Planning Board
May 3, 2017
Special Meeting – Review of Part Two SEQR for Distributed Sun
Dryden Highway/DPW Building

Members Present: Marty Moseley (Chair), David Weinstein, Hilary Lambert, Craig Anderson, Marty Hatch, John Kiefer, and Tom Hatfield. Joe Wilson was excused.
Town Hall Staff: Ray Burger, Planning Director
Liaisons Present: Deborah Cipolla - Dennis, Town Board
Guests: Susan Brock, Town Attorney

The meeting was called to order at 6:01 PM.

M. Moseley appointed Hilary Lambert to replace J. Wilson as a full member of the Board for this meeting.

Public Comment:
Leslie Appel
May 3, 2017
To the Town of Dryden Planning Board:
When thinking about the importance of the view from Dodge Road, the first thing that came to my mind is that it is really is more than "just a view".
The stunningly beautiful, peaceful, rural views on Dodge Road afford everyone who lives on, uses and loves this road the opportunity to enjoy nature in a peaceful setting. The view also contributes to a healthy lifestyle for all by promoting walking, jogging, biking and more along a road with such magical views. The "view" also gives a nod to the history of the area, as this has always been rural farmland. As we have mentioned before, Dodge Road is more than a road, it is a "park" where neighbors from near and far gather to walk, watch birds, exercise, and enjoy the environment. Even taking some of the panels off of the middle of Dodge Road would help maintain the integrity of the neighborhood and keep Dodge Road the special outdoor setting it is now, for all to enjoy. Another option of compromise would be placing the panels further into the fields from Dodge Road. This would help preserve the road's rural character and scenic beauty and also serve to save the 3 acres of beautiful Norway Spruce trees and Hardwood trees across the road from the arrays. These trees are slated for removal due to the shade they are said to cast—if the arrays were more deeply placed in the fields off the road, this would no longer be a necessity.
The view is an integral part of the road that must be preserved to maintain the aesthetic of the environment, peaceful atmosphere and special feeling of the neighborhood.
Thank you for the opportunity for Dryden residents to express our thoughts,
Leslie Appel, DVM 78 Dodge Road

Craig Schutt
Prepared for Town of Dryden Planning Board Meeting 5 - 03 -17
To: The Dryden Town Board and the Town of Dryden Planning Board
The following excerpts are taken from the latest version (version 7) of the *Natural Resources Plan* **(NRCP), currently being developed by the Town of Dryden Conservation Board, as directed by the Town Board. The Plan is nearing completion and will then be passed on to the Town Board for consideration and ultimately adoption. These excerpts are intended to illustrate the high value placed on Dryden's remarkable viewsheds. I feel compelled to bring these issues forward after the discussion at last week's Planning Board meeting (4 -27 -17) concerning viewsheds in the context of the proposed large industrial solar projects. It is my hope that the Planning Board and Town Board will use this information in their decision making, and carefully consider the collective expertise, knowledge and deliberative process used to develop this plan resulting in many specific recommendations.**

INTRODUCTION

"This ***Natural Resources Conservation Plan*** for the Town of Dryden is intended to guide and inform natural resource managers, decision-makers, and interested citizens. Planning for conservation of our natural resources, as outlined in this document, forms a basis for sustainable agriculture, outdoor recreation, planned development, and healthy lifestyles, all of which contribute to long-term economic viability. The economic future of the Town of Dryden depends upon wise and effective conservation of all our natural resources in the face of increasing pressures from a diverse and growing population"

SCENIC RESOURCES, VIEWSHEDS AND NATURAL AREAS Dryden Views

"The term ***viewshed*** denotes a concept that allows us to make a visual assessment of the scenic value(s) of a particular area or region. We obviously recognize, with little effort, a delightful view versus an unsightly one. Terms such as remarkable, spectacular, terrific, or beautiful come to mind as we gaze, identify features, estimate distance and in general appreciate our ability to see and understand so much from a single location. Few people need be told the value of seeing the landscape from a distant vantage point. While landforms and valleys can be large, major and even minor changes can affect a viewshed in negative ways. Clearly, we need to recognize a need for caution as we build out, cut down, rearrange and develop our existing open lands. Dryden's visual landscape - the wooded hills, rocky hillside streams and meandering valley-streams; Dryden Lake and smaller ponds; hayfields, pastures, cropland and old fields - is central to the history, economy, and culture of the town. Scenic resources help connect people to the land, foster appreciation of our natural resources, and offer a strong sense of place for residents and visitors alike who are drawn to the area. The scenic beauty of the town is closely tied to the other natural resources addressed in this conservation plan - the physiographic patterns, water resources, biological communities, and farmland activities. While many scenic areas will be protected under their own natural or legal umbrella, other areas deserve conservation attention in their own right."

Dryden's Natural Amenities
"The Town of Dryden is home to many prominent and valued natural areas that serve as important habitat to native species and support a rather rich biodiversity."

Threats to Viewsheds, Environment, and Mental Well Being:
"Disregard or failure to consider impacts to the entire viewshed of any new structure or new land use.
Failure to protect unique geological features, natural areas and active farms, visible from public roadways.
Ignore or neglect to maintain: intact hilltop tree canopy lines, steep slope vegetation, and soil erosion issues on both fallow and active farmland."

Recommendations:
"Consider the impacts on the entire viewshed in the location and design of any new structure or land use within the town.
Maintain intact, both natural areas and active farmlands that are visible from public roads when possible.
Maintain intact, hilltops, steep slopes, and tree canopy lines, particularly in viewshed areas. Endorse Town policies that support working landscapes of farms and forests, but emphasize sustainability of soil and water resources for all practices.
Avoid clearcutting but favor select harvest techniques to help maintain forest coverts and avoid disruption of tree canopy lines.
Expand the appreciation and knowledge base about the viewshed resources of the town and County. This can help ensure sustainability and preserve the sense of place that now exists."

Dryden Agriculture Recommendations
"The Town of Dryden recognizes that local agriculture brings innumerable benefits to the local economy, to local food security, to the scenic character of the landscape, and to the culture of the human community.

Active and abandoned farmland can also contribute significantly to native biodiversity, and intact habitats in the vicinity of farms can, in turn, provide critical and irreplaceable services and resources (such as climate moderation, high quality water, flood attenuation, and habitat for pollinators and insect predators on agricultural pests) to farm enterprises.
Active, fallow, and abandoned farmland can also provide habitats important to native plants and animals of conservation concern, such as grassland birds and turtles that nest in meadows, raptors, mammals and snakes that hunt in meadows, and insect pollinators that rely on cropland, hayfields, old fields, and brushy edges to meet their needs for food, resting, pupation, and overwintering. Farmland that is adjacent to unmanaged habitats (e.g., forests, abandoned fields, wetlands) can be especially valuable for wildlife that needs a complex of different habitats to meet their life history needs. Intact adjacent habitats also support the diverse pollinators that are essential to certain agricultural crops."

General Measures for Farmland Conservation
"Protect active farmland, prime farmland soils, and farmland soils of statewide importance from development
Design new subdivisions and development sites in ways that preserve the areas of best farmland soils intact and unfragmented as much as possible.
Maintain intact habitats in and near hayfields, cropland, orchards, and pastures to help support pollinators and wildlife."

Summary (of the NRCP)
"Let us move forward with care and reverence as we recognize, appreciate, value, celebrate and protect our town's scenic resources. The natural beauty of the Town of Dryden town, as seen from many vantage points is truly remarkable, and should be preserved so as to provide a tranquil and dignified sense of place for current and future inhabitants."

There are many more pertinent sections and recommendations (Bio-diversity, Water Resources, and Biological Resources in the DRAFT Natural Resource Conservation Plan, but in the interest of time I will end with what I have highlighted at this time. Thank you for your attention and consideration.

Sarah Osmeloski, 2180 Dryden Rd. Freeville

A viewshed **is defined as a geographical area that is visible from a location. It includes all surrounding points that are in-line-of sight with that location and excludes points that are beyond the horizon or obstructed by terrain and other features (e.g., buildings and trees). (Wikipedia)**

Visual pollution **is an aesthetic issue and refers to the impacts of pollution that impair one's ability to enjoy a vista or view. (Wikipedia)**

Viewsheds are very important to our lives, especially the scenic ones. Some folks seem to have a demanding need for them while others not so much. I believe that people tend to live in places where they are most comfortable. So if you live in this area you probably have a need to be surrounded by scenic vistas. I figure that these two solar projects will destroy five significant scenic public viewsheds in our area. They are located at: Turkey Hill Rd. (at the top of the hill looking off toward the north and west), along Ferguson Rd. near Irish Settlement Rd. (over looking the valley known as Willow Glen), the views from Willow Glen Cemetery (especially looking north and east), Dodge Rd. (especially looking east at sunrise and west at sunset) and the view from Stevenson Rd. (in all directions). There probably isn't a person at this meeting that hasn't driven down Turkey Hill Rd. and marveled at the view.

