

**Dryden Planning Board  
May 25, 2017**

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

**Liaisons Present:** Deborah Cipolla - Dennis

The meeting was called to order at 7:01PM.

**Review and Approval of Minutes from May 3, 2017:**

The approval of the minutes was delayed until next month so requested formatting could be addressed.

**Public Comment:**

Joe Osmeloski, 2180 Dryden Road

I have two items I want to speak about. I will talk about later, the moratorium. What I want to talk about now is in regard to the available site plan that we have on the Distributed Sun solar project referring to 2150 Dryden Road. The latest version that I have on the site plan shows a new array #5. We saw another version at Neptune but we have never seen that in writing and I don't think it was ever handed in. I am talking about the April 12<sup>th</sup> version. The arrays that were in the flood plain were moved to plot #5; for those who don't know that is the plot of land directly adjacent to my six acre farm. In the first couple of plans, we didn't have any arrays in that field. Now we have S5. There is a major issue with that plot. This is the plot without the arrays. It clearly shows the stream that goes through that plot. According to site plan and my information, there is no road access to that plot. You cannot get to that plot, there is no access from Route 13, there is no access from the road that it shows because of the stream. The stream physically blocks off that plot. There is no way an emergency vehicle could get into that plot, there is no way police enforcement could get into that plot, there is no way an ambulance can get into that plot. There is no way a vehicle can get into that plot except and I will take you back to RPM, the tree farm. They used to try to do work in that plot. RPM first wanted to get access to that plot off Route 13. They wanted to build a driveway directly across from Scotty's Auto Repair and Scotty was even willing to move his driveway because DOT said no. This is way too dangerous. It is at the bottom of that hill, people slid down that hill in the winter. DOT said no, even if Scotty was willing to move his driveway, it is too dangerous to put a driveway there. So there is no way to get to that field off of Route 13. Then RPM said we want to use the road, cross the stream and go into that plot. There was no problem with that except they had to apply to the DEC to put a culvert in the stream so they could build a road to get into that plot. DEC said no. They will not allow a culvert to that lot. The way that they got in was just cross the stream. That was it. Fine. They wanted to do whatever they were doing in that plot. But if you allow this subdivision to go through and you put solar panels on that plot, obviously there has to be a way to get to that field. There has to be a way for emergency vehicles to get to that field, there has to be a way for police to get to that field, there has got to be a way somehow and I don't see it on this. All I see is a stream on one side blocking the field. How you are ever going to approve this subdivision is beyond me.

M. Hatch - Is this the field in which the cell towers were proposed?

J. Osmeloski - No. The field the cell tower is proposed on is on the other side of the stream where the greenhouses were located. You can cross the stream but certainly a fire truck, an ambulance or a police car are not crossing that stream or coming in off Route 13. The only way they farmed it was with a Case 4-wheel drive tractor that sits about this high would just drive off the road into the field to farm it. Emergency vehicles can't and I am not even sure how Distributed Sun plans on getting into the field. But certainly to make it a legal subdivision is ridiculous and certainly illegal.

Sarah Osmeloski, 2180 Dryden Road

At the April 20<sup>th</sup> meeting the Town Board passed a resolution issuing a special use permit to Verizon to construct the cell tower at 2150 Dryden Road which is right next to where I live. Several times in this resolution they referred to the natural screening of the cell tower. In addition to that they included a condition that Verizon meet the legal requirements for a collapse zone for the tower, that is where if the tower should fail, it has a place to fall. Part 3 of the EAF for this project, the "Impact on Aesthetic Resources" refers to "much of the parcel is buffered by existing vegetation along Route 13". This existing vegetation is the only mitigation of the visual impact that we will have on this cell tower. The existing vegetation is along the stream that my husband mentioned are several huge, very old willow trees. They are tall enough to probably block about half of the cell tower. There are also a bunch of trees along Route 13 that were planted by RPM and that will also shield the bottom half of the cell tower which also includes there little building down low. However, Verizon only needs 100x100 feet of property so they really don't have control over this existing vegetation that is supposed to be screening their cell tower. There is a distinct possibility that the other projects that are going to be put into this location will cut down the trees along the stream and along Route 13 thus removing the natural screening that is referred to in the resolution and in the SEQR. I don't see how the two projects are going to exist in the same location because Verizon has the legal requirement to maintain the natural screening that they don't control. The natural screening will interfere with the use of the solar farm. The only solution that I can come up with is that the Town requires Verizon leases more of this parcel of land so they can maintain the natural screening or some kind of legal wording is put in the resolution and the SEQR that prohibit any future property owners or leasers from cutting down of trees that screen the cell tower while the cell tower land is being leased. This also is part of the collapse zone. The cell tower does not control the land in the collapse zone which on their map is a 170 foot radius around the tower. Again, they only leased 100 by 100 square feet. Sometime in the future the planning board is going to have to consider the subdivisions of this property for the solar farm and I think it is important to consider the impacts of how these two projects will affect each other when making your decision.

**Public Hearing to consider preliminary plat for 430 Lake Road: Carl Snyder**

The hearing was opened at 7:17pm.

Mahlon Perkins, 477 Lake Road

I am surprised you don't have a map so people can see what we are talking about. Every presentation I have seen, there has been at least a full size map that the public could look at and ask questions about and so forth. Absent that I will give you my observations. I am surprised the applicants are not here to present this.

M. Moseley - we have a gentleman, Carl Snyder, who is right behind you.

Mr. Perkins - Is he going to make a presentation or are my remarks premature?

M. Moseley - I did not anticipate he would make a presentation. He has been here probably half a dozen times but we will be happy to have him make a presentation, briefly.

Mr. Perkins - No, I was just curious. Now this is a preliminary plat? Yes. That has lot line corners already staked in the ground? Yes. And that is on the preliminary plat? I am a little surprised that on a preliminary plat the applicant has gone to the extent of marking it out. Here are my questions:

I am glad to see this is approached the way it was with respect to the protection of Dryden Lake and the viewshed along Lake Road. I commend you for that insight. As I understand it these are going to be common driveways? Yes. For how far back from the road?

C. Anderson - They will share a curb cut.

Mr. Perkins - At least where I have seen the stakes along Lake Road, the driveway between lot one and two is right in the middle of a culvert and gully in a water course that does flood. I don't know what the reason for that might be. The other thing that I noticed was that two of the lot lines go through existing ponds. This is extremely and incredibly poor planning. All it does is set the neighbors up for a fight when they disagree with what to do with the pond. Whether to put aqua shade in it or cut the brush around it or take the turtles out or whatever they want to do. From a legal perspective, and I believe I know of what I speak, it is just not done that way. You do everything you can to avoid going through things that are going to set up a problem in the future.

I hope the owners have kept enough property to encompass their existing large septic system. I did not see it shown on here or located on here. I know it extends out away from the barn and the house kind of along the line between the house and the barn. I am not sure just how far out there. I remember when it was put in, it is a very large sand filter and I don't know if they have reserved enough space there for a replacement system should that become necessary. Of course, these other parcels all have plenty of area where you could engineer in a septic system should the existing septic system fail. I don't know what their plans are for the house and the barn but I think they would want to locate the septic system and make sure they have enough extra space according to the Health Department regulations should they have to replace it. Those are the only comments I have.

M. Hatch - Welcome and good to see you again. There are three ponds, I think, that are split by lot lines. There is one to the farthest one. You are referring mainly to the house and barn in regard to the septic.

Mr. Perkins - Yes, those others are no concern. The parcels are large enough that there is plenty of room for the replacement systems there. Has the Health Department looked at this yet?

M. Moseley - the Health Department will have to sign off on the final plat but I am not sure they have seen the preliminary. I believe they require a half an acre minimum.

D. Weinstein - Mr. Perkins, it is a culvert running under Lake Road and you are saying that these would come out right where the culvert is emptying onto the land.

Carl Snyder - The culvert, if you look closely, is between the two proposed driveways. The surveyor noted when we originally laid it out as a plot that the line was hitting the culvert, which it does. But you will see the driveways are left and right of the culvert. It is hard to see if you don't look really close. There are blue dotted lines that show that.

D. Weinstein - So that is not a shared driveway.

C. Snyder - It is not an issue. The surveyor took that into consideration as he did the final layout. As far as enough acreage for Luberecki's house and barn; they took that into consideration and they went out with the surveyor and changed the lines that were originally proposed. As far as I know and as far as they know, they have more than enough land to accommodate any existing or future septic.

