

**TOWN OF DRYDEN
TOWN BOARD MEETING
August 17, 2017**

Present: Supervisor Jason Leifer, Cl Daniel Lamb, Cl Linda Lavine,
Cl Deborah Cipolla-Dennis, Cl Kathrin Servoss

Elected Officials: Bambi L. Avery, Town Clerk

Other Town Staff: Ray Burger, Director of Planning
Susan Brock, Town Attorney

Supv Leifer opened the meeting at 7:07 p.m. and board members and audience recited the pledge of allegiance.

RESOLUTION #108 (2017) – APPROVE MINUTES

Supv Leifer offered the following resolution and asked for its adoption:

RESOLVED, that this Town Board hereby approves the meeting minutes of July 13 and July 20, 2017.

2nd Cl Servoss

Roll Call Vote	Cl Lavine	Yes
	Cl Cipolla-Dennis	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes

Mineah Road Update – Ray Burger said there is an update on that project (Pineridge Cottages). The developer, Richard Wawak, has indicated he is likely to downsize that project. It was 16 cottages and he is looking to change it to a 4 cottage proposal. He is acknowledging the water issues in the neighborhood and feels that is more appropriate sizing. They are probably 2 bedroom units, so it would be about half the number of occupants.

**PUBLIC HEARING
RAIL TRAIL EASEMENTS**

Supv Leifer opened the public hearing at 7:09 p.m. Four new easements have been secured, including the William George Agency. This will be the third time the board has accepted easements in a group and more are expected.

Bruno Schickel said these four easements were the result of an enormous amount of hard work by the Rail Trail Task Force and they are making great progress. There will be additional easements shortly. He purchased property at the back of the Phoenix Book Barn, including about 800 feet of the trail and he will be giving an easement on that.

There were no more comments and the public hearing was left open at 7:11p.m.

**PUBLIC HEARING
SITE PLAN REVIEW & SPECIAL USE PERMIT
SUN8 PDC LLC
LARGE SCALE SOLAR ENERGY SYSTEMS
2150 DRYDEN ROAD AND ELLIS TRACT SITES**

Supv Leifer opened the public hearing at 7:11 p.m. B Srinivasan, representing Sun8, gave a brief presentation. They have submitted two applications for a special use permit for one project at the Ellis Tract where they are proposing ten community solar projects and one for 2150 Dryden Road for five. The project is for delivering the energy as credits to ratepayers in NYSEG Load Zone C, a ten county area surrounding Tompkins County. It's a pay as you go model without charging the ratepayers any upfront capital investment. It's particularly good for generating clean energy locally. It will provide bill credits for houses with poorly situated roofs or land and renters who don't have the right to put something on their rooftops. It also frees up liquidity for people who don't want to invest in the system and want to put their funds in an investment that is a higher value to them. Community solar is a business concept regulated by the PSC to serve these three objectives. It is not a prescribed size limit upward or downward for arrays. The PSC has allowed that multiple rays may be co-located.

There are two groups in the Ellis Tract in the Turkey Hill, Stevenson, Dodge Road area. The north portion has four 2MW projects and one 1MW project. The southern site has four 2MW projects and one 1MW project. The 2150 Dryden Road property has five 2MW projects. They have participated in four public hearings before the solar law to gain some public input. Since the application has been submitted many meetings have been attended by Distributed Sun to gather public input.

They have submitted reviews and initial agency scoping from all the involved agencies, site plans, full EAFs for both sites, ecological assessment reports for both sites, habitat assessments on species that the DEC and Fish and Wildlife Service had identified as being critical, an aquatic resources report that outlined all the wetlands that exist and any impact proposed on them, a full phase one environmental site assessment, phase 1a and 1b archeological study and it's submission to NYSHPO who concurred that the projects were appropriate, extensive visual impact assessments and landscaping for visual buffer. All the agencies for which they had initial scoping provided concurrences for either no take or no adverse impact letter. They've provided a very detailed stormwater pollution prevention plan. At the time of submission for a building permit they will submit and get a permit from the DEC on the SWPPP. They had a 239 review from the County.

After SEQR was wrapped up, the Planning Board took up site plan review on August 2 and the high level recommendations are summarized. They will provide equipment specifications at the time of applying for a building permit. The design is subject to change. At the time of procurement the equipment will be decided and all the specifications will be provided at the time of the building permit. There are very stringent rules in New York. The inverters that can be used in the arrays are regulated by the PSC and by NYSEG. The panels are regulated and have to be approved by NYSERDA. The over-arching requirement is the National Electric Code which requires certain standards to be complied with across the country, and New York has adopted the latest National Electric Code version. They will comply with all of those and it will also be updated in the decommissioning plan. The fire department and planning department have requested a KNOX box and they do provide that for all their systems.

After the Planning Board meeting they visited the sites and evaluated the access roads. They have at least 16' in width to accommodate the fire trucks. The internal access roads in the arrays don't have a fire department requirement under the current New York rules, but

they will have a 12' wide road capable of providing fire truck access to the critical parts of the array. Those are on the site plan.

The Planning Board asked what the intended use was for the two buildings at the 2150 Dryden Road property. The landlord currently uses them for personal storage and storage of other property related to the owner's business. There is no change in future use and no intent to rezone or ask for any other approvals at this time.

B Srinivasan said they have reviewed the documents recently put on the web and substantially they can comply with all of them. There are a few minor clarifications they'd like so that they are sure they understand, but they are substantially ok with all of what is required of them.

Public comment:

Peter Davies, 755 Snyder Hill Road, read the following statement:

"It is, I promise, worse than you think." So wrote David Wallace-Wells in the New York Magazine last month. He was referring to global warming and its potentially devastating effects on our environment, food production and civilization itself. I urge you to read the piece.

Recently all the U.S. Government agencies have come forward with the Climate Science Special Report that finds it is "extremely likely" that more than half of the rise in temperatures over the past four decades has been caused by human activity.

Even if our efforts here in Dryden are miniscule, repeated over millions of similar actions we CAN act to combat global warming by replacing fossil fuel energy generation with globally friendly alternatives such as solar. We not only can, but we MUST and Dryden should be a leader in this effort.

I have examined the latest documents presented by SUN8 (Distributed Sun) and attended an information meeting. I consider that the projects are reasonable, appropriately sited, and beneficial to the community and the global environment. They will provide electricity on a substantial local scale to offset some carbon emissions and counter global climate change.