A scenic viewshed can be destroyed by visual pollution. One of the causes of visual pollution is objects that are unsightly and don't blend in or compliment the surrounding environment. These proposed solar projects are examples of visual pollution. While the panels are not very pleasing to look at and they are also out of character with the natural scenery of the locations mentioned

above; vegetative screens are to be put in place to try to hide the panels but these screens are really just a nicer way of ruining these viewsheds whose scenic beauty is due to natural landscaping. Yes, I think the vegetative screens will help but they won't save our viewsheds' beauty.

The value these viewsheds have on our health and well being is significant. Gazing at a beautiful vista reduces stress and lowers blood pressure, giving one a sense of peace and well being, important factors in maintaining good mental and physical health. An example of this can be seen at the Willow Glen Cemetery. Looking at a tombstone bring ones mind to thoughts about someone who has passed on, maybe with a helpless sadness. While gazing out over the beautiful view from the cemetery allows a person to see openness and distance resulting in a feeling of courage and hope for the future, an important step in the grieving process. Viewsheds give us something nothing else can: a sense of identity; they are one of our most valuable resources. Please don't destroy them!

As Thomas Jefferson said;
Communities should be planned with an eye to the effect on the human spirit of being continually surrounded by a maximum of beauty.

Beverly West, 1214 Ellis Hollow Road
She and her husband live about ½ mile from Dodge Road. They have lived there for 50 years and are aware it is a road, not just to drive down, but to walk on, bike on, ski on, birdwatch, etc. to exercise with the common restorative views, meet with many friends in the nearby community.
Yesterday she drove by a Renovus site at 7107 Jacksonville Road. It is huge but when she got up to the entrance to it, it was about 2.5 acres, the same size as her property. It is screened by the existing road side vegetation. She has shared rolls of pictures that show the view up Dodge Road and the view driving down Dodge Road. She can imagine where the existing roadside vegetation is there, it would feel like the Renovus site – not intrusive.
She agrees we should have tall trees in front of the houses that are directly impacted but it is clear that if we had the tall trees along the road, we would be cramped in and feel like we are walking down a wall. The screening should be no higher than the panels. If we could save some of the hedge rows, they really soften the view.
She has sent a letter to Bambi Avery (Town Clerk) which is attached.

Janis Graham, 1150 Ellis Hollow Road

At many of the Planning Board and Board meetings that I have now attended, I have witnessed Board members pushing back, rightfully so, on developers—telling them to go back to the drawing board because there are too many units, not enough green space, not enough parking, etc. for the site. These developers all cry "it isn't economically feasible" yet I see you sending them back anyway. And them coming back with better plans that are more suitable to the surroundings.

Why aren't I seeing this same kind of questioning for the Ellis Tract Solar Project? I imagine some is going on behind the scenes, but why haven't we publically seen a discussion of the possibility of 1) altering the footprint and/or 2) reducing the footprint. These two options have been presented as non-negotiable from the

beginning, with little transparency as to why. The oft-repeated opaque refrain is "it's not financially feasible" and “we need the fields for research or for future research." Yet one or a combination of these options could solve a multitude of problems serving to satisfy a large variety of interests. It could allow:

*Cornell as property owner to exercise its right to use/lease land while adding to its carbon offset goals

* Town and County to get increased tax revenues via PILOT agreement

* Community to protect more of its rural character and distinctive views

* Community to reduce its use of fossil fuels

*For a greater, more uniform setback from Dodge Road, thus quieting objections that this scenic byway will lose its character as a valued neighborhood and aesthetic resource *(see note]

*This would allow for shifting of arrays away from the corner of Turkey Hill and Stevenson (A "Noteworthy View" in the Tompkins County Scenic Resources Inventory), further off Dodge Road (which would make the removal of 3 +acres of Norway Spruce and assorted hardwoods on the corner of Dodge Road opposite the solar arrays unnecessary) and further away from the Plotkin/Brindisi property on Turkey Hill.

I urge the Board to push back, including questioning the vague, generic response from Cornell about the project's siting. Tweaking the footprint can help it become more in keeping with its rural-residential surroundings, plus more palatable to those most directly affected.

*N0TE: I’ve heard a lot about all the "accommodations" that have been made. But Sun 8 bestowed the much-lauded "accommodation" of setting arrays back 250 feet from two Dodge Rd residents' homes, in return, it took away 3 + acres of trees. It gave with one hand and took away with another. According to Bharath, this deep and extensive tree removal on the road opposite the array site was the “price” of the setback - it was necessary to clear cut those trees to avoid the array’s productivity being compromised by shade.

Robert Kuehn, 1150 Ellis Hollow Road
Mr. Kuehn showed 4 (four) photos taken on April 15th on the Dodge Road site.
The ruts and disturbances made 3-4 weeks earlier by a pole drilling machine that test drilled into the wetland. The machine made one trip in and one trip out and the ground was still relatively frozen. The wetland will be destroyed by the back and forth positioning of the machinery to drill holes and by trucks bringing in framing and arrays. He would be happy to show other photos of the site of running water channels and standing pools of water.

Joe Osmeloski, 2180 Dryden Road
Is it ridiculous, trivial and stonewalling for a person to find reverence in an Iroquois Indian long house found on the site?
Is it ridiculous, trivial and stonewalling for a person to want to visit their loved ones at a gravesite and be surrounded by a bucolic beautiful view shed?

Is it ridiculous, trivial and stonewalling for a person to want to protect the Northern Longeared bat, to protect Norway spruce, to protect willow trees, to protect forests, to protect farmland?
Is it ridiculous, trivial and stonewalling for a person to want to protect the beautiful view sheds?
Is it ridiculous, trivial and stonewalling for a person to care about the wetlands on these properties?
Obviously these are rhetorical questions but they are questions that need to be asked because I sometimes finds the comments that I have read for going forward with the site, quite frankly, embarrassing to himself and the people of Dryden.
Do you know how many man hours people have put into the Comprehensive plan, the Ag Protection Plan, the Open Space Plan, and the Natural Resources Conservation Plan? I had two years on the Ag Advisory Committee. We spent those years on that plan which is still not finished. The man hours that have gone into every one of these plans expresses the need to protect our view sheds. And all of the hours that have gone into the Town of Dryden making these plans and then a lot of the plans are used when it is convenient. But when those plans don't fit a certain agenda, then they throw out the plans, all of those man hours, the 50, 60, 70 page documents thrown out.
Please take that into account, all of those people that put all that time into the plans, as volunteers.

Marie McRae, 710 Irish Settlement Road
I live in one of the most beautiful valleys in the county and have people stop in my driveway to tell me how much they love the scene. If I had a magic wand, I would fill the valley with solar panels and still call it beautiful. My love of my home requires me to speak up and call for change so that I am not part of mortgaging the grandchildren's futures.
Joe (Osmeloski) spoke of the efforts that people put in and I sincerely admire the time and the work that everybody on this board puts in, making sure that all the proposals for the Town are abiding by the rules. It takes a sincere effort to take care of all those details. I fervently hope that we are not here tonight to practice fiddling while the earth burns and drowns. We must stop using burning through liquid stores of old sunshine and start today to use today's sunshine to power our lives. The view from anywhere changes if you turn around. I want to face a future powered by renewable energy.

Amy Dickinson, Schutt Road
I own 2 (two) houses in Freeville and lives in Dryden on Schutt Road.
I would like to read a few names of people buried at Willow Glen Cemetery.
Harvey Carver was a merchant marine during WWII.
Leanna Carver was lunch lady at the Freeville school.
Leanna Stone Genung, my grandmother who drown in a disaster on Cayuga Lake in 1910 with her 4 year old son, Carl.
Homer Genung, my great grandfather, a doctor in Freeville from 1890-1930. He may have delivered your parents, he did deliver mine.
My mother, Jane. My nephew, Jack
John Sager who was a water witch in Freeville. He might have helped you find your well and kept mules. I tend his grave because he had no heirs.
This industrial solar project bordering Willow Glen needs to be rejected for the following reasons:

- Total lack of skepticism or oversight or investigation regarding the plan
- Visual and environmental pollution too close to our historic cemetery where Dryden families have been laid to rest for generations.
- Visual and environment pollution in close proximity to an historic burial ground where Native Americans lived and buried their dead.
- Destruction of the view shed.
- Total lack of respect for the process and for the very obvious distress this is causing for people who live and die in our town.

Carrie Brindisi, 344 Turkey Hill
I live directly adjacent to the S5 plot. I have seen, through changes to the plan, the S5 plot changed a little bit. It has moved about 60 feet closer to Turkey Hill Road which means the stand of willow trees, a natural barrier that runs parallel to Turkey Hill Road, must be removed. These small changes to the plan to accommodate avoiding wetlands in one place, requires removing trees and putting in a natural barrier. That seems unfortunate to me; it would be lovely if that didn't have to happen and they could keep the natural trees that already act as a barrier.
After last Thursday, I walked with Bharath (Srinivasan) and looked at the location for the siting of the screening and realized that the way the screening was drawn in the plan will not work well to screen the panels due to changes in elevation. My point is that the small changes that occur have cascading effects and it would be helpful to have a comprehensive plan that we could accommodate for these things. If a natural barrier is there then don't knock it down and then put in screening if we can at all avoid it.

