

**Dryden Planning Board  
August 24, 2017**

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

**Excused:** John Kiefer

**Town Staff present:** David Sprout, Code Enforcement Officer

**Other:** Khandikile Sokoni, attorney for the Town

The meeting called to order at 7:04PM.

Chairman Moseley appointed H. Lambert as a full member of the Board for this meeting.

**Review and approval of minutes from July 27, 2017 and August 2, 2017:**

Clerical changes were recommended by J. Wilson and M. Moseley and incorporated into the minutes.

C. Anderson indicated that he was not at the July 27<sup>th</sup> meeting. He questioned the appropriateness of M. Hatch's response to a citizen's comments during the Privilege of the Floor. He asked whether the Planning Board has or can institute a policy regarding interaction with the public during the meeting. He pointed out that the public's opinion does not affect the Planning Board's decisions since this Board has a set of rules/laws they have to follow. He does not feel comfortable having M. Hatch's response in the minutes.

T. Hatfield concurred with C. Anderson's questions and reinforced the idea that the Planning Board needs to simply follow the laws.

J. Wilson indicated that it would be a good idea if the Planning Board had policies for this situation. Otherwise, the minutes should capture what happened at the meeting. Personal responses from the previous meeting were not excised from the minutes, the Planning Board does not have any rules that indicate the public is encouraged to speak to the issues not personal matters, and, in the absence of policies that say the secretary or the board can excise occurrences that occurred, we are not in the position to excise particular things. The Board member felt personally attacked and that is why he responded.

C. Anderson reviewed the record and did not find a place where the Board member was attacked. He questioned why the tally sheet indicating those for or against the project in question. That shows a bias.

D. Weinstein stated that a member of the public provided statements and it is the responsibility of the Board to correct misstatements or misconceptions. M. Hatch was correcting the record and provided the data to support the record. A member of the public put the information on the table and M. Hatch was responding to an issue raised by a member of the public.

C. Anderson questioned how anyone knows that the information provided was correct and then pointed out that the Board should not care what the public opinion is because they are guided by the laws.

M. Moseley pointed out that both sides of the issue are recorded in the minutes.

C. Anderson expressed concern that M. Hatch is biased in favor of the solar project based on his comments and the fact that the document he shared with the Planning

Board on the 27<sup>th</sup> was attached to an email from Martha Robertson which was sent on the 25<sup>th</sup>.

M. Hatch responded that his comments were emailed to the entire board. He further pointed out that the citizen accused him of being “patently false” via his comments to the Planning Board on June 22, 2017, he feels he has the right to respond and he believes the meeting is the appropriate place to address the issue. He believes this whole thing is driven by politics too much. He wants to make decisions that are good for the Town, taking into account the landscape, natural qualities and citizens in the Town. He said he thought the moratorium was based on public opinion not planning decisions and regulations. He hoped to move the Board away from politics and back to making decisions based on the law.

Atty Sokoni stated that from a legal standpoint under Open Meetings Law, the only thing that is required to be in minutes is the members of the body that were present, the time convened, and a general description of motions presented and action/votes taken. The rest is discretion. A member of the Board can move to strike or not strike a part of the draft minutes and vote on whether something should be included or struck out.

C. Anderson wanted a clarification to make it clear that the statement was M. Hatch’s, not the Board’s.

D. Weinstein moved to approve the minutes with the recommended editorial changes noted above. The motion was seconded by J. Wilson. The minutes were approved 5 - 1 for July 27, 2017 with C. Anderson’s abstention due to absence and T. Hatfield voting against. The minutes for August 2 were approved 5-2 with T. Hatfield and C. Anderson voting against.

Public Comments regarding items not on the agenda:

Shirley Lyon - Mineah Road

Mr. Ray Burger stated at the Town Board meeting that Mr. Wawak was going to cut in half his proposed apartment complex due to water problems. When I spoke to Dave Sprout recently, he said Mr. Wawak was going to abandon the project and she asked for confirmation that the project was being abandoned over traffic issues. Mr. Sprout contacted Mr. Wawak who indicated he was going to keep his options open. Are we to assume that he is going to pursue, by moving a couple of wells north, the 40 apartment complex?

M. Moseley stated he does not know what Mr. Wawak’s plans are.

Shirley Lyon asked how long the general application can be left open to permit him to maneuver.

M. Moseley stated that if he changed the plans, he would have to come back to the Planning Board for approval.

Shirley Lyon indicated that they are concerned Mr. Wawak will get approval for a couple of units, move his well, get approval for a couple more units, etc. They are very concerned about the impact on the intersection.

D. Bravo-Cullen - Lee Road, Dryden Village

He stated that he has not been to the Planning Board meetings in a while. When someone makes a comment in a public hearing, it would be helpful if the Board could

comment back to us if we are erroneous or if we are quoting a statute incorrectly or misunderstanding what we are saying. That would be helpful.

M. Moseley moved to seek the advice of counsel behind closed doors. T. Hatfield seconded the motion and the Board sought advice of counsel at 7:27PM. The meeting was reconvened at 8:02PM.

**Public Hearing to consider the preliminary plat submitted by SUN8 PDC LLC (c/o Distributed Sun LLC) acting on behalf of owner Scott Pinney. Applicant wishes to subdivide a 158.145 acre parcel, Tax Parcel 38.-1-3.1 located at 2150 Dryden Road. Five lots would be created for the purpose of siting large-scale solar energy systems.**

The Public Hearing opened at 8:02PM.

J. Wilson asked Counsel to identify which plat the Board is considering for the sake of the Board and the public.

Counsel responded that the one that has been presented for approval is the one that is marked Proposed Subdivision Plat Map. The attached transmittal clearly identified the one for consideration. Please see attached map.

Bharath Srinivasan presented the timeline of Distributed Sun's presentations to the Town Board and the Planning Board, reviewed the permitting process they have followed and then presented the project's current status. They are asking for approval for a subdivision for five lots. They have provided legal frontage via flag lots and provide practical access through a common driveway. They are not asking for any more curb cuts and are willing to accept restrictive covenants in the deeds for no future road cuts.

Lot one, the northern most lot, will have legal access and frontage from George Road. There is an easement for farm usage and can be used by Distributed Sun. They can still use the common driveway to access Lot one but don't have to.

Lots two, three and four are proposed as a flag lots with legal frontage on Route 13. They have a common driveway for access. It is a 60 foot wide driveway. That road is sufficient for all of their practical purposes.

J. Wilson verified that if there are four lots on the common driveway then the Planning Department can approve it. With the fifth lot, they need to get Planning Board approval.

B. Srinivasan stated that yes, they could but they are asking for approval for a major subdivision anyway.

J. Wilson requested clarification regarding whether this is a discussion or if the applicant has to give the Board specifically what they want approved.

Counsel responded that at the Preliminary Plat stage, the Board can attach conditions but they have to make a decision on what is being presented.

B. Srinivasan and Holly Austin (the counsel for Distributed Sun) indicated that they are presenting the options hoping to get some feedback on which one the Board prefers.

J. Wilson said he heard counsel indicate that the Board can attach conditions or judge what is before them but he does not hear that they can be presented options.

B. Srinivasan and Ms. Austin asked for a moment to discuss the situation.

T. Hatfield asked if the applicant could share the other map that was distributed.

J. Wilson reminded the Board that they have been advised by Counsel that they are considering one map. He does not believe the Board should be discussing a map they are not supposed to be considering. Counsel supported J. Wilson's statement.

J. Wilson asked the applicant to answer the question he presented before Mr. Srinivasan had discussion with Ms. Austin.

B. Srinivasan stated that they were comfortable using the easement as practical access for Lot one. The driveway will serve the other four lots.

J. Wilson stated that if he has read the law correctly, the Planning Department will decide the sufficiency of the common driveway. Subdivision Law Section 1201, A1.

B. Srinivasan stated that they are willing to write into the deed restriction that the flag lots will not seek future road cuts from Route 13.

H. Lambert asked when the Board can look at the other map. M. Moseley stated that after the public comment, they can view the other map.

Kay Wagner

She urged the Board to move expeditiously. The plan as she sees it looks reasonable. She is not a planner or expert. We need to be moving quickly and approving a reasonable subdivision. We really need solar farm. If we care about our children and grandchildren, we need to move ahead, not put our heads in the sand. She urged the Board to approve, this plan looks good to her. If there are technical problems with it, they should be discussed but action should be taken quickly.

Robert Watros - Brad Perkins read Mr. Watros' statement into the record:

I believe the solar energy proposal by Distributed Sun, LLC is flawed. As I understand the issue, the current State law mandates that only two mega watts of power can be generated on a single parcel. The NYS PSC has issued an opinion that a large project can be subdivided to provide for several different two mega watt projects. Scott Pinney, the owner, has requested a subdivision of his land to accommodate several two mega watt projects all tied together making it one ten plus mega watt industrial size generation facility. I do not believe the State law and subsequent PSC opinion intended for such a scheme conceived for the sole purpose of avoiding the normal regulations governing large generating plants. If NYSEG was to propose a 10 mega watt power plant, I believe it is without question that it would come under the purview of the PSC, not the Town of Dryden. The decision of the NYS Public Service Commission essentially amending NYS legislation raises serious legal questions and should be cause for concern of this Board. It is for that reason that I think the Planning Board should get further unbiased counsel before giving any consideration to the subdivision proposal at 2150 Dryden Road.

Sarah Osmeloski - 2180 Dryden Road

I am totally confused. I came to the last meeting. We did a sketch plan, you made suggestions. I spent 21 days looking at the sketch plan and all of a sudden there are all those other maps out there. This doesn't seem right to me; in fact, I am not even sure it is legal. How can I make a comment when everything keeps changing? We are not even on the same piece of paper. That being said, I also have a suggestion. The map does not contain any of the proposed arrays but previous maps have the arrays drawn in. They consistently ignored the 50 foot setbacks required by our law. From what I understand, Distributed Sun is expecting to get a variance from having to sacrifice to these 50 foot setbacks, however, that is our law and I feel it should be

enforced. If you look at it, having a 50 foot setback between two of these parcels with no one living there and not being near neighbors, it does not make sense to have a 100 foot gap in the layout of the arrays. They can put in more arrays than normal because you would not have the 50 foot setbacks but it comes down to the fact that there are two sets of trees. On the 2150 plot, there is a set of the willow trees and on the Ellis plot there is a set of Norway spruces that are set to be cut down. The only reason they are set to be cut down is because they may shade some of the panels. I have a proposal that if the Board of Zoning Appeals grants a variance so they can use, not have to have the 50 foot setbacks between lots, that they leave those trees uncut because we are giving them more panels to collect more sunshine. The few hours of sunshine lost because of these trees shading their panels should be insignificant. Otherwise, I think that we should insist that there be the 50 foot setbacks from all of the property lines from all of the lots. Please follow our laws. We have laws for a reason. I have to obey them, you have to obey them and I expect Distributed Sun to obey them as well.

