

**Dryden Planning Board
April 27, 2017**

Members Present: Marty Moseley (Chair), John Kiefer, Craig Anderson, Marty Hatch, Hilary Lambert, Dave Weinstein, and Tom Hatfield

Town Hall Staff: Ray Burger, Planning Director

Liaisons Present: Deborah Cippolla - Dennis

The meeting was called to order at 7:04 PM

M. Moseley appointed H. Lambert to serve as a full member of the Board.

Review and approval of meeting minutes from January 17, January 26, February 23, March 1 and March 23:

D. Weinstein moved to approve the minutes with clerical corrections, T. Hatfield seconded the motion. The minutes were approved with the abstention of M. Hatch (for all of the minutes) and C. Anderson (for March 23rd).

The public comment period was opened at 7:04PM.

- J. Graham asked for an explanation of the role of the Planning Board in the proposed solar installations. M. Moseley will explain that role when the Board gets to review of the solar projects.

The public comment period was closed at 7:05PM

1624 Ellis Hollow Road subdivision: Ormsby Dolph

The public hearing was opened at 7:06PM. There were no public comments and the hearing was closed.

- D. Weinstein asked if Mr. Dolph has finalized the Conservation easement with Cornell University.
- Mr. Dolph responded that there is a question whether the land will be donated to Cornell. The alternative is that Mr. Dolph will own it under the easement as submitted. The Town Attorney has determined the easement is sufficient. There is also an issue to be resolved regarding the ownership of the driveway due the fact that 3 (three) of the proposed lots do not have road frontage. Common ownership of the driveway will eliminate the issue. The lawyer is reviewing that condition.

Resolution #12 Final Plat 1624 Ellis Hollow Road

M. Hatch offered the following resolution:

Whereas, the Planning Board reviewed the final plat for 1624 Ellis Hollow Road, and

Whereas, the Planning Board found the project to be consistent with the Town of Dryden Subdivision guidelines, the design guidelines and the 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, this is an unlisted action for which the Planning Board, on January 26, 2017, acting in an uncoordinated environmental review with respect to this project, reaffirmed its negative declaration of environmental significance, after having reviewed and accepted as adequate a Short Environmental Assessment Form Part 1, submitted by the applicants, Parts 2 and 3, prepared by Town Planning Staff, and other application materials; and

Whereas, the Town of Dryden Planning Board and Planning Department have made recommendations;

Therefore, be it resolved, the Dryden Planning Board approves the final plat design, and authorizes the Planning Board Chair to sign the plat, with the following conditions:

- Town of Dryden Standard Conditions of Approval.
- Ownership of the common driveway must be approved by the town attorney.

J. Kiefer seconded the motion which was unanimously approved.

Sketch Plan Review: 430 Lake Road - Carl Snyder

The Dryden Lake Golf Course has been on the market for sale as a golf course for some time but eventually they decided to subdivide the property into 6 (six) separate building lots.

D. Weinstein asked for a map that shows the conservation areas attached to each of the lots. The Board reviewed the map as presented by Mr. Snyder.

Part one of the SEQR was read into the minutes:

C.2.a should be marked yes.

- M. Hatch asked about the acreage to be disturbed.
 - o The applicant is guessing a total of 1 +/- acre. 7 (seven) houses with an average of 2,000 sq feet = 14,000 sq feet + the disturbance for driveways = about an acre of total disturbance.
- M. Hatch verified that there won't be restrictions on what the property owners will be able to build.
 - o There is approximately 33% of the total land that is in conservation easements. Each property lot owner will have to apply for a building permit and all of the regulations associated will apply.
- M. Moseley suggested that a condition can be added to the approval indicating that a stormwater management plan will be required if the ground disturbance is greater than one acre for the entire subdivision area. Segmentation isn't permitted by the Town or by NYS DEC. SWPPP requirements are applied on disturbances greater than 1 (one) acre therefore the developer will have to monitor the amount of disturbance and prepare a full SWPPP if they exceed the 1 (one) acre.