As far as the lot lines going across the ponds, that is done every day. I have done dozens of recreational properties and they have cut through lakes and ponds, people share them. Worst case scenario we put into the deed that the owners of the lots share the surface rights to the pond. I don't see that as an issue what-so-ever.

T. Hatfield - How do you deal with the on-going maintenance of the perimeter of the pond?

C. Snyder - Everybody would own their shore line of the pond. We can put in the deed that they share rights to the surface of the pond. We are talking about small ponds where they might swim or put a kayak in or fish it. It is done everyday and I can show you a property I have on the market right now that has a pond about the size of these and when the subdivider did it, three properties share the pond, they each have pie shaped pieces. It is the way to get rid of the pond, otherwise it would be a separate tax parcel.

D. Weinstein - Suppose lot 3 wanted to expand their part of the pond, would there be restrictions on that to maintain the same boundary?

C. Snyder - As far as digging it or making it larger? We have in the covenants if they are going to disturb more than an acre of land they have to do stormwater management plan for their particular lot. Could they dig some more and enlarge it? I suppose.

D. Weinstein - Would they have to go to their neighbors?

C. Snyder - They would have to dig on their lot.

M. Hatch - What is our purview when considering these questions?

M. Moseley - If you look in the subdivision law, it maps out for us what we are supposed to have on there, which is the location of the structures, open space, constrained land, parent parcels, open space management plans, private roads and shared driveways, etc.

M. Hatch - What is our legal responsibility here in evaluating the comments and what actions can we take, what conditions do we bring to bear on our action item with regard to this application?

M. Moseley - We can ask the applicant to amend the subdivision to accommodate for a pond on one parcel or another completely. As far as the Health Department, we will add a note to it that the Health Department has to approve it prior to it being submitted for final plat. They have to sign it in order for it to be recoded into the county office for deeds so they will be looking at this for review.

M. Hatch - I should think the Health Department one is fairly straight forward. What about the pond question? Is there anything in our legal guidelines that says we can take a stand as far as that or make a recommendation?

D. Weinstein - If we think it is asking for trouble down the road, we can indicate that the lines be drawn around so the ponds are on one property or alternatively, we can agree with the developer that the two neighbors will have to work it out. I think that is within our purview.

J. Wilson - If we chose the latter then we would be requiring the developer to put the restrictions in the deeds that he outlined on his representation that this is a common approach to splitting these ponds or lakes. We could either say draw a line so each lot

commands a pond or we can say we understand and support the developer's approach. I move to support the developer's approach and so then recommend, since this is preliminary plat approval, that when he comes for final plat approval he demonstrates that he can or has put those restrictions in the deeds.

M. Hatch - I second that.

M. Moseley - We don't need a motion officially at this time. I think that would be a plat condition to have that restriction based on the plat so that it is clear to the individuals buying the property that this would be required of them.

D. Weinstein - Is that the same thing as putting it in the deeds of the neighboring properties.

M. Moseley - We would request both in that scenario.

T. Hatfield - Since this is a preliminary plat hearing, we can provide the developer with feedback. It seems to me that at least two of the pond crossings can easily be fixed.

The small one between lot one and lot two could be converted so the line puts it in lot one. Lot two has a pond. Lot three shares with lot four which shares a part of another small one which could easily be moved into lot five.

The point Mahlon (Perkins) raised - a good fence creates good neighbors - why put something in the middle that might create the potential of a dispute between future land owners. I would like to see them take a look at those two minor alterations to the lot lines. Fix those two. I don't see a reason to change the lines between three and four, the biggest body of water there. I recognize it is a selling point for the developer, access to water, use of water; that is always an important issue. Maybe there is a compromise there to get rid of 2 out of 3 problems. The other thing you need to address is the restrictions on three and four which you will put in the two deeds and the plat.

C. Snyder - I would be comfortable putting in the covenants, we can state, as per the deeds, these lots are going to share the surface of the particular ponds we are talking about. It will be in the covenants where everyone can read that on the survey map and then it would also be put in the deed. As Tom (Hatfield) just commented, when you look at a parcel of land, water adds value, if you have it stated that the line crosses the pond - we are talking about small bodies of water here - and they can notate on the deed and the covenants that the surface rights are shared.

T. Hatfield - I don't disagree with you at all Carl; that is why I think the two small ones are easy fixes. If you put that one all in lot one then that owner has control and you don't have to worry about what the neighbor wants. Keep in mind, these lots have ponds but the overall view shed is Dryden Lake. So you have the view, this is more for fishing or water access or the grandkids to play.

C. Snyder - For what it is worth, we already have someone planning on buying lots one and two and combine them into one lot so that is not an issue there.

J. Wilson - The little pond down close to 4 and 5 goes to...?

T. Hatfield - It will go to one or the other. Both lots already have water included. Mr. Perkins points are valid.

J. Wilson - I am going to withdraw my motion.

D. Weinstein - That might be acceptable to you? To put that small pond between four and five to one lot or the other.

C. Snyder - We have a buyer for lots one and two so that pond is not an issue. We are not going to change the lines but maybe going around the edge of the pond will do it.

M. Moseley - With lots one and two, are you eliminating that subdivision line?

C. Snyder - We wanted to leave it as you see it because talk everyone can afford but they have not signed a contract.

T. Hatfield - A single buyer for lots one and two will eliminate the culvert and two driveways issue.

D. Weinstein - What if lots one and two don't get purchased by a single buyer?

T. Hatfield - The developer will have to draw the line around the pond if he is going to keep that line in place.

C. Snyder - You are fine with the line crossing the pond between three and four?

T. Hatfield - Yes, it is a small body of water compared to the lake but it is the largest body of water in the development. You have to deal with that with some kind of deed structure between the two future owners.

M. Moseley - As far as your language associated with your Storm Water Management Plan. From my understanding of the regulations for storm water, it doesn't exactly work with the DEC standards as far as each individual land owner would not get a SWPPP independently if they exceed an acre. Your subdivision itself will have a five acre maximum before you are required to put in storm water detention facilities and items of that nature. I would suggest some more generic language. You are working on a storm water management plan that you are going to implement for this, correct? Something that would guarantee the individual would follow the Storm Water Management Plan as approved by the Town of Dryden and if there are deviations from the Storm Water Management Plan, that they will resubmit to the DEC and the Town of Dryden storm water regulations. A very simple change but it gets away from your specific one acre. I understand what you are trying to do but the once acre actually lends itself more to segmentation which the DEC storm water individuals don't like to see.

C. Snyder - We are trying to address the gentleman's comment from last month about what if someone disturbed more than an acre on their individual lot. You are saying the whole subdivision has a threshold of 5 acres.

M. Moseley - my understanding is, and I would double check with the building department (I believe Dave Sprout is the Storm Water Management Officer), I believe the DEC and the Town of Dryden have a 5 acre maximum development for the entire subdivision. After the 5 acres, you would be required to implement post activities, such as a pond or something of that nature.

C. Snyder - You are suggesting we tweak the language in the covenants.

M. Moseley - Correct, because they are going to be approving it in accordance with the DEC and the Town of Dryden Storm Water regulations, they have to enforce that so those would govern you in what you are or are not allowed to do.

D. Weinstein - I was just looking at the language for protective covenant and easement. I think it looks pretty good. It was the last sentence that threw me off "a DEC wetlands permit is required for any disturbance, ie. drainage, within the 100 foot buffer of the DEC wetland." That is absolutely correct but I would think that there is no drainage allowed in the conservation zone near the lake. The idea was that people shouldn't do anything down there.

C. Snyder - This was a comment that someone made last month. What is going to happen is people will build their house and you will have drainage going toward the lake.

D. Weinstein - It is your understanding that no one would be able to build a drainage culvert to get to the lake, to dry it out. The buffer area is 300 feet. I would hope that no one would, even in the 200 feet between the DEC buffer and the buffer of the conservation easement, do any major excavation in there at all.

C. Snyder - Correct.

T. Hatfield moved to close the public hearing. The motion was seconded by J. Wilson and unanimously approved. The Public Hearing was closed at 7:45.

**Resolution #19: Preliminary plat approval**  
430 Lake Road

J. Kiefer offered the following resolution:

**Whereas**, the applicant has presented a preliminary plat design for a subdivision at 430 Lake Road; and

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

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

**Whereas**, the Planning Board has reviewed the application;

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

- The lot lines will be adjusted between lots one and two and between lots four and five to prevent the dissection of the ponds. The deeds to lots three and four will identify the shared surface rights to the pond.
- Revise the deed covenants to reflect the approved SWPPP with any deviation requiring the approval of the Town of Dryden and NYS DEC.