M. Moseley told Mrs. Osmeloski that she will want to go to the Board of Zoning Appeals to give that specific statement because they have the authority to put conditions on the variances.

Joe Osmeloski - 2180 Dryden Road

Tonight I would like to address preservation of things on both sites. I would like to address how we go about preserving what we can at both sites. I would like to thank the board for having Hilary (Lambert) on tonight because she has worked at preserving many things in Dryden and all through the County through her work with the Cayuga Watershed. Having her on the Board tonight is helpful for what I am about to go through. I would like to talk about stewardship of land and what we do in Dryden as far as how we steward our land. In Dryden we are known for protecting our water by banning hydro-fracking, we are known for our rural landscape, we are known for protecting our trees, our forests, our water. What kind of steward is Distributed Sun going to be of this land? If you go through some of the plans they have already presented, the type of steward they are going to be is horrible. In their plans, they plan to cut down multiple acres at the Ellis tract of beautiful Norway Spruce. That is not what Dryden is about. On the 2150 tract, they have a plan to cut down the beautiful willow trees along Willow Glen Creek. They have a plan to do that. That has been stymied because of the Verizon tower SUP resolution. Part of the SUP that the Town Board just issued regarding that resolution read like this: "revised drawing noting the trees on lot five along Willow Glen Creek tributary south of the existing crossing path marked for non-mechanized removal on sheet c-105 may be removed only if and when SUP #04-2017 TSUP to Upstate Cellular Network, Verizon, for a cell tower at 2150 Dryden Road lapses, expires or is revoked". I think they added "if Verizon voluntarily gives back that resolution". To that response, at the Town Board meeting, the representative from Distributed Sun immediately got up and asked the Town Board if Verizon and Distributed Sun were to make an arrangement or deal that they could cut down the trees. It was appalling that we have a resolution protecting those trees. You have a condition put in the SUP to not cut down those trees and yet Distributed Sun got up and said look why don't we just get together with Verizon and we will cut down those trees. That's appalling. Those trees are protected. As of right now, they are protected. If that resolution expires or Verizon cancels it, those trees are not protected

anymore. It would give Distributed Sin free rein to cut down those trees. I have a solution on how we can protect those trees which will also protect the Willow Glen Creek that they are planning on crossing a 1000 times or who knows how many times to put arrays on #5. Crossing the stream will affect the banks of the stream and the murkiness of that stream. That stream goes through a federally protected wetland and into a trout stream, Virgil Creek. A trout stream used to spawn. So here is what we do, we take the plan that they have for tonight and we get rid of it. We say, no, that is unacceptable. We go with the conservation subdivision plan. You know why we go with the conservation subdivision plan? Because we, the public, the Town Board, the Conservation Board, the Planning Board can all look into a conservation easement. They would have to put in a conservation assessment plan and then we can do a conservation easement on the whole Willow Glen Creek and the Virgil Creek and get permanent protection and keep them from cutting down all of those trees at 2150 Dryden Road. We can protect that creek so they don't ruin another beautiful creek. Dryden protects its water, protects its trees and protects its land. Throw out the flag lots, build a conservation subdivision and we will protect all of those things that make us proud to live in Dryden. Thank you.

Brad Perkins -

I would never step up to any of you in public and call you a liar. I might identify a fiction that I have heard. I can't quote the exact numbers but in a diatribe that was embarrassing in public, it was told how many people were in favor of this and how many were opposed but the numbers are wrong; they are severely wrong. I represent 2800 lot owners in the cemetery. So take the number of people in favor, leave that number like it is. Take the number opposed, who want this moved away from the cemetery, add 2800 to it and this is a whole different picture. Do you understand that Marty? It is pretty simple math.

This is called community solar but I can't detect that the community where these solar plants are proposed for, have really been listened to. If we are having community solar then the community should have the last voice in where these systems go, the size of them, how they are hooked up to the grid, what natural resources are affected, and what landscape resources are affected. The solar system that is proposed will have a tremendous affect on Willow Glen Cemetery.

The engineers prepared a visual thing for the Osmeloskis but what they forgot about is that the closer you move to a fence or wall, your viewscape becomes more vertical and therefore is diminished. A viewscape is typically not seen as looking straight up at the sky, but looking straight out at eye level. By putting a fence or a shield of trees that 20 years forward will be ok, you have essentially caused a huge, tremendous economic disadvantage to Willow Glen Cemetery as people in the future are going to need to buy lots and our only expansion is to the north. Our only expansion is closer to the proposed fence, closer to the visual vegetative screen. The more we move closer to that, the more we are economically disadvantaged. For those reasons, I think that this whole system needs to be changed a little bit, do away with sections four and five and give these people a little something but not everything they have asked for. That is the kind of planning I would hope that a Planning Department and a Planning Board would do to defend the assets that we have in the Community.

Further, I would like to say that 10% off your NYSEG electric bill does not give you a reduction in your delivery charges and since this project going forward, if it does in the size it is proposed, will be shutting down the water source of electricity, the hydro-

electric which is cleaner than this, it is free and does not include China. I am in hopes that you might even make a proposal or the Town Board make a proposal that solar panels installed in the Town of Dryden have to be manufactured on US soil. I think that is kind of important. I really think we ought to go back to the beginning point. The last point I want to make, last week I received a copy of a letter where Distributed Sun was asking for a waiver of the moratorium on the build out of infrastructure. There must have been a reason we put that moratorium in place, it can't have been just for one purpose but I seem to think that it was. And Distributed Sun made a very polite case to say they have invested millions of dollars but what they put in the letter, is quite damaging to your position, is that they have been doing this for a year in one area and three years in another. This has been sort of a plan that people in the Town of Dryden, not necessarily one of you because I wouldn't set up and call you out on it, but some people maybe on the Town Board or in the Town Planning Department knew about these proposals a long time ago. The moratorium was put in place and then a waiver was granted. It was only granted to one company. There is another solar proposer in the room tonight, they were not offered a waiver. We are just beginning to hear about that. I think there is a huge, huge, huge liability for everyone associated with Town government if this thing goes through the way it is proposed. That waiver and the moratorium and the timing of it and the admission in Bharath's letter that they were planning on these sites for three years and one year; that really has kind of an odor that I think would be brought out in court. It puts all of us in the Town of Dryden in a jeopardy situation that could have been avoided, if community solar had more input from the community. That goes back to what you folks very nicely asked for but you haven't been granted was a moratorium on all solar proposals so the community could weigh in and we could discuss as a community. Those that are for it and those that are against it could sit down at a table and say how do you do this and keep the most people happy. Instead, we sort of laid down and said Distributed Sun, do what you want to do, just go through all of these steps and comply with our laws and we've decided even before we came to a meeting that we were going to vote for it. That is kind of the position I have seen taken by the Town Board. At least you folks stood up and said give us a moratorium. Then later, I heard someone argue about whether or not that was an appropriate discussion. Thank you.

David Bravo-Cullen, Lee Road

I have been trying to understand this whole thing about the subdivision and everything. I have been reading the zoning law and things like that. And one thing I wanted to point out was something that Joe pointed out earlier was that the zoning is asking us, I don't know if it is requiring or if it is a suggestion but the cutting of significant mature trees is something to be avoided. They propose cutting quite a few trees that are mature that would actually help in screening the solar panels from the views that people are having issues with. Another thing is the zoning law has a concept called "lot coverage". If you look at the various zones, it appears that in this zone the maximum coverage is 25%. To me it appears that, possibly lot one and possibly lot four meet that requirement, I suspect not but they are the ones that are closest. Lot three has the highest coverage and it is definitely over 25%. Lot two is significantly more covered than 25% and the same is true of lot five. That is my question. How are you applying the coverage requirements of the zoning that you apply to every other project?

D. Sprout responded that he believes the solar law allows more coverage.

D. Bravo-Cullen - let's talk about facts rather than thinking and opinions.

D. Weinstein answered that the definition of coverage is an impervious surface, this is not impervious.

D. Bravo-Cullen argued that the solar panels are impervious. If you drop water on it, it rolls off not through.

M. Moseley - It is my understanding that there is a provision in the solar local law that allows the Town Board to override that.

D. Bravo-Cullen said he does not disagree but we are talking about the zoning and applying zoning. We have a zoning law for a reason and we should address all projects in the same manner. We should not be saying, I like this kind of project so therefore I am not going to apply the zoning law. And then when you get an apartment project you are complaining about every 2 bit toilet or shutter or whatever.

The other thing, I am looking at this flag lot arrangement and lot two starts at 95 feet wide and goes down to 50 feet wide by the time it gets to the road. Lot three has a 25 foot piece of property that goes around and comes out at the road at 25 feet. Lot four has a 25 foot thing. I don't understand how these widths work but there seems to be an inconsistency there. Lot one, you can't access from George Road because the frontage is on the other side of the creek. I am looking at the lines of the subdivision and how it applies to the zoning law.

Michael Pitrick - 931 Dryden Road

I have been at several of these hearings now; it is great to see how passionate people are about their community. I am also heartened to hear the support of solar energy in Tompkins County. That is commendable. I have been hearing that Tompkins County has a goal of reducing carbon emissions by 80% by 2050. I think that is fantastic. The cheapest way is to do more renewable energy development. This project and much more. Every project will have some impacts, hydro-electric also has impacts that impact the ecosystems, they bury trees. I won't pretend to understand the zoning law as much as you folks do on this Board. I would like you to do what you can to keep with the character of this community to allow this project to move forward. Thank you.

Janet Morgan - 940 Dryden Road

I live in this community. I own property and I live there with many tall trees and because of that it does not make sense to put solar panels on our property. I look forward to a day soon when I will be able to purchase solar energy through a solar farm. I have been to many of these meetings and get more and more confused all the time but learning new vocabulary and lots of rules and so on. I am glad that you folks understand it much more than I do. I hope the process ends with solar being available to all of us.

