

**TOWN OF DRYDEN
TOWN BOARD MEETING
October 5, 2016**

Present: Supervisor Jason Leifer, CI Daniel Lamb, CI Linda Lavine,
CI Deborah Cipolla-Dennis, CI Kathrin Servoss

Elected Officials: Bambi L. Avery, Town Clerk

Other Town Staff: Ray Burger, Director of Planning
Susan Brock, Town Attorney

Supv Leifer called the meeting to order at 7:05 p.m. and explained that this meeting is with respect to the proposed planned unit development at 1061 Dryden Road. The board will make a decision on the project tonight. There isn't a public hearing necessary for this phase of the review, but the board wanted to hold the meeting in Varna and give everyone a chance to express their opinion on the project before discussing it. The developer, Gary Sloan, and the landscape architect, Kimberly Michaels, are present.

Dave Weinstein said one of the benefits of having zoning is that people get security and a clear idea of what might be built around them. One of the dangers of a PUD is that you can change the rules on a particular parcel and effectively take away that security. That is the reason that in our zoning we set a high bar for PUDs. They assumed that town officials would be able to distinguish an innovative proposal from projects that simply wanted to put a lot of development into a place to make a lot of money. They assumed that people would be able to recognize creative designs and projects that clearly were desired by the community and that fit into the community and filled an important need. This project does not reach that bar. By our zoning law, you must meet all the criteria listed for a PUD. Three of those criteria clearly are not met.

(1) That it incorporates a creative design in the layout of structures and green spaces. There is no creative design here. This only gets more units onto the site by pushing the back of the decks to the boundary line. That is not creativity.

(2) That it provide above average open space amenities. The surrounding zone requires 75% of a property to have open space. This proposal leaves the property with 68% open space. That is not above average open space.

(3) Assure compatibility with neighboring land uses and the neighborhood character. Of the 42 properties within a quarter-mile of this property that are not vacant land, 67% are single family residential (according to the County assessment). Only five parcels are commercial.

Basically, this property was excluded from the hamlet zones because it did not meet the objectives and it should remain that way.

Kim Klein said she has written a letter to the board voicing her objection to the development. She agrees with Dave Weinstein. They spent four years working on this plan and Varna residents have identified things they are concerned about. They want to keep the rural character. She is against the PUD and the density.

Scott Whitlow said it doesn't seem like much attention has been made to maintaining the existing mature tree lines on the property. That is important given the number of years trees take to reach a significant height. It contributes to the character and value of the community. They have taken out a major tree line.

Carol Whitlow said when they wanted to put the fire department on Turkey Hill Road residents were promised it would not affect the character of the neighborhood. It has worked very well with no sirens and such, but what she sees now is that the fire department is giving ammunition to developers. They say nobody's living here, though there is a bunkhouse, and so they can do more of the same. It's not really fair. They could have put houses where the fire department is and then could say there were more single family owner occupied houses to establish the character. They were promised something and she hopes the board will stick with that promise.

Will Parker said he supports D Weinstein and anyone objecting to this development.

Joe Wilson said he assumes the board will go forward with the planned unit development on the grounds that that gives the board quite a bit of control over what actually is built and the quality of what is built. He read from the following letter:

Dear Members of the Dryden Town Board,

You have a request for a zoning change before you from the sponsors of a project at 1061 Dryden Road. It is expected to house graduate students and possibly Cornell staff. Within a mile Cornell and private developer, EdR, are building a new Maplewood graduate student housing complex. It will have the most modern amenities, will be within walking distance from the Cornell campus, and will rent for below market rates. It will use air source heat pumps and water heaters, will NOT use natural gas in any appliances, and the building envelopes will reduce energy use by 46% below current code. These latter features will further lower the costs to any renters having to pay their own utilities. That will be the competition for the 1061 project which is to rent at market rates.

Local experts have presented locally saying that buildings such as Maplewood and Lucente's Solarz could charge above market rate rents because today's young consumers want to "live green." They have also said that even with initial building costs ranging 8-10% above current gas driven, to-code buildings, a positive cash flow is achieved in no greater time than with conventionally developed projects.

