



Memorandum

To: Marty Moseley, Planning Department Chairman
From: David Sprout, Planning Department
Subject: 7 lot subdivision, 426-430 Lake Road, Tax Parcel 49.-1-30.2
Date: December 21, 2016

The Planning Department is in receipt of a subdivision request from Carl Snyder, a real estate broker with New York Land Quest. Mr. Snyder is representing Bluebird Golf Inc. (Randy and Nancy Luberecki), owner of the Dryden Golf Course located at 426-430 Lake Road.

Having decided to close the golf course, Bluebird wishes to subdivide divide the 57.74acre parcel into 7 lots, offering 6 for sale and retaining the seventh, 12.9acre lot which is located on the northwest side of Lake Road. You will note that the application refers to a 6-lot subdivision. Mr. Snyder recognizes that the seventh lot needs to be included in the subdivision.

State Environmental Quality Review, County Review, Ag & Markets

The proposed subdivision is an Unlisted Action. Per the Town's Subdivision Law, Part 1 of the Full Environmental Assessment Form (FEAF) is provided. Because the proposed subdivision involves more than four (4) lots, is adjacent to the Dryden Lake Wildlife Management Area - a multiple-use recreation area, and the 7th lot (the lot to be retained) is situated in Agriculture District #1, the proposed subdivision is subject to 239-m County review.

Department Review/Recommendations

Mr. Snyder met with the Planning Department for a pre-application meeting to discuss the subdivision. We discussed Conservation subdivisions and the Town's Residential Design Guidelines. Mr. Snyder indicated that the property owners are not interested in investing time or money in the subdivision, only in selling the property.

Each proposed lot conforms to the minimum lot size and road frontage requirement of the zoning district (Conservation) with each lot having its own road cut and driveway (contrary to the guidelines).

The required components of a sketch plan are listed in Article X of the Town's Subdivision Law (Section 1000-B). A stormwater plan, addressing erosion and sediment controls, has yet to be developed. That plan should include the 11 items listed in Section 1000 of the law

As always, please contact the Planning Department with any questions or concerns.

CC Carl Snyder
Planning Board
Erin Bieber, Planning Board Recording Secretary
Bambi Avery, Town Clerk
Deborah Cipolla-Dennis, Town Board Liaison

AGRICULTURAL DATA STATEMENT

1. Permit Application Sheet 1, General Information.
2. Permit Application Sheet 2, Site Plan Worksheet.
3. Name, address, telephone number and type of farm of owner(s) of land within the agricultural district which land contains farm operation(s) and upon which the project is proposed or which is located within 500 feet of the boundary of the property upon which the project is proposed:

A. Name: MATHEW & DANIEL PERKINS

Address: 477 LAKE RD DRYDEN

phone#: _____

Type of farm: HORSES

B. Name: JAMES LANAHAN

Address: 307 LAKE RD DRYDEN

phone#: _____

Type of farm: MIXED LIVESTOCK

C. Name: _____

Address: _____

phone#: _____

Type of farm: _____

D. Name: _____

Address: _____

phone#: _____

Type of farm: _____

**Full Environmental Assessment Form
Part 1 - Project and Setting**

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

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Name of Action or Project: BLUEBIRD ON DRYDEN LAKE SUBDIVISION		
Project Location (describe, and attach a general location map): 430 LAKE ROAD DRYDEN		
Brief Description of Proposed Action (include purpose or need): F 6 LOT RESIDENTIAL SUBDIVISION ALL WITH ROAD FRONTAGE ON LAKE ROAD & BORDERING DRYDEN LAKE		
Name of Applicant/Sponsor: CARL H. SMYDER BROKER - NEW YORK LAND QUEST	Telephone: (612) 280-5770	E-Mail: CARL@NYLANDQUEST.COM
Address: 82 NORTH ST P.O. BOX 1087		
City/PO: DRYDEN	State: NY	Zip Code: 13053
Project Contact (if not same as sponsor; give name and title/role):		
Address:		
City/PO:		
State:		
Zip Code:		
Property Owner (if not same as sponsor): RANDY & NANCY (JOAN) LUBERHECKI	Telephone: 844-3258	E-Mail:
Address: 426 LAKE ROAD		
City/PO: DRYDEN	State: NY	Zip Code: 13053

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B. Government Approvals

B. Government Approvals Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City Council, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No	239	
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? Yes No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? Yes No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? Yes No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) Yes No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? Yes No

If Yes, identify the plan(s):

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C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?
?? COM 1 CONSERVATION DISTRICT

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No
If Yes, Yes No

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? DRYDEN

b. What police or other public protection forces serve the project site?
COUNTY SHERIFF

c. Which fire protection and emergency medical services serve the project site?
DRYDEN

d. What parks serve the project site?
DRYDEN LAKE

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?
RESIDENTIAL

b. a. Total acreage of the site of the proposed action? 49.84 acres
b. Total acreage to be physically disturbed? 0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 57.74 acres

c. Is the proposed action an expansion of an existing project or use? Yes No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
If Yes, Yes No

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____

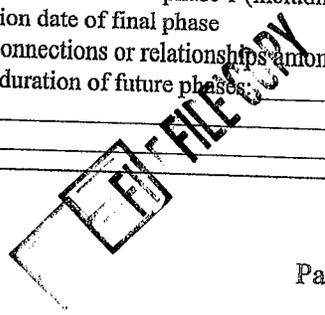
ii. Is a cluster/conservation layout proposed? _____

iii. Number of lots proposed? _____ Yes No

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? Yes No
i. If No, anticipated period of construction: _____ months

- ii. If Yes:
- o Total number of phases anticipated _____
 - o Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
 - o Anticipated completion date of final phase _____ month _____ year
 - o Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____



f. Does the project include new residential uses? Yes No

If Yes, show numbers of units proposed.

One Family

Two Family

Three Family

Multiple Family (four or more)

Initial Phase
At completion
of all phases

6

7

g. Does the proposed action include new non-residential construction (including expansions)? Yes No

If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No

If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) Yes No

If Yes:

i. What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

o Volume (specify tons or cubic yards): _____

o Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

iv. Will there be onsite dewatering or processing of excavated materials? Yes No
If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? Yes No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

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ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No

If Yes:

o [area] acres of aquatic vegetation proposed to be removed _____

o expected acreage of aquatic vegetation remaining after project completion _____

o purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

o proposed method of plant removal: _____

o if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No

If Yes:

o Name of district or service area: _____

o Does the existing public water supply have capacity to serve the proposal? Yes No

o Is the project site in the existing district? Yes No

o Is expansion of the district needed? Yes No

o Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No

If Yes:

o Describe extensions or capacity expansions proposed to serve this project: _____

o Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No

If, Yes:

o Applicant/sponsor for new district: _____

o Date application submitted or anticipated: _____

o Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

o Name of wastewater treatment plant to be used: _____

o Name of district: _____

o Does the existing wastewater treatment plant have capacity to serve the project? Yes No

o Is the project site in the existing district? Yes No

o Is expansion of the district needed? Yes No

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- Do existing sewer lines serve the project site? Yes No
- Will line extension within an existing district be necessary to serve the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

- If to surface waters, identify receiving water bodies or wetlands: _____

- Will stormwater runoff flow to adjacent properties? Yes No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
- _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
- _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
- _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
- _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

- i. Estimate methane generation in tons/year (metric): _____
- ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

- i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____
- ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____
- iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____
- iv. Does the proposed action include any shared use parking? Yes No
- v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

- i. Estimate annual electricity demand during operation of the proposed action: _____
- ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____
- iii. Will the proposed action require a new, or an upgrade to, an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- o Monday - Friday: _____
- o Saturday: _____
- o Sunday: _____
- o Holidays: _____

ii. During Operations:

- o Monday - Friday: _____
- o Saturday: _____
- o Sunday: _____
- o Holidays: _____

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m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No

If yes:

i. Provide details including sources, time of day and duration: Construction equip

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No

Describe:

n.. Will the proposed action have outdoor lighting? Yes No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No

Describe:

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:

During construction
yes

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products (over 550 gallons) 185 gallons in above ground storage or any amount in underground storage? Yes No

If Yes:

i. Product(s) to be stored:

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally describe proposed storage facilities:

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

o Construction: _____ tons per _____ (unit of time)

o Operation: _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

o Construction: _____

o Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

o Construction: _____

o Operation: _____

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s. Does the proposed action include construction or modification of a solid waste management facility? Yes No

If Yes:

- i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
- ii. Anticipated rate of disposal/processing:
 - o _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 - o _____ Tons/hour, if combustion or thermal treatment
- iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No

If Yes:

- i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____
- ii. Generally describe processes or activities involving hazardous wastes or constituents: _____
- iii. Specify amount to be handled or generated _____ tons/month
- iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____
- v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

- Urban Industrial Commercial Residential (suburban) Rural (non-farm)
- Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
o Roads, buildings, and other paved or impervious surfaces <i>2 Story Barn 2160^{sq ft} / 1.62</i>			
o Forested			
o Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	<i>44.84 ±</i>	<i>44.84 ±</i>	<i>0</i>
o Agricultural (includes active orchards, field, greenhouse etc.)			
o Surface water features (lakes, ponds, streams, rivers, etc.)			
o Wetlands (freshwater or tidal)			
o Non-vegetated (bare rock, earth or fill)			
o Other Describe: _____			

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c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities: _____

c. Does the project site contain an existing dam? Yes No
If Yes:

- i. Dimensions of the dam and impoundment:
- o Dam height: _____ feet
 - o Dam length: _____ feet
 - o Surface area: _____ acres
 - o Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:

- i. Has the facility been formally closed? Yes No
o If yes, cite sources/documentation: _____
- ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

- iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:

- i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
- Yes - Spills Incidents database Provide DEC ID number(s): _____
 - Yes - Environmental Site Remediation database Provide DEC ID number(s): _____
 - Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

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- v. Is the project site subject to an institutional control limiting property uses? Yes No
- o If yes, DEC site ID number: _____
 - o Describe the type of institutional control (e.g., deed restriction or easement): _____
 - o Describe any use limitations: _____
 - o Describe any engineering controls: _____
 - o Will the project affect the institutional or engineering controls in place? Yes No
 - o Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? OVER 6 feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

<u>DARIEN SILT LOAM</u>	<u>76+</u> %
<u>PHELPS</u>	<u>36</u> %
<u>HOWARD-VALLEY</u>	<u>10+</u> %

d. What is the average depth to the water table on the project site? Average: 6+ feet

e. Drainage status of project site soils:

<input checked="" type="checkbox"/> Well Drained:	<u>90</u> % of [S]site
<input type="checkbox"/> Moderately Well Drained:	<u>7</u> % of site
<input type="checkbox"/> Poorly Drained	<u>7</u> % of [S]site

f. Approximate proportion of proposed action site with slopes:

<input type="checkbox"/> 0-10%:	<u>87</u> % of site
<input checked="" type="checkbox"/> 10-15%:	<u>10</u> % of site
<input type="checkbox"/> 15% or greater:	<u>3</u> % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No

If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information[.]:

o Streams:	Name _____	Classification _____
o Lakes or Ponds:	Name <u>DRUEN LAKE</u>	Classification <u>DEL</u>
o Wetlands:	Name _____	Approximate Size _____
o Wetland No. (if regulated by DEC)	_____	

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100 year Floodplain? Yes No

k. Is the project site in the 500 year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No

If Yes:

i. Name of aquifer: _____

ii. Source of information: _____

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m. Identify the predominant wildlife species that occupy or use the project site:

n. Does the project site contain a designated significant natural community?

Yes No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): _____

ii. Source(s) of description or evaluation: _____

iii. Extent of community/habitat:

- o Currently: _____ acres
- o Following completion of project as proposed: _____ acres
- o Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?

Yes No

If Yes:

i. Species and listing (endangered or threatened): _____

ii. Nature of use of site by the species (e.g., resident, seasonal, transient): _____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?

Yes No

If Yes:

i. Species and listing: _____

ii. Nature of use of site by the species (e.g., resident, seasonal, transient): _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?

Yes No

If yes, give a brief description of how the proposed action may affect that use: NO AFFECT

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?

Yes No

If Yes, provide county plus district name/number: AP DISTRICT 1

b. Are agricultural lands consisting of highly productive soils present?

Yes No

i. If Yes: acreage(s) on project site? _____

ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?

Yes No

If Yes:

i. Nature of the natural landmark: Biological Community Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?

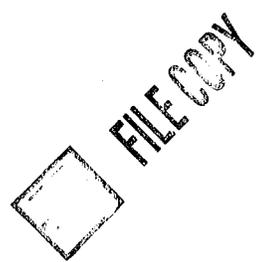
Yes No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. Designating agency and date: _____



e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? Yes No

If Yes:

i. Nature of historic/archaeological resource: Archaeological Site Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based: _____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? Yes No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? Yes No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. [Would] Is the project site [be visible from] within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? Yes No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? Yes No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? Yes No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name CARL H. SANDER Date 11/29/16

Signature Carl H. Sander Title BROKER / OWNER
NEW YORK LAND QUEST



From: Ted Crane [mailto:site@tedcrane.com]

Sent: Wednesday, December 14, 2016 10:41 PM

To: Bambi Avery

Subject: Comments on proposed Dryden Solar Law

Comments On Proposed Dryden Solar Energy Law

Submitted by Ted Crane, 888 Comfort Road, Danby, NY

Although I am not a Dryden resident, I am submitting these comments because language and standards used by one municipality often serve as root material for other municipalities. By improving Dryden's law, I hope to improve the basis for a future Danby law.