D.2.e *iii* regarding stormwater runoff, Mr. Snyder has indicated that will be determined via the Storm Water Management Plan which will be completed for the project.

D.2.m *ii* should be marked no.

D.2.p should be yes (applicant has "possibly"). The volume should be 400 gallons/per unit/year.

E.1.a since the Golf Course is still being used as a public course therefore, commercial should also be checked.

- M. Moseley stated for the public and the record: The applicant has already completed phase one of the NYS Historic Preservation office archaeological dig with no evidence of archaeological resources.
- D. Weinstein reiterated that at the last meeting of the Planning Board the applicant was provided a letter indicating that the Board was satisfied with the archaeological inventory.
- M. Moseley verified that the applicant agrees to the changes in Part One of the SEQR.

Part two of the SEQR was read into the minutes.

- D. Weinstein stated for the record that the Tompkins County Natural Resource Inventory indicates there are a few small section of prime farmland on the property.
- Part Three: Negative SEQR Declaration

RESOLUTION #13 (2017) – NEG SEQR DEC – 426-430 Lake Road Subdivision

T. Hatfield offered the following resolution and asked for its adoption:

WHEREAS,

A. The proposed action involves consideration of the application of Bluebird on Dryden Lake to subdivide a 57.74 acre parcel into six (6) building lots at 426-430 Lake Road.

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 full Environmental Assessment Form (the “full 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 full 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 full 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 full 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

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 full EAF and determination of significance shall be incorporated by reference in this Resolution.

J. Kiefer seconded the motion which was approved 6-0 with M. Hatch abstaining.

T. Hatfield offered the following resolution:

Approval of Sketch Plan with conditions

Resolution # 14

426-430 Lake Road Subdivision

T. Hatfield offered the following resolution:

Whereas, the Dryden Planning Board has reviewed the Sketch Plan per Article VII of the Town of Dryden Subdivision Law, and

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

Whereas, the Tompkins County Planning Department review pursuant to General Municipal Law § 239-l and § 239-m found “no negative inter-community impact”; 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 following conditions:

- A stormwater management plan approved by the Town engineer is required if the ground disturbance is greater than one acre for the entire subdivision area.
- All lighting has to be night sky compliant.
- Town of Dryden Standard Conditions of Approval.

C. Anderson seconded the motion which was approved 6-0 with M. Hatch abstaining.

Sketch Plan Review - Mineah Road, Pineridge Cottages – Ryszard Wawak

John Andersson - Consulting Engineer

- The SWPPP is being reviewed by the Town engineer, TG Miller.
 - R. Burger indicated that there is a high degree of confidence that there will be no issues.
- The County Health department has reviewed the plans and responded with recommendations that will be incorporated into their plans.
- The SWPPP has also been sent to the State DOT.
- The County review has demonstrated there are no issues.
- A letter from D. Sprout (Planning Department review) has been received.
- The Dryden Fire Department has also responded. They are requesting that the applicant install a pond or create another water source for the development but that is a request, not a mandate. The applicant is going to review all the possible ways they can accommodate the fire department but the site is too steep to install a pond.
- M Hatch asked what the applicants heating and cooling aspirations are. The entire project is electric.
- D. Weinstein indicated that the Board had asked last time that an investigation into air source heat pumps be considered.
 - Mr. Wawak shared a breakdown of the electric costs for several of his existing units. He gave a description of the heating - the downstairs floor is radiant heat with very little heat loss in the first floor since the walls are insulated concrete.

The second floor uses very little heat since the hot air rises from the radiant floors.

- According to the report from D. Sprout the dumpsters will be screened. M. Moseley asked for details regarding the type of screening.
- M. Moseley asked about the bulb intensity for the exterior lighting? Mr. Andersson indicated that they will comply with the dark sky initiatives.
- D. Weinstein asked how much land will be maintained as lawn once the project is finished. Mr. Andersson indicated that the areas around the buildings and entrances will be manicured lawn but some areas (that don't require public access) will be allowed to return to brush and trees.