Given that the 1061 project sponsor is requesting a zoning change, this Board has the power to require a high quality development to keep pace with Maplewood. Doing so would be consistent with the kind of development the Board is pursuing with the example being "Tiny Timbers" which is even closer to 1061 and is being built to even higher standards for the single-home market. Requiring 1061 to meet high energy conservation and emission standards would be consistent with the Town's recently becoming a "Climate Smart Community," in keeping with the County's goal of reducing (rather than increasing) community-wide greenhouse gas emissions, and with the DEC's expectation that Towns will require analysis and mitigation of energy use and emissions in projects and zoning changes.¹

For all these reasons, I urge you to require the 1061 sponsors to build a fossil fuel free project with a very high efficiency building envelope, to mitigate analyze explore the costs and effectiveness of efforts to mitigate any increased energy use and greenhouse gas emissions.

More specifically and using the Ithaca Town Planning Board's approach to Maplewood as an example, you

should require the sponsors to:

- Establish and report on the current condition of on-site Energy Infrastructure including electricity and gas by consulting with NYSEG.
- Analyze and report on the capacity of each on-site energy system to determine any impact to utilities from the projected use of gas and electricity.

Analyze any proposed increase in the use of gas, electricity, and resulting greenhouse gas emissions using the methods in DEC'S "Guide for Assessing Energy Use and Greenhouse Gas Emissions in an Environmental Impact Statement,"² and analyze the greenhouse gas impacts in relation to the target of a minimum 80 percent reduction of GHG emissions from 2008 levels by 2050 set forth in the 2015 Tompkins County Comprehensive Plan.

- Mitigate the use of energy: Analyze pertinent design elements that promote energy efficiency and reduce energy consumption. Examples could include:
 - Passive House and Net Zero ("Zero Energy Building or ZEB") energy construction methods
 - Glazing reductions, window reductions, and skylights
 - Building re orientation to maximize solar access
 - Use of air and/or ground source heat pumps
 - Alternative energy sources, including (but not limited to):
 - Photo-voltaic installation (on site or remote net metered)
 - Wind energy systems (remote net metered)
 - Solar thermal for heating and domestic hot water"
- Mitigate the project's greenhouse gas emissions
- Reasonable Alternatives: Cost-out and Compare alternate approaches to any anticipated Increased Energy Uses and the Greenhouse Gas Emissions resulting from them³

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¹ See SEQR Handbook pp.12-13, sections 1-3 and pp. 129-130, sections 44-46.

² The NYS DEC Guide can be retrieved on-line at:
<http://www.dec.ny.gov/docs/administrationpdf/eisghgpolicy.pdf>

³ For example, in the Maplewood Scoping Document, the sponsor was required to "... analyze total annual GHG emissions for the proposed action (including proposed mitigation measures) and include a quantitative comparison to the total annual GHG emissions of the alternatives listed above, where practicable. The [Sponsor] will explain which alternatives listed above have been rejected, and the reasons for the rejection of any alternative. Where models do not allow reasonable quantitative analyses of alternatives, the [Sponsor] will provide qualitative comparisons of GHG emissions of the alternatives."

Jim Skaley said he supports what D Weinstein said regarding what is in the current zoning and the proper definitions for PUD. He also agrees with what J Wilson said with regard to the kinds of development projects they are looking for, not just in terms of energy efficiency, but the Paris agreement will be in effect within the next 30 days. The board does have some authority with the PUD to make changes in the project. The County Planning Department has already declared this project has problems that will

require a super majority of the board to approve. Since the board has this authority, it should consider that as much as 50% might be owner occupied. That would begin to ameliorate part of the problem that the community has been talking about and relate to some kind of permanence with respect to residency. These things have been talked about for several years. That along with a review of the zoning so that there are corrections of the definitions that relate to the kind of planning they are looking for and the arrangement of the reclassification of some areas that are not currently properly classified. These things need to be reviewed. Otherwise, you will continue to have projects that are trying to squeeze through the zoning. That is not good management or good governance.