I believe that the main objections are to the visual effects, but the simulation photographs provided by the company indicate that the visual effects will be minimal and the installations will be screened by vegetation hedges. Even the effect on the horizon will be negligible compared to the current and growing presence of trees. The company has made every effort to accommodate objections to the visual effects by adding screening vegetation and setbacks of the installations. In further information provided on July 7th the company further demonstrates consideration of requests by citizens, including shorter screening vegetation to avoid obscuring the view, and pollinator-friendly reseeding. I consider that the company has gone above and beyond the requirements to ensure that their installations are both environmentally and community compatible.

There is no need for further delaying studies given the suitability of the sites, the mitigation efforts by the company, and the barriers to other locations as a result of a lack of availability of grid connections in other locations. I urge the Town Board to approve both these solar projects for immediate installation.

Thank you.

Tim Resler, 162 Turkey Hill Road, said he is kind of in the middle of all this and is speaking for Susan Reed as well. If the solar panels go up it will be to the south of his Dad's six acres and to the west. He already told Bharath that he could cut down a bunch of trees at the rear of his property so that they wouldn't shade his panels and there would be a straight line. But he thinks the public should have a say as to where the panels should go. So far nobody has had a say as to where these panels go. In 1971 he drove a tractor for Cornell University Plant Breeding and they were picking potatoes up on top of Mt Pleasant. If you were to drive up there now, there are still potatoes growing up there. If you go to where the observatory is, get out of your car and look around, you'll see the ideal place to put up a solar farm, a large scale solar farm. Where you are putting it is not suitable for a large scale solar farm. Mt Pleasant can house maybe 3 or 4 the panels that we've been talking about. Cornell owns it all. There is no reason not to put a solar farm twice as big as what we're talking about on top of Mt Pleasant. He urged the board to go there and take a look around to confirm what

he said is true. There are a lot benefits to going up on Mt Pleasant. It's enormous. You can probably put two of what we're talking about near the observatory. The next hill over is just as big and empty. Nobody goes up there. The only cars you see up there are either people that are lost or someone who lives near might use the road once in a while. You'll have complete public support. You'll be able to put up more panels. You'll be able to keep more glaciers from melting. There are no trees up there. You don't have to break out your chain saws and cut down his trees. You don't have to put up a fancy fence; no one will care what it looks like even if you need one. You'll have to talk Cornell into giving over their potato fields. They've been growing potatoes up there since at least 1971. I'm sure they can plant them somewhere else. Bharath told him that Cornell is really happy about bending over backwards to make these solar projects work. If you go up there you'll see that this is the ideal place for a large scale farm. He doesn't see why it hasn't been looked into from day one.

Bruce Monger, 120 Etna Road, said he teaches an oceanography class that incorporates a lot of climate science. With the change in federal government and the presidential administration, a lot of people say that climate science and actions on climate change and reducing our CO2 emissions isn't going to come from the federal government any time soon. What we have to do is shift our attention to local communities to fight our carbon emissions and to get our emissions to zero. He urged the board to take that into consideration. You guys are not the leaders. We don't have leadership in Washington; we have it locally. You are our leaders. Ask just about any climate scientist what holds us back from action on climate change and they will say leadership. We have the technology and we can do it economically and feasibly. What we don't have is strong leadership. He encouraged the board to be strong leaders. He doesn't live near any of these properties. It's easy for him to say put the solar up. He sees the social impacts at global scales. He encouraged the board to be brave in its decision making, taking into account the people who live near the solar farms. But don't shrink back from your courageous responsibility. He often tells his students that every so often a generation gets called upon to do something extraordinary. This generation is being called upon to take the planet to zero carbon emissions. It starts with local leaders because we can't count on our federal government. It is often cast as Cornell versus the community. But Cornell is made up of community members. They have kids that attend the local high schools. It's not Cornell versus the community. It's people that happen to work at Cornell in the community working with other community members.

Jim Shippy, 11 Dodge Road, said the people that have been speaking on this for months are not against solar. They also call upon the board to use its leadership ability to make sure that solar can go in, but it needs to go in the right places. He doesn't think anyone is arguing against the science of global warming. Too many meetings have been spent talking about those kinds of things when no one is really debating that. It's not about screenings and all that. It's the simple fact that this is not an allowed use and they are asking for something that's special. In order to meet the test, to be granted something that's special, you have to meet certain minimum requirements. He thinks if you take the size and magnitude of what they are going to do to Dodge Road and they already have an enormous high voltage power line and Cornell has a gas pipeline that they put under the road that crosses that. Now when you fill Dodge Road with solar panels you have a disproportionate land use problem with an area that is designed for residential/agricultural and is going to be predominantly commercial in nature between the electricity, the gas, the power lines and the solar panels. It's a disproportion use of the land use. It's not fair to the residents on Dodge Road. Dryden schools deserve to get the maximum benefit for what is going to happen with Sun8. You had to know that Sun8 was going to do a great job of filling in all the blanks. There was no doubt in his mind that they would meet all the requirements to get to where they are today. That was a given once they were allowed to simply apply. He doesn't think they should have been allowed to apply. Dryden won't see any school tax dollars on the Dodge Road installation because that's Ithaca City school district. It's not even half the loaf of proverbial bread that we're talking about. It's less than half because the school tax is the larger of the two taxes that are

levied on that street. Dryden is giving that free money to Ithaca. Dryden could have the cake and eat it too by putting this somewhere more appropriate. That might mean that Sun8 has to dig a little deeper and spend a little more money so they can get their extension cord they keep talking about to reach where it needs to go. Or maybe Cornell needs to dip in. But it doesn't belong on Dodge Road.