Bruno Schickel
(Mr. Schickel brought a piece of painted cardboard as a prop.)
These proposals each have different problems but they need to be rejected collectively for the following reasons:
1. They do not fit in to the neighborhood. They are a radical departure from the existing environment simply not in keeping with the neighborhoods.
2. They have enormous negative impact visually on the environment and the views.
3. They create visual pollution at the extreme. They are highly visible in both locations and there are places in Dryden where they would not be as visible.
4. They use good farmland on a site where Native Americans lived and are presumably buried.
5. The Willow Glen Cemetery is pending on the National Register of Historic Places.
6. In Ellis Hollow there are 38 acres of forest that are being removed.
(In his demonstration, Mr. Schickel held the cardboard so the audience could only see the edge. He then tipped the cardboard demonstrating how much larger the cardboard is compared to what the audience saw from the edge view.)
One of the problems with Dodge Road and Turkey Hill is that those are sloped sites and when looking into the valley you will be looking at a wall of glass on the hillside. The same if you are going north on Turkey Hill Road. Both are extremely beautiful vistas that will go away.
In the case of Willow Glen, the two smaller installations near the cell tower will be visible looking down and the other one will be looking at. If there is a wall of green there, the view will be gone altogether. Good idea, bad location.
The county dump on West Dryden Road has about 100 acres, already fenced in and within a mile or so of the substation.

Chuck Geysler, Ellis Hollow Creek Road
I am troubled by what I am hearing, most of which has been quite negative about the proposal. I respect the fact that so many have said that we have a special place in Dryden and our sense of place is equally special. There is no denying that beauty is in the eye of the beholder and a sense of place in the soul.
I don't understand the negativity when we had a planning process around this set of twin development for solar arrays that has gone through so much listening and revision and respect for view sheds and subjective qualities of landscapes that are meaningful.
I can understand some of Mr. Schickel's arguments but I don't think the angle of view is correct. If we could put the solar panels over parking lots that would be great; we are using some farmland but not primary, grade A farmland but taking a divot out of a resource that we all value in the Town of Dryden.
The dump site (100 acres) is not proximate to the NYSEG facilities to which it has to hook up. There are unstable surfaces in dump sites. There is a methane release. It would be difficult to bring in waste materials (if they are still operative) with solar panels installed. The people who have tried to find sites in the town are having a hard time with this; it is not that they cavalierly thought Dodge Road and Willow Glen cemetery. Some of you have stated that the mitigation is as bad as the installation of the facility. Really? People have gone to enormous lengths to find species that both, in terms of their year round color, their impermeability, their qualities in terms of height. Are they perfect, do they do it for everybody? No. But the bottom line is, I would like the board to remember, ecosystems, not only the fields and forests the where these are going to be put, are dynamic; they change over decades and centuries. Think of the forest you mentioned, 38 acres of forest that are being taken out of the Dodge Road site. That's a plantation forest which is probably reaching the end of its cycle and is going to be logged. Landscapes move and move on and change. Even agricultural sites grow back into old fields and then they go through successions and grow up into something new. We then rezone accordingly. Really think about not only the view shed of the moment but the view shed of generations to come who will look back someday and wonder what were they thinking when they put view sheds above global climate change and why didn't they accommodate both. Why didn't they say we have to accept some trade offs and that would have been so right for them to recognize the future, the public good of that era which for him is global climate change. But also later on when our children and grandchildren and future generations are going to have to live with unstable climates that are going to radically change the landscape that we love so much.

Casey Kruser, 7 Dodge Road
I thank my predecessor who said some of what I wanted to say. I really respect people that find solar panels hideous. But it is not a universal fact. I am pleased with the efforts to mitigate the sites. I wish that we had more conversations as a group instead of "I don't like this at all" or "I totally like this and we should do it because ….". I wish we had more conversation about what are the trade offs of things like set backs. I wish we had more time to talk about the trade off of this many panels here or this many panels there. I think the developers have been really good about having these conversations with us one-on-one but I wish more of these meetings, even to discuss viewscapes and the value of viewscapes, occurred. I wish there were more community conversations.

Gary Miller, 74 Dodge Road
I have lost a lot of sleep over this. I offer the following analogy. The kids' game where you stick pegs in the holes to learn spatial relations. What we have here is a big square peg (the solar project) and small round hole (the areas that where the panels are proposed). Then there are two big hammers (the solar company and Cornell) trying to pound that square peg into the round hole. Even little kids know the logical approach would be to find a square peg for a square hole or vice versa. The two big hammers are just pounding away at this square peg trying to get it into this little hole which causes friction. The logical thing is to whittle down the peg (which they are not willing to do) or make the hole larger (which Cornell is unwilling to do by offering more land available). We are at an impasse and if they keep pounding away, damage will be done. Even if this goes through you are going to have damage to the environment, damage to the neighborhood, and damage to peoples' faith in the local government to protect their rights.

David Gower, Nye Road, Cortland
I am involved with a lot of groups dealing with renewable energy in the area. I understand the idea of not liking the view. I think back to the Cayuga power plant on the lake, it is disgusting. When you think of Watkins Glen and the big Cargill thing, that is disgusting. We have accepted a lot of disgusting things in the past. Are we just growing a conscience now? And if we are, we are growing it against something that is trying to turn things around and make things better. I think we need to keep it in perspective. These things have to go somewhere. Nobody wants in their backyard. If there is anything that is relatively low impact, visually, in my opinion it is solar, wind can be incredibly high impact – it is high in the air, it can throw blades, it can throw snow or ice, it can have a lot more ramification to public safety. Solar is quiet, creates no pollution, not a lot of maintenance once they are installed. The fact of the matter is that this community has the opportunity to have a high profile chance to do it the right way because the developer that has not stormed out of the room already and is trying to make changes. I suggest that we request Cornell become more involved. This could be a study on how to do this right. There are communities that will be less inclined than this community and can do it easier based on the fact that we are coming to the table and talking. Let's get the conversation started rather than saying this project should be stopped

Terry Habecker, 15 Dodge Road
This project is simply too massive. They call it community solar but they are corporate solar. They have worked with the community to a point - everything but reducing the size which is what the community would like. Small solar arrays here and there, dispersed around Dryden that doesn't really affect anyone the way this will affect us. It is just too big and it is not compatible with the area. It is wrong. We Dodge Road people – you will see us embrace solar if the scale is reduced.

Don Scutt, 14 Palmear Road
I thank the Planning Board for letting the people speak tonight. It is not part of your charge and I appreciate that. There are lots of people talking about the solar project, pros and cons on both sides but what I remember when I read the charge of the Planning Board is, basically, to interpret law and guidelines, to take the personal thoughts and opinions out of it and look at it in a methodical, legal, and logical way.

When you make a decision about the solar project you should back yourself out of your personal beliefs no matter how you feel. You were appointed to a citizen board in the Town of Dryden. As such, you represent what is best for Dryden. When you make the decision on whether to make the subdivision in Willow Glen or not, you check, double check, and triple check that everything legally meets the requirements of the subdivision. If it doesn't, then irrespective of how you feel about global warming or solar in the town, you have to make your decision based on what is in front of you. So I ask the Board that when they make the decision, they take their personal feelings out of it and take out whatever anyone else has said pro or con tonight and base it on the laws and guidelines currently enforced in the Town of Dryden.

Brad Perkins
I don't think the community has a solar problem but a siting problem. We have another problem; when our solar law was first drafted and talked about, we were thinking about 2mg arrays that would fit on 9-10 acres. There were folks that had input in our solar law who probably knew the PSC had an easy out for them by saying that if you connect these together on separate parcels that happen to sit side by side, you can have community distributed solar and call it that. A horse by any other name is still a horse. That's industrial solar and I don't want us to be hoodwinked by that. To correct the record, it is Willow Glen Cemetery (a previous speaker had the wrong name) and the old Caswell Road dump site is literally a stone throw from the substation where this power would be going to if it was built near Willow Glen and sent down the wire. So we could avoid a whole lot of construction, avoid a whole lot of expense, make the project smaller because we had less expense and therefore we would not have it near the cemetery. It would be in an area already surrounded by trees, owned by the county and would be more advantageous. I understand NYSEG is driving the process by saying that you can only hook up here or you can only hook up there. Once those hook ups are taken, NYSEG is going to find some more; the PSC will make them do that, the public is going to make them do that. There will be more hook ups available and some of them might be on the wire that is being proposed to be built going between the George Junior Republic and Peruville Corners. They will plan for the future and put in a heavier wire size. There will be more sites available if they do this. But doesn't it first make sense to say we only got a solar law a few months ago. This is a big new change and it is going to affect a lot of people. Aren't we moving too fast? Isn't this kind of like a 12 year old that wants to be 18? You tell them to slow down and live their life. Wait the 6 years, you will be 18 soon enough and then you will regret it because you get a letter from Uncle Sam saying they want you to go to Vietnam. That is what happened to my generation. In the cemetery, we have a couple of fellas that went to Vietnam. One of them died in combat and another one died in a helicopter fire as they crashed. They are there and we are going to say to the families of our veterans - an Iraqi war veteran, WWII veterans, WWI veterans, Civil War veterans, the War of 1812 veterans, Revolutionary War veterans – we are going to say to them, we just subtracted something from the tranquility, the peacefulness of the setting where you buried your dead.