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

**Worth Asset Brokerage** Site Plan follow-up per Resolution #14, 2016.

Kimberly Gazzo: Business Manager of Worth Auctions.

David Hall was unable to make the meeting tonight but Ms. Gazzo is reporting in his stead regarding their parking. Till now, we have not had more than, at most, 30 people. Parking has not been an issue, the customers' park in the front and employees' park in the back. We do not anticipate any very large events. We recently had an event with a food truck and parking was not an issue, there was plenty of space. If we anticipate the growth or large events then we will add parking in the back. We have not had any problems and love being in the building.

D. Weinstein - Our original concern was that people would park closer to Route 13 along the driveways.

Ms. Gazzo - That has not been an issue.

D. Weinstein - You haven't had any conflicts with GreenScene?

Ms. Gazzo - Not at all. It has been great.

C. Anderson - When the furniture company applied for a variance for parking out front, how does that apply to this applicant? Does it go with the use of the old business or does it follow the new application for this use? It came up afterwards (after the original site plan).

R. Burger - It is another retail business so the use is the same.

C. Anderson - Parking out front is not allowed in the new zoning so try not to park commercial vehicles out front. I know it is great for advertising but no one else can do it.

Ms. Gazzo - You would prefer we don't have our trailer and van out front?

C. Anderson - I think it sets a precedent for other projects.

Ms. Gazzo - Honestly, it was just convenience. We had no idea that was a problem.

C. Anderson - We never talked about it. We just said try it and see what happens.

Ms. Gazzo - We certainly have plenty of space in the back and will put the van and the trailer out there.

C. Anderson - How many cars have you had an event so far?

Ms. Gazzo - We filled every space in the lot and not overflowed. If we overflow we will go to the back. When we have an event the employees park in the back.

C. Anderson - That would be 16-20 cars?

Ms. Gazzo - Yes. We have 14 employees parked there on a work day.

D. Weinstein - The parking spaces on the west side of the driveway and the east side of the house, you are not using those.

Ms. Gazzo - The tenant of the house parks along the eastern driveway and sometimes has two vehicles.

C. Anderson - We never talked about the access points. You have two entrances to the property?

Ms. Gazzo - Yes, we do. One that we share with GreenScene and the dirt driveway (to the east of the house).

C. Anderson - Should we minimize them to a single road cut?

T. Hatfield - They are existing road cuts.

M. Hatch - No, I don't think we should.

Exhibit 5: Overflow Parking Areas.

Ms. Gazzo - 80% of our customers are on line. Business would have to be VERY good to consider needing additional parking.

*T. Hatfield offered the following resolution:*

**Whereas**, Worth Asset Brokerage, located at 2085 Dryden road, was granted sketch plan approval with conditions on June 23, 2016 via Planning Board Resolution #14; and **Whereas**, the condition of reviewing the parking requirements with the Dryden Planning Board has been met; and

**Whereas**, the applicant agrees to make the appropriate applications to the Town if their parking requirement increases; and

**Whereas**, the applicant agrees to park commercial vehicles behind the building;

**Therefore**, be it resolved, the Town of Dryden Planning Board approves the modified site plan for 2085 Dryden Road.

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

### **802 Dryden Road, Charlie O'Connor**

Adam Fishel, Marathon Engineering and Wayne Woodward, current property owner of The Townhome projects are located at 802 - 804 and 810 - 812 Dryden Road. The parcel at 802-804 has two residential structures and a barn in the back. The 810-812 parcel also has two residential structures. The structures are pretty tired and beyond their useful life so we are proposing to demolish all of the structures and build new. The total land area is about 3 acres. C. O'Connor explained that the sites are located between Game Farm Road and Forest Home Drive.



- We have submitted two schemes to the Planning Board both of which have six buildings.
  - The first one, referred to a scheme A, has six buildings that are two stories with a total of 42 townhomes. Each will have a mix of two, three and four bedrooms with a total occupancy of 108 and 70 parking spaces.
  - Scheme C shows six buildings, all three stories tall with 42 town home units all of which will be four bedrooms. It will have a total occupancy of 168 and 94 parking spaces.
- Both schemes have the same driveway location. We are talking with Cornell to discuss the potential for a cross access through their property to the four way intersection that is produced by their driveway, Dryden Road and Game Farm Road. DOT always asks the developers to look into that. That meeting is coming up with Cornell soon. If we don't come to an agreement with Cornell, we will have to have a new residential driveway out to Dryden Road. If we go that way, we are looking at three different locations for the driveway, one on the far east, one in the middle and one on the west, depending on the line of sight distance measurements and trying to maximize the distance between the Game Farm Road and Dryden Road intersection and this driveway. We want to maintain a good separation but not jeopardize the line of sight requirements.

M. Hatch - The driveway you are talking about sharing with Cornell goes into their fleet garage. The driveway that this will be converted from is a long driveway with a repair shop.

A. Fishel - Yes, if you go down the driveway, there is 802 which is a three bedroom house and just past that there is a garage, a body shop. However, the drive way is coming in north and then turning to the east so the existing driveway would be in the back yard of two of the buildings.

M. Hatch - You own the garage and it would be going away. Yes.

A. Fishel - All of the other gravel driveways that are out there now would either be eliminated or modified to fit whatever driveway configuration we do decide to go for.

C. O'Connor - I think it is going to be a benefit because currently there are four curb cuts. We are trying to determine if Cornell Real Estate is willing to work with us. DOT suggested reaching out to Cornell because at some point, whether it is five or ten years from now, they are looking to put a light at that intersection. They saw it as a big benefit, there is consideration of a traffic circle. I think there would be a benefit to both but the question is whether Cornell will see it as a benefit. Looking at this today, we are looking for some feedback from the Board and the community. My thought is option A is working something out with Cornell and option B would be to put the driveway at the most western point of the property line. As most of you are aware there is a big drop as you are heading east right before you go down the hill to Forest Home. My thought is, I have photos of the site line at the west side, east side and middle, and I think that the closer you get to the east the less time you have to react to cars coming up the hill so hopefully Cornell is willing to work with us. Otherwise, it will probably be where you see it on the sketch plan.

D. Weinstein - The meeting you have next week, is it just with the botanical gardens folks?

C. O'Connor - I think it is the week after but I am meeting with Cornell Real Estate, Jeremy Thomas and his research team, Glen Evans, Todd Bittner and Rhonda Warner, all directors of Farm Services, Natural Areas and Horticulture. I think those three departments with Jeremy will have a meeting and will get to whether or not it

will work and also address the concerns that you had in your email regarding keeping the natural vegetation between their sites and our site.

J. Wilson - Why is some kind of traffic control five years off?

C. O'Connor - That was the number I got when I met with some members DOT. I wanted to let them know that a project was being proposed and was there anything that they could suggest we start doing now? I was told that at some point, they will be looking at first a traffic circle and eventually a light. If you can combine that intersection to have all four entry points, that would be ideal from DOT's standpoint.

J. Wilson - It is already a problematic intersection during rush hour and Cornell is about to embark on a big expansion of the east hill plaza with most of it being devoted to residences. Five years away... how many accidents do you have to have before the five years?

C. O'Connor - I know what you are talking about and when we have this meeting, now that this development is possibly coming to light, it is a good conversation to ask how can we have this sooner?

A. Fishel - That is the access portion of the project. The utility infrastructure, both gas and electric, telephone, municipal water, and sewer, are already available along Dryden Road. We don't see any issues there. Storm Water Management, we are already anticipating having to do a full SWPPP because we will be exceeding the one acre threshold. As far as SEQR, we acknowledge we are in a rare, threatened/endangered species check zone and will hire a qualified specialist. We are not in an archeological sensitive area according to SHPO so we should not have to do a phase A or B as far as SEQR.

With the demolition of structures, as we talked about, Mr. O'Connor's team will be bearing a fair expense to first do a hazardous materials survey of the property and the structures before demolition and having to run the risk of having to do any kind of abatement for those structures before they come down in regard to asbestos, lead based paint, etc.

Before we even put a shovel in the ground there is a lot of due diligence expenses that Mr. O'Connor is going to be fronting before the project even gets off the ground.