Craig Schutt said he wanted to address some of the items in yesterday's Courier. There is a lot of misconceptions, half truths and whatever in there. The people of Dryden have a right to know the truth. First, there is a statement that all the advisory boards had input before the law. False. Neither the Conservation Board nor the Ag Committee were asked for any input. They finally had input because they took it upon themselves. They were never asked for any kind of input, so that's a false statement. There is a statement that the call for a moratorium was all political. No. Some of us just would like to see this done correctly and take some time and have the input. That's disrespectful to the people of Dryden and the people that voted for a moratorium on the boards. It was because people care. Obviously this board doesn't care what the rest of us think. You only have one vision and that is to get as many solar panels as quickly as possible on the landscape without really considering everybody's thoughts and concerns. He is really disturbed about those and other comments. He won't pretend to speak for the Planning Board, but thinks there is some misrepresentation but that's for them to deal with. He is on the Conservation Board and is the liaison from the Conservation Board to the Ag Committee, so he knows what goes on at those meetings. Neither of them were ever asked. The law was already in place before they knew about it. The only reason they had input is because they took the initiative to give input, but were too late.

Joe Osmoloski, 2180 Dryden Road, said he spent two years on the Ag Committee (until this year when he was appointed to the Conservation Board) and doesn't recall the Ag Committee being asked for input for the solar projects. He thanked the board for the letter (i) for 2150 where they basically used the Verizon resolution to protect those willow trees. He also wants to remind the board, even though it is nice that they did this, Zoning Law Section 1103(23) for trees that 1' or more in diameter at breast height. That still needs to be addressed even if the Verizon resolution is rescinded or expires. He recommends that the whole stream at 2150 Dryden Road be put into a conservation easement. Distributed Sun has submitted a conservation subdivision plan. According to Conservation Subdivision Law there must be a conservation easement on that property, meaning property at 2150 Dryden Road will have to go into a conservation easement, being deeded to an external third party. This would be a good time for the board to take advantage of the Conservation Board. This is what the Conservation Board was charged with: protecting our land in Dryden. And the fact that in a conservation subdivision, if Distributed Sun goes ahead with the Conservation Subdivision, that a conservation easement should come from recommendations from Conservation Board. The other boards can also have input, but the Conservation Board should be charged with this. Speaking for himself, he would be more than glad to decide what goes into a conservation easement at 2150 Dryden Road. He would recommend two spots: the whole creek and the whole flood plain area of Virgil Creek. But please, take advantage of the advisory boards. Listen to the advisory boards. They are here for a reason. It seems that every time advisory boards in Dryden make a recommendation to this board, they are ignored. Here is a perfect opportunity to ask the Conservation Board where the conservation easements at 2150 Dryden Road should be put.

Sarah Osmeloski thanked the board for sparing the willow trees that are supposed to be screening the cell tower, but asked that the board take it one step further. She asked the board to consider including in this that if and/or when special use for the cell tower should lapse, expire or be revoked, instead of allowing Distributed Sun to take down these willow trees. These willow trees are really special. They are between 78' and 85' high. Some have trunks greater than 9' in circumference and 3' in diameter. They are huge and they're beautiful. She would like to see them protected. In exchange allow Distributed Sun to put

panels on the other side where the cell tower is supposed to go. Maybe these trees will shade some of their panels, but they can add more panels to make up for the difference of lost electricity. These trees are a very valuable resource to the community.

Claudia Wheatley read the following statement: I live at 60 Hickory Circle in Ellis Hollow. I'd like to address concerns about the size and appearance of the proposed solar farms. The first computer occupied about 1,800 square feet and weighed almost 50 tons. My parents' first TV was black and white and yay big. America's skyline bristled with antennas. No matter how we fiddled with them, the reception was usually poor. The first electric calculator I saw was the size of a shoebox, had to be plugged in, and cost 1600 in today's dollars. And now I have this (iPhone), which does all of those tasks and more, also holds libraries of books and songs, and fits in my pocket. Progress like this is possible because innovators put out imperfect products and watch us use them. They fix problems. They take advantage of new materials. The trend is always toward smaller, cheaper and more powerful. Solar technology is still in its infancy. It won't always be necessary to take up entire fields to power a few thousand homes. But developers need to put the current technology to daily use, so they can figure out how to make solar farms smaller, cheaper and more powerful. I urge the board to help move these projects forward. In my experience further delays only harden the bad feelings a controversial project creates between residents. Incidentally: Although I read from a script, my words come directly from my heart. Thank you

Susan Ashdown, 12 Forest Lane, said she lives near the intersection of Turkey Hill Road and Route 366, an area that she treasures. She mourns for the loss of some places that she loves seeing and driving by, but believes this is something that needs to go forward. We are trying to decide what is best for a company, yes, maybe the top of Mt Pleasant hill, but there would be people who would hate that just as much. She would hate that more because she actually treasures the view around the observatory more than she does the one around Dodge Road. She treasures them all. Her walk to the bus in the mornings is blessed with the beautiful agricultural land in combination with distant hill sides. But these are not our right. They are what we get perhaps for a short time in our life, but it's unreasonable to expect that there would be no change in this much loved area in a lifetime. The kinds of change that could happen would be much more disruptive and distressing and are what made her say, yes, I want solar panels. I want them there. I want them in a place that I love. Because they will step lightly on the land, because they will not disrupt wildlife, because they will preserve agricultural land. She came across the following quote today from Thomas Edison in 1931: "We are like tenant farmers chopping down the fence around our house for fuel when we should be using Nature's inexhaustible sources of energy--sun, wind and tide. I'd put my money on the sun and solar energy. What a source of power! I hope we don't have to wait until oil and coal run out before we tackle that." Let's not wait. Let's put this power where it belongs, near a power line, in a good place, where it will actually preserve that land not destroy it.

Cor Drost, 10 Hickory Circle, said he is speaking in strong support of these solar energy projects. Especially when the federal government is taking a very reckless course, disregarding all of the active scientific evidence and continues to kick the proverbial can of global warming down on to our children and grandchildren. It is up to grass roots communities to stay on course with the Paris agreement and do all we can to stop further global warming. Solar energy is one such evident activity. Every farm engages in solar farming already. That's their business. That's what every field of corn, hay and grass does – convert solar energy into a commercially viable resource. Environmentally, it does not make sense to him, no commercial sense at all, to prefer to grown corn, then convert it into alcohol and then use it to run our cars. Energy that can be farmed by the same farmland through solar panel farming. He strongly urges the board to approve the plans.

Matt Kozlowski, with Cornell University Facilities Engineering, said he is here to speak in favor of the projects. He has personally worked with Distributed Sun for over two years on separate projects, both on rooftop solar on the Cornell Campus as well as the Ledyard and Harford projects. They have been excellent partners. They have been good and responsive stewards to the land. He urged the board to approve the special use permits.

