certain hours.
- J. Skaley stated that there is a traffic enforcement/safety problem in Varna already. Most traffic fails to adhere to the 30 mph that is posted.
- M. Moseley asked if there is a section in the traffic study that indicates the time of delay for a vehicle making a left hand turn at peak hour. There is a chart in the traffic study that indicates that with existing conditions the wait will be 15 to 15.9 seconds before you can make the turn. D. Weinstein is concerned about the wait time when added to human nature. He feels that makes a dangerous combination.
- M. Hatch pointed out that the comparison of the proposed development and the Freese Rd, Mt. Pleasant and Route 366 intersection is like comparing apples to oranges. He suggested comparing the proposed PUD driveway/ Route 33 intersection with the Hillside Acres intersection (across from Forest Home Drive).
  
- D. Weinstein reviewed the purpose of the PUD according to the Dryden zoning definitions:

A Planned Unit Development (PUD) is “An area of land intended to provide for a variety of land uses planned and developed in a manner which will provide a community design that preserves critical environmental resources, provide above-average Open Space amenities, incorporate creative design in the layout of Structures, Green Space and circulation of vehicles and pedestrians; assures compatibility with surrounding land uses and neighborhood character; and provide efficiency in the layout of Highways, utilities and other Municipal Facilities.”

- D. Weinstein stated that part one (critical environmental resources) is being addressed with the rail trail although it is only a small section that meets that requirement.
- He does not believe the proposed PUD provides “above-average Open Space amenities.” D. Weinstein indicated the Tiny Timbers project as good example of above average open space. (1061 Dryden road is proposing 68% open space and Tiny Timbers is proposing 70%)
- M. Hatch does not believe creative design features can be discussed yet as the Planning Board does not have enough material/information at this point.
- D. Weinstein does not feel the project is compatible with other homes on that side of the road or the surrounding area. Ms. Michaels pointed out apartment buildings, town house developments and a mobile home park in the hamlet. She feels there is already a mix of homes in the hamlet and this project will fit.
- D. Weinstein stated the project is using public sewer and water but that efficiency is undermined by the traffic issues.
- M. Hatch asked about whether there is a bus line? Yes, the bus stops on the opposite side of the road from the project. Bikes and pedestrians can use the adjacent trail.

- M. Moseley asked about fire department requirements. Ms. Michaels stated that she has not yet talked to the fire department but she will contact the fire chief for his approval.
- D. Weinstein expressed concern about back yard setbacks and the interaction of this site with adjacent properties.

The public hearing was closed at 9:18PM.

*M. Hatch offered the following resolution:*

**Whereas**, the Dryden Planning Board has reviewed the Evergreen Townhouses concept plan; and

**Whereas**, the Board believes the concept plan does meet the requirements for a Planned Unit Development (PUD); and

**Whereas**, the Board has determined there to be several areas that need further consideration and research;

**Therefore, be it resolved**, the Planning Board approves the concept plan with the following conditions:

- Conduct further studies concerning the traffic flow and traffic safety, including sight distances and accident data.
- Consult with the Varna fire department regarding fire apparatus access; verify consistency with the New York State Fire Code; and verify access road compliance with the Town of Dryden Planning Department.
- Provide an adequate buffer with adjoining parcels
- Complete a full Storm Water Pollution Prevention Plan (SWPPP) in accordance with the Town of Dryden local laws and NYS Department of Environmental Conservation standards.

*The motion was seconded by T. Hatfield and approved by a majority vote of 5-1.*

**Other Business:**

**Renewable Energy Law:**

*M. Hatch moved to approve and forward to the Dryden Town Board the resolution submitted by D. Weinstein regarding the Town of Dryden's Renewable Energy Law with the following amendment:*

- *R. Burger, Planning Director, will create the language of the law.*

*The motion was seconded by D. Weinstein and unanimously approved.*

Resolution to recommend to The Town Board of Dryden to amend the Renewable Energy Law (Local Law 5, 2006) to allow larger scale solar installations
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Whereas it is in the public interest to provide for and encourage renewable energy systems when measures are taken to minimize adverse impacts on neighboring properties and protect the public health, safety and welfare, and

Whereas the current Town Renewable Energy Law (Local Law 5, 2006) restricts roof- or building-mounted solar collectors to those with a total surface area not to exceed 2,000 square feet, and