Barhath Srinivasan
Please see attached pictures demonstrating the "as is" to the finished, mature screening.
I have some notes to comment on and want to correct some misinformation. At the Town Board meeting, the person proposing a PUD didn't know the neighbor's name

although she said it twice. We have made every effort to meet with everybody to get their constructive feedback. It has not been a process where we attend the meeting and then get in our cars and leave. We have tried to meet as many people as we can. I don't think anyone can say that the plans we presented look like the plans of today. There have been generations of development – highways, airports, water lines, transmission lines – our present generation looks at past development as normal and we have become naturalized to the idea that those exist and this is how the world is. When those developments actually did happen, it was likely disconcerting. We acknowledge that change can be disconcerting, we are not trying to change the impact that this could cause anyone but we are trying to make this process as inclusionally constructive as possible so it can be an example later on.

If you think solar is great but you don't like it here, give us constructive ideas on how we can integrate it into where it is. We have suggested a significant amount of landscaping since the original proposal. The drawings presented to the board have a modification we have made since B. Perkins showed me a photo of a pole being held at the high point behind the shed on the Willow Glen property. That was constructive feedback. We went back and revised the landscaping to remove a whole row of trees and put in bushes that didn't affect the vista view at the high ground. Constructive feedback requires dialog. We have spent 100s of hours trying to do exactly that.

In terms of having time to respond, we first presented the plans to the Town Board at the December 14 meeting. The Town had not yet passed a law. We wanted to gather feedback. There was no necessity for us to engage with the community at a public meeting. We have appeared at a Planning Board meeting twice before the law was passed and offered tours of our properties for people to get a feel for what it is like. At every step of the way, we listened.

In terms of other guidelines; the DEC has guidelines to evaluate visual impact. The Visual Impact Statements we have provided, line of site profiles we provided, and visual simulations (were presented). We've ask the community what kind of trees they want to see – two members responded with two dozen species of native, non-invasive trees.

Craig, your list was excellent but that list included nearly every piece of property in this town. And everyone has a neighbor. If you don't want something on your neighboring property and want it moved someplace else, it will have a neighbor. Tonight is the first time I heard from Leslie that they want a modification made because they don't like to see trees being sacrificed for the set back. That is being constructive. We are happy to sit down and have those conversations.

One of the reasons why the plans have changed, nearly every day in the last 30 days before the application was submitted, we made changes based on feedback they got. Our biologists have spent an incredibe number of hours. Every time the array moved just a little bit, we have to have a biologist review the new site and footprint.

We have also got feedback on moving to a different site. NYSEG works with a philosophy "throw a piece of spaghetti on the wall and see if it sticks". It has taken a considerable amount of effort to get to this point. We were told to get environmental studies done so we did. Hundreds of thousands of dollars have been spent on environmental studies and now the suggestion is "why don't you move".

Where is the line drawn? Large, huge, radical, significant – these are descriptive terms that are very subjective. When people first proposed generation plants, someone was living right next to them. Imagine if there was a rule that said all power generation, all distribution, all food growth, etc. to occur all within the borders of the town. There would be no way to take advantage of efficiency.

We understand that this is disconcerting and we are willing to meet with people to get their feedback.

Bruno Schickel wanted to clarify that the dump on Caswell road is an old dump – it is not currently being used.

Shirley Price
I want to tell a story about family members that were on vacation in Hawaii when they met a couple from Finland who had traveled through New York. The couple remembered Dryden as the "land of the yellow flowers." The Town of Dryden has always maintained a beautiful landscape with its rolling hills and rural acreage. Solar array farms will be a blight on the visual views. These farms need to be placed in areas where our landscape will not be affected. Are storage units, dollar stores and solar arrays the only businesses that the Town of Dryden can attract? What happened to McGuires, the DOT, the Lansing business that wanted to relocate to Dryden, the hotel that wanted to build and the gas station/McDonald's site that wanted to expand? These are all business that would employ people and add to the tax base. Look around at the all the vacant business and lots. We need active businesses to attract people to our area, not solar farms that take from our landscape. I am against the solar panels close to Willow Glen. I own a plot in Willow Glen and many of my family are buried there. Willow Glen Cemetery Association has always maintained the cemetery with pride and respect. I think the Town of Dryden needs to respect and listen to the people they are serving before they put things where they are going to – where we are going to become the place with storage units and solar arrays

Hilary Lambert
I am a Dryden native. My family came here in 1950 so I can't claim the great antiquity as some of the audience.
I had a lot of turmoil about this conversation and this issue because I think solar is a very good idea but I do love Dryden as a native. I had to go away for a long time, I lived on Hanshaw Road near the SPCA. And every day I got on the Dryden school bus to Etna, Freeville or Dryden, I would lean my head against the window to see a particular gravestone as they passed Willow Glen Cemetery – it was the Darling gravestone. I have very strong feelings about that and very strong feelings about the Turkey Hill Road view as well. I am not convinced about the sanctity of the view from the cemetery. My parents are not interned at Willow Glen but at the nice place near the community center. When I go to visit them there, I look up and see a realtors' office, a country club, a fire house, a gas station, commercial and apartment buildings. It does not bother me so I can't quite be convinced of the need to never have that view change although as I am in turmoil over this. I am not convinced that it should stay untouched and unchanged forever. I am very grateful for the efforts of those that when they go by that graveyard that they don't have to see a fracking well or down below in the other direction. We are now in a profound discussion over the changes and choices and perhaps personal sacrifices that we need to make in terms of solar development and doing our part.

D. Weinstein - I want to act on the advice of Don Scutt – let's stick to the letter of the law and the guidelines. Our role tonight is to give the Town Board whatever insight we can about the SEQR issues so they can make a more informed decision when they eventually do handle SEQR. The part of SEQR that deals with view sheds is called the

evaluation of aesthetic resources. The specific instructions that SEQR provides is that two things have to be met in order for a view shed to be considered a resources that might be impacted:

1. The aesthetic resource has to be officially designated.
   - In 2007, a very well publicized effort was done in this County to identify the important view sheds in the county. Everyone was welcome to put up candidates with the explanations. 593 scenic views were identified. The view from the Willow Glen Cemetery was not identified by anyone; it was not put up for consideration. It is not a designated aesthetic resource.
2. It has to be publicly accessible. What they mean is that it has to be public land, not private land that welcomes people to come on to it.

By that criterion, the view shed from Willow Glen is not considered an important impact.

In terms of Dodge Road, the officially designated view point that creates a scenic view point is looking out over Turkey Hill and Dodge Road from Turkey Hill Road north of Stevenson Road. The view is looking south the designated view is 135 degrees over that view shed and that is where the assessment has to be made from. You can see a little bit of Dodge road from that view point. Solar panels are likely to take up about 5% of the view shed. That is another instance that you cannot identify it as a big impact following the guidelines for SEQR. Again, those are the rules and guidelines and that's the basis that we have to make in terms of giving information to the Town Board frothier assessment as far as aesthetic resources.

An audience member asked if one of the proposed solar arrays right below the Turkey Hill point was one that D. Weinstein was talking about. Yes.

B. Srivinvasan stated that they are screened and D. Weinstein concurred that panels will be there; according to the SEQR directions, from a public road, you can view something there. The second question asked in the directions say it has to be rated a small impact if only a limited portion of the project is visible when there are no leaves on the trees and the rest of the year the vegetation will largely screen the site.

T. Hatfield responded that we do have Design Guidelines which include Dryden Rural Corridors, which Route 13 is a part of. To talk about the cemetery project, I don't think you can call that development a minor, small or moderate impact. That is a major impact. And I am confused by the point that the cemetery was not cited in the Tompkins County study. I have a map which came out of that study that shows 3 (three) of the view points include the view of the Willow Glen valley behind the cemetery so from 3 (three) different angles at least (possibly a fourth since the map does not include topography), there are clearly 3 (three) different views in the inventory that do include the view of that area. I am not trying to be argumentative but I think this needs a lot further study. That is part of what we are here to do – to give input to the Town Board as they consider SEQR. One of the things we need to consider in the process is aesthetic resources; it needs to be marked yes when it comes to that part of the study. It is a major impact and needs further review and input.

D. Weinstein responded - I have asked the County about that very point. The scenic view is *of* Willow Glen cemetery not the viewshed *from* the cemetery. As I previously pointed out, it would not qualify anyway because it is not publicly accessible based on the definition that it has to be public land. It is private land. SEQR instructions say it has to be public land for it to quality as an impact on aesthetics.