Pat Dubin, 2002 Ellis Hollow Road in Caroline, said she supports the project proposed by Distributed Sun and strongly urged the Town Board to approve the Special Use Permits for the solar project and pass the recommendations that are before it tonight. So much has gone into this project already. All the sites have been looked at over and over and over again. Now is really the time to move forward on it so that we are sure that we can get this project, which is going to contribute to our community in so many ways that people have mentioned. She was looking at the statement of purpose related to the town solar law and this project fits entirely within that stated purpose. The first is taking advantage of a safe, abundant renewable and non-polluting energy resource, which it does. The second is decreasing the cost of energy to the owners of commercial and residential properties, which it does. Many people have spoken before to the board about how it opens up the opportunity for so many people that can't have solar on their property to take advantage of clean energy and cheaper rates. The last is increasing employment and business development in the region by furthering the installation of solar energy systems. We know that this will also contribute to jobs in the area that haven't existed before. She hopes the board will do everything it can to approve the resolutions before it tonight and move this project to completion so that work can begin on it as soon as possible.

Charles Geisler – 517 Ellis Hollow Creek Road, asked the board to approve the Special Use Permits before it. They have been reviewed stem to stern on many occasions with many very positive adjustments. As he has attended meetings over the past year, it seems repeatedly the issue that has come up most sincerely on the part of the opponents is the scale of the project. Many refer to as industrial solar. Large scale infrastructure comes with this curse. It's large. It's a change in the landscape. Yet, isn't it interesting how large roads, power lines, power generators, dump sites, malls, industrial parks, the personal storage units that are spreading across the county and the town, disappear and become invisible very, very quickly. We adjust to them. We accept them as part of our modern life style without trying to hide the fact that they are a blemish in many ways. That said, he thinks we want to look upon the proposed project as a real asset for many, many reasons which have been gone over. This is something to be proud of and which our town can be a leader in and be very, very proud of. He hopes the board will approve the special use permits.

Brad Perkins, 4 Mill Street, said he represents the Willow Glen Cemetery where there are in excess of 7500 bodies buried and there are in excess of 2800 lot owners who have invested in that cemetery. Going back a few months, evidently Distributed Sun sent a letter to the Town Board asking for a waiver on the build out of infrastructure. You granted that waiver to them and only them. You essentially planned then to build these projects. And now you feel like you are handcuffed to that. They state in their letter how much money they've already spent and what the time span is and they also state they had been working on this for three years. If somebody thinks we've only just heard about this in February, that when *we* heard about it, was February. But somebody in this town organization heard about this two and half or three years ago. Now we come to meeting and we find a resolution all neatly crafted, drafted and on paper and ready to vote on. With the SEQR it was the same way. You voted on your SEQR without having reviewed all of the submitted data. I know that for fact. All we are asking for is to back this thing up a little bit. Make it a little smaller. Distributed Sun has come in here and done a wonderful job presenting it. He's nowhere as good a salesman as they are, and he doesn't think the board is. I also know if he was in Alaska and someone tried to sell him snowballs, he'd probably say sorry, I don't need them. He thinks it is not asking too much to have them eliminate array 4 and array 5 from the 2150 Dryden Road project. You would be preserving a natural landscape asset and the view from that asset and he thinks that

is part of the Board's responsibility. He believes the board is somewhat intimidated by the letter that was agreed to when the waiver was granted because you are afraid that they are going to sue you. I think you already went into an executive session maybe to discuss somebody's pending lawsuit. He thinks they are in this far enough, that they've invested enough time and want this bad enough that if you shrunk it a little bit they would probably stay the course and build it smaller rather than abandon it. He learned a long time ago if you don't have any bread at all, a few slices or half a loaf is a whole lot better than having none. Sometimes you don't have to give everybody everything. You've given the cemetery essentially nothing except precluding their view.

Bruno Schickel, 210 Schutt Road, read under Special Use Permits in the Zoning Law A(1): "In this law some uses are allowed subject to a Special Use Permit being granted by the Town Board. The purpose of the Special Use Permit review and approval [procedure] is to assure that the proposed use in harmony with this Law and will not adversely affect the neighborhood if the requirements of the Law and those conditions attached to the Special Use Permit by the Town Board are met." The relevant words are not "adversely affect the neighborhood." There isn't a single immediate neighbor who has come forward to his knowledge and said it won't affect them. Neighbor after neighbor after neighbor has come forward and said this adversely affects them, please push it back, make it smaller, limit the impact, reduce the negative effect on our neighborhood. The question for you folks is are you going to listen to them? Are you going to follow your own law and listen to the neighbors' legitimate concerns? They have legitimate concerns and they need to be addressed. Brad Perkins just spoke and this was not a new proposal to eliminate the arrays up front close to the cemetery. He made that proposal before. There is opportunity for compromise. It's not too late. The same thing is true on Dodge Road. People have come forward and said if you push this back or limit that. No one is saying we don't want any solar. He isn't and he hasn't heard a single speaker come up and say that. Everyone has said we want it, but let's reduce the negative impact on our neighborhood. He supports them in that and thinks it is the right thing to do. This board has an opportunity to find a win-win situation. The question is are you willing to take that? Are you willing to step forward and say yes, we want to move forward but you need to reduce it? You need to push it back; you need to make some accommodations that will accomplish the goal.

Lisa Kilgore, Ithaca, said she wishes she could have solar in her back yard. She had a consultation with Renovus and she can't have solar in her back yard or on her roof. She supports this project because she would love to be able to use community solar and have access to it.

Nancy Miller, 501 Midline Road, thanked the town board and staff for all the hard work that has gone into getting this project this far. She urged the board to issue the needed Special Use Permits for this project. There has been huge scrutiny of every aspect of this project and many changes made to address the community concerns. Sun8 has gone above and beyond what she would expect a commercial company to do to meet the community needs. If this isn't approved she can't imagine another solar or renewable contractor that would want to do big community solar arrays in Dryden. It just doesn't make any sense to her if it is going to be so complicated to do this. Dryden needs to continue to lead the way in environmental protection and to provide the policy and the support for all renewables, but this project particularly, especially now when we feel like we can only depend on local governments to protect us. She thinks this is especially important.

