

**Planning Board
September 22, 2016**

Members present: Marty Moseley (Chair), Tom Hatfield, Craig Anderson, David Weinstein, Marty Hatch, John Kiefer, and Joe Wilson

Town Hall Staff: Ray Burger, Planning Department

Guests present: Nickolas Bellisario, Nick Bellisario, Ormsby Dolph, Caleb Dolph, Don Hartman, Jim Skaley, Will Parker, Laurie Snyder and Kim Klein

Liaisons present: Deborah Cipolla-Dennis

The meeting was called order at 7:03PM.

Public comment period:

- There were no public comments.
- The public comment period was closed at 7:04. Moved by D. Weinstein and seconded by J. Kiefer. No discussion. Unanimously closed.

Review and Approval of Minutes from August 25, 2016:

D. Weinstein moved to approve the minutes as presented. The motion was seconded by C. Anderson and approved with J. Wilson abstaining due to absence.

**Public Hearing: Tiny Timbers Subdivision, 5 Freese Road
Ormsby Dolph and Nickolas Bellisario**

The public hearing was opened at 7:05 PM.

- Mr. Dolph indicated that they have spoken to the Varna Fire Chief and have, per his request, added a fire hydrant.
 - The Chief expressed concern about being able to get to lots 13, 14 and 15. They have therefore widened the driveway to ensure the fire truck can get back into those lots.
 - They have not received a response from the Chief yet regarding the changes.
- To address the issue of garbage and recycling on the main road, the developer has designated a recycling area for pickup on the west side of the driveway within the development and dumpsters have been placed in a location (the lower southwest corner) that will, hopefully, encourage recycling.
- They have created a sidewalk on the west end down to Freese Road.
- The Cornell easement/agreement from 1987 indicates that there needs to be a visual barrier between Cornell property and the property under consideration. Nothing has been done so far in terms of a visual barrier. The developer has a meeting with Cornell next week to determine whether that agreement needs to be upheld.
- Currently there is a bus stop at the site. The developer is waiting to hear from T-CAT in regard to what they want at that location.
- The work on Route 366 via the TIP (Transportation Improvement Program) (paving, sidewalks, etc) will be planned in 2017 for construction in 2019. The developer is planning on installing sidewalks and curbs.
- D. Weinstein has concerns with the garbage; he prefers that everyone has to be responsible for their trash rather than a central dumpster due to the likelihood of residents simply tossing everything rather than recycling.

- J. Kiefer asked about the sidewalk and the slope. Mr. Dolph indicated that they are grading the land to ensure a 5% slope which is ADA compliant.
- M. Moseley asked if the sidewalk will be turned over to the municipality after construction. It is being constructed in the state right of way but it will be the property owners' responsibility to maintain the sidewalk.
- The developer is stating that he will not only meet but exceed the current energy code.
- D. Weinstein indicated that if the lower section of the property were to be developed, he hopes that the connection (the steep slope on the west side of the property) between the two areas "fits" with the green community space idea.
- Mr. Dolph has to file a homeowners' agreement with the State but he cannot do that until he has full approval from the Planning Board. C. Anderson pointed out that the Planning Board cannot approve the site plan until they have, at minimum, a draft of the agreement.
- M. Moseley asked if the winding trail that they had agreed to at the last meeting will still be integrated. Mr. Dolph indicated that although the trail is not identified in the current drawing, the developer still intends to incorporate the trail; they are waiting to meet with Cornell University to determine what is going to happen in the buffer area to the north of the property.
- R. Burger is going to check with the NYS DOT to determine if the Town Design Guidelines conflict with the construction of the proposed sidewalk.
- There will be a centralized mail box.
- **Town Law 280A, Open Development**
 - R. Burger has suggested that the proposed development would be better under Town Law 280A which then will have to go to the Town Board for approval in regard to the frontage requirements. By declaring it an Open Development, the lack of road frontage for the interior lots will be mitigated.
 - Mr. Dolph indicated that the engineer has changed the frontage from 40 to 45 feet to meet the frontage requirement, considering the common area and the private drives as the frontage.
 - R. Burger pointed out that there are three (3) lots that do not have frontage. Frontage on a sidewalk does not count. The frontage on the driveway can be stretched to be road frontage.
 - D. Cipolla- Dennis indicated that she does not believe getting Town Board approval of the project as an Open Development will be difficult.
- Mr. Dolph expressed his frustration with the rules; he feels he is being asked to jump through hoops to get this project going.
- D. Weinstein pointed out that the Planning Board has a lot of flexibility when it comes to subdivisions and wondered whether the State is forcing the Planning Board to enforce frontage requirements. T. Hatfield agreed with R. Burger; the point is to avoid ending up with an "orphan lot" wherein a property owner has no legal access rights to their property.
- If the developer accepts R. Burger's suggestion and goes to the Town Board for an Open Development designation with the recommendations from the Planning Board, he believes the public hearing and designation can happen at the October 20th Town Board meeting.

