

**Dryden Planning Board
August 2, 2017
Meeting held at the Dryden DPW building**

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

Excused: John Kiefer, excused

Town Hall Staff: Ray Burger, Planning Director

Liaison Present: Deborah Cipolla-Dennis, Town Board

The meeting was called to order at 6:04pm

M. Moseley appointed Hilary Lambert to serve as a full member.

Public Comment:

Limited to two minutes.

Jim Shippy - 11 Dodge Road

The things he has to say are the same things he has had to say since the beginning. Dodge Road is not zoned properly for this project. For me, that is where things fall. I am sure that Sun8 is delighted that everyone is talking about vegetative screening and how tall the trees and plants are but at the end of the day rules are rules. If this was any other venture, it is not zoned properly for Dodge Road. If this is being done because of the money it is bringing to the Town, remember that Dodge Road is in the Ithaca City School District. The Town of Dryden is not going to see any money from the school taxes this will generate. When you give an exception to the rules, there are some basic guidelines, I don't know the rules 100%, but there are certain tests a waiver request needs to meet. It is not supposed to have a disproportionate impact on the residents around it, which it does. It doesn't even meet the current zoning and it is not going to profit the town as much as everyone thinks it is going to. I would rather get back to the conversation about how it simply isn't supposed to be there and talk a lot less about how tall the trees are going to be. If this thing goes forward, I want everyone to keep in mind that the current plan is to clear cut a 30 acre section of woods with no restorative process, they are going to leave stumps and there isn't screening for those stumps. This thing is a mess. I would like to see it not go forward.

Daren Miller - 74 Dodge road

I have spoke at all things and I think you know where I stand. At the last board meeting, I submitted an alternate plan based on the input from people in the neighborhood for the Ellis Tract. I don't know if that got to you or not, I handed it to Jason. I would like that at least looked at and considered.

Leslie Appel - 78 Dodge road

I am not going to repeat everything I have already expressed; I have been to this board and the Dryden Town Board. The biggest problem for me, and I know I can speak for my direct neighbors, is the large commercial scale of the project in our rural residential agricultural area. I just got this (holding a flyer) in the mail from NYSEG and it is talking about residential solar as well as community shared solar farms from NYSEG trying to recruit people. What I've been frustrated with is it seems like this is being presented as the absolute only option to house this number of solar panels and

this amount of solar, but I can't believe that is really the truth when I get something like this in the mail recruiting me for other solar farms in the area. I very much want solar but cannot get behind the large scale commercial in a residential area.

Brad Perkins

I am in agreement with the other speakers. These things are wonderful in the right place, but it has been pushed upon us to have them in the wrong place. We have a board member here who wants to keep his neighborhood the same by keeping a single lane bridge, that is important in his neighborhood to do that. I think it should be as important when we consider the cemetery that we want to maintain the same neighborhood the cemetery is in. You put up vegetative screening but the closer you get to the screening, the less of your view you see until you get up to the screening and all you have is the vertical view and nothing to the horizon. I think the Board is doing this under pressure. I think it is ill that the solar law was "given to you" by Sun8 so that they could comply and they could push this on and forward. I also want to say the cemetery issued a proposal to the Town Board, the Planning Board and Sun8 to reduce the size at 2150. No response has been heard from a Planning Board member, a Town Board member or Sun8.

Janice Graham - 1150 Ellis Hollow Road
Janis Graham
1150 Ellis Hollow Road

I want to address two issues.

1) On the site drawings, there is no vegetative screening in front of Array S1 on Dodge Road. Neither is there any existing barrier of any consequence —just some very low brush and a few low shrubs.

Array SI, along with the northern third of array S2, are the ones closest to the road, 65 feet.

So, right now, as the plan stands, at the northern end of Dodge, there will be a field of unscreened solar arrays on the east side of the road, opposite fields of chain-sawed tree stumps on the west.

Which brings me to the other issue:

2) Saving the forest on the west side of Dodge Road is a top priority for the residents. Its survival would mean at least some of the rural character and beauty of our neighborhood would remain. Although it has been disparagingly characterized as a monoculture of spruce, there are actually a lot of hardwoods in the stand, which measures 1033 feet by 128 feet -roughly the size of 3 football fields.

The ideal solution would be to push Array SI and the northern third of S2 further away from Dodge Road — an additional 35 feet would do the trick and make the entire footprint more consistent. This would eliminate the issue of shade on the arrays and make null and void the rationale for cutting down the forest. I wouldn't underestimate how much this change would win the hearts and minds of those of us who live on Dodge and our friends and neighbors who flock to the road for daily recreation.

There's another solution too, although less ideal: Leave the arrays where they are but don't cut down any trees on the west side of Dodge. I simply can't believe that exposing the arrays to an hour of shade at the

end of the day could be an economic deal breaker. I find it hard to fathom that Sun8's Board and investors would have moved forward so aggressively with this plan if something like an hour of shade on a relatively small portion of arrays was the financial tipping point.

In closing, I would just add that according to the Town of Dryden's "Commercial Development Design Guidelines", a design should "Respect and complement the town's unique and largely rural character" and "Existing mature trees should be maintained".

Thank you.

Pat Dubin - 2002 Ellis Hollow Road, Caroline

I want to read a short statement that Ellen Schmidt, 8 Genung Circle, wanted to present last week but unfortunately time did not permit. "My understanding is that both solar sites have undergone thorough scrutiny and research as well as modifications to meet residents' concerns. I would like to urge the Planning Board to move forward to protect the future of our Dryden children and grandchildren. I urge you to support Dryden solar." As for my own comment, I was at the Town Board meeting on July 20th and heard the full Environmental Assessment Form plus the attachment A discussed. I also had a chance to read the rules that the Planning Board has to look at: the solar law, the zoning law, site plan review and subdivision law. It looks like between the full EAF and the other extensive large binders of documents that cover so many different issues, everything that is really needed is for this Planning Board to complete the work you have to do on the site plan review and subdivision in a timely fashion. I am hoping you will do everything you need to do concurrently and, to the extent that you can, expedite this schedule. You will do it because this process (I can see from reading the state law and other towns locally) the Dryden Site Plan Review is a much longer process than anybody else. To the extent you can get through this as quickly as possible, I urge you to do it and approve the project.

Joe Osmeloski - 2180 Dryden Road

I have addressed this Board before about the laws. We have laws in Dryden. I am urging this board to follow the laws. My wife and I went through this the cell tower. The cell tower law says the tower should be 140 feet. We have a 170 foot cell tower which means someone said, ah, we are not going to go by the law, we are going to waive that law. We are going to give a waiver and make it 170 feet instead of 140 feet. Then we looked at the collapse zone. The collapse zone falls outside the property that Verizon has leased, 100 x 100. The collapse zone falls 95 feet outside of that zone. That is illegal. I am urging you, go by the laws.