A quick reading of Dryden's proposed law flagged two issues that are either technical errors or intentional restrictions with unintended consequences: the size limits on ground-mounted, small-scale systems, and the definition of large-scale systems. These, and a few other items, are detailed below.

Thank you

-ted crane

1. "Geothermal" vs "Ground Source"

“RENEWABLE ENERGY CONVERSION SYSTEM (RECS) – means a Renewable

Energy Conversion System other than a WECS or a Solar Energy System (as that term is defined in the Zoning Law) and includes but is not limited to geothermal heat pumps, wood, wood pellet, hay and other types of biomass stoves.”

The word "geothermal", although popular, is frequently misused and is misused in this context. The correct word would be "heat pump system".

A heat pump can be either ground-source or air-source. A geothermal system relies on an underground hot water source such as a geyser or thermal vent, while a ground source heat pump uses the ground itself as the source medium. Air source heat pumps don't involve the ground at all.

Since Dryden has few subterranean hot water resources, use of "geothermal" is inappropriate.

Similarly, the omission of "air source heat pumps" may cause some problems. They are becoming more popular these days.

2. Definition of Large Scale Systems

LARGE-SCALE SOLAR ENERGY SYSTEM - A Solar Energy System that feeds

electricity directly into the grid, is primarily for the purpose of onsite or offsite sale or electricity consumption, and is larger than two thousand (2,000) square feet in area of solar collectors per lot (measuring the equipment surface area). This system may be ground-mounted or building-mounted and shall be limited to producing < 2 MWac (megawatts-alternating current).

For comparison purposes, my residential, ground-mounted solar PV system is made up of 65 solar panels, each roughly 3'x5', or about 975 square feet. Since each panel generates about 230W (AC), the total array generates no more than about 15kW (AC) at any given moment. This is at the upper end of the physical size of a residential system, and the output is typical of the efficiency of PV systems.

Therefore, the limit of 2,000 square feet may be unreasonably large. Furthermore, a system would have to be vastly larger than 2,000 square feet in size in order to begin to approach a 2mW output.

In fact, the total solar insolation in this region (solar energy reaching the ground in Dryden) doesn't even begin to approach enough to generate 2mW in a 2,000 square foot area. Because PV systems are typically only about 20 percent efficient, they can't capture the available insolation.

Whatever the intent of these limits is, the square footage and electrical output limits should be brought into correspondence.

Similar reconsideration should be given to the definition of a Small Scale System.

Note that solar thermal (as opposed to PV) systems are included in the Small Scale definition, but not in the Large Scale definition.

Because solar thermal systems are more efficient than solar PV, you can utilize a greater portion of the solar insolation, but this would be in the form of heat. If you could convert the heat into electricity (which is not typically how a smaller "large" system is used), you still couldn't get 2mW out of it.

There are few uses for large-sized solar thermal systems...for example, you could use it to heat water for a car wash, but it's not cost-effective for much else; if the hot water is mission-critical, you have to provide a backup heat source for cloudy days

3. Line of Sight

2. The installation of any Solar Energy System does not carry with it a right to a clear line of sight to the sun. A Solar Energy Applicant, installer, or developer has the responsibility to make sure that the Solar Energy System is positioned in such a way that it will achieve optimal energy production. It shall be the responsibility of the Applicant, installer, or developer to gain any and all solar easements or agreements to maintain a line of sight to the sun if necessary.

This is a key point.

4. Height of Building-Mounted Systems

2. Height. Solar Energy Systems shall not exceed the maximum height restrictions of the zoning district within which they are located and are provided the same height exemptions that apply to building-mounted mechanical devices or equipment.

Although this is a fair restriction, it may result in a number of unnecessary Zoning Appeals when existing buildings are retrofitted with solar panels. It might be prudent to allow solar panels to exceed the usual height restriction by a foot or so, when they are added to existing structures.

5. Height of Small-Scale Systems

E. Ground-Mounted Small-Scale Solar Energy Systems.

2. Ground-Mounted Small-Scale Solar Energy Systems are permitted as principal and accessory structures in all zoning districts and shall adhere to the following:

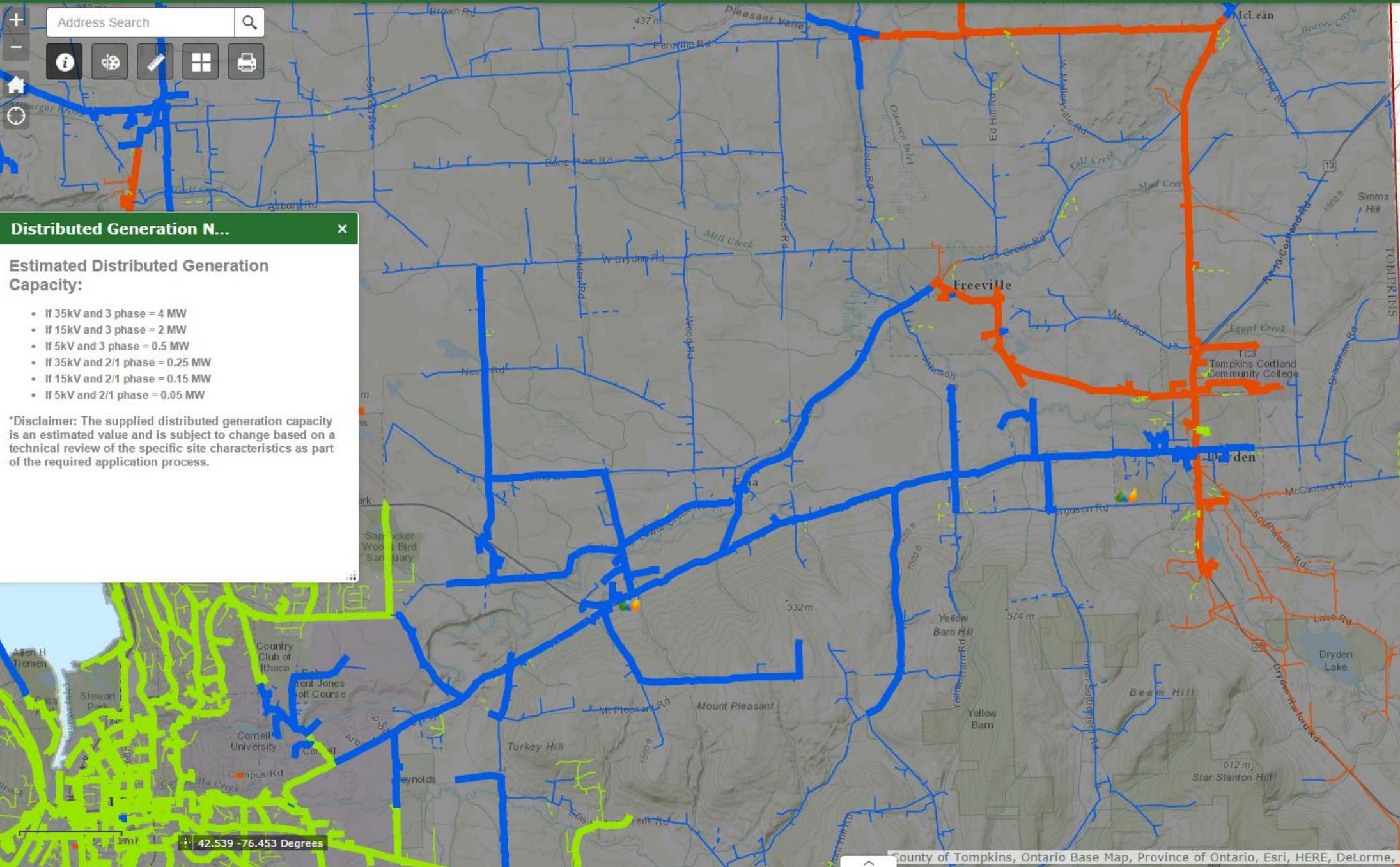
a. Height and Setback. Ground-Mounted Solar Energy Systems shall not exceed seventeen (17) feet in height, and the setback requirements of the underlying zoning district shall apply.

This is a significant limitation and is likely to cause an unexpected number of requests for Zoning Variances.

Solar PV panels are typically 3'x5'. When mounted on a pole, to permit the array to be tilted to achieve maximum performance, arrays are commonly sized up to 3x5 panels. In other words, up to a surface size of 15'x15'. This array is mounted on a pole. It is prudent to allow at least 30" below the mounted array, so that snow (in the winter) or vegetation (in the summer) will not interfere with the array. 15 feet plus 30 inches is more than the 17-foot limit.

To be careful, I should point out that the PV array will seldom, if ever, be placed in a fully vertical position. Typically, it will not need to go beyond about 23 degrees from vertical. However, there is little downside to making the limit 18 feet instead of 17 feet, and I strongly recommend this change.

Community Distributed Generation Opportunity Zone Map



Address Search

Map navigation icons: Home, Info, Full Screen, Print, Refresh

Distributed Generation N...

Estimated Distributed Generation Capacity:

- If 35kV and 3 phase = 4 MW
- If 15kV and 3 phase = 2 MW
- If 5kV and 3 phase = 0.5 MW
- If 35kV and 2/1 phase = 0.25 MW
- If 15kV and 2/1 phase = 0.15 MW
- If 5kV and 2/1 phase = 0.05 MW

*Disclaimer: The supplied distributed generation capacity is an estimated value and is subject to change based on a technical review of the specific site characteristics as part of the required application process.



Legend

- 5KV 2PH Underground (Blue solid line)
- 5KV 1PH Overhead (Blue dashed line)
- 5KV 1PH Underground (Blue dashed line)
- 15KV 3PH Overhead (Green solid line)
- 15KV 3PH Underground (Green solid line)
- 15KV 2PH Overhead (Green solid line)
- 15KV 2PH Underground (Green solid line)
- 15KV 1PH Overhead (Green solid line)
- 15KV 1PH Underground (Green dashed line)
- 34.5KV 3PH Overhead (Orange solid line)
- 34.5KV 3PH Underground (Orange solid line)

Iurp= Fdii#fkhuf fdiic glwlexwhgvxqifrp A
Vhqw= Wxhvgd|/Ghfhp ehu#6/#5349#15#7#SP
Wr= Ud | #Exujhu
Ff= Ekduwk#Vulqlydvdq#Fkhw#lhopp dqg
Vxemhfw= UH#judi#Vrcu#Ddz #dqg#jrwlfh#i#xedf#khdulqj #lwdfkhg

Iroorz#Xs#Iodj= Iroorz #ks
Iodj#Vwdwxv= Iodjhg

Hi Ray,

I hope that you're doing well. Thank you for sending us the draft Solar Law. Following up on my voicemail I wanted to provide the three comments below from Distributed Sun. Please let me know if you have any questions or feedback.

Thanks very much,
- Cliff

p. 6, Section 3.e. A Ground-Mounted Large Scale Solar Energy System... is located on a single lot. It is unclear if this would complicate owners interested in subdividing parcels to create single lots. It is our opinion that subdividing a leased area from the remainder of a tax parcel creates a clearer delineation for taxation and property maintenance. It would be problematic to have any language in the Law which appears to prohibit such a subdivision.

p. 7, Section 4.c.x. A lease is to be included with a site plan application. A solar lease agreement is a proprietary document. As site plan applications are public, this is a problematic requirement. A Letter of Agreement or Memorandum of Lease should suffice.

p. 10 J. Abandonment and Decommissioning. 2. At the time of obtaining a building permit, the Solar Energy Applicant may be required to provide a financial security bond for removal of the Ground-Mounted Large-Scale Solar Energy System and property restoration, with the Town of Dryden as the obligee, in an amount approved by the Town Board. A removal bond is an unnecessary burden in the early years of a project. The solar equipment installed has a 30 year lifespan. Also the scrap value of the raw materials in the project would more than defray any demolition labor costs. On the separate concern of companies entering bankruptcy, the way that solar projects are financed is as separate legal entities. This allows a solar project to keep operating throughout its life even if a parent company is no longer able to operate. For example, in the unlikely event of bankruptcy or liquidation, the solar project, its payment obligations and removal obligations would be transferred to a lender who would be able to own and operate the solar project themselves or find a new owner/ operator. The solar project entity would still be required to remove all installed equipment at the end of our land lease. In addition, studies performed by Brookhaven National Laboratory and written quotes received on the scrap value of installed materials (silicon, steel, copper, aluminum) all show scrap value exceeding equipment removal costs. Based on these analyses, we would propose having a removal bond in place only for later years of operations (years 20 – 35) to supplement any forecasted cost of removal.