Whereas solar systems with more than 2000 square feet of collecting area, but less than 2 MW of AC electric production can benefit the residents of Dryden by offering a renewable source for some of their power needs or the needs of other electric grid electricity consumers, and

Whereas community solar installations managed by a community solar facility, can benefit residents by offering them a way to use solar power without mounting panels on their house or yard,

Be it Resolved that the Dryden Planning Board recommends to the Town Board of Dryden that it amends the Renewable Energy Law to permit with more than 2000 square feet of collecting area but less than 2 MW of AC electric production in Conservation, Rural Agriculture, Mixed-Use Commercial, and Light Industrial zoning districts with Special Permit Approval, and

Be it further Resolved that the Dryden Planning Board recommends to the Town Board of Dryden the amendments to the Renewable Energy Law include consideration of performance, decommissioning, and abandonment security bonds, height limitations, sufficient boundary setbacks to avoid conflicts in access to solar energy, and minimization of glare and other eyesore qualities.

Be it further Resolved that the Dryden Planning Board recommends to the Town Board of Dryden that these amendments discourage solar installations on prime farm lands and in areas of potential environmental sensitivity, such as flood plains, culturally significant locations, wetlands and their buffers, protected conservation lands, and County Unique Natural Areas.

Be it further Resolved that the Dryden Planning Board recommends to the Town Board of Dryden that these amendments require that the lease agreements be approved by the town to insure they contain sufficient protections for the landowner and the long-term usability of the land.

**Review of Town Infrastructure:**

The Planning Board asked J. Laquatra, Planning Board Chairperson, to forward the resolution presented at the Planning Board on June 25, 2015 to the Dryden Town Board for their reconsideration.

***Craig Anderson offered the following resolution (#8):***

***Whereas, the Town of Dryden has guidelines regarding specific infrastructure within the Town of Dryden including telecommunications, adult entertainment and billboards; and***

***Whereas, those guidelines do not cover all aspects of infrastructure development; and***

***Whereas, changes in technology, higher demands on the infrastructure and the development of new infrastructure require contemporary assessment; and***

*Whereas, ensuring proper adherence to the recommended installation of infrastructure including, but not limited to, a project review by a professional chosen by the Town of Dryden will protect and enhance future land use; and*

*Whereas, the citizens of the Town of Dryden should not be held liable for destruction of property, a failed or abandoned project, or the enforcement of local laws and zoning; and*

*Whereas, codifying and updating the current knowledge base will expose areas of concern and loopholes that may be harmful to the best interests of the Town of Dryden while enhancing the review and update of the Comprehensive Plan;*

*Therefore, let it be resolved that the Town of Dryden Planning Board requests that the Town Board grant the Planning Board permission to review the infrastructure (telecommunications, underground transmission lines, etc) guidelines and recommend changes.*

*Seconded by Tom Hatfield and unanimously approved.*

There being no further business, the meeting was adjourned at 9:30PM.

Respectfully Submitted,

Erin A. Bieber  
Deputy Town Clerk

**James E. Skaley, Ph.D.**  
940 Dryden Rd.  
Ithaca, N Y 14850

(607) 256-1617

MAY 19, 2016  
JESkaley@aol.com

To Members of Dryden Town Board

RE: Two proposals for housing development in Varna

Firstly, housing is a priority in Tompkins Co. with very limited affordable units for first-time buyers and middle-class incomes and rents have increased as a result of a vacancy rate of 1% or less. With Cornell continuing to expand enrollment, the pressure continues to press middle-class families from obtaining affordable housing. This combined with income inequality has led to a shrinking middle-class nation-wide according to Pew research polling.

Two proposals were recently presented to residents at the Varna Community Ctr during a planning board meeting. The first is entitled **Tiny Timbers** subdivision. This proposal is designed for affordable housing for units to be built and sized by prospective owners. It is proposed in two phases. The concept improves upon the previous site plan approved for this site that proposed rental units. As such **Tiny Timbers** comports much more closely to the Varna Plan which is meant to encourage more owner-occupied single family units. Subject to final design I strongly support the concept and urge the Board to move to approve a special use permit to allow the project to move forward.

The second proposal **Evergreen Townhouses** is for a PUD at 1061 Dryden Rd just beyond the boundaries of the Varna Plan but adjacent to the proposed trail.