I am looking at site plan for 2150 Dryden Road and I see plots that are right up against each other. There is a 50 foot setback, every plot has to be 50 feet. Apply the laws. If the law says a 50 foot setback, then make it a 50 foot setback. Don't say we will give a waiver to this. I don't see any access to array #5. How are you going to get emergency vehicles to array #5? There is a stream. You can't cross a stream with a fire truck. There is a law that says if there is no access to that plot, it is illegal. Apply the law. If you apply the law, then if someone threatens to sue so be it, you applied the law. But if you don't apply the law, if you do like you did with the cell tower, then you open yourselves up to a lawsuit. So if Bharath (Srinivasan) says no, we can't do a 50 foot setback here because we need this room for solar panels, too bad because the law

says a 50 foot setback. Really, when you go through this whole process, apply all the laws. Don't give any waivers because you will open yourselves up to a lawsuit.

Sarah Osmeloski - through this whole process I have talked about a variety of different subjects. The people in Ellis Hollow, and Joe (Osmeloski) and I and Brad (Perkins) at 2150 have complained about getting the size reduced and the only thing this company has offered is screening - they will cut down all the trees but they will put up screening. These screens are not going to be big enough for 10-15 years. Some of us are not going to be alive in 10-15 years. These arrays are too close to our properties. They need to be moved back. I have no problem with putting these solar facilities in but please, don't crowd us out. We don't want to be crowded out but that is exactly what is going to happen. We are going to have to move because we are getting crowded out. The screens are not going to be effective enough. It needs to be reduced in size. The other thing, please apply the laws. These vegetative screenings on industrial facility have to be at least 30 feet wide. Thank you.

Robert Bland - Associate Vice President of Energy and Sustainability for Cornell University

I am here to support Sun8 in their Ellis Tract applications. Cornell owns the three parcels on Ellis Tract. We have entered into an agreement to lease the property to Distributed Sun/Sun8 if they are successful. We have developed five 2mw solar farms with Distributed Sun very successfully. We have been very happy that Bharath (Srinivasan) that he has been available to the people, neighbors, the Planning Board and the Town Board. He has been available, giving out his cell phone number, prepared a thousand pages of documentation, prepared a lot of mitigations over the many months. I am glad he has hung around. Entered into the Environmental Impact Statement (EIS), the Environmental Assessment Form was a letter from Kathryn Boor, Dean of CALS (College of Agriculture and Life Sciences) at Cornell University which explains why those fields were chosen and their research value relative to other fields. I encourage you to refer to that. I am here to support Sun8 and to answer any questions that you would like either now or later.

Jonathan Comstock -

I was one of the leaders of Solar Tompkins during the Solarize programs. We put in 450 roof top solar array which added to about 1 mw, which we were immensely proud of. However, it is not enough. Rooftop solar cannot power our cars or allow us to transition to electric heating with heat pumps. There are so many things that we need to do that this kind of infrastructure is something we have to live with. We have to reconcile ourselves to, even if it is a change. They are far more removable if at some future date we want to take them out. There is not a massive amount of concrete in the ground. They are going to be open space. There is other life that can occupy that area. The reasons for building the projects are compelling and I hope you will look carefully at the application and approve the subdivision.

Linda Parks - 1115 West Dryden Road

I have two solar systems. I wanted to comment that I am in full support of this project; I believe the developer has fully met the criteria for the site plan approval. I believe it is in our best interests today and for the future generations. We need to move forward and we all have to make some tough choices and compromises. I think/know the

developer has made many modifications, they spent a lot of time on this project and I hope the Planning Board will move forward with this in a smooth manner.

Sarah Zemanick -

I am the Director of Sustainability at Cornell. I would also like to speak in support of these projects, in particular the Ellis Tract project. Part of my job is to implement Cornell's Climate Action Plan in our goal of achieving carbon neutrality by 2035. I am also involved in the Tompkins County Climate Protection Initiative. As such I am very much aware of urgent need to act as quickly as possible and at a scale that we have not really yet addressed, to be able to make a difference in mitigating the adverse impact of climate change, not only for Cornell and its goals but for the community and the County as well. As some have commented the siting process was done carefully and thoroughly given the ability to interconnect and considering our priorities and needs for our open spaces. The developer has done a great job of optimizing sites and providing mitigations to address concerns. I hope that you will find their application complete and thorough and has met all of the requirements. I hope you approve this project and help us move forward as soon as possible

A resident from Ithaca -

I live in Ithaca but I support community solar. I walk around Eco-Village, I see their solar panels and I traverse the Snyder Hill solar farm. I am in awe of solar panels and energy and I would welcome them in my backyard but I don't live in Dryden. Go solar.

Jim Skaley - 940 Dryden Road

We cannot use solar panels on our property with the shading and roof. This is the kind of project we would want to subscribe to. While I am very sympathetic to viewscales, unfortunately there is no legal basis where viewscales are protected or come into consideration as a legal framework. If that is in fact correct, it seems to me the kind of mitigation I have heard on both sites would be adequate in terms of approving the site plan.

Review the site plans for two large-scale solar energy systems. One of these Community Solar power projects is located at 2150 Dryden Road and involves construction of 10 MegaWatts of solar collectors on tax parcel # 38.-1-3.1. The second project is located along Turkey Hill and Dodge Roads and involves construction of 18 MegaWatts of solar collectors on tax parcels #56.-5-31, 57.-1-6, 57.-1-7.1, 67.-1-3, 67.-1-4, and 67.-1-7.2. The purpose of this review is to forward recommendations to the Town Board –applicant SUN8 PDC LLC

The Board was provided with a Site Plan Review checklist per zoning Law §1312 for both the 2150 Dryden road project and the Ellis Tract project.

D. Cipolla-Dennis - Marty, are the documents that you guys are looking at, are those available to the public?

M. Moseley deferred the question to Ray (Burger).

R. Burger - They are not posted yet. They will be before the Town Board Meeting.

Deborah Cipolla-Dennis - OK. In the future, it would be helpful to have those posted ahead of time so that people can follow along. I understand...

R. Burger - It's basically the checklists excerpted out of the law, so the Solar Law had 18 factors to look at; the site plan review had 29 factors to look at. I was usurping that.

Brad Perkins asked that the preceding conversation be typed verbatim into the minutes.

J. Wilson and M. Hatch read the site plan review checklist and answers as found in solar law section §1312. The developer, Bharath Srinivasan, was asked to hold his responses until the Board finished the checklist.

In reference to the checklists, discussion of checklist items is in italics, comments in Bold are the Planning Department's determination which was made prior to the meeting.