Roy Rizzo said the Fire Department doesn't take sides on this type of thing. They look for safety. They've made the applicant change the driveway. The hydrant has been moved up to the complex. The project is in the woods, not right on the main road. The place across the street has no hydrant and if there is a fire there, Route 366 will be shut down. At least this project is on the right side of the road and it is being looked at properly.

Lynn Dohm said she is a realtor in the area and hasn't seen much information. From what she understands, she would be for the project because she is concerned about other projects coming in that may be worse. When a developer comes with a plan, they usually ask for more than they need, so perhaps it could be scaled back. Owner occupied would restrict sales on it, but would bring quality to the neighborhood. Something else could end up being there that would be much worse. With some work this may actually be a positive thing.

Morgan Feldman said she is a vet student at Cornell and lives at East Gate and wanted to give a student's perspective. There has been mention of student and staff housing being a possibility for this development and a lot of what has been mentioned about what the incoming student community might be looking for such as green is correct so emphasis should be put on that. Students are looking for appropriate housing in Ithaca and though they are temporary residents, a lot of them look for community and a neighborhood. She considers herself a resident of the hamlet of Varna and has become active in the community center and is getting to know other residents. Any changes to zoning laws, which were thought of carefully when written, should be carefully considered for possible negative impacts on the Varna community. It seems a lot of Varna is not very pleased with the potential impacts of this project on the area. A lot more thought should be put in before rushing to change the zoning. D Weinstein pointed out there are three things that would negatively impact the community they are striving for. The people who live there are also going to want have a good community feeling. We should all feel like it fits in the community.

Chuck Geisler said he seconds what has been said about the proposed PUD. This is not the first time we'll have a PUD proposal. We have an opportunity to here to establish serious requirements and set a very high and interesting bar at this point: things like really tight energy construction from the get go; requiring south facing roof exposure so solar modifications and adjustments can easily be made; space heating should come from the ground or air and not from natural gas; and annual monitoring requirements of energy efficiency so that we know it is ongoing and perpetual. Under those conditions he would favor the proposal.

Debbie Lecoq said she agrees to D Weinstein and we should slow down and think about things a bit.

Eileen Maxwell said she supports what has been said and the concept of thinking more about green space and the kind of fuels and minimizing fossil fuel use if it happens at all. Lower density would be better.

Ray Burger, Planning Director, explained after this board referred the concept plan to the Planning Board, the Planning Board held a public hearing on July 28 and then made recommendations to the Town Board. Now the concept plan is before the Town Board. The board will perform the state environmental quality review and make a decision on the concept plan. They can accept the plan, accept it with conditions, or reject it. If it moves forward, the second step is that the applicant has an opportunity to present a development plan which has a lot more details and is more like a site plan. Then the town board would perform a site plan review.

In response to a question from Cl Lavine, D Weinstein said the comprehensive plan recommends one dwelling unit per two acres in this area. When the Varna Plan was created, that lot was specifically left out. It was decided to not include that lot in the hamlet zone. Zoning already allows more than one unit per two acres and it should not increase much beyond that.

Cl Cipolla-Dennis said she has read all the materials and the applicant's responses to the Planning Board's concerns. She has some specific questions about energy infrastructure and efficiency. She noted there are presently rental units behind this parcel owned by another person and a home on the side.

What is the existing energy infrastructure at the site? Natural gas, electricity and public water/sewer. It has not yet been decided what utilities will use which source of energy because they are only at the concept plan stage at this point. In the next step decisions such as those will be made. The developer understands the community's desires and concerns for green development.

Cl Cipolla-Dennis noted that these are considered in evaluating environmental impacts in the SEQR process. Atty Brock said at this point to assume they will use natural gas. If the developer then uses something with less impact, there is no need to reopen SEQR.

