

**Town of Dryden Planning Board
July 27, 2017**

Members Present: Marty Moseley (Chair), David Weinstein, Joe Wilson, Marty Hatch, Tom Hatfield

Excused: Craig Anderson, John Kiefer and Hilary Lambert

Liaison Present: Deborah Cipolla-Dennis, Town Board

Staff present: Ray Burger, Planning Director and Susan Brock, Attorney

The meeting was called to order at 7:04pm.

Review and approval of meeting minutes from April 27, 2017, May 3, 2017 and June 22, 2017:

J. Wilson moved to approve the minutes as presented. M. Hatch responded to statements made at the June 22nd meeting:

Martin Hatch: Comments on Town of Dryden Planning Board Minutes for June 22, 2017.

Delivered at the time of the consideration of a motion to accept the minutes of that meeting, made at the meeting of the Planning Board on July 27, 2017.

I have the following comments concerning the June 22nd meeting of the Planning Board. I'm sorry for being unable to be at that meeting. It was one of a handful I've missed in the past 10 or so years I've been on this volunteer community board.

But I need to comment on and speak to one item in those planning board: it's the passage recording the public comments by Mr. Joe Osmeloski in the course of which Mr. Osmeloski implied that I was a liar.

I don't have a self-serving reason to make this statement other than to be sure the minutes are correct and, at least in this situation, to defend my reputation as a volunteer member of this board who is interested advancing the community good.

According to the PB minutes of June 22nd here under consideration, Mr. O. said "he abhors statements that are agenda driven and patently false... Marty Hatch of the Planning Board made a statement that he had gone on the website and either read the comments made at Neptune or all the letters received by the town." and that they were 60% in favor of the two Dryden solar projects and 40% against one or the other project. Mr. O went on to say that Mr. O had "made an analysis of every single comment and letter." and according to his analysis, Hatch's "statement was patently false... He was wrong."

Indeed, during the public comment portion of a couple of these community gatherings, including the planning board meeting of May 25th, I made a remark that, according to my reading of the public "communications" (and by this I meant written comments and petitions delivered at the Board meeting and sent separately to the Town offices to that point in time), the public comment on the two solar projects was running around 60 % to 40 % in favor of the two projects as they were evolving. Here is the representation of the relevant portion of my words in the draft minutes of May 25th: "... I've done a survey of public opinion based on the communications 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 the solar installations as opposed to against..."

At the June 22nd meeting, Mr. O took issue with this, calling my statement "agenda driven" and "patently false." He based his assessment on some calculations that are are represented in the minutes under consideration. His words in these PB minutes are "I analyzed every single comment and letter".

[One correction that might be made to these minutes is in representation of Mr. O's data, as it is, I believe, a bit garbled, especially when we get into the percentages he calculated where he eliminates the consideration of any opinions from those who he identifies as living outside of the Town of Dryden. You might ask him for assistance to get his percentages in sync with the categories of for and against.]

My reading a couple of weeks ago of Mr. O's comments in the minutes of June 22nd now under consideration lead me to return to all of the public communications passed on to us by the Town Clerk's office that I had read prior to my statement of May 25th, and to make a list of the authors, in some cases a short phrase description of the contents of their communications, and their respective opinions for or against one or both solar installations. Here [show to those in the room] are the basic data sheets for this effort. I tried to make sure that I had not duplicated names of members of the public who wrote several times or who both wrote a letter and signed a petition. I also tried as much as possible to identify the Town of Residence of the author of a comment or a signatory of a petition, but the ambiguities of place (postal vs. town address) made that difficult. These sheets have been made available to all members of the Planning Board and of the Town Board. I'd be happy to share them with anyone interested in them as they are derived from the public record.

I've also prepared and attached a summary sheet based on the data I compiled. I have made copies of this sheet for anyone who wishes one. This summary sheet has a variety of ways to approach the data I compiled, but pertaining to Mr. O's accusation that I purveyed "patently false" information in my May 25th observations, I have the following short answer :

- > There were 391 separate letter writers and petition signers on this issue.
- > The number in favor of both the community solar farms under consideration (Route 13/Pinney & Ellis Tract) was 233;
- > The number against the Rt.13/Pinney location was 103; The number against the Ellis Tract location was 55.
- > If we divide 233 by 391, we get 59.590793% in favor of both sites (round off to 60%).
- > if we divide 158 (the sum of those against one or the other site) by 391, we get 40.409207% against one or the other site (round off to 40%).

This is all I have to say with regard to the minutes of June 22nd.

Thank you,
Martin Hatch

Attachment: **SUMMARY SHEET. PUBLIC OPINION: DRYDEN COMMUNITY SOLAR**
Calculated based on electronic and postal letters & 2 petitions received by Town of Dryden and forwarded to members of governing and advisory boards of the Town of Dryden by the Office of the Clerk of the Town of Dryden from March 14 to July 15, 2017

A considerable amount of time and effort was made to eliminate duplication of names (for example, those who both signed petitions and wrote individual letters to the town) and to specify the "Town" location of the home of signatories, but there may still be one or two duplications of names, and the Town of residence for many signatories was difficult to ascertain.

I. Total number of letter writers and petition signers: 391
(233+103+55 = 391)

Number in favor of both community solar farms under consideration: 233
(Rt.13/Pinney & Ellis Tract)

Number against one or the other solar farm (total) 103+55 158

Percentage for both community solar farms:
233/391=59.590793%

Percentage against the sum of those against one or the other:

158/391=40.409207%

Number against Rt 13/Pinney location: 103

Percentage FOR Rt 13/Pinney location: $233/(233+103) = 70\%$

Percentage AGAINST Rt.13/Pinney location: $103/(233+103) = 30\%$

Number against Ellis Tract location: 55

Percentage FOR Ellis Tract location $233/(233+55) = 81.\%$

Percentage AGAINST Ellis Tract location: $55/(233+55) = 19\%$

Statistics for those who designated T of Dryden as place of residence or, on search of databases were found to be residents of the T of Dryden:

→Number designating or found to be TofD in favor of Rt.13/Pinney: 108 = 59% FOR

→Number designating or found to be TofD against Rt.13/Pinney: 76 = 41%

→Number designating or found to be TofD for Ellis Tract: 108 = 68% FOR

→Number designating or found to be TofD against Ellis Tract: 51 = 32%

J. Wilson abstained from voting on the minutes from May 3rd.

M. Hatch abstained from voting on the minutes from June 22nd.

The minutes from April 27, 2017, May 3, 2017 and June 22, 2017 were approved unanimously by those not abstaining.

Public Comment regarding items not on the agenda:

Shirley Lyon: 29 Mineah Road

About seven to eight years ago, at the old Town Hall, I pleaded to watch the residency on Mineah Road in regard to the traffic impact at the bottom of the road. Many people have called from Kirk road concerned with vehicles entering Kirk Road. Our singular voices we don't feel have been heard. I am here tonight as a collective voice for Mineah Road and Kirk Road. (She had previously distributed a handout to the Board members). The objective and the purpose are to respond to the recent issuance of a building permit for Pine Ridge Cottages on Mineah Road with the impact of 40 more car on Mineah Road, possibly 80, on a half mile dead end road, where there is no street light, no turn lane and by DOT standards, short visibility and a hazardous intersection.

John Andersson, engineer for the Pine Ridge Cottage development, did an access study; this is the opportunity to access Route 13 from a smaller town house road. Yes, they can access the road. During high traffic times in the AM and PM, lines form, sometimes, these lines, according to the DOT, can create a psychological effect of the jumper; if forced to wait, that third or fourth car will jump and do something a normally behaving driver entering the intersection would not do. On Mineah Road, based on a count done this morning, we have 47 cars and that doesn't include the eventually returning student population. When the student population returns, that will increase the traffic on Route 13 and Mineah Road.

When talking with the residents on Kirk Road, I was surprised. I talked to everyone and included in the handout you will find a petition. The petition is still in progress, some folks are on vacations. I was invited into the homes of residents in the mobile home park on Kirk Road where 100% signed the petition and told me stories. People on Route 366, trying to avoid the Route 366/Route 13 connection, are using Kirk Road as a connection to Route 13 trying to beat traffic on Route 366. Not only are the Kirk Road residents now accessing Kirk Road but we now have the impact of those

they call “hellish people that are going 60 miles an hour trying to get to their jobs and beat 366.” We have a significant number of cars entering from Kirk Road to that intersection.

There is a DOT concern citing the short (view) distance. We have done a study of our own yesterday and today. (See pictures attached to the handout.) The cars have to advance past the white line to see what is coming on Route 13. We measured the time from the moment they could see a windshield till the car passed the transit sign. It was less than eight seconds. There is a very short visual window for a car to make the decision and make their move.

With 40 additional cars added to Mineah Road, the 47 that are there, the Kirk Road mobile home park cars and the Kirk Road “jumpers” coming over from 366, the intersection is jammed.

I came to the Board seven or eight years ago because it was stressful. I was disregarded as a single voice. What I read and have heard is that there is a possibility of going to 80 new residents/cars. The idea is expansion.

You can ask, like DOT, why there are not more accidents. There were only two accidents there and thus you don’t deserve a light. We get around that by turning right off Mineah Road and using the Church parking lot to turn around if they want to go toward Ithaca. We make their own turn lanes, illegal as they are, by utilizing the shoulders of Route 13. We would get rear ended if we tried to turn from the proper lane. I don’t know what the answer is. I have called DOT and asked about a light but they responded that there have not been enough accidents or deaths at that intersection.

I am looking to you. I have called Syracuse, it is not their responsibility. I called the Town of Dryden, not our responsibility for Route 13. Whose responsibility is it for the life will be lost at that intersection when another 40, if not 80, cars come down that hill.

In the engineer’s report, by John Andersson, the minimum amount was submitted; I think to deceive you to get his permit. That was his job. If you look at that traffic study, I don’t know if (after the DOT even said the safety issue existed), there was even a counter put down. You are talking to a resident that has lived on that hill for over 35 years. I am not an engineer and I don’t have a PhD but I am smart enough to know that intersection is stressed and it is going to break. Who is going to take responsibility? When I stood here seven years ago and asked the Planning Board to look at this issue, it fell on deaf ears. I pray that your ears are listening tonight. I hope you take the study, the best we could possibly do for the simple people that we are, and take it with sincere hearts, and logical minds, understand that this is a collective voice, begging you to relook at this application submitted to you. Whether it is clear enough in your jobs, I understand the difficulty. My father sat on the Zoning Board of Appeals in the Town of Dryden for over five years. I know your difficulty in making these decisions, you are going to make someone angry, you have to look at the laws and regulation and public opinions. What I am asking you tonight with your hearts and your minds, can you live with knowing this intersection could very well take lives. Take it home, see what you can do, reread the engineer’s reports and then it is in your hands.

Joe Osmeloski - 2180 Dryden Road

My comments tonight are general; they have nothing to do with the issues that are going on right now with regard to specific projects. I want to comment on a letter that has been making it’s way around the internet, facebook, and on some particular

Dryden websites. I will read some of the comments and then I will make my own comments.

“The next step is up to the Planning Board, which meets this Thursday but the Planning Board has signaled that it will delay”. Do you guys signal when you are going to delay, do you tell the public when you are going to delay something? On most projects, if I read the law correctly, there is a “shot clock”. When you are given a project you have 30 days or 60 days to make a decision. It’s a “shot clock” so the statement that the Planning Board has signaled it will delay, and I hate to say this, would be patently false. My favorite sentence when I come before this Board seems to be “patently false” and that is a depressing statement on the state of our Town right now. This Board is a volunteer board and does a great job. I have never heard anyone say that this Board delays things purposely and for someone to say that is unbelievably outrageous.

The second sentence, “they have the information they need to VOTE”. I don’t think there is any project tonight that can be voted on. I don’t believe there is, maybe I am wrong. The next sentence, “this unelected Board can kill the project and could even put the Town at risk of a lawsuit”. Unelected, we know you are unelected, you are a volunteer board. I get the impression that because you are unelected, you are unimportant. This Board is very important to this town and you are going to be making decisions in the future that will affect everyone in this room. The fact that you are unelected should not mean anything but apparently to someone it does. “The risk of a lawsuit”, that is interesting. If this Board does everything by the book, by the rules that are written down by the Town of Dryden, then you should not be afraid of a lawsuit because you have done everything right. If the law says a 50 foot setback and you give a 50 foot setback, then you have abided by the law. If you give a 45 foot setback, you have not complied with the law and opened yourselves up to a lawsuit. To even put the threat of a lawsuit out there enhances this Board’s ability to do their job because you will know that if you don’t comply with the law, you will open yourselves up to a lawsuit. If you apply the law of Dryden as they are written, then this Board has absolutely nothing to worry about and should welcome the lawsuit if they have applied the law as written. I don’t know who wrote this letter but it is a slap in the face to this Board.

Sarah Osmeloski - 2180 Dryden Road

In June of this year, the Town Board approved the resolution granting a SUP to Verizon for the construction of a cell tower at 2150 Dryden Road. The SUP was granted even though this project violates two of our telecommunication tower laws and leaves Verizon powerless to meet a third. Of the three laws in our telecommunications law, sections 9 b and p: The tower is a height of 170 feet, our law reads a maximum height of 140 feet unless waived by the Board for good reason. If this tower had been properly sited it would have been placed at the highest piece of ground at 2150 instead of the lowest. Placing it on higher ground would have reduced it’s height to 140 feet and thus complied with our law.

Number two, section 6 i: the collapse zone is required by our law that the tower be designed so it should collapse or break and will fall within the boundaries of the property on which the Tower is placed. Since Verizon is leasing 100 x 100 foot piece of property and the tower is 170 feet high, this requirement is impossible for them to meet. They would need at least a 200 x 200 foot square to meet this requirement.

Number three, section 6 n: maintaining visual screening. The Board met the requirement of this law by requiring Verizon through SEQR and through its resolution to use existing natural screening to minimize the visual impact of the tower. The natural screening consists of 80 foot willow trees and brush that grows along a stream

adjacent to the tower location. Since Verizon did not lease this property, it is impossible for them to control what happens to the vegetative screening. Clearly this project was poorly planned by all parties involved. Verizon has not leased enough land to meet the legal requirements for this project. That leaves three choices: one, the Town should rescind its SUP, two, have the Town take on the responsibility of complying with two and three by not allowing further construction in the area that should have been required to have been leased by Verizon, or three, leave it to the citizens to file an article 78 and let a court decide. I am asking this Board as it progresses forward in the future with other projects, do your job. Enforce our laws and comply with our plans. These laws and plans were designed and enacted by residents of this town to protect our community. They should be enforced equally across the board whether applied to an individual or large corporation.

M. Moseley chose to respond to all three items:

He asked Ray Burger to start looking into the Mineah road, Kirk road and Route 13 intersection, start contact with the NYS DOT and send this concern to the Town Board. The Board agreed with that request.

D. Weinstein recommended starting a study group with the citizens to collect data to see what is really going on there. It seems like a problem that we need to think through a lot of solutions. As we know if there haven't been accidents there, the DOT might not chose to act. We need to think about other potential solutions to alleviate this problem.

He volunteered to form a committee to work with the citizens to figure out what other options exist. He also pointed out that the Board makes decisions based on the information they have and unfortunately none of them were aware of this issue.

In regard to the letter Mr. Osmeloski was referring to, Mr. Moseley has not received a letter about delaying the items although he has heard accusations of that from individuals. The board is not trying to delay anything; in fact we have had multiple special meetings this year to try to expedite projects and getting suggestions off to the Town Board and to help applicants.

Shirley Lyon interjected that the Planning Department did have the information from the DOT that the Kirk Road/Mineah Road/Route 13 intersection had a low visibility hazard. The failure of the Planning Department to share that information was a source of frustration for the residents of those roads. M. Hatch suggested that it would be important for R. Burger check into the communication or lack of communication regarding the information from the DOT.

As far as the Verizon special use permit. M. Moseley asked Ray Burger for a copy of the permit. He has requested the document previously to review prior to making a recommendation to the Town Board in regard to the solar project.

Planning Board responsibilities with regard to energy efficiency/fossil fuel usage on developments with respect to SEQRA and Site Plan Review: D. Cipolla -Dennis

Ms. Cipolla - Dennis deferred to Atty Brock

This issue came up last month regarding whether questions regarding energy efficiency and fossil fuel usage are appropriate.