2150 Dryden Road project:

F. 4. c. Site plan in accordance with the requirements of Article XI and this section including, without limitation:

- i. Name, address and phone number of the person preparing the reports. **Complies, February application.**
- ii. Postal address and Tax Map parcel number of the property. **Complies, February application.**
- iii. Zoning district in which the property is situated. **RA and CO districts, Drawing C- 107.**
- iv. The exact location including geographic coordinates of the proposed Ground-Mounted Large-Scale Solar Energy System including any solar arrays, equipment and anchors, if applicable. **Complies, Drawing C-102 and V-2.**
- v. Identification on site plans of areas of potential environmental sensitivity, including onsite or nearby Unique Natural Areas, slopes greater than 15%, flood plains, historic sites, airports, other government lands, conservation easements, trails, parkland, prime soils, and wetlands as identified by Tompkins County Planning Department mapping services, the New York State Department of Environmental Conservation, or the United States Army Corps of Engineers. **Complies, Drawings C-101,102,106.**
- vi. The maximum height of the proposed Solar Energy System, including all appurtenances. **Complies, 8 feet, Visual Impact Statement and FEA/D.I.g.**
- vii. A detail of solar collector type including but not limited to equipment specification sheets for all photovoltaic panels and collectors, significant components, mounting systems, and inverters that are to be installed; and proposed solar energy production capacity design level proposed for the Solar Energy System and the basis for the calculations of the area of the Solar Energy System's capacity. **Partially complies, Drawing C-108, Visual Impact Statement and FEA; require spec sheets.**

Manufacturer spec sheets are required per the Dryden Solar Law.

D. Weinstein pointed out that the application says that they will comply with all approved vendors with the published criteria from NYSEG and that they will meet all applicable standards of the Institute of Electronics Engineers. They have not decided what panel they are going to use so they don't know the specs. All we are concerned about is "are they going to comply" so I don't know why we are asking for spec sheets, the law simply says specifications.

R. Burger suggested that the spec sheets be one of the conditions on the SUP.

- viii. The location, type and intensity of any lighting on the site. **No lighting on plan, confirm intent to install work light at each inverter pad.**
The Board verified that the only lighting will be at each inverter pad.
- ix. Property boundaries and names of all adjacent landowners; **Complies, Drawing C-102.**
- x. If the real property for the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted. A document must be submitted that clearly delineates the party responsible for decommissioning at the end of the life of the system and in the event the owner of the system abandons the system for any reason. Examples of such a document are a Lease, Memorandum of Lease or Letter of Agreement.
Partially complies, Lease with landowner provided; require decommissioning document review by town attorney for legal sufficiency.
R. Burger explained that it is not a very robust decommissioning plan; there are a lot of details to be filled in with contractual arrangements. More information will be forthcoming through the process.
J. Wilson verified that the law only requires the identification of who is responsible for decommissioning and who will be responsible if the developer abandons the project. It doesn't require an actual plan for the decommissioning. To protect the Town, the Planning Department is asking for more details and a review by the attorney.
- xi. The location of all other structures on the property. **Complies, C-101.**
- xii. The system shall be designed to accommodate emergency vehicle access. The design may include, but not be limited to, items such as the height, access ways for vehicles, firefighting capabilities, and other prominent features. **Partially complies, require some access control system such as KNOX box and require fire apparatus turnaround at Lot 2 buildings.**

R. Burger expanded on this requirement. There is a specific exemption the NYS Fire Code for solar facilities. Ladder truck access to all of the arrays is not necessary. It is a judgment of the code officers to determine what is practical. In discussion with the code officers, these two requirements are legitimate for the property. From the very beginning the concern was access which can be provided with a KNOX box (a KNOX box has keys in it that permit the fire department to access other locked areas). There are two buildings on the site so in the process of putting in a driveway, it is a good opportunity to put a turn around there.

- xiii. Blueprints and a site plan showing the layout of the Ground-Mounted Large- Scale Solar Energy System, which must bear the seal of a design professional licensed to practice in New York State. **Complies, Drawing C-102.**
- xiv. Description of continuing Solar Energy System maintenance and property upkeep, such as mowing and trimming. **Complies, Visual Impact Statement proposes grazing for vegetation maintenance.**
- xv. The location, nature and extent of any proposed fencing, landscaping and screening. **Complies, Drawing C-102 and Visual Impact Statement.**
- xvi. The location and nature of any proposed utility easements and access roads or drives. **Complies, Drawing C-102.**
- xvii. A glare assessment survey and any mitigation efforts that may be utilized to minimize glare on contiguous parcels of land. **Complies, Visual Impact Statement.**
- xviii. A Decommissioning plan as set forth in the below provisions titled “Abandonment and Decommissioning”. **Partially complies, February application, require formalization in document deemed sufficient by town board and town attorney.**

Bharath Srinivasan:

- The equipment specifications and data sheet, overriding any requirement is the NYSEDA list of approved vendors that can provide the solar products and we have to stick with that list. The inverters that go on the array have to be approved by the PSC, they keep a running list of the equipment that can be installed in NY. NYSEG has the ultimate say in what equipment can be installed and connected to the grid. The fundamental part of the National Electric Code requires us to install in accordance with UL 1741 for inverters and 1703 for panels. Besides offering to comply with all of those, we can't stipulate which panels we will use, it will depend on availability. Generically, we provided a data sheet that show essentially what they will look like.

Dimensions and characteristics were described in the EAF but beyond that it is not possible for us to know what equipment we will use yet.

J. Wilson suggested the Board not require spec sheets. There are many competent oversight agencies that are going to control what you chose.

C. Anderson recommended it be a condition to approval.

M. Moseley recommended that prior to Building Permit being issued, all of the items should be given to the code enforcement office to ensure all of the UL listings are appropriate.

B. Srinivasan stated that there is no lighting at the inverter pads; there will be outlets that can be plugged into if there is an emergency.

M. Moseley verified that during the construction phase there will not be additional lights.

B. Srinivasan stated that the trailer will have lights for working in low light conditions but there won't be any mobilized work lights. They will generally try to do the work during the day light hours.

D. Weinstein recommended a limit on when night activity might happen.

B. Srinivasan responded that the only time they will go beyond the 6AM to 6PM window will be when there is a third party is at the site, for example if NYSEG or the DOT wanted to be on the premises.

The decommissioning review is a draft plan for the same reason that they cannot give the specs for the panels. Until the building permit and construction, we can't say what we are decommissioning. What they are willing to say tonight is that they will be responsible for taking everything away. The exact details that need to be filled in will only be available when the plan is set for construction. They are willing to provide the final plan before the building permit is issued.

M. Moseley pointed out in the Solar Law, subsection J:

“At the time of submittal of the application for a Special Use Permit for a Ground-Mounted Large-Scale Solar Energy System, the Solar Energy Applicant shall **submit and agree to** the performance of a decommissioning plan” (emphasis added). M. Moseley's concern is the law says the applicant has to “agree to” the plan.