There was discussion about whether it is required in review of residential uses. Atty Brock noted that evaluation of air emissions is not limited to commercial or industrial. R Burger said this won't reach the DEC criteria with this number of units. Cl Cipolla-Dennis said that this may not rise to that level, but the board should think about the cumulative impact and the County's greenhouse gas emission reduction goals. They are looking to the towns to help them meet those goals. K Michaels said they understand that this is an initiative for the county and the community and will be taken into consideration when the project is further developed.

Cl Lavine said you want students who contribute to the community. To the extent that this green idea is important to students and others, it makes for a more desirable clientele, atmosphere and contribution to the community. It was pointed out that this is not being marketed as student housing. It is for people who for a variety of reasons want to live in townhouses.

Has NYSEG been consulted regarding system capacity for this project because some projects have been turned down for natural gas hookups? They haven't reached that point yet, because they don't know what their HVAC systems will be.

Will the structures be sided to be solar-ready or installing solar pv? Solar is not included at this point. The design team is trying to get through the concept design phase, then they will look at all those things.

Cl Cipolla-Dennis said it seems that would be important at this phase, so a decision for solar pv could be made at future time. Don't shut the door to it.

Do you know what greenhouse gas emissions might be from this project? No, they don't know, and won't do those calculations unless it is required. They will do energy modeling. G Sloan said Holt architects will break that down and provide the information.

Has any thought been given to using passive house design, zero energy building, or those types of extra tight envelope design? K Michaels said they try to be sustainable as possible and Holt typically designs buildings with a really good envelope and really high energy efficiency.

G Sloan said tonight we are going to do SEQR and hopefully approve the concept plan. They have hopefully provided everything for the board to make that decision. After tonight, if approved, it moves to stage two where much further detail needs to be provided for the building and such. Then they will have to devote time, energy, resources and money to detailing this out and providing those answers. Maybe those types of things could be ready and adaptable. Cl Cipolla-Dennis pointed out that passive house design and zero energy building has to be done at the design phase. G Sloan doesn't know if it makes sense or not at this point. They will look at all those things and see what makes sense when they have to provide more detail.

Supv Leifer confirmed they haven't considered energy impacts necessarily at this point; this is just generally laying it out the property, the concept of trail and such.

What is the expected rental rate for these units? Are any units designated to be affordable housing, low income house, Section 8 eligible housing, anything like that? No, they are not. They are more high-end townhouses. Cl Cipolla-Dennis pointed out there is a need in the community for affordable housing.

What kind of buffering will be provided for neighbors? Some of the trees in the line of mature trees will be taken out. They could add a vegetative buffer along that edge. Some trees will need to come out to grade the driveway.

Carol Whitlow noted that her living room window looks at a maintenance shed. Even if she can't see it, there will be noise.

There was a discussion about the traffic concerns raised at the Planning Board meeting. It is hard to see in both directions coming out of the driveway. G Sloan said it is currently not well designed. It will have proper grading, drainage, etc to make drivers comfortable.

Points made regarding traffic:

- The line of sight coming from Varna is not great and could be an issue in the winter.
- Possibility of preventing left turns when exiting the property. The developer doesn't intend to do that. There is no statistical traffic data to support that. Studies don't show an above average amount of accidents at similar intersections.

Cl Lavine said residents are concerned about density and owner occupancy. She said if it is too dense and ugly, it will be a less desirable place for people to live. Are there possibilities that these issues could be addressed?

G Sloan said density was greatly discussed in development of the plan. They are proposing to build on 2.1 acres of a 6.5 acre parcel. They are trying to make a project that is economically feasible and also preserve what's there. It's a beautiful property with the meadow

surrounded by evergreens. The walking trail will be improved and built out and the town will take it over. They intentionally preserved the evergreens on the back of the property.

These are not really designed to be owner occupied, but are high-end townhouses. They are 1800 sq ft, 3 bedrooms and are comparable to a home. They are not cookie cutter rentals. There is a need for this. G Sloan said he lives 8 minutes from the property, will be intimately involved and will take ownership of it. Renters are not second class citizens. They will create a community that has a sense of community and that people will take pride in living there.