M. Moseley - I also had a conversation with the County who stated that they had expected more visual assessment/items in the application packet to determine the impact it may or may not have at any of the sites for the County 239 l and m review.
M. Hatch - What sort of impact?
M. Moseley - Visual.
M. Hatch - In conjunction with the County view shed document or how?
M. Moseley - This is just dealing with the application packet itself and what was submitted. They wanted more out of the applicant to make a determination itself.
M. Hatch - Who is making the determination? Are we making the determination or is the County?
M. Moseley - I am just referring to a comment that was provided to me.
M. Hatch - I understand but I am trying to make it agree with what Mr. Scutt said about interpreting laws and guidelines. Are these county guidelines we are interpreting? Are these guidelines that are covering what we are doing in Dryden?
M. Moseley - You are analyzing all information whether it be state, county or local. So if the state has relevant information then you would take into account what they have for documentation. The same goes for county or the local municipality.
M. Hatch - I think of guidelines as a document that guides our decision and law as being as specific legislation that is supposed to guide our decisions. Are you saying the County has laws or guidelines that we need to adhere to in order to make our decision? Or are you saying the county is going to provide… I know builders submit things to the county, is this in that context?
M. Moseley - Yes, the town has submitted to the County for 239 review on this project because it triggered review from the county and the county has provided a review on both projects and I assume the amendments will also be submitted for additional review since the applications have changed slightly.
M. Hatch - But they have submitted recommendations already?
R. Burger - Yes, their recommendations concern the wetlands on the Ellis tract. Concerning 2150 Dryden Road, the County had two recommendations concerning the hundred year flood plain and the Virgil Creek vegetative cover.
M. Hatch - So the County has not yet completed their review.
R. Burger - Yes, they did on the application before us dated April 12th.
M. Hatch - They recommended changes, so in that sense it isn't completed because the changes have to be made.
R. Burger - No, they are suggestions and they can either be incorporated in the Town Board actions or overridden by a super-majority vote. They did not make a recommendation in relation to the view sheds on either of the sites.
M. Hatch – You are adding something?
M. Moseley – No, I simply shared a comment that the County was disappointed that there were not enough visual items in the application
M. Hatch – So how does that affect what Ray just said?
M. Moseley - I assume Ray will provide the County with the updated application for County review and see if they feel what the application has morphed into does or does not address their concerns as provided previously to Dryden
M. Hatch – The guidelines and laws that we are meant to interpret are not relevant to the Town of Dryden but coming to us via the County. The County makes the judgment.
M. Moseley - The County is making their own interpretation and providing us their opinion. We can take their opinion and add it to the conditions or not. They are not looking at the local laws specifically but only at the County laws.

B. Srinivasan stated that the County has nearly 7 (seven) simulations with the partially grown and fully grown buffer. The modifications in hand, 2 (two) of them are from the original application. One of them was made after the last Town Board meeting and that will be part of what we are submitting next. When we received the review of the 239, we did not receive any comments with respect to visual simulations. I believe the comments might be outdated with respect to the old application, before the visual buffers were added. Significant buffers were added after the initial application.
D. Weinstein- Looking at the reviews, I don't see any comments about the need for increasing visual information.
M. Moseley – This was a discussion I had today with the person at the County Planning Department who reviews the applications.

T. Hatfield- clarify tonight's mission. I believe we are here tonight to try to provide input to the Town Board so when they do their SEQR review they have comments from us regarding some of the elements that need to be considered. We have discussed aesthetic resources, some comments, two different perspectives. There are probably more areas in the aesthetic resources area that need to be looked at and then move on to some of the other areas in the SEQR so we can get them complete. For instance, E.3. h "the proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource." If you look at that as the cemetery, as we have heard overwhelmingly from the public, that they are concerned about the diminishment of their ability to enjoy and appreciate that designated area for the care and comfort of the community with deceased relatives interred in the cemetery. My point is part of the recommendation to the Town Board might be that this is a moderate to large impact may occur if this project goes forward.
The Board discussed what manner they wished to proceed.
Initially they determined to address specific areas of the SEQR. Eventually the board determined it would be easier to start on page one of Part two.

Page 10 – Consistency with Community Character
18.d. "The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources."
D. Weinstein pointed out that unless it is a designated public resource, you have to say small to no impact.
M. Hatch – moreover you are taking as an index of what you count as the public, the portion of comments from tonight but a small (50/50 or 60/40) portion that feel the other way … based on the letters I have been reading and there have been 100s of them and signatures who think the impact on the community will be positive.
T. Hatfield thinks the division is pretty well down the middle.
H. Lambert reminded the Board that we are going by the law. What about 18.f. "proposed action is inconsistent with the character of the natural landscape."
T. Hatfield ran down the entire list under Consistency with Community Character and indicated that he feels most of them would be major impacts. It is not just the Cemetery – he is hearing the same from people on Dodge Road. There is definitely a need for those moderate to large impacts to be reviewed and studied.

M. Hatch - where does the use of the land end. In other words, where do you draw the boundaries for use of the land? Is it something that extends (like a view shed) 15 miles across the valley?
B. Srinivasan stated that the previously approved use was a tree farm. A tree research farm allowed to grow trees to research and to sell. The problem seems to be the trees are too tall and the shrubs are too low. We are trying their best to mitigate the effect of the panels. In terms of Dryden road, the setbacks are 140 feet to 170 feet. If the tree farm was still there, those trees would be tall. As far as the archaeological study, we did phase one, 425 shovel pit tests, the cell tower also did an archaeological phase one, the original building did a phase one. There were no items of archaeological significance found.
9.c. "The proposed action may be visible from publicly accessible vantage points".
T. Hatfield – on page 6/10
9.a. Impact on Aesthetic Resources "Proposed action may be visible from any officially designated federal, state or local scenic or aesthetic resource". Our design guidelines include Route 13 as a Town resource and it might be a county resource. There are many factors and one of the hats that we as the planning board wear is looking forward. And this is exactly the discussion we should be having from time to time as we look at the comprehensive plan and the development of the community. All things go in circles, we have done this before when cell towers came on the scene, we had to stop the presses and at the time, same type of reaction, no one wanted a cell tower in their back yard. But everyone wants to hit 911 and access help when they need it. There is a conflict built into the process. At the time we had an application in front of the town board. We called time out, put a moratorium in place, did a full court press and came up with a local law that became a model through out the state, on how to site cell towers. One of the things that has been said here tonight is that we don't have a solar problem. I am in favor of solar. We have a large piece of real estate in the upstate region called the Town of Dryden. If we don't have room for industrial solar then there isn't room for it anywhere in upstate NY. We have a siting problem. Where do we as a community want to encourage developers to place these facilities? We started a year ago on a solar law via the request of the Town Board based on residential and community solar, relatively small, relatively scattered and then toward the end industrial solar showed up. Now we have an application or two and more pending. We cannot rush on this, the decision we make and the Town Board makes in the next month are going to affect the community for the next 25-30 years. Let us just slow down. One of the things we can do is take a time out, put a moratorium in place until we have our siting issues done correctly. There are places in this town where we could put large industrial solar. We can all win here. The question is where do we as a community want to place these facilities. The discussion we are having over whether the facility fits perfectly with site A is premature. We should have the discussion of where, as a community, do we want the developers to look to place these things. Not because NYSEG has waved some little wand. With a project this size, they can afford to upgrade the lines; the projects don't have to be sitting in those spots. Those things are capital costs and can be dealt with.
We need to review part two of the SEQR and give the Board our honest assessment in terms of this particular process. We should also encourage them to consider a moratorium and let's work together – Town Board, Planning Board, the community, the Conservation Board. There are a lot of folks in this community that care. This is one time that we need to reach out and take advantage of those resources. Otherwise,

we will have a fractured process at the end of the day which will lead to a broken process.

J. Kiefer - Broadly, I want to make sure the SEQR analysis is done in the most robust manner possible and take advantage of the tools the process makes available to us. As I go through part two and look at the questions – is it a small impact or moderate to large impact, there are a number of items that a reasonable person will say this is a large impact. When that happens in the middle of the SEQR analysis it is an indicator that they need to be more robust about this, more formal about this, we need to put together something that is more bullet proof or do an EIS. I think that is called for here. I think that brings to bear the added scrutiny, that requests for alternatives be more vigorously pursued and analyzed and it produces an answer for the questions, that in a way when it is finished it is hard to argue about.

D. Weinstein - When you talk about moratorium or needing more information, etc. it is very important that you identify what new information you expect to get out of that. You need a firm idea of what you need to make this decision that you don't already have.
J. Kiefer - The biggest issue is alternative sites. I believe it is Dryden's responsibility to accept and install its portion of the county's solar commitment. But if it turns out that the only places we can do it are the places on the table, then we have to do it. I don't know that and we are taking the first thing that came to us and saying we are going to run with it. It is happening pretty quickly. I don't know that these are the only places to begin doing our part of the solar work. Let us make sure we have exhausted the alternatives that are available.
D. Weinstein - That is fine and great but people are throwing stones at Cornell saying "you haven't told us why you couldn't find other sites with all the land that you have" when in fact Cornell tried at a meeting to explain why different sites were not acceptable given the Cornell mission. My problem is that more data always sounds great but if people are going to be so dug in that ultimately they don't want the answer that this really is the only site, then they are going to find a reason to say that analysis isn't good enough. I don't want to get into that, I think we have had a lot of learned people give us data on why sites work or don't work and why.