B. Srinivasan reiterated his reasons why the plan cannot be final but indicated that they are willing to agree to what has already been proposed and will provide a final plan before the building permit.

M. Moseley indicated that it was ultimately up to the Town Board and he was raising the potential conflict with the wording in the local law.

B. Srinivasan continued his response to the above list by indicating the emergency vehicle access and KNOX box is not a problem. Other fire departments have requested that and it is not an issue.

D. Weinstein asked if they could provide that in the next couple of weeks so that is complied with before the Town Board takes this up.

B. Srinivasan stated that the roads will permit the trucks and at the end of the road there is room for a turn around for the vehicles. For commercial building lot #2 there is an existing loading bay which they are not using it for their purposes and can be used as a turn around.

J. Wilson asked if that would comply with the concerns raised.

R. Burger responded that it will comply, but it isn't on the site plans yet.

Contacts have been made with the Varna and the Neptune fire departments.

M. Moseley suggested incorporating language that the applicant checks with the fire chief to verify that everything is adequate on the site. He emphasized the point that the applicant is improving the road and connectivity to the adjacent lots.

B. Srinivasan stated that they do not plan on improving the road. They are adding spurs to it to access the other lots. They are adding a right of way to the deeds to reflect their access.

C. Anderson stated he thought they were building a private road for this because there are five lots accessing the road and the code states a driveway can only have four lots.

Site plan review checklist per Zoning Law §1103

B. Site plan checklist:

1. Title of drawing, including name and address of applicant and person responsible for preparation of the drawing; *answered previously*
2. Boundaries of the property, plotted to scale, and including north arrow, scale and date; *provided*
3. Identification of public highways; *provided*
4. Existing watercourses and wetlands; *provided*
5. Grading and drainage plan showing existing and proposed contours; *provided*
6. Location, design and type of construction, proposed use and exterior dimensions of all buildings; *C. Anderson asked if the Board can ask Mr. Pinney (the land owner) what his future use of the buildings will be. This is going to be an industrial use and he has a concern that the land use might be changed from rural ag.*
7. Location, design and type of construction of all parking and truck loading areas showing ingress and egress to the public highway; *provided*
8. Provisions for pedestrian access including sidewalks along public highways. Pedestrian facilities shall be ADA (Americans with Disabilities Act) compliant. Sidewalks must be constructed continuously across all driveways; *not provided, no recommendation due to no pedestrian access points.*
9. Provisions for bicycle parking, such as bicycle racks or bicycle lockers as appropriate. All bicycle parking devices shall be provided in accordance with guidelines published by the Association of Pedestrian and Bicycle Professionals (APBP). Some portion of bicycle parking should be provided in a covered area protected from the weather; *not provided, no recommendation due to project (use)*
10. Location, type and screening details of waste disposal containers and outdoor storage areas; *not provided, no recommendation due to project (use)*
11. Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences; *C. Anderson pointed out that there is a tributary that does not have a culvert and he questioned the effectiveness of the culvert pipe under the crossing close to the barns and between the two wetlands. It appears the pipe has failed; there was water overflowing when they visited the site in February.*

M. Moseley stated because it is an existing pipe/culvert it has to appear on the plan. C. Anderson recommended that a culvert be installed on Willow Creek (the tributary creek) which accesses lot five, to prevent the degradation of the creek and that the existing pipe on the existing driveway be cleaned out or replaced.

H. Lambert asked if a proposed impact on a stream this size requires a US Army Corps of Engineers review?

R. Burger responded that they have given a non-jurisdictional letter - both the Corps and the DEC. DEC does not recognize the wetlands on this parcel although the Corps does.

12. Description of the method of sewage disposal and location; *not provided, no recommendation due to project (use)*
13. Description of the method of securing potable water and location, design and construction materials of such facilities; *not provided, no recommendation due to project (use)*
14. Location of fire and other emergency zones, including the location of fire hydrants; *not provided, no recommendation due to project (use)*
15. Location, design, and construction materials of all energy distribution facilities, including electrical, gas and solar energy; *provided*
16. Location, height, size, materials, and design of all proposed signage; *provided*
17. Identification of street number(s) in accordance with any applicable 911 numbering system, and method for ensuring that building identification numbers are installed in a manner that will be visible to emergency responders during the day and night; *B. Srinivasan responded that it is not required because the buildings will not be occupied and NYSEG does not require 911 addresses for the systems. They have provided a sign detail in the plan where they will list the addresses. No recommendation.*
18. Location and proposed development of all buffer areas, including existing vegetation cover; *provided*
19. Location and design of outdoor lighting facilities; *answered previously*
20. Location, height, intensity, and bulb type of all external lighting fixtures; *answered previously*
21. Direction of illumination and methods to eliminate glare onto adjoining properties; *not applicable due to project (use)*
22. Identification of the location and amount of building area proposed for retail sales or similar commercial activity; *not applicable due to project (use)*
23. Proposed limit of clearing showing existing vegetation. Individual trees with a diameter at breast height (DBH) of 12 inches or greater within the clearing line shall also be shown, if the Board finds that there are uniquely beneficial species on the site and/or exceptionally mature trees; *C 105 shows the clearing plan. C. Anderson verified that the willows along the creek were being removed. T. Hatfield recommended the Town Board ensure the developer is in full compliance with this requirement.*

24. Landscaping plan and planting schedule; *provided*
25. Estimated project construction schedule; *provided*
26. Record of application for and approval status of all necessary permits from state and county agencies; *provided if applicable*
27. Identification of any state or county permits required for the project; *provided*
28. Other elements integral to the proposed development as considered necessary by the Board; *M. Moseley is concerned about the previously approved SUP for the Verizon Tower and the constraints that the Town Board placed on Verizon regarding the vegetation that needs to be maintained. His recommendation is a review of the Verizon SUP to ensure that compliance will be held or follow procedures to do what they feel is correct based on local laws.*

T. Hatfield expressed concern regarding the flag lots and how they are going to function since the flag lot will still be there after the solar project is finished. The road cuts on Route 13 are a potential issue. This will be addressed when the Planning Board reviews the subdivision application but the Town Board should be aware of the issue.
29. Stormwater Management Plan as required by the Town of Dryden Stormwater Management, Erosion and Sediment Control Law; *provided*
30. Short or Full Environmental Assessment Form or draft Environmental Impact Statement as determined by the Board at the sketch plan conference. *Completed*

Section 1104: Board Action on Site Plan Review Application

A. Site inspections. The Board, and any such persons as they may designate, may conduct such examinations, tests and other inspections of the site deemed necessary and appropriate.