Cl Lavine asked whether (considering the business model, tax implications, cash flow and such) was there something else inherent to not having some of them single family homes. Condos can be owned. G Sloan said he does not intend to market them as condos.

Cl Cipolla-Dennis said she attended training by NYS done on Planned Unit Development. They said a PUD is usually made for a reason to create community with mixed use areas: Some owner occupied, some rental, some single family. She asked what differentiates this project from any other townhome project and what makes this innovative and special and makes the town want to consider it as a PUD. G Sloan said he assumes the PUDs discussed at the seminar were not of such a small scale as 36 units. Generally they are a much larger project.

K Michaels said the creativity aspect of this is that this six acres could be divided into single lots in a more suburban style and each of those could be a duplex and you could have 28 units on the property. When you think about sustainability and footprint, to make more of that suburban model because it is more comfortable for the community is not what the developer is looking for. They are thinking responsibility about the land use and the terrain and the existing vegetation. There are four acres of green space left and they are making trail improvements at the same time.

Cl Lavine asked if there was any latitude in the density. G Sloan said he doesn't really know yet because we are only at this place in the process. Cl Servoss asked him to consider those options when moving forward, perhaps with more space between the buildings.

R Burger said the maximum density will be set in this process. G Sloan explained all that has been provided to date is very costly (engineering, perc test, etc). They have invested in that and have a design that works. Moving buildings around and changing these things is a significant cost factor for them. It's almost like starting over again and he is concerned about that.

R Burger said he isn't sure how the board could require a reduced density of the concept plan showed 5.5 dwelling units per acre. He doesn't know you would get a reduction of units in the process. Supv Leifer said it have to happen voluntarily on the part of the developer. The board could set a certain percentage for the greenspace. They don't have building designs yet.

Cl Lavine asked if there enough parking space. Each unit has a garage and a drive deep enough to park a car, so there is provision for two cars. The lease will require a maximum of two cars per unit.

Cl Lamb said he has no problem with the density. What is exciting is the concentration of people that can use the trail to get to Mt Pleasant and into Varna and community build there. People want it to be easier to get to Varna. That trail will provide pedestrian access to Varna and there are plans for a sidewalk. He likes that the developer has offered to build up the trail and allow people from the community to use it. He'd like the developer to encourage

people to not use cars. This could bring other business to the community, such as a coffee shop. He likes this and wants the developer to emphasize the trail component of this project. The developer should encourage residents to go pedestrian as much as possible. The facts will make a case for a coffee shop or some other business to open in Varna and further add to the community building. He encouraged the developer to stress that he is giving the trail component to the community to help encourage people to community build and spend time here.

Cl Lamb asked if the developer could require extended leases on a few of the units to get a commitment from people to stay longer. This could fill a niche for those parents coming to be closer to their college students. He appreciates that the developer is considering the green priorities. The board members take this seriously and are encouraging development to be as green as possible.

Cl Lavine noted that other developers have stated these models can be profitable. She asked what amenities the developer has in mind that would make this development attractive to families with young children. G Sloan said the size of the units will accommodate families. The trail is available and a lot of land is available far off the road. K Michaels added there is a pond and woods to play in. A campfire pit can be added. There will be space between the buildings. Cl Lavine said families would like a safe place for children to play. K Michaels said fencing could be added around the stormwater pond if necessary.

Supv Leifer noted that the County's 239 review brought up three issues: Setbacks are less than the 25' required in the existing and surrounding districts; crossing Dryden Road to reach to the bus shelter; and more accessible access to the trail. The setbacks would impact the way buildings 25-36 were laid out.