J. Kiefer - It is really important for the Town to pursue a process that is robust and has the best chance of going forward. I feel that when communities/municipalities chose to go with an EIS and follow the very deliberate procedures that are associated with that, you end up with a pretty firm document that is difficult to challenge and might be the shortest way to get from point A to point B. I wonder if Ms. Brock had any thoughts on doing the SEQR analysis and should we do an EIS and which one has the best chance of standing up to a legal challenge.
Atty Brock - The Town Board is the lead agency so they will make that determination – the determination of significance. The standard under SEQR is if there is the potential of a significant adverse environmental impact, then they will do a positive declaration which will require an Environmental Impact Statement (EIS). What the Planning Board should do is look at the environmental impacts that are possible from the proposal as it stands now, and if you can reach an agreement on any issues, comments or concerns, that you give those to the Town Board. I do not think you should worry too much about how you categorize them but get that information to the Town Board.

D. Weinstein pointed out that no where in the SEQR guidelines does it ask "have you looked at every other site where the project could be moved". That is not given to the Planning Board in their purview. I would love to know all of the possible sites and why those don't work. That is down the road and we have a project in front of us and we need to decide if this project will have a major impact.

M. Moseley - In reference to a past project, Mr. Anderson indicated that the county had designated Route 13 as a scenic by-way? C. Anderson replied that the Town recognizes it as a rural corridor which is why there is a 500 foot buffer.
M. Moseley - The Town has designated that as a rural corridor, which means what?
C. Anderson – It is in the design guidelines to try to maintain neutral colors, earth tones, etc.
M. Moseley – The reason for asking is the DEC website talks about officially designated scenic areas and includes by-ways and scenic roads as they have been designated.
C. Anderson – We have taken that into consideration for GreenScene and other projects along Route 13.
D. Weinstein – But not as a scenic corridor or a rural by-way but as a rural corridor. It is a different beast.
M. Moseley - What is a rural corridor?
C. Anderson - We recognize it as a rural corridor in our design guidelines.
Atty Brock suggested that rather than worrying whether something is publicly accessible or officially designated scenic resource, if you have a particular concern see if you can get a majority to agree with you and pass it on to because even if it doesn't fit under the aesthetic resources piece it will probably fit under community character. If you make a comment that the Town Board cannot legally consider because something doesn't fit and meet the requirement then they won't consider it but you should say what you want to say to them. In terms of the issue of alternative sites, even if an Environmental Impact Statement is done under SEQR, the applicant is only required to look at alternative sites that they have control over. It is not something the Town Board can legally require even if they made a positive declaration of environmental impact. (She is going to double check to verify the previous two sentences.)
C. Anderson - Should the Board indicate why we came to a decision? Yes.
1. Impact on Land – letter d. "The proposed action may involve the excavation and removal of more than 1,000 tons of natural material." That would be about 50 dump trucks. They are going to be doing stump removal on several acres. I think that is a large impact.
D. Weinstein - The applicant says 2 tons per day.
Atty Brock asked if he believes this is a significant adverse impact when compared to someone who goes out and clears their wood lot of a similar size. Are you going to require an EIS? Try to keep it in context. She suggested providing input as to whether the impact is none to small or moderate to large.

T. Hatfield - What is the effect of a moratorium and would one be permissible at this point in the process with an application in place. Could the Town Board decide to do a moratorium on any of these developments and go back and look at the bigger issues?
Atty Brock – The general answer is that even if an application is pending a moratorium may be imposed. The applicant does not have the vested right to have their application proceed. There is an exception but it can't be met when there is just an application and nothing more. The exception is if the applicant has invested substantial money

and significant construction has already begun then their rights are vested and a moratorium and subsequent zoning changes might not affect them. Because it is just an application, of course there is no construction yet so they wouldn't meet that prong which would pull them out of the general rule. She does believe a moratorium would be allowed. This is her off-the-cuff understanding.
T. Hatfield - I went through this with the cell towers. It had a similar amount of public interest and the need for the governing body to make some difficult decisions and provide good guidance. That process worked very well.
Atty Brock stated that this is not a cell tower application and different rules apply.
T. Hatfield - I think the Planning Board has two things they can consider tonight. One is specific to the SEQR process that the Town Board has to undergo. The other is putting on our planning hats and say hey, time out and let's do a six month intensive look and see if we can come up with guidance. It is not about having specific sites here and there, it is about where we want them located in the community. Where do they best fit for the future development of the community with the least amount of impact on agricultural, aesthetic, cultural and community resources. Those are planning questions that this body is specifically charged with looking at from time to time.
D. Hatfield - To S. Brock - what about the large amount of money the company has invested already? She said it doesn't matter; they have to have substantial construction under way. Spending money on applications and studies and things like that is not enough to vest their rights. That is very clear and well established NY law.

M. Moseley read the following into the record:
Please see attached comments by J. Wilson.

D. Weinstein - We should not look at the subdivision because the SEQR is not yet done.
M. Moseley - The SEQR has to include the subdivision process. If the Town Board makes a determination, there is no recourse for this board regarding the Town Board's determination. It would be helpful to that board for us to provide our theories of impact or no impact due to the subdivision as proposed.
J. Kiefer - The guidance that we get on subdivision is all based on the assumption that the subdivision is for housing. I am having a hard time trying to read this and determine how this guides us on a project like this?
T. Hatfield - One of the things to think about is that subdivision is forever. We have to think about, not just the immediate use, but what will happen after. This use will be there for 10, 15, 20, maybe 50 years but beyond that we are still going to have subdivided property. We could end up with residential housing or a commercial use. The road cuts and access points are the thing we look at for residential and commercial.
J. Kiefer - From that perspective, it is fairly harmless. 10 acre lots with a house on each, no big deal.
T. Hatfield - It would be 4 (four) road cuts on Route 13. The application that I have seen shows four flag lots coming off of Route 13.
M. Moseley - There are 4 (four) flag lots with a shared drive so only one road cut on Route 13.
T. Hatfield - I have not seen that update. That is part of the issue. We have things out of sorts in terms of process.
M. Moseley - Are there other concerns regarding the subdivision as laid out?

M. Hatch - When we had the discussion regarding the subdivision SEQR (the one that we rescinded) the Board agreed that the subdivision would only be in place as long as the project was there.
D. Weinstein - I talked to the lawyer who indicated that the Planning Board is not allowed to say the subdivision can only happen if there are solar farms on it.
S. Brock - You might be able to require notes on the plat or certain deed restrictions. I am unsure how far they can go. If you are worrying about environmental impacts due to the number of lots and their configuration, you can certainly require only one road cut on Route 13. You should look at impacts on traffic, circulation, the types of things you look at when you do a subdivision. Down the road, if you get there and you actually have something to consider, then you make certain assumptions which would not hold true if something vastly different came in. There might be a way to somewhat limit the future usage.
M. Hatch - This could go through with only one road cut on Route 13.
J. Kiefer - Again, the normal criteria for subdivision review – traffic, utilities, supplies and all those things. For 10 acre lots, it is not an issue. If an applicant was coming forward to put housing into these lots, it would be no problem. That is the criteria that we read about when we read how to analyze subdivisions requests. From my perspective, we are in an awkward position trying to figure out what the right criteria that we need to use are, unless we go through the SEQR analysis and talk specifically about solar.
S. Brock - You are not limited to looking only at impacts that might stem from subdivision. You can look at the whole project. You are not looking only at items that are within the Planning Board jurisdiction for SEQR. The Town Board is not looking only at special use permit and site plan. They look at everything whether it is in their jurisdiction or not for purposes of SEQR. They look at all the impacts of the entire project. You should do the same. What are your substantive issues and see if you have consensus to take back to the Town Board.
T. Hatfield - From the subdivision perspective, one of the issues for we was exactly that. We worked hard and long to work toward clustering, single road cuts, two at the most for ingress and egress for emergency vehicles, things of that nature. One of my objections was with the flag lots that we were going to put 4-5 more road cuts on Route 13 that would be there forever. The other thing is focus on major issues on part two.
M. Moseley - If there is one road cut we don't object to the way the lots are conformed as long as it accommodates the emergency vehicles, correct?

The Board reviewed SEQR and provided their comments on areas that they were concerned about. Please see attached SEQR document in combination with the following:

1. Impact on Land: NO
    d. D. Weinstein did the calculations and based on the information provided, the total removal of material is about 72 tons at each of the locations.

2. Impact on Geological Features: NO

3. Impacts on Surface Water: YES
    a. No, or small impact may occur
    b. No, or small impact may occur

c. No, or small impact may occur
d. No, or small impact may occur - Array S1 on the Ellis tract will be built on a wetland. The Army Corps does not consider solar panels to be disturbance to the wetland.
- M. Moseley asked what the impact of construction will be. Obviously, once they are installed, there won't be any disturbance. Mr. Srinivasan stated that the developer plans to use mats when they are driving vehicles across any wetlands. The wetland in question is about 2 (two) acres but they will only be using a couple hundred square feet.
e. No, or small impact may occur - Soil and erosion control measures will be in place. Distributed Sun is responsible for maintaining water quality of runoff.
f. No, or small impact may occur
g. No, or small impact may occur
h. No, or small impact may occur – the panels have been removed from any water drainage way.
i. No, or small impact may occur
j. No, or small impact may occur – they will use sheep for grazing
k. No, or small impact may occur
l. none

4. Impact on Groundwater: NO

5. Impact on Flooding: NO

6. Impacts on Air: NO

7. Impact on Plants and Animals: YES
Mr. Srinivasan stated that the Army Corps of Engineers and the NYS DEC accepted the findings of the study done by Tetra Tec.