Thanks very much for your consideration of these comments. Please let us know if you have any questions or feedback.

- Cliff

Cliff Scher
Senior Development Manager

[Distributed Sun LLC](#)

C: (917) 921-4473 / O: 202-536-5766 / cliff@distributedsun.com

From: Ray Burger <rburger@dryden.ny.us>
Date: Tuesday, December 6, 2016 at 6:03 PM
To: "ron szymanski (rszymanski@frontiernet.net)" <rszymanski@frontiernet.net>, Bharath Srinivasan <bharath@distributedsun.com>
Cc: Scott Starr <sstarr@dynamicenergyusa.com>, Richard Chun <richard.chun@delawareriversolar.com>
Subject: draft Solar Law and notice of public hearing attached

For your review and comment.

Ray

Ray Burger, Director of Planning
Town of Dryden
93 E. Main Street, Dryden, NY 13053
607-844-8888 x213
<http://dryden.ny.us/departments/planning-department>

**TOWN OF DRYDEN
LOCAL LAW NO. ___ OF THE YEAR 2016**

**A LOCAL LAW TO AMEND THE RENEWABLE ENERGY FACILITIES LAW
TO REMOVE ITS APPLICABILITY TO SOLAR ENERGY SYSTEMS AND
TO ADD SOLAR ENERGY SYSTEMS PROVISIONS TO THE ZONING LAW**

Be it enacted by the Town Board of the Town of Dryden as follows:

Section 1. The Renewable Energy Facilities Law of the Town of Dryden, New York, Article I (General) is amended as follows:

A. The definition of “Renewable Energy Conversion System (RECS)” in Section 5 (Definitions) is amended to read as follows:

“RENEWABLE ENERGY CONVERSION SYSTEM (RECS) – means a Renewable Energy Conversion System other than a WECS or a Solar Energy System (as that term is defined in the Zoning Law) and includes but is not limited to geothermal heat pumps, wood, wood pellet, hay and other types of biomass stoves.”

B. Section 7 (Applicability), subsection D is amended by deleting the phrase “solar panels mounted to the building being served;” so that subsection D reads as follows:

“D. Notwithstanding anything to the contrary in this local law, no Special Use Permit shall be required for mechanical wind turbines less than 50 feet tall; tower, pole or other independently structurally mounted RECS with a total height less than the structure served, or for geothermal heat pumps, wood, wood pellet, hay and other types of biomass stoves.”

Section 2. The Town of Dryden Zoning Law, Article III (Definitions) is amended by adding the following definitions:

BUILDING-INTEGRATED PHOTOVOLTAIC SYSTEM - Photovoltaic building components integrated into building envelope components such as glass or other building façade materials, skylights, or roofing materials.

BUILDING-MOUNTED SOLAR ENERGY SYSTEM - A Solar Energy System located on the exterior of any legally permitted building or structure or integrated into a building envelope for the purpose of producing electricity or providing thermal energy for onsite or offsite consumption. This system may be mounted to the roof or side of a Structure or be a Building-Integrated Photovoltaic System.

GROUND-MOUNTED SOLAR ENERGY SYSTEM - A Solar Energy System that is anchored to the ground and attached to a pole or other mounting system, that is detached from any other structure, and that has the primary purpose of producing electricity or thermal energy for onsite or offsite consumption.

LARGE-SCALE SOLAR ENERGY SYSTEM - A Solar Energy System that feeds electricity directly into the grid, is primarily for the purpose of onsite or offsite sale or

electricity consumption, and is larger than two thousand (2,000) square feet in area of solar collectors per lot (measuring the equipment surface area). This system may be ground-mounted or building-mounted and shall be limited to producing ≤ 2 MWac (megawatts-alternating current).

NET METERING - A billing arrangement whereby the solar energy producer receives credit for excess electricity generated and delivered to the power grid, paying only for the power used in excess of that generated and delivered to the power grid.

SMALL-SCALE SOLAR Energy System – A Solar Energy System that has the primary function of serving the building(s) with which it is associated on the same lot, but also may have the ability to sell small quantities of energy back to the electric utility provider and does not exceed two thousand (2,000) square feet in area of solar collectors (measuring the equipment surface area) per lot. This system may be ground-mounted or building-mounted, and includes Building-Integrated Photovoltaic Systems, other types of photovoltaic Solar Energy Systems, and Solar Thermal Systems.

SOLAR COLLECTOR - A photovoltaic cell, panel or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

SOLAR EASEMENT - A document recorded pursuant to NYS Real Property Law 335-b, the purpose of which is to secure the right to receive sunlight across real property of another for continued access to sunlight necessary to operate a Solar Energy System.

SOLAR ENERGY APPLICANT - Any person, firm, corporation or any other entity submitting an application to the Town of Dryden for a Special Use Permit and/or Site Plan Review for a Solar Energy System.

SOLAR ENERGY EQUIPMENT – Solar collectors, controls, inverters, energy storage devices, and other materials and hardware, associated with the production of electrical or thermal energy [from solar radiation](#).

SOLAR ENERGY SYSTEM - An electrical or thermal energy generating system composed of [Solar Panels](#), Solar Collectors, Solar Thermal Systems, and/or Solar Energy Equipment.

SOLAR PANEL - A photovoltaic device capable of collecting and converting solar energy into electrical energy.

SOLAR THERMAL SYSTEM – A system in which water or other liquid is directly heated by the sunlight. The heated liquid is then used for purposes such as space heating and cooling, domestic hot water and the heating of swimming pools.

Section 3. The Town of Dryden Zoning Law, Article V (Use Regulations), Section 501 (Allowable Use Groups Chart) is amended by adding “Solar Energy Systems” in the Uses column of the chart and by adding the notation “See § 1312” for each zoning district cell in the Solar Energy Systems row.

Section 4. The Town of Dryden Zoning Law, Article VII (Varna), Section 702 (Varna Use

Regulations) is amended by adding “Solar Energy Systems” in the Uses column of the chart and by adding the notation “See § 1312” for each zoning district cell and the Minimum Lot Size cell in the Solar Energy Systems row.

Section 5. The Town of Dryden Zoning Law, Article XIII (Standards and Requirements for Certain Uses) is amended by adding a new Section 1312 titled “Solar Energy Systems” as follows:

“Section 1312: Solar Energy Systems

A. Authority. This section is adopted pursuant to the powers granted by sections 261 and 263 of the Town Law of the State of New York, which authorize the Town of Dryden to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and “to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.”

B. Statement of Purpose. This section is adopted to advance and protect the public health, safety, and welfare of the Town of Dryden, including:

1. Taking advantage of a safe, abundant, renewable, and non-polluting energy resource;
2. Decreasing the cost of energy to the owners of commercial and residential properties, including single-family houses; and
3. Increasing employment and business development in the region by furthering the installation of Solar Energy Systems.

C. Applicability.

1. The requirements of this section shall apply to all Solar Energy Systems installed or modified after its effective date, excluding general maintenance and repair and Building-Integrated Photovoltaic Systems.
2. The installation of any Solar Energy System does not carry with it a right to a clear line of sight to the sun. A Solar Energy Applicant, installer, or developer has the responsibility to make sure that the Solar Energy System is positioned in such a way that it will achieve optimal energy production. It shall be the responsibility of the Applicant, installer, or developer to gain any and all solar easements or agreements to maintain a line of sight to the sun if necessary.
3. The Town of Dryden Planning Department shall review and determine the correct path for all permitting requirements.

D. Building-Mounted Solar Energy Systems.

1. Building-Mounted Solar Energy Systems that produce electricity or thermal energy for onsite or offsite use are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure.
2. Height. Solar Energy Systems shall not exceed the maximum height restrictions of the

zoning district within which they are located and are provided the same height exemptions that apply to building-mounted mechanical devices or equipment.

3. All Building-Mounted Solar Energy Systems that produce electricity or thermal energy for onsite or offsite use shall be exempt from Site Plan Review, unless such Building-Mounted system increases the overall height of the structure by six (6) feet or more, in which case Site Plan Review by the Planning Board shall be required.
4. All owners of Building-Mounted Solar Energy Systems must file a building permit application with the Planning Department, and obtain a valid building permit, prior to starting their installation.

E. Ground-Mounted Small-Scale Solar Energy Systems.

1. Ground-Mounted Small-Scale Solar Energy Systems shall not be located in the following areas, unless otherwise approved by the Planning Board in conjunction with a Site Plan Review process as provided in Article XI:
 - a. Prime farmland soils as identified by the Town of Dryden soil analysis maps.
 - b. Areas of potential environmental sensitivity, such as Unique Natural Areas as designated by the Tompkins County Environmental Management Council, flood plains, historic sites, airports, state-owned lands, conservation easements, trails, parkland, prime soils, and wetlands as identified by Tompkins County Planning Department mapping services, the New York State Department of Environmental Conservation, or the United States Army Corps of Engineers.
 - c. Development is prohibited on slopes of greater than fifteen percent (15%) unless the Solar Energy Applicant can demonstrate through engineering studies and to the satisfaction of the Town Engineer that the proposed development will cause no adverse environmental impact that will not be satisfactorily mitigated.
 - d. Placement within the front yards of residential lots.
2. Ground-Mounted Small-Scale Solar Energy Systems are permitted as principal and accessory structures in all zoning districts and shall adhere to the following:
 - a. Height and Setback. Ground-Mounted Solar Energy Systems shall not exceed seventeen (17) feet in height, and the setback requirements of the underlying zoning district shall apply.
 - b. Lot Coverage. The horizontal surface area covered by ground-mounted solar collectors shall be included in total lot coverage and when combined with the coverage of other structures, the total area shall not exceed the maximum lot coverage as permitted in the underlying zoning district.
3. Except as provided in subsection 1 above, Ground-Mounted Small-Scale Solar Energy Systems shall be exempt from Site Plan Review.

F. Ground-Mounted Large-Scale Solar Energy Systems.

1. Ground-Mounted Large-Scale Solar Energy Systems are permitted as principal and accessory uses through the issuance of a Special Use Permit as approved by the Town Board with prior review and recommendations on the Site Plan by the Planning Board within Conservation, Rural Agriculture, Rural Residential, Mixed-Use Commercial, and Light Industrial Zoning Districts, subject to the requirements set forth in this section, including site plan approval. Applications for the installation of a Ground-Mounted Large-Scale Solar Energy System shall be reviewed by the Zoning Officer and referred, with comments, to the Town Board for its review and action, which can include approval, approval on conditions, or denial.
 - a. Ground-Mounted Large-Scale Solar Energy Systems that produce electricity or thermal energy primarily for active farming or agricultural uses, where the generation is less than one hundred and ten percent (110%) of the farm use, shall be exempt from the requirement to obtain a Special Use Permit.
2. Ground-Mounted Large-Scale Solar Energy Systems shall not be located in the following areas unless otherwise approved by the Town Board in conjunction with the Special Use Permit approval process as provided in this section:
 - a. Prime farmland soils as identified by the Town of Dryden soil analysis maps.
 - b. Areas of potential environmental sensitivity, including Unique Natural Areas, flood plains, historic sites, airports, state-owned lands, conservation easements, trails, parkland, prime soils, and wetlands as identified by Tompkins County Planning Department mapping services, the New York State Department of Environmental Conservation, or the United States Army Corps of Engineers.
 - c. On slopes of greater than fifteen percent (15%), unless the Solar Energy Applicant can demonstrate through engineering studies and to the satisfaction of the Town Engineer that the proposed development will cause no adverse environmental impact that will not be satisfactorily mitigated.
3. No Special Use Permit or renewal thereof or amendment of a current Special Use Permit relating to a Ground-Mounted Large-Scale Solar Energy System shall be granted by the Town Board unless the Solar Energy Applicant demonstrates that such Ground-Mounted Large-Scale Solar Energy System:
 - a. Conforms with all federal and state laws and all applicable rules or regulations promulgated by any federal or state agencies having jurisdiction.
 - b. Is designed and constructed in a manner which minimizes visual impact to the extent practical.
 - c. Complies with all other requirements of the Town of Dryden Zoning Law and the Commercial Design Guidelines, unless expressly superseded herein.
 - d. Is situated on the lot on which it is to be developed in such a manner and location as to allow for development of any portion of the Town's Greenway that is also to be located

on such lot in accordance with the Town's Greenway Plan or any modification thereof as determined by the Town Board.