Jim Skaley - 940 Dryden Road

I have to say, I suspect that this Planning Board is as confused about some of this issue as the public with regard to how the process has moved forward. It strikes me that some of the comments being made have more to do with zoning as it applies to construction of a building or commercial enterprise whereas the idea of moving forward renewable energy under a solar proposal is unique, it is not permanent, which seems to be one of the questions that seems to be of concern. That after 25 years the project can be removed and be back to the beginning. With the exception perhaps of some trees that have been removed. With regard to the Ellis Hollow site, Norway

spruce that they are concerned about; Norway spruce are not endemic to this area. They are also not good habitat and in that context, while they may look nice to the average person, they are not a vital resource from the point of view of ecological importance.

With regard to the willows, I don't know what the situation is with that. With regard to the overall concept and with regard to how the solar law was written, it seems to me one needs to go back and decide what are you trying to accomplish with the law. If the purpose of the law is to provide renewable energies then the laws have to be written in such a way that facilitate that without having to go introduce questions with regard to zoning that typically apply to development of housing or other kinds of activities, not with regard to solar energy. You can't argue it both ways. We have to have it one way or the other. Certainly I support the idea of improving our use of renewables in a way that accommodates. I have listened to a lot of discussion from the public and from what the developer has presented in terms of accommodating screening and so forth. If you are looking at a typical subdivision that has buildings and so forth and you ask them for screening, the neighbor next door does not necessarily get to complain. Viewsheds, in this case, are not protected by any legal standard that I am aware of. I understand the concern of the people with that point of view. I could argue it from my point of view. I think one has to separate out what the purpose of the project that is being proposed as how the Town Board has approved the solar law that was approved back in January sometime. I think if that law is somewhat flawed then I would urge the Planning Board suggest to the Town Board how it can be improved so that we don't have to go through this process, over and over again. I suspect that is what will happen unless some actions are taken. It seems backwards to me with the Town Board having now approved the site plan and the SUP, that we are now back to a different board that is saying this has to be approved through subdivision which is a separate issue entirely. Somehow things are catiwonkus (if that is the correct term) in terms of how the process needs to go forward. I really urge you to think about this in terms of what it is we are trying to accomplish. If we are trying to accomplish protecting our environment from the point of view of reducing our emphasis on fossil fuels, then it seems this project needs to be approved and move forward. Thank you.

Charles Geisler - 517 Ellis Hollow Creek Road

I want to second some of the things Jim Skaley just said and his comments in particular especially since there is another solar development proposal on the horizon for our Town, and there might be others. I think the ordering of the procedure to get to a final decision to have more solar or not should be reconsidered and the advice of the Planning Board would be well received by the Town Board. In my comments, I would like to focus on the cost of not going ahead at this stage. One of the people that spoke before me viewed the language that appeared in the letter by the developer regarding long term interest in this project. The speaker viewed that in a very sinister way as though this is not a good faith approach. Based on the experience the developer has had in the Town of Dryden and elsewhere in the county in the past it makes complete sense to me that the developer would begin to plan and anticipate what kinds of procedures and permits and consider what would be needed one, two or three years ago. I find nothing wrong with that in the least. Were we not to move ahead with the present subdivision permission as it is proposed tonight in it's final form, we would indeed throw away rather extraordinary tax relief; it has been discussed in previous

meetings, I won't go over the details but Distributed Sun, to remind you, will be the third largest source of property tax revenue in Dryden. That means tax relief for Dryden residents and it means we can afford needed projects, public works, bridges, bike trails, better paid public servants, etc. This is really a significant chunk of change. Secondly, we would be sacrificing the reduction of electric bills. 10%? I will take it and all of those that sign up for electricity from this source will be very grateful to have that kind of relief. Access to green energy for people across the board, meaning the people that don't have the luxury of private home solar. This has been addressed many times by people who are apartment holders, who are lower income, or have invested their money in other ways, who are appreciating and anticipating that we will have access to green energy across our town. Cost savings on the solar panels. We all know that the current administration in Washington is proposing new tariffs against the cheaper Chinese solar technology that many of our developers are using to date. If those tariffs go in place the cost of the panels and supporting technology is going to go up and that might make the project cost ineffective. We would be throwing that away if we don't act expeditiously. Fifth, the subsidies that Distributed Sun currently enjoys are not indefinite and they will go way. That is not something that should to be decisive but it is a significant factor in the cost benefit of this project. The final point that I would like to make, is the concern that you have as individuals, the Planning Board and stewards of our traffic flows and public safety on highway 13. Certainly, you are concerned about increasing of traffic in and around the village and everywhere along Route 13, in fact the Comprehensive Plan of the Town talks at length about a highway corridor overlay farther west along the highway. I could imagine if the same properties that we are talking about were subdivided for other uses that involved industrial uses, commercial uses or residential uses that the flow of traffic over the next 20-25 years is going to be sizable, there is no way to ignore that. Putting solar panels, consistent with the proposal before us tonight, is basically traffic calming for the next 20-25 years. If we continue with solar on the same site and these solar panels are renewed and/or rebuilt in the future we have the benefit of less to virtually no traffic except at the time of construction. These are remarkable benefits we forgo if we delay on this project and time is of the essence. That is not just me saying do this because I am in favor, it literally applies - tick, tick. Thank you.

Nancy Miller - 501 Midline Road

I will be brief, many people have already said the things I planned to talk about. I am definitely in favor of this solar project. I am happy the Town Board passed the Site Plan Review and approved the issuing of the Special Use Permit last week and that they have now moved this project on for you to pursue. I would hope that without getting distracted by a lot of the side issues that are not really pertinent to what you have to do today, that you will look at the plan that was put before you and decide whether it complies with the laws of Dryden, which I think is what your task is as I understand it. I could echo Chuck's talking about the tax issues, making it available to those who rent, to people who are low income or where solar installations are not practical for their property. I urge the Planning Board to be expeditious in approving the subdivision so that Sun 8's important project can be delivering more solar power and not fossil fuel electricity to Dryden and to our whole area. Thank you.

Buzz Lavine - 719 Ringwood Road

I think tonight as an ex-member of this planning board for 20 years. The first thing I would like to say is I think this Planning Board has been doing a marvelous job with lots of projects and I am impressed with what you have done. The only person from back in my time is David. I asked David to take my seat which he did and he is still here which I am glad to see. I would also say from a Planning Board's member, and I will speak as an ex-member, our job is to approve subdivision and consider the subdivision ordinance and the associated ordinances like zoning, alone; not any of the other considerations that have been brought up over many, many meetings. I can't blame the public for bringing it up, if I were in their shoes, I would be doing the same thing too for much of it, not all of it. Much of what has been said, in my opinion as a previous member of the Planning Board, is not relevant to the subdivision decision you have to make. I think you have to look at what the ordinance requires be done and you have to make it clear to the developer what they have to do to meet those requirements. That leads me to who the developer is and I think that I would be in 7th heaven if I ever had a developer in all of my 20 years on the Board who have been as cooperative as Sun 8 has been. I think that you folks, we all owe Bharath and his company a major thanks for being as cooperative as they have been. Along those lines, if something you think is not being met appropriately with the plans that the company has presented to you, let them know what they have to do. From past experience with this Board and the Town Board, they have been forth coming with changes to meet the requirements. You couldn't ask for more than that. The only thing that I ask, I know some of you on this Board are against having this solar project in this location, stick to your requirements of looking at the subdivision ordinance and not delay any more than you have to get to that. Don't put in things or extend discussions to make it more difficult for the developer to get the project in and for the Town to get the advantages of the project. Again, my congrats to you as a board and my plea that you stick to subdivision ordinance considerations and move the project forward expeditiously as possible especially having a developer that is happy to work with you. Thank you.

Spring Buck -

I just want to say that I very much support this project and appreciate that Sun 8 has not given up on our community over this period of time. I have a bit of a reputation for being a bit of a tree hugger, so to speak. It warms my heart to hear people talking about the trees tonight but I want to encourage you guys to be consistent and looking at that with other projects. I see a lot of houses go up and trees come down and I really don't want to see a project that would help future generations of our families get deterred inconsistently with other projects in town. Thank you.

Cathy Russell - 434 Snyder Hill Road

We bought the flag lot that our neighbor, Mr. Aste, had for sale. There were two lots between Mr. Aste and ours and one of them was a flag lot. We bought both of those lots. Flag lots are allowed and I think they are ok. My understanding is, it says on the agenda that it is to consider the preliminary plat submitted by Sun 8 acting on behalf of owner Scott Pinney. It seems as though Mr. Pinney is in favor of the solar panels and wants the subdivisions because they are acting on behalf of that. That seems relevant to me that the property owner wants the subdivisions and it seems that there will be adequate entrance to the plots. It seems like that is going to be fine. I don't see why we should be held up anymore. The property owner that wants it, I as a citizen

want it, I have friends who live in the Town of Dryden on Goodrich Street which is too shaded so they can't have solar panels on their house or in their field. By the way, the flag lots that we bought we put solar panels up on them and we are very happy with them. I love looking at them. I love looking at the SUNY Cortland solar panels on Route 281. You look over and SUNY Cortland has put up a field of solar panels; they are beautiful. They sort of undulate with the ground, I really think they are beautiful. Our neighbor across the street has solar panels, they are visible from our kitchen window and I like looking at them. We live by Dodge Road, I have walked down there and driven down there. I am just bringing this up because people keep mentioning it. Those old spruce trees that are there, they are like timber trees, all in a line. I think it would be more conservation smart to have young trees growing there. I used to teach about global warming and I happen to have understood that mature trees are not as good at carbon sequestration as young growth. I guess they get tuckered out. Young growth is better. I don't want to be buried in the cemetery because it does not seem to me that the shield of trees that would be put up would be beautiful but if they are standing in the way of these solar panels being built, I am not really happy with that cemetery. As a consumer, I wouldn't want to be buried there, I would want to be buried where I can see solar panels. In terms of democratic process, if they land owners were not notified three years ago, they have certainly have had enough time to consider it now. We have been considering it for over a year now. I suggest that the democratic process in the Town of Dryden about these solar panels is just a model. We have looked at every in and out. The developer, Sun 8, has come to the meetings, they have been so patient. Let's go ahead, I applaud your tenacity but I really want to see these subdivisions go forward. Thank you.

Judy Pierpont - 111 Pleasant Hollow Road

I urge you to move forward quickly. This project is really important to Dryden in its effort to reduce carbon dioxide. Dryden is trying to preserve the global environment that is under real threat from climate change which is coming faster than anyone anticipated. All of these trees, all of these people, all these beings are not protected unless we move quickly to forstall. All landscapes and all resources and beings will be affected. These arguments will be moot unless we act quickly. Thank you.