Leslie Appel, 78 Dodge Road, urged the Town Board to please consider approval of the project with certain revisions. For her and for the neighbors adjacent and very close to these projects, they all are saying the same thing as Bruno Schickel just mentioned. She knows for her neighbors on Turkey Hill and Dryden Road, it's the size and scale of this project. At all of these meetings she has left so sad and offended that people that are pro-solar are making it

seem like they don't want solar. They have solar on another one of their properties. Her husband drives a hybrid car. Of course she wants to save the environment for her children, for all of our grandchildren. It's not about that. It's about the size and the scale of this project in an agricultural residential area. It really is commercial. She urged the board to make compromises and not just approve it as is. But she wants solar so she hopes it gets approved with revisions of reducing the scale. One really big thing for the folks on Dodge Road is the cutting of the spruce trees that she's heard termed garbage trees. They aren't garbage trees to them. They love that woods. They walk on the road. That is a beautiful woods. The term NIMBY is offensive. She's happy for some solar to go in her back yard, but not the commercial scale that is being proposed. She has nothing against Distributed Sun. Bharath has been nothing but amazing, coming to them to see how he can mitigate this. But really to mitigate this so they can accept it, it has to be a reduction in the size so they don't have to cut down 30 acres of trees and don't have to take the Spruce woods out. She is not upset with Cornell. She is a Cornellian. She hopes her children will be Cornellians. But again it's the size and the scale and it's not about wanting solar or not wanting solar. We all want solar. We just want it in a way that's going to be acceptable and livable to all of us.

She sees on the agenda there is a Delaware River solar application. When this was first presented it seemed like this was the one and only way to get solar to Dryden, but there is another solar project being discussed? She has received postcards from NYSEG and postcards from Renovus. There are other options for solar and she thinks they're all great and we should have more solar, but they just don't have to be a commercial scale in one location in a residential area.

Daren Miller said he will be talking mostly about the Ellis Tract, but a lot of what he says will apply to the Dryden tract, too. Back in February when they first got the yellow cards the first thing that went through their minds was the large scale, 18MW, and the location, in their rural neighborhood right in their face. Now we are here six months later. They've been to countless meetings. Many people have stood at this podium and said they don't like the size or the location, and yet we're still looking at a project that is still 18 MW and still in the exact same location. They are not listening to the residents because they have no power to change their mind to make it smaller. The board has the power to make them listen and make it smaller by rejecting the special use permit. That's the only way they will listen. If you reject that then all of a sudden a lot of things they said are not possible will suddenly become possible. Like some of these other people said, half a loaf is better than no loaf, and they are going to come around. But they will not, after six months of hearing the residents speak, nothing has happened. It's up to you. It's on you.

Judy Pierpont, 111 Pleasant Hollow Road, said it is the most incredibly beautiful area. Our whole area is incredibly beautiful. We here haven't experienced the horrors of climate change that are already being visited on many places in the world, many of them in this country. She is feeling the urgency of our country and our communities doing something. It's not getting done in this country. There are many reasons for opposition and many of them are well founded. But we are burning fossil fuels more than ever. We are putting more carbon dioxide in the environment than in the past. The rate is going up. We aren't going to survive this. Nobody is going to survive this if we don't do something in this country now. The urgency is now because waiting any longer, we will miss the window. There will be tipping points where we can't go back and the temperature will increase. We can't live, our blood can't cool itself at certain temperatures. Already in the world there are already areas where people can't live or grow food. There will be lots more climate refugees. Our world will be in turmoil. We have a really important urgent part to play and we are able to do it here now. She urged the board to approve the projects which were long in the making and are very close to success. She looks out her windows and says these species and things she loves will not be here in 50 years.

Sarah Zemanik, Director of Sustainability at Cornell, said she appreciates comments about climate change. The earth is in danger, essentially intergenerational injustice, if we do nothing about it. Cornell has a goal of carbon neutrality and 100% renewable energy by 2035. The county and surrounding communities also have goals. The County's energy roadmap calls for hundreds of megawatts of solar farms in order to meet those goals. Interconnection, capacity, the distribution system is the most significant limitation for where these projects can be located. It is a long, complicated unpredictable process with NYSEG to work these projects through. She feels it is incumbent upon all of us, Cornell included, to leverage its resources, particularly in this case where they control a significant and scarce resource (in this case 2 viable interconnection circuits connected to a viable substation) to contribute to solutions both for local and global challenges. Cornell has worked with Distributed Sun to examine more than 50 Cornell owned sites. They found five that have viable interconnection options. They've already built on the other four. The fact is that Mt Pleasant is not a viable interconnect site for distributed renewables. It just isn't. The substation has very minimal capacity and none of the circuits are the right phase or meet other technical requirements. So Cornell's ability or willingness in this case to relocate current operations is not a factor on that site. Even if that site was an ideal location for solar, they are actively looking for additional solar sites, not alternate solar sites, to achieve both Cornell and community goals. She quoted Kathryn Boor, Dean of Cornell's College of Agriculture and Life Sciences: "There are few institutions in the world that care more about farmland preservation than Cornell University. Of equal concern and attention for Cornell in 2017 is climate change and doing all we can to enable sustainability efforts around the world, on our campus, and in the local community to prosper while also reducing our dependence on fossil fuels."

David Bravo-Cullen, Village of Dryden, said he looked at the information from Sun8. They talked about views but their photographs were not good in terms of portraying the views that Brad Perkins and other people are concerned about near the cemetery. He took a nice panorama picture of that view on Tuesday and displayed it for the board. He said you can tell easily the difference between the cemetery land and Pinney property that would be covered with solar collectors. In zoning there is a concept of coverage. The development covers a certain percentage of the property. Usually when you're talking about buildings, the coverage is less than 50% and yet in this case the coverage is considerably higher. He asked the board to consider looking at this more like a building in this case.

Janis Graham submitted a statement from her neighbor:

I would like to express my opposition to the planned solar project on Dodge road. I live at the corner of Dodge and Ellis Hollow and have lived in this beautiful neighborhood for over 6 years.