- e. Is located on a single lot.
 - f. Complies with a fifty-foot (50) front yard, rear yard, and side yard setback unless mounted on an existing building.
 - g. Does not exceed seventeen (17) feet in height.
 - h. Has a solar collector surface area (as measured in the horizontal plane) that, when combined with the coverage of other structures on the lot, does not exceed the maximum lot coverage as permitted in the underlying zoning district, unless the Town Board authorizes the exceedance through the Special Use Permit process.
4. Special Use Permit Application Requirements. For a Special Use Permit application, the site plan application is to be used as supplemented by the following provisions and shall include, but not be limited, to the following:
- a. A completed project application form in such detail and containing such information as the Town Board may require.
 - b. In fulfilling the requirements of the State Environmental Quality Review Act ("SEQRA"), the Town Board may require a Full Environmental Assessment Form ("EAF") for the proposed Ground-Mounted Large-Scale Solar Energy System. The Town Board may require submittal of a more detailed visual analysis based on the information in, or analysis of, the EAF.
 - c. Site plan in accordance with the requirements of Article XI and this section including, without limitation:
 - i. Name, address and phone number of the person preparing the reports.
 - ii. Postal address and Tax Map parcel number of the property.
 - iii. Zoning district in which the property is situated.
 - iv. The exact location including geographic coordinates of the proposed Ground-Mounted Large-Scale Solar Energy System including any solar arrays, equipment and anchors, if applicable.
 - v. Identification on site plans of areas of potential environmental sensitivity, including onsite or nearby Unique Natural Areas, slopes greater than 15%, flood plains, historic sites, airports, other government lands, conservation easements, trails, parkland, prime soils, and wetlands as identified by Tompkins County Planning Department mapping services, the New York State Department of Environmental Conservation, or the United States Army Corps of Engineers.

- vi. The maximum height of the proposed Solar Energy System, including all appurtenances.
- vii. A detail of solar collector type including but not limited to equipment specification sheets for all photovoltaic panels and collectors, significant components, mounting systems, and inverters that are to be installed; and proposed solar energy production capacity design level proposed for the Solar Energy System and the basis for the calculations of the area of the Solar Energy System's 'capacity.
- viii. The location, type and intensity of any lighting on the site.
- ix. Property boundaries and names of all adjacent landowners;
- x. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted. The lease document must clearly delineate the party responsible and the procedure for decommissioning at the end of the life of the system and in the event the owner of the system abandons the system for any reason.
- xi. The location of all other structures on the property.
- xii. The system shall be designed to accommodate emergency vehicle access. The design may include, but not be limited to, items such as the height, access ways for vehicles, firefighting capabilities, and other prominent features.
- xiii. Blueprints and a site plan showing the layout of the Ground-Mounted Large-Scale Solar Energy System, which must bear the seal of a design professional licensed to practice in New York State.
- xiv. Description of continuing Solar Energy System maintenance and property upkeep, such as mowing and trimming.
- xv. The location, nature and extent of any proposed fencing, landscaping and screening.
- xvi. The location and nature of any proposed utility easements and access roads or drives.
- xvii. A glare assessment survey and any mitigation efforts that may be utilized to minimize glare on contiguous parcels of land.
- xviii. A Decommissioning plan as set forth in the below provisions titled "Abandonment and Decommissioning".

5. Special Use Permit Standards.

a. Appearance and Buffering:

- i. The Ground-Mounted Large-Scale Solar Energy System shall have the least visual effect practical on the environment, as determined by the Town Board. Based on site

specific conditions, including topography, adjacent structures, and roadways, reasonable efforts shall be made to minimize visual impacts by preserving natural vegetation, and providing landscape screening to abutting residential properties and roads, but screening should minimize the shading of solar collectors.

- ii. Any glare produced by the solar array shall not impair or make unsafe the use of contiguous structures, any vehicles on or off the road, any airplanes, or uses by other possible impacted entities as determined by the Town Board.
- iii. Any exterior lighting installed shall have the least visual effect practical on the contiguous properties and shall be approved by the Town Board.
- iv. The Town Board may require additional information, such as line-of-sight drawings, detailed elevation maps, visual simulations, before and after renderings, and alternate designs to more clearly identify adverse impacts for the purpose of their mitigation.
- v. Equipment and vehicles not used in direct support, renovations, additions or repair of any Ground-Mounted Large-Scale Solar Energy System shall not be stored or parked on the facility site.

b. Access and Parking:

- i. Ground-Mounted Large-Scale Solar Energy Systems may be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's name and emergency contact information shall be placed on any access point to the system and on the perimeter of the fencing. The fencing and the system shall be further screened by any landscaping or decorative fencing needed to avoid adverse aesthetic impacts as approved by the Town Board.
- ii. Motion-activated or staff-activated security lighting around the equipment area of a Ground-Mounted Large-Scale Solar Energy System or accessory structure entrance may be installed provided that such lighting does not project off the site. Such lighting should only be activated when the area within the fenced perimeters has been entered.
- iii. A locked gate at the intersection of the access way and a public road may be required to obstruct entry by unauthorized vehicles. Such gate must be located entirely upon the lot and not on the public right-of-way.

c. Engineering and Maintenance:

- i. Every Solar Energy System shall be built, operated and maintained to acceptable industry standards, including but not limited to the most recent, applicable standards of the Institute of Electric and Electronic Engineers ("IEEE") and the American National Standards Institute ("ANSI").
- ii. The Town, at the expense of the Solar Energy Applicant, may employ its own consultant(s) to examine the application and related documentation and make recommendations as to whether the criteria for granting the Special Use Permit have

been met, including whether the Applicant's conclusions regarding safety analysis, visual analysis, structural inspection, and stormwater management aspects are valid and supported by generally accepted and reliable engineering and technical data and standards.

- d. The Town Board may impose conditions on its approval of any Special Use Permit under this section in order to enforce the standards referred to in this section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).
6. Any application under this section shall also meet all provisions contained in Article XI for site plans that, in the judgment of the Town Board, are applicable to the system being proposed.

G. Fees and Deposits.

1. The fees for a Special Use Permit, Site Plan Review and Building Permit application for a Large-Scale Solar Energy System shall be set from time to time by Town Board resolution.

~~2. The fees for Site Plan Review shall be set from time to time by Town Board resolution.~~

~~3.~~2. The Solar Energy Applicant shall deliver with its application an amount equal to one percent (1%) of the estimated cost of the project. This sum shall be held by the Town in a non-interest bearing account, and these funds shall be available to the Town to pay consultants engaged by the Town to assist in review of the application. Following grant or denial of the application, the Town shall return to the Applicant any excess remaining in escrow. If the escrow account has been depleted prior to grant or denial of the application, the Applicant shall deposit such funds as are then necessary for the Town to pay any outstanding fees to said consultants.

~~4. Building Permit Application Fees for Small-Scale Solar Energy Systems and Large-Scale Solar Energy Systems shall be set from time to time by Town Board resolution.~~

H. Building Permits.

1. A holder of a Special Use Permit from the Town Board granted under this section shall obtain, at its own expense, all permits and licenses required by applicable law, rule, regulation or code and must maintain the same, in full force and effect, for as long as required by the Town or other governmental entity or agency having jurisdiction over the Solar Energy Applicant.
2. A holder of a Special Use Permit from the Town Board for a Solar Energy System shall construct, operate, maintain, repair, provide for removal of, modify or restore the permitted Solar Energy System in strict compliance with all current applicable technical, safety and safety-related codes adopted by the Town, County, State or United States, including but not limited to the most recent editions of the National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health and land use codes. In the event of a

conflict between or among any of the preceding, the more stringent shall apply.

3. Unless waived by the Town Board, there shall be a pre-application meeting for the building permit application. The purpose of the pre-application meeting will be to address issues which will help to expedite the review and permitting process. A pre-application meeting may also include a site visit, if required. Costs of the Town's consultants to prepare for and attend the pre-application meeting will be borne by the Solar Energy Applicant.
4. The Solar Energy Applicant shall furnish written certification that the Solar Energy System, foundation and attachments are designed and will be constructed ("as built") to meet all local, county, state and federal structural requirements for loads, including wind and snow loads. If the Solar Energy System is subsequently approved and constructed, similar as-built certification indicating that it has been constructed in accordance with all standards shall be furnished prior to the Town issuance of any certificate of occupancy or compliance.
5. After construction and prior to receiving a certificate of occupancy or compliance, the Solar Energy Applicant shall furnish written certification that the Solar Energy System is grounded and bonded so as to protect persons and property and installed with appropriate surge protectors by a certified and approved NYS Licensed Electrical Inspector.

I. Right to Inspect.

1. In order to verify that the Solar Energy System's owners and any and all lessees, renters and/or operators of the Solar Energy System place, construct, modify and maintain such Systems, including solar collectors and solar inverters, in accordance with all applicable technical, safety, fire, building and zoning codes, laws, ordinances and regulations and other applicable requirements, the Town may inspect all facets of said System's placement, construction, modification and maintenance.
2. Any inspections required by the Dryden [Building-Planning](#) Department that are beyond its scope or ability shall be at the expense of the Solar Energy Applicant.

J. Abandonment and Decommissioning.

1. At the time of submittal of the application for a Special Use Permit for a Ground-Mounted Large-Scale Solar Energy System, the Solar Energy Applicant shall submit and agree to the performance of a decommissioning plan that includes the removal of the Solar Energy System and all associated equipment, driveways, structures, buildings, equipment sheds, lighting, utilities, fencing, and gates. If such System becomes technologically obsolete or ceases to perform its originally intended function for more than six (6) consecutive months, the Town may require its removal in accordance with the decommissioning plan. Upon removal of a Ground-Mounted Large-Scale Solar Energy System, the land shall be restored to its previous condition, including but not limited to the seeding and sodding, as appropriate depending upon the season of the work, of exposed soils.
2. At the time of obtaining a building permit, the Solar Energy Applicant may be required to provide a financial security bond for removal of the Ground-Mounted Large-Scale Solar Energy System and property restoration, with the Town of Dryden as the obligee, in an amount approved by the Town Board. Upon any amendment of the Special Use Permit, the Town

Board may adjust the required amount to the financial security bond to adequately cover increases in the cost of removal of the Ground-Mounted Large-Scale Solar Energy System and property restoration. If the Ground-Mounted Large-Scale Solar Energy System is not decommissioned after being considered abandoned, the Town may remove the system and restore the property and impose a lien on the property pursuant to Section 1802.B to recover these costs to the Town.

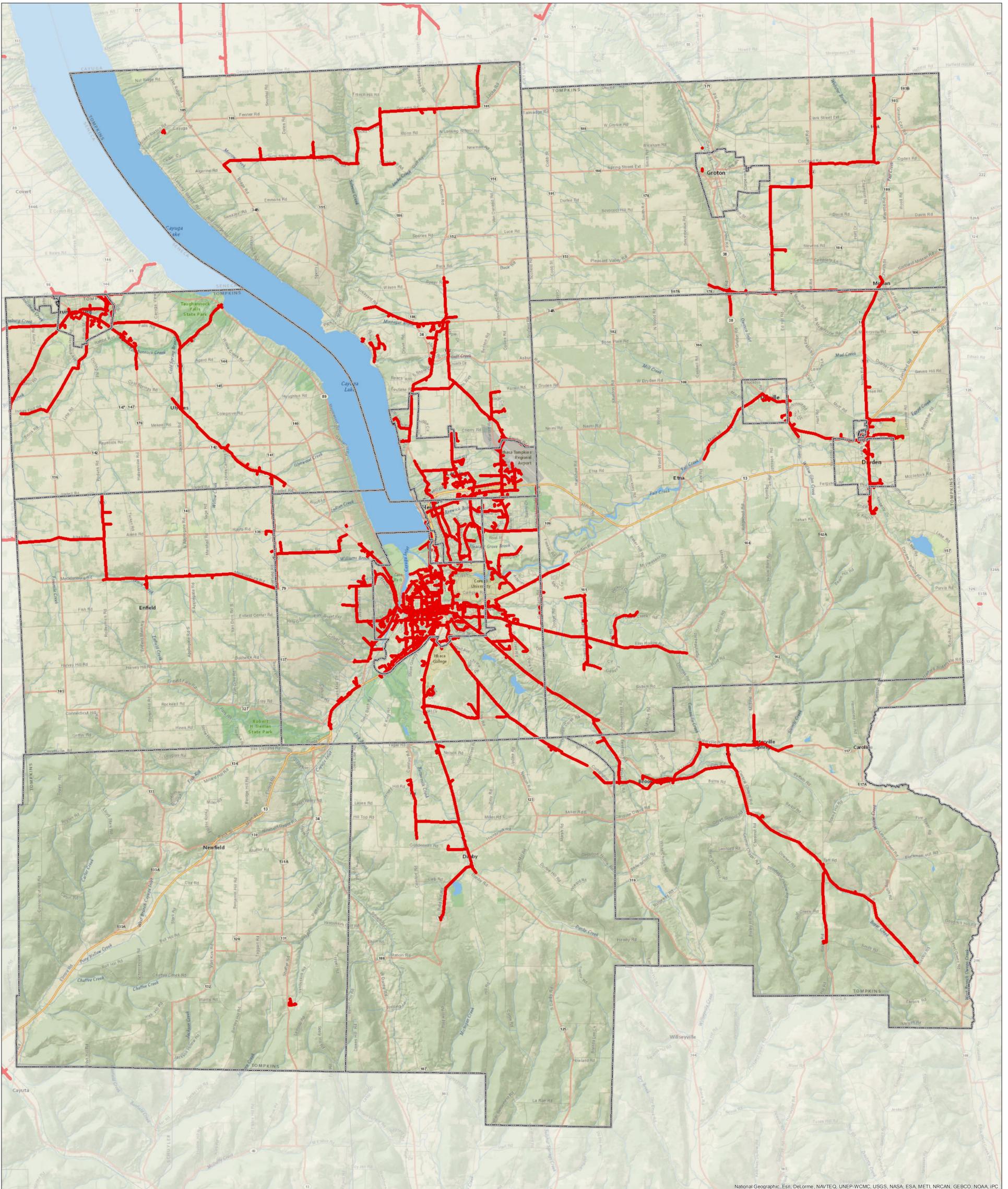
3. All other Solar Energy Systems shall be considered abandoned after 6 months without electrical energy or thermal energy generation and must be removed from the property. The Town Board may consider and grant, for good cause shown, an application for one extension not exceeding 24 months for Solar Energy Systems other than Ground-Mounted Large-Scale Solar Energy Systems.”