Pat Dubin - 2002 Ellis Hollow Road

I think once again everything has been said, I am sure I will think of something to fill up a minute or two. I strongly support the project; I have supported it from the beginning; we need this quantity of renewable energy. It is wonderful for Dryden. People beyond the Town of Dryden care about this project a lot because issues with energy go beyond town lines. One thing I learned at the Town Board public hearing was that 32% of people in Dryden are renters, which is a lot of renters in a community. Potentially all of those people will have access to clean energy. They will have an exclusive 30 day sign up period so the Town of Dryden, even though people from other communities want it, is going to get the biggest benefit from this project. It should be that way. We also heard about the PILOT and I know this is not this committee's purview and what you need to decide on but it is so striking to me that the agreement that Distributed Sun entered into has them paying so much more money (\$8,000/mwh) compared to what will be paid in Ulysses (\$4,900/mwh). Dryden gets a wonderful tax benefit from this. We heard Distributed Sun, Bharath Srinivasan, give another clear, excellent prepared presentation; as he always does, in my opinion,

has done more than people ask him to do. He said we provided the plat and sample deeds and the bits and bounds (whatever those are) and much information that this board needs. I know the Board has to look at the laws and facts before you. You can't make arbitrary, capricious decisions and I don't think you will. I think there is urgency to make these decisions because of the wonderful benefits to the Town and the possibility that some of those benefits will not be available if the project is not approved in totality quickly. I also heard someone say something about waivers and Distributed Sun got a waiver from the original moratorium because they asked, they provided an application, they went to the Board, it is not any board's obligation or position to offer another solar company a waiver. I assume if other solar companies want a waiver, they will come forward too.

At the last Planning Board meeting, I heard a lot of the Planning Board members talk about road cuts and 13 and they don't want any more road cuts on 13. What was presented tonight is not going to be any more road cuts on 13 so I think it should meet what people were thinking about last time.

I also heard something about American made products for the projects. I have not sat at that many of your meetings but I have never heard a developer required to use American made products, I don't think anyone has even asked them that, in terms of going forward with their project. I think it is a very good project and you have a very good developer to work with. I think, like everything else, time is of the essence. When people come forward with projects, it is important to decide as quickly as you can and this one especially stands out because the people of the Town of Dryden have so much to benefit and they should not have to wait for that benefit to start occurring to them. Thank you.

Tony Salerno - 8 Hanford Drive

I very much support these projects. I am going to quote one thing that many people did not hear because most people had left the Town Board meeting but I was at the Town Board meeting until the end. One quote that was said was that "these projects check all of the boxes." What they meant by that was that these projects benefit the Town of Dryden, they have tax benefits, they meet all the criteria of a good project for the Town. I think, the things I have heard in opposition, while I understand them, I don't agree with them. I have also heard people who are opposed say what if they put them in the 50 acre field behind your house. It would not bother me one bit. They would be better neighbors than the cows that are there now. They would be quieter, less emissions, and they would not block my view any more than when they plant corn in those fields. I want to reiterate what other people have said here, that these projects really should move forward, they are positive for the Town of Dryden and I encourage you to put political differences aside and really look at what you are charged to do and apply the subdivision law.

The Board discussed whether they wanted to close the public hearing and determined to leave the hearing open but M. Moseley indicated that the public comment period was ended.

*J. Wilson moved to approve the proposed subdivision plan/plot as submitted on the grounds that the applicant has complied with the conditions stated on August 2<sup>nd</sup>, 2017 by the Planning Board and that the plat otherwise meets the requirements of the applicable law.*

*D Weinstein seconded the motion*

Discussion:

H. Lambert asked if the Board can review the second map at this time.

The Board discussed the legality of reviewing the second map.

M. Moseley stated that the application includes the flag lots, as proposed. The Board did request that the road frontage be consolidated on the private driveway and they supplied that to us. Unfortunately, as the Board is aware, in deliberations with Counsel, it was indicated that because the original application was not withdrawn and a Conservation Subdivision was not applied for we cannot consider the other map in this public hearing.

T. Hatfield pointed out that after the sketch plan, the board received from the developer, two maps both identified as V2. The Board and the public had 21 days to review the maps but tonight the Board was told that they can only consider one of the two maps. The one that we cannot consider more closely matches what we asked for at the sketch plan.

He further noted that at the sketch plan, the Board concluded that flag lots are not necessary and the common driveway can provide frontage. The flag lots act like a reserve strip which is prohibited in the zoning law. He reminded the Board that the subdivision is not just for this one project.

D. Sprout stated that flag lots are not creating reserve strips.

T. Hatfield said he is uncomfortable with the approach to the discussion tonight. They were given two options to consider and are now being told they only have one plat to consider. The other plat provided protection for the issues that the public has brought up and is the one he would like to be looking at that one tonight.

D. Sprout stated that the plat can be modified to put the flags along the common driveway.

The Board's options include adding conditions to the resolution, leaving the hearing open until the developer comes back with another plat that includes the modifications the Planning Board requests or they can pass the resolution as is.

D. Weinstein said that in discussion at the last meeting, the Board stated that they did not want to create more road cuts and the developer has offered a restrictive covenant that will not permit any more road cuts. That solves the problem that the Board was concerned about and in the Zoning Law, permission is granted to create flag lots. Whether the Board agrees with flag lots today does not matter. It is not a reason for denying the plat.

J. Wilson stated that we could make that a condition to the resolution.

C. Anderson said that he was under the impression that the Board did not want flag lots; that the Board wanted it all on a common driveway which is what the developer shows on the other plat. He believes the flag lots work as reserve strips. He asked for a legal opinion on that issue. The property lines are drawn right up to the other driveway, which was one of the conditions the Board asked for. On this drawing we do not have access points to the facilities. The other drawing had driveways off the common driveway accessing each lot.

T. Hatfield stated the reason for flag lots in the zoning law was to prevent orphan lots. He recommended moving the flag lots from the western edge of the property to the center driveway.

J. Wilson stated if that is a motion or an addition to the motion to create that condition then that makes some sense.

M. Hatch asked counsel if the Board can approve the plat as is, with the condition of moving the flag lots to align with the driveway.

M. Moseley stated that he would prefer to hold the public hearing open, provide the applicant with what we want and reconvene when the applicant has a plat with everything requested and approve the preliminary as a clean plat.

J. Wilson reminded the Board that a proposal has been offered and seconded; he requested the Board vote on the proposal offered before deciding on a different approach.

B. Srinivasan stated that he believes what they have submitted is a valid, legal subdivision plat and they are asking the Board to approve that. If the Board is asking them to move the flag lots to a different location, this is the first time they are hearing that. It is not fair to ask them to submit another plat because this is the first time they are hearing about this request. The concern was additional road cut on Route 13 and they are agreeing to deed restrictions regarding road cuts.

T. Hatfield said that he wants it drawn out. When we left the sketch plan review it was with the understanding that you would use the common driveway for frontage which is not what was submitted. He is willing to meet again to approve a clean plan. It is only fair to the Board and the public. The plan has changed many times but this is a subdivision. He again referenced the other map that was submitted with the one under review.

J. Wilson interrupted to correct the implication that they have acted in bad faith. The law clearly says if a conservation subdivision proposal is going to be put forth, it has to be in the form of an application. Such an application has not been submitted.

B. Srinivasan stated that in his email to M. Moseley he indicated that they were uncomfortable with submitting the second plat.

M. Moseley said that the email was to himself and R. Burger. He does not communicate with the applicant.

D. Weinstein said he understands Tom's points. It is correctly stated that the applicant produced a second plan, at the Board's request, to see what it would look like. The Board has to go back to the point that they have submitted a plan that meets the legal objectives even if we don't like flag lots. Our issue with road cuts was addressed by the deed restrictions.

T. Hatfield responded that we have been told by Counsel that we can deny this and ask them to resubmit with the flag lots aligned with the common driveway. Counsel cautioned the Board to go through the proper considerations for the subdivision based on what was presented to you. It can be approved, approved with conditions or denied outright. The record must reflect your legal basis for your decision.

M. Hatch asked the developer if he had agreed to moving the flag lots to the driveway. Yes.

M. Hatch then asked M. Moseley what his objection is to the resolution with the condition attached.

M. Moseley said he wants a clean plat submitted for the preliminary which he feels is fair to everybody. He does not see any notes on the plat that have come up tonight. He asked the developer why the plat does not contain a note indicating no more road cuts?

B. Srinivasan said they have provided the documents.

M. Moseley pointed out that it needs to be on the plat that is going to be filed with the County. He asked Counsel if a condition is added but the language of the response to the condition is not appropriate, can that language be changed after the Preliminary plat is approved? One of the potential conditions is language restricting future curb

cuts. If the language created to comply with that condition is not the language the Planning Board requires, can the language be changed after the plat is approved? Counsel said that the Board can make it conditional based on the approval of Counsel or the Planning Director, etc. Once the conditions are met, the plat will be considered approved.

J. Wilson asked M. Moseley if the plat presented tonight was what he would consider a clean plat?

M. Moseley said he would like to see the driveway off George Road more defined. He had no idea based on the plat that it is a driveway.

Holly Austin (Counsel for the applicant) indicated her understanding is that the preliminary plat does not have to be a clean plat. The basic structure is in the preliminary and then refined for the final plat. The preliminary plat does not have to be in the form of the final plat to be approved.

T. Hatfield asked Counsel if she agrees with that analysis. He has concerns that once the preliminary plat is approved with conditions, then when the final plat is presented, there are no options for negotiation.

Counsel stated the legal position is that if the preliminary plat is approved with conditions and the conditions are met, then at that point you cannot revise conditions or attach additional conditions. The Board can define how the conditions have to be met. They can say that the conditions will be considered met when the Planning Department or legal counsel have approved them.

J. Wilson asked that the Board list the conditions they would like to see attached to the resolution. My motion is what it is without any conditions. He believes that the Board will have to vote on each of the conditions.

M. Moseley recommended the Board review the requirements for the subdivision preliminary plat and discuss the conditions the Board may wish to attach. J. Wilson's motion appears to indicate that all of the requirements have been met.

### **Subdivision Law, Section 1001: Preliminary Plat**

**A.** The Preliminary Plat shall be at a suitable scale (generally one inch equals 100 feet or one inch equals 50 feet, whichever most clearly illustrates the plan). In addition to the printed copies of the Preliminary Plat, electronic submissions are encouraged by the Planning Department.