B. Public Hearing.

1. The Board may hold a public hearing.
2. In determining whether a public hearing is necessary, the Board shall be guided by the expected level of public interest in the project. *The Planning Board recommends a public hearing to be compliant with the existing local solar law.*
3. Applicants may request a public hearing. When an applicant requests a public hearing, no site plan review may be disapproved without such a hearing.

C. The Board's review of the site plan shall include, but is not limited to, the following considerations:

1. Location, arrangement, size, design, and general site compatibility of buildings, lighting, and signs; *answered previously*
2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, and traffic controls; *answered previously - #28 above*

3. Location, arrangement, appearance, and sufficiency of off-street parking and loading; *not applicable due to project (use)*
4. Adequacy and arrangement of pedestrian traffic access and circulation, walkway Structures, control of intersections with vehicular traffic, and overall pedestrian convenience; *not applicable due to project (use)*
5. Adequacy of stormwater and drainage facilities; *provided*
6. Adequacy of water supply and sewage disposal facilities; *not applicable due to project (use)*
7. Adequacy, type, and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation; *the plan has been provided. H. Lambert suggested a recommendation that the Town Board take into consideration the enormous number of comments from the public as there have been very specific comments.
J. Wilson replied that the comments have been made available for all to read and have been submitted to an array of experts who have responded to the Town Board.
D. Weinstein verified that TG Miller has responded in regard to the adequacy of the SEQR and the impact to that area.
J. Wilson feels TG Miller had the comments as well and provided specific responses to specific concerns the citizens have raised. He also feels the applicant has responded sufficiently to the concerns. Saying again to the Town Board "take under advisement" the comments provided prior to and subsequent to the SEQR, why not, it won't change anything.
M. Moseley responded that since the SEQR has already been completed, this is a moot point.*
8. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants; *previously discussed*
9. Adequacy of the site's ability to support the proposed use given the physical and environmental constraints on the site, or portions of the site; *answered in SEQR*
10. Special attention to the adequacy and impact of Structures, roadways and landscaping in areas susceptible to ponding, flooding and/or erosion; *previously discussed, SWPPP and SEQR*
11. Conformance with the Town's Residential and Commercial Design Guidelines to the maximum extent practicable; *T. Hatfield recommended the Town Board look at the rural highway corridor character area which requests a 500' setback.
D. Weinstein read from the Guidelines but does not feel they are applicable. The Board agreed to recommend to the Town Board that they look at the Commercial Design Guidelines to ensure compliance.*

12. Completeness of the application and detailed site plan in light of the Board's requirements following the sketch plan conference. *With the exception of the items that the attorneys have to review, this has been met.*

D. No approval or approval with conditions shall be granted until the Board determines that the applicant is in compliance with all other provisions of this Law and other applicable ordinances.

Resolution #21 Recommendations to the Dryden Town Board regarding the proposed solar installation at 2150 Dryden Road.

J. Wilson offered the following resolution:

Whereas, the applicant, Sun8, has an application before the Town Board for a solar installation located at 2150 Dryden Road; and

Whereas, the Dryden Town Board will be conducting a Site Plan Review of the application; and

Whereas, the Planning Board of the Town of Dryden has reviewed the checklists associated with the site plan review and has made recommendations;

Therefore be it resolved, that the Planning Board has outlined various items that the Town Board should look at and consider while deliberating the current site plan of the proposed solar array for 2150 Dryden Road as follows:

- *Prior to the issuance of a Building Permit, the applicant must provide the Code Enforcement Officer with the specifications for the solar panels and the inverters to ensure compliance with current UL standards.*
- *As it is not possible to provide a complete decommissioning plan until approvals have been provided and final decisions made regarding the products being used, the applicant has been asked to provide, as soon as possible, greater detail for review by the Planning Department and the Town Attorney. Prior to the issuance of a Building Permit, the applicant must provide a complete decommissioning plan.*
- *The applicant needs to include the turn around for emergency vehicles on the plat. Additionally, the applicant needs to provide a KNOX box for emergency access.*
- *The applicant has been asked to verify with the Neptune Fire Company the adequacy of access for emergency vehicles.*
- *The Board recommends the Town Board:*
 - o *contact the land owner, Mr. Pinney, regarding his intended future use of the property. Concerns were expressed that the property may be rezoned from rural ag to industrial use.*
 - o *require a culvert at the Willow Creek crossing (a small tributary stream that connects to lot five) and that the existing pipe (close to the existing structures) on the driveway be cleaned out or replaced.*
 - o *ensure compliance with zoning law § 1103, 23. "Proposed limit of clearing showing existing vegetation. Individual trees with a diameter at breast height (DBH) of 12 inches or greater within the clearing line shall also be shown, if the Board finds that there are uniquely beneficial species on the site and/or exceptionally mature trees;"*
 - o *do a review of the Verizon SUP to ensure that compliance will be held or follow procedures to do what they feel is correct based on local laws.*

- *hold a public hearing to maintain compliance with the Town's Solar Law.*
- *review the vegetative screening plan based on the large number of comments and concerns expressed by the public.*
- *review the application for compliance with the Commercial Design Guidelines.*

M. Hatch seconded the motion which was unanimously approved.

Ellis Tract:

Solar Law § 1312 F. 4. c. Site plan in accordance with the requirements of Article XI and this section including, without limitation:

- i. Name, address and phone number of the person preparing the reports. **Complies, February application.**
- ii. Postal address and Tax Map parcel number of the property. **Complies, February application.**
- iii. Zoning district in which the property is situated. **RA district, Drawing C-1 13.**
- iv. The exact location including geographic coordinates of the proposed Ground-Mounted Large-Scale Solar Energy System including any solar arrays, equipment and anchors, if applicable. **Require geographic coordinates.** *The site plan does not include the geographic coordinates which are required per the solar law. One set of coordinates are required for each of the nine solar arrays.*
- v. Identification on site plans of areas of potential environmental sensitivity, including onsite or nearby Unique Natural Areas, slopes greater than 15%, flood plains, historic sites, airports, other government lands, conservation easements, trails, parkland, prime soils, and wetlands as identified by Tompkins County Planning Department mapping services, the New York State Department of Environmental Conservation, or the United States Army Corps of Engineers. **Complies, Drawings C-101, 102, 106, 107, 108, 112.**
- vi. The maximum height of the proposed Solar Energy System, including all appurtenances. **Complies, 8 feet, Visual Impact Statement and FEAF D.1.g.**

A detail of solar collector type including but not limited to equipment specification sheets for all photovoltaic panels and collectors, significant components, mounting systems, and inverters that are to be installed; and proposed solar energy production capacity design level proposed for the Solar Energy System and the basis for the calculations of the area of the Solar Energy System's capacity. **Partially complies, Drawing C-114, Visual Impact Statement and FEAF; require spec sheets.** *Manufacturer spec sheets are required per the Dryden Solar Law. R. Burger suggested that the spec sheets be one of the conditions on the SUP.*