Part one of the SEQR was read into the minutes:

D.2.e *iii* has a typographic error – stormwater will flow more than 200' (not 2000').

D.2.j the applicant answered “no” and therefore should not have answered the following associated questions. After discussion, the Board and the applicant agreed the answer should have been “yes” so his answers to the following associated questions are viable.

E.2.a D. Weinstein questioned the depth to bedrock of 40 feet. Applicant indicated that information came from the existing well on the site, he is not as certain about the depth to bedrock farther up the hill. The water table depth was also determined from the previous well drilling that indicated the static water level.

E.2.f D. Weinstein asked how the developer plans to keep the water from creating rivulets down the hill. Mr. Andersson indicated that the water is being diverted around the project site in a lined water way and the water on-site will be collected through water ways and diverted to the bio-retention pond. Detailed information can be found in the application.

M. Moseley verified that the applicant agreed with the changes.

Part Two was read into the minutes.

Part Three: Negative SEQR Declaration

RESOLUTION # 15 (2017) – NEG SEQR DEC – Mineah Road

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

WHEREAS,

A. *The proposed action involves consideration of the application of Ryszard Wawak to build four clusters of four cottages each on a 12 acre parcel located on Mineah Road.*

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 full Environmental Assessment Form (the “full 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 full 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 full 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 full 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*

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 full EAF and determination of significance shall be incorporated by reference in this Resolution.*

T. Hatfield seconded the motion which was unanimously approved.

- C. Anderson asked the applicant to check into a service provided by TCAT wherein a person can call and the bus will expand it’s route to accommodate that person.
- C. Anderson asked whether the applicant will be providing bicycle racks. The water building will be expanded and will have storage space for bikes.
- M. Moseley asked if the applicant had a maintenance agreement for on-site stormwater facilities. R. Burger indicated that will be part of the final SWPPP.
- M. Moseley also asked for a more thorough description of the dumpster enclosures.
- M. Moseley asked if the plan provided included a landscaping plan. Yes, it does.
- D. Weinstein asked if the applicant is agreeing to maintain the bio-retention areas. The applicant indicated that is part of the final SWPPP.
- H. Lambert asked about the pond request by the Fire Department. The applicant again explained the nature of the site will make it impossible to create a pond for fire purposes. He will work with the fire department to mitigate the water/fire issue.

***Approval of Sketch Plan with Conditions
Resolution #16 2017***

T. Hatfield offered the following resolution:

Whereas, *Ryszard Wawak has submitted a Sketch Plan Review application 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 Tompkins County Planning Department has provided a review pursuant to General Municipal Law § 239-l and § 239-m; and

Therefore, be it resolved that the Town of Dryden Planning Board approves the Sketch Plan and waives further Site Plan Review for the Mineah Road building project with the following conditions:

- Town of Dryden Standard Conditions of Approval.
- The applicant will check on the availability of a “call bus” via TCAT.
- The applicant will provide more details regarding the dumpster screening.
- The applicant will continue to work with the Fire Department in an attempt to find a solution to their concerns.

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

Public Comments:

M. Moseley reviewed the list of folks that signed up last month to speak. None of the speakers were in attendance tonight.

Bruno Schickel

- Mr. Schickel began his comments by praising the Planning Board efficiency.
- He asked the Board to really consider the historic nature and the fact that Willow Glen is in the process of being registered on the National Register of Historic places.
- He also asked the Board to consider the loss of view around Willow Glen. Is it not reasonable to preserve the view?
- The same is true for Turkey Hill Road; it is an incredible vista and he feels putting the panels there will be a loss.
- He asked if the Board had considered alternate sites. He recommended the old county dump site on Caswell road. There is a fence there already.
- One of the questions on SEQR is “is it compatible with the existing character of that neighborhood and environment”. This will be a radical shift in the nature of the area.