**B.** The Preliminary Plat shall be based on the approved Sketch Plan and show the following:

1. Proposed Subdivision name, date, true north and declination, scale, name and address of record owner, Subdivider, Engineer or Surveyor, including license numbers and seals. *Provided*
2. The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property. *Provided*
3. Identification of the Zoning District, including exact boundary lines of district, if more than one district. Any proposed changes in the zoning district lines. *This has been provided in another document and should be added to this document.*
4. All parcels proposed to be dedicated to public use and any conditions of such dedication. *Does not apply.*
5. Location of existing property lines, buildings, ditches, streams, water courses, marshes, rock outcrops, wooded areas, and other significant and existing features for the Subdivision and adjacent property following procedures described in the

Residential and/or Commercial Development Design Guidelines. *Willow Glen Creek tributary is not on this document. The information was previously provided.*

*M. Hatch questioned whether the objections being raised are due to the plat not having enough detail and that this map has to have all the details. Are we saying that this plat has to have all of these items before it can be approved?*

*M. Moseley quoted Subdivision Law, section 1001, subsection B "The Preliminary Plat shall be based on the approved Sketch Plan and show the following:".*

*B. Srinivasan argued that they did not find anywhere in the zoning law that indicates the preliminary plat has to be a single sheet. Our understanding was that we had to provide that detail and we have provided that information extensively through the site plan. They have resubmitted the material that was changed. Everything else is the same.*

*M. Moseley stated that he does not disagree but referred to the Dryden website section on pending subdivisions which does not include all of the information required for the subdivision.*

*J. Wilson verified that the plat presented is the one that will be filed with the county. Yes, the final plat based on this map and conditions will be the one recorded with the county. He then recommended that the Board keep in mind that if the information is someplace else and has already been presented, we can say the information has been provided and will be recorded.*

*Mike Haley, land surveyor, indicated that typical subdivision plans have one sheet showing the existing conditions and another sheet showing the boundaries changes. A third sheet is usually attached with the descriptions. The detail is in the site plan which is separate from most subdivision plans.*

*B. Srinivasan stated that the other plans were submitted with the site plan and are on the Town website. They only submitted the plan that has actually changed.*

6. Location of existing sewers, water mains, and stormwater facilities on the property, with pipe sizes, grades and direction of flow. *Previously provided.*

7. Contours with intervals of five (5) feet or less, including elevations on existing roads. *Previously provided*

8. The width and location of any streets or places shown on the Official Map or in the Comprehensive Plan within the area to be subdivided and the width, location, names, grades, and street profiles of all streets proposed by the Subdivider. *Not applicable.*

9. Method for obtaining and furnishing an adequate and satisfactory water supply in accordance with the requirements of the Public Health Law and Tompkins County Sanitary Code. *Not applicable.*

10. Method for obtaining and furnishing adequate and satisfactory sewerage facilities in accordance with the requirements of the Environmental Conservation Law and the Tompkins County Sanitary Code. *Not applicable.*

11. A Stormwater Pollution Prevention Plan. *Submitted.*

12. Plans and cross-sections showing the proposed location of type of sidewalks, street lighting, trees, curbs, storm drains, including the size and type thereof. *Previously supplied pertinent sections.*

13. Preliminary designs of any proposed bridges or culverts. *The applicant has agreed to clear out the culvert that connects two wetlands. D. Sprout visited the site and determined he doesn't feel a culvert on the Willow Creek tributary will be beneficial. The applicant is using timber mats to prevent damage and the equipment used to install the arrays are track vehicles thereby further preventing damage. The timber mat detail is in the SWPPP.*

*M. Moseley offered a condition: The drainage ways should be maintained in a way to protect the drainage ways with culverts and/or drainage methods that would not negatively impact the drainage way.*

14. Proposed locations of all water supplies and sewage facilities. *Not applicable.*

15. The proposed lot lines with approximate dimensions and approximate area of each Lot. *Provided.*

16. The boundaries of proposed permanent utility easements over private property, which shall not be less than 20 feet in width and which shall provide satisfactory access to an existing street or publicly-owned Open Space shown on the Subdivision, Official Map or Open Space Plans. *The applicant stated they do not have control of the easement that NYSEG will use. There are wires along Route 13 and George Road. The wires will be underground except where the wetlands exist. Previously provided.*

17. Field survey of the boundary lines of the tract made by a Surveyor. The corners of the Subdivision shall be marked by permanent monuments and shall be shown on the Preliminary Plat. All Lot corner markers shall be made of metal, at least three-quarter (3/4) inches in diameter and at least 24 inches in length, and located in the ground to existing grade. *Provided.*

18. Location, width, and purpose of all easements for access by pedestrians and vehicles. *M. Moseley requested further delineation of the George Road easement. The one from Route 13 is shown. The applicant indicated that they will be primarily using the common driveway all the way to lot one for a matter of convenience. J. Wilson does not feel it is necessary to further delineate the easement.*

19. Location of all other features proposed by the Subdivider, required by this Local Law or other applicable local law, including proposed streets. *Not applicable.*

**C.** If the Subdivision is only a part of the Subdivider's property, the Subdivider shall file with the Preliminary Plat a map of the entire tract, drawn at a scale of not less than 400 feet to the inch showing an outline of the Subdivision with proposed future streets with grades and stormwater calculations for the entire tract.

**D.** A copy of any covenants or deed restrictions proposed and any proposed homeowner's association agreements shall be filed with Preliminary Plat. *The deed and common driveway agreement has been provided.*

**E.** Unless Preliminary Plat approval is not required, as in the case of certain Minor Subdivisions, a Preliminary Plat approved by the Planning Board is required in order to file a Final Plat.

H. Lambert asked for the proposed resolution be stated again.

*J. Wilson moved to approve the proposed subdivision plan/plot as submitted on the grounds that the applicant has complied with the conditions stated on August 2<sup>nd</sup>, 2017 by the Planning Board and that the plat otherwise meets the requirements of the applicable law.*

C. Anderson asked the applicant if they have spoken with the Town Engineer, one of the conditions of the sketch plan approval.

B. Srinivasan responded that they have asked them to provide them with the specifications for a common driveway, which Dryden does not have. They were told that they should meet the specifications for NYS which will be acceptable. They did provide detail showing they are meeting those standards. They were unable to find specifications from previous uses of the "road".

D. Weinstein asked if the motion offered includes the conditions previously stated.

J. Wilson indicated that no, his motion does not include conditions.

M. Hatch suggested an amendment to the resolution which would include the conditions articulated at the meeting tonight.

J. Wilson stated that he needs to hear the proposed conditions before he would agree to have them attached as conditions as he does not feel they have been clearly stated.

M. Moseley referred to the list above and stated that numbers 2, 5, 6, 7, 13, and 16 were all submitted previously but are not attached to the plat.

T. Hatfield asked for inclusion of the condition of moving the flag lots along the common driveway.

The Board voted on the proposed resolution without conditions:

*To approve the proposed subdivision plan/plot as submitted on the grounds that the applicant has complied with the conditions stated on August 2<sup>nd</sup>, 2017 by the Planning Board and that the plat otherwise meets the requirements of the applicable law.*

The resolution was denied with a 3-4 vote.

T. Hatfield advocated for the presentation of a “clean plat” showing the requested conditions/changes that the Planning Board has asked for. That way everyone knows what is being approved.

M. Moseley stated that the Board needs to be clear to the applicant what the Board is looking for.

J. Wilson requested that the legal grounds for denying the plat as presented be listed.

M. Moseley stated that numerous items outlined in the Subdivision Law 1001, subsection B were provided as part of this packet. We went over those items. The applicant indicated previously that they have provided those items but they are not on the plat.

J. Wilson again stated that since the Board has denied the plat, they will have to specify what is missing.

Counsel cautioned the Board with the advice that if the information has been provided to the Town, they cannot penalized the developer for where it has or has not been placed; only whether the information has been provided to the Board or not.

J. Wilson and M. Hatch asked that the Chairman provide his reasons for denying the plat.

M. Moseley verified that the applicant has complied with #2 and #5 with a previous submission. He asked the applicant to delineate Virgil Creek and the associated wetlands on the final plat. Since the applicant has already provided a map with those delineations, Mr. Moseley requested the map be attached to this plat in addition to the stipulation (a note on the plat) that no development or disturbance will occur in those areas.

B. Srinivasan said they will comply with all of the conditions of the SEQR and SUP.

M. Moseley tried to explain that although those conditions have already been met through a different process, the applicant still needs to show compliance with the subdivision requirements of which this is one per #5 of the Subdivision Law, Section 1001, subsection B.

T. Hatfield reiterated that the applicant’s compliance through SEQR and the SUP does not guarantee future compliance once the applicant has removed the solar arrays.

B. Srinivasan stated that any future use of the property in relation to the wetlands will need approval from various agencies.

M. Moseley asked if the approval of the Town Board can be cross referenced to the plat.

Counsel agreed that something can be noted on the plat cross referencing the previously approved SUP.

Returning to his list, M. Moseley asked if there were any issues with #6. No one on the Board had any comments other than it has been previously provided.

In regard to #13, Mr. Moseley previously proposed a condition to be associated with this requirement. *The drainage ways should be maintained in a way to protect the drainage ways with culverts and/or drainage methods that would not negatively impact the drainage way.* J. Wilson argued that per D. Sprout, this is not necessary. Mr. Moseley noted that he is not asking for a culvert on the tributary per se; he is asking for a note indicating they will provide drainage methods that would not negatively impact the drainage way, the proposed timber mats will fulfill this condition. The Board ultimately agreed that a cross reference to the SWPPP will suffice.

In terms of the curb cuts, B. Srinivasan has already submitted a restriction that will be associated with the flag lots restricting future curb cuts. The Board agreed a cross reference to the deed restriction is acceptable.

T. Hatfield asked that the location of flag lot “poles” be moved to follow the common driveway. The proposal is to make the three flag lot poles (lot 2,3 and 4) run side by side in line with the common driveway. The common driveway will be 60 feet wide but the easements will be a total of 75 feet (25 feet per).

H. Lambert expressed her reasons that she voted no. She has concerns about the wetlands and waterways because they have been prevented from discussing the conservation map. She is concerned about these issues. The people have spoken again and again about the trees. I have been lectured from the podium tonight about focusing solely on the subdivision Law and but she has also been told to look at the project as a whole. My only way to express her concerns was to say no to the resolution.