Section 56. This local law shall take effect upon filing in the office of the Secretary of State.

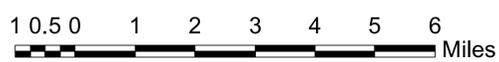
Section 67. The provisions of this local law are severable. If any court of competent jurisdiction decides that any section, clause, sentence, part or provision of this local law is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections clauses, sentences, parts, or provisions of the Local Law.

Section 78. This local law shall supersede or repeal any prior inconsistent Local Law.

Circuits Suitable for Potential Large Solar Facilities



— Circuits that may be able accommodate Distributed Generation Project equal to or greater than 1 MW



Proposed Simplification of Allowable Used Charts based on Comparing Allowed Uses to Zoning District Purposes & Primary Permitted Uses

Zoning District	NR-Neighborhood Residential	RR-Rural Residential	RA- Rural Agricultural	CV-Conservation
Purpose	“...areas of the town where established neighborhoods are...in a rural landscape and constitute the primary use.”	“... an area of the town where residential uses situated in a rural landscape constitute the primary land use. Public water and sewer does not exist in this area.	“...an area of the town primarily for agricultural use and associated natural areas protection.”	“...protect...assets that warrant protections from ...impacts of development.”
Primary Uses	“Single family homes are the predominant form of development, and future development is unlikely. Home Occupations are the primary commercial activity in this district. Agriculture is an allowed use in this District”	Single and two family homes are the predominant form of development Agriculture is also expected to be a substantial land use well into the future.”	“... area that is intended to remain rural and where agriculture is recognized as the primary land use. Small scale rural businesses which are agriculturally related or supporting may be appropriate in this district.”	Residential and agriculture
Business Group	NR-Neighborhood Residential	RR-Rural Residential	RA- Rural Agricultural	CV-Conservation
Automotive Repair Garage (sec. 1310)	X	<u>SUP change to X</u> 10 customer parking slots + 2 slots/3-employees AND vehicles stored for service or repair AND a structure or fenced areas for service and/or car washing <u>Not consistent with X in NR & Not consistent with Purpose or Primary Uses permitted in District</u>	<u>SUP change to X</u> 10 customer parking slots + 2 slots/3-employees AND vehicles stored for service or repair AND a structure or fenced areas for service and/or car washing <u>Not consistent with Purpose or Primary Uses permitted in District</u>	<u>SUP change to X</u> 10 customer parking slots + 2 slots/3-employees AND vehicles stored for service or repair AND a structure or fenced areas for service and/or car washing <u>Not consistent with Purpose or Primary Uses permitted in District</u>

Proposed Simplification of Allowable Used Charts based on Comparing Allowed Uses to Zoning District Purposes & Primary Permitted Uses

Zoning District	NR-Neighborhood Residential	RR-Rural Residential	RA- Rural Agricultural	CV-Conservation
Automotive Salvage and Junk Yards	X	X	<u>SUP change to X</u> A Lot or Structure and any place of storage of 2 or unregistered old or 2d-hand vehicles for purpose of resale of used parts and/reclaiming materials therein (or equal in bulk to 2 vehicles) <u>NOT consistent with Purpose or Primary Uses permitted in District</u>	<u>SUP change to X</u> A Lot or Structure and any place of storage of 2 or unregistered old or 2d-hand vehicles for purpose of resale of used parts and/reclaiming materials therein (or equal in bulk to 2 vehicles) <u>NOT consistent with Purpose or Primary Uses permitted in District</u>
Automotive Towing Service (sec. 1306)	X	X	<u>SUP change to X</u> Up to 15 vehicles at a time in screened & fenced-in area to obstruct views from adjacent properties & highways; storage limits = 21-90 days <u>Not consistent with "X" in other NR or RR & Not consistent with Purpose or Primary Uses allowed in District</u>	X
Campground	X	<u>SUP change to X</u> transient occupancy by camping in tents, trailers, motor homes movable or temporary sleeping quarters of any kind <u>Not consistent with X in NR & Not consistent with Purpose of District or Primary Uses permitted in District</u>	<u>SUP change to X</u> transient occupancy by camping in tents, trailers, motor homes movable or temporary sleeping quarters of any kind <u>Not consistent with Purpose of District or Primary Uses permitted in District</u>	<u>SUP change to X</u> transient occupancy by camping in tents, trailers, motor homes movable or temporary sleeping quarters of any kind <u>Not consistent with Purpose of District or Primary Uses permitted in District</u>
Contractor's Yard	X	<u>SUP change to X</u> Space used for storage of construction equipment, machinery, vehicles, or parts kept by a contractor—can be in or outside a building <u>Not consistent with X in NR & not consistent with Purpose of District or Primary Uses permitted in District</u>	SUP	<u>P change to X</u> Space used for storage of construction equipment, machinery, vehicles, or parts kept by a contractor—can be in or outside a building <u>Not consistent with Purpose of District or Primary Uses permitted in District</u>
Day Care Center, Child	X	<u>SUP change to X</u> A facility NOT a dwelling unit where care is provided regularly to 3 or more	<u>SUP change to X</u> A facility NOT a dwelling unit where care is provided regularly to 3 or	X

Proposed Simplification of Allowable Used Charts based on Comparing Allowed Uses to Zoning District Purposes & Primary Permitted Uses

Zoning District	NR-Neighborhood Residential	RR-Rural Residential	RA- Rural Agricultural	CV-Conservation
		children (= second building for child care) <u>Not consistent with X in NR & not consistent with Purpose of District or Primary Uses permitted in District</u>	more children (= second building for child care) <u>Not consistent with Purpose of District or Primary Uses permitted in District</u>	
Inn	<u>X</u>	<u>SUP change to X</u> Commercial facility resembling traditional residential construction providing (temporary) lodging, meals, common dining facilities, common leisure room for lodgers & general public <u>Not consistent with X in NR; Traffic, parking, transient occupants, # of occupants hours of lodgers coming and going not consistent with Purpose of District or Primary Uses permitted in District</u>	SUP	<u>SUP change to X</u> Commercial facility resembling traditional residential construction providing (temporary) lodging, meals, common dining facilities, common leisure room for lodgers & general public <u>Traffic, parking, transient occupants, # of occupants hours of lodgers coming and going not consistent with Purpose of District or Primary Uses permitted in District</u>
Kennel (sec 1308)	X	<u>SUP change to X</u> Commercial establishment where 4 or more animals are kept raised, sold, boarded, bred, shown, treated, or groomed on a lot with a minimum of 5 acres for kennels or other facility with outdoor runs; all facilities located adequate distance from property line to reduced noise from barking animals; Board authorized to impose such conditions to avoid or minimize traffic, noise, odors or other impairments to the use, enjoyment, and value of the property in area of kennel <u>Not consistent with X in NR & not consistent with Purpose of District or Primary Uses permitted in District</u>	SUP	<u>SUP change to X</u> Commercial establishment where 4 or more animals are kept raised, sold, boarded, bred, shown, treated, or groomed on a lot with a minimum of 5 acres for kennels or other facility with outdoor runs; all facilities located adequate distance from property line to reduced noise from barking animals; Board authorized to impose such conditions to avoid or minimize traffic, noise, odors or other impairments to the use, enjoyment, and value of the property in area of kennel <u>Not consistent with Purpose of District or Primary Uses permitted in District</u>
Large Scale Retail Development	X	<u>SUP change to X</u> <u>There is no Definition for this Use term—closest ones might be p. 14</u>	X	X

Proposed Simplification of Allowable Used Charts based on Comparing Allowed Uses to Zoning District Purposes & Primary Permitted Uses

Zoning District	NR-Neighborhood Residential	RR-Rural Residential	RA- Rural Agricultural	CV-Conservation
		<p>“Retail Center” or “Retail Plaza;” <u>Not consistent with X in NR & RA;</u> <u>Not consistent with Retail Shopping Centers/Plazas being X in RR; Traffic, parking, hours of operation, customers coming and going, on-site activities not consistent with Purpose of District or Primary Uses permitted in District</u></p>		
Professional Office	X	<p><u>SUP change to X</u> [Separate?] Structure used for organizational, administrative, business aspects of trade or profession characterized by low traffic and pedestrian volumes, lack of noise and low density of building development <u>Not consistent with X in NR; Not consistent with Purpose of District or Primary Uses permitted in District</u></p>	P	<p><u>SUP change to X</u> Structure used for organizational, administrative, business aspects of trade or profession characterized by low traffic and pedestrian volumes, lack of noise and low density of building development <u>Not consistent with Purpose of District or Primary Uses permitted in District</u></p>
Restaurant.	X	<p><u>SUP change to X</u> Establishment including a Tavern where food is prepared, served, sold, and alcoholic beverages are consumed on premises—excludes bars. <u>Not consistent with X in NR; Parking, traffic, hours, activities not consistent with Purpose of District or Primary Uses permitted in District</u></p>	<p><u>SUP change to X</u> Establishment including a Tavern where food is prepared, served, sold, and alcoholic beverages are consumed on premises—excludes bars. <u>Parking, traffic, hours, activities not consistent with Purpose of District or Primary Uses permitted in District</u></p>	X
Retail Business	X	<p><u>SUP change to X</u> Any business involving the sale of small quantities of a larger inventory to transient customers in a shop or other building including electronic or mail sales <u>Not consistent with X in NR or RA; A Shop or “other building”, customer parking, traffic, hours, activities not consistent with Purpose of District or Primary Uses permitted in District</u></p>	X	X

Proposed Simplification of Allowable Used Charts based on Comparing Allowed Uses to Zoning District Purposes & Primary Permitted Uses

Zoning District	NR-Neighborhood Residential	RR-Rural Residential	RA- Rural Agricultural	CV-Conservation
Retreat or Conference Center	X	SUP	SUP	<u>SUP change to X</u> facility used for meetings or seminars with accommodations limited to attendees. They can include sleeping, eating, and recreation. <u>Not consistent with Purpose of District or Primary Uses permitted in District</u>
Service Business	X	<u>SUP change to X</u> Any organization that provides services to individuals, businesses, industry, government, or other enterprises. (Existing definition of Use is very broad with no limits on buildings, activities, traffic, persons on site, etc.) <u>Without more specificity can't know whether Use compatible with Purpose of District and Primary Uses allowed in District; could be inconsistent with X in NR</u>	<u>SUP change to X</u> Any organization that provides services to individuals, businesses, industry, government, or other enterprises. (Existing definition of Use is very broad with no limits on buildings, activities, traffic, persons on site, etc.) <u>Without more specificity can't know whether Use is compatible with Purpose of District and Primary Uses allowed in District; could be inconsistent with X in NR or an X for RR</u>	X

Proposed Simplification of Allowable Used Charts based on Comparing Allowed Uses to Zoning District Purposes & Primary Permitted Uses

Bed and Breakfast home	P	P	P	<u>SUP change to X</u> A dwelling with resident host in a single family home with common dining, leisure, and lodging rooms for over-night guests. Up to 10 lodgers in 3-5 guest rooms. <u>Not consistent with Purpose of District or Primary Uses permitted in District</u>
Congregate Care Facility	X	<u>P to SUP or X</u> Facility for residential care and services for persons [with a staff providing] 24-hour services run in accordance with NYS requirements for such a Care Facility; <u>P is inconsistent with X in NR. No guidelines on # of persons on site or # of buildings plus 24-hour operations prevents this Use from being clearly consistent with Purpose of District or Primary Uses permitted in the District: SUP status could enable Town to attempt to make Use compatible with its Zoning.</u>	<u>P to SUP or X</u> Facility for residential care and services for persons [with a staff providing] 24-hour services run in accordance with NYS requirements for such a Care Facility; <u>No guidelines on # of persons on site or # of buildings plus 24-hour operations prevents this Use from being clearly consistent with Purpose of District or Primary Uses permitted in the District: SUP status could enable Town to attempt to make Use compatible with its Zoning.</u>	<u>P to X</u> <u>Use seems clearly inconsistent with Purpose of District and the Primary Uses allowed in the District.</u>
Day Care home, Group	<u>P to SUP</u> A Dwelling Unit which is a personal residence, occupied as a family residence which provides daycare on a regular basis to 7-12 children. <u>Amount of daily traffic to bring and remove 7-12 children daily makes this Use better mitigated by requiring SUP than by allowing it as a matter of Right.</u>	<u>P to SUP</u> A Dwelling Unit which is a personal residence, occupied as a family residence which provides daycare on a regular basis to 7-12 children. <u>Amount of daily traffic to bring and remove 7-12 children daily makes this Use better mitigated by requiring SUP than by allowing it as a matter of Right.</u>	<u>P to SUP</u> A Dwelling Unit which is a personal residence, occupied as a family residence which provides daycare on a regular basis to 7-12 children. <u>Activities in Rural Agricultural District and amount of daily traffic to bring and remove 7-12 children daily makes this Use better mitigated by requiring SUP than by allowing it as a matter of Right.</u>	<u>P to X</u> <u>Use seems clearly inconsistent with Purpose of District and the Primary Uses allowed in the District.</u>
Home Occupation, Level 2	X	SUP	<u>SUP to P</u> A business on a residential property which does not change	<u>P to X</u> <u>Use seems clearly inconsistent with Purpose of District and the Primary</u>