- The Natural Endangered Species database has the Northern Long-eared bat listed as a species of concern - not threatened or endangered. White Nose Syndrome is a fungal infection that is suffered by this bat population but they are not in danger due to a loss of habitat. The impacting window on the bats is before July 31. In the application, they have stipulated that they will not clear trees until after August 31.
- The Fish and Wildlife service, which regulates that habitat, does not consider that impactful and according to section 4d, there is no impact.

M. Moseley - I have a note which indicates that the only plant or animal about which information has been provided is the Northern Long-eared bat and that additional information is requested on additional plants and animals. .
Mr. Srinivasan - We did an ecological study on both sites and queried with the NATSB, the DEC and the US Fish and Wildlife service. The responses that we got back listed the Northern Long-eared Bat as the only species of concern. Tetra Tec forgot to include that information in the report appendix and as soon as TG Miller identified the lack, Distributed Sun provided the information.
R. Burger - They did a supplemental submission on April 26th. TG Miller is waiting for the response from Fish and Wildlife Service that they concur with that.
Mr. Srinivasan - We had a conversation with TG Miller and they had missed that Distributed Sun was imposing a voluntary moratorium to comply with section 4d. The US Fish and Wildlife Service will not provide a concurrence if there is no activity within the impactive window.

Atty Brock recommended looking at subsection "g". The SEQR handbook equates predominant species with common species.
M. Hatch - Did Distributed Sun do a survey of the natural resources?
Mr. Srinivasan - Significant flora and fauna were listed in the ecological report. At any given site, we could have 3,000 flora and fauna from insects, butterflies, crows that fly, pigeons that stay. In the broader look, the site is not removing that environment completely. Wherever possible, wildlife corridors are being provided and they are planting pollinator friendly flowers and grasses under the panels. Wetlands are being left alone (except for the S1 array). Just like driving down the road doesn't mean birds are being killed, there is no activity at the site that will endanger a particular species.

A member of the audience asked about potential hum from the panels in terms of wildlife. Mr. Srinivasan said that the panels themselves do not make any noise and the equipment (which has a cooling fan in it) has been moved away from neighboring third property boundaries by 100 feet. The ambient noise will not be audible beyond the 100 feet.

a. - No, or small impact may occur
b. - No, or small impact may occur
c. - No, or small impact may occur
d. - No, or small impact may occur
e. - No, or small impact may occur
f. - No, or small impact may occur
g. - No, or small impact may occur
h. - Moderate to large impact may occur
D. Weinstein - The loss of ten acres of forest, amongst the abundance of forest, will not cause significant impact to the wildlife habitats.
J. Kiefer - This area has not been identified as an important habitat. It was determined that although the Northern Long-eared bat likes the habitat, that doesn't mean they have actually sighted a bird on that site. In addition, the bat is not threatened by a loss of habitat but by the White Nose Syndrome fungus.

There was a discussion about the time of year the wildlife analysis was completed. Some members of the audience feel that the analysis was done too early in the spring thereby missing several/many important species. D. Weinstein pointed out that it is not reasonable to ask a developer to always wait until the breeding/nesting season to complete an analysis. Mr. Srinivasan reminded the Board that there are databases that can be used to identify what species of plants and animals exist and where. That is the purpose of the databases, to identify the existing flora and fauna when a field study can't be done or isn't enough.

The Planning Board did not think the impact would be significant but the SEQR workbook indicates that if more than 10 acres are disturbed then it is considered a **moderate to large impact**.

i - No, or small impact may occur
j - none

8. Impact on Agricultural Resources: YES
a. No, or small impact may occur
b. No, or small impact may occur

c. No, or small impact may occur – TG Miller's concern was the access roads and transformer pads which they reduced to less than an acre on both sites.
d. No, or small impact may occur - although T. Hatfield expressed concerned that the land will not go back to agriculture for 25 -50 years
e. No, or small impact may occur
f. Moderate to large impact may occur
H. Lambert believes it will encourage other solar installation near by which will increase the pressure on the already tight market for farmland. The cost of farm land might go up as competition between farmers and the solar industry increases.
g. No, or small impact may occur – although this should be revisited with reference to the Tompkins County Agriculture and Farmland Protection Plan.

9. Impact on Aesthetic Resources: YES
a. Moderate to large impact may occur – more information is needed
b. Moderate to large impact may occur – when a person is looking down on the panels, the trees might block the panels but they will also block the viewscape.
J. Kiefer - The Developer needs to keep working with the community the best that they can. Again, this is not going to be perfect.
C. Anderson - One recommendation is to move the panels back from the road along Dryden Road.
J. Kiefer - I feel the important part of this is the plants proposed have to work and work quickly, there will need to be a maintenance plan, and more mature plantings will be helpful.
An audience member asked how the developer was going to mitigate the removal of 37 acres of trees from the Ellis tract.
D. Weinstein - There is a whole conservation area behind the 37 acres, how will you detect that loss when there is close to 100 acres beyond that of big mature trees?
Mr. Srinivasan - Of the 37 acres, 12 of them are behind residences with there is an additional couple of hundred feet of vegetation being left. Around arrays S4 and S5, there is a substantial amount of scrub brush which Distributed Sun identified as trees to eliminate the potential of being accused of under valuing the "trees". Additionally, some of the trees are research trees which could be taken out at any time and replaced with another research tree.

c.i. Moderate to large impact may occur
c.ii. Moderate to large impact may occur
d.i. Moderate to large impact may occur
d.ii. No, or small impact may occur
e. Moderate to large impact may occur
f. 5+ miles
g. Moderate to large impact may occur - The Tompkins County Scenic Resource Inventory, The Dryden Design Guidelines, The County Rural Corridor, etc.

10. Impact on Historic and Archeological Resources: YES
a. No, or small impact may occur
b. No, or small impact may occur
c. No, or small impact may occur - The Willow Glen and the Indian Site
d. none

e.i. No, or small impact may occur
e.ii. No, or small impact may occur
e.iii. No, or small impact may occur

11. Impact on Open Space and Recreation: YES
a. No, or small impact may occur
b. No, or small impact may occur
c. No, or small impact may occur
d. Moderate to large impact may occur - hunting
e. No, or small impact may occur

12. Impact on Critical Environmental Areas: NO

13. Impact on Transportation: NO

14. Impact on Energy: NO
T. Hatfield - This project will increase the amount of solar energy and decrease the amount of other energy used.
C. Anderson - What about the upgrades to the lines and the substation and where does that fits?
Atty Brock read from the SEQR "An increase in energy use means a need for more energy production either on-site or off-site, which in turn will mean an increase in pollution."

15. Impact on Noise, Odor and Light: Yes
C. Anderson - It should be recognized that during the build out there will temporarily be noise and smells.
a. No, or small impact may occur
b. No, or small impact may occur
c. Moderate to large impact may occur – temporarily during construction
d. No, or small impact may occur
e. No, or small impact may occur
f. Moderate to large impact may occur - The developer agreed that during grave site services, they will halt construction.

16. Impact on Human Health: NO

17. Consistency with Community Plans: YES
D. Weinstein asked Atty Brock – We passed a Solar Law and did a SEQR on the law which demonstrated that there was no impact from the law. The Law says that it was allowing the changes for zoning to allow large scale solar. The proposal may not have agreed with the original laws, etc. but the solar law clearly permits this. How can this not be consistent with that?
Atty Brock - It is permitted by Special Use Permit.
a. No, or small impact may occur
b. No, or small impact may occur
c. No, or small impact may occur - Distributed Sun is asking for a variance on the set backs from internal lot lines.
d. No, or small impact may occur
e. No, or small impact may occur

f. No, or small impact may occur
g. No, or small impact may occur
h. No, or small impact may occur

18. Consistency with Community Character: YES
a. No, or small impact may occur
b. No, or small impact may occur
c. No, or small impact may occur
d. No, or small impact may occur
e. No, or small impact may occur
f. Moderate to large impact may occur
g. positive for some, negative for others

T. Hatfield - The project's major impact on, and is inconsistent, with the cemetery and on Dodge Road it is inconsistent with the community.
D. Weinstein - Should we use those criteria with any of the cemeteries in the Town?
T. Hatfield - We have the cart before the horse; we need to recommend a moratorium. We need to come back and spend more time with the public and with ourselves and put some meat on the bones of the Solar Law that we helped recommend and the Town Board adopted. It does not reflect everything that we provided, they are a legislative body so it is their prerogative. There are a lot of issues that need to be addressed before we adopt any of the proposals.
J. Kiefer - Beauty is in the eye of the beholder. There is a broad difference in opinion but there is no correct answer or opinion. It will have an impact on the existing of the character of community, some positive or negative.
T. Hatfield - Under other impacts, we need to comment that this needs a lot of study because it is going to impact the existing community and the existing character of the community.
D. Weinstein - This won't have a large impact. I feel, as J. Kiefer stated, that beauty is in the eye of the beholder. If you let these projects bother you, then they are going to bother you big time. I have solar panels in my yard and they don't bother me because I know they are providing something I need.
M. Moseley - Do you (D. Weinstein) agree that they should be careful when evaluating this as an impact.
D. Weinstein - This is already happening and I agree that we need to carefully consider what the community wants and think about the community character is going to be changed.
M. Hatch - If you put the words "positive for some and negative for others" then the Town Board can make their own decision.