In terms of SEQR, asking questions regarding energy usage and the type of systems being installed is acceptable. The SEQR form asks for that type of information anyway.

For the determination of significance, it is a case by case decision based on the size and location of the project.

D. Cipolla-Dennis had further asked for clarification about specific types of things that the Planning Board could or could not require in regard to construction. Under the NY Energy Law, there is a section that states municipalities may adopted a local energy conservation code that is more stringent than the NYS energy conservation code. Some of the things D. Cipolla-Dennis asked about might be appropriately answered if the Town Board adopted a local energy conservation code which the Planning Board could then verify the applicant is compliant. D. Cipolla-Dennis will be following up on that potential.

J. Wilson - In the Zoning law, section 1103, subsection B, #15 of the Site Plan checklist: "Location, design, and construction materials of all energy distribution facilities, including electrical, gas and solar energy".

Atty Brock said it would depend on what "energy distribution facilities". She doesn't think it matters because SEQR has to be done on a site plan, you can ask for that information from applicants.

J. Wilson further supported the Board's ability to ask about energy usage by pointing out #28 of the Site Plan checklist: "Other elements integral to the proposed development as considered necessary by the Board".

Atty Brock asked if there was a dispute regarding whether the Board can ask about energy usage. T. Hatfield explained that another Board member, C. Anderson, has been very interested in this out of concern that the Board might appear to be trying to dictate what kind of energy a developer can use. That would be an overstep on the part of the Board. T. Hatfield verified that information can be asked to determine significance, it is another thing to appear to say that the board would only approve a project if they chose to use heat pumps (for example). Mr. Anderson has, in the past, suggested looking into incentivizing developer to use a heat pump, if that is the preferred energy consumption in the Town.

Atty Brock indicated that she has never looked into whether Towns can do incentivized zoning for things like this. There are NYS laws that say the Town can do incentives for things like affordable housing.

R. Burger reminded the Board that in the Varna plan there is a green development incentive which could be expanded to the rest of the Town.

T. Hatfield suggested the State LEED program as a potential model. A concern is a developer coming before the Board with a project designed with one form of energy usage only to find that the Board wants them to use something else.

D. Weinstein stated that when the Board asks for information via the site plan checklist, the goal is to produce a project that conforms to the way this Board thinks the planning and development should go and we have vocalized that energy conservation is a priority. That suggests the Board has the ability to recommend (not demand) an energy usage that we prefer.

J. Wilson pointed out that one time we raised the energy usage question was in the context of the PUD so the Planning Board could advise the Town Board. A Town Board member had already asked the developer to look into heat pumps. In addition, we make recommendations typically and recommending that something be included is different than requiring.

Atty Brock replied that the Board has much more latitude with a PUD. The Town Board has a lot of discretion with a PUD and can make certain demands since it is a rezoning. The Planning Board will be well served if the Town Board can come up with laws (like an energy conservation code) that the Planning Board can then apply. In

terms of SEQR, a positive declaration of impact, energy use would be looked at. The NYS DEC has some guidance on what to look at in terms of energy use. Where you are in the application review and what kind of project it is (context) will help determine the Board's ability to make certain recommendations.

M. Moseley added that the Environmental Conservation Code is enforced by the code enforcement department, not the Planning Board. If there was a guideline that we could have integrated in, that is where it would be more beneficial to this Board rather than a more restrictive local standard.

M. Hatch stated we need to have the guidelines, just like the residential and commercial design guidelines. He requested M. Moseley work on that document.

802 Dryden Road Sketch Plan Review: Adam Fishel (Marathon Engineering), Charlie O'Connor, Modern Living Rentals), Wayne Woodworth (CNY Rentals) and Gretchen Bavard

Adam Fishel

- The proposal is for 42 units on three acres.
- There are currently four access drives which will be cut down to one.
- The run-off will continue to drain naturally toward Dryden Road. They are proposing a few bio-retention areas and two stormwater retention basins along Dryden Road.
- They have been in contact with NYS DOT who responded that they are ok with the driveway location and have asked for more on stormwater. In essence, they did not say no and are willing to work with Modern Living Rentals.
- As far as landscaping, they are only providing bio-retention plantings and perimeter plantings to address stormwater considerations.
- They have received some information feedback which has led them to change the roofline of the two buildings closest to Dryden Road. They have changed the plans to create a double gable and created "bump outs" along the façade so it doesn't look like a single linear building. The color of the buildings will be basic and will blend with the other buildings in the community.
- They have talked about visibility from the arboretum but you can't see beyond the maintenance buildings and the buffer that already exists.

Charlie O'Connor

- In an attempt to attract more families, first floor master bedrooms have been added to some of the units. A hip roof was added for visual appeal and to accommodate the removal of a bedroom to the first floor.
- They are willing to commit to air source heat pumps, which they have installed at the 902 Dryden Road, if they can get the density they are proposing.
- They are trying to create more green space for tenant recreation, a play area and a fenced in dog area.
- They are working with Cornell Real Estate to try to accommodate their needs.
- They are proposing a trail to connect to the Plantations from this development.

To: Dryden Planning Board

July 25, 2017

From: David Weinstein

Re: Conversation with Charlie O'Conner about plans for 802 Dryden Rd.

Dear Colleagues:

In an effort to make our discussions tomorrow night regarding the sketch plan for 802 Dryden Rd. proceed as smoothly as possible, I had a phone conversation with Charlie O'Conner and his engineer, Adam Fishel, today and went over a list of issues and questions that have come up and asked for clarification. This memo outlines the items of mutual understanding we reached in that phone conversation. Any additional clarification that board members need on any of these items can be requested in our sketch conference tomorrow night.

1. Cornell Botanic Garden personnel have been concerned about too much rainfall water being moved away from the north (back, away from Rt 366) side of the property without allowing this water to percolate into the cracks in the bedrock and feed the seepage areas on the north-facing slope of their natural area north of this parcel and along Forest Home Drive. These seeps are necessary for the special plant communities that grow there. When the cell tower was built just to the west of this development parcel, the movement of water away from the north side of the property led to some seeps drying up and the death of a number of trees on the north slope. They would like to avoid this.

Mr. O'Conner explained that the rainwater from the north-facing roof of the back building was going to be deposited to the north of that building and therefore allowed to seep. The rainwater from other roofs would be deposited in shallow grass swales that then led to the detention area in the center of the parking lot. While this water was traveling through these swales, it would have time to infiltrate into the bedrock cracks.

The requirements of DEC for storm water runoff structures is that the bottom of any retention area remains 3 feet above the bedrock, which limits the ability to make larger rain garden retention areas to the east and west of this back building that might allow more infiltration. The town's engineer, T.G. Miller, could wave this requirement if it was felt necessary to achieve more infiltration area.

Most of the surface water on the southern side of the property is already appropriately draining to the south, and eventually into the retention areas located on the south side of the proposed development, and then into the ditch beside Rt 366.

2. There is agreement from both NY DOT and from Cornell that an entrance to this development directly from Rt 366 approximately midway along the Rt 366 frontage is best.

3. The developer and Cornell are in agreement to have fencing (vinyl coated chain-link, 6 feet high) along the west side, located on Cornell Botanic Garden property, and along the north side of your property. The developer has agreed that he will be responsible for maintaining this fence.

4. There will be nominal lighting on back side of the buildings of the development, only where absolutely necessary, all downward directed.

5. Cornell is in agreement that the existing trees, which will be retained, will mostly obscure the buildings from the Cornell Botanic Garden properties to the west and to the north of this property, particularly in the summer when it is most crucial for the visitors there. The developer will provide two-dimensional drawings from these perspectives to verify the effectiveness of this vegetation screening.

6. The developer willing to pay for a paved walkway to the Cornell Botanic Garden arboretum, cutting from the Game Farm road intersection to the Arboretum road, on the map below. He understands this path would be a definite boon for the residents of the development to be able to easily go off of Rt 366 on to the Arboretum road and can be advertised that as an amenity. The Botanic Garden agrees this is a good idea and will welcome construction of this path with the developer's funds.

7. All the buildings will be two story, and townhouses within a building will be delineated from each other by a 3-foot stepped variation in setback. This will avoid the look of an imposing monolithic wall when seen from the Rt 366 side.

8. The developer believes that the current plan positions the buildings on the optimal locations on the site. There was some consideration of moving the entire set of structures southward, reducing the 60-foot setback from Rt 366 to the south-most buildings. This would require decreasing the size of the large water retention areas near Rt 366. It would allow the increase in size of the recreation area on the northeast portion of the development beyond its current 3000 to 4000 square feet.

However, the developer feels that moving the buildings closer to Rt 366 would greatly increase the road noise that the renters in the front building would hear, greatly reducing the attractiveness of those townhouses, since Rt 366 is quite a busy road.

9. The developer is committed to installing heat pumps to provide the heating (and air conditioning) as was done in 902 Dryden Road. The developer indicated that this feature was somewhat dependent on his ability to have 42 units in the development, if he is granted both the redevelopment bonus and the LEED energy bonus. The additional 6 units would give him the financial flexibility to afford to install these units, which make the heating systems somewhat more expensive. He will provide the board with a checklist of the energy features he will be using that could be used to qualify the development for the LEED bonus. He will identify which items are on the official LEED 2009 list that he cannot get credit for, and which items are on his implementation list that provide an equivalent energy reduction but are were not given credit on the LEED 2009 list because they are technologies that have been developed or refined in the subsequent 8 years.

* referenced map is attached.

J. Kiefer has emailed information regarding this project which was read into the record as follows:

802 Dryden Rd: I don't think having stormwater basins in the front yard is consistent with the character of the hamlet. The basins appear to be 5.5' deep compared to the grade at the building. Front yards in the hamlet are relatively flat lawns with shade trees, etc.

C. Anderson has emailed information regarding this project which was read into the record as follows:

802 Dryden Rd. recommendations

- Bus stop and a turn lane, could be the same.
- Bike racks, bike storage?
- Sidewalks
- Pocket Park

The south elevations design and the size of the two buildings on Dryden Rd don't seem to blend in with the community? Adding some design details to the fronts may help with this.

- Make the ends of each building a single story to help soften their size
- Roofs over doors
- Reverse gables

T. Hatfield suggested using the southwest corner for a recreation area with some sidewalks. It would be a good spot for people walking by to rest. C. O'Connor was against the idea because of the proximity to Dryden Road and because the natural slope is from north to south which makes the logical place for the stormwater basins in front of the buildings along Dryden Road.

- The Board discussed the set-backs and whether pushing them back was the best idea. Most of the homes in Varna are placed closer to the road but the Board agreed the set-back and stormwater retention was reasonable.
- There is a formal bus stop at the southwest corner of the Game Farm Road/Dryden Road intersection which is within 300+ feet of the project. Currently the bus simply pulls off onto the shoulder. Does TCAT see a need to have something more? Will the connector trail to the maintenance buildings parking lot be sufficient for the safety of the tenants? Mr. O'Connor will continue to talk to TCAT.
- The back side of the buildings will have sconces to light the back deck areas. There are two decorative 14 feet tall (from the bottom of the sconce) light fixtures in the parking lot. The buildings will block the light from other properties and the lights will have a finial to shield the light from going up.
- The photometric plan is included.
- M. Moseley told them they need to put lighting on the exterior of the buildings per NYS Residential Code.
- The garbage and recycling will be contained in the NW corner with an enclosure of masonry block and a wooden stockade fence type gate.
- M. Moseley asked if they have contacted the Fire Chief yet. There is a truck turning template included in the plan and they have a six inch water line that loops in the parking lot and a hydrant will be added. The drawing has been submitted to the Varna fire department but we have not heard back yet.
- M. Moseley stated he agreed with the recommendation of more plantings in the front of the project.
- M. Moseley asked if anyone (the highway superintendant) has signed off on the connection from the main line to the lateral addition. There probably needs to be an inspection to verify the connection is appropriate, that the boot has been placed appropriately and the depths are adequate.
- The engineer has included a trip generation letter which along with the engineers report and site development plans have been submitted to the DOT. The DOT has responded that a traffic study will not be required for this project. A copy of that report will be added to the record.
- The applicant will need a stormwater maintenance agreement with the Town.
- The initial SWPPP review letter was sent to TG Miller yesterday.
- The project has been sent for 239 review with the County. They have one recommendation concerning the heating system and they will be providing an analysis.
- M. Moseley asked if the Town of Ithaca has been notified/consulted regarding their 239 nn.

The Green Development Bonus and LEED bonus: Gretchen Barvard

- See attached LEED worksheet

- R. Burger recommended a verification process by next month of the 40 points for LEED are legitimate and to start looking into the prerequisites. That will give the Board confidence when looking at the Green Neighborhood Development Bonus. R. Burger will verify the information is accurate.
- Per Article three of the Town's Zoning Law, Definitions, Redevelopment is defined 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." A density bonus can be granted per section 707 of the Zoning law.
 - The Board agreed that the Redevelopment Bonus seems logical but the official approval will need to wait until the project's final approval.
- The public hearing for a full site plan review will be scheduled for the August meeting.

Infrastructure local law (Working within the Town Rights of Ways):

- J. Wilson and M. Hatch have sent their comments to the Chair who is working with Counsel to determine what the legal parameters.

Based on the Town Board completing the SEQR finding of significance, discuss the path forward as to recommendations for the site plan approval of the 2150 Dryden Road and Ellis Tract Community Solar Projects and subdivision approval.

- review the applications (specific to site plan review) for both solar installations and forward recommendations to the Town Board
- Subdivision of 2150 Dryden Road
 - sketch plan review of subdivision of 2150 Dryden road - review of drawing C103
 - Preliminary plat review - requires submittal of the plat 21 days prior to the meeting and a mandatory public hearing
 - Final plat approval - requires submittal of the final plat 21 days prior to the meeting and a mandatory public hearing

Future Meetings:

August 2nd - the Planning Board will review the solar applications to provide recommendations to the Town Board in relation to the site plan review. They will also do a sketch plan review for the 2150 Dryden road subdivision.

The meeting will be held at the Dryden Department of Public Works building starting at 6PM.

August 24th - the Planning Board will engage in the preliminary subdivision plat review pending the submission of the preliminary plat by August 3rd. The meeting will be held at the Dryden Town Hall starting at 6PM.

September 28th - the Planning Board will engage in the final subdivision plat review pending the submittal of a final plat by September 7th. The meeting will be held at the Dryden Town Hall starting at 7PM.

The Board discussed the order of business at the August 24th meeting. It was determined that the preliminary plat will be considered prior to the 802 Dryden Road site plan review.

M. Moseley requested counsel attend the upcoming three meetings.

Planning Board recommendation of moratorium on solar: Town Board has requested that more specific items be identified as to what should be amended in the existing local law.

- The Town has requested that the Planning Board be more specific in regard to the moratorium; they would like specific items. Due to the late time, the Board determined to move this discussion to the next meeting.
- M. Moseley read notes from J. Kiefer into the record:
- Moratorium: I voted in favor of the moratorium one reason. I think the Town needs to explore ways to reassure farm land owners that they will not be penalized by losing the agricultural assessment on land they convert to a solar farm. I'm not concerned about the Ellis Tract projects because of Cornell's tax status. I favor the Ellis Tract projects. But, given the amount of angst over the 2150 project, the Town should do everything possible to remove disincentives for property owners to convert their less-productive lands to solar.
- M. Hatch asked that the Planning Department look into Mr. Kiefer's concerns regarding the ag assessment.

Town of Groton 239 – 838 Peruville Road

The Dryden Planning Board was asked to comment on a proposed project in Groton, per GML 239-nn. The Planning Board thanked the Groton Board for their courtesy but they do not have any concerns. M. Moseley will contact the Groton Board.

Rezoning north of Freeville along Route 38- charge from the Town Board to analyze and advance recommendation: Deborah Cipolla-Dennis

- There was a good turn out at the meeting.
- Once the citizens understood the difference between rural residential and neighborhood residential (including the SUP process), the citizens agreed the process is working the way it should. They were encouraged to send emails to the Planning Board or Department if they have any input on the use table which will be reviewed by the Planning Board at a future date.