Proposed Simplification of Allowable Used Charts based on Comparing Allowed Uses to Zoning District Purposes & Primary Permitted Uses

Bed and Breakfast home	P	P	P	<u>SUP change to X</u> A dwelling with resident host in a single family home with common dining, leisure, and lodging rooms for over-night guests. Up to 10 lodgers in 3-5 guest rooms. <u>Not consistent with Purpose of District or Primary Uses permitted in District</u>
			the residential character and is clearly secondary and incidental to the residential use employing no more than 3 people on site on a daily basis and which may employ more persons who don't report daily. <u>Use seems very consistent with Agricultural activities and so should be allowed as a matter of Right.</u>	<u>Uses allowed in the District.</u>
Manufactured Home Park	X	<u>SUP to X</u> By definition RR has NO Municipal Water and Sewer; <u>therefore allowing this use IF there is Municipal Water and Sewer does not seem logical. Allowing 5+ units on single lot where Primary Use for District is single and two-family homes is NOT consistent with the Purpose of Primary Uses for the District.</u>	SUP (only with Municipal Water and Sewer)	X
Senior Care Facility	X	<u>SUP to X</u> “A living and care facility for over ten [11 or more] seniors in a variety of settings.” <u>SUP not consistent with X in NR.</u>	<u>SUP to X</u> “A living and care facility for over ten [11 or more] seniors in a variety of settings.” <u>Vague quality of Definition of</u>	X

Proposed Simplification of Allowable Used Charts based on Comparing Allowed Uses to Zoning District Purposes & Primary Permitted Uses

<p>Bed and Breakfast home</p>	<p>P</p>	<p>P</p>	<p>P</p>	<p><u>SUP change to X</u> A dwelling with resident host in a single family home with common dining, leisure, and lodging rooms for over-night guests. Up to 10 lodgers in 3-5 guest rooms. <u>Not consistent with Purpose of District or Primary Uses permitted in District</u></p>
		<p><u>Vague quality of Definition of Use plus 10+ residents in facility strongly suggests this Use is Not consistent with Primary purpose of District and/or the Primary allowed Uses in the District.</u></p>	<p><u>Use plus 10+ residents in facility strongly suggests this Use is Not consistent with Primary purpose of District and/or the Primary allowed Uses in the District.</u></p>	

Proposed Simplification of Allowable Used Charts based on Comparing Allowed Uses to Zoning District Purposes & Primary Permitted Uses

Community Group	NR-Neighborhood Residential	RR-Rural Residential	RA- Rural Agricultural	CV-Conservation
Library	X	<p><u>SUP to X</u> “A public institution with a Structure containing printed, pictorial, and audio visual material for public use for purposes of study and reference.” <u>SUP not consistent with X exclusion from NR and RA. Daily traffic and operating on weekends not consistent with Primary purpose of District and Primary allowed Uses in District.</u></p>	X	X
Lodge or Club	X	<p><u>SUP to X</u> A membership organization which holds regular meetings and may maintain dining facilities, serve alcohol, or engage in professional entertainment for member, guests, and/or the general public including retreats, recreation, education, culture, health and”public interest related programs.” <u>Not consistent with X in NR. Traffic, activities, and operation hours not consistent with Purpose of District or Primary Uses permitted in District</u></p>	<p><u>SUP to X</u> A membership organization which holds regular meetings and may maintain dining facilities, serve alcohol, or engage in professional entertainment for member, guests, and/or the general public including retreats, recreation, education, culture, health and”public interest related programs.” <u>Traffic, activities, and operation hours not consistent with Purpose of District or Primary Uses permitted in District</u></p>	<p><u>SUP to X</u> A membership organization which holds regular meetings and may maintain dining facilities, serve alcohol, or engage in professional entertainment for member, guests, and/or the general public including retreats, recreation, education, culture, health and”public interest related programs.” <u>Not consistent with Purpose of District or Primary Uses permitted in District</u></p>
Public Utility	<p><u>X to SUP</u> “Infrastructure and services that supply an everyday necessity to the public at large, such as Public Water and/or Public Sewer Facilities, electricity, natural gas, and telecommunications. ***” [To be amended per Planning Board recommendation?] <u>X is not consistent with 1951 NYSEG-Town Franchise Agreement and could ban “everyday necessities” from NR.</u></p>	SUP	SUP	SUP

Proposed Simplification of Allowable Used Charts based on Comparing Allowed Uses to Zoning District Purposes & Primary Permitted Uses

Recreational Group	NR-Neighborhood Residential	RR-Rural Residential	RA- Rural Agricultural	CV-Conservation
Recreational Facility, Athletic	X	SUP	SUP	<p><u>SUP to X</u> A commercial or non-commercial recreational use, permanent or temporary for conducting recreational activities including swimming, tennis, court games, field sports, riding academies, playground activities, etc. excluding mechanical devices. <u>Traffic, infrastructure to support access and activities not consistent with Purpose of District or Primary Uses permitted in District</u></p>
Recreational Facility, Motorized	X	X	SUP	<p><u>SUP to X</u> A commercial or non-commercial recreational use, permanent or temporary involving the operation of motorized vehicles including but not limited to go kart, dirt bike, and race tracks. <u>Traffic, infrastructure to support access and activities, and activities described in Use are not consistent with Purpose of District or Primary Uses permitted in District</u></p>

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Thank you Ray,

I can't attend the hearing but it's most welcome. The views of many residents of East main and Union streets in the village has been forever aesthetically compromised by the careless installation of 3 large moveable solar arrays. We were never consulted and there never was a public hearing but we will have to live with them blocking our view for the for see able future.

Bard

Bard V. Prentiss
27 East Main Street
Dryden, NY 13053
prentissb@frontiernet.net
607-844-4691

On Dec 2, 2016, at 6:28 PM, Ray Burger <rburger@dryden.ny.us> wrote:

Dear Board Members,

Attached for your review are the latest versions of the proposed zoning law and comp plan amendments to address solar energy systems. The Town Board will conduct a public hearing at their 12/15 meeting and that notice is also attached.

Ray

Ray Burger, Director of Planning
Town of Dryden
93 E. Main Street, Dryden, NY 13053
607-844-8888 x213
<http://dryden.ny.us/departments/planning-department>

<Comprehensive Plan amendment re solar energy systems 12-2-16.pdf><Local law--solar energy systems 12-02-16.pdf><Notice--Public Hearing comp plan and zoning law amendments re solar 12-1....docx>

**TOWN OF DRYDEN
LOCAL LAW NO. _ OF THE YEAR 2016**

**A LOCAL LAW TO AMEND THE RENEWABLE ENERGY FACILITIES LAW
TO REMOVE ITS APPLICABILITY TO SOLAR ENERGY SYSTEMS AND
TO ADD SOLAR ENERGY SYSTEMS PROVISIONS TO THE ZONING LAW**

Be it enacted by the Town Board of the Town of Dryden as follows:

Section 1. The Renewable Energy Facilities Law of the Town of Dryden, New York, Article I (General) is amended as follows:

A. The definition of “Renewable Energy Conversion System (RECS)” in Section 5 (Definitions) is amended to read as follows:

“RENEWABLE ENERGY CONVERSION SYSTEM (RECS) – means a Renewable Energy Conversion System other than a WECS or a Solar Energy System (as that term is defined in the Zoning Law) and includes but is not limited to geothermal heat pumps, wood, wood pellet, hay and other types of biomass stoves.”

B. Section 7 (Applicability), subsection D is amended by deleting the phrase “solar panels mounted to the building being served;” so that subsection D reads as follows:

“D. Notwithstanding anything to the contrary in this local law, no Special Use Permit shall be required for mechanical wind turbines less than 50 feet tall; tower, pole or other independently structurally mounted RECS with a total height less than the structure served, or for geothermal heat pumps, wood, wood pellet, hay and other types of biomass stoves.”

Section 2. The Town of Dryden Zoning Law, Article III (Definitions) is amended by adding the following definitions:

BUILDING-INTEGRATED PHOTOVOLTAIC SYSTEM - Photovoltaic building components integrated into building envelope components such as glass or other building façade materials, skylights, or roofing materials.

BUILDING-MOUNTED SOLAR ENERGY SYSTEM - A Solar Energy System located on the exterior of any legally permitted building or structure or integrated into a building envelope for the purpose of producing electricity or providing thermal energy for onsite or offsite consumption. This system may be mounted to the roof or side of a Structure or be a Building-Integrated Photovoltaic System.

GROUND-MOUNTED SOLAR ENERGY SYSTEM - A Solar Energy System that is anchored to the ground and attached to a pole or other mounting system, that is detached from any other structure, and that has the primary purpose of producing electricity or thermal energy for onsite or offsite consumption.

LARGE-SCALE SOLAR ENERGY SYSTEM - A Solar Energy System that feeds electricity directly into the grid, is primarily for the purpose of onsite or offsite sale or

electricity consumption, and is larger than two thousand (2,000) square feet in area of solar collectors per lot (measuring the equipment surface area). This system may be ground-mounted or building-mounted and shall be limited to producing ≤ 2 MWac (megawatts-alternating current).

NET METERING - A billing arrangement whereby the solar energy producer receives credit for excess electricity generated and delivered to the power grid, paying only for the power used in excess of that generated and delivered to the power grid.

SMALL-SCALE SOLAR Energy System – A Solar Energy System that has the primary function of serving the building(s) with which it is associated on the same lot, but also may have the ability to sell small quantities of energy back to the electric utility provider and does not exceed two thousand (2,000) square feet in area of solar collectors (measuring the equipment surface area) per lot. This system may be ground-mounted or building-mounted, and includes Building-Integrated Photovoltaic Systems, other types of photovoltaic Solar Energy Systems, and Solar Thermal Systems.

SOLAR COLLECTOR - A photovoltaic cell, panel or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

SOLAR EASEMENT - A document recorded pursuant to NYS Real Property Law 335-b, the purpose of which is to secure the right to receive sunlight across real property of another for continued access to sunlight necessary to operate a Solar Energy System.

SOLAR ENERGY APPLICANT - Any person, firm, corporation or any other entity submitting an application to the Town of Dryden for a Special Use Permit and/or Site Plan Review for a Solar Energy System.

SOLAR ENERGY SYSTEM OWNER – Any person, firm, corporation or any other entity which owns a Solar Energy System which has been granted a Special Use Permit by the Town of Dryden.

SOLAR ENERGY EQUIPMENT – Solar collectors, controls, inverters, energy storage devices, and other materials and hardware, associated with the production of electrical or thermal energy from solar radiation.

SOLAR ENERGY SYSTEM - An electrical or thermal energy generating system composed of Solar Collectors, Solar Thermal Systems, and/or Solar Energy Equipment.

SOLAR PANEL - A photovoltaic device capable of collecting and converting solar energy into electrical energy.

SOLAR THERMAL SYSTEM – A system in which water or other liquid is directly heated by the sunlight. The heated liquid is then used for purposes such as space heating and cooling, domestic hot water and the heating of swimming pools.

Section 3. The Town of Dryden Zoning Law, Article V (Use Regulations), Section 501 (Allowable Use Groups Chart) is amended by adding “Solar Energy Systems” in the Uses column of the chart and by adding the notation “See § 1312” for each zoning district cell in the Solar

Energy Systems row.

Section 4. The Town of Dryden Zoning Law, Article VII (Varna), Section 702 (Varna Use Regulations) is amended by adding “Solar Energy Systems” in the Uses column of the chart and by adding the notation “See § 1312” for each zoning district cell and the Minimum Lot Size cell in the Solar Energy Systems row.

Section 5. The Town of Dryden Zoning Law, Article XIII (Standards and Requirements for Certain Uses) is amended by adding a new Section 1312 titled “Solar Energy Systems” as follows:

“Section 1312: Solar Energy Systems

A. Authority. This section is adopted pursuant to the powers granted by sections 261 and 263 of the Town Law of the State of New York, which authorize the Town of Dryden to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and “to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.”