B. Srinivasan indicated that the same information was provided at the sketch plan review and the issue with the flag lots was not expressed at that time.

M. Moseley again explained that the Board needs to see something that is going to be filed with the County that cross referencing or has the conditions on it. He understands that the applicant has dealt with these issues in other venues.

T. Hatfield pushed to have the preliminary plat resubmitted with the requested changes so the public and the Board are fully aware of what is being approved. He indicated he is willing to meet again in the near future to vote.

J. Wilson stated that he would not agree to that if it impacted the application timing.

B. Srinivasan gave the conservation subdivision plat to the Board members. T.

Hatfield indicated that this plat was exactly what he was looking for.

J. Wilson protested that the conservation subdivision plat is not the one under consideration and thus he does not understand why the Board would even look at it.

J. Wilson - move to prove subdivision on grounds that the sponsor has complied with the requirements of August 2nd and the subdivision laws following the attached conditions.

***Resolution # : Preliminary plat approval***

*2150 Dryden Road*

*J. Wilson offered the following resolution:*

***Whereas, the applicants have presented a preliminary plat design for a subdivision at 2150 Dryden Road; and***

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

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

**Whereas**, the Planning Board has reviewed the application and determined the applicant has complied with the requirements as stated at the August 2, 2017 sketch plan review;

**Therefore, be it resolved**, the Dryden Planning Board approves the preliminary plat design with the following conditions:

1. the applicant shall cross-reference the site plan map (C-102) indicating the wetlands and streams and delineating the wetland, streams and array borders demonstrating the Town Board approval of array placement in reference to the wetlands and streams;
2. the applicant will cross-reference the Storm Water Pollution Prevention Plan (Section four, subsection C. Environmentally Sensitive Areas) in reference to the maintenance of wetlands and drainage ways, to protect the drainage ways with culverts and/or drainage methods that would not negatively impact the drainage ways including the use of timber mats for tributary stream crossings;
3. the applicant will reference on the plat the recordable deed restrictions for lots 2, 3, 4 and 5 enforcing the common driveway and preventing future curb cuts along Route 13;
4. the applicant will delineate the width of the easement to Lot 1 from George Road; and
5. the applicant will redraw the flag lots to the specifications presented on the "Proposed Subdivision Plan Option 3" plat by Mr. Haley dated 8/22/2017.

*The motion was seconded by D. Weinstein and approved 6-1.*

The Board took a five minute break.

**Discussion pertaining to increase density with LEED points for Modern Living Rentals LLC and potentially build up to 42 townhomes on the combined lot of approximately 3 acres. The tax parcels to be combined are #56.-2-5 and 56.-2-6 located at 802, 804, 810 and 812 Dryden Road.**

- Gretchen Barvard, J&B Consulting, presented the information that Modern Living Rentals has assembled for the LEED 2009 for Neighborhood Development
- She said there was some concern about Board members not being familiar with the checklist at the last meeting.
- D. Weinstein indicated that he had some questions but after a quick consultation with Ms. Barvard, he determined he was satisfied their LEED calculations.
- M. Moseley has heard that there are potential problems with potable water on the site. Adam Fishel stated that since the last meeting, they were notified that there might be an issue with the water supply. They have been in talks with Bolton Point and there is a way to modify the system to provide the capacity. They are trying to set up a joint meeting with Towns of Dryden, Ithaca and Bolton Point to determine what needs to be done and how they can get the ball rolling.
- D. Weinstein stated that he has not heard anything to do with a water issue although he was aware that there will eventually be an issue with the sewer capacity. Why is there an issue with the water supply?

- No specific answer was given to this question. Eventually, the question was answered - a control valve at the Cornell Orchards needs to be fixed to permit sufficient water flow.
- M. Moseley asked the applicant for a letter from Bolton Point to verify that they will have the correct water capacity.
- M. Moseley asked the Planning Department to send a 239 letter to the Town of Ithaca.
- John Snyder, project architect, showed a drawing of the end units which will have 3 bedrooms. Two bedrooms will be upstairs with a lounge area which will include the washer/dryer. The downstairs has a master bedroom, kitchen and living area.
- The EAF has been submitted.
- The applicant hopes to do a presentation next month with a 3-d tour of the 3 different units.
- Per the Varna Plan, a pocket park is encouraged and that goal can be reached with a bench along the trail to the Cornell Plantations
- The green space requirement has been met

Public hearing for 2150 subdivision was closed at 11:38PM

### **Introduction of Delaware River Solar project at 2243 Dryden Road**

- The applicant has already submitted the long form EAF and SEQR documents to the Planning Department.
- They are still working on the SWPPP.
- In July, they submitted a site plan for a 1.75 mw project. Since then there have been lines opened up in the NYSEG queue and they have been permitted to file for connection with a second project. They are now proposing 3.75 mw.
- Mike Flannigan, Chazen Engineering for Delaware River Solar.
- 3.75 mw on 114 acre +/- parcel located between Ferguson Road and Dryden Road. To the west is Irish Settlement Road and to the east is the Village/Town boundary close to Hilton Road.
- They have completed the engineering analysis for the 1.75 mw piece. The only ecological concern is the Indiana bat whose site is 38 miles away. There are no trees on the property. The closest residence is 300 feet away on the south side of Ferguson Road.
- They do not believe that the farm is in a protected or high priority farm land protection area based on data from Tompkins County.
- They expect there to be a three month construction period based on the size of the facility. They expect temporary noise and impacts.
- The only item that is impervious will be the inverter facilities - small concrete pads.
- They will install a temporary road for access in addition to the existing road/access off Ferguson Road.
- They do not anticipate any environmental problems.
- A glare analysis has been done but it does not consider screening. There was only one place that glare was picked up. The topography will mitigate much of the visual impact although screening will be added.

J. Wilson asked the Planning Department for the process and a timeline for permitting the solar installation.

- M. Hatch asked why the panels are located close to the western boundary. The response was that was where the configuration worked best.
- He further asked if the developer has talked to the local residents yet. They have not but are hoping to start those conversations shortly.
- D. Weinstein asked how far the buffer is from the western line. There is 100 feet between the boundary and the buffer.
- T. Hatfield asked if the farmer was going to continue to farm the rest of the property. The applicant believes he will.
- M. Hatch asked if a soil sample has been done. The applicant stated that they have reviewed the maps available through Tompkins County. They are aware that there are prime soils all around this site but this land is not protected.
- D. Weinstein asked if the land is classified as prime soils. The applicant indicated that yes, some of it is considered prime soils.
- M. Hatch asked what kind of upkeep they will be applying to the site. The applicant indicated that they normally have mower and trimmers come out a couple times of year to maintain the undergrowth and to clean the solar panels. Mr. Hatch recommended considering not using farm animals to maintain the undergrowth since some ag practices lead to the pollution of water ways and such.
- M. Moseley asked that the wetlands/waterways/drainage ways be identified on the plat. The applicant has stated that they have tried to avoid any wetlands or drainage ways which appear to be maintained by the farmer.
- M. Moseley asked about lighting. The applicant replied that there may be some security lighting or security cameras. The inverters have some small indicator lights low to the ground. The Board requested that there be no lighting in the array.
- D. Weinstein requested the applicant look at the fencing permitted at other facilities. Larger openings that permit wildlife to pass through; the Board does not wish the facility to look like a prison.
- M. Moseley requested a detailed list of the vegetation the applicant wishes to use for screening. Tompkins County has an invasive species list to avoid. They will consult with a landscape architect.
- There was a question about the internal setback lines but as D. Weinstein indicated, the setbacks as stated in the law will apply.

Mineah Road concerns:

Please see attached analysis by D. Weinstein.

- D. Weinstein has shared a document with the Board identifying issues with the previously proposed 16 “cottage” project on Mineah Road.
- There are a lot of things that were not addressed in the process and, in effect, have created problems and dangers to the citizens on Mineah Road if the development was built.
- The developer has said he does not have enough water so he has scaled the project back while keeping his options open.
- Mr. Weinstein’s analysis says this is not a good project due to the water issues including quantity, quality and potential of flooding.

- Based on the DOTs estimates, drivers have 2 seconds to get off Mineah Road onto Route 13.
- One of the problems is the naming of the development as cottages which changes the zoning application - cottages cannot be occupied year round.
- Right now the site plan approval permits up to 24 units.
- Can the Planning Board alter the approval, add conditions, or withdraw the approval? How can the Planning Board alleviate the problems this project could cause for those already living there?
- Recommendations:
  - petition the DOT to do a more in depth traffic study
  - D. Sprout suggested petitioning the Town Board to change definition of multiple family dwelling which would cause it to go to a site plan approval.
    - D. Weinstein feels that the project was misclassified
- He feels it is reasonable to limit development at that intersection given the danger. The developers did not acknowledge the danger of the intersection in regard to the sight distance.
- T. Hatfield recommended the Board ask R. Burger and Counsel for guidance.
- S. Lyon said that Etna Lane citizens have contacted her regarding flooding they experience from the run off.
- D. Weinstein said that what stopped the project was the Health Department's determination that the water supply is not sufficient.
- NYS DOT has requested S. Lyon forward her study and the petition for their review.
- D. Sprout said that the project was not miscategorized. Even though the houses were labeled "cottages" that was not the legal description.

*D. Weinstein offered the following resolution:*

*The Planning Board hereby requests the Town Board request a traffic and intersection study of the Mineah Road, Kirk Road and Route 13 intersection by the New York State Department of Transportation.*

*J. Wilson seconded the motion which was unanimously approved.*

There being no further business, the meeting was adjourned at 12:17PM on August 25<sup>th</sup>, 2017.

Respectfully Submitted,

Erin A. Bieber  
Deputy Town Clerk

Analysis of potential problems with the Pineridge Cottages  
Conducted by D.A. Weinstein, Dryden Planning Board, for Planning Board members  
August 23, 2017

Summary: There were incomplete analyses conducted in the materials presented by the project sponsors and their engineer and in the board's review of these materials. It is probable that the approvals based around these incomplete analyses would create a situation in which the environment surrounding the project site is compromised and the neighborhood has a significant reduction in their quality of life, including problems with water quantity and quality, flooding, traffic, and traffic access safety.

Therefore, should the developer choose to not abandon this current site plan, the board should strongly consider options for re-evaluating the project along with its SEQR determination. Such a re-evaluation would be warranted given SEQR's instruction that, " Responses .... may be subject to further verification." and given the errors in the SEQR part 1 form that are only now coming to light.