The location, type and intensity of any lighting on the site. **No lighting on plan, confirm intent to install work light at each inverter pad.** *The Board verified that the only lighting will be at each inverter pad.*

- vii. Property boundaries and names of all adjacent landowners; **Complies, Drawings C- 103,109.**

If the real property for the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted. A document must be submitted that clearly delineates the party responsible for decommissioning at the end of the life of the system and in the event the owner of the system abandons the system for any reason. Examples of such a document are a Lease, Memorandum of Lease or Letter of Agreement. **Partially complies, Letter from landowner provided; require decommissioning document review by town attorney for legal sufficiency.** *Same as above. R. Burger explained that it is not a very robust decommissioning plan; there are a lot of details to be filled in with contractual arrangements. More information will be forthcoming through the process and will be reviewed by the attorney.*

- viii. The location of all other structures on the property. **Complies, Drawings C-101, 107.**

- ix. The system shall be designed to accommodate emergency vehicle access. The design may include, but not be limited to, items such as the height, access ways for vehicles, firefighting capabilities, and other prominent features. **Partially complies, require some access control system such as KNOX box.** *Again, the recommendation is that the applicant verifies with the Fire Department the adequacy of access and verifies the acceptability of the KNOX box.*

- x. Blueprints and a site plan showing the layout of the Ground-Mounted Large- Scale Solar Energy System, which must bear the seal of a design professional licensed to practice in New York State. **Complies, Drawings C-102, 108.**

- xi. Description of continuing Solar Energy System maintenance and property upkeep, such as mowing and trimming. **Complies, Visual Impact Statement proposes grazing for vegetation maintenance.**

- xii. The location, nature and extent of any proposed fencing, landscaping and screening. **Complies, Drawings C-102,108 and Visual Impact Statement.**

- xiii. The location and nature of any proposed utility easements and access roads or drives.

Complies, Drawings C-102,108.

- xiv. A glare assessment survey and any mitigation efforts that may be utilized to minimize glare on contiguous parcels of land. **Complies, Visual Impact Statement.**

- xviii. A Decommissioning plan as set forth in the below provisions titled “Abandonment and Decommissioning”. **Partially complies, February application, require formalization in document deemed sufficient by town board and town attorney.**

Site plan review checklist per Zoning Law §1103

B. Site plan checklist:

1. Title of drawing, including name and address of applicant and person responsible for preparation of the drawing; *appears to comply*
2. Boundaries of the property, plotted to scale, and including north arrow, scale and date; *appears to comply*
3. Identification of public highways; *provided*
4. Existing watercourses and wetlands; *provided*
5. Grading and drainage plan showing existing and proposed contours; *provided*
6. Location, design and type of construction, proposed use and exterior dimensions of all buildings; *provided*
7. Location, design and type of construction of all parking and truck loading areas showing ingress and egress to the public highway; *provided*
8. Provisions for pedestrian access including sidewalks along public highways. Pedestrian facilities shall be ADA (Americans with Disabilities Act) compliant. Sidewalks must be constructed continuously across all driveways; *not applicable due to use*
9. Provisions for bicycle parking, such as bicycle racks or bicycle lockers as appropriate. All bicycle parking devices shall be provided in accordance with guidelines published by the Association of Pedestrian and Bicycle Professionals (APBP). Some portion of bicycle parking should be provided in a covered area protected from the weather; *not applicable due to use*
10. Location, type and screening details of waste disposal containers and outdoor storage areas; *not applicable due to use*
11. Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences; *provided*

12. Description of the method of sewage disposal and location; *not applicable due to use*
13. Description of the method of securing potable water and location, design and construction materials of such facilities; *not applicable due to use*
14. Location of fire and other emergency zones, including the location of fire hydrants; *no hydrants proposed*
15. Location, design, and construction materials of all energy distribution facilities, including electrical, gas and solar energy; *provided*
16. Location, height, size, materials, and design of all proposed signage; *provided*
17. Identification of street number(s) in accordance with any applicable 911 numbering system, and method for ensuring that building identification numbers are installed in a manner that will be visible to emergency responders during the day and night; *provided*
18. Location and proposed development of all buffer areas, including existing vegetation cover; *provided*
19. Location and design of outdoor lighting facilities; *none proposed*
20. Location, height, intensity, and bulb type of all external lighting fixtures; *none proposed*
21. Direction of illumination and methods to eliminate glare onto adjoining properties; *none proposed*
22. Identification of the location and amount of building area proposed for retail sales or similar commercial activity; *not applicable due to use*
23. Proposed limit of clearing showing existing vegetation. Individual trees with a diameter at breast height (DBH) of 12 inches or greater within the clearing line shall also be shown, if the Board finds that there are uniquely beneficial species on the site and/or exceptionally mature trees; *Recommended the Town Board ensure the developer is in full compliance with this requirement.*
24. Landscaping plan and planting schedule; *provided*
25. Estimated project construction schedule; *provided*
26. Record of application for and approval status of all necessary permits from state and county agencies; *provided*
27. Identification of any state or county permits required for the project; *provided*
28. Other elements integral to the proposed development as considered necessary by the Board; *T. Hatfield questioned the subdivision of the Ellis*

Tract. There are three parcels involved in subdivisions - one is the division of one parcel in the north arrays into three parcels, one is the division of a parcel into three parcels on Dodge Road and the southeast arrays are subdivided into two arrays. T. Hatfield is concerned about the potential use of a lot line adjustment to create the new lots. When there are more than 4 divisions, then it should come to the Planning Board for review. T. Hatfield read from the subdivision law definitions: the adjustment of one or more Lot lines between two or more existing and adjoining Lots which does not result in the creation of one or more new Lots. He is concerned about setting a precedent for a future project. The recommendation is to confer with counsel to determine if this minor subdivision is in reality a minor rather than a major subdivision.

C. Anderson questioned the access drives. He suggested the applicant make it clear that there are two accesses - one off Stevenson Road and one where the mulch facility is located. The flag lots appear to be unnecessary but comply with the law.

29. Stormwater Management Plan as required by the Town of Dryden Stormwater Management, Erosion and Sediment Control Law; *Provided*
30. Short or Full Environmental Assessment Form or draft Environmental Impact Statement as determined by the Board at the sketch plan conference. *Completed*

Section 1104: Board Action on Site Plan Review Application

A. Site inspections. The Board, and any such persons as they may designate, may conduct such examinations, tests and other inspections of the site deemed necessary and appropriate.