The conventional concept of a PUD is described as follows:

*Planned unit developments, or PUDs, are **homeowner communities** that are operated by an association and designed to offer amenities and features not found in traditional **subdivisions**.  
Planned unit developments, or PUDs, are homeowner communities that are operated by an association and designed to offer amenities and features not found in traditional **subdivisions**. [homeguides.sfgate.com](http://homeguides.sfgate.com).*

This proposal is located in an RR zone where where single and two-family houses predominate. There is no mention of a PUD as an allowed use. An exception can be made for multiple unit subdivision or housing with a SUP. A PUD is a different concept than either as described above. The zoning for a PUD also requires a number of amenities to be incorporated along with features that either have a mix of commercial and residential with open space and/or are designed to be home-owner communities. The 1061 proposal as described in a presentation are for rental (likely student) and the density of 36 townhouses exceed what might be normal density. I also contend that this project does not

meet the test of a PUD as it lacks adequate elements especially as it might benefit the Varna community.

As indicated in the proposal the maximum that might be allowed on this RR site would be a subdivision of approximately fourteen 10,000 sf lots, each of which could contain a two-family home, for a total of 28 possible units. Development in this manner would result in impacts to existing vegetation and divide open space in a traditionally suburban layout. 14 vs. 36 is a big difference.

The only stated amenity proposed is to surface the portion of the trail that crosses the parcel boundary and deeding that to the Town. There is a tiny picnic area near the entrance--distant from most of the units. There are no other community based proposals that the public could utilize. There is no time table for when the trail could be completed; therefore this proposal would have no current benefit to the community and marginal benefit to the Town. (Ref. sec 802 (E)(2) Town zoning)

Its questionable that the project has sufficient parking allowed, if these are to be rental units and if they are renting to un-related individuals. The zoning indicates:

For each Dwelling Unit—one parking space, except for Dwelling Units occupied by more than three unrelated persons where one parking space per bedroom shall be required. The site plan suggests one parking space/unit.

The proposal shows these as three-bedroom units; therefore, its permitted under the zoning to limit each unit to 1 parking space. How are they going to accommodate other parking if these are rented to unrelate individuals?

Even if these units are rented solely to families which would be more desirable, there still doesn't appear to be sufficient parking if families have additional cars.

The site is located on an elevated site with a steep grade from 366 to the parcel. A bus stop is located across 366 but at a elevation higher (to the east) than the proposed driveway making crossing the highway during commuting time hazardous at best especially since on-coming traffic will be accelerating from the 30 mph zone to a 40 mph zone but with traffic frequently traveling much faster. The same for traffic moving down slope from the east-in the west bound lane.

Finally, while there is sewer/water near the site, as had been indicated at the PB meeting, Varna is limited to 200 additional hook-ups--some of which are now allocated to the 902 site approved and with more for the Tiny Timbers site if approved. The Varna Plan proposes a more dense mixed use, possibly a PUD, at the corner of Mt. Pleasant and 366. And other possible developments have been suggested in the Varna Plan District. Adding 36 units at 1061 would likely bring the remaining total down close to 100 hook-ups. That could severely limit



July 28, 2016

Dear Dryden Planning Board and Town Board members,

I am opposed to the Planned Unit Development proposed for 1061 Dryden Road. I strongly recommend that you not approve this proposal.

The Planned Unit Development works directly against the Varna Plan whose objective is to focus growth directly in the hamlet from the Forest Home Drive intersection with Route 366 to just beyond the intersection of Route 366 and Freese Road. Our community can best grow through encouraging owner-occupied housing, which tends to bring in people who want to become involved in the community. This project would add more rental units, which tend to be filled with temporary residents and students who do not become active in the life of the hamlet. Varna is already are overloaded with rental units.

We need more owner-occupied housing and not more large units of temporary renters in order to gain the sense of community that current residents desire for the hamlet of Varna. I have lived in Varna for 30 years and am eager to live in a place where I know my neighbors. This sense of community is more likely to happen if my neighbors are fellow homeowners and not transient renters.

In addition, this type of development does not add to the tax base but actually costs the town more in services to the residents. Finally, this type of development would directly deteriorate the rural character of the neighborhood on the south side of Route 366.

I urge the town not to approve this PUD.