Joe Osmeloski

- Mr. Osmeloski asked if he had won the Dryden lottery to get the cell tower and a solar farm adjoining his property.
- the two major projects are kind of incompatible. One of the things they are fighting is, on the site, there are a lot of large mostly deciduous trees along the creek that Mr. Osmeloski was hoping would be a buffer between his property and the cell tower. The cell tower company said the trees would stay and would help block the view of the cell tower which is 170 feet tall. The solar project will require the trees to be cut down; there goes the buffer they were hoping to have. These projects were not talking to each other this whole time until the night that Mr. Osmeloski talked about the fall zone.
- Mr. Osmeloski wants to know what is the status of those trees? Are they being cut down?
- He was hoping this Board would be able to influence the Town Board regarding keeping the trees. It appears to Mr. Osmeloski that the Planning Board has no influence on what the Town Board is doing. It appears the Planning Board can make whatever recommendations they want but the Town is going to ignore you anyway. That is the feeling we are getting.

M. Moseley returned to Ms. Graham's question regarding the role of the Planning Board in the proposed solar installations.

- The subdivision process has to be analyzed by the Planning Board.
- According to the Solar Law, the Planning Board is required to provide recommendations to the Town Board regarding the development proposal.
- The SEQR has to be finalized before the subdivision process can move forward.
 - o The SEQR done by the Planning Board, which has since been rescinded, was based solely on the subdivision. Since the Town Board is the lead agency, they will do the SEQR on the entire project.

J. Osmeloski asked if (after the Town Board completes SEQR) the next step is to act on the subdivision. M. Moseley indicated that the Planning Board will then commence with the subdivision as far as considering approval of what they have presented.

B. Perkins asked what the next step will be if the Town Board finds a positive declaration on the SEQR. M. Moseley responded that the applicant will have to do a Draft Environmental Impact Statement (DEIS) and then a Final Environmental Impact Statement (FEIS). The applicant would provide those documents to mitigate the impact to prove the development is not having an adverse impact on whatever the lead agency has determined.

B. Schickel asked when the Town Board does SEQR do they take into consideration the proposed mitigations or do they have to look at it without any mitigations? M. Moseley responded they could go either way.

D. Weinstein, the mitigations such as the tree buffer plantings are now part of the application so they are either going to decide those are sufficient mitigation or they are not. They won't evaluate the impact of the panels as if there weren't going to be any trees there.

B. Perkins asked what the timeline is regarding the SEQR process from tonight. M. Moseley said they need to close the public hearing which was left open last night's Town Board meeting. He doesn't believe there is a specific timeline as to when a public hearing is closed.

J. Osmeloski asked what happens if the Planning Board determines the subdivision is unacceptable. M. Moseley responded that the applicant would have to resubmit or it might stop the process.

J. Osmeloski then asked whether the Town Board has to agree with the Planning Board determination. M. Moseley responded that this Board is independent of the Town Board in the subdivision aspect.

B. Perkins verified, if the planning board doesn't approve the subdivision, can the Town Board take it through and allow it to happen. M. Moseley responded that no, if we denied the subdivision application as it stands now, the public service commission limits community solar to 2 (two) mw per parcel so in the event that the subdivision was not approved, the applicant may have to reduce the megawatts provided because the parcels would be different.

M. Hatch verified that the only action to be taken by the Planning Board is the subdivision on Dryden Road. M. Moseley agreed that is the only action but the Planning Board needs to make recommendations to the Town Board.

M. Hatch pointed out that the Town Board has the Ellis tract in their hands, the Planning Board can make recommendations but the Town Board does not have to accept them. The Ellis tract has minor subdivisions which is why they don't come before the Planning Board.

M. Moseley stated that he would like the Planning Board to review the SEQR but not to say whether it is correct or not correct but rather to express the concerns that the Planning Board members have with the process that we want to share with the Town Board to help them. He has discussed this with the Town Supervisor and the Town Attorney and they are favorable to the proposal.