That brings up to how we got to the unit count and town home density we show in the plan. To determine what we were allowed to do, we looked at the current zoning map, Dryden's Comprehensive Plan adopted in 2005, the Hamlet of Varna community development plan and local zoning law adopted in 2015. The zone we are in is the Varna mixed use district (VHMUD). The purpose of the Varna Hamlet Mixed Use District (VHMUD) is to foster new and redevelopment of existing properties while retaining the traditional character of buildings, as well as the hamlet character found in Varna and described in the Varna Community Development Plan. We feel this, minus the mixed use component of it, still fits within the criteria of the Comprehensive Plan and the Varna Community Plan. The base density, we got from the zoning law which allows up to ten town home units per acre, which give us the thirty. Also in the Zoning law there is a green development or LEED bonus which permits 2 additional units per acre, if the developer meets the LEED certification. Currently Mr. O'Connor's team is evaluating that, we are hoping to be able to do to get the unit count up but if they can't make the finances work, that portion will have to be dropped. In addition, we believe this project meets the redevelopment criteria denoted in the current zoning law for the redevelopment bonus for an additional two townhouses per acre - a total of six. Potentially between the base density, the potential green credit and potential redevelopment bonus, we could have 42 town homes which is what is shown on the plan in front of you. The Zoning Law defines redevelopment as The planning,

development, design, clearance, construction, or rehabilitation of existing property improvements, regardless of whether a change in the Principal or Accessory Use occurs. We are not changing necessarily the principle use, it will still be residential, the density will go up but we are scrapping and rebuilding the existing property, removing the functionally obsolete structures that are out there now, getting rid of the possible health issues and structural issues with the building and building a new town home development that will hopefully be an asset to the community and address the housing issue that is currently going on in the county.

J. Wilson - It appears you are reading right from the Town's regulation. If so, because notes are being taken and minutes being developed, if you could give the sections that you are reading from. It will help when I go back to look at them.

A. Fishel - In the density table 703, c. 707.

J. Wilson - Do you anticipate you will know your answer on LEED certification when you come back? Yes.

J. Wilson - looking both at our site plan check list and in anticipation of our responsibilities under SEQR, I am interested in your source of energy. Can you share that now?

C. O'Connor - We are still exploring those options. Regarding the energy, obviously we have gas there. We are looking to see what other additional requirements might go into this development. I know that here in the Town of Dryden, air heat source pumps have been a very popular topic. Obviously they come at quite a cost, we are still exploring that avenue to see what other requirements might have to go in to build this but we are not taking that off the table.

J. Wilson - Just a quick observation, colleague developers, if you want to call them that, at 1061 Dryden Road, relooked at the kinds of numbers that you are looking at and found that now, Taitem Engineering found that the costs are very comparable now between heat pumps versus the gas driven furnaces.

C. O'Connor - I know Gary (Sloan) very well and I have been talking to him pretty consistently about his project. I also work with Taitem.

D. Weinstein - Have you seen their analysis? It is Taitem's analysis of heat pumps versus natural gas, they go through it and show the prices are fairly comparable.

C. O'Connor - Good, that will make my decision a lot easier.

J. Wilson - What David is referring to are literally case studies including if you are building a town house of x size, here are the numbers here are the numbers for heat pumps versus gas driven.

C. O'Connor - Good. Thank you.

J. Kiefer - I think you mentioned it and it is certainly true, when you read through the Varna Plan there's great emphasis on (the character of Varna) here is one: Identify development scenarios, and designs that are in harmony with existing character of the hamlet. That is single family dwellings with porches and they engage the street and big spaces between the buildings and lots plantings out front. When I look at your plan, which I realize is very preliminary, but I see a 200 foot long building that doesn't engage the street and I don't see plantings out front. I think you have some work to do on making the design of this harmonious with what exists now in the hamlet.

C. O'Connor - I couldn't agree more. I wanted to come to this meeting with an open mind and an open concept of how this development would transpire. I think meeting with David, I wanted to take his advice. It was great, we got together with David and some of the Town board members and had a meeting about this project and I figured rather than getting ahead of myself and spending a lot of money on drawings, engineering and stuff like that, that I would throw it on a piece of paper and come here

and have an open discussion with everybody here. I would also like to hear what the community has to say to give us some direction on how we can make it work for everybody.

C. O'Connor - I want to back up for a moment. I want to start off by saying we are excited and pleased to be back here with another, hopefully successful, project. I think most of the people in the room are familiar with our 902 Dryden Road project on the corner of Forest Home Drive and Dryden Road. We were successful in getting approved for 10 town homes. We kept an existing structure that was there and built two new buildings and an addition on the existing structure. We are winding down on the construction side and should have it completed by late June, early July. It has been great working with the Planning Department staff.

I have some interesting data that I was able to share with David (Weinstein) and I think it is important to share with you guys and the community. When we first came in with the project, my company is Modern Living Rentals, we are not a really large developer but a rather small developer. We have about 120 units around the city (Ithaca). The majority of our property is student leased. We have decent pricing in Collegetown, South Hill and down town and this was my first project outside my comfort zone at 902. I remember when we first introduced it, because they are mostly student based, there was a lot of push back from the community and the Board members. They were concerned and didn't want this to turn into another Collegetown development. I was encouraged to hear this because when I came here to work on that approval process and why I am back here again is because part of my longer term goal with my properties is to diversify and get away from so much student housing; to get into working professionals and possible seniors, not just undergrads.

All ten units are leased at 902 Dryden Road. And out of the ten units, three were leased by families that live in the area and four by working professionals. Only three groups are students. And I think the student that you get there is a much different caliber student than the student you would get in Collegetown. They tend to mix better with families and professionals. I think there are a few driving forces that go behind that - one being that this isn't college town, it is a rural area, which attracts a different caliber student. These are ag students and vet students that will be here for four to five years. When they were going through the leasing process they didn't want one year leases, many multiyear year leases. What we do in our development process is helpful and I would like to invite the public and the board to visit the 902 Dryden Road site because I think when you see the development that we do, it is not your typical "student housing". I know when I got into this, I had preconceived notions of cabinets begin ripped off the walls and doors hanging off, holes all over the walls and solo cups all over the yard. We build a different product that gears away from those types of students. We build a product that has amenities like off street parking. My goal in this development is going to be a 70% parking ratio to bedroom count. Our units have simple things like a washer and dryer so it is not shared and they don't have to go to a laundromat. Our units have dishwashers, granite counter tops, stainless steel appliances, custom tile work in the bathrooms, and a very modern and fresh new look on all of the units. I already feel it has been helpful talking to David (Weinstein) but I already feel the stigma that this will be student housing. My goal is in sync with the board and is in sync with the community. I don't want a full student based housing development here, I am not looking to have all four bedroom units occupied with four students. I would like to diversify this and end up with more families and working professionals along with students. We can't rule that out because we are so close to the college.

J. Wilson - How is it you calculate the ratio of anticipated renters and the parking? I ask primarily in the context of the discussion that took place about 1061 Dryden Road where there was significant community concern about the parking places with doubt expressed about having a three bedroom unit with two parking places.

C. O'Connor - I think a 2/3 ratio is a good ratio when doing a mixed use development. Two parking spaces to every three bedrooms. Do you have data that supports less or more?

J. Wilson - No, I was just interested because of the community reaction.

C. O'Connor - Obviously, depending on the bus services and the walkability, you need less parking. We are building a building in college town with 74 beds and zero parking. Here, the families are going to have cars, working professionals are going to have cars, and a lot of students are going to have less cars. I feel that sort of number puts me in a safe spot.

J. Wilson - Will the units be separately metered for utilities?

C. O'Connor - Yes, they will be separately metered other than the water.

J. Wilson - Any thought about electric charging units for electric vehicles?

C. O'Connor - No, is that something that you would like me to look into? Is anybody doing that?

M. Moseley - Yes, in some areas depending on the development.

M. Hatch - What is the square footage of the 2 bedroom?

C. O'Connor - 1008 square feet.

M. Hatch - With two floors or three floors?

C. O'Connor - The two bedrooms are two stories with living room, dining room, and kitchen on the first floor, a very open floor plan. The second floor has two bedrooms and a full bathroom. The three bedrooms will be similar to 902 Dryden Road with living room, dining room, kitchen and a full bath on the first floor and three bedrooms, full bath and laundry on the second floor. The four bedrooms will have the same pattern but with the laundry on the first floor and two additional linen closets on the second floor.