B. Statement of Purpose. This section is adopted to advance and protect the public health, safety, and welfare of the Town of Dryden, including:

1. Taking advantage of a safe, abundant, renewable, and non-polluting energy resource;
2. Decreasing the cost of energy to the owners of commercial and residential properties, including single-family houses; and
3. Increasing employment and business development in the region by furthering the installation of Solar Energy Systems.

C. Applicability.

1. The requirements of this section shall apply to all Solar Energy Systems installed or modified after its effective date, excluding general maintenance and repair and Building-Integrated Photovoltaic Systems.
2. The installation of any Solar Energy System does not carry with it a right to a clear line of sight to the sun. A Solar Energy Applicant, installer, or developer has the responsibility to make sure that the Solar Energy System is positioned in such a way that it will achieve optimal energy production, to the extent practical and as required by the Solar Energy System Owner. - It shall be the responsibility of the Applicant, installer, or developer to gain any and all solar easements or agreements to maintain a line of sight to the sun if necessary.
3. The Town of Dryden Planning Department shall review and determine the correct path for all permitting requirements.
4. Any and all permits granted pursuant to this section shall follow the related Solar Energy System and any and all obligations of the Solar Energy Applicant described herein shall be binding on its assignee, including any Solar Energy System Owner, if different from the Solar Energy Applicant, and such assignee shall become the holder of the related permit granted pursuant to this section.

D. Building-Mounted Solar Energy Systems.

1. Building-Mounted Solar Energy Systems that produce electricity or thermal energy for onsite or offsite use are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure.

~~2.~~ Height. Solar Energy Systems shall not exceed the maximum height restrictions of the _

2. zoning district within which they are located and are provided the same height exemptions that apply to building-mounted -mechanical devices or equipment.

3. All Building-Mounted Solar Energy Systems that produce electricity or thermal energy for onsite or offsite use shall be exempt from Site Plan Review, unless such Building-Mounted system increases the overall height of the structure by six (6) feet or more, in which case Site Plan Review by the Planning Board shall be required.

4. All owners of Building-Mounted Solar Energy Systems must file a building permit application with the Planning Department, and obtain a valid building permit, prior to starting their installation.

E. Ground-Mounted Small-Scale Solar Energy Systems.

1. Ground-Mounted Small-Scale Solar Energy Systems shall not be located in the following areas, unless otherwise approved by the Planning Board in conjunction with a Site Plan Review process as provided in Article XI:

a. Prime farmland soils as identified by the Town of Dryden soil analysis maps.

b. Areas of potential environmental sensitivity, such as Unique Natural Areas as designated by the Tompkins County Environmental Management Council, flood plains, historic sites, airports, state-owned lands, conservation easements, trails, parkland, prime soils, and wetlands as identified by Tompkins County Planning Department mapping services, the New York State Department of Environmental Conservation, or the United States Army Corps of Engineers.

c. Development is prohibited on slopes of greater than fifteen percent (15%) unless the Solar Energy Applicant can demonstrate through engineering studies and to the satisfaction of the Town Engineer that the proposed development will cause no adverse environmental impact that will not be satisfactorily mitigated.

d. Placement within the front yards of residential lots.

2. Ground-Mounted Small-Scale Solar Energy Systems are permitted as principal and accessory structures in all zoning districts and shall adhere to the following:

a. Height and Setback. Ground-Mounted Solar Energy Systems shall not exceed seventeen (17) feet in height, and the setback requirements of the underlying zoning district shall apply.

b. Lot Coverage. The horizontal surface area covered by ground-mounted solar collectors shall be included in total lot coverage and when combined with the coverage of other structures, the total area shall not exceed the maximum lot coverage as permitted in the underlying zoning district.

3. Except as provided in subsection 1 above, Ground-Mounted Small-Scale Solar Energy Systems shall be exempt from Site Plan Review.

F. Ground-Mounted Large-Scale Solar Energy Systems.

1. Ground-Mounted Large-Scale Solar Energy Systems are permitted as principal and accessory uses through the issuance of a Special Use Permit as approved by the Town Board with prior review and recommendations on the Site Plan by the Planning Board within Conservation, Rural Agriculture, Rural Residential, Mixed-Use Commercial, and Light Industrial Zoning Districts, subject to the requirements set forth in this section, including site plan approval. Applications for the installation of a Ground-Mounted Large-Scale Solar Energy System shall be reviewed by the Zoning Officer and referred, with comments, to the Town Board for its review and action, which can include approval, approval on conditions, or denial.
 - a. Ground-Mounted Large-Scale Solar Energy Systems that produce electricity or thermal energy primarily for active farming or agricultural uses, where the generation is less than one hundred and ten percent (110%) of the farm use, shall be exempt from the requirement to obtain a Special Use Permit.
2. Ground-Mounted Large-Scale Solar Energy Systems shall not be located in the following areas unless otherwise approved by the Town Board in conjunction with the Special Use Permit approval process as provided in this section:
 - a. Prime farmland soils as identified by the Town of Dryden soil analysis maps.
 - b. Areas of potential environmental sensitivity, including Unique Natural Areas, flood plains, historic sites, airports, state-owned lands, conservation easements, trails, parkland, prime soils, and wetlands as identified by Tompkins County Planning Department mapping services, the New York State Department of Environmental Conservation, or the United States Army Corps of Engineers.
 - c. On slopes of greater than fifteen percent (15%), unless the Solar Energy Applicant can demonstrate through engineering studies and to the satisfaction of the Town Engineer that the proposed development will cause no adverse environmental impact that will not be satisfactorily mitigated.
3. No Special Use Permit or renewal thereof or amendment of a current Special Use Permit relating to a Ground-Mounted Large-Scale Solar Energy System shall be granted by the Town Board unless the Solar Energy Applicant demonstrates that such Ground-Mounted Large-Scale Solar Energy System:
 - a. Conforms with all federal and state laws and all applicable rules or regulations promulgated by any federal or state agencies having jurisdiction.
 - b. Is designed and constructed in a manner which minimizes adverse visual impact to the extent practical.
 - c. Complies with all other requirements of the Town of Dryden Zoning Law and the Commercial Design Guideline (as applicable, in accordance with generally accepted commercial standards of the solar energy industry), ~~Guidelines~~, unless expressly superseded herein.
 - ~~d.~~ Is situated on the lot on which it is to be developed in such a manner and location as to

| allow for development of any portion of the Town's Greenway that is also to be located_

- d. on such lot in accordance with the Town’s Greenway Plan or any modification thereof as determined by the Town Board.
 - e. Is located on a single lot.
 - f. Complies with a fifty-foot (50) front yard, rear yard, and side yard setback unless mounted on an existing building.
 - g. Does not exceed seventeen (17) feet in height.
 - h. Has a solar collector surface area (as measured in the horizontal plane) that, when combined with the coverage of other structures on the lot, does not exceed the maximum lot coverage as permitted in the underlying zoning district, unless the Town Board authorizes the exceedance through the Special Use Permit process.
- 4. Special Use Permit Application Requirements. For a Special Use Permit application, the site plan application is to be used as supplemented by the following provisions and shall include, but not be limited, to the following:
 - a. A completed project application form in such detail and containing such information as the Town Board may require.
 - b. In fulfilling the requirements of the State Environmental Quality Review Act (“SEQRA”), the Town Board may require a Full Environmental Assessment Form (“EAF”) for the proposed Ground-Mounted Large-Scale Solar Energy System. The Town Board may require submittal of a more detailed visual analysis based on the information in, or analysis of, the EAF.
 - c. Site plan in accordance with the requirements of Article XI and this section including, without limitation:
 - i. Name, address and phone number of the person preparing the reports.
 - ii. Postal address and Tax Map parcel number of the property.
 - iii. Zoning district in which the property is situated.
 - iv. The exact location including geographic coordinates of the proposed Ground-Mounted Large-Scale Solar Energy System including any solar arrays, equipment and anchors, if applicable and to the extent known at the time of submission of the site plan.
 - v. Identification on site plans of areas of potential environmental sensitivity, including onsite or nearby Unique Natural Areas, slopes greater than 15%, flood plains, historic sites, airports, other government lands, conservation easements, trails, parkland, prime soils, and wetlands as identified by Tompkins County Planning Department mapping services, the New York State Department of Environmental Conservation, or the United States Army Corps of Engineers.

- vi. The maximum height of the proposed Solar Energy System, including all appurtenances.
- vii. A detail of solar collector type including but not limited to equipment specification sheets for all photovoltaic panels and collectors, significant components, mounting systems, and inverters that are to be installed; and proposed solar energy production capacity design level proposed for the Solar Energy System and the basis for the calculations of the area of the Solar Energy System's capacity.
- viii. The location, type and intensity of any lighting on the site.
- ix. Property boundaries and names of all adjacent landowners;
- x. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted. The lease document must clearly delineate the party responsible and the procedure for decommissioning at the end of the life of the system and in the event the owner of the system abandons the system for any reason.
- xi. The location of all other structures on the property.
- xii. The system shall be designed to accommodate emergency vehicle access. The design may include, but not be limited to, items such as the height, access ways for vehicles, firefighting capabilities, and other prominent features.
- xiii. Blueprints and a site plan showing the layout of the Ground-Mounted Large-Scale Solar Energy System, which must bear the seal of a design professional licensed to practice in New York State.
- xiv. Description of continuing Solar Energy System maintenance and property upkeep, such as mowing and trimming.
- xv. The location, nature and extent of any proposed fencing, landscaping and screening.
- xvi. The location and nature of any proposed utility easements and access roads or drives.
- xvii. Mitigation~~A glare assessment survey and any mitigation~~ efforts that may be utilized to minimize glare on contiguous parcels of land, based on the review of which Planning Board may require a glare assessment survey.
- xviii. A Decommissioning plan as set forth in the below provisions titled "Abandonment and Decommissioning".

5. Special Use Permit Standards.

a. Appearance and Buffering:

- i. ~~The~~ Ground-Mounted Large-Scale Solar Energy System shall have minimal adverse~~the least~~ visual effect as practical on the environment, as determined by the Town Board. Based on site.

- i. specific conditions, including topography, adjacent structures, and roadways, reasonable efforts shall be made to minimize visual impacts by preserving natural vegetation, and providing landscape screening to abutting residential properties and roads, but screening should minimize the shading of solar collectors.
 - ii. Any glare produced by the solar array shall not impair or make unsafe the use of contiguous structures, any vehicles on or off the road, any airplanes, or uses by other possible impacted entities as determined by the Town Board.
 - iii. Any exterior lighting installed shall have the least visual effect practical on the contiguous properties and shall be approved by the Town Board.
 - iv. The Town Board may require additional information, such as line-of-sight drawings, detailed elevation maps, visual simulations, before and after renderings, and alternate designs to more clearly identify adverse impacts for the purpose of their mitigation.
 - v. Equipment and vehicles not used in direct support, renovations, additions or repair of any Ground-Mounted Large-Scale Solar Energy System shall not be stored or parked on the facility site.
- b. Access and Parking:
- i. Ground-Mounted Large-Scale Solar Energy Systems may be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's name and emergency contact information shall be placed on any access point to the system and on the perimeter of the fencing. The fencing and the system shall be further screened by any landscaping or decorative fencing needed to avoid adverse aesthetic impacts as approved by the Town Board.
 - ii. Motion-activated or staff-activated security lighting around the equipment area of a Ground-Mounted Large-Scale Solar Energy System or accessory structure entrance may be installed provided that such lighting does not project off the site. Such lighting should only be activated when the area within the fenced perimeters has been entered.
 - iii. A locked gate at the intersection of the access way and a public road may be required to obstruct entry by unauthorized vehicles. Such gate must be located entirely upon the lot and not on the public right-of-way.
- c. Engineering and Maintenance:
- i. Every Solar Energy System shall be built, operated and maintained to acceptable industry standards, including but not limited to the most recent, applicable standards of the Institute of Electric and Electronic Engineers ("IEEE") and the American National Standards Institute ("ANSI").
 - ii. The Town, at the expense of the Solar Energy Applicant, may employ its own consultant(s) to examine the application and related documentation and make recommendations as to whether the criteria for granting the Special Use Permit have

ii. been met, including whether the Applicant's conclusions regarding safety analysis, visual analysis, structural inspection, and stormwater management aspects are valid and supported by generally accepted and reliable engineering and technical data and standards.

d. The Town Board may impose conditions on its approval of any Special Use Permit under this section in order to enforce the standards referred to in this section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).

6. Any application under this section shall also meet all provisions contained in Article XI for site plans that, in the judgment of the Town Board, are applicable to the system being proposed.

G. Fees and Deposits.

1. The fees for a Special Use Permit, Site Plan Review and Building Permit for a Solar Energy System shall be set from time to time by Town Board resolution.

