

**Dryden Planning Board  
December 21, 2016**

**Members Present:** Marty Moseley (Chair), Joe Wilson, Craig Anderson, Hilary Lambert, Tom Hatfield, John Kiefer, and David Weinstein. (Marty Hatch – excused)

**Town Hall Staff:** Ray Burger, Planning Director

**Liaisons Present:** Deborah Cippolla –Dennis, Town Board

**Guests:** Olmsby Dolph, Nick Bellisario, Bharath Srinivasan (Distributed Sun), Carl Snyder (New York Home Quest) and Dan Walker (Labella, Consultant to Distributed Sun)

**Review and Approval of meeting minutes from November 10, 2016:**

J. Wilson moved to approve the minutes with suggested clarification. D. Weinstein seconded the motion and the minutes were approved. T. Hatfield abstained.

**Public Hearing to Reconsider the Varna Tiny Timbers Subdivision Final Plat:**

The hearing was opened at 7:05PM.

- This project has gone through site plan and plat approval with the Planning Board already. The project was referred to the ZBA for variances on the 15 sites but the ZBA referred the subdivision back to the Planning Board suggesting a zoning change rather than requiring 15 separate variance applications.
- Using the Conservation Subdivision, the applicants are back for a modified approval of the final plat. They have a revised project description which includes existing conditions and a conservation analysis.
- The Board needs to reaffirm the negative declaration for the SEQR.
- R. Burger noted that the final plat has not been modified, just the revisions in the project description.
- An additional condition to the plat approval requires the homeowners' association (HOA) agreement include a clause to preserve the open space (labeled on the sketch as lot 16).
- The Planning Department received an updated § 239-1 and § 239-m from the County Planning Department indicating they don't believe the Conservation Subdivision changes to the Varna Plan is the right tool.
- M. Moseley asked that the applicant indicate what is considered open space on the plat.
- Mr. Dolph asked if the maintenance agreement between Varna Tiny Timbers and the Town has been received by the Town. No.
  - The maintenance agreement is separate from the HOA.
- The Board discussed the potential of a pull off bus stop. The applicant expressed his concern about putting funds into a pull off with the rebuild of Route 366 planned for the next couple of years.

J. Wilson moved to close public hearing; the motion was seconded by D. Weinstein, unanimously moved and closed at 7:21pm.

J. Wilson offered the following resolution:

**Whereas**, *The Town of Dryden Planning Board has completed the State Environmental Quality Review for a subdivision located at 5 Freese Road, Varna; and*

**Whereas**, *this is an unlisted action for which the Dryden Planning Board is acting in an uncoordinated environmental review with respect to the project; and*

**Whereas**, the Dryden Planning Board made a negative determination of environmental significance when it granted preliminary approval for the project on September 22, 2016; and

**Whereas**, the applicant has revised the project description based on a recently passed law permitting a Conservation Subdivision at this location; and

**Whereas**, the revised project description does not affect the final plat which was submitted; and

**Whereas**, the Town Director of Planning has recommended the reaffirmation of the Planning Board's negative determination of environmental significance with respect to the proposed project;

**Therefore, be it resolved**, The Town Board of the Town of Dryden, based upon (i) its thorough review of the EAF, Parts I and II, 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 EAF, Part III, including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby reaffirms the negative determination of environmental significance ("Negative Declaration") in accordance with SEQR for the above referenced proposed action, and determines that an Environmental Impact Statement will not be required.

The motion was seconded by J. Kiefer and unanimously approved.

T. Hatfield offered the following resolution:

**Whereas**, the Planning Board reviewed the final plat for 5 Freese Road on November 10, 2016, and

**Whereas**, the Planning Board found the project to be consistent with the Varna Conservation Subdivision guidelines in the Dryden zoning law, 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 December 21, 2016, 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 with standard conditions, in addition to those listed below:

- A full Storm Water Pollution Protection Plan must be submitted and approved,
- A stormwater maintenance agreement with the Town of Dryden,
- provide a draft of the proposed Homeowner's Association agreement, including sidewalk snow removal and maintenance, for review by the Town attorney,
- add a note to the plat and a clause to the Homeowners' Association agreement to permanently protect the open space, the adequacy of which must be confirmed by the Town's attorney.

D. Weinstein seconded the motion which was unanimously approved.

**Sketch Plan Review for a Major Subdivision for the Dryden Lake Golf Course, 430 Lake Road:**

New York Land Quest: Carl Snyder

- Carl Snyder is representing the owners.
- The owners want to subdivide the property into six (6) separate lots.
- The area around Dryden Lake is referenced in the Comprehensive Plan as being one of the areas in the Town where cluster subdivisions are encouraged.