Concern regarding conflicts:

Atty Brock expressed concern regarding whether there is conflict with Ms. Brock advising both the Town Board and the Planning Board. Ms. Brock stated that there is no conflict. And for clarification, Ms. Brock and Ms. Geldenhuys have no connection between their practices.

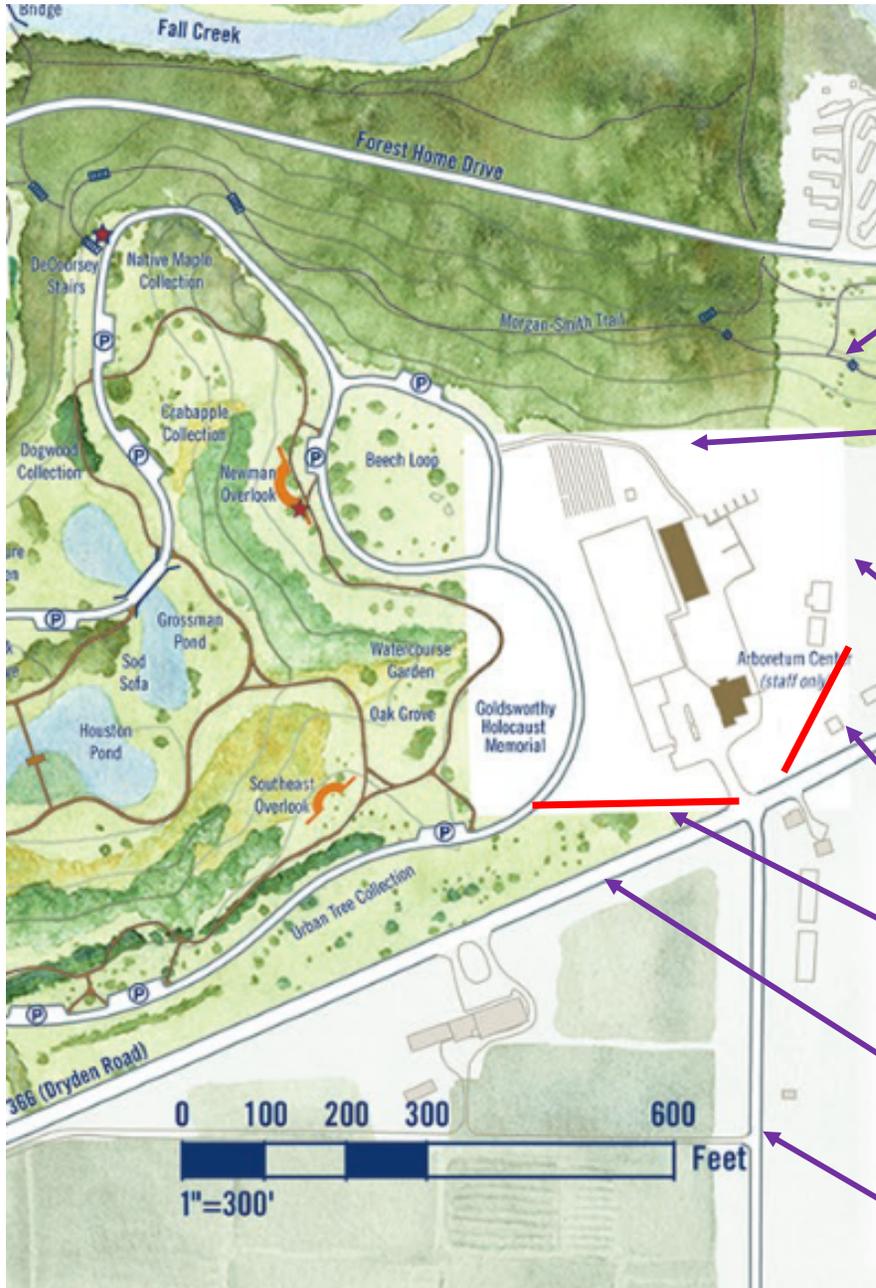
If there appears that there might be a conflict between the Planning Board and Town Board, Atty Brock would back out of the entire situation.

Atty Brock requested a few minutes after the meeting to address some issues in an attorney-client meeting.

There being no further regular business, the meeting was adjourned at 9:55pm.

Respectfully Submitted,

Erin A. Bieber
Deputy Town Clerk



North-facing slope of Cornell Botanic Gardens natural area with wet seepage areas.

Approximate location of cell tower

Proposed 802 development

Proposed paths for entering Cornell Botanic Garden arboretum from 802

Rt. 366

Game Farm Road



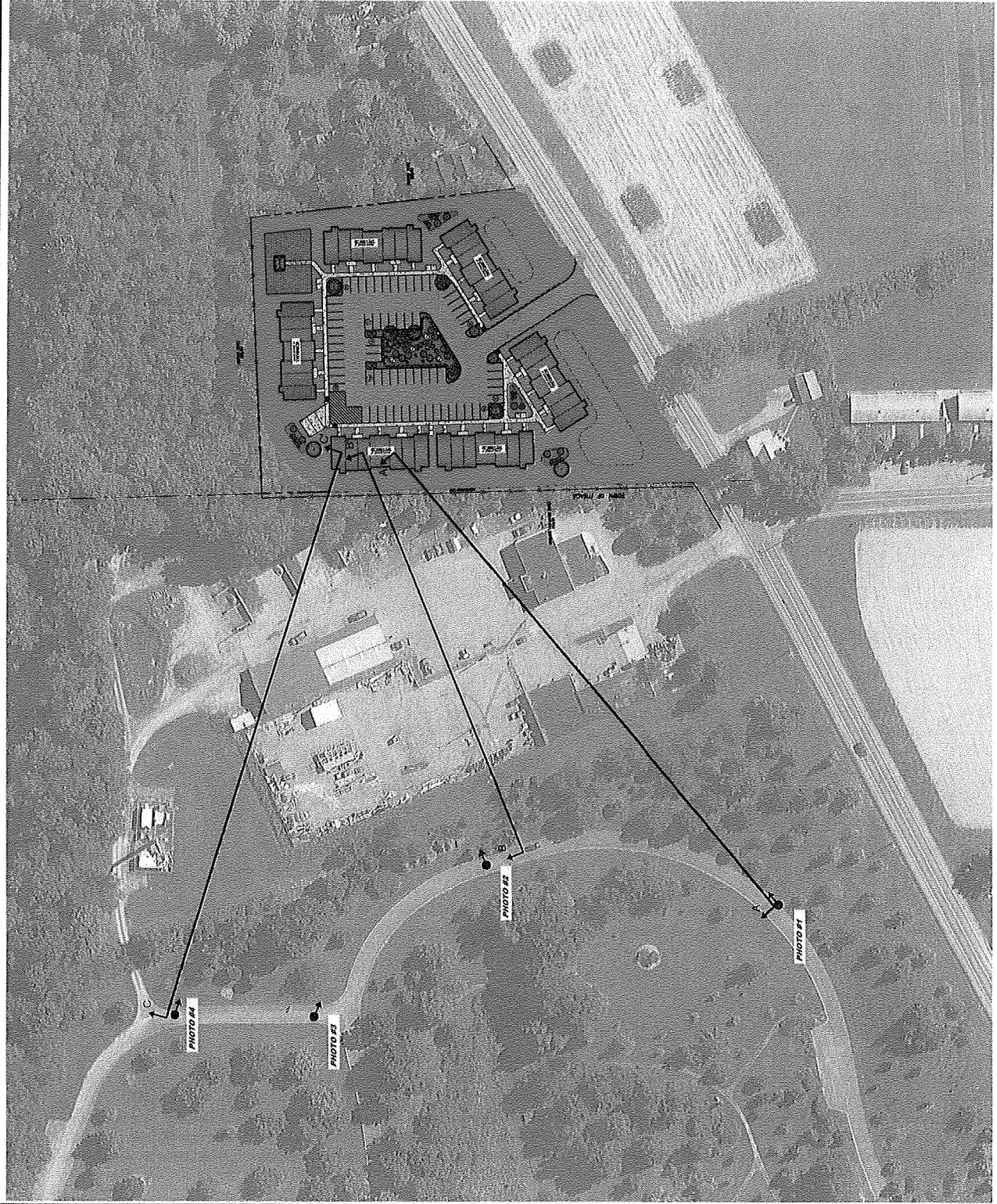
SCALE: 1"=50'

MODERN LIVING RENTALS TOWN HOMES

802, 804, 810 & 812
DRYDEN ROAD
(NYS ROUTE 366)

TOWN OF DRYDEN
TOMPKINS COUNTY
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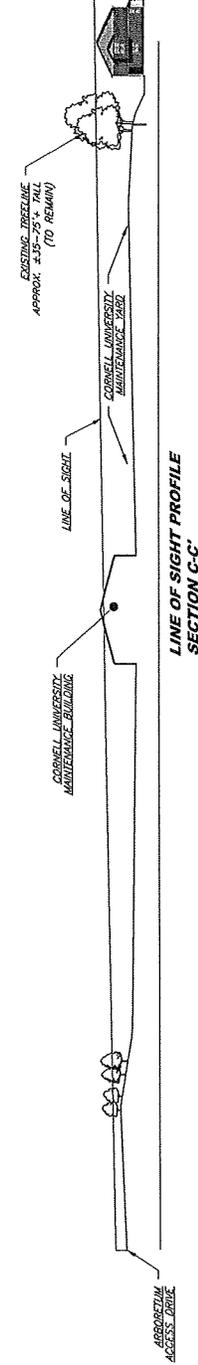
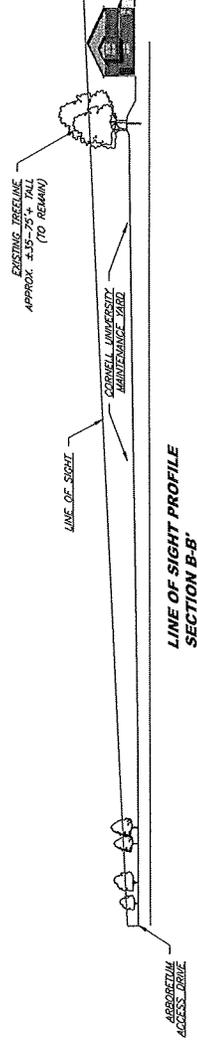
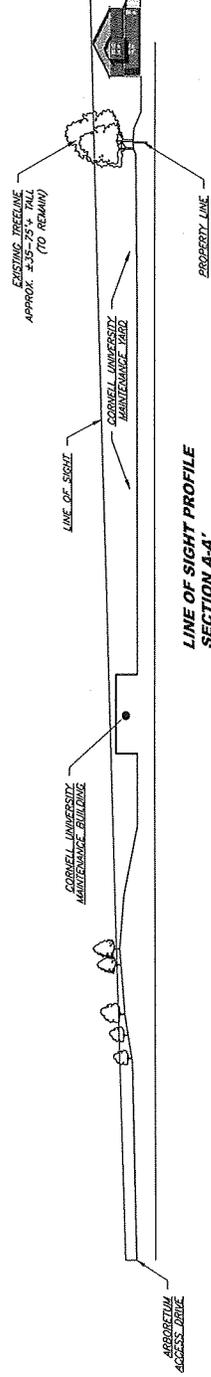


MODERN LIVING RENTALS TOWN HOMES

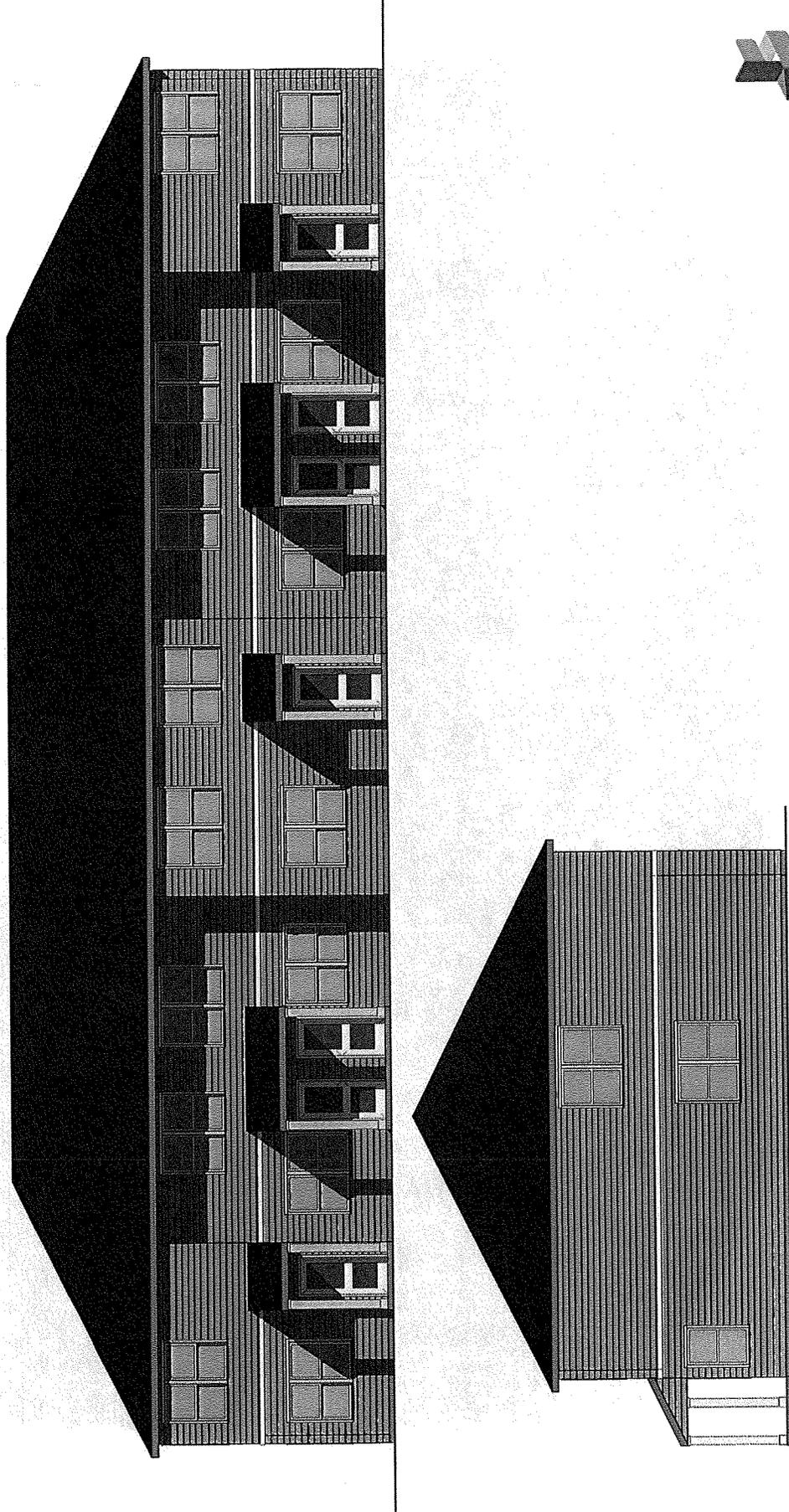
802, 804, 810 & 812
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Hip Roof Green Siding Elevations