*Christina Stark*

Joseph M. Wilson

75 Hunt Hill Road  
Town of Dryden  
Ithaca, New York 14850  
July 21, 2016

**Comments for the July 28, 2016 Hearing on “Evergreen Townhouses  
Planned Unit Development” Concept Plan Submission**

To All that This Concerns,

I will be traveling at the time of this Hearing and wanted to be on record with the comments below.

**I. As Others Have Commented, the Current Concept Plan Does Not Include Most of the Design Components Which Characterize the Standard “PUD” Design:**

Without repeating the previously submitted comments on file from Mr. Skaley and Mr. Weinstein, I join them in questioning whether the sponsor's current proposal conforms to the classic descriptions of a “PUD.” If members of the respective Planning and Town Boards agree, I urge them to consider requiring changes to conform the proposal to classic PUD parameters as a condition to making the requested PUD change to the Town's zoning law.

**II. The Concept Plan Submissions Should Be Amended in the Following Areas of the Sponsor's “PROJECT DESCRIPTION & PROPOSED AMENITIES”:**

Re. “Building Design” at p. 4/5: Because the conservation of energy and reduction in greenhouse gas emissions are increasingly a matter of public attention in our Town as important to the health, safety, and welfare of our Town and County, and because they are the subject of much specific direction from the State as summarized in “III” and “IV” below, the sponsor should be required to provide more specific information regarding the energy efficiency of its proposed buildings.

In particular, the standard or standards to which the buildings are going to be built like “LEED,” “Net Zero Energy,” or “American Passive House” should be described.

Local experts<sup>1</sup> say that combining aspects of these specific standards can create greater benefits than any one of them and that an optimum outcome would combine the best characteristics of LEED Platinum, Passive House, and Net Zero Energy. Apparently there is modeling software available to provide such analyses. The modeling costs are reportedly a very small investment in relation to the overall costs of a project, and the energy modeling will reap large benefits in energy savings and greenhouse gas emission reductions.

It is also important to know that NYSERDA provides subsidies for energy modeling and specialized equipment for high energy performance new construction projects.<sup>2</sup>

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1 For example, Taitem Engineering

2 NYSERDA’s PON 1601 Rev1 makes \$19 million available until the end of 2017 (or until the funds are fully committed) to offset a portion of the energy modeling and incremental capital costs to purchase and install energy-efficient equipment to reduce energy consumption. Financial support is based on the anticipated building energy efficiency improvements. A Green Building Bonus is offered to encourage applicants to integrate green

Re. The reference to “high efficiency ... mechanical systems” at the end of the paragraph “Building Design” at p. 4/5: Given the sponsor's plan to use natural gas/methane as a primary energy source, the mechanical systems it will use should be specified. In presentations around the County in 2015, it was made clear that high efficiency heat pumps were more efficient for HVAC than gas, added little or nothing to building costs, and led to equal or better returns on investment over the mid-to long-term.<sup>3</sup>

Re. “Utilities” at p. 5/5: Cornell Professor Emeritus Tony Ingraffea has recently found seemingly significant leakage in the currently-used, 50+ year-old, Ithaca-area gas infrastructure,<sup>4</sup> and the State's Comptroller has faulted the Public Service Commission for its lax oversight of the State's natural gas pipeline system.<sup>5</sup>

The Varna area's system is apparently of the same age as Ithaca's. A leaky system of that age would have already created public safety, public health, air pollution, and emergency services concerns. It follows that, because this project will require a constant supply of substantially more gas than current minimal usage, the actual state of the system which will serve the new project should be determined. Arguably, as the sponsor of this substantially increased demand on the system, the sponsor should be responsible.

Therefore, for all the reasons above, the Planning Board should require greater detail and specificity in these areas. Doing so will not unduly burden the project sponsor and will provide important information to our Boards and residents by which to judge the appropriateness of the project for a PUD zoning change and for the required permits.