M. Hatch - In relation to your comment about who may be interested in these. You will be having a conversation with Jeremy Thomas and talk, probably, about the East Village development which is supposed to be a major residential undertaking. It occurs to me, since it is farther out, it may be more conducive to the professional family side of things. Thinking along the lines of J. Kiefer's point, I am looking at 168 people/beds, making it fewer and giving more space might attract a different type. You have the economics in your head. What is the occupancy of the one you have just completed?

C. O'Connor - 32 bedrooms, 10 units. The two bedroom units are 1008 square feet, the three bedroom units are 1355 square feet (scheme A has the same units) and the four bedroom units are 1585 square feet, with 9 foot ceilings and LED lighting. We are going to have a ribbon cutting in late June or early July and I would like to invite everyone here. I think it is important as we go through this process for you to have the opportunity to see it. I think it would be great if David (Weinstein) you could have some of your activists and the community could follow and meet us there. We are very proud of the development and I think it was a nice addition and I think this will be another nice addition to Varna as well. If possible I will get a date out to you (D. Weinstein) and you can circulate that to everyone.

D. Weinstein - As you know I sent the announcement of what you are thinking of doing to the Varna listserve - almost 500 people get that. One of the major things I heard back is when people heard three stories, all of the buildings being three stories,

that brings to mind college town and the people were expressing a desire to have different heights of buildings particularly when you go away have the higher buildings in the back and smaller buildings in the front. That relates to your two scenarios here. You have the four bedrooms are going to have to be large buildings. A lot can be accomplished by going with Scheme A. there are more buildings but there will be more diversity of height.

C. O'Connor - Just so you know Scheme A is all two stories. I think it is important for people to understand the economics that go behind building a development of this size. Land cost today is very high, property entry points come at a high price and the problem is when you start reducing your units and bed count, the project cost less but the land costs stay the same. The soft costs stay the same. To clear the site and do the environmental remediation that is going to have to happen to the existing structure will be the same whether I do 20 units or 42 units. The infrastructure that goes into Storm Water stays the same. What I was trying to do was to make this viable and yet make it receptive to the board and the community. Maybe that is by offsetting the unit counts and reducing the bed count which will create more units but less beds which shapes the project differently. That was one thing that as we talk tonight and at future meetings, we should be mindful of because the cost of construction today is higher than it has ever been and our goal in every project is to build the project and have it be worth what we built it for. No one want to invest two years of their life and go through all the time and energy to work on the project and have it, at the end of the day, be worth less than what it cost to build it. I am at a number where I need to be at and I am hoping we are going to be able to work through this project and get that bedroom count.

D. Weinstein - Are you saying that between these two, C works financially for you but A doesn't work?

C. O'Connor - A works a lot worse. Again, the same amount of units so if you do a two bedroom with one kitchen and one bath and then you do a four bedroom with one kitchen and two baths, what are you really adding to your costs? You are not building the most expensive room, the kitchen, again. From a cash flow point, four bedrooms generates more than a two bedroom does. The two most expensive things in the building end are the foundation and the roof so it is always easier to go up than out. Obviously that is why I wanted to demonstrate the visual impact on a site with the same amount of units but a different bedroom count. We don't know which one we will submit next time. I am hoping with your feedback I will be able to make an educated decision on what I think will be acceptable to everybody.

M. Moseley - Can we go back to the parking for a second. Obviously you are familiar with our zoning regulation, section 902 deals with subsection B2

For each Dwelling Unit—one parking space, except for Dwelling Units occupied by more than three unrelated persons where one parking space per bedroom shall be required. Subsection G

G. No parking facilities shall provide more than 120% of the minimum number of parking spaces required by this section unless expressly approved by the Board in approval.

K. Reduction of Required Number of Parking Spaces

- I assume you will review that before submitting it to us. If you are truly talking about mixed development - since we are talking informally here - if you are talking about a mixed development of age ranges, why wouldn't you include bedrooms on the first floor?

C. O'Connor - That is a good question.

D. Weinstein - You mean to make them accessible to older individuals.

M. Moseley - Not only for older individuals but handicap accessible. They don't have to be handicap accessible obviously because they are town homes but they could be adaptable in case you had an individual that was or they could be an older individual. It gives the opportunity for all sorts of housing.

C. O'Connor - Yes, that is a great suggestion. I was more or less trying to duplicate what I already had and people loved them. We leased the buildings when they were only framed. I have been working on a couple of different projects that will be more geared to senior housing. I attended a meeting two weeks ago that Warren Real Estate held with their seniors and that was their biggest concern was finding houses for first floor nesters and they are tired of the stairs and multi-levels. They want to be in homes where they can age in place. I will look into it.

M. Hatch - Another thought for me is to push them farther back from the road.

C. O'Connor - So we have gone over Scheme A and Scheme C. Where we are sitting right now, we have 3.03 developable acres. It is safe to say we will be introducing 10 units per acre = 30 units. We are going to explore the option of LEED ND. I met with Taitem Engineering and we are going through the economics to see if we can make this work. One of the problems, that I was not aware of until I got there, some of the prerequisites that we have to have might not work. Things like a walkable neighborhood, or a grocery store within a certain distance are not there. We are going to continue to explore that and if we can meet the prerequisites then we will continue down the path of LEED ND and research more on the hard costs and the soft costs. I should be able to give the board and the community an answer to that at the next meeting. Understand that we have six buildings with seven units in each building, if we don't meet LEED we are going to just take one unit out of each building.

To get back to the redevelopment bonus, we have talked about the definition but I am asking for some clarity. The intent can get very subjective. When I read this, to qualify it is through the planning (which we are doing), the development (which we are working on), the design (which we are working on), we are going to be doing the clearance, we are going to be doing construction, or rehabilitation of existing property improvements. I don't understand how it doesn't meet a redevelopment bonus. It meets every one of the criteria.

One of the things I want to do is make the board a little more familiar with the present condition of the site (Mr. Connor shared pictures of the site with the Board). I am looking at an asbestos survey, hiring an abatement company, hiring an air monitoring company, demolition of the building, and disposal and tipping fees of about \$250,000 just to clear the site. I am hoping that our understanding of the redevelopment bonus definition and what it is going to entail to get this site ready for new housing, which we desperately need, that the board will consider honoring the two unit per acre redevelopment bonus. I know that is an answer you can't give today but I am hoping that as we work through other architectural things and other landscaping things that can enhance this site, hopefully it can steer the direction to approving the additional two units.

Returning to your question about shifting the building away, that was the first thing after reading your email, I asked Adam (Fishel) if we could literally shift everything to the north. What I am thinking is that if we took these structures and slid everything to the north which would allow the buildings to get off the front of the road. We can probably shift these over a hair to the east, whether or not that is even necessary because we are not going to clear the natural vegetation that runs through here

already. There are honeysuckle trees and natural vegetation. Moving this back would help alleviate the sight as you are coming through here because the buildings would be off the road but also position the buildings to shield the parking area and the back buildings so all you would see is the front façade. That would also allow a better environment for the tenants because they would not be so close to the road and we could do our stormwater right up front because the natural grading of the site all pitches this way.

D. Weinstein - That comes back to John's (Kiefer) point that the part of the building facing the road, will it be more neighborhood friendly to people walking by? Some of which you have down at 902, there is more of a welcoming feeling to that area instead of seeing a big wall. Maybe you can have a porch or two or something like that.

C. O'Connor - I think that it would be important to enhance these buildings whether that be upgraded windows or putting in sills or doing different architectural things that we can do to enhance the curb appeal, at least on building A and B from the streetscape. I want people to drive by and be proud of this development.

C. Anderson - Definitely read the Design guidelines for Varna. It is spelled out in there, the part about the curb appeal.

If I can talk about LEED real quick. We had a discussion on the Board 2 years ago - we knew there were some deficiencies in LEED. They give you points for sidewalks, bus stops, etc. and we talked about trying to incentivize that to encourage energy efficiency. I would say if you are missing some points, come back and let us look at it. We are not opposed to that.

D. Weinstein - We want to be realistic. We have goals for making environmentally friendly developments in Varna and if we can shift... it is our decision about what really qualifies as LEED. The LEED qualifications are changing all of the time.

C. Anderson - you won't get the LEED stamp.

D. Weinstein - You won't get the LEED stamp but you might get a bonus from us. We obviously don't expect you to get any points for a close grocery store because it just isn't there. But there are other things that we might want enhanced and if we can work with you to enhance those we get a more environmentally friendly building, it is in our best interest to make the way so you can accomplish that.