B. Public Hearing.

1. The Board may hold a public hearing.
2. In determining whether a public hearing is necessary, the Board shall be guided by the expected level of public interest in the project. *The Planning Board recommends a public hearing to be compliant with the existing local solar law.*
3. Applicants may request a public hearing. When an applicant requests a public hearing, no site plan review may be disapproved without such a hearing.

C. The Board's review of the site plan shall include, but is not limited to, the following considerations:

1. Location, arrangement, size, design, and general site compatibility of buildings, lighting, and signs; *answered previously*
2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, and traffic controls; *provided*

3. Location, arrangement, appearance, and sufficiency of off-street parking and loading; *not applicable due to project (use)*

4. Adequacy and arrangement of pedestrian traffic access and circulation, walkway Structures, control of intersections with vehicular traffic, and overall pedestrian convenience; *not applicable due to project (use)*

5. Adequacy of stormwater and drainage facilities; *provided*

6. Adequacy of water supply and sewage disposal facilities; *not applicable due to project (use)*

7. Adequacy, type, and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation; *C-108 there were some concerns regarding buffering along Dodge Road, array S-1. Since the SEQR is complete, the point is moot.*

The Board discussed the possibility of requesting the re-opening of SEQR to address this issue.

Janice Graham stated that she previously asked R. Burger to find out why the vegetation was not continuous along array S-1. She asked if he had found out.

R. Burger responded that there is natural vegetation along the ditch. Ms. Graham responded that the vegetation is weeds only a few feet tall.

R. Burger indicated that there will be breaks in the vegetation for access points.

M. Hatch recommended the Town Board look into the reason for a lack of screening along Dodge Road for array S-1.

8. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants; *previously discussed*

9. Adequacy of the site's ability to support the proposed use given the physical and environmental constraints on the site, or portions of the site; *answered in SEQR*

10. Special attention to the adequacy and impact of Structures, roadways and landscaping in areas susceptible to ponding, flooding and/or erosion; *previously discussed, SWPPP and SEQR*

11. Conformance with the Town's Residential and Commercial Design Guidelines to the maximum extent practicable; *no recommendation*

12. Completeness of the application and detailed site plan in light of the Board's requirements following the sketch plan conference. *No recommendation*

D. No approval or approval with conditions shall be granted until the Board determines that the applicant is in compliance with all other provisions of this Law and other applicable ordinances. *This is for the Town Board to decide. T. Hatfield reiterated the lot line issue (minor versus major subdivision)*

Resolution #22 Recommendations to the Dryden Town Board regarding the proposed solar installation for the Ellis Tract.

J. Wilson offered the following resolution:

Whereas, the applicant, Sun8, has an application before the Town Board for a solar installation located at the “Ellis Tract”; and

Whereas, the Dryden Town Board will be conducting a Site Plan Review of the application; and

Whereas, the Planning Board of the Town of Dryden has reviewed the checklists associated with the site plan review and has made recommendations;

Therefore be it resolved, that the Planning Board has outlined various items that the Town Board should look at and consider while deliberating the current site plan of the proposed solar array the Ellis Tract with the following recommendations:

- *The applicant needs to provide geographic coordinates for each of the nine proposed arrays.*
- *Prior to the issuance of a Building Permit, the applicant must provide the Code Enforcement Officer with the specifications for the solar panels and the inverters to ensure compliance with current UL standards.*
- *As it is not possible to provide a complete decommissioning plan until approvals have been provided and final decisions made regarding the products being used, the applicant has been asked to provide, as soon as possible, greater detail for review by the Planning Department and the Town Attorney. Prior to the issuance of a Building Permit, the applicant must provide a complete decommissioning plan.*
- *The applicant needs to provide a KNOX box for emergency access and has been asked to verify with the Varna Fire Company the adequacy of access for emergency vehicles.*
- *The Board recommends the Town Board:*
 - o *ensure compliance with zoning law § 1103, 23. “Proposed limit of clearing showing existing vegetation. Individual trees with a diameter at breast height (DBH) of 12 inches or greater within the clearing line shall also be shown, if the Board finds that there are uniquely beneficial species on the site and/or exceptionally mature trees;”*
 - o *verify with Counsel that the subdivisions at this site are minor subdivisions, instead of major subdivisions, and that the lot line adjustments do not construe a precedent to avoid the subdivision process.*
 - o *hold a public hearing to maintain compliance with the Town’s Solar Law.*
 - o *look into the reasons for the lack of screening along the Dodge Road array S-1*
 - o *verify the reasons for the removal of Norway Spruce trees along Dodge Road to ensure the minimal impact on that community.*

D. Weinstein seconded the motion which was unanimously approved.

Janice Graham asked when the issue of the tree stumps and the 30 acres of tree stumps will be addressed. As a Planning Board are you able to and willing to comment on that to the Town Board? The Board went through the lists of questions but the tree stumps were not addressed and that is a very big concern for residents. It is a large forest that we all walk by and love, whether people think they are insignificant trees,

we don't think they are insignificant trees. How and when does that get addressed and can this Board comment on it.

Jim Skaley asked at what height the trees will be cut. That seems to be the issue, the distance above the ground.

Bharath Srinivasan stated that he did not know the height at which the trees will be cut but the recommendation from their biologist and the folks from Cornell is to let the grass grow tall and not mow it until August 1st of the year. It is useful for the birds nesting. He guessed that the stumps will be about a foot off the ground. They will not dig out the stumps per the recommendation from SHPO. The grass should provide screening.

M. Moseley questioned the statement that they intend to leave the grass until August 1st; you have a grazing plan for this site, correct?

Bharath Srinivasan stated that there won't be any grazing at this site, only within the fencing.

M. Moseley asked if anyone on the Board had concerns about the removal of those trees that they wish to express to the Town Board.

M. Hatch said that the solar arrays are not being installed in the location of the trees we are talking about now. The trees are being cut down to provide relief from shading which they may otherwise create.

H. Lambert stated that she has a concern regarding whether all of the trees have to be cut.

D. Weinstein indicated that the plan shows a graduated cut depending on what is going to cast shading and any hazard trees.

J. Wilson said that the accumulated expertise through the SEQ process has answered this issue for me.

D. Weinstein agreed with J. Wilson

H. Lambert said she has heard public comments about this that are striking. There is a deep community support for this woodland and there doesn't seem to be a need to cut them down. It appears to be a convenience for Cornell.

Bharath Srinivasan stated that they are asking to cut a window of trees. The profile was selected based on the amount of shade the panels can tolerate. The smaller trees do not have to be removed; they are removing only the portion that will cast a shadow. There will be 3.828 acres of trees will be removed.

T. Hatfield suggested a recommendation to the Town Board could be to look at the communities pleas to save the trees. He wants common sense to rule and advocated no butchering.

D. Weinstein pointed out that with the removal of the Norway Spruce and the planting of grass, natural hardwoods will grow up.