Further, many of the issues identified below that are impediments to safe development are relevant to any development that might be proposed on Mineah road. Therefore, it would be reasonable for the board to consider recommending to the town board that the zoning on much of the west side of Mineah road be changed from mixed use commercial to neighborhood residential, the zoning that most of the other side of the road currently has.

1. Site Plan review concerns: On April 27th, 2017, we made a negative declaration for the SEQR determination for the Pineridge Cottages development proposal, approved the sketch plan, and waved all additional site plan review for this development. Because this development was being presented as single family "cottages" instead of multi-family detached dwelling units, no notification was required to be given to neighbors of the proposal. Consequently, without time for the news to percolate through the community that would have come with a preliminary and final plat considerations, the neighborhood had no time to air their concerns before approval.

It was misleading to present these units as "rental residential cottages", since our zoning law identifies cottages (and cabins) as "a structure designed for seasonal occupancy and not suitable for year-round living". This erroneous depiction created an incorrect picture in the minds of the reviewers as to what this development was all about. It should have been identified as "Multifamily detached dwelling units- a group of Dwellings on one lot with each Dwelling containing separate living units for three or more families having separate or joint entrances and including apartments, group homes, townhouses, cottage homes and condominiums. "If classified this way, the project would have required a Special Use Permit, and no more than 8 separate buildings could have been permitted on the parcel instead of the 16 proposed here.

Since our zoning is oriented towards evaluating the allowable activities on a given parcel of land, it was questionable whether it was reasonable to evaluate this project based on 4 combined parcels before those parcels were actually combined.

2. Potential water insufficiency: Tompkins County Health has raised concerns about the potential deficiency of water. The engineer's design flow summary indicates an average daily flow of 2000 gpd and a maximum of 4000 gpd. The engineer indicates that there would be an average of 2.5 individuals per unit, which at an average water use per day in Tompkins County of 80 gallons per individual results in an average

water use of 4800 gpd instead of 2000. The peak water use is likely to be substantially greater than 4800 gpd.

Sewage generation was similarly underestimated, since the Countywide Inter-Municipal Water and Wastewater Feasibility Study for Tompkins County, 2010 indicates “engineering practice for sanitary sewer design is 100 gallons per person per day”, which would lead to 6000 gallons per day more than twice the 2400 gallons per day indicated in the SEQR information.

3. Potential flooding: The severe slopes on which the apartments were going to be built (20%) are identified in our comprehensive plan as environmentally constrained. Almost 95% of the site has slopes that exceed 10%, with 37% exceeding 15%. This flooding potential is further exacerbated by the relatively thin soils, each of which is either poorly drained or has a restrictive layer that causes seasonally high groundwater levels that would lead to local ponding and downslope surface water problems. The hillside is known to be covered with springtime water seeps. At the bottom of the hill near Rt. 13, there are easily observed places where the main drainage culverts are nearly full with sediment or where excess sediments have been deposited in sizeable fans after repeated flooding.

The engineer’s percolation test holes were dug during one of the driest periods on record for our area, August and October 2016. Despite the engineer’s contention that most of the soils in the water treatment filtration area are the deeper, moderately well-drained Langford soil, much of the evidence from the rest of the area and the building sites suggests poor percolation rates. With these shallow soils, it is difficult to understand why the SEQR information (E.2.a.) indicated that the average depth to bedrock is 40 feet.

These flooding probabilities create major questions about whether any storm water pollution prevention plan can be designed to adequately handle the increase in runoff from this site. The SWPPP will need to receive an extra level of scrutiny, including a reexamination of its assumptions, before approval.

With nearly half of the 12 acres being disturbed (5.5 acres), the possibility of flooding is further accelerated. Far too much forest (-4.4 acres) is proposed to be converted to meadows (+1.46 acres) and lawn (1.68 acres).

4. Traffic: The number of trips per day is expected to increase by over one hundred (going from 386 to 544, an increase of 41%). This is a large increase in a residential neighborhood, sufficient to substantially decrease the quality of life for current residents, especially considering the engineer’s report that there is already a wait time for vehicles attempting to enter Rt. 13 from Mineah road. The information the applicant provided in SEQR form D.1.j is misleading in indicating that this level of traffic increase is not substantial.

The viewing distances east from this intersection were observed to be below the acceptable levels. According to AASHTO’s *A Policy on Geometric Design of Highways and Streets*, the sight distance required for cars turning left from a stop sign on to a major highway is 650 feet with cars travelling at 55 mph. Because of the hill over the

culvert looking east from the Mineah Road intersection, the distance before cars travelling west on Rt. 13 become visible from this intersection appears to be about 500', significantly less than the required 650 feet.

This limited site distance is estimated to raise the probability of an accident occurring at this intersection by 10%. Given the high volume of cars travelling west of 17,500 (DOT count in 2013) cars per day and 1604 cars per peak hour (approximately 1 car every 2 seconds), the probability of additional cars increasing an already high danger is large.

At one car every 2 seconds during the morning and evening rush hours, the current residents trying to turn on to Rt 13 from roads entering from the south have a major problem already. Neither the potential alleviating mechanisms of a traffic light or a center turn lane (that would help drivers to get across at least one lane of traffic at a time) are currently being considered by the Department of Transportation. While it makes sense to petition the DOT to conduct a major traffic study of the area and to elevate their consideration of remedies of this problem, the best interim solution might be for the planning board to limit the number of new developments on the south side this section of Rt 13 in which the cars from those developments would primarily need to access Rt 13.

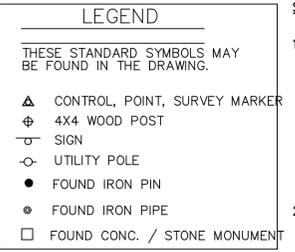
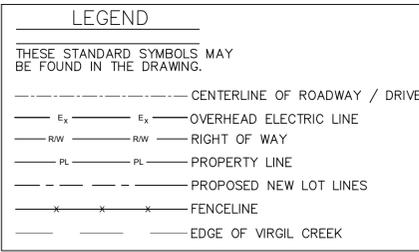
Line Table		
Name	Length	Direction
L1	576.26	N 64°30'33" W
L2	348.80	S 3°41'38" E
L3	612.02	S 82°08'07" W
L4	8.38	S 2°55'39" E
L5	471.10	S 89°52'00" W
L6	531.32	S 2°26'49" W
L7	90.18	S 62°30'27" E
L8	78.66	S 27°56'13" W
L9	161.06	S 36°55'47" E
L10	19.27	S 21°40'38" E
L11	25.00	S 67°14'58" W
L12	19.73	N 21°40'41" W
L13	108.04	N 78°04'08" E
L14	161.06	N 36°55'47" W
L15	438.96	N 2°52'49" W
L16	78.66	N 27°56'13" E
L17	202.77	N 53°32'52" W
L18	90.18	N 62°30'27" W
L19	1373.01	S 89°52'00" W
L20	519.53	N 1°52'33" W
L21	1362.11	N 89°07'43" E
L22	935.23	N 2°24'17" W
L23	386.08	S 39°20'50" E
L24	1266.78	N 86°51'00" E
L25	107.88	S 42°43'42" E
L26	48.18	S 4°08'28" W
L27	342.25	S 1°16'17" E
L28	0.01	N 89°59'05" W
L29	20.19	N 21°40'38" W
L30	108.04	N 78°04'08" E
L31	161.06	N 36°55'47" W
L32	438.03	N 2°52'49" W
L33	78.66	N 27°56'13" E
L34	202.77	N 53°32'52" W
L35	90.18	N 62°30'27" W
L36	117.84	N 4°46'49" E
L37	1302.88	N 89°59'05" W
L38	250.93	N 1°52'26" W
L39	319.86	N 1°52'33" W
L40	529.69	S 2°26'49" W

Line Table		
Name	Length	Direction
L41	164.91	S 4°46'49" W
L42	19.72	S 21°40'38" E
L43	25.00	S 67°15'26" W
L44	20.66	N 21°40'38" W
L45	161.06	N 36°55'47" W
L46	437.17	N 2°52'49" W
L47	374.60	N 1°52'33" W
L48	1302.88	S 89°59'05" E
L49	117.84	S 4°46'49" W
L50	90.18	S 62°30'27" E
L51	202.77	S 53°32'52" E
L52	78.66	S 27°56'13" W
L53	438.03	S 2°52'49" E
L54	161.06	S 36°55'47" E
L55	108.04	S 78°04'08" W
L56	20.19	S 21°40'38" W
L57	25.00	S 67°14'14" W
L58	1467.01	N 89°52'00" E
L59	188.42	S 53°32'52" E
L60	78.66	S 27°56'13" W
L61	108.04	S 78°04'08" W
L62	27.07	S 67°15'26" W
L63	43.65	S 27°09'43" W
L64	4.35	S 68°26'55" W
L65	387.08	N 1°39'21" W
L66	1385.19	S 87°35'57" W
L67	1087.95	N 1°52'33" W
L68	1035.23	N 7°10'42" W
L69	405.90	S 87°26'04" W
L70	1023.58	N 2°55'39" W
L71	165.42	S 4°46'49" W
L72	202.77	S 53°32'52" W
L73	439.96	S 2°52'49" E
L74	108.04	S 78°04'08" W
L75	198.64	N 67°15'26" E
L76	258.55	N 67°15'26" E
L77	48.77	N 21°55'32" E
L78	17.67	S 88°33'35" E
L79	47.78	S 36°17'17" E
L80	243.95	N 80°31'54" E
L81	121.56	N 89°57'08" E
L82	37.41	N 34°43'39" E
L83	7.15	N 86°51'32" E