C. Anderson - I encourage you to go through that checklist and then bring it to us.

C. O'Connor - Step one was getting through the prerequisites and after that we will go through the yes, no, or maybe's and see what actually works and see how high we can get on the point system.

J. Wilson - I was not on the board when they discussed the LEED but the energy efficiency and emission reduction is more important than some of the other things.

C. O'Connor - I would like to hear from the board and the community, any suggestions. We have a starting point, shifting the buildings back, I know some of the due diligence I need to do but is there anything else that anyone is thinking of or that you want us to explore?

C. Anderson - you went through the process for 902 so you know what the community is looking for now. From our point of view: safety fire issues, you don't have garbage in here, bicycle racks. Things like that are simple but they have to be worked out.

T. Hatfield - The quarter of a million dollars of infrastructure costs that you are going to incur (*I could not understand what you said!!!*)

M. Hatch - Please remind us when you want us to come over for the open house at 902 Dryden Road.

J. Wilson - You have talked about community input a number of times, I now hear the Varna Community list serve has seen this. I think it would be helpful to all of us if



there is some kind of systematic feedback from that circulation. We typically don't circulate to listserves but once it is out there it will be helpful for us all to see what that particular community is saying.

D. Weinstein - I am gathering up the responses and will put that in a document to send to everybody. Besides how many units you will have to build, the big uncertainty for me is the question of two story versus three story buildings which has a very big impact on people's conception of what is here. Especially since I have heard a lot of comments about the visibility from the plantations' arboretum, they are freaking out that there might be a three story building there that is just a monolith that will change the view. How are we going to work through, are you going to run your numbers and come back to us and say what you think is the best solution between these two options?

C. O'Connor - Yes, that was my plan and I wanted to see where this meeting took and it seems as though we are receptive to looking at the site for a redevelopment bonus and if we are, then I can go back and figure out a way to make those two stories to try to reduce the bedroom counts in some of the units to make this more of a mixed use development.

M. hatch - isn't this right next to a large parking lot? With a huge numbers of cars, next to the botanical gardens? There is some improvement in the landscape by having two or three possibly as well, for botanical garden folks. I walk that frequently and I am quite conscious of the large amount of traffic. Maybe the houses are an improvement.

D. Weinstein - I am not ruling it out. Maybe a hybrid of the two where the height is graduated from the front to the back and it gets bigger as you go back might be a winning solution.

C. O'Connor - I think the natural grading of the site will help that visual impact.

J. Wilson - I understand that visual simulations are very expensive; on the other hand having been through what our community has been through on looking at things visually, if there is any way to help us understand what the visuals are going to look like from the vantage points of the public, that would probably be helpful. I can't say "do it" but on the other hand, I am hearing people have visualizations already and yet that is their perspective and something more systematic would be helpful.

M. Moseley - It might also be helpful to have information sessions and I am sure David (Weinstein) can help you with the Varna folks. It might be beneficial before you start going through our process.

D. Weinstein - I have made it clear to the Varna community that C. O'Connor is interested in working through the problems before we even get to a formal stage so that doesn't generate a knocking of heads. That's the goal and I think people were receptive to that and the problem we have run into in the past was when we haven't gone that route.

C. Anderson - If you did a third floor, between the building and the roof line, you could do a façade in that roof line so it doesn't have quite the visual impact that a three story building with a flat roof would have.

D. Weinstein - Let me give you a little history on the redevelopment bonus. Up until the last unofficial max connected with the Varna Plan, this redevelopment bonus was conceptualized being the area from Freese Road to the west of there and not this region. However, that said, that is not what made it in to the final zoning so it is hard to hold you to that requirement because the zoning seems to say that redevelopment of this areas is acceptable. It is up for debate because of the history and the original intention but it is reasonable that you will have a strong argument.

**Rezoning north of Freeville along Route 38**

- This is a charge from the Town Board to analyze and advance recommendations.

R. Burger has forwarded several letters that have been received over the past year. Several of them are from the Cricket Lane neighborhood after we had the one SUP process go through where they didn't want to see a business in the neighborhood. As a result of that, they responded with letter writing. It is a form letter asking for a rezoning of that to neighborhood residential. They think that is more appropriate zoning for that neighborhood. Then there is property further up Route 38 that used to be commercial district but then when the new zoning went through the entire corridor between Freeville and Groton became rural residential. They felt like there was a lost opportunity there. We have request from various property owners over the past year so the Town Board wanted to pass on the charge to the Planning Board to look at this, do an analysis for them and form some recommendation.

M. Moseley - I think the best way to deal with this would be to create a subcommittee of two Planning Board members and a Town Board member if they are willing. That group could analyze it and come back to the Planning Board after they have made a determination.

J. Wilson - it would be helpful to know when they are going to come back so that if a member is not in the group, they can still do due diligence so it is not a week ahead of time that the committee has reported and is ready to go. That would be problematic for me. If we could have some kind of rough agreement on a sequence of time for them to report, it would be helpful.

C. Anderson - Have these people gone to the ZBA or anything like that?

R. Burger - No, we have those letters that were forwarded to you. That is the extent of it.

C. Anderson - This sounds like they were caught in the zoning change in 2012; they weren't involved in the process. Do you know their time frame for moving forward?

R. Burger - The property on Route 38 is looking to do a development there as soon as he is able. He is looking for more options than he has right now in rural residential so he would appreciate to having some action this year, even by next fall or winter. As far as Cricket Lane, there is no imperative there because there aren't any more proposals although they will feel more secure the sooner they can figure out that they are, what they see, more appropriately zoned.

D. Weinstein - Am I correct in saying the Cricket Lane folks want to have it much more difficult to site any business near there whereas the other gentleman wants a business in an area surrounded by residential dwellings.

R. Burger - Correct, he is on a former site that was in a commercial status.

D. Weinstein - It is not fair to the other people that buy into that neighborhood to say well, it previously was commercial, so it should go back. We have to determine what is best for the whole neighborhood.

J. Wilson - Does the person who wants commercial have some kind of concrete idea of what it is that he is going to do.

R. Burger - He has the idea of putting in a self storage business.

C. Anderson - At one time, there was talk of the Peruville Road/Route 38 as a node and rezoning that area. Is that included in this charge?

R. Burger - No, but it could be extended. I don't think it is restricted to these requests. I think looking at the entire corridor would make sense.

C. Anderson - There was talk about maybe getting Groton involved with that node to see if there was any interest in the other side of the street.

R. Burger - I have never made contact up there but that would probably be a good thing.

T. Hatfield - We can do better planning if you looked at the entire district.

R. Burger - As I understand some of the history of that corridor was just kind of broadly brushed into rural residential without much fine tuning.

C. Anderson - I only bring that up because you have some commercial already up in that area already: a go-cart track, a church and some other things.

M. Moseley - Maybe by next meeting we can ask for volunteers and whether individuals want to be on the subcommittee and talk to the Town Board members to see if they would be interested in working on the process as well. We will put it on next month's agenda.

**Resolution to rescind Resolution #17 2017: David Weinstein**

**D. Weinstein** - I appreciate the motion for a moratorium was given in good faith and we had a discussion about it. It is not criticizing that discussion and trying to move forward with a new idea. The problem was that this was special meeting that was specifically to evaluate the SEQR, to give our recommendations on the SEQR. I really don't feel it is good policy to entertain a resolution that has not been on the agenda so that people could think about it before hand. I personally was not able to think fast enough about all the arguments that I personally would have had against it. This is an important issue and we need to, before hand, have the time to go through all of the logic, individually, so we come to the table before we make a decision with some pre-thought, pre-understand of what we are talking about. That is where I wanted to go with this and I thought the best way of proceeding would be to rescind the resolution that had been passed and start again and have a full discussion about this in a context where it was advertised before-hand; the public knew and we knew that we were actually going to go through it and evaluate it so everyone could be prepared for that discussion. Again, I am not criticizing Tom (Hatfield) or anybody who voted in the last round even though I disagree with the reasoning that was put forth. That is not the issue here. The issue is that it is bad procedure.

**J. Wilson** - I have the same sense. Now I would not have been able to vote and I acknowledge that. You were courteous enough Marty (Moseley) to read the comments that I offered up understanding what I did about the agenda. I would have offered up, whether you would be willing to read them or not as a courtesy, I would have offered other comments had a moratorium been agendized. I agree with David (Weinstein) as a matter of practice and procedure, the moratorium should not have been voted on so I will support the notion of rescinding the moratorium and then we can move forward again.