There is no tentative date to open the hearing on SEQR. The Town Board won't review the SEQR until all of the additional information comes in. Once there are no more issues raised, then the hearing will probably have a 10 (ten) day notice.

M. Hatch noted that the members of the Board are not permitted to discuss SEQR in groups of more than 2 (two) members and it would be nice to have the Planning Board chime in as much as possible on this. He asked how the board feels about views. He gave a background of his home with the point being that the previous owners moved because they determined there were too many vehicles on the road. He is interested in that same type of discussion within the Board. The views have changed around this town immensely in the 47 years he has been here. He doesn't know where to stop and say that's a view that we need to keep. He pointed out that the Board didn't ask any questions about the views in regard to the subdivision of the former golf course. When and on what do we draw the line?

M. Moseley asked the Board members if they are willing to attend a special meeting to discuss those kind of issues. The members discussed their availability and determined May 3rd at 6PM works for everyone.

M. Moseley pointed out that the Board needs to meet before the Town Board meeting on the 18th or they will not have input in the SEQR process.

B. Perkins asked if this meeting would allow public comments. M. Moseley indicated that comments will be taken.

J. Osmeloski verified that view sheds are prominently mentioned in the Comprehensive Plan. C. Anderson agreed.

M. Hatch agreed that it is mentioned but without guidance. He wants to have a conversation about view sheds in the context of change. This is not a Board that sits around and puts stamps on things; it is a *Planning* Board which means thinking about the present, past and future. Planning means you think constructively about what the community has told you it thinks it needs (the Comprehensive Plan) but we also need to think about where this fits into the general flow of life in the community. It cannot be comprehensively planned for but reacted to by a group of citizens of the place.

T. Hatfield agreed with M. Hatch that this is something we should discuss as a Board. He encouraged citizens that wish to speak on May 3rd to write down their comments.

C. Anderson asked the Board when we started asking questions about energy usage on a site plan review.

M. Moseley stated that was asked after a discussion with the Town council at the last meeting. C. Anderson asked if we have been given the charge to do that. He was not at the last meeting.

M. Hatch said they asked that question of the developer at an earlier session and he provided the information and thus he brought it up again at the last meeting.

C. Anderson asked if the question was in regard to using fossil fuels.

M. Moseley stated that it was not about fossil fuels but rather the energy impact of the proposal. Single family homes versus duplexes, etc. It was not specifically about fossil fuels. We have to take it into consideration for SEQR only.

D. Weinstein said that this was a sketch plan review and that they can ask any questions they feel are relevant is part of the sketch plan review.

C. Anderson reiterated that those questions are not part of the sketch/site plan review. A site plan review does not have anything to do with energy usage and is not something we need to know. The site plan review deals with things outside of the building – ie, the placement of buildings, sidewalks, etc.

D. Weinstein pointed out that the Planning Board would need to know if a fuel pipe was entering the building. He said that they asked the developer to see if it would be cost effective to put in heat pumps.

C. Anderson said that there are 17 items that the Planning Board can review.

J. Kiefer added that in the zoning law there are guidelines on what site plan review is and fuel usage is not listed. Although we need to know some things, we need to be careful.

D. Weinstein stated that we have to do the SEQR, so it is awkward to say we are finding out about energy but we can't apply what we find to our assessment on whether the project moves forward. That's odd.

M. Moseley said that the SEQR process will lend you to ask questions about energy usage which then when filling out part two, that is where they would satisfy us. The SEQR is telling us to ask the applicant, how do you comply as far as energy usage. That is where we can go legally.

M. Hatch asked if the Board had done a SEQR for Mineah Road. Yes, just tonight and we talked about those things.

C. Anderson pointed out that the question was asked last month during the sketch plan review, not tonight during the SEQR review. All fuel types are legitimate in New York State. We need to follow the rules and apply the laws equally to everyone.

There being no further business, the meeting was adjourned at 9:50pm.

Respectfully Submitted,

Erin A. Bieber
Deputy Town Clerk