Resolution # 17 Moratorium on large scale/industrial solar installations
T. Hatfield offered the following resolution:

Whereas, *the Town Board has asked the Planning Board for input regarding solar installations pending before the Town of Dryden, and*
Whereas*, the Town Board and Planning Board are now considering at least two applications for large scale industrial solar installations*
It is hereby resolved *that the Planning Board recommends that the Town Board consider adopting a moratorium on large scale/industrial solar applications above 2 (two) megawatts to give the Town time to amend its solar law by identifying and adding*

the use of industrial solar and the applicable regulations, to better guide the Town's boards (both the Planning Board and the Town Board) with respect to:

- *determining if the location of the **current** applicant's facilities, if approved, would be placed in the Town where it would be most beneficial once all competing needs are accounted for, ie: impact on neighborhoods, viewsheds, delivery of services, etc.*
- *District regulations, including zoning.*
- *The desired location of such facilities.*
- *The impacts on neighborhoods, viewsheds, delivery of services, etc.*

Given the complexities of the applications, the costs the Town is now incurring and the intense interest of the community, the Planning Board believes the Town will be well served if the Town Board declares a moratorium to review and amend it's newly created solar law to better serve the community.

C. Anderson seconded the motion.

D. Weinstein - Moratoriums are great if you are asking for information that is going to help you make a decision on these places. I don't feel asking an applicant where else they could go in this town is a legitimate burden for the applicant. It would be great to have that information down the road and we should start immediately to do an analysis of that. It is not fair to the applicant to put a moratorium on; we should decide on this project.
H. Lambert, M. Hatch and J. Kiefer agreed with D. Weinstein.
M. Moseley - I agree with part of what T. Hatfield said. It is not the Town's burden to pay for consultant activities. It should be the applicant's responsibility in the event that we, as the Town, did not have the specialties associated with the review of the application.
T. Hatfield - One of the things the Town Board needs to consider going back to the cell tower legislation is the fact that the Town Board didn't have the expertise to evaluate the plans presented by the applicants because of the engineering. TG Miller has been retained to review the engineering. The Town is incurring costs right now reviewing the application and there will be others. It should be up to the Town to determine the best places for solar installations, not the applicant. This is not a delay movement. The Town needs to take the time to determine where they really want solar. When reviewing the comprehensive plan, we all had opinions of where we wanted to allow "Big Box" retail. This is very like big box electric, not residential solar and not community solar which we spent about 8 (eight) months studying. Why wouldn't we take about six months out and come back to the table? Why do we need to rush through this?
Mr. Srinivasan - We presented the concept of the project to the Town members sometime in October or November. There was a moratorium in place. When we came to the planning Board they showed the plans. We did not hide anything.
M. Moseley - I have two points: The Planning Board made a recommendation when we proposed the solar law to have the Town Board include a section dealing with industrial use. Second, R. Burger stated that the applicant is reimbursing the Town for contracted services including TG Miller and attorney review.
C. Anderson - Is that in the solar law? Yes, the law established the escrow.
C. Anderson - I believe that something has to change because we cannot do this every time we get one of these applications.

M. Moseley - I am not sure a moratorium is the best way but I do think additional provisions should be added for industrial. I believe the Town Board should consider industrial solar and the uses.
C. Anderson - We spent a lot of time last year studying community solar (under 2 mg). Now it has been rolled out to more and it is pitting neighbor against neighbor. I think we should take a good look at this.
D. Weinstein - We have passed a solar law and an application has been presented. It is not fair to the applicant for us to now say, wait, we need to look over the whole to town to figure out where the solar installations should go.
M. Moseley - Remember that the whole board agreed to recommend the inclusion of industrial solar in the law. What we are currently recommending is no different than what we recommended to them when we provided the draft solar law to the Town Board.

The motion was passed 5-2 with M. Hatch and D. Weinstein opposed to the resolution.

Resolution #18 Move SEQR review/recommendations to the Town Board
C. Anderson offered the following resolution:

The Planning Board hereby moves the SEQR recommendations to the Town Board with the understanding that there was a great amount of discussion and disagreement among the Board members. The Planning Board strongly recommends careful review of the identified areas of concern.
T. Hatfield seconded the motion which was unanimously approved.

There being no further business, the meeting was adjourned at 10:29pm.

Respectfully Submitted,

Erin A. Bieber
Deputy Town Clerk

ATTACHMENTS

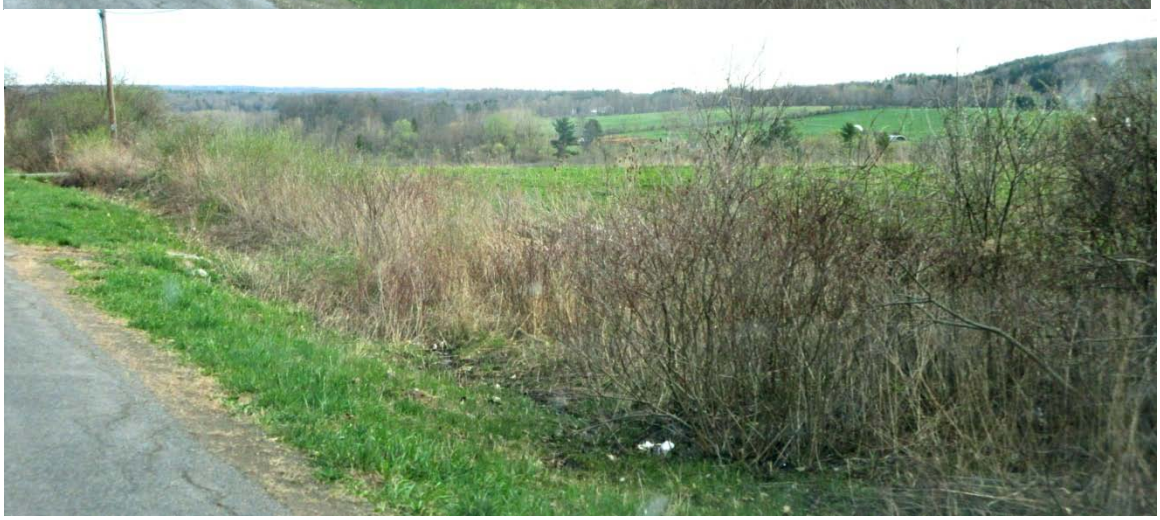
Hello Bambi,

Thank you for all the work you are doing trying to keep up with our questions and comments. Could you please forward this letter to all members of the Town Board, the Planning Board, and the Conservation Board? Everyone has a stake in bringing solar to Dryden in a way that protects our environment, in many different senses.

The question of *views* for the solar farms is a bit tickly. It is true that having solar panels themselves “in our faces” is way too much, but another extremely important issue is the distant views. The modifications presented at the April 26 meeting attend only to the former, at considerable expense to the latter.

From the Dryden Road site, Bruno Schickel made a valuable experiment with a 16 foot tall 2x4, and showed that the cherished view from the cemetery of the rural valley and hills would be completely obliterated when the trees grew that tall. Please make sure to consider his picture, and try to reach a better compromise on "vegetative screening".

On Dodge Road, we have similar concerns. When we (all of us in the extended community) walk along Dodge road, much of the restorative peaceful feeling we have always had is due to the feeling of open space, and the wonderful open view of the valley and hills beyond to the north. In the rendered photos shown at the meeting, the tall trees would not only screen the panels, but would completely eliminate the spacious feeling of fields open to the wooded area beyond to the east, or the northern valley and hills.



My amateur photos try to show something of what we see as we walk down Dodge Road, We desperately want to preserve these views, and the open space feeling. How can we do that?

We appreciate very much Mr. Srinivasan's first response to our concerns, by setting the solar site much further from the road, providing wildlife corridors and more natural farm fencing. However the long view issue needs also to be addressed. It seems bushes (deer resistant) would be far better than tall trees. I also tried to show how retaining the sparse hedgerows (two different ones) would definitely soften the paved glass feeling of the fields below them.– they are not large enough to diminish insolation on many of the solar panels. On our own roof, in a yard with enormous 50 year old trees across the driveway, a few panels are quite shaded for part of the day, losing no more than 50% output from those few panels.

Sincerely,

Beverly West
1214 Ellis Hollow Road
bhw2@cornell.edu

Dodge Road

Dodge Road

2150 Dryden Road

2150 Dryden Road