**Public comment:**

**J. Osmeloski**

My first suggestion, Marty (Moseley) is until the solar thing is settled you might want to change the hours for the meetings to seven to 10 or seven to 11 because they are all going to go longer. Let's face it; the only issue the town cares about right now is the solar issue. I originally came to congratulate the board on passing the moratorium, commending them on going out on a limb to recommend it to the Town Board.

Obviously a lot of people in town are proud of what you are did; signs are popping up everywhere, people are writing articles about it, Janis (Graham) wrote a great editorial

in the Ithaca Journal, it is on the front page of the Dryden Courier today. So a lot of people agree with what you did. I did come to congratulate you but to my dismay, I got the agenda and already you want to rescind something that you passed last month. My first thought was what does that do to the credibility of this board? They passed a resolution and then someone doesn't like that resolution, let's rescind it. I don't know what kind of precedent that is going to set but that is your decision.

I want to take a little bit of issue with David (Weinstein). At the Town Board meeting David indicated it was somehow illegal and that was one of the reasons he wanted to rescind it. He was saying things like "since it wasn't on the agenda, it wasn't legal". We all know that any board, Town Board, Planning Board, Ag Committee, etc. that anything can be added to the agenda at any time. Any resolutions can be offered and passed at anytime. Obviously it was perfectly legal and you indicated at the Town Board that possibly there was some kind of error.

The other issue I heard was something about another board member not being here so the vote would have been 4-3 rather than 5-2. Actually the vote would have been 5-3 because Hilary's (Lambert) vote counts and everyone has heard her vote. In reality, it still passed. I think finally what I would like to say is when I saw it was going to be voted to be rescinded, I thought to myself, well the vote will be 7-1 or 8-0 because you have seen the town reaction. The town is favor of this moratorium. We have not seen another board support the resolution, the Ag Committee voted to support the resolution. Obviously, there is more support for the resolution but since a couple of people don't agree with the resolution all of a sudden they want to throw it out a month after you passed it. That sets a terrible precedent for this town.

### **S. Osmeloski**

I support having a moratorium because I have been to a lot of these meetings. I am very concerned about the cell tower and the solar farms because they will have a major impact on my property. I read almost all of the materials submitted on line about everything and I have to admit I have a ton more questions and I am confused. I think there are still things that we need to answer and understand before we can make the correct decision on these properties. I am confused about why we are told Tompkins County and the Town of Dryden need to become more solar and have more of these solar arrays. I get that and think it is a good thing. Then they say there are only two places in the Dryden that they can put them, one beside me and one in Ellis Hollow. Is that it? Are those the only places in our town where they can be? Then what happens with the other solar arrays we are supposed to have. I don't understand the placement of them and how we are going to put them correctly.

The other thing that is confusing me is, in January the Town Board passed a moratorium on things like solar farms and development until July. Then in February, they gave an exemption to the moratorium to Distributed Sun because Distributed Sun might lose some money if they had to wait till July for their decision. Now this board passed a moratorium last month and this month it wants to rescind it. We are starting to chase our tails here, we need to step back, get a plan and move forward deliberately instead of fumbling around.

### **Brad Perkins**

Joe and Sarah stole my thunder so I will be brief. Dave, I respect that you like to think about things but there were people who did think about it and the town attorney was here and she thought about it. And people in good faith voted for it. If you are team player, I'm going to ask you to go along with it now. It has not passed the Town Board

yet. I think that is an important point. I think you owe this to your audience and your board members.

A couple of other things that are sort of ancillary to this. On behalf of the cemetery, I proposed to Distributed Sun, a compromise but it was like they did not even hear it but it was echoed in my office to Bharath one on one. He has not responded to it. I asked our town supervisor and I asked Bharath if there was anybody who would receive any remuneration as a siting fee. Neither have answered that question. There is an answer somewhere to it and I intend to find it, either now or later. I don't know what the answer is but I will mention a name: Seneca Strategic Consulting, LLC.

### **Janice Graham**

- Please see attached flyer from Renovus.

I am talking about the Ellis tract. One of the arguments made against the moratorium by Sarah Z. of Cornell was that we wanted a moratorium for impending large projects that were supposedly non-existent. Today, I was looking into this. I don't know if it is all through Dryden. Renovus is offering to allow us to buy into community solar. I was trying to figure out that... there are two different models - one is pay up front and one is subscription. And you go to a map (<https://data.ny.gov/Energy-Environment/Community-Solar-CDG-Solar-Electric-Projects-Comple/8kxr-npmk>) which says search community solar near you and I found that there is another large project, supposedly, in the pipeline. It is the size of the Ellis Tract, it is by a company Xzerta energy group. I called Ray (Burger) who had not heard of it but who said that wouldn't be unusual because you wouldn't know. That is the same that happened with Sun 8. I tried to call, forget about calling NYSERDA. This is, potentially, another big project, you can't find out where it is in Town. I will leave this and you can tell which is the Ellis Tract and which is Willow Glen. There are three in Dryden and these are the three that came up. That is the first thing, it is not theoretical that there might be other big projects at our door but we don't know where the third one is.

The other thing is, the Planning Board member David (Weinstein), we talked there are these fields off the Turkey Hill side that if Cornell made them available would create, shift the foot print around to take pressure off different areas. Cornell has been saying there is 30 year research but you can't talk to the researcher. Then two weeks ago, Linda Lavine, after the Town Board meeting said to me that she met with Cornell and pushed them on these fields and the 30 year research and they finally said "there is no 30 year research but we can't change the footprint now at this late stage because it will require all new state permits". A neighbor on Turkey Hill knows there is no research because the farmer that lives there says he has never seen anyone there. I know that the SEQR says that the discussion of reasonableness is you can't get a developer to investigate a site that they don't have control over. I would argue that Cornell is sort of a co-developer, they have been at every meeting, they have met with us, they have aggressively advocated. They have control of those, unlike Scott Pinney who no one has ever seen, Cornell really has been. I just want to argue for the fact that maybe a moratorium would allow these other fields to come into play, Sun 8 would still have its 28 or 29 megawatts but it could allow Dodge Road to be a little further set back and we could save some trees. I will leave this with you, which is the NYSERDA data, I couldn't find that much about it but I do believe there might be other stuff in the pipeline. Those of us in Dryden can take advantage of this.

### **Pat Dubin**

I live in the Town of Caroline although my property borders Dryden. I have been following the issue closely because I don't think it is an issue that affects just one town or another. I think whether we get this kind of solar in our community will affect all of us and I want the solar. I also support what David said. I don't know what the Planning Board saw but I know when I looked on the website about the Planning Board meeting where the moratorium was introduced, it said that it was a special meeting to discuss view sheds. That was all I saw so when the moratorium topic was raised, that was very surprising to me. I think that there wasn't due process in the sense that David (Weinstein) expressed which was the opportunity for people to know what was going to be an issue at the meeting and I think everyone here agrees it is a big issue and it shouldn't have been something that folks didn't have a chance to think about before-hand.

The other thing I wanted to say is, I have been following the website in terms of what has been submitted by Distributed Sun on this project. A lot has been submitted, as I know the Town Board members know. I think there is only one or two documents left before the Board will have a complete package and can make a decision on the project. I think that we need a decision on the merits; I don't think, as this Planning Board has said, any other developer is asked to consider alternative sites when they come before the board asking for permission to do a development. We have heard from the developers themselves at numerous community information meetings and other public meetings about why these are the only sites possible for these projects. I think the moratorium should be rescinded and I think we need to allow the Town Board to be in a position to make a decision on the merits of the project as soon as they have everything that they need.

**Spring Buck, Sunny Slope Road**

I am very much in support of the solar project. I am not the most eloquent person so I am stealing words from a famous person. We as Americans make up 5% of the world's population and consume 24% of it. We have a responsibility to be leaders and stewards in energy consumption and how we make it. We really don't have time and I think this is a very symbolic thing. We don't have time to be dragging this out. We genuinely are on the world stage. Say what you want about Cornell but people watch what we do and watch this community. You know that from what you did fighting fracking. To me, the moratorium slows things down and I am worried about where the money is going to be coming from for support from the federal and state government. For me it is very much about the symbolism, we don't have time.