I would like to share a brief story. A few weeks ago, my 10 year old son and I were driving near Geneva when we passed a solar array that was in a field, visible from the road. I drew my son's attention to it and explained that those were the types of solar panels that Cornell wants to fill the meadows along Dodge Road with. After pondering this for a few minutes he asked me if we can avoid walking and driving down Dodge Rd from now on because it's "depressing" to think about our favorite place to walk and ride bikes being made "ugly." I assured him that many of us in the neighborhood were trying to advocate for the Town of Dryden to reconsider this project and have them relocate or significantly downsize the array. I also tried to explain the argument that Cornell and the solar company had given us about why they insist on Dodge Rd.

What occurred to me after discussing this with my son is that the array we had seen in Geneva was a half-acre large (at most) and still had a significant visual presence. The proposed array for our road is 400 TIMES as big. Based on simple calculations, the array will be the equivalent of 150 football fields. ONE HUNDRED FIFTY! That will completely transform the quality and feel of our neighborhood that we so carefully chose from a place of natural pastoral beauty to an industrial

zone. I am very supportive of solar energy but the scope of this proposed project is absolutely out of balance for our neighborhood.

I urge those on the Town Board to take this into account when deciding on the fate of this project. Also, I urge those who will make the decision to approve or disapprove this industrial project to take a walk down Dodge Rd before you vote, preferably around 7:30 in the evening to experience the serene beauty that is at stake. You can park in my driveway if you wish.

As for those who would like to write us all off as "NIMBY", please try to imagine the equivalent of 150 football fields of industrial materials being imposed on your favorite local natural area....or your own back yard.

Thank you for your considering my viewpoint.
 Greg Kadlecik
 Ellis Hollow Road resident

J Graham thanked board for taking into consideration a vegetative screen in front of array S1 on Dodge Road. She'd still like to make a plug for saving the spruce forest. She saw the Delaware River Solar application. She said everyone has been tortured by this process. She hopes that it can be done differently next time and really reach out to the citizens first so that it isn't coming as a surprise. There must be a better way than what we've all been through in these months with this next application coming down the pike. She urged the board to try to find that better way for the next one.

Martha Robertson said it bothers her to hear people suggest compromise, when there has been compromise, as if there haven't already been many, many modifications in response to the neighbors and community. It's kind of unfair to say that. The Tompkins County IDA has a project in front of them right now for solar in Ulysses. Just in case anybody still thinks that delay will be a good idea, that project is proposing to pay \$4,900 a MW instead of the \$8,000 here. That is being justified because of changes in State policy and a reduction in incentives, and in terms of federal policy where Donald Trump is talking about a tariff on imported solar panels. The idea there would be maybe to stimulate an American market. On the other hand she is sure Donald Trump would be happy to see the solar industry just die because that is kind of what is going to happen when the prices go up. The prices are going up, the incentives are going down and so the taxes that are proposed to be paid for this new project are almost half what Distributed Sun has committed to pay. So delay is only going to cost taxpayers on this. It is ironic when people used to talk about property rights, that an owner should be able to do what they want with their own property, and here we have landowners that want to do something and people think they shouldn't be allowed to do that. She knows that we will get through this and thinks that everybody really has been listening. The board has been listening hours and hours and Bharath has been listening and she hopes we do all listen to each other and try to recognize that people have been giving on both sides.

Marie McRae, 710 Irish Settlement Road, read a statement from Ellis & Oscar Schmidt who live at 8 Genung Circle: As members of the older generation, we think about what we will leave our children and grandchildren. By choosing solar energy for our town we will be doing right by them and all of us now and generations to come. We honor our deceased relatives by focusing on making a livable world for those now alive, those who are growing up and those yet to born.

Mike Pitzrick, 931 Dryden Road, said he is excited to live in community considering large scale renewable energy and thanked the board for its public service and hard work. He respectfully requests the board do what it can to move forward with this project.

Attached are statements handed in but not read by Geisler, Osmeloski and Whittemore.

Supv Leifer closed the public hearing on the trail easements at 8:21 p.m.

RESOLUTION #109 (2017) - AUTHORIZING ACQUISITION OF EASEMENTS FOR THE PURPOSES OF PROVIDING RECREATIONAL OPPORTUNITIES TO THE PUBLIC

Supv Leifer offered the following resolution and asked for its adoption:

WHEREAS, the 2005 Town of Dryden Comprehensive Plan and the 2011 Recreation Master Plan both identified a need for increased outdoor leisure and recreational space; and

WHEREAS, the Town wishes to create a recreational trail (“the Trail”) for non-vehicular use by the public within abandoned railroad property; and

WHEREAS, the property owners listed in the attachment hereto entitled “Trail Easement Agreements Town of Dryden” (“the Property List”) wish to grant to the Town easements (“the Trail Easements”) across those portions of the parcels they own consisting of abandoned railroad property (“the Easement Areas”) for the Trail; and

WHEREAS, the property owners agreed to grant the easements to the Town for nominal consideration, and the Town will not have to expend funds to acquire the easements; and

WHEREAS, such property owners executed proposed agreements with the Town (“the Trail Easement Agreements”); and

WHEREAS, the Town wishes to accept the Trail Easements; and

WHEREAS, §247(3) of the General Municipal Law provides that the acquisition of interests or rights in real property, including by easement, for the preservation of open spaces is a public purpose and that such acquisition requires a public hearing subject to due notice; and

WHEREAS, a public hearing on the proposed acquisition of the Trail Easements was held on August 17, 2017 at 7:05 p.m. at the Town Hall of the Town of Dryden, 93 East Main Street, Dryden, New York 13053, and notice of such public hearing was duly given by posting at the Town Hall and publication in The Ithaca Journal on August 7, 2017; and

WHEREAS, the Town Board on December 15, 2016 issued a negative declaration under Article 8 of the Environmental Conservation Law and Regulations adopted pursuant thereto by the Department of Environmental Conservation of the State (collectively, “SEQR”) with respect to acceptance of the Trail Easements;

NOW, THEREFORE, BE IT

RESOLVED that the Town Board finds that the acceptance of the Trail Easements and execution and recording of the Trail Easement Agreements in the form attached hereto is in the public interest; and be it further

RESOLVED that the Town Board finds that the Easement Areas are suitable for a recreational trail; and be it further

RESOLVED that the Town Board approves the Trail Easement Agreements and authorizes the Town Supervisor to execute them and any and all related documents required for recording of such Agreements, subject to approval of the attorney for the Town.