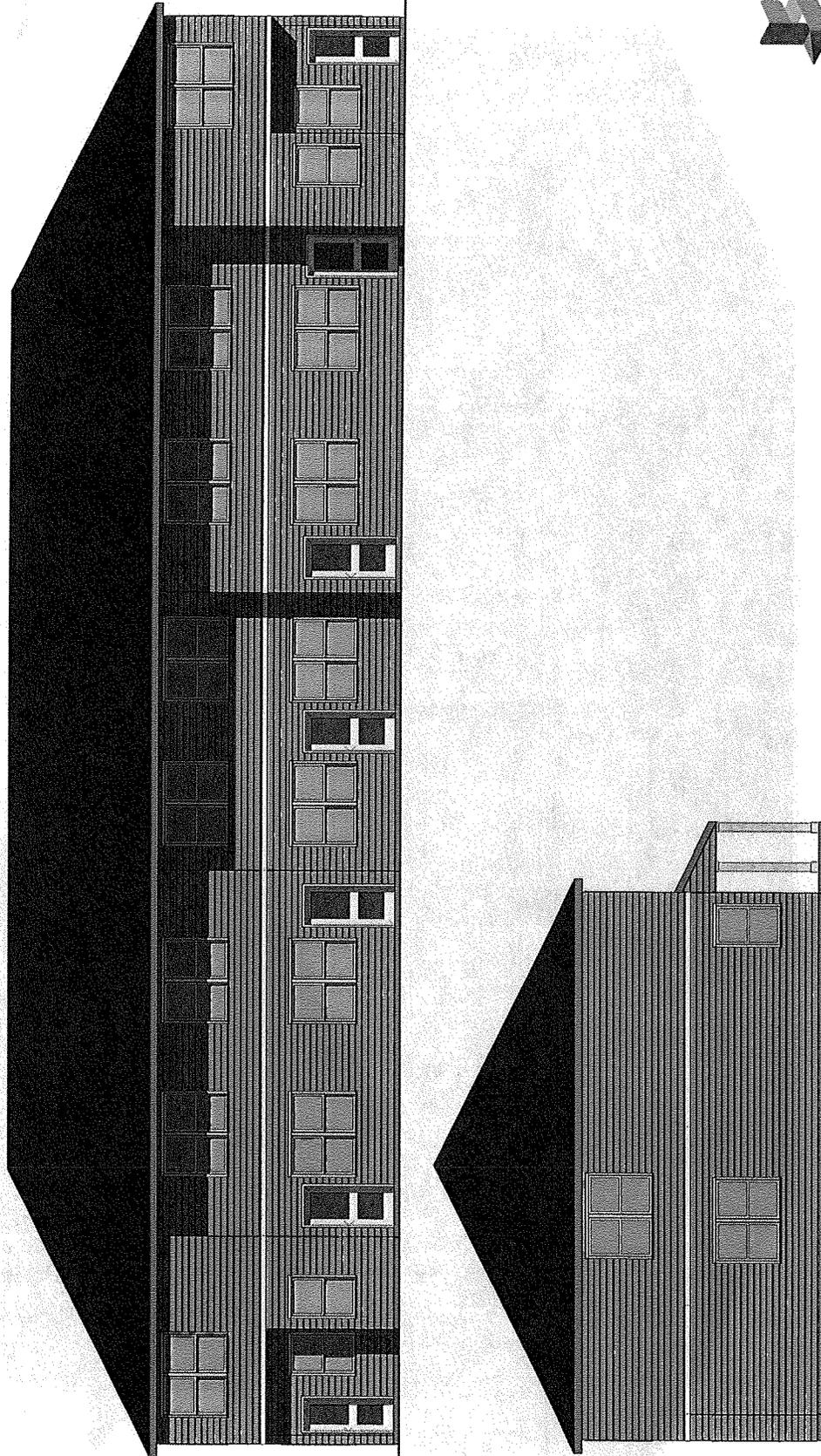


Modern Living Rentals
802,804,810 & 812 Dryden Road



JOHN SNYDER
ARCHITECTS

Hip Roof Green Siding Elevations



Modern Living Rentals
802,804,810 & 812 Dryden Road



JOHN SNYDER
ARCHITECTS

Hip Roof Blue Siding Elevations

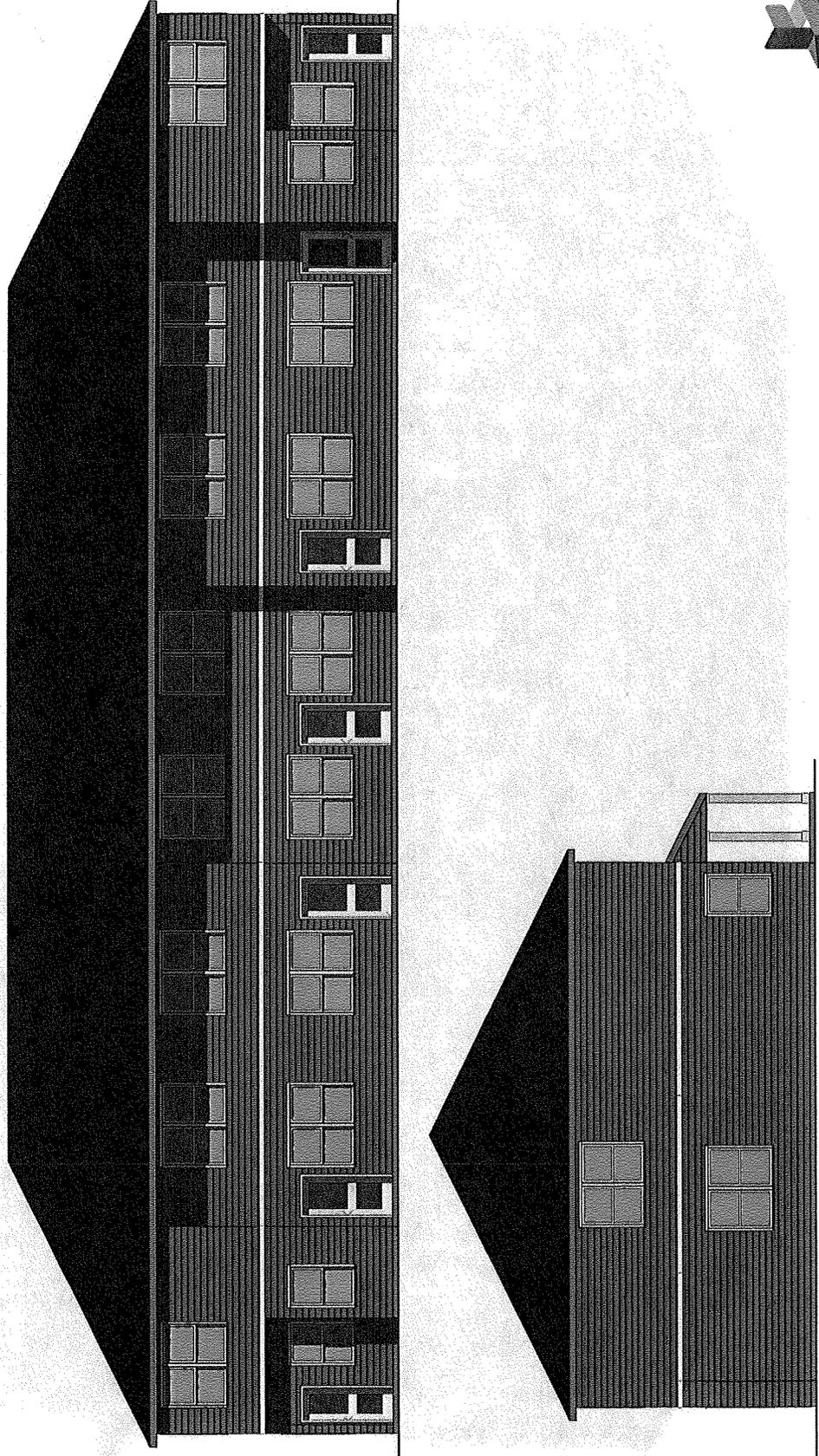


Modern Living Rentals
802.804.810 & 812 Dryden Road



JOHN SNYDER
ARCHITECTS

Hip Roof Blue Siding Elevations

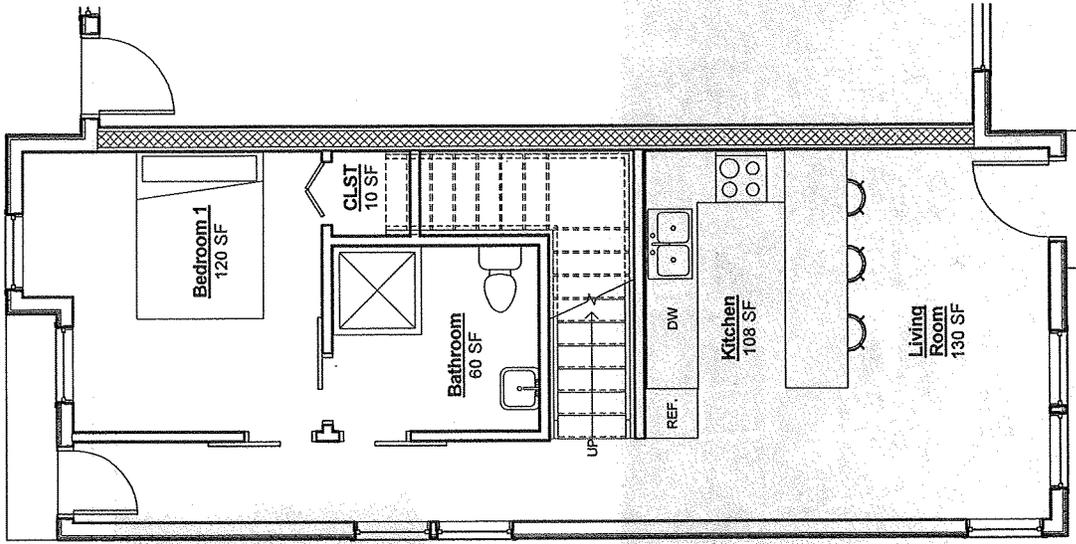


Modern Living Rentals
802, 804, 810 & 812 Dryden Road



JOHN SNYDER
ARCHITECTS

Hip Roof Building First Floor Master Floor Plan

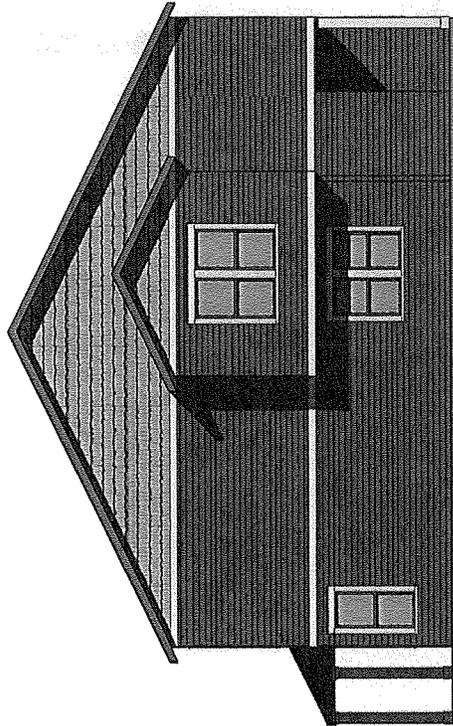
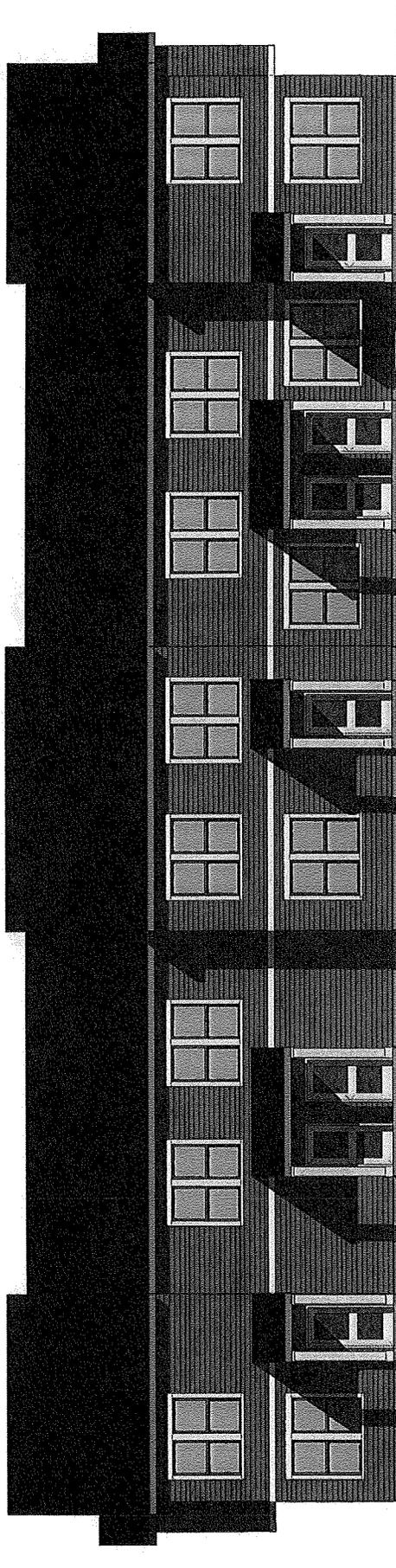


Modern Living Rentals
802.804.810 & 812 Dryden Road



JOHN SNYDER
ARCHITECTS

Blue Siding Elevations



Modern Living Rentals
802, 804, 810 & 812 Dryden Road



JOHN SNYDER
ARCHITECTS

LEED 2009 For Neighborhood Development

Project Checklist



5	2	20	Smart Location and Linkage	Possible Points	27
Y	1	9	Smart Location	Req	1
Y	2	6	Imperiled Species and Ecological Communities	Req	2
Y	3	3	Wetland and Water Body Conservation	Req	3
Y	4	1	Agricultural Land Conservation	Req	1
Y	5	1	Floodplain Avoidance	Req	1
Y	6	1	Preferred Locations	Req	1
Y	7	1	Brownfield Redevelopment	Req	1
Y	8	1	Locations with Reduced Automobile Dependence	Req	1
Y	9	1	Bicycle Network and Storage	Req	1
Y	10	1	Housing and Jobs Proximity	Req	1
Y	11	1	Steep Slope Protection	Req	1
Y	12	1	Site Design for Habitat or Wetland and Water Body Conservation	Req	1
Y	13	1	Restoration of Habitat or Wetlands and Water Bodies	Req	1
Y	14	1	Long-Term Conservation Management of Habitat or Wetlands and Water Bodies	Req	1
13 3 24 Neighborhood Pattern and Design				Possible Points	44

17	5	7	Green Infrastructure and Buildings	Possible Points	29
Y	1	1	Certified Green Building	Req	1
Y	2	1	Minimum Building Energy Efficiency	Req	1
Y	3	1	Minimum Building Water Efficiency	Req	1
Y	4	1	Construction Activity Pollution Prevention	Req	1
Y	5	1	Certified Green Buildings	Req	5
Y	6	2	Building Energy Efficiency	Req	2
Y	7	1	Building Water Efficiency	Req	1
Y	8	1	Water-Efficient Landscaping	Req	1
Y	9	1	Existing Building Use	Req	1
Y	10	1	Historic Resource Preservation and Adaptive Reuse	Req	1
Y	11	1	Minimized Site Disturbance in Design and Construction	Req	1
Y	12	4	Stormwater Management	Req	4
Y	13	1	Heat Island Reduction	Req	1
Y	14	1	Solar Orientation	Req	1
Y	15	3	On-Site Renewable Energy Sources	Req	3
Y	16	2	District Heating and Cooling	Req	2
Y	17	1	Infrastructure Energy Efficiency	Req	1
Y	18	2	Wastewater Management	Req	2
Y	19	1	Recycled Content in Infrastructure	Req	1
Y	20	1	Solid Waste Management Infrastructure	Req	1
Y	21	1	Light Pollution Reduction	Req	1
3 2 1 Innovation and Design Process				Possible Points	6

13	3	24	Neighborhood Pattern and Design	Possible Points	44
Y	1	9	Walkable Streets	Req	9
Y	2	4	Compact Development	Req	4
Y	3	4	Connected and Open Community	Req	4
Y	4	4	Walkable Streets	Req	4
Y	5	2	Compact Development	Req	2
Y	6	4	Mixed-Use Neighborhood Centers	Req	4
Y	7	2	Mixed-Income Diverse Communities	Req	2
Y	8	1	Reduced Parking Footprint	Req	1
Y	9	2	Street Network	Req	2
Y	10	1	Transit Facilities	Req	1
Y	11	1	Transportation Demand Management	Req	1
Y	12	1	Access to Civic and Public Spaces	Req	1
Y	13	1	Access to Recreation Facilities	Req	1
Y	14	1	Visibility and Universal Design	Req	1
Y	15	2	Community Outreach and Involvement	Req	2
Y	16	1	Local Food Production	Req	1
Y	17	2	Tree-Lined and Shaded Streets	Req	2
Y	18	1	Neighborhood Schools	Req	1
40 14 52 Total				Possible Points	110

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Certified 40 to 49 points Silver 50 to 59 points Gold 60 to 79 points Platinum 80 to 110

Sarah Marcham and Christopher Lowe
131 Upper Creek Rd.
Freeville, NY 13068
607-347-6633

July 27, 2017

Dear Dryden Town Board Members & Dryden Planning Board Members,

We would like to voice our support for the Distributed Sun solar projects proposed for the Town of Dryden. We are 29-year residents of Dryden. We raised our children here, invested in our property, and we both work in Dryden. Chris owns a cabinet-making business based in Freeville and Sarah teaches in the Dryden Central School district. We have invested in solar hot water and solar electric panels for our home in an effort to be responsible stewards of the land. Here are three reasons that we hope will convince you to give this project the go-ahead: one environmental, one economic, and one aesthetic.