- R. Burger is also concerned about the front, rear and side setbacks. The drawings show the largest size building that will be on the property. Most of the houses will be smaller and thus possibly meet the set back requirements. The developer will need a variance to the setbacks. The Open Development designation only deals with the frontage.
- D. Weinstein asked if this was a Conservation Cluster Subdivision. Cluster Subdivisions are not part of the Varna Plan. D. Weinstein recommended that the Planning Board consider changing that to permit Cluster Subdivisions in Varna.
- R. Burger indicated the fastest way to get the project approved is to grant Planning Board approval of the project with conditions, the applicant then has to appear before the Town Board for Open Development approval and the ZBA for setback variances. That method should get him approval by early November.
- The applicant expressed concern regarding the additional fees.
- Ms. Snyder asked about the amount of open space that the Tiny Timbers project will provide for kids playing and adult recreation.

Review of State Environmental Quality Review

- Please see attached Short Environmental Assessment Form
- Part one questions:
 - D. Weinstein asked about the answer to E2H (page 11) regarding wetlands on the property. He believes the answer should be “no”. The Board agreed with his assessment.
 - D. Weinstein also questioned the answer to E2Q (page 12) regarding recreational usage of nearby property (hunting, fishing, trapping, etc). The answer to this should be yes. The Board agreed with his assessment.
- Part Two: M. Hatch read part two into the record.

RESOLUTION #19 (2016) – NEG SEQR DEC – 5 Freese Road, Nickolas Bellisario and Ormsby Dolph

M. Hatch offered the following resolution and asked for its adoption:

WHEREAS,

A. The proposed action involves consideration of the application of Nickolas Bellisario and Buzz Dolph for a subdivision located at 5 Freese Road, Varna, NY.

B. The proposed action is an Unlisted Action for which the Planning Board of the Town of Dryden is the lead agency for the purposes of uncoordinated environmental review in connection with approval by the Town.

C. The Planning Board of the Town of Dryden, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law – the State Environmental Quality Review Act “(SEQR), (i) thoroughly reviewed the Short Environmental Assessment Form (the “short EAF”), Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of

environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR §617.7(c), and (iii) completed the short EAF, Part II;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. *The Planning Board of the Town of Dryden, based upon (i) its thorough review of the short EAF, Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR §617.7(c), and (iii) its completion of the short EAF, Part II, including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance (“Negative Declaration”) in accordance with SEQR for the above referenced proposed action, and determines that neither a full Environmental Assessment Form, nor an Environmental Impact Statement will be required, and*

2. *The Responsible Officer of the Planning Board of the Town of Dryden is hereby authorized and directed to complete and sign as required the determination of significance, confirming the foregoing Negative Declaration, which fully completed and signed short EAF and determination of significance shall be incorporated by reference in this Resolution.*

Seconded by J. Wilson and unanimously approved.

- J. Skaley commented that this project will help lead to the community goal in Varna of more homeownership and less rental properties.
- W. Parker indicated that he supports the development at 5 Freese Road.

Resolution #20: T. Hatfield moved to close the public hearing at 8:40PM. The motion was seconded by M. Hatch and unanimously approved.

Resolution #21: Preliminary plat approval for 5 Freese Road with the Town of Dryden Standard Conditions of approval with additional conditions
M. Hatch offered the following resolution:

Whereas, *the applicants have presented a preliminary plat design for a subdivision at 5 Freese Road; and*

Whereas, *the Planning Board has determined the proposed subdivision and site plan to be consistent with the Varna zoning, design guidelines and the Town comprehensive plan; and*

Whereas, *the Tompkins County Planning Department has provided a review pursuant to General Municipal Law § 239-l and § 239-m; and*

Whereas, *the Planning Board has reviewed the application and have added conditions; and*

Whereas, *the Planning Department has agreed to enforce the conditions;*

Therefore, be it resolved, *the Dryden Planning Board approves the preliminary plat design with conditions stated below:*

The applicants needs to:

- *meet the Town of Dryden's standard condition of approval;*
- *get Town Board approval for an open development per Town Law 280A;*
- *complete negotiations with Cornell regarding the 1987 easement in terms of a pedestrian walk way and the type of buffering that needs to be installed in the buffer zone between the 5 Freese Road site and the adjoining Cornell property;*
- *finalize the bus pull off;*
- *provide a draft of the proposed Homeowner's Association agreement;*
- *indicate how they will interconnect with a phase two (2), if it were to occur;*
- *obtain ZBA variances of the required front, side, and back yard setbacks for lots that do not meet the minimum requirements per the Town of Dryden Zoning Law;*
- *provide a landscaping plan indicating what plants will be used and where.*

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

Resolution #22 - *D. Weinstein offered the following resolution:*

The Dryden Planning Board hereby provides a formal recommendation of approval to the Dryden Town Board in regard to granting the Tiny Timbers project located at 5 Freese Road an Open Development designation per Town Law 280A.

The motion was seconded by M. Hatch and unanimously approved.

Resolution #23 - *T. Hatfield offered the following resolution:*

The Dryden Planning Board hereby requests that the Dryden Zoning Board of Appeals approve the requested variances as provided by the developers of the Tiny Timbers project located at 5 Freese Road.

The Planning Board also requests that the ZBA meet as soon as possible to consider the requested variances.

The motion was seconded by M. Hatch and unanimously approved.

If the applicant can get the requested documentation returned to the Planning Department by next Wednesday (September 28th), he will meet the 30 day threshold and the Planning Board will review the final plat at the October meeting.

Mr. Dolph asked if he needs to have the Storm Water Pollution Protection Plan (SWPPP) and engineering approval before the Planning Board will approve the final plat. The Board indicated that they would approve the final plat with the condition that the Planning Department approve the SWPPP.

Resolution #24 (2016) - *T. Hatfield offered the following motion:*

The Town of Dryden Planning Board hereby requests the Town Board charge the Planning Board with determining if, then where, conservation cluster subdivisions can be utilized in the Hamlet of Varna in compliance with the Varna Plan.

The motion was seconded M. Hatch and unanimously approved.

Site Plan Review on Quarry Road: Buzz Dolph

- Mr. Dolph has changed the plan to create two duplexes with a connecting breezeway and garage. The center wall of the garage will be the property division and will be jointly owned by both homeowners. Ultimately there will be four (4) homes, privately owned, on two (2) acres that will be commonly owned.

- J. Kiefer shared his concern about setting a bad precedent by reviewing the site plan for Quarry Road without having all the required information as requested by the Planning Department. The list of 30 items (see attached) is provided with the site plan review application and should be complete before the applicant comes before the Planning Board.
- M. Moseley asked each member of the Board for their input.
- Mr. Dolph argued that last month, he was given the impression that he did not need to turn in more information other than an updated drawing showing the connection (the breezeway) between the houses.
- M. Hatch stated that he agreed with J. Kiefer the site plan should have the package complete before the applicant comes before the Planning Board. At the same time, he feels the recommendation that came to the Planning Board last month indicated the connection between the buildings was all that was needed. He is not sure what parts of the list have not been completed.
- M. Moseley indicated that he has previously advocated for the applicants to have the list complete before they appear before the Planning Board.
- D. Weinstein asked for clarification. The applicant is asking for site plan approval or subdivision? If it was for site plan approval, then he is comfortable with trusting the Planning Department to ensure the necessary information is completed.
- C. Anderson stated that he was under the impression that Mr. Dolph attended last month's meeting in an informal manner, where he was simply asking how to make his plan for Quarry Road work. He believed that Mr. Dolph was appearing before the Board tonight for either a sketch plan review or a site plan review. Procedurally, moving without completing the forms is a bad idea. It can set a precedent.
- Mr. Dolph said he has to consult his attorney to figure out what he has to do to get the permit and even his attorney doesn't understand the zoning sometimes. Another 30 days will go by without selling houses and he was here 30 days ago and it was really quite simple; if you do this, this will happen. He suggested the Town instruct their CEOs to teach applicants what they need to do to get the permit and when they send a package to the (Planning) Board, they know that they have what they need from the applicant so the applicant doesn't have to wait another 30 days.
- T. Hatfield agreed with C. Anderson. He expected to see an appropriate request for action to be taken at this meeting.
- R. Burger indicated that when he meets with applicants, he tries to get the site plan drawing to reflect what the Board needs to make a decision. He was under the impression that the sketch plan as presented with the modification to show the roof lines connected would be sufficient to make a decision on. He believes there is enough information here to make a decision tonight. He agreed that all 30 items are not accounted for.
- M. Hatch questioned what is missing and how much of the information that is missing is actually covered by the building permit.
- Reviewing the list:
 - SWPPP as it pertains to erosions and sediment control
 - Outdoor lighting is not identified
 - Grading and Drainage plan is not included – could be approved by the stormwater management officer or engineers