Attachment A

	<u>Property owners</u>	<u>Tax parcel numbers</u>	<u>Deed references</u>
1.	Brian Stratton	54.-2-3	477812-001
2.	Brian Stratton	55.-1-12	437139-001
3.	Varna II, LLC	56.-5-19.3	507857-001
4.	The William George Agency for Children's Services, Inc.	38.-1-1, / 38.-1-23.2, 39.-1-27	Deed Ref Liber 588 Deeds at pg. 546, Tompkins Co. Clerk's office

2nd Cl Lamb

Roll Call Vote	Cl Lavine	Yes
	Cl Cipolla-Dennis	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

Supv Leifer thanked the Rail Trail Task Force for securing these easements and said he is looking forward to getting the rest of them so we can get the project completed. He thanked Bob Beck, Bruno Schickel and all involved.

Supv Leifer closed the public hearing on the Sun8 special use permits and site plan reviews at 8:23 pm.

Ray Burger suggested doing the 2150 Dryden Road application first. He asked that they reference the site plan review checklist given to the board a few weeks ago. It goes through the requirements point by point. This is what the Planning Board used and he forwarded their recommendations to the Town Board. B Srinivasan addressed some of those pieces in his presentation tonight. The draft resolution runs through the points that the Planning Board brought up and makes suggested conditions to the site plan approval to address those concerns.

R Burger read through the “resolves” for site plan approval one by one.

a) specifications for the solar panels and inverters to ensure compliance with current UL standards - Cl Cipolla Dennis confirmed that documents would be provided before issuance of a building permit. We don't have those documents now because NYSERDA has rules that specify and control what panels are available when the project is ready to move forward and the specs can change.

b) complete decommissioning plans for the approved arrays on the five sites, subject to the approval of the Town Planning Director and Attorney for the Town; after the final decommissioning plans are submitted, the Town Board shall determine the amount of the financial security bonds or other forms of financial security to be provided for each site, to assure removal of the systems and property restoration - when the actual construction plans are put together there will be a

specificity and absolute calculation of decommissioning costs and that will determine the amount of the bond.

c) revised drawing showing a turnaround for emergency vehicles in the vicinity of the buildings on Lot 2 – A driveway goes up the middle of the lot to access a lot of the array fields. There are two structures remaining on the lot and we want to make sure there is an adequate turnaround for fire apparatus for the buildings. Fire apparatus access is not being required for all the array fields because there is an exemption in the Fire Safety Code for solar facilities specifically. The access plan has been shared with the fire chiefs.

d) addition of a note to the site plans to require a Knox-box or similar system for emergency gate access to the sites

e) a long-term maintenance plan subject to the approval of the Town Planning Director and Attorney for the Town for the vegetative screening that is shown on the site plans, with such plan to define heights at which vegetation will be trimmed for shading purposes, establish time limits for replacing damaged or dying plantings, and require replacement plantings to be of equal height or diameter to the initial planting – There is a robust landscaping plan and statements that replacement will be made if necessary. This will memorialize parameters and benchmarks.

f) revised drawing modifying the size of both the construction sign and the permanent sign so that neither exceeds 32 square feet, and showing placement is at least 15 feet from the highway line – this is to ensure that signs are appropriately sized for the project. The construction sign gives an address for deliveries and contact information for emergencies. The permanent sign has a slightly different set of information.

g) revised drawing with sufficient detail showing that no panels will be placed within the 100-year FEMA floodplain – This comes from the County 239 review recommending reconciling what appeared to be a few arrays close to the Virgil Creek flood plain. The current FEMA map is poor and the applicant will submit a detail of that array to confirm that it is above the elevation of the 100 year flood plain.

h) updated site plan drawings, inclusive of planting plans and details, to incorporate all edits and revisions enumerated in errata sheets submitted on or prior to 7/20/17. Leading up to the SEQR there was an errata sheet created (on the web) and it captured some of the modifications that were made – three or four for each project – dealing with modifications and specifying and locking in more detail. Those will now be carried forward into revised drawings.

i) - revised drawing noting that the trees on Lot 5 along the Willow Glen Creek tributary south of the “existing crossing and path” marked for non-mechanized removal on Sheet C-105 may be removed only if and when the Special Use Permit # 04-2017-TSUP issued to Upstate Cellular Network (Verizon) for a cell tower at 2150 Dryden Road lapses, expires, or is revoked. If not executed, the special use permit lapses after 18 months. The words “or is voluntarily surrendered” were added at the end of (i). A comment was made about trees 12” or greater at breast height. R Burger said there are mature trees along the tributary that are implicated in the special use permit for the cell tower.

j) - revised drawing showing the trees within the proposed vegetative screen along the east side of Site 5 will be a minimum of 16 feet tall at planting. R Burger said he has discussed this TG Miller and was originally to address the situation where the original planting plan along array #5 had 14’ to 16’ trees and it showed that the screening objective was met when they achieved the 16’ level. TG Miller and he suggested putting this in to start from ground zero rather than a few

years in. Now the piece of data is that in reality the ground that was assumed to be perfectly level with the neighboring property is in fact at an elevation of 6' to 8' higher. Indeed, the original plantings anywhere in the 14' to 16' range are meeting the screening objectives that are at plus 6' so this isn't really a necessary condition to put on it. 16' in height is really pushing it as far as transplant shock. The present plan calls for a minimum of 14' and the board determined that was sufficient. This condition was removed.

k) - revised SWPPP acceptable to the Town Stormwater Management Officer and Town Engineer that addresses the SWPPP items in the August 10, 2017 letter from T.G. Miller to the Town Supervisor. R Burger said it is typical to have an ongoing SWPPP review. It is often finalized after a plan approval. This is making sure to capture that step and put it in the approval. Those four items will be set forth in the resolution.

B Srinivasan had a question about the flood plain map and after discussion agreed to provide the requested drawing. With respect to i) they are willing to work with Verizon for an alternative solution and would like the ability to do so. Cl Cipolla-Dennis said they have to adhere to the stipulations in the current SUP. If Verizon comes back with a modification for that SUP, they would basically need to surrender that permit and ask for a new one. That is covered in the language.

There were no questions from the board with respect to the site plan review checklist.

The Board was previously provided with a Special Use Permit check list and R Burger asked if there was anything on that list that wasn't addressed in the conditions. Cl Lamb asked about conditions with respect to glare for nearby residences, who will define that and how to address it. R Burger said there is a condition and it will be discussed.