2. The Solar Energy Applicant shall deliver with its application an amount equal to one percent (1%) of the estimated construction cost of the project (the "Initial Deposit"). This sum shall be held by the Town in escrow in a non--interest bearing account, and these funds shall be available to the Town to pay consultants engaged by the Town to assist in review of the application. The Town shall provide the Solar Energy Applicant a list of expected consultants and costs prior to engaging any such consultants to provide the Solar Energy Applicant the opportunity to withdraw its application based on the review of such costs. Following grant, denial or withdrawal ~~Following grant or denial~~ of the application, the Town shall return to the Applicant any excess remaining in escrow. If the escrow account has been depleted prior to grant or denial of the application, the Applicant shall deposit such funds as are then necessary for the Town to pay any outstanding fees to said consultants. The Town shall provide ten (10) days prior written notice to the Solar Energy Applicant in the event the outstanding fees to said consultants shall exceed the amount of the Initial Deposit.

H. Building Permits.

1. A holder of a Special Use Permit from the Town Board granted under this section shall obtain, at its own expense, all permits and licenses required by applicable law, rule, regulation or code and must maintain the same, in full force and effect, for as long as required by the Town or other governmental entity or agency having jurisdiction over the Solar Energy Applicant.

2. A holder of a Special Use Permit from the Town Board for a Solar Energy System shall construct, operate, maintain, repair, provide for removal of, modify or restore the permitted Solar Energy System in strict compliance with all current applicable technical, safety and safety-related codes adopted by the Town, County, State or United States, including but not limited to the most recent editions of the National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health and land use codes. In the event of a

conflict between or among any of the preceding, the more stringent shall apply.

3.—Unless waived by the Town Board, there shall be a pre-application meeting for the building permit application. The purpose of the pre-application meeting will be to address issues which will help to expedite the review and permitting process. A pre-application meeting

3. may also include a site visit, if required. Costs of the Town's consultants to prepare for and attend the pre-application meeting will be borne by the Solar Energy Applicant, such costs to be paid from the Initial Deposit.

4. The Solar Energy Applicant shall furnish written certification that the Solar Energy System, foundation and attachments are designed and will be constructed ("as built") to meet all local, county, state and federal structural requirements for loads, including wind and snow loads. If the Solar Energy System is subsequently approved and constructed, similar as-built certification indicating that it has been constructed in accordance with all standards shall be furnished prior to the Town issuance of any certificate of occupancy or compliance.
5. After construction and prior to receiving a certificate of occupancy or compliance, the Solar Energy Applicant shall furnish written certification that the Solar Energy System is grounded and bonded so as to protect persons and property and installed with appropriate surge protectors by a certified and approved NYS Licensed Electrical Inspector.

I. Right to Inspect.

1. In order to verify that the Solar Energy System's owners and any and all lessees, renters and/or operators of the Solar Energy System place, construct, modify and maintain such Systems, including solar collectors and solar inverters, in accordance with all applicable technical, safety, fire, building and zoning codes, laws, ordinances and regulations and other applicable requirements, the Town may inspect all facets of said System's placement, construction, modification and maintenance.
2. Any inspections required by the Dryden Planning Department that are beyond its scope or ability shall be at the expense of the Solar Energy Applicant.

J. Abandonment and Decommissioning.

1. At the time of submittal of the application for a Special Use Permit for a Ground-Mounted Large-Scale Solar Energy System, the Solar Energy Applicant shall submit and agree to the performance of a decommissioning plan that includes the removal of the Solar Energy System and all associated equipment, driveways, structures, buildings, equipment sheds, lighting, utilities, fencing, and gates. If such System ~~becomes technologically obsolete or~~ ceases to perform its originally intended function for more than six (6) consecutive months, for reasons other than for repairs or beyond the reasonable control of the Solar Energy System Owner, the Town may require its removal in accordance with the decommissioning plan. The Town shall provide the Solar Energy System Owner thirty (30) days prior written notice and in the event a reasonable explanation for the delay is not provided with the such thirty (30) day notice period, the Town may require the removal in accordance with the decommissioning plan. Upon removal of a Ground-Mounted Large-Scale Solar Energy System, the land shall be restored to its previous condition, including but not limited to the seeding and sodding, as appropriate depending upon the season of the work, of exposed soils.
- ~~2.~~ At the time of obtaining a building permit, the Solar Energy Applicant may be required to provide a financial security bond or other form of financial security reasonably acceptable to the Town for removal of the Ground-Mounted Large-Scale Solar Energy System and property restoration, with the Town of Dryden as the obligee, in an amount approved by the Town Board. Upon any amendment of the Special Use Permit, the Town Board may adjust the

required amount to the financial security bond to adequately cover increases in the cost of removal of the Ground-Mounted Large-Scale Solar Energy System and property restoration. If the Ground-Mounted Large-Scale Solar Energy System is not decommissioned after being considered abandoned, the Town may remove the system and

2. restore the property and impose a lien on the property pursuant to Section 1802.B to recover these costs to the Town.

3. All other Solar Energy Systems shall be considered abandoned after 6 consecutive months without electrical energy or thermal energy generation for reasons other than for repairs or beyond the reasonable control of the Solar Energy System Owner and must be removed from the property. The Town Board may consider and grant, for good cause shown, an application for one extension not exceeding 24 months for Solar Energy Systems other than Ground-Mounted Large-Scale Solar Energy Systems.”

Section 6. This local law shall take effect upon filing in the office of the Secretary of State.

Section 7. The provisions of this local law are severable. If any court of competent jurisdiction decides that any section, clause, sentence, part or provision of this local law is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections clauses, sentences, parts, or provisions of the Local Law.

Section 8. This local law shall supersede or repeal any prior inconsistent Local Law.

Tompkins County
DEPARTMENT OF PLANNING

121 East Court Street
Ithaca, New York 14850

Edward C. Marx, AICP
Commissioner of Planning

Telephone (607) 274-5560

December 15, 2016

Ray Burger, Planning Director
Town of Dryden
93 East Main Street
Dryden, NY 13053

Re: Review Pursuant to §239 -l, -m and -n of the New York State General Municipal Law
Action: Proposed Town of Dryden Local Law to Amend the Renewable Energy Facilities Law

Dear Mr. Burger:

This letter acknowledges your referral of the proposal identified above for review and comment by the Tompkins County Planning Department pursuant to §239 -l and -m of the New York State General Municipal Law. The Department has reviewed the proposal, as submitted, and has determined that it may have negative inter-community, or county-wide impacts as described below. We recommend modification of the proposal. If the Board does not incorporate the recommendations, such approval will require a vote of a supermajority (meaning a majority plus one) of all members of the decision-making body.

Recommended Modifications

- To help prospective installers navigate the proposed legislation we recommend that the Town follow the format proposed by the New York State “Model Solar Energy Law” (http://www.cuny.edu/about/resources/sustainability/reports/NYS_Model_Solar_Energy_LawToolkit_FINAL_final.pdf).
- In defining “Large-Scale Solar Energy Systems” (Section 2) the Town indicates that its size is larger than two thousand (2,000) square feet in area of solar collectors per lot, but also limited to producing less than or equal to 2MW. To allow for potential advances in technology or changes in utility regulation we recommend eliminating the reference to the 2MW limit.
- In outlining the limitations for location of “Ground-Mounted Small-Scale Solar Energy Systems” (Section E (1); Section F (1)) the proposed law references “Prime farmland soils as identified by the Town of Dryden soil analysis maps”. We recommend the law reference which types of soils the Town considers “Prime”. Additionally, the host of “potential environmental sensitivity” factors referenced should include source data and not refer to the potentially dynamic “Tompkins County Planning Department mapping services”.
- To help facilitate the use of very small systems such as those employed for lighting or other direct uses we recommend exempting solar energy systems that are less than 10 square feet in area.
- It is unclear as to what the “Town’s Greenway” is in Section F (3) d. As such we recommend eliminating this reference.

Please inform us of your decision so that we can make it a part of the record.

Sincerely,

A handwritten signature in cursive script that reads "Edward C. Marx". The signature is written in dark ink and is positioned above the printed name.

Edward C. Marx, AICP
Commissioner of Planning

Tompkins County
DEPARTMENT OF PLANNING

121 East Court Street
Ithaca, New York 14850

Edward C. Marx, AICP
Commissioner of Planning

Telephone (607) 274-5560

December 15, 2016

Ray Burger, Director of Planning
Town of Dryden
93 East Main Street
Dryden, NY 13053

Re: Review Pursuant to §239 -l, -m and -n of the New York State General Municipal Law
Action: Draft Amendments to the Town of Dryden Comprehensive Plan to Address Solar Energy Systems

Dear Mr. Burger:

This letter acknowledges your referral of the proposal identified above for review and comment by the Tompkins County Planning Department pursuant to §239 -l, -m and -n of the New York State General Municipal Law. The Department has reviewed the proposal, as submitted, and has determined that it has no negative inter-community, or county-wide impacts.

Please inform us of your decision so that we can make it a part of the record.

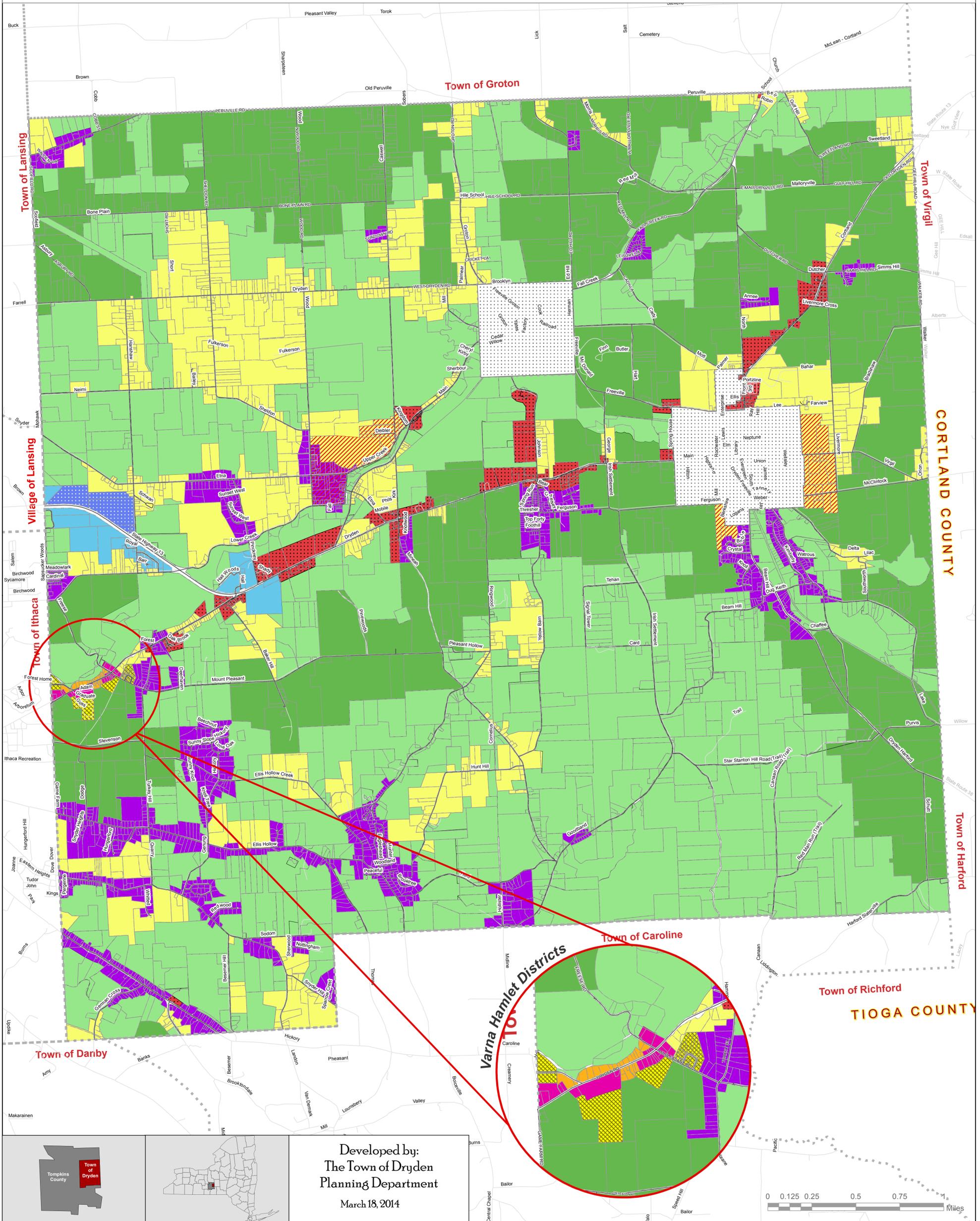
Sincerely,



Edward C. Marx, AICP
Commissioner of Planning



TOWN OF DRYDEN ZONING MAP



Developed by:
The Town of Dryden
Planning Department
March 18, 2014



Mixed Use Commercial District	Light Industrial District	Rural Agriculture District	Varna Hamlet Residential District
Conservation District	Neighborhood Residential District	Rural Residential District	Varna Hamlet Traditional District
Light Industrial/Adult District	Traditional Neighborhood Development Overlay District	Varna Hamlet Mixed Use District	Village