- Exterior dimensions of the buildings? He wants the purchasers to have the option of different models – 22 to 35 feet long and 1054 square feet are the largest buildings.
- Pedestrian walkways and bicycle parking/racks were not deemed necessary for this site.
- Not important to this site due to a lack of visibility.
- There is an existing culvert, run off from roofs will not affect neighboring property.
- A septic system and drilled well will be on the property.
- There are no fire hydrants or emergency zones on the property.
- Mr. Dolph intends to install solar panels on the same property.
- No signage.
- The street number per the 911 numbering system is already in place.
- The property does not have any buffer areas
- The lighting will be on the entrance doors of the buildings and will not affect any other properties.
- No commercial activity at this site.
- The only trees on the property are scrub brush.
- The only landscaping Mr. Dolph intends is installation of a lawn.
- Health department approval is the only other approval necessary.
- He will work with D. Sprout in the Planning Department on the StormWater management plan.
- He has turned in a short EAF.

Review of State Environmental Quality Review

- Part one questions:
 - J. Wilson questioned the answer to #9. He believes that answer should be yes because he will be adding solar arrays.
- Part Two: M. Hatch read part two into the record.

RESOLUTION #25 (2016) – NEG SEQR DEC – 44 Quarry Road, Ormsby Dolph

M. Hatch offered the following resolution and asked for its adoption:

WHEREAS, The proposed action involves consideration of the application of Ormsby Dolph for Sketch Plan approval of a building site located at 44 Quarry Road, Ithaca, NY.

B. The proposed action is an Unlisted Action for which the Planning Board of the Town of Dryden is the lead agency for the purposes of uncoordinated environmental review in connection with approval by the Town.

C. The Planning Board of the Town of Dryden, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law – the State Environmental Quality Review Act “(SEQR), (i) thoroughly reviewed the Short Environmental Assessment Form (the “short EAF”), Part I, and any and all other documents prepared and submitted with respect to this proposed action and its

environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR §617.7(c), and (iii) completed the short EAF, Part II;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. *The Planning Board of the Town of Dryden, based upon (i) its thorough review of the short EAF, Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR §617.7(c), and (iii) its completion of the short EAF, Part II, including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance (“Negative Declaration”) in accordance with SEQR for the above referenced proposed action, and determines that neither a full Environmental Assessment Form, nor an Environmental Impact Statement will be required, and*

2. *The Responsible Officer of the Planning Board of the Town of Dryden is hereby authorized and directed to complete and sign as required the determination of significance, confirming the foregoing Negative Declaration, which fully completed and signed short EAF and determination of significance shall be incorporated by reference in this Resolution.*

Seconded by J. Kiefer and unanimously approved.

Donald Hartman lives at 134 Quarry Road. He wished to speak to the fact that he believes there is a potable water quantity issue on Quarry Road and was concerned that this project may make that problem worse. He also expressed concern about this project causing a potential decline in the property values on the road.

Mr. Dolph indicated that he has just drilled a 50 foot deep well and is getting 4 gallons/minute. He will install a 2000 water tank to ensure the home owners never run out.

D. Weinstein asked about the visibility of the proposed homes. Mr. Dolph indicated that the homes are not visible to their nearest neighbors due to the brush/tree growth. M. Hatch asked what Mr. Dolph intends to do with landscaping. Mr. Dolph stated that he has no plans for planting other than seeding the area that has been cleared and then letting the natural brush grow up. This area is not part of the current project but Mr. Dolph agreed he would look at the situation and see what he can do to make it more appealing. As far as the site under question, he does not intend to do much for landscaping other than maintaining the natural growth.

Resolution #26 (2016) - *C. Anderson offered the following resolution:*

Whereas, *The Dryden Planning Board has reviewed the Sketch Plan per Article XI of the Town of Dryden Zoning Ordinance, and*

Whereas, *the Planning Board finds the project to be consistent with the zoning, design guidelines and comprehensive plan; and*

Whereas, *the Town of Dryden Planning Board and Planning Department have*

made recommendations;

Therefore, be it resolved that the Planning Board approves the Sketch Plan with the standard conditions of approval and waives further Site Plan review with the understanding that the approval of the standard conditions will be incumbent on the Dryden Planning Department.