In discussing the setback requirements, the following items were noted:

- Moving the buildings further from the lot line would not leave enough access for emergency vehicles.
- Side yard setbacks in the rural residential district are 15'; rear yard is 25'.
- Planning Director sees those units as being on the side yard; it is subject to interpretation.
- There is there space for a buffer in the 15'.
- The 15' must be unoccupied, unobstructed from the ground up.
- "Structure" includes grade-level decks and patios per town's zoning law.
- The Board must declare its intention in the concept plan approval.
- Measurement must be made from the "structure" to the lot line.
- As proposed, the building is at the setback line with 8' of patio and 7' of yard.
- The mixed use district has a 7.5' side yard setback and 40' front yard setback.
- It seems we're trying to increase density on this lot and maintain the setbacks, creating a disconnect.

With respect to access to the bus shelter, the board will require the applicant to work with NYS DOT for signage and pavement markings.

With respect to trail access, the developer has addressed it in the plan and it will be a condition of approval.

The pond that was mentioned is a stormwater pond and applicant will have to meet stormwater requirements. If it looks like it will be a certain depth, the town can require fencing.

The board reviewed the Full Environmental Assessment Form as submitted by the applicant and the Planning Board's comments with respect to that (contained in the Planning Department's August 22, 2016 memorandum).

With respect to Section C.2.b. – add reference to the NYS Route 13/36 Corridor Management Plan

Section C.3.b. - Atty Brock said it appears the Planning Board was mixing up permitted use and density. The use that's allowed is not changing. The answer should be yes as submitted.

Section D.1.h. – was left blank and should be marked yes. The Planning Board recommends doubling the volume of the pond, but that will be determined by DEC statute. No change.

D.2.c.ii – was left blank and should be marked yes.

D.2.d.iii was left unchecked and should be marked yes.

D.2.f – The Planning Board recommends changing to yes because it may use natural gas for heating. It is better to assume there will be impact.

D.2.h – Atty Brock said it could be checked yes, but should add a statement that the project uses natural gas and methane is released during the production of natural gas. Part III will further address this.

D.2.j - No change to SEQR. Planning Board just made a comment.

D.2.k – N/A – so No should not be checked

D.2.m – no change – estimated time to build is about a year.

E.3.h – should be marked yes. Fall Creek is designated as a Federal Wild, Scenic, and Recreational River within 5 miles downstream. The Route 13/Route 366 is a town of Dryden designated rural highway corridor.

Section F – no changes, though the Planning Board had comments.

E.2.m – The predominant wildlife species should be listed, i.e. deer, fox, squirrels, birds, etc.

The board considered Part I amended and moved to Part II. The board reviewed Part II and accepted it as presented and for consideration during completion of Part III.

R Burger reviewed Part 3 with the board and the accompanying evaluation of the magnitude and importance of the project impacts.

RESOLUTION #152 (2016) - SEQR NEGATIVE DECLARATION –Planned Unit Development for 36 townhomes at 1061 Dryden Road, tax parcel 55.-1-16

Supv Leifer offered the following resolution and asked for its adoption:

WHEREAS,

A. The proposed action involves consideration of the application of M&R Entities, LLC (M&R) for Planned Unit Development (PUD) and Site Plan Approval, and for approvals by other agencies, for a 36 unit townhouse development located at 1061 Dryden Road, tax parcel 55.-1-16 in Dryden, New York, and

B. The proposed action is an Unlisted Action for which the Town Board of the Town of Dryden is acting in an uncoordinated environmental review in connection with the proposed action, and

C. The Town 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 Quality Review Act ("SEQRA"), (i) thoroughly reviewed the Environmental Assessment Form ("EAF"), Parts 1 and 2, 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 EAF, Part 3;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board of the Town of Dryden, based upon (i) its thorough review of the EAF, Parts 1 and 2, 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 3, including the reasons noted thereon (which reasons are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance ("Negative Declaration") in accordance with SEQRA for the above referenced proposed action, and determines that an Environmental Impact Statement will not be required, and

2. The Responsible Officer of the Town 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 EAF and determination of significance shall be incorporated by reference in this Resolution.