Environmental For the health of the planet, America needs to be proactive in developing alternatives to carbon-based energy sources. Governments, scientists, and business leaders around the world are swiftly moving to tackle this issue. The United States, New York State, Tompkins County, and even Dryden cannot sit idly by and watch as others come up with solutions. We must accept that our energy future will include a balance of carbon-based fuels, wind, solar, water, and other sources that we probably cannot yet imagine. We hope our leaders will help residents see the advantages in being a forward-looking community that is willing to work with businesses to protect the environment.

Economic Dryden residents often complain that we have too few sources of revenue. It is our understanding that these projects will generate tax income. If this land is not usable for other purposes, why not put it to use for solar collection? This income will come without continual truck traffic, use of water resources, or pollution. We could welcome this business alternative to farming or manufacturing as a way to generate revenue.

Aesthetic We have heard that some find the solar arrays unappealing and even offensive to those at rest in our local cemetery. We don't see it that way. This will be a quiet place with little traffic. When we die, lay us down in a place that welcomed change and was not content to keep things as they are, that sought a solution to carbon-based fuels. We note that numerous self-storage businesses line our roadways, most of them highly visible. We have not heard that residents had much interest in the siting, landscaping, design, color choices, or visual appeal of these businesses. Yet these two solar projects seem to be activating public participation for other reasons. With reasonable allowances made by Distributed Sun to lower the visual impact, we hope that the project can be made acceptable to residents.

Thank you for considering our opinions regarding this project. We appreciate your service on behalf of the residents of Dryden and your willingness to hear our thoughts.

Sincerely,

Sarah Marcham and Christopher Lowe

Remarks to the Dryden Town Planning Board
July 27, 2017

My name is Claudia Wheatley. I live at 60 Hickory Circle in Ellis Hollow. ^{I'm here to} ~~talk~~ talk about ^{Solar, and progress.}

The first computer occupied about 1,800 square feet, or the size of my first house, and weighed almost 50 tons.

My parents' first TV was black and white, yay big, with a screen about this size.

America's skyline bristled with antennas ~~back~~ then. No matter how much we fiddled with them, the reception was usually poor.

The first electric calculator I saw was the size of a shoebox; it had to be plugged in, and cost 1600 of today's dollars.

And now I have this (iPhone), which does all of those jobs and more, holds libraries of books and songs, and fits in my pocket.

Progress like this is possible because innovators put out imperfect products and watched and listened as we used them. They fixed the problems, ^{and} They took advantage of new materials. The trend is always toward smaller, cheaper and more powerful.

Community solar is still in its childhood. I don't think it will be long before it is no longer necessary to use entire fields to power hundreds of homes. In the meantime, solar developers need to put the current technology to daily use, so they can find the weak spots and see opportunities for improvement.

For this reason, I urge the board to help move these projects forward. ^{There's real danger in} Further delay, ^{which} can only harden the bad feelings the issue creates between town residents.

Incidentally: Although I read from a script, the words came directly from my heart.

Thank you.

Testimony in Opposition to the Siting By Distributed Sun, LLC of a Commercial Solar Array on 2150 Dryden Road in the Town of Dryden in the County of Tompkins

I. The Need for a Cumulative Impact Study and a Generic Environmental Impact Statement for Rural Solar Commercial Arrays.

On January 25, 2016 the Public Service Staff (DPS) issued a White Paper on Clean Energy Standards for the purpose of converting clean energy targets to mandated requirements. The paper discusses clean energy goals for 2020, 2030, and 2050. A table on page 9 of the paper states that the plan calls for an increase of 75,000 GWh (75,000,000 megawatts) from renewable energy sources, primarily solar and wind, from 2015 to 2050.

Much of this is intended to be provided by commercial solar projects (misnamed as solar farms). However, the unsolved problem with solar is the lack of storage ability. **"Unlike water, electricity can't be stored in a bucket. While batteries are improving, most electricity is used the instant it is created."** *New York Times, Sunday February 12, 2017.*

If the applicant in this proceeding proposes 11 MW on 70 acres, and Governor Cuomo proposes to build-out 75,000,000 MW of renewables, New Yorkers would have to devote **477,272,727 acres** to industrial solar sites (10 times the total acreage of the entire state of New York). New York State has only **34,915,850 acres**, of which 4,000,000 +/- are in the Adirondack Park blue line. Therefore it is **completely impossible** produce 50 % of York State's electricity needs from in-state solar sources. These facts alone require an environmental impact statement for the adverse cumulative effects of siting industrial solar arrays in the Town of Dryden.

SEQRA, which also applies to Distributed Sun, LLC's (DSL) project, was enacted to prevent economic or other development without first considering their adverse environmental impacts. One of the most crucial aspects of SEQRA is that it recognizes that a 'small' project, when considered only in a single town, will appear to have an acceptable adverse environmental impact, but when aggregated with all the other potential 'small' projects around the town, county or state, will have an enormous and unacceptable environmental impact.

Because each and every solar project has some environmental impact, and because there will certainly be a great many of them (See governor Cuomo's goals above), these solar projects require an examination of their larger impact when they are considered as a whole (in other words, their cumulative impact). The preparation of a Generic Environmental Impact Statement

(GEIS) as provided in the SEQRA law is therefore essential. Without a GEIS, each town has the obligation to conduct an environmental review which will touch all the concerns of a GEIS, i.e. cumulative impacts. The governor's announced goals guarantee that there will be cumulative impacts.

A GEIS would allow for projects to progress smoothly and rapidly once the GEIS is completed. NYSDEC recently commented on another project: "DEC is undertaking a careful and thorough review of the necessary state permit applications as required by our protective regulatory programs." As with all complex proposals which have the potential to impact a large portion of the state, DEC works with State and Federal agencies and other stakeholders to fully understand the potential impacts and make sound decisions based on sound science. "DEC considers all public comments as part of our review process." These DEC principles also apply to town permits and local SEQRA reviews. Given the extensive potential impact to land that will occur as a result of DSL's solar project, it is essential that the town be proactive in examining the cumulative project impact of each individual project proposal, and to especially allow sufficient time for review and comments by the public and the residents. See the attached excerpt from Garret Hardins' *'Tragedy of the Commons'*. Exhibit A

The unique aspect of solar sites is that they require three phase electric service. By first **requiring developers to build on non-sequestration sites, un-forested sites and non-farmland sites**, and then building out the 3-phase lines, the environmental impacts can be substantially mitigated. For instance, solar development companies such as Cypress Creek Energy are estimated to have signed over 2,000 leases in New York State alone. At twenty acres each, the acreage to be covered could exceed 40,000 acres, much of which is believed to be prime farm land or mature forest with a high degree of carbon sequestration. With at least five other companies proposing leases of similar magnitude, the impacts could easily reach 100,000 acres.

Siting on the non-sequestration sites, the un-forested sites, and the non-farmland sites **must be the first priority**, and if any sites exist in a town or in a neighboring town, then the Town Board, **must under sound environmental mitigation and review principles, deny** any application on such farmland, sequestration sites, and woodland and forested sites.

The former landfill within several miles of the Dryden Road site is a perfect candidate for the industrial solar site, and it is available. The site has been brought to the attention of the town board and to the applicant but has been ignored by both. The existence of such a site and its availability is dispositive of this application proceeding. The application must be denied because there is a better site available with less environmental impacts.

Other unexamined environmental impacts are:

1. Woodland fragmentation,

2. loss of wildlife habitat in fields and forests,
3. decommissioning costs,
4. disposal costs,
5. bankruptcies of the companies who own the arrays,
6. loss of carbon sequestration,
7. storm water runoff, change in drainage patterns, loss of wetlands,
8. land restoration, including de-compaction
9. loss of scenic view resources,
10. loss of vital tourist industry, and
11. the potential for herbicide and pesticide run-off.

These are but a fragment of the unexamined environmental impacts. These alone should be more than enough to trigger a local and a cumulative environmental impact study of siting, use, and disposal.

The lack of economic viability of industrial solar arrays without government grants, tax credits, accelerated depreciation, SREC's, real property tax exemptions, regulatory mandates regarding solar capacity, and rate payer subsidized purchase agreements for power, calls out for a statewide moratorium until a detailed and broad public and scientific environmental review can be completed. Only a full and complete examination of the environmental impacts of such a massive solar build-out can disclose and address its material and adverse environmental impacts.

II. The False Premise of Local Solar

Looking in the Wrong Direction:

In a grand and surprising irony, human global warming advocates are population deniers. Every four days the world adds 1,000,000 people to the population. The biggest contributors to global warming are an expanding population's demand for resources, the clear cutting forests and jungle, and methane produced by rice patties in the third World. By shutting down Earth's sequestration engine and adding methane from rice paddies to feed Asia's massive population explosion, no amount of solar or wind in the USA will matter globally. The increasing size of the world's population will continue to demand more food and more land on which to grow it.

To illustrate the false premise of local solar aiding global warming reduction, one must first examine what the rest of the world is doing about the problem. Unfortunately, the Third World has begun to free-load off the United States of America, when one assesses global warming. The data speaks for itself. As reported in the New York Times, Sunday July 2, 2017, "China's energy companies will make up nearly half of the new coal fired generation expected to go online in the next decade. These corporations are building or planning to build more than 700 new coal plants at home and around the world, some in countries that today burn little or no coal." The NY Times continued: "Overall, 1,600 coal plants are planned or under construction in 62 countries." ... "The new plants would expand the world's coal fired power capacity by 43 percent..." **The fleet of new coal plants would make it virtually impossible to meet the goals set in the Paris climate accord...** "

The Chinese corporation, Shanghai Electric Group, has itself announced plans to build coal power plants in Egypt, Pakistan, and Iran with a total capacity of **6,285 MW**. Moreover, when added to the planned construction by all the companies building coal fired plants in Egypt, the Egyptians will go from zero coal fired plants to **17,000 MW** of coal fired plants. *NYTimes Sunday July 2, 2017*. To produce 17,000 MW of solar energy (but none at night, during the winter or in bad weather) would require 108,181 acres of land to wit: all the land in the Town of Dryden and about half of all the acreage in a neighboring town. But only when the sun shines and the weather is perfect. If solar were the sole producer of electricity we would have no lights at night and no electric heat in the winter.

Pakistan's capacity of coal fired power plants is expected to go from 190 MW to **15,300 MW**. Little Malawi is expected to go from zero coal fired power to **3,500 MW** of coal fired power. Marubeni Corporation in Japan is building **5,500 MW** in Myanmar, Vietnam, the Philippines, and Indonesia. The National Thermal Power Corporation of India plans to build **30,000 MW** of coal fired plants in India and Bangladesh. All the Chinese companies together are behind approximately **386,000 MW** of coal fired plants. The typical coal fired plant with a capacity of 500 MW burns about 1.4 million tons of coal per year. *NYTimes Sunday July 2, 2017*.

If one adds up all the coal fired power plant capacity which is planned, the annual total of coal burned will be about **1,298,038,000 tons of coal per year**. This is why no amount of solar development in the United States will help lower global warming. The Third World will reap the benefits of the USA going solar, but we will not have helped decrease global warming one iota. As the New York Times stated: "**The fleet of new coal plants would make it virtually impossible to meet the goals set in the Paris climate accord.**" *Sunday edition July 2, 2017*

So why is Dryden sacrificing its farm land, its scenic beauty, and its real property tax base for an industrial free-standing solar array on 70 acres? First World western civilization guilt is not a valid reason for ignoring the environmental impacts of 70 acres of industrial, investor owned, government subsidized, completely uneconomical free-standing solar construction.

A Review of Responsibility for Global Warming:

No study has been presented to determine the extent of the contribution to global warming caused by the population of the Town of Dryden, net of the town's sequestration rate. To understand the town's unusually pristine character, it is useful to compare the Town of Dryden with the City of New York. The population of the Town of Dryden in Tompkins County, New York State is 20,095 people, spread over an area of 60,288 acres (94.2 square miles). The Population Density of the Town of Dryden is therefore one person for every 3 acres. The population of the City of New York is 8,550,000 people, spread over an area of 300,096 acres (468.90 square miles). The Population Density of the City of New York is therefore one person for every .03 acres, including all the streets and avenues and parks.

A useful way of looking at population impact is to examine the difference (aka delta) between a local increase in carbon emissions due to population density and the reduction of carbon by way of natural carbon sequestration. No data on that difference has been presented in any portion of applicant's papers. If we examined that delta for the Town of Dryden and the City of New York we would find that NYC is enormously benefiting from the existing low emissions of the Town of Dryden.

In a very real sense, NYC residents are freeloaders when it comes to global warming. New York City derives its power as follows:

Wind 3%

Nuclear 31 % (about to be less with Indian Point closing down)

Natural Gas 44% (about to be more with Indian Point closing down and a planned new pipeline crossing the Hudson River).

Hydro 19%

Coal 1%

Solar < 1%

"The State has announced plans to close all the remaining (coal fired) plants or convert them to natural gas, which is currently cheap and plentiful." *New York Times Sunday February 12, 2017.*

New York City's population is so high and so dense and its land use so intense, that any efforts by New York City to reduce its human induced global warming imprint will be problematic. The population of the Town of Dryden is so small and so dispersed that any effort there to reduce New York's statewide carbon footprint will be negligible.

If one calculates merely the difference in population density without regard to the Town's enormous carbon sequestration rate, New York City's population is responsible for 100 times more global warming on a per capita basis, than the population of the Town of Dryden. In other words, New York City has a 10,000 % greater global warming input per person per square area than the Town of Dryden. This does not include the impact of the traffic originating out of the City of New York and driving into it every day. Nor does it include the impact of leaking refrigeration gas from air conditioners, both window and industrial, which has up to 2,000 times more global warming potential than carbon dioxide.

Indeed, large scale industrial solar projects in the Town of Dryden would only encourage New York City to argue that it can use the Town of Dryden's solar arrays and sequestration rates to reduce New York City's obligation to reduce its human induced global warming contribution - in essence free-loading again. In other words, like all matters of addiction, the Town of Dryden would be enabling the addictive global warming habits of New York City and the coal fired plants of the Third World, instead of stopping them.

The Town Board should look carefully at Exhibit H of this submission. It shows an air quality warning for every place in New York State except in the region in which Dryden is located. NYC has a health alert for Ozone. The area in which Dryden is located is noted as Green or Good, the highest and cleanest rating. Ozone is a product of fossil fuel consumption. Dryden does not have a global warming issue. NYC and the Metropolitan Area do.

Without a comprehensive study to determine the extent of the contribution to global warming caused by the population of the Town of Dryden, net of the town's sequestration rate, there can be no rational global warming argument for solar in the Town of Dryden. And as shown below there is no rational economic argument of it either.

III. The Artificial Economics of Commercial Solar

If solar power installation, operation and decommissioning could, on their own financial merits, be profitable without government subsidies, and if the rates at which consumers could purchase electric power were competitive with other sources of electric power, then there would be a sound argument for commercial solar arrays in the Town. However, it appears that the applicant is relying on a government grant for a large part of acquisition and installation costs of the array, as well as a real property tax reduction, as well as income tax credits and accelerated depreciation schedules, all of which are extraordinarily favorable to the applicant but do nothing to enhance the economics of the Town of Dryden. (There is not a shortage of electric power in the area nor is there a question of reliability of current electric supplies.) In fact, solar is inherently unreliable, in that it only functions on sunny days and only in daylight hours, and

hardly at all in the low angle rays of the winter, further complicated by snow fall. (See Exhibit F Cornell University's very own free standing solar array, incidentally built upon an old waste dump near an airport, not in the middle of a working farm) Electricity from base load suppliers will always be necessary.