The motion was seconded by J. Kiefer and approved with a 6-1-0 vote. J. Wilson abstained.

Proposed Open Development:

- An application has been received to place a manufactured home on a landlocked parcel. The parcel will have an easement through the owner's son's property. The Town Board is asking for recommendations from the Planning Board.

Resolution #27 (2016) - J. Wilson offered the following resolution

Whereas, the Planning Board has reviewed the proposed plan to install a single family manufactured home on land parcel 30.-1-2.1, a land locked parcel; and

Whereas, an easement to the parcel will be granted by the applicant's son; and

Whereas, Town Law 280A, Open Development, can be applied to this proposal;

Therefore be it resolved, the Planning Board recommends the Town Board approve the application with the following conditions:

- The easement needs to be subject to legal review.
- The applicant needs to provide proof that the access is sufficient for fire safety.
- The applicant is limited to one (1) single family residence on the parcel.

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

Resolution for the Rail Trail: J. Kiefer

- The Rail to Trail Task Force is applying for a TAP (Transportation Alternative Program) grant to assist with the construction of the Rail Trail. A recommendation from the Planning Board is being sought to bolster the application.

Resolution #28 (2016) - J. Kiefer offered the following resolution:

Acknowledging the support of the Town of Dryden Planning Board for the creation of a mixed use trail along the abandoned rail corridor connecting the Jim Schug Trail in the Village of Dryden through the Village of Freeville and the hamlets of Etna and Varna to the East Ithaca Recreation Way at the Ithaca Town line, herein referred to as the Dryden Rail Trail.

WHEREAS: the Dryden Planning Board recognizes the importance of preserving the Town's natural resources and rural character, and providing residents with more opportunities to observe and enjoy the natural beauty the Town offers,

WHEREAS, the Dryden Planning Board recognizes the importance of developing mixed use recreational trails, as resources vital to improving the Town's economic base, tourism, property values, public health and fitness, and quality of life for Town residents,

WHEREAS, the Dryden Planning Board encourages the use of non-motorized modes of transportation and recognizes the significant environmental and economic benefits of reducing automobile use,

WHEREAS, the Town of Dryden Comprehensive Plan cites the creation of the Dryden Rail Trail as an important transportation and recreational initiative,

WHEREAS, the Town's 4.2-mile Jim Schug Trail is currently established and popular, and runs south on the abandoned rail bed from the Village of Dryden, passing by Dryden Lake, to the Harford town line,

WHEREAS, the Lehigh Valley Railroad abandoned the East Ithaca to Freeville and Cortland rail beds and the Harford to Dryden, Freeville and Groton rail beds by 1977, and the abandoned rail beds are currently owned by a variety of private and public entities,

WHEREAS, the Town Board established a Rail Trail Task Force to take deliberate steps to develop the Dryden Rail Trail including acquiring easements, securing funding and moving the project through planning, design and construction,

THEREFORE BE IT RESOLVED THAT the Dryden Planning Board supports and endorses the work of the Rail Trail Task Force and the creation of the Dryden Rail Trail.

The motion was seconded by M. Hatch and approved unanimously by members present. (T. Hatfield was excused from this vote due to absence from the meeting room)

Infrastructure Local Law:

- Several documents (examples of local laws and from the Association of Towns) have been emailed to the Board members.
- J. Kiefer stated he has reviewed some of the documents and noted that many have an introduction explaining why the local laws were being created. He recommended that the Planning Board consider the reasons why an updated law is needed.
- D. Weinstein agreed with J. Kiefer's suggestion but then he questioned what elements the board is identifying. He asked what structure the conversation should be taking.
- M. Moseley stated that the Town Board has provided some of the structure in terms of pipelines in the Town's right of way along Town roads. The other goals include protecting the road infrastructure, ensuring that utilities are installed in the proper place and protecting private property rights.

C. Anderson added that despite the fact that Tiny Timbers has appeared before the Planning Board several times before, the applicant has shown them 3 different plans. He commended the Board on their composure despite the applicant's frustration.

D. Cipolla-Dennis has worked with R. Burger to recreate a solar law (they have separated solar and wind). They have sent the law to the attorney for review and hope to set a public hearing at the next Town Board meeting. The law is on the website and Ms. Cipolla-Dennis agreed to email it to the Board members.

There being no further business, the meeting was adjourned at 10 PM.

Respectfully submitted,

Erin A. Bieber
Deputy Town Clerk