**III. As Lead Agency, the Town should revise portions of what it has proposed in the draft Short Environmental Assessment Form (SEAF), PART II. Specifically, “C4” should be revised to note the potential adverse impact of using natural gas (methane) and “E” should be revised to note a controversy exists or is likely to arise regarding the uses of methane, resulting greenhouse gas emissions, alternative energy sources, building efficiency, and alternative HVAC technologies.**

Re. “C. COULD ACTION RESULT IN ANY ADVERSE EFFECT ASSOCIATED WITH THE FOLLOWING: C4. “... a change in use or intensity of use of land or other natural resources?” It should be noted that there will be a substantial change in the amount of natural gas used on site because there could be as many as 108 additional natural gas users housed in the proposed project. Accordingly as “prescribed” in the DEC's *The SEQR Handbook, 3rd Ed., 2010* at Paragraph 36: “The extent to which a proposed action may cause permanent loss of one or more environmental resources should be identified [in an Environmental Impact Statement] as specifically as possible based upon available information. Resources which should be considered include...use of fossil fuels in construction or operation of the project.” (p. 127)

Although it has not been decided whether an “EIS” will be required, that determination

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building practices through either Leadership in Energy and Environmental Design (LEED®) or New York Collaborative for High Performance Schools (NY-CHPS) certification.

3 See “Building and Heating with the Climate in Mind,” <https://sustainabletomkins.org/tag/gas-pipeline/>; includes link to the video presentation of March 2015

4 See, “Assessing Ithaca's Methane Emissions from its Natural Gas Pipeline Distribution System and Point Sources” and “A Brief Narrative for the Presentation Entitled, 'Assessing Ithaca's Methane Emissions from Its Natural Gas Pipeline Distribution System and Point Sources',” January 13, 2016 in my possession.

5 See “Public Service Commission Pipeline Safety Oversight,” retrieved 6/29/16 from: <http://osc.state.ny.us/audits/allaudits/093016/15s31.htm>

cannot be competently made in the face of the proposed increase in natural gas use without first obtaining the information described.

Re. “E. IS THERE OR IS THERE LIKELY TO BE CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?” It should be noted that some participants in the meeting in Varna where the project was introduced expressed opposition to the use of natural gas as an energy source for the project as well as concern for the resulting greenhouse gas emissions. Some also expressed a desire for the sponsor's using alternative sources of energy whether provided on or off-site. Some expressed support for the use of “alternative” HVAC technologies (i.e. various kinds of heat pumps) and building to the highest efficiency standards (i.e. LEED, Passive House, Net-Zero). In part it appears that this interest has been sparked by the presentation in the Dryden Town Hall (as elsewhere in the County) in the past 18 months of a program called “Building with the Climate in Mind” which details the benefits of these approaches.<sup>6</sup>

In addition the County Legislature has recently passed goals for the reduction in the community's use of energy and generation of greenhouse gases 20% by 2020 and 80% by 2050 in its “Energy Road Map.” This has also heightened interest in the community regarding these matters. An example is the amount of public input in the resulting EIS Scoping Document just completed by the Ithaca Town Planning Board for the redevelopment of Cornell University's Maplewood Apartments.<sup>7</sup> Significantly Maplewood is near the proposed site for the Evergreen Townhouses and both projects seem designed to attract the same clientèle—graduate students. Another example is the high level of public approval for another Dryden Road project, “Tiny Timbers,” where the proponents have indicated they will be using solar driven heat pumps for HVAC and will be building approximating Passive House standards.

**IV. As Lead Agency, our Town should Require Appropriately Complete responses regarding Energy Use and Greenhouse Gas Emissions by the project sponsor in the “FULL ENVIRONMENTAL ASSESSMENT FORM (FEAF) which the Sponsor is Responsible to Prepare:**

Part I—PROJECT INFORMATION A. SITE DESCRIPTION 21: Will the project result in an increase in energy use? Sponsor's Response: “Yes ... The increase in energy use will be commensurate with the addition of 36 residential units.”

That as many as 108 additional persons will be using gas is a substantial increase in energy use over what currently exists, and it is likely to generate a proportional increase in greenhouse gas emissions—CO<sub>2</sub> and methane. These facts make the make the cursory response quoted above inadequate in light of DEC/SEQR policy.