The Board agreed on a recommendation that the Town Board take an extra careful look at that area as requested by the community and try to minimize the impact to the community.

M. Hatch moved to amend the above recommendation and the concerns put forth previously to include a request to the Town Board that they look carefully at the proposal and the removal of trees to determine the action of least impact on the community.

T. Hatfield seconded the motion which was approved 6-0 with J. Wilson abstaining.

**Sketch plan review of the 5 lot subdivision at 2150 Dryden Road –applicant
SUN8 PDC LLC**

Purpose of the review is to determine if there is any information that we still need to move forward.

From the Town Subdivision Law Section 1000, article 10B:

The Sketch Plan shall show the following:

1. The name of the owner and all adjoining property owners shown on the most current assessment roll. *supplied*
2. The tax map sheet, block and lot number of the parcel(s) to be subdivided and of all adjoining parcels. *supplied*
3. A vicinity map showing the location of the land to be subdivided and the boundaries of all tax parcels within 500 feet of the property, including the area to be subdivided in relation to the entire parcel, and the approximate distance to the nearest existing streets and street intersections. *supplied*
4. Wooded areas, streams and other significant physical features including large bodies of water, within the area to be subdivided and within 200 feet thereof, including an indication of potentially significant, natural or cultural features on or adjacent to the site (e.g. wetlands, creeks, steep slopes, historic structures). *supplied*
5. If topographic conditions are significant, contours should be indicated at intervals of not more than 10 feet. *supplied*
6. Approximate location of existing and proposed buildings or other significant structures. *supplied*
7. Existing land use, proposed land use and existing land uses of immediately adjacent properties. *supplied*
8. Existing restrictions on the use of land including easements, covenants, and zoning district boundaries. *supplied*
9. Existing utilities and all existing streets. *supplied*
10. Written explanation of the character and purpose of the proposed development including the type and density of development, water and sewer systems proposed, and general timetable for the development. *supplied*
11. A general concept plan indicating approximate Lot dimensions, proposed location of structures, proposed street layout and widths, recreation areas, Open Spaces, stormwater system areas, a general utilities plan, and an estimate of the number of Lots and/or dwelling units that might be possible within the Subdivision. *supplied*

T. Hatfield - looking at map C103, lots two, three and four (flag lots) all come out to a road cut on Route 13. The private road goes through all of those sections. Why do we need to have both? Do we want a subdivision (after the solar is gone) with three flag lot driveways accessing points on a curve on Route 13?

D. Weinstein asked if the Planning Board required the existing road service those lots, aren't they then required to upgrade that road?

B. Srivivasan stated that they are providing a 60 foot wide easement on the entire property which will be recorded on all of the deeds permitting access to Route 13.

T. Hatfield stated that it appears there are five lots potentially being served by this road which, by definition, is a private road. If it is a private road, then there are requirements that need to be met and it could be a condition for approval that those requirements be met at some point. He further pointed out that reducing road cuts on Route 13 and 366 is part of the Comprehensive Plan.

M. Moseley read from the Subdivision Law section 12, subsection 1201, b3 - a. *The application shall also include the proposed instrument, in recordable form, that provides for use, maintenance, repair and replacement of the Common Driveway, and an equitable method for apportioning the costs among the Lots utilizing the Common Driveway.*

M. Hatch clarified that a common driveway would be an alternative to the flag lots.

C. Anderson stated that whether it is a common driveway or private road, there needs to be an instrument of maintenance and use.

That instrument needs to be on the individual deeds and signed by the buyer and the seller.

B. Srinivasan verified that the Board was requiring him to provide a document that will be incorporated into the deed in recordable form for a shared driveway.

The town attorney will verify the adequacy of the document.

Holly Austin (Atty for Distributed Sun) verified that the sketch plan will not be approved with the flag lots and will require construction of a common driveway.

C. Anderson read the Common Driveway definition in the Subdivision Law: *a suitably improved portion of a Lot or Lots, other than a Private Road, which provides access for vehicles and pedestrians to and from a Public Highway. A Common Driveway may not serve more than four (4) Lots.*

Holly Austin (Atty for Distributed Sun) referenced the Subdivision Law, Section 1201, Subsection A2: *Application for Common Driveway approval for a Common Driveway serving more than four (4) Lots shall be made to the Planning Board.*

C. Anderson stated that he thought the Planning Board was considering whether this is a common driveway versus private road.

R. Burger pointed out that the two above referenced sections of the Subdivision Law are not in agreement.

The Board agreed that a common driveway will work in this situation.

M. Moseley reviewed the six standards that need to be met by the common driveway.

B. Srinivasan indicated that they had no intention to rebuild the road. The specifications provided are intended for new driveway construction. He feels that they should not have to improve the road because they don't need it improved for their use. He suggested the requirements be applied to future applications depending on what is eventually built there. He pointed out that some of the requirements, such as determining what exists below the current road, are beyond what they need for their purposes.

Holly Austin (Atty for Distributed Sun) stated that they have no problem with binding the lots to using the common driveway as part of the subdivision. It is not a problem to require a cost sharing for maintenance and use of the driveway for future development. The question is whether they are going to spend money on engineering fees when they do not need it.

The RPM tree farm should have the engineering specifications.

J. Osmeloski asked what can go into the subdivision once the solar farm is gone.

R. Burger said it is zoned RA therefore residential, agriculture or some commercial enterprises will be permitted.

M. Moseley strongly encouraged the applicant to talk to the town engineer regarding the "driveway". It was a driveway for a single property (RPM), now it is being subdivided. He stated that the subdivision rules have to be followed.

If a common driveway is created, the flag lots will be eliminated and the frontage will be on the driveway.

D. Weinstein presented the potential argument that lot #5 could be served by a driveway from Route 13 and the other properties can be accessed by the common driveway.

S. Osmeloski recalled that when RPM wanted to put a driveway in across from Scottie's Garage, they were denied by NYS DOT due to the danger of that area.

M. Moseley asked for clarification from the attorney regarding the conflict with the definition of Common Driveway.

R. Burger pointed out that the Planning Board has approved an Ellis Hollow subdivision with five lots on a common driveway.

T. Hatfield moved to approve the sketch plan with the following conditions:

- The applicant must meet with the Town Engineer and comply with the Subdivision Law, Article 12, Section 1201

- Provide revised drawings showing the frontage on the Common Driveway.

- Provide the specifications of the Common Driveway.

- Provide an agreement that shares the costs and provides for use, maintenance, repair and replacement of the Common Driveway per the Subdivision Law section 12, subsection 1201, B 3 a.

The motion was seconded by M. Hatch and approved 6-0 with C. Anderson abstaining.

There being no further business, the meeting was adjourned at 9:15PM.

Respectfully Submitted,

Erin A. Bieber
Deputy Town Clerk