There is even more free-loading occurring. The solar industry has not built the grid that it employs to deliver electricity to its users. It freely admits that a build-out of the infrastructure, without subsidies to pay for it, would make the industry unprofitable. Base load companies must, by New York law, accept the solar power coming into its grid, even when there is no demand for the additional power. As a consequence, the base load generators must reduce the amount of their own electricity going into the grid. Every time that happens, the base load providers lose money two ways: 1. The amount of electricity which they sell goes down, so less product is sold, yet the power plants must still be maintained and 2. The base load providers' grid is used by their competitors without adequate compensation for the cost of building and maintaining that grid.

There is also the matter of the alleged savings to customers from the solar power producer. For the sake of easy math let's presume that a typical new customer of the Commercial Solar array is offered a 10% savings on her electric rate for the first year, after that it fades out. Below are figures from an actual invoice from NYSEG for a four bedroom single family house which uses natural gas for heat, the dryer and the water heater (see the attached NYSEG invoice Exhibit B).

Total energy bill in the month of October:	\$150.27
Natural gas charges:	\$87.38
Electric Charges:	\$37.02
Miscellaneous charges	\$25.87

However, the electric supply charge was only \$11.89, 10% of which would be \$1.18. So the bill would only decrease by \$1.18 from the heavily subsidized and ideologically driven solar commercial array.

But there is another factor, the bill also shows a charge of \$1.24 to SBC. (That is the money sent to NYSEDA to give the applicant several million dollars in grant money. In other words, the base load producers are forced to collect money from their own customers to fund the solar arrays which will free-load off the base load infra-structure.)

When we subtract the \$1.18 savings from the \$1.24 SBC there is still a net loss to the customer of \$.06. In essence, this entire process only feeds money to the solar speculator/investor without helping the local customer at all. No one wins except the investors.

The commercial solar industry is therefore a regulatory bubble, filled with income tax credits, accelerated depreciation benefits, real property tax exemptions, grants, and free-loading grid privileges. As such, the entire solar industry is subject to the political winds of change in the State and Federal Government. If the benefits bubble bursts (and with the election of the new President Trump, it looks as if that it is probable), then the Town of Dryden will be left to foot the bill to clean up the mess.

IV. Requiring Developers to Build on Non-sequestration sites, Un-forested sites, Non-Scenic sites and Non-farmland sites

It is axiomatic and one of the most fundamental principles of environmental review that the permitting authority must require an examination of alternate sites for a project for which a permit is sought.

Solar is unique among energy production systems in that it is a zero sum game. Only so much solar energy falls on the planet on a given day. (See Exhibit F for a Cornell University winter production model) Depending upon the weather and the ground conditions, sunlight may be absorbed, may be reflected back into space or may be converted by photosynthesis or other chemical processes. If one traps solar rays with a solar panel, those rays are denied to plants for photosynthesis, soil for warmth, and the elements on the surface of the Earth which require sunlight for their normal daily chemical reactions (such as the breakdown of complex molecules in the atmosphere or soil).

As noted earlier, the people of Town of Dryden do not appear to generate a significant global warming impact by their activities, and no study has shown otherwise. In fact, depending on the amount of woodlands and electric vehicles, the town might actually be a net sequester of carbon. Therefore, the Town of Dryden does not need a commercial solar facility which will, for the next two generations of townsfolk, tie-up scarce, valuable, and productive farmland while at the same time despoiling a magnificent scenic asset of the community. If there are other areas in Tompkins County or Town of Dryden which do not impact the Town's precious farmland and the unique scenic value of the Dryden Road area, then under sound environmental principles and the requirements of SEQRA, such alternate sites must be preferred.

There is no evidence available to the public which shows that the applicant has performed a study of the scenic value of the site, either when viewed from the site itself or viewed from afar.

No one would dispute that the great beauty and intrinsic value of the Town of Dryden lies in its forests (great carbon sinks, see Tufts chart below), its pastoral farm land and farmscapes, and its calming and beautiful scenic views. Among those assets, it is well accepted that one of the town's most valuable assets, is the existence of farm lands and scenic views.

Gravel pits, old town dumps, abandoned plant sites, and brownfields, to name a few, are far more appropriate and environmentally sound for solar sites than the rare and scenic farmland of Dryden Road. Notably there appears to be no study or serious effort to identify such alternate sites. Therefore the environmental review in this proceeding is fatally flawed. Instead of a pro-forma and wholly inadequate environmental assessment form, the Town of Dryden must require a full and complete Environmental Impact Statement which examines not only all sites, but which also examines and considers the cumulative impact of commercial solar sites in the Town of Dryden and County of Tompkins. See Scenic view destruction in Exhibit D

V. Trout Stream, Forest Fragmentation, Open Field Habitat, and Runoff of Herbicides and Pesticides

The full environmental assessment form which has been delivered to the Town should identify a class C (T) trout stream. The stream is directly downhill from the proposed site. The stream is a few hundred feet from the bottom of the Project Site. No study has been made to determine the potential stream damage from runoff from the Project Site during construction, operation, and decommissioning. No study has been made of the impact on the stream in the event of damage to the array, the inverters, or other material on site. What will hold the soil and water after the applicant denudes the site? (See pictures of construction attached at Exhibit G, which is on flat land. Note that DSL's project is on **sloped** land.)

The environmental assessment form should also show that the Project Site is covered by some woodlands. The application contains no prohibition on clear cutting this valuable carbon sequestration asset. (see Tufts Exhibit C below for forest sequestration values) Moreover, forest habitat and the hardwood trees comprise an integral part of the scenic view, especially in the Autumn months were the leaves turn colors. "Leaf peeping" and the tourism which it brings, have never been examined in any study presented to the Town for this project. It goes without saying that the magnificence of the area's scenic views is at its most spectacular when the leaves turn. Such assets ought not to be lightly passed over as a small incremental loss. (read again Hardin's *Tragedy of the Commons*, attached below)

Open field habitat and primary succession habitat are well known to be a distinct and necessary habitat for a host of zoological and botanical species. The environmental and economic costs of the loss of valuable farmland and open field habitat has not been studied nor reported in any of the submissions available to the public.

Furthermore, the applicant has not identified the specific plastics, metals and semi-conductors which are incorporated in the solar project nor the frequency and composition of the herbicides and pesticides employed to prevent plant growth on the site, nor how runoff and contamination of downhill and downstream areas will be prevented.

VI. Ground Leases, Standing and Decommissioning

Standing and Ground Leases:

We believe that the applicant DSL claims to have a ground lease, but that its lease may have legal problems causing DSL to have no standing to bring the application. We believe that there is the distinct possibility that there is an earlier lease with a rival company which may create a substantial question of whether DSL has the right to even apply for the Special Permit or for the subdivision. **Until the question of the validity of the ground lease is resolved we believe that the Town Board should delay the consideration of the application.**

As currently presented by the applicant, commercial solar development presents a leasing practice usually reserved for malls, retail stores and large commercial retail outlets, to wit: ground leases. These leases are unusual for energy companies. The leases are traditionally for very long terms, 40 to 50 years. The buildings and the improvements are owned by the tenants not by the landowner. This can create a substantial liability to the landowner and a risk to the Town if the Tenant violates a building code, an environmental regulation, or fails to pay the taxes on the building.

The landowner remains liable for all matters for which a lien may attach to the land, even if it was not created or caused by the Landowner. For instance, code violations which go unrepaired can cause personal liability to the landowner. If the real property tax is not paid by the Tenant, as promised in the lease, the landowner will lose his or her land.

Decommissioning:

Decommissioning is a euphemism for "What do we do with the useless 30,000 solar panels when the lease expires, or when the company becomes insolvent, files for bankruptcy, or simply abandons the site?"

If the Solar Company (the Tenant) fails to remove the 30,000 panels when the lease expires, then the Landowner or the Town will be burdened with the cost of the removal and disposal. If the array is determined to contain hazardous material or is required to be disposed of at great cost, the landowner or town may be stuck with the expense.

With solar leases running from 20 to 40 years, none of the original landowners or tenants will still be in existence. No one will want to take the burden or the blame. It is not enough to say that the panels will be still productive in 20 or 40 years, because no one can be sure until the time passes. Even if the panels are productive, current science indicates that the panels will be substantially less productive due to natural deterioration of the panels. Additionally, if the landowner has no right to the "interconnect" to the grid (which is very valuable and may otherwise have expired) then it doesn't matter how much productive life remains in the panels, they cannot be used.

If the technology of solar panels advances at a rate anywhere near what computers have advanced, then the current panels will be totally obsolete sometime during the term. It is then that the successor to DSL is likely to walk away from the site, the taxes and its obligations, leaving the clean-up and disposal to the landowner and the town. If the scenic view is bad when the panels were functioning, it will be many times worse when it is abandoned.

The applicant has not provided proof of what method will be used to remove and dispose of all materials placed on the site, including de-compaction, surface and subsurface hydrology restoration, and the restoration of the site to fertile and productive farmland. There is no real way of protecting against bankruptcy. (See Exhibit E)

NYSERDA, which notoriously underestimates cost of restoration and repair of land after development, (partly because their job is to promote massive free standing industrial solar sites) has estimated that a 2 MW site will require at least \$60,200.00 in today's dollars for 'decommissioning'. For 11 MW that calculates to about **\$331,100.00** in today's dollars. NSERDA calculates that at a 2.5% inflation rate, the cost will rise to **\$543,950.00** within 20 years. If NYSERDA has under estimated the inflation rate the cost could be in the over **\$1,000,000.00 in 20 years**. Where is that money coming from and how will it be preserved **over two generations of Dryden residents**. And if the lease goes 30 or 40 years, **where will the millions of dollars come from for decommissioning?** The current board will be long dead when these chickens come home to roost.

These matters are insufficiently addressed in the application. A full and complete environmental impact statement ought to be prepared to resolve these significant environmental issues.

VII. Subdivision Plan and Applicant's Work-Around of SEQRA

The Applicant, DSL, has proposed a subdivision of the 70 acres into six separate parcels for the purpose of qualifying for grants from NYSERDA which can, in some cases, make a gift (not loan) of up to 50% of the cost of the purchase price of the panels and the costs of the installation. In this case, the figure will be many millions of dollars of free money to the investors. These subsidizing grants are funded from the SBC charges shown on our utility bills as illustrated above; and they comprise the \$200,000,000 to \$400,000,000 in annual revenue from the SBC charges (and are distributed at the sole direction of Governor Cuomo without the need for approval or oversight from the State Legislature). These particular grants are limited to projects where the project does not exceed a 2 MW capacity. The applicant's 70 acre project will have an 11 MW capacity, thereby otherwise disqualifying it from these more favorable grants. In addition, if the project has a capacity in excess of 10 MW it must comply with Article 10 of the Public Service Law, and a complete and comprehensive Environmental Impact Statement must be prepared.

The six subdivisions will each require six access roads into each site and individual fencing around each site. Such a plan forfeits any economy of scale otherwise inherent in a single 70 acre site, which would have 1/4 the fencing and 1/5 of the roads needed for the six subdivisions. The entire 70 acre project would be far less intrusive environmentally if the subdivision were not part of the plan. The subdivision is not justifiable from an engineering or land use perspective, but is an artificial construct designed solely to increase the amount of free money flowing into the pockets of the investors.

Moreover, the applicant is trying to play two laws against each other and neutralize both of them. For the purposes of SEQRA, the applicant wants six separate parcels so that each parcel can be considered as only a small environmental effect; it wants six separate parcels so that it can avoid the regulatory effect of an Article 10 proceeding; and it wants six separate parcels so that it can obtain millions more free dollars. Yet the applicant wants to be considered a single project for the purpose of the "interconnect to the grid", and thereby not apply for and pay for six interconnects. And the applicant wants the project to be considered a single 70 project so that it can claim that the project cannot be reduced in size to lessen the environmental impact and accommodate the needs of the Willow Glen Cemetery Association, to wit: abandoning the subdivision closest to the Cemetery to preserve the beauty and historic nature of the Cemetery (which contains many veterans of American wars). In other words, the applicant characterizes the project as a 70 acre 11 MW project or six separate 2 MW projects depending on which agency it is before.

This project and its subdivision proposal should therefore be denied.

VIII. Specific Impacts and Concerns for Willow Glen Cemetery Association

Willow Glen Cemetery

History: A community resource since 1816. It is believed that it was once also used as a burial site of Native Americans and pioneers coming to this area.

Beauty: Willow Glen Cemetery is referred to the best maintained cemetery in a wide geographic area. This causes families from Ithaca and Cortland as well as those from Dryden to use the cemetery. It is situated on a rise of land to purposely to take advantage of its a wonderful viewscape. It also acts as gateway greeting to people entering the east side of the Town of Dryden.

Value to the Community: The cemetery is one of the longest established institutions of the community. It is part of the identity of the community and represents the permanent resting place of many Dryden families. It shows a great variety of landscape features and many architectural designs in the monuments. People of all religious faiths are interred there.

Damage from the Solar Plan: If the solar installation is allowed in the form and size that is proposed, the cemetery viewscape to the east and north will be permanently disfigured. It will change from an agricultural landscape to a commercial/industrial glass view. Residents of Dryden who have previously selected this cemetery have expressed that if they had ever imagined that the view would change as proposed they might very well have considered a different resting place.

Traffic and Accident Risks: The south side of the cemetery grounds borders a very busy state highway (NYS Rte 13). Construction of the proposed solar project will cause a significantly altered traffic pattern which will increase the driving risk for people that travel the highway and for people that are entering and exiting the cemetery

Potential Loss of Clients: In this season alone, there have been families who have stated they were not going to decide on cemetery lots until this issue is settled. This indicates that if the historically peaceful view is changed they may very likely choose another cemetery. The cemetery expansion areas for the future are all in a northerly direction (overlooking the solar site) which will mean that as time progresses new lot purchasers will have to accept locations even closer to the proposed solar installations or decide on a different cemetery for their loved ones.

Other Impacts: The proposed solar installation is unlike any other landscape feature in the area and is not compatible with the existing scenic views. It is all harsh angles, metallic sheens, and severe urban landscape attributes.

Alternative Sites: Many other open land areas, including the former town landfill, are available for solar installation where there would not be sensitive neighbor or where only one or two neighbors would be impacted. As is, this proposal offends 2800 + lot owners and more that 7500 grave sites. The land area of the cemetery is currently one half developed. Therefore the future impact would be on more than 5600 lot owner and 15,000 graves.

Modification to the Current Site: If the proposal would eliminate the solar array designated as "5" in its entirety then the solar installation would not change the viewscape to the east and north and the impact on the cemetery would be mitigated. Also the need for fencing and a vegetative barrier would be reduced.

Conclusion

There are many reasons why the Town Board should reject the application of Distributed Sun, LLC, including all of the above points. The process is far from being complete and it is badly under-researched. On the basis of the above, we respectfully request that the Town Board reject the application of Distributed Sun, LLC as incomplete and requiring a full vetting of the environmental impacts of the project at this site.

Additionally, there is another reason to reject the application: the applicant posted new changes to the application and there has not been sufficient time for the public to have meaningful review of the data in order to render input at the hearing. It is necessary to give meaningful notice and meaningful time to review, to understand, and to digest the application and its exhibits. For fairness and to comply with the requirements of due process and notice for this hearing, we respectfully request that this hearing be adjourned to and continued to a date in September 2017.

Respectfully Submitted,



Willow Glen Cemetery Association

TABLE OF CONTENTS

OBJECT & PURPOSE

PETITION

DOT CONCERNS

OBJECTIONS TO "ACCESS STUDY"

ENGINEER'S REPORT

TRAFFIC IMAGES W/DESCRIPTIONS

J. LYON PHONE CONVERSATION W/ D. SPROUT

OBJECTIVE

For the town and/or county and/or state to perform a traffic intersection impact study and place a "trip counter" on Mineah Road and Kirk Road access points to NYS Route 13.