*Because of their scenic and ecological value, there are three areas within the town where cluster subdivision should be made mandatory. These areas are:*

*1. The areas adjacent to Dryden Lake, in order to maintain a substantial buffer between future development and the lake shore as well as to preserve views of the lake from nearby roads; Page 58, Town of Dryden Comprehensive Plan*

- R. Burger indicated that guidance for the conservation subdivision is found in Article 9 of Subdivision Law.
- D. Weinstein indicated the concept of a cluster subdivision will mean bringing the houses closer together than indicated on the sketch plan. However, it is more important to maintain the view from the road to the lake and to protect the land between the house and the lake as open space.
- J. Kiefer feels a 300 foot buffer between the lake front to the permitted building area will be sufficient.
- C. Anderson asked if they have determined any deed restrictions. At this point, they don't.
- Mr. Snyder pointed out that the property owners are going to want to build so they have a view of the lake. He indicated that a covenant can be added to the deeds preventing further subdivision. The lots are about 1,200 feet from the road to the lake.
- D. Weinstein is concerned with septic systems and the damage that they might do. The soils are gravelly and will drain quickly.
  - The Tompkins County Health Department has regulations regarding distances for leech fields from water that take into consideration the soil types.
- C. Anderson asked what the expected timeframe is to complete the application and start marketing.
- Mr. Snyder stated he has to work out a stormwater management plan but he would like to be approved by March.
- C. Anderson encouraged Mr. Snyder to discuss the potential of a cluster subdivision with the Planning Department.
- J. Kiefer pointed out that the Comprehensive Plan talks about preserving the iconic views of Dryden and Carpenter Hill is certainly one of those views.
- J. Kiefer noted this is an unlisted action which is considered a type 1 action and since it borders recreational or open space it deserves a careful environmental review. J. Kiefer stated that for him, the greater the setbacks the better for lake protection.
- Mr. Snyder pointed out that for purchasers the view is important. He believes there may be a compromise somewhere between the setback from the Lake and the placement of the homes.
- D. Weinstein asked if the Planning Board will be conducting SEQR based on six (6) 2000 sq ft houses?
  - That determination will come with the stormwater plan. M. Moseley suggested the sketch show an area of development – a developable area on each lot which will

predetermine where the house is located and will demonstrate the amount of disturbance. Otherwise, the disturbance area will have to be the maximum which will affect stormwater plans and the SEQR. Having a set area will make things easier for the developer in terms of approval.

- Driveway development will count as part of the disturbed area.
- C. Anderson strongly encouraged Mr. Snyder to talk to the Planning Department about a conservation subdivision. It could reduce the building costs and still provide the future owners with all the benefits.
- The developer will be back next month with a sketch plan and an updated SEQR.

### **Discussion on Proposed Solar Law Public Hearing Comments**

- The Town board held a public hearing last week on the proposed Solar Law.
  - There have been several comments on the proposed law including from Distributed Sun, Delaware River Solar, Ted Crane (a Danby resident) and the County 239 review letter.
- D. Weinstein has reviewed the comment documents and led the group through the comments made by each.
  - The County review addressed the definition of “Large-Scale Solar Energy Systems” by recommending that the upper limit of 2 megawatts be removed.
  - D. Weinstein didn’t feel that limit should be removed as he doesn’t feel we are prepared to deal with larger systems.

### **Distributed Sun, Bharath Srinivasan**

- Mr. Srinivasan has presented plans for six (6) 2 mega watt systems at the former RPM (located on Route 13 and George Road) to the Town Board.
  - New York Public Service Law 66J is the law that applies to systems 2MW or less which are eligible for connection to the grid.
- They are required by the Public Service Commission (PSC) to build each system on separate tax parcels which will mean subdividing the property.
- The current lot is 150 acres.
- The distribution systems in New York State are about 30 years old but there hasn’t been any reason to update the systems.
- When this project was proposed, NYSEG indicted Distributed Sun will have to pay for the lines and upgrades that allow them to connect so they have to determine which project can absorb the additional cost.
- Each of the proposed systems will have to be able to function independently.
- D. Weinstein asked (in regard to open space) if the parcels conform to rules regulating the percentage of impervious surfaces in relation to the total lot size. He was referring to the Solar Law section E, subsection 2b and section F, subsection 3h.
  - This area is zoned rural agriculture which permits 25% lot coverage.
  - There is a way to apply an exception through a special use permit.
- Mr. Srinivasan showed sketch plans for the several different systems they hope to install – the RPM site, on Turkey Hill and on Stevenson Road. Distributed Sun is paying for about 5 circuit miles of upgrades to enable these sites.