Curve Table							
Name	Radius	Arc Length	Chord Length	Tangent Length	Middle Ordinate	External Distance	Chord Direction
C1	130.00	152.67	144.05	86.52	21.78	26.16	S 28°51'49" E
C2	150.00	23.46	23.43	11.75	0.46	0.46	S 58°01'40" E
C3	150.00	213.33	195.80	129.21	36.35	47.98	S 12°48'20" E
C4	175.00	351.24	295.18	274.69	80.97	150.70	S 20°34'10" W
C5	40.00	69.64	61.17	47.46	14.22	22.07	S 28°11'45" W
C6	65.00	113.16	99.40	77.12	23.11	35.86	N 28°11'45" E
C7	150.00	301.07	253.02	235.45	69.40	129.17	N 20°34'10" E
C8	50.00	29.71	29.28	15.31	2.19	2.29	N 19°54'18" W
C9	125.00	177.77	163.16	107.68	30.29	39.98	N 12°48'20" W
C10	155.00	182.03	171.75	103.15	25.96	31.19	N 28°51'49" W
C11	394.40	317.63	309.12	168.00	31.55	34.29	S 16°21'39" E
C12	3000.00	283.01	282.91	141.61	3.34	3.34	S 1°25'52" W
C13	90.00	156.68	137.63	106.78	32.00	49.65	N 28°11'45" E
C14	125.00	250.89	210.85	196.21	57.84	107.64	N 20°34'10" E
C15	75.00	44.57	43.92	22.97	3.29	3.44	N 19°54'18" W
C16	175.00	106.56	104.92	54.99	8.05	8.44	N 10°29'37" E
C17	100.00	142.22	130.53	86.14	24.23	31.99	N 12°48'20" W
C18	100.00	15.64	15.62	7.83	0.31	0.31	N 58°01'40" W
C19	180.00	211.39	199.45	119.79	30.15	36.22	N 28°51'49" W
C20	155.00	182.03	171.75	103.15	25.96	31.19	S 28°51'49" E
C21	125.00	19.55	19.53	9.79	0.38	0.38	S 58°01'40" E
C22	125.00	177.77	163.16	107.68	30.29	39.98	S 12°48'20" E
C23	150.00	92.19	90.74	47.60	7.03	7.37	S 10°19'49" W
C24	50.00	29.71	29.28	15.31	2.19	2.29	S 19°54'18" E
C25	150.00	301.07	253.02	235.45	69.40	129.17	S 20°34'10" W
C26	65.00	113.16	99.40	77.12	23.11	35.86	S 28°11'45" W
C27	115.00	200.20	175.86	136.44	40.88	63.44	N 28°11'45" E
C28	100.00	168.68	156.96	46.27	86.11	86.11	N 20°34'10" E
C29	100.00	59.43	58.56	30.62	4.38	4.58	N 19°54'18" W
C30	180.00	211.39	199.45	119.79	30.15	36.22	S 28°51'49" E
C31	100.00	15.64	15.62	7.83	0.31	0.31	S 58°01'40" E
C32	100.00	142.22	130.53	86.14	24.23	31.99	S 12°48'20" E
C33	175.00	106.56	104.92	54.99	8.05	8.44	S 10°29'37" W
C34	75.00	44.57	43.92	22.97	3.29	3.44	S 19°54'18" E
C35	125.00	250.89	210.85	196.21	57.84	107.64	S 20°34'10" W
C36	90.00	156.68	137.63	106.78	32.00	49.65	S 28°11'45" W
C37	75.00	106.66	97.90	64.61	18.18	23.99	S 12°48'20" E
C38	200.00	120.86	119.03	62.34	9.08	9.49	S 10°37'30" W
C39	100.00	200.71	188.68	156.96	46.27	86.11	S 20°34'10" W
C40	115.00	200.20	175.86	136.44	40.88	63.44	S 28°11'45" W
C41	130.00	152.67	144.05	86.52	21.78	26.16	S 28°51'49" E
C42	150.00	23.46	23.43	11.75	0.46	0.46	S 58°01'40" E
C43	150.00	213.33	195.80	129.21	36.35	47.98	S 12°48'20" E
C44	125.00	77.74	76.49	40.17	5.99	6.30	S 10°07'14" W
C45	25.00	14.66	14.64	7.66	1.10	1.15	S 19°54'18" E
C46	175.00	351.24	295.18	274.69	80.97	150.70	S 20°34'10" W
C47	40.00	69.64	61.17	47.46	14.22	22.07	S 28°11'45" W

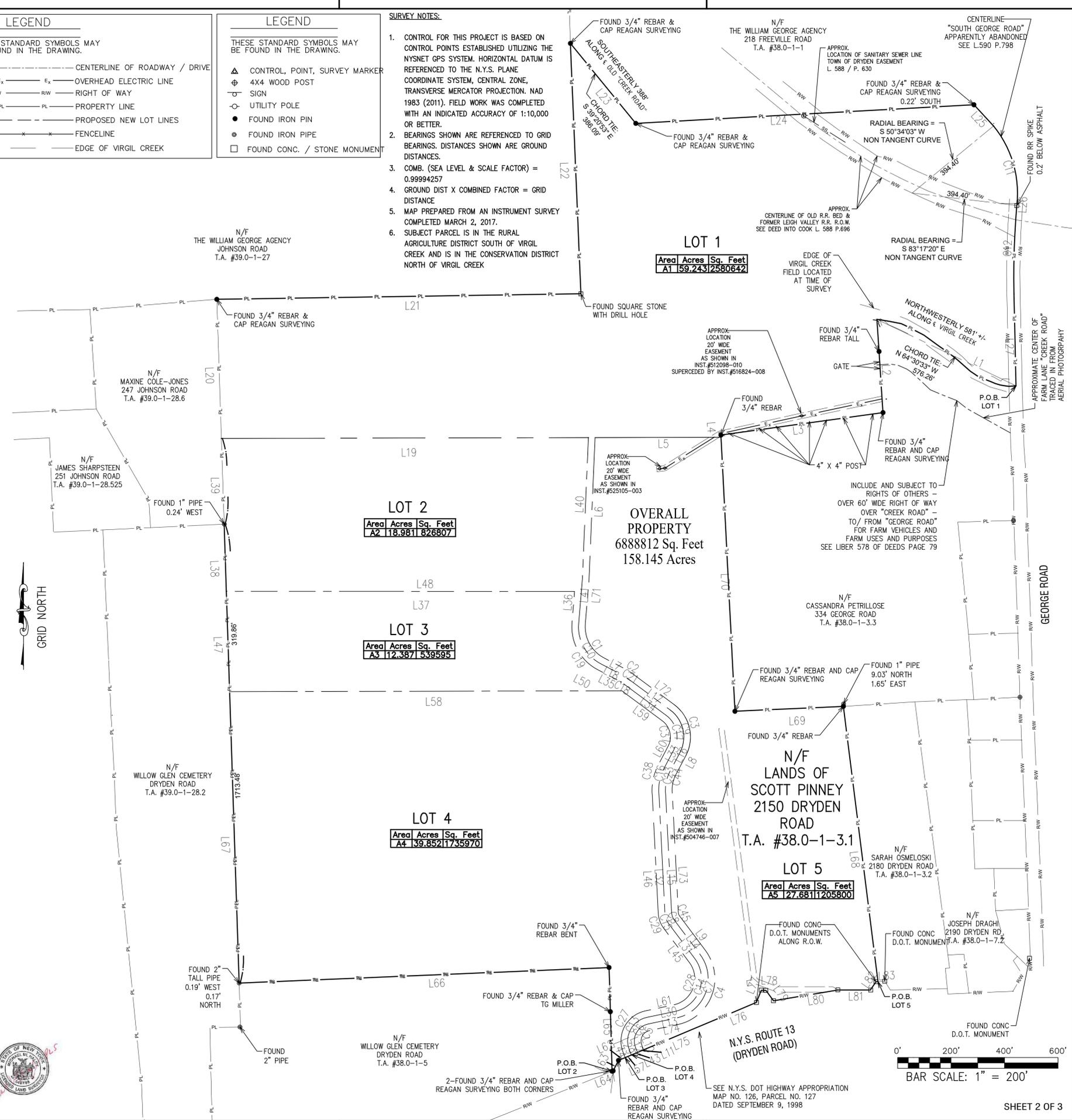
**CERTIFICATION:**  
 TO SUN8 PDC LLC AND DISTRIBUTED SUN LLC AND SCOTT PINNEY:  
 THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, COMPLETED ON DECEMBER 12, 2016.

MICHAEL W. HALEY PLS  
 NYS PLS NO. 049788



**SURVEY NOTES:**

- CONTROL FOR THIS PROJECT IS BASED ON CONTROL POINTS ESTABLISHED UTILIZING THE NYSNET GPS SYSTEM. HORIZONTAL DATUM IS REFERENCED TO THE N.Y.S. PLANE COORDINATE SYSTEM, CENTRAL ZONE, TRANSVERSE MERCATOR PROJECTION. NAD 1983 (2011). FIELD WORK WAS COMPLETED WITH AN INDICATED ACCURACY OF 1:10,000 OR BETTER.
- BEARINGS SHOWN ARE REFERENCED TO GRID BEARINGS. DISTANCES SHOWN ARE GROUND DISTANCES.
- COMB. (SEA LEVEL & SCALE FACTOR) = 0.99994257
- GROUND DIST X COMBINED FACTOR = GRID DISTANCE
- MAP PREPARED FROM AN INSTRUMENT SURVEY COMPLETED MARCH 2, 2017.
- SUBJECT PARCEL IS IN THE RURAL AGRICULTURE DISTRICT SOUTH OF VIRGIL CREEK AND IS IN THE CONSERVATION DISTRICT NORTH OF VIRGIL CREEK



**LABELLA**  
 300 State Street, Suite 201 Rochester, NY 14614  
 585.454.6110  
 Engineering  
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 Planning  
 www.labellapc.com

**NOT FOR CONSTRUCTION**

It is a violation of New York Education Law Article 145 Sec. 7209, for any person, unless acting under the direction of a licensed architect, professional engineer, or land surveyor, to alter an item in any way. If an item bearing the seal of an architect, engineer, or land surveyor is altered; the altering architect, engineer, or land surveyor shall affix to the item their seal and notation "altered by" followed by their signature and date of such alteration, and a specific description of the alteration.

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**SUN8 PDC LLC**  
**C/O Distributed Sun LLC**  
 601 13th St. NW  
 Suite 450 South  
 Washington, DC 20005

**SOLAR PHOTOVOLTAIC PLANTS**  
 2150 Dryden Road  
 Freeville, New York 13068

NO.	DATE:	DESCRIPTION:
1		
2		

PROJECT NUMBER: 2170026  
 DRAWN BY: CTL  
 REVIEWED BY: MWH  
 ISSUED FOR: FINAL  
 DATE: AUGUST 22, 2017

**PROPOSED SUBDIVISION PLAN OPTION 3**  
 2150 DRYDEN ROAD BEING PART OF MILITARY LOTS 36, 37 AND 47 IN THE TOWN OF DRYDEN COUNTY OF TOMPKINS STATE OF NEW YORK

DRAWING NUMBER:

**V-2**  
 SHEET 2 OF 3