**Craig Schutt**

Last night, I was watching the 11 pm news on channel three out of Syracuse. There is a proposal similar to these in Onondaga County and they are starting to go through the same kind of "yes, we want it, no we don't want it". What really grabbed my attention was who is supporting /backing this project. To my surprise it is Tetra Tech. The same company that did all of our analysis, that we are all supposed to believe was done perfectly, and it may be perfect and fine but to me it is another little thread sticking out there that needs to be answered. That is the problem with these projects; there are so many different threads that if you pull one you find more. This Town needs time to find out, to get the answers so I definitely support the moratorium. Then tonight there was a developer here. Well, "don't put those buildings too high because it might hurt the view shed". Wait a minute, we have been talking view sheds

on these things but we are crazy if we think about that. Let's be real here and treat everybody the same. If you are concerned about the view shed down in Varna, some of us are concerned about the view shed, some are worried about the view shed from Dodge Road and some are concerned about it at Willow Glen. But you set right there David (Weinstein) and said Cornell might not like those tall buildings, you better think about the viewshed. It makes no sense to me what is going on here. Let's keep the recommendation for the moratorium in place. We all have to realize it is just a recommendation from you guys. There is nothing binding. Rescinding it? Why? The Town Board can do whatever they want to do with it. You just stepped forward and made a recommendation and I support that.

**M. Moseley** - I have something to say that deals with agendas. There have been quite a few statements. I have communicated with the Committee on Open Government in New York State and I have looked into our own regulations and from my understanding an agenda is something that is fluid. I am not saying or saying that what you felt is appropriate but there is no legal binding associated with the agenda. Even Roberts Rules of Orders, there is indication that the agenda can be amended even if it was adopted, two-thirds of the vote can change the agenda.

**D. Weinstein** - I appreciate that you looked into that and your comments. I can't image that anybody in this room thinks it is a good idea to move forward with major issues that no one was alert to before a meeting, not the public, not the board. I just think it is bad policy to do that. It is not in keeping of the idea of open meetings/open government. It is not letting people know that there is a major issue that is going to be on the table for discussion and I think you are cutting people out of the equation.

**M. Moseley** - I am not cutting people out of the equation although it is not on the agenda, the agenda is fluid. Members propose things during the meetings, it has happened in the past while I was part of this board but not chair. It has not been brought up before against anybody else. It also has not been an issue previously.

**M. Hatch** - Did we have a vote of two-thirds to amend the agenda?

**M. Moseley** - That is in Robert's Rules and this board did not adopt those regulations.

**M. Hatch** - we don't follow Robert's rules?

**M. Moseley** - No and if we did, the Board would have to approve the agenda, specifically.

**J. Wilson** - I don't want to make this personal. I appreciate you doing the research and I think the research has some substantial weight; that is we have no given procedures apparently on this board. I think that it - the reason I chose the word practice as opposed to policy is because I think in this instance and the amount of interest and sentiment that has been express around the moratorium issue makes clear that the moratorium was a major thing to propose and pass I think to the extent that people could have foreseen that then the matter should have been labeled as such on the agenda. That would have been the best practice for us to follow. In order to get this resolved, I am going to move that we rescind the moratorium recommendation so we can vote on it and come to a conclusion.

**D. Weinstein** seconded the motion.

**T. Hatfield** - Since I am the one that made the motion in the first place, it is time for me to speak. I think the emphasis of the moratorium recommendation is not the emphasis of the point. The point is we have had before us for many meetings in a row now, folks from this community that expressed concern about the location and site. I

have heard no one come out and tell us they are opposed to solar. I have yet to hear that. I don't think I have heard anyone say they are opposed to industrialized solar. The fact of the matter is that this board discussed solar at that level, some time ago and made a recommendation to the Town Board to include it in the solar law. That recommendation didn't get taken up on. It may have helped us in this situation if it had. We have a major issue in this community. Joe (Wilson), you said earlier today that with respect to parking, you were concerned about community reaction. My moratorium proposal, the resolution I offered, was exactly that issue, the reaction and concern of the community. The concept that we don't have time to properly plan the location, the siting of industrial solar, is clearly bogus. On Dodge Road, at Willow Glen, they have grave concerns. We can bulldoze our way ahead and not take time out to properly plan. The moratorium only suggested. The recommendation we made was only for six month time out. Let's gather up as a community and figure out a better siting process. Sometime there is no good answer. Like the cell tower legislation, while we were making the legislation it became very apparent, everyone wants to dial 911 but the tower has to be in someone's their back yard. That's the type of thing that not only needs to be discussed amongst ourselves as the body responsible for good planning. Should the Town decide to implement the moratorium for six months, charge us, agree to join us and jointly charge ourselves and the folks on the other boards. There is a tremendous amount of interest in getting this thing right. There is no time rush, the only thing we can do now is rush forward and make a mistake. It is very clear that there is going to be tremendous discord and upheaval in this community. The very least is we should take some time to give it thought. I am not willing to see us fail to encourage the town board to call a time out and do this right.

**D. Weinstein** - You are opening up the discussion of whether the moratorium itself is a good thing. I didn't think you wanted to go there. That wasn't what the topic, I don't know if you want that discussion. We can get back into a whole debate about whether a moratorium is a good thing or not but I didn't think that was what this was about.

**M. Hatch** - I want to raise the question, it would be helpful to me after these eight or nine years that I have been on the board to get clarification. Very often I have been admonished for bringing up issues that were somehow responsive to particular opinions held in the community. The admonishment was that this board has legal responsibilities to do things according to the laws, the zoning and to an extent the comp plan and have to follow those things. It should not be put in a position of having to be swayed and in fact, Tom has periodically stated that we don't do that kind of thing because it is the Town Board that gets elected by the public, we don't. If we are going to get into the area of advising the Town Board based upon our perception of public opinions, and by the way, I have done a survey of public opinion based on the communication passed on to us by the Town. There is much more support, I have not quantified it but I think it is about 60% for solar installations as opposed to against. I am not acting on that basis. I am simply asking the question of what are our guidelines with respect to public opinions being voiced about particular issues or projects.

**M. Moseley** - That is a question, correct?

**M. Hatch**- That is a question that I think we should answer in a general sense about all of our action but it particularly has to do with this issue because we have decided we want to take action based upon the public response that we have had as opposed to based upon our legal responsibilities which are outlined in zoning and the description of our role. Particularly takes notice of what Tom has said many times through the seven to eight years we have shared membership which is that we are not



a body that is elected and therefore we have to be very careful that we don't take, do these things in response to public opinion.

**M. Moseley** - The public is involved in the process. Not specifically this process, I am talking the generalized process. Just like tonight when we had a public hearing, the public hearing is to integrate public comments associated with those proposed actions. This, although it was a suggestion to the Town Board but not a specific action per se, it was a suggestion to the Town Board. We have, throughout the last several meetings talked about solar and we have involved the public to a large extent. We have heard a lot of people throughout the time. It is our job to take their public concerns and determine if they are factual. And then base our decisions off the factual basis as Joe (Wilson) said in his email, at one point.

**M. Hatch** - I agree with you there and we had a solar law that we passed and there was public comment on it. That law now governs our actions, doesn't it? That is why every time we brought this up, I asked what action are we taking tonight and when it was clear we were not taking any action, it was clear to me to suggest that our opinions, which they might be worth something to us personally, should not be part of the process, the deliberation of the board if there isn't going to be any action taken. The last meeting, not last month but the 3<sup>rd</sup>, we took action on a SEQR and you made clear to me when I mentioned to you that we might put off that meeting that you wanted to have our opinion before the board by a certain time as part of our legal responsibilities. And yet at this point we introduced and had on the table something that we had no legal standing to engage in. In the sense that it was not a legal opinion that we were, there wasn't even anything on the agenda that we had any responsibility to deal with.

**M. Moseley** - Again the agenda is fluid, we have covered that. We didn't take any actions, like I said before. We made a recommendation on the SEQR to the Town Board. There were no actions that we took. Yes the solar law governs the town and the entities that approve that. It governs the Town Board and it involves us as a process. We were providing a superfluous recommendation to the Town Board in hopes it would help them with the SEQR process when they actually got to that determination itself.

**J. Wilson** - I know Robert's Rules don't govern but I am going to call the question. The question, what I tried to do was make a motion to rescind the recommendation for a moratorium so I am going to offer to all of us that we vote on that motion as opposed to going back into the merits of the moratorium itself. That wasn't the motion that I made and I am asking that we vote on that motion.

**H. Lambert** - Before you vote, can you read the words that you are actually going to vote on.

E. Bieber read Resolution #17, 2017 into the record.

The vote was 4-3 against rescinding the resolution.

There being no further discussion the meeting was adjourned at 9:46PM.

Respectfully submitted,

Erin A. Bieber