### **Continuation of comment review:**

- Solar Energy System Owner: another term that is used in the Solar law. Delaware River Solar recommended adding a definition for this term. The Board deferred a decision on the definition inclusion until later in their review.

- Applicability – the recommendation was to ensure we are not requiring a special permit from someone who is putting up less than 10 sq ft. (stop lights, pedestrian lights, etc). The language was clarified to indicate the requirements apply only to systems greater than 10 sq ft.
- There was a question about the requirement regarding the direction the panels are facing. The Board decided to remove that statement. (Section C. Applicability #2, page 3).
- Mr. Srinivasan explained Section C, suggested addition of #4. He recommended including some kind of language that puts the responsibility and liability on the project rather than the owner. That way a project can be held to their agreement/site plan/SUP.
- The County asked that Section E, subsection b be changed to remove the Tompkins County Planning Department mapping services since their sources/information change. The Board determined to leave that part. The TC Planning Department regularly provides maps for municipalities.
- Section F, subsection 1 – the Board determined that the review should be sent to the Planning Board *and* the Town Board after the zoning officer has reviewed it.
- Section F, subsection 3c – the Board determined they did not wish to change this statement.
- Section F, subsection 3d - remove reference to the “greenway plan”. The Conservation Board is working on a Natural Resources Conservation Plan that might be applicable but it is not finished yet. The Board determined that they would change that language to acknowledge the view sheds as identified by Tompkins County.
- R. Burger suggested adding an additional section (i) which requires applicants comply with all of the existing or adopted plans of the Town of Dryden.
- Section F, subsection 3e – the Board recommended adding that the lot can be created via subdivision in accordance with the Town of Dryden subdivision law.
- T. Hatfield stated we are no longer looking at small scale 2MW systems which is what he thought projects were limited to. Six (6) lots with 2MW per lot is no longer small scale, it is industrial or commercial. He is concerned that has not been addressed in the law; the Town has discouraged large industrial box stores.
- J. Kiefer pointed out that we had anticipated solar only being able to connect to the system in certain areas, now a developer has proposed a much larger system and has demonstrated that the systems can be almost anywhere.
- Mr. Srinivasan suggested the law include a verification of what the developer is thinking for the future.
- T. Hatfield agreed and suggested that the law have a section for small scale, residential solar, a section for the 2MW system and then another section for anything larger than 2MW. He suggested adding an (a) and (b) to the definition of solar installations – (a) is under 2MW and (b) is over 2MW.
  - He suggested that the law require the applicant to hire an expert (chosen by the Town); we don’t have the expertise in this group to deal with it.
  - M. Moseley questioned how to address the concept of 4 different companies putting up 2MW systems on adjoining lands.
- That is what T. Hatfield is getting at; he suggested the concentration can be the determining factor.
- J. Wilson asked if there is anything in SEQR that will deal with this issue. He also pointed out that the issue has nothing to do with the wattage but rather the aesthetics of the projects.

- J. Kiefer stated that all of these projects need a sup and thus the town can say no however, it is an allowable use by a SUP so the Town Board would have to have a good reason for not permitting the project.
- D. Cippolla-Dennis stated that it will be very helpful if the law clarified why a project may or may not be approved.
- C. Anderson reminded everyone of his earlier question of whether we are trying to power Dryden, the state or the country.
- Mr. Srinivasan pointed out that the developer is not required to disclose all of what they are doing. He recommended that the Solar law include some provisions regarding disclosures. He also asked if it is possible for him to attend the next discussion; the Board encouraged him to come.

The Planning Board will be meeting on January 17th at 7PM for further review of the proposed solar law.

**Infrastructure local law:**

- The Board determined a subcommittee that can continue to work on the infrastructure law. The subcommittee will be determined at the next board meeting but will include Jason Leifer.

T. Hatfield offered the following resolution:

*The Dryden Planning Board hereby requests the Town Board reappoint David Weinstein for another tem; and*

*The Dryden Planning Board hereby nominates Martin Moseley to another term as Planning Board Chairman.*

The motion was seconded by J. Wilson and approved with D. Weinstein and M. Moseley abstaining.

There being no further business, the meeting was adjourned at 9:10PM.

Respectfully Submitted,

Erin A. Bieber