2nd Cl Servoss

Roll Call Vote	Cl Lavine
	Cl Cipolla-Dennis
	Cl Servoss
	Cl Lamb
	Supv Leifer

The board discussed potential conditions of approval for the concept plan. R Burger said there is no way of getting around getting a highway permit so the applicant will have to work with DOT. The current driveway, where three properties use the same curb cut was displayed, and the applicant explained the work he will do in creating his driveway. It is expected the DOT will weigh in on the safety of the curb cut. The board will require the applicant to work with the NYS Department of Transportation to develop appropriate signage and pavement markings to allow safe pedestrian crossing of Route 366.

There was discussion about extending the 30 mile per hour zone to Turkey Hill Road and not requiring the suggested no left turn from the driveway.

The board will require that the applicant investigate the incorporation of switchbacks for access to the Varna to Freeville rail trail located on the property.

Supv Leifer said it doesn't make sense to him to say they can't have the patios. Cl Lavine said she feels there should be more of a barrier than less; she would stick with a 25' setback. Cl Cipolla-Dennis pointed out that 25' is not what is currently provided for in that lot. Cl Lamb said the setback is established to protect adjacent property and asked the developer to describe the property that abuts that portion of the project. C Whitlow said an adjacent property owner could potentially do a similar development with the same setbacks.

It was pointed out that if the developer didn't have the patios, they would have the 15' and wouldn't have to move the structure. Or the units could be made a bit smaller and have a bit smaller patio and it might provide a bigger green space. There are options to be had without totally impacting the project.

Cl Lamb said it seems that two different standards are being applied to this property; trying to apply the rural residential to something the board has already agreed to increase the density on.

G Sloan said they can provide screening on the property line. It can be established in the design plan. Setbacks don't apply to a fence; they can go on the property line.

Simon St Laurent said this entire project seems to hang on a loophole that we have decreed side yards rather than back yards and are trying to treat them as such when they obviously are back yards with patios. We're being told by the developer that the entire project will die if we move these things. This doesn't make sense. You can make conditions. This conversation derailed an hour ago. We're hearing a lot of we can do that from the developer, and a lot of we've already arranged it this way and it will be fine. He said he doesn't think this is the way to build a neighborhood. The board should stop for a moment and think about it, but will probably vote it ahead at some point anyway. This doesn't make sense. It is not the way the zoning was written. It is not the expectations people had when we were doing these things. He doesn't think is an appropriate use for a PUD in the first place. This is crazy.

Cl Lavine said she also finds it uncomfortable for the answer to be that the developer already has this plan and it costs a lot of money to change it. It doesn't seem to be an adverse situation for the developer to hear what other people think will work. It could be a win-win situation for the neighbors and the developer to improve on this and make it a more livable place.

J Skaley said there is NYS litigation that suggests a developer's investment doesn't need to be considered in approving any concept of a project. Some developers have done this and the courts have said too bad.

There was discussion about moving the project on the parcel, the slopes on the front, and reducing the number of units.

Cl Cipolla-Dennis said she would like to see a larger setback, maybe not 25', but 15' is a minimum for her. The 15' would maintain a buffer that they are looking for and there are options for getting there.

Cl Lavine said if they are considering redesigning any piece of the project there should be open spaces that would entice families.

R Burger reminded the board that conditions for this project would only apply to this lot and to be clear in what is allowed to be built in the set back area and consider any visual barrier. Cl Lavine prefers the 25' setback requirement.

After further discussion of details, the board passed the following resolution.