Also to be included in the review, a careful consideration of special circumstances:

- Mineah Road is a single-access road
- Inadequate sight distance from Mineah Road when accessing/crossing Rte 13 (See enclosed images)
- Further visibility limitations due to the rise and fall of Rte 13 at the Mineah Road access point
- The steep and straight slope of Mineah Road
- The older children who must wait at the intersection of Mineah Road and Rte 13 for the school bus
- The TCAT bus which stops routinely at the base of the road (concerns for both pedestrian traffic and further reduced visibility for both Mineah Road and Kirk Road on a fast-moving state highway)
- All-Mode vehicles exiting onto Rte 13 from the drive to the immediate right of Mineah Road, blocking view of oncoming traffic on Mineah Road and slowing left-turning traffic on Kirk Road
- The unaccounted for, additional vehicles using Mineah Road: elementary school bus, utility vehicles, recycling & trash pick-up, snowplow, Gad-a-Bout, and visitors

PURPOSE

- 1) To do a current, detailed study of the traffic flow within this intersection, taking into consideration the concerns listed, and determining the impact of the additional projected 40 to 80 vehicles added to the intersection due to the construction of the Pineridge Apartment Complex
- 2) To assure the residents and the driving public that the intersection has been approved safe by the town, county, and/or state

K = Kirk, Freeville
 M = Mineah

**Request for Mr. Wawak of Pineridge Cottages
 to Perform a Traffic Flow Study for Mineah Rd., Rt. 13 & Kirk Rd.**

We, the undersigned, request that the Dryden Town Planning Board require Mr. Ryszard Wawak to submit an additional traffic study to include the intersection of Mineah Road, Kirk Road, and NYS Route 13.

The original traffic study neglected to include the impact of Route 13 and Kirk Road. The *justification* for our request is that Mineah Road has a single egress onto Route 13, a road that has neither a stoplight nor a turn lane, which will have a significant impact on NYS Route 13 drivers and the residents/non-resident motorists who utilize Kirk Road. It is Mr. Wawak's responsibility to perform a study that his proposed apartment complex will neither be an undue hazard for the safety of the driving public nor the driving residents of Kirk Road and Mineah Road.

IN PROGRESS. - COPY

- | | |
|---|------------------------------|
| 1. Shirley Lyon ^{Stan} Shirley Lyon | 29 Mineah Rd Freeville |
| 2. Jolene Lyon Jolene Lyon | 29 Mineah Rd Freeville, NY |
| 3. Shirley Ah-Hai | 32. Mineah Rd Freeville, NY |
| 4. Gerald E. Lyon Gerald Lyon | 29 Mineah Rd. Freeville, NY. |
| 5. Myint M Aye | 32 Mineah Rd Freeville NY |
| 6. Lokhan Songput | 32 Mineah Rd Freeville NY |
| 7. Denise McGinnis | 28 Mineah Rd, Freeville, NY |
| 8. David L. Linnell | 25 Mineah Rd, Freeville, NY. |
| 9. Christina Linnell | 25 Mineah Rd. Freeville, NY |
| 10. Walter Shue | 23 Mineah Rd |
| 11. Patricia L. Kelleher | 23 Mineah Rd |
| 12. Michael Clements | 22 Mineah Rd |
| 13. Pat | 22 Mineah Rd. |
| 14. Andy | 21 Mineah Rd |
| 15. LIAANE REYNOLDS | 11 Mineah Rd APT 1E |

**Request for Mr. Wawak of Pineridge Cottages
to Perform a Traffic Flow Study for Mineah Rd., Rt. 13 & Kirk Rd.**

Sign	Print	
16	William W. Dase	11 Mineah rd Apt 1F
17	Paul Clal	11 Mineah Rd Apt 2G
18	Jason Bell Jason Bell	11 Mineah RD Apt 2H
19	Nicole Bell Nicole	11 mineah rd Apt 2H Freeville
20	Steve Johnson	11 mineah rd 3B Freeville.
21	Pauli Milk	11 Mineah Rd 2A Freeville
22	Kylie Eaton Kylie Eaton	11 Mineah RD 3A Freeville, NY
23	Suzanne McKewin	11 Mineah Rd 4E Freeville NY
24	Kevin M. Houx	11 Mineah Rd 4F Freeville NY
25	Jennifer Halpin	11 Mineah Rd 4G Freeville, NY
26	Work on Kirk	3361 GUNZEN DR. CORTELANDT, N.Y.
27	Walter A. Bolz	Bills Way, Freeville, NY
28	Jim Kommer	Kirk Rd
29	Dawn Harris	3 Bills way ⁽¹⁵⁰⁾ Freeville NY
30	Maureen Dodge Charlene Rodriguez	Kirk Road, Freeville
31	Brian L. Dennis	Kirk Rd Freeville,
32	DEAN A. BRUCE	KIRK RD FREEVILLE
33	Bruce Bruce	Kirk Rd Freeville
34	Sharon Owens	Kirk Rd Freeville
35	Kimberly Johnson	Kirk Rd.
36	Helen Brown	24 bills way, Freeville
37	Christy Elmer	19 ^{Kirk} Bills Way Freeville
38	KAREN H. SMITH	21 Bills Way, FREEVILLE, 13062

**Request for Mr. Wawak of Pineridge Cottages
to Perform a Traffic Flow Study for Mineah Rd., Rt. 13 & Kirk Rd.**

Sian Prink.

39. Wm. Stetson	Kirk Rd, E
40. Dawn Stetson	Kirk Rd
41. Harry Seamon H & S	Kirk Rd
42. Tishua Cron	Kirk Rd
43. Alvin Cron Alesia cron	Kirk Rd
44. Chuck Duff	Kirk Rd
45. Penney Cornelius	Kirk Rd
46. Abe maldonado	Kirk Rd
47. Nancy Leonard	Kirk Rd
48. Dylan Bennett	Kirk Rd
49. Mariah Brennan	Kirk Rd
50. Tyrone Beck	Kirk Rd
50. Lori Combs	Kirk Rd
51. Therese Marim	Kirk Rd
52. Wm. Cochran	Kirk Rd
53. P. Debring	Kirk Rd
54. H. Stehly	Kirk R.D.
55. Stan Tuller	Kirk Rd
56. Charles Eysleren	Kirk Rd
57. Sherry Eysleren	Kirk Rd
58. Roger J. Steve III	67 Kirk Rd
59. Roger J. Steve IV	67 Kirk Rd
60. Bill Pine (2 people)	107 Kirk Rd
61. Bill Pine (2 people)	107 Kirk Rd

Bill Pine

**Request for Mr. Wawak of Pineridge Cottages
to Perform a Traffic Flow Study for Mineah Rd., Rt. 13 & Kirk Rd.**

- | | |
|--|---|
| 02. Vincent Scrima <i>Vincent Scrima</i> | 11 Mineah road Apt 3C 10-15 min wait |
| 03. Benke Chamberlain | 79 Kirk Road Freeville NY 13068 |
| 04. <i>[Signature]</i> | 79 Kirk Rd Freeville NY 13068 |
| 05. <i>[Signature]</i> | 34 Mineah Rd Freeville |
| 06. <i>[Signature]</i> | 7 Knollwood Dr., Freeville |
| 07. Wendy Matsanz | 3 Kirk Rd, Freeville, NY 13068 |
| 08. Jonathan Matsanz | 3 Kirk Rd, Freeville, NY 13068 |
| 09. Alana Matsanz | 3 Kirk Rd Freeville NY 13068 |
| 10. <i>[Signature]</i> | 7 Kirk Rd Freeville NY 13068 |
| 11. K. Kim Cinger | 23 Phils way Freeville 13068 |
| 12. Christie Currell | 21 Phils way, Freeville, NY. Kirk Rd |
| 13. Crystal Bell | 15 Phils Way Freeville, NY 13068 |
| 14. Ben A | 11 Phils Way Freeville NY 13068 (K) |
| 15. Vanessa Bee | 11 Phils way Freeville NY 13068 (K) |
| 16. <i>[Signature]</i> | 9 Phils Way Freeville NY 13068 (K) |
| 17. Jennifer Tester | 9 Phils Way Freeville NY 13068 (K) |
| 18. Deborah Spry * | 7 Phils way Freeville NY 13068 |
| 19. Bless Shinglers | 7 phil's way / Kirk Rd Freeville NY 13068 |
| 20. Renee M. Tennant / Renee M. Tennant | 3 Phils Way (Kirk Rd) Freeville, NY 13068 |
| 21. Janina Brown | 75 Kirk Rd. Freeville NY 13068 |
| 22. <i>[Signature]</i> | 67 Kirk Rd Freeville NY |
| 23. Julie Laurico | 30 Mineah Rd Freeville NY 13068 |
| 24. <i>[Signature]</i> | 30 Mineah Rd Freeville NY 13068 |

From: Crowley, Kristina (DOT) [mailto:Kristina.Crowley@dot.ny.gov]
Sent: Wednesday, March 22, 2017 1:55 PM
To: Dave Sprout <david@dryden.ny.us>
Cc: Bush, Mark.B B (DOT) <Mark.B.Bush@dot.ny.gov>
Subject: RE: Mineah Rd (off Rt 13) housing project

Dave,

Thank you for the project information, plans are always helpful in understanding project scope. Your followup wording makes more sense – we'll still request a copy of the SWPPP for our own assurance, but they appear to have a robust Storm water management system.

I took a quick look through the Engineer's Report and do not see a Trip Gen associated with the proposed project. It appears that there will be 24 units with the anticipation of 40 residents; while that may significantly increase the traffic associate with Mineah Road (more than double it's current use), I assume that increase will not be a traffic and safety issue (although I see there is an "intersection ahead warning sign" on Route 13, from both directions, which leads me to believe there may be inadequate sight distance at this intersection).

To verify my assumption that there won't be a traffic and safety issue, we'll request a Trip Gen with the possibility of a Traffic Impact Study (TIS).

They do state they'll need to obtain a permit from us for their proposed culvert pipe for the "maintenance access trail"; I would consider that more of a field driveway and defer back to the Residency for their input on the feasibility and location.

I hope this info is helpful for your meeting tomorrow.

Thanks again,
Tina

From: Dave Sprout [mailto:david@dryden.ny.us]
Sent: Tuesday, March 21, 2017 5:43 PM
To: Crowley, Kristina (DOT)
Subject: RE: Mineah Rd (off Rt 13) housing project

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hi Tina,

I think my message was poorly worded, there won't be any increase to the ditch. The total existing drainage area is around 20 acres – currently draining to Rt 13. Project site runoff will be conveyed to a wet pond and a detention basin. Runoff from above the project site will be diverted around it.

I'll be sure to get you a copy of the SWPPP. The preliminary plan and a summary are attached. Stormwater control is discussed on page 4 of the engineer report.

I'm anticipating Planning Board approval for the project on April 27. That approval will be conditioned on an approved SWPPP. Do you have any concerns about increased traffic entering the highway or anything else? The

OBJECTIONS TO CURRENT ACCESS TRAFFIC STUDY

- To our knowledge, no "at location" trip meters were performed at the base of Mineah Road
- Confusion regarding the estimation of "trip ends," whether they were actual or taken from a chart
- Failure to perform an intersection study between Mineah Road, Rte 13, and Kirk Road.
- Inapplicable and confusing data from a comparison between Mineah Road and Ringwood Road: Mineah Road is a single-access road where Ringwood Road has multiple access points to various connecting roads; fails to take into consideration that of cross-road traffic onto Kirk Road (no road exists across from Ringwood Road); Ringwood Road has high visibility across flat land as well as a longer, flatter slope for a driver to prepare to stop.
- Fails to take into account the DOT's concerns regarding sight distance (a notable concern even after a "quick glance" at the information)
- Fails to take into account All-Mode exiting onto Rte 13 using alternate drive, blocking view of oncoming traffic from the right until the vehicle has exited
- Fails to take into special considerations as those listed in the OBJECTIVE

All the site and area above it (total area about 20 acres) drains to the Route 13 ditch. A diversion trench will be constructed to intercept run off from above the project site and bring it around the project. Drainage within the project will be directed through constructed road side and other swales, and culverts. Quality treatment (WQv) will be provided by bio-retention facilities with underdrains that will also provide run off reduction (RRv). The balance of the WQv will be provided in a wet (pocket) pond.

Quantity treatment will be provided in a dry detention basin with a controlled outlet to mimic pre-construction run off conditions. All the run off generated within the project site will be routed to the detention basin. The detention basin will discharge to the Route 13 ditch.

A permit from the NYS DOT may be sought to place a culvert across the Route 13 ditch to facilitate access to the detention basin for maintenance, and to extend rock lining to the bottom of the road ditch. There will be no access from Route 13 to the interior drive. The construction of the project is not dependent on the DOT permit.

TRAFFIC

According to the "Traffic Viewer" on the New York State Department of Transportation's website, the average daily traffic (ADT) in 2015 was:

Location	ADT
Route 13 east of NYS 366 (traffic flowing past Mineah Road)	13,680
Route 13 west of NYS 366	17,455
Etna Lane at Route 13 (west of Mineah Road)	267
Ringwood Road at Route 13	762

Mineah Road is a dead-end road approximately 0.5-mile long; all traffic enters and exits from NYS Route 13. There is one commercial building (which has access to both Rte 13 and Mineah Road) on the corner of Rte 13 and Mineah Road. All the other properties are residential, generating no commercial traffic. There are 10 one-family residences and 4 multi-family properties fronting on Mineah Road. The developed lots generally are 1 to 3 acres, with two parcels of 18 and 35 acres each having only one single-family residence. The multi-family properties have 2, 3, 12 and 27 units each. Vehicle trips (better called "trip ends" because a trip is counted each time a vehicle enters or leaves a site, so each round trip is counted as two trip ends) are estimated from a table provided by the Institute of Transportation Engineers (ITE) publication "Trip Generation, 7th Edition" (ITE, 2003).

Source of trip	Est. Trips per day per unit	Existing Units	Est. Existing Trips	Units incl. Pineridge Cottages	Est. Trips incl. PC
Single family housing	9.57	10	96	10	96
Apartment, low-rise	6.59	44	290	68	448
Total	NA	54	386	78	544
Per cent increase	NA	NA	NA	44	41

The estimated trips per unit is high in the engineer's opinion because the calculations result in the current number of trips being nearly 60% of those counted at Ringwood Road, which does not seem realistic. However, the percentage increase is reasonable.

Entrance to Route 13 is controlled by a stop sign so there is already a wait to enter Route 13 at certain times of the day; the wait may increase somewhat with the development of Pineridge Cottages. However, the number of vehicles entering/leaving Mineah Road will remain far below the current number of trips at Ringwood Road.

PUBLIC TRANSPORTATION

TCAT bus route 43 runs from downtown Ithaca via the Cornell campus, Route 13 and TC3 to the Village of Groton. There is a regular stop, but no shelter, at the intersection of Mineah Road and Route 13. Bus route 43 runs weekdays from about 6:30 AM to 9 PM. The weekend bus route 75 runs three times on Saturdays and Sunday between the Shops at Ithaca Mall and TC3, via the Cornell Campus and Route 13.

The bus stop is 850' from the upper entrance to Pineridge Cottages.

SEQR

The project is an Unlisted Action. Either each agency with approval authority, unless a Lead Agency is established, must determine the environmental significance of the project. A Full Environmental Assessment Form (F-EAF) has been prepared. Approval agencies include the Town of Dryden, the Tompkins County Health Department, and the NYS DEC.

A search of the NYS DEC database resulted in no indications of past waste disposal sites or spills of hazardous materials on or near this property.

Attached:

- Aerial view of property to be developed from Tompkins County GIS
- Photos of existing conditions.
- Engineering Plans

TRAFFIC IMAGES
FROM
KIRK ROAD & MINEAH ROAD

KIRK 1

Visual from Kirk Road toward Dryden. Please note the proximity of the TCAT bus stop indicated by black arrow.

KIRK 2

Notice vehicle at white safety stop. From the point the driver can identify the windshield of an oncoming vehicle, to the point of the bus stop sign, is mere seconds. Using a stop watch, seven vehicles were timed: 7.3 , 6.3 , 6.4, 7.3, 5.6, 6.7, 6.4 seconds.

Notice the unknown driver illegally using the edge of the road to safely make a turn. This is common practice on both sides of Rte 13 to avoid high-speed, rear impacts.

FYI: the Department of Motor Vehicles states that driving at 55 miles per hour, with good breaks on dry pavement, it takes a vehicle 216 feet to stop.

MINEAH 1

Vehicle is at white intersection line, view from driver's seat.