In its *The SEQR Handbook, 3rd Ed., 2010*, the DEC “prescribes” the information which Towns should have in order to determine the whether an increase in energy use proposed by a building project sponsor is such that an Environmental Impact Statement should be required.<sup>8</sup> At

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6 See “Building and Heating with the Climate in Mind,” <https://sustainabletompkins.org/tag/gas-pipeline/>; includes link to the video presentation of March 2015

7 See for example: “Maplewood Energy Use Becomes Issue,” *Ithaca Times v. XXXVIII*, no. 44, June 29, 2016.

8 Regarding any Town's obligation to require such an assessment, see the first sentence in the Handbook, “The SEQR Handbook provides agencies [i.e. Towns], project sponsors, and the public with a practical reference guide to the procedures *prescribed* [my emphasis] by the State Environmental Quality Review Act (SEQR)--Article 8 of the Environmental Conservation Law.” *The SEQR Handbook, 3rd Ed., 2010* no. 44, “What must be covered in

a minimum this should include “energy sources to be used during both construction and operational phases of the proposed project. Anticipated levels of demand or consumption should be quantified or estimated as accurately as possible given available information. \*\*\*”<sup>9</sup>

Moreover, the DEC's *SEQR Handbook* calls for analyses of the greenhouse gas emissions which result from increased energy use. Again, our Boards will not be able to assess the potential for an adverse environmental impact resulting from the sponsor's plan without a more complete description of both energy use and emissions. Therefore, the sponsor must be required to do such an analysis so that the Boards can weigh the significance of the project's environmental impact. (Another DEC publication, *Guide for Assessing Energy Use and Greenhouse Gas Emissions in an Environmental Impact Statement*, provides the methods for doing so.)<sup>10</sup>

In short, the Town is obligated to obtain information on the kinds and amounts of energy to be consumed by the project. It also must obtain information on the resulting greenhouse gas emissions. To decide to issue the requested permits and, arguably, the requested PUD without this information could make decisions arbitrary, capricious, and subject to challenge.

Additionally, it appears that the Town has the power under SEQR and/or as a condition for creating a PUD to require the sponsor to mitigate the impacts of its choices of energy, building efficiencies, and HVAC technologies and/or to require the sponsor to pursue alternatives. For these additional reasons, the Town should require the sponsor to provide the energy and emissions information described during the Concept Planning Process.

Respectfully submitted,

// Joseph M. Wilson

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an EIS regarding the use and conservation of energy resources?” found at:  
[http://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/seqrhandbook.pdf](http://www.dec.ny.gov/docs/permits_ej_operations_pdf/seqrhandbook.pdf)

9 What would be expected in a full EIS can include much more: (1) a qualitative discussion of the GHG's resulting from the construction phase, (2) a quantitative description of post-construction direct emissions from the project (“typically result[ing] from combustion of fossil fuels for heat, hot water, ...”), (3) a quantitative description of post-construction indirect emissions including “off-site production of electricity, heating, or cooling which will be used on-site ... purchased through a utility,” and (4) indirect emissions from mobile sources including “trips generated by vehicles that are associated with the proposed project but not owned and operated by the project proponent” such as commuting residents. See the DEC's *Guide to the Assessment of Energy Use and Greenhouse Gas Emissions in an Environmental Impact Statement, July 2009*, which can be found at [http://www.dec.ny.gov/docs/administration\\_pdf/eisghgpolicy.pdf](http://www.dec.ny.gov/docs/administration_pdf/eisghgpolicy.pdf).

10 The justification for considering the greenhouse gas emissions caused by use of fossil fuels in a building is provided in section “45” of *The SEQR Handbook*, “Why must GHG be included in the energy use and conservation discussion?” at p. 130.

# Dryden Planning Board

## July 28, 2016

Please sign in below:

*James E. Staley*

*Carol Whitman*

*Carl [unclear]*

*Caleb Dolph*

*Burt Dolph*

*Simon St. Laurent*

*1759 DRYDEN ROAD*

*Gary Sloan*

*Will Parker*



<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DESCRIPTION	DATE				<h2 style="margin: 0;">VARNA TINY TIMBERS</h2> <p style="margin: 0;">NICK BELLISARIO</p> <p style="margin: 0;">TOWN OF DRYDEN, NY</p>	<p><b>STREAM COLLABORATIVE</b></p> <p>3155 CLYDE RD          ITHACA, NY 14850          607.255.1820          www.streamcollab.com</p>
NO.	DESCRIPTION	DATE						
<p>SITE LAYOUT PLAN</p> <p><b>L102</b></p> <p>1" = 20' 0"</p>								
<p>Project #: 201606          Date: 2016.06.29</p>								