RESOLUTION #153 (2016) – Approve Concept Plan and Authorize the Preparation of a Development Plan for a Planned Unit Development District at 1061 Dryden Road for Townhouse Development

Supv Leifer offered the following resolution and asked for its adoption:

WHEREAS,

- A. M&R Entities, LLC (M&R) has applied for a Planned Unit Development (PUD) district at tax parcel 55.-1-16, identified as 1061 Dryden Road, Dryden, New York in order to construct multi-family dwellings on the property at a density greater than permitted by the Town's Zoning Law.
- B. Prior to Development Plan and PUD approval, a Concept Plan must be approved by the Town Board.
- C. M&R proposes to construct 36 new two-story townhomes on the 6.537 acre site. A PUD application which included a Concept Plan, site plan, engineering reports, and conceptual Storm Water Pollution Prevention Plan (SWPPP) have been submitted and subsequently revised.
- D. The Town Planning Department considers the application complete and in conformance with the requirements of Town Zoning Law Article X (PUD Districts).
- E. The Planning Board held a public hearing on July 28, 2016 regarding M&R's Concept Plan and held a meeting on August 10, 2016, regarding the Part 1 of the project's Full Environmental Assessment (FEAF).
- F. The Planning Board made recommendations to the Town Board regarding the Concept Plan and commented on the FEAF.
- G. The Town Board has considered those recommendations and comments and made appropriate changes to the FEAF at its October 5, 2016 meeting.
- H. The parcel is in the Varna Volunteer Fire Company (VVFC) Fire District and the Chief of the VVFC, Roy Rizzo, has indicated the project is adequately laid out to allow for fire truck and other emergency vehicle access to the parcel and buildings.
- I. The parcel is in the Rural Residential Zoning District which allows for townhouse development at a density of 2 Dwelling Units per acre. The proposed density is 5.5 Dwelling Units per acre.
- J. The proposed townhomes are consistent with the community character.
- K. The proposed PUD is consistent with the Town Comprehensive Plan's goal for development.
- L. The developer shall deed approximately 1.2 acres of land to the Town for recreational purposes.
- M. Tompkins County Planning Department has reviewed this project as required by NYS Municipal Law §239 -l, -m, and -n and determined that this project may have negative inter-community, or county-wide impacts (letter dated September 12, 2016). The Town Board has considered Tompkins County Planning's recommended modifications.

N. Pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations at 6 NYCRR Part 617, the granting of approvals for this project is an Unlisted action for which the Town Board, acting in an uncoordinated environmental review with respect to the project, has, on October 5, 2016, made a negative environmental determination of significance, after having reviewed and accepted as adequate a Full Environmental Assessment Form Parts 1, 2 and 3.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board hereby finds that the considerations for approval of the Concept Plan listed in Zoning Law Sections 1003.B and C have been met, specifically that:
 - A. Multi-family housing is a permitted type of PUD development.
 - B. The applicant has provided evidence of ownership of the PUD project area.
 - C. A map of the project was provided.
 - D. The applicant has provided a written outline for the Development Plan with visual representations.
 - E. The Planning Board held a public hearing to consider the PUD Concept Plan and has offered its comments and recommendations to the Town Board.

2. The Town Board approves the Concept Plan for 1061 Dryden Road as shown in application materials dated May 5, 2016, and in additional submission materials dated August 8, 2016, conditioned on the following:
 - a) That an approvable Stormwater Pollution Prevention Plan (SWPPP) be developed and reviewed by the Town engineer.
 - b) The applicant shall work with the NYS Department of Transportation to develop appropriate signage and pavement markings to allow safe pedestrian crossing of Route 366.
 - c) Investigate the incorporation of switchbacks to provide more accessible bike and pedestrian access to the Varna-Freeville Trail located on the property.
 - d) The applicant shall redesign the project so there is an unobstructed (no decks or patios, among other things) 15 foot yard between units 25 through 36 and the southeast property line; however, walls and fences are allowed within the 15 foot yard.

3. The Town Board, finding that the applicant is in compliance with all other provisions of the Town Zoning Law and other applicable ordinances, authorizes the applicant to prepare and submit a Development Plan, as outlined in Zoning Law Section 1003.D, for the proposed PUD district at 1061 Dryden Road.

2nd Cl Lamb

Roll Call Vote	Cl Lavine	No
	Cl Cipolla-Dennis	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

The board will hold a budget workshop on October 19, 2016, at 6:00 p.m.

There being no further business, on motion made, seconded and unanimously carried, the meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Bambi L. Avery
Town Clerk