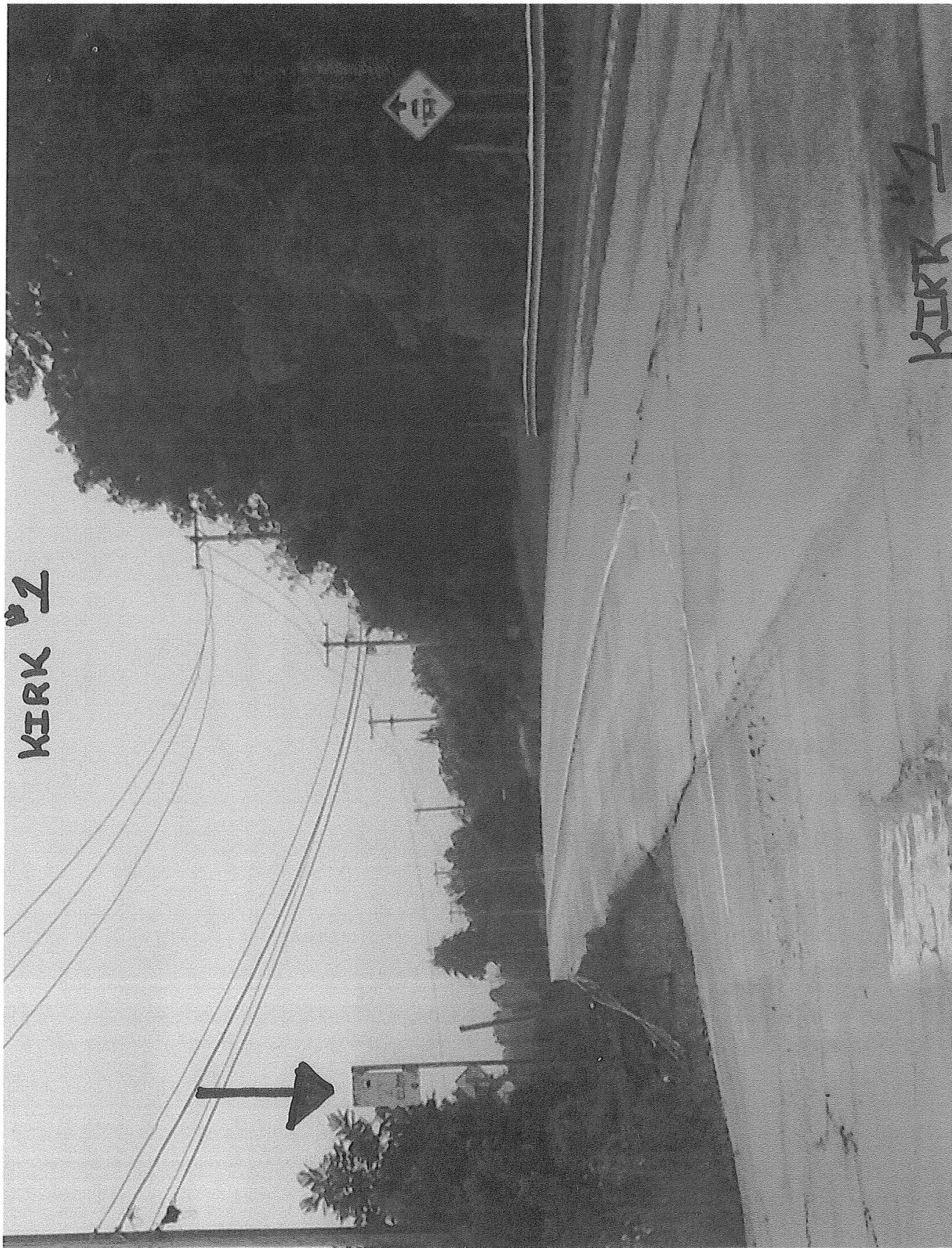
MINEAH 2

Driver proceeds into the intersection. Note the black downward arrow identifying area in which oncoming driver can first be seen.

MINEAH 3

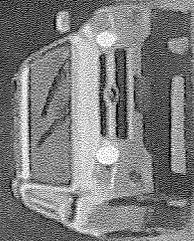
From between the two points marked #2 and #1, from the first point a vehicle could be seen to the time it reached the bus stop, were also mere seconds. The following times were observed: 8.2 , 6.3 , 6.9 , 7.6 , 5.9 , 8.2 , 5.8 , 7.2 , 5.7 , and 6.6 seconds.

KIRK #1

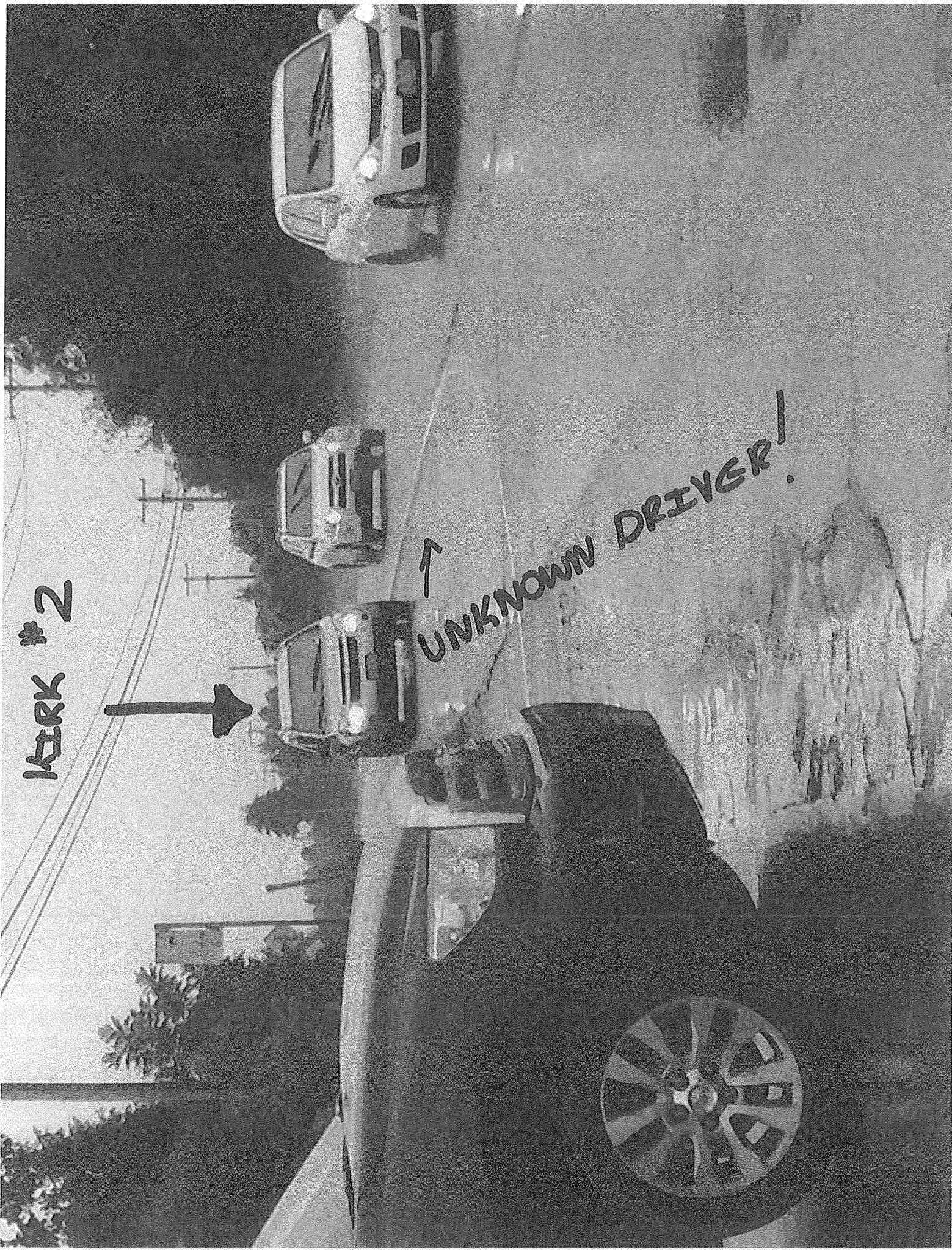


KIRK #1

MARK #2



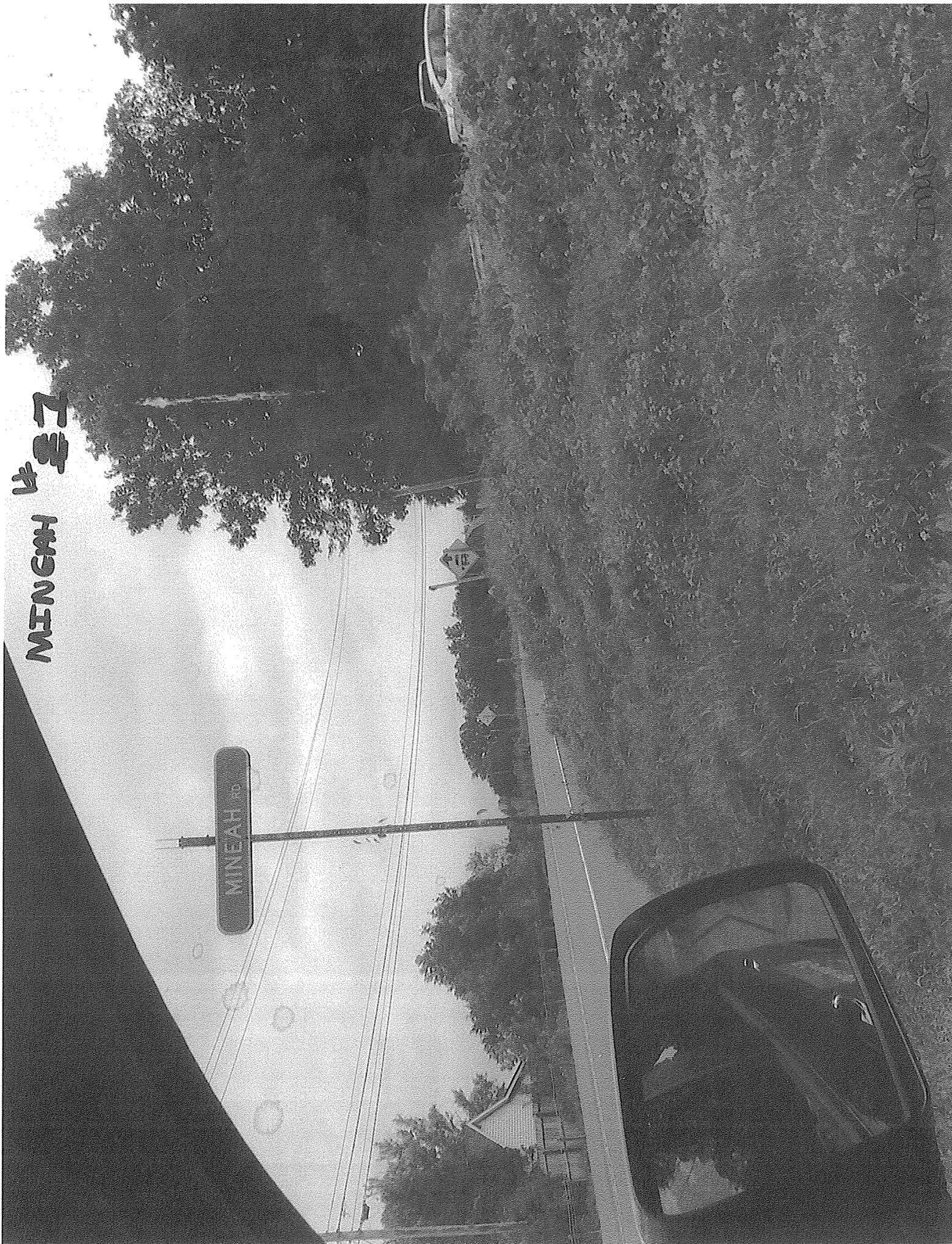
UNKNOWN DRIVER!



MINCAH 7307 HANINEM

MINCAH 7307

7307



MINEAH #2

MINEAH RD

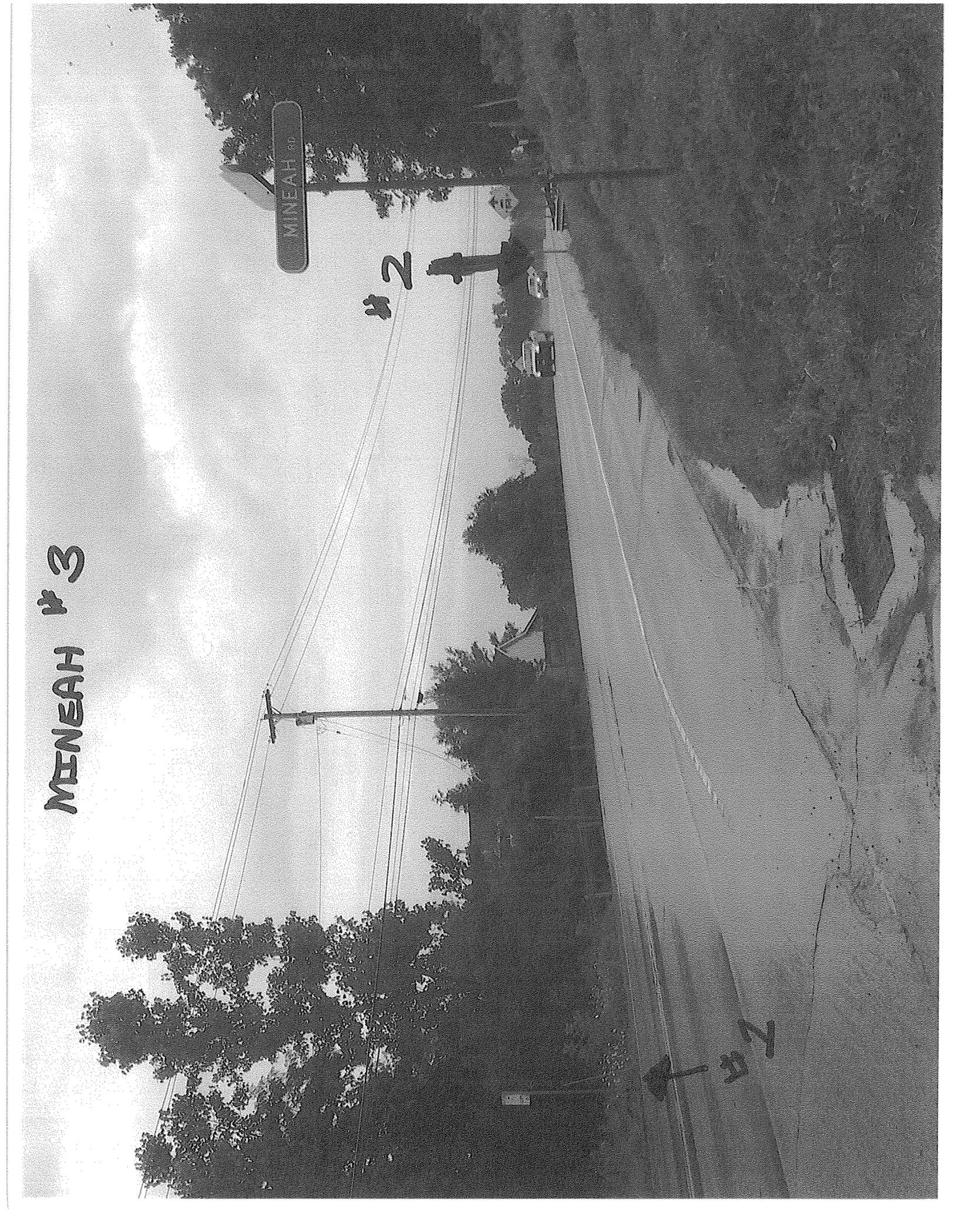


MINEAH #3

MINEAH #3

#2

#2



ADDITIONAL NOTES

The images that were taken at the intersection of Mineah Road, Rte 13, and Kirk Road were taken from an SUV. If the images had been taken in a standard car, the images would be approximately 5 to 7 inches lower, significantly reducing visibility and reaction time.

Note: This study was not able to include the student population which is absent in the summer months. During the 8 to 9 months they reside in the Township of Dryden and surrounding areas, traffic will no doubt be significantly higher.