Number 2 in the proposed resolution deals with special use permit and Section 1202 of zoning law (applied to all special use permits) and 1312 for large scale solar.

a) The proposed use is compatible with the other permitted uses in the district and the purposes of the district set forth in the Zoning Law since the project areas will include an agricultural use (livestock grazing); population density will remain low with no increase in noise, traffic, odor or lighting (after construction); and for the reasons stated in the narrative for the Full Environmental Assessment Form Part 3 (FEAF P3) Attachment A, including but not limited to Sections 9, 17 and 18 - Board agrees.

b) The proposed use is compatible with adjoining properties and with the natural and manmade environment due to the extensive vegetative and topographic screening; the panels will not exceed 8 feet in height; there is no increase in noise, traffic, odor or lighting; and for the reasons stated in the FEAF P3 Attachment A, including but not limited to Sections 9, 17 and 18 - R Burger clarified that the panels are not to exceed 8' in height on level ground. The areas are not being graded and the panels will follow the natural topography. There will be cases that due to topography, the high side of the panel mounted on a sloping ground will result in greater than 8'. It will be well within the 20' limit set in the solar law. After discussion, it was amended to read "not exceed 8' in height on level ground with variations due to grades."

c) Parking, vehicular circulation, and infrastructure for the proposed use, and accessibility for fire, police, and emergency vehicles are adequate, when the conditions in this resolution are met - Board agrees.

d) The overall impact on the sites and their surroundings considering the environmental, social and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal,

glare, or any other nuisances has been considered and found to be negligible, based on the information and reasons in the Full Environmental Assessment Form. While not expected, in the event that glare is experienced within any residence adjacent to these projects, the applicant shall install additional vegetative screening of the species and height needed at appropriate line-of-sight locations to intercept the glare, with such screening subject to approval of the Town Director of Planning – This is responsive to the TG Miller letter for having a process in place for capturing if there is an experience of glare. A glare analysis was done, according to industry standards, that points to no impact or very low impact. There is screening in place, but if that is not covering it, this is a prudent condition to cover that potentiality. TG Miller had suggested to time limit it to five years. The condition as written does not limit it to that. CI Cipolla-Dennis doesn't believe it should be tied to a time limit, because if there is loss of vegetation in an area and glaring occurs, you want to have a mechanism in place.

Brad Perkins – Notwithstanding his request that this be amended to remove arrays 4 and 5, the condition says within any residence. There are large gatherings of people at the cemetery who could be pretty offended by glare. The screening as proposed certainly does not obscure this from all positions in the cemetery and never will. He asked that the condition also cover any locations. CI Cipolla-Dennis said she understands what he is talking about; the cemetery covers a large area and all that area is important. S Osmeloski said she has a business adjacent to the project. She trains race horses and has a training track. Glare could very well affect her ability to train horses because horses react to glare. After discussion the language was amended to read “While not expected, in the event that glare from the project is experienced within any residence or home business adjacent to these projects, or within Willow Glen Cemetery Association lands, the applicant shall install vegetative....”

B Srinivasan said there is one standard model in the entire country used to run a glare analysis. That is the model they used. They did check for all the vantage points where there are houses, the building at the cemetery and driving west on Route 13. There wasn't any objectionable glare. If they have to replace trees because the trees aren't doing their job, they will do that. They would like to clarify that the glare must be from the project because if you drive west on Route 13 you are looking directly into the sun when it sets. They don't want to mitigate stuff that exists that is perceived as coming from the project. This is not designed to reflect light.

e) Given the proximity to nearby residences the hours of operation during construction are limited to 7 am to 6 pm on weekdays only unless specific work is approved in writing by the Town Code Enforcement Officer such as work by public utility companies or work done to avoid impacting roadway traffic. With this additional restriction, the design of structures or operation of the use necessary either to ensure compatibility with the surrounding uses or to protect the natural or scenic resources of the Town as described in the FEAF P3, Attachment A have been incorporated into the site plans. This is stricter than the 6 a.m. to 6 p.m. described in the application. This acknowledges the residential area and provides extra protection in starting at 7 a.m. The caveat of permission by the code officer to permit work outside those hours is because there are other parties, like NYSEG working on this project and the applicant won't necessarily have control. They may need to operate during weekend hours at times to accomplish their work or accept deliveries. B Srinivasan said they don't have control over work that NYSEG does outside of the site. The words “on the project sites” were added after hours of operation in the first line.

f) - The projects comply with the requirements for site plan review and conform to the Town's Commercial Design Guidelines to the extent applicable. Guidelines for sidewalks are waived since there are no existing nor anticipated sidewalks in this commercial corridor to which to connect. Things such as commercial roofing and sidewalks are not applicable in this instance.

g) - The projects comply with the location criteria set forth in Zoning Law §1312 F.2.b and c. Per §1312 F.2.a, location on prime farmland soils may occur with Town Board approval. The location of these projects on 35 acres of prime farmland soils is hereby approved since the acreage will be used for sheep grazing and can be used for cropland if and when the solar panels are removed from the project sites. To further protect the farmland soil a condition is placed on these projects that trenching for underground cables or conduits shall follow a procedure where topsoil is preserved by stockpiling it separately and returning it to the trench as the top layer. R Burger said the checklist references using an Ag and Markets standard sewer/water pipelines. Those require a depth of greater than 30" when the actual electrical code requires shallower than 30" and would be a discrepancy. This is to be protective of the farmland soils where there will be underground utilities.

h. This Section 1312 F.3 are standards under the Solar Law

h(i) - Conform with all federal and state laws and all applicable rules and regulations promulgated by any federal or state agencies having jurisdiction. The U.S. Army Corps of Engineers, NYS Department of Environmental Conservation, and NYS Department of Parks, Recreation, and Historic Preservation have all written letters concerning their jurisdiction and all conditions have been met. After the April hearing there was a punch list from TG Miller asking Army Corps and DEC to weigh in. We've also had SHPO weigh in. Army Corps and DEC gave their jurisdictional determinations. SHPO had two conditions to their approval concerning screening and making sure it was maintained. Those conditions have been met and thus we can make this statement in the resolution.

h(ii) - Are designed and will be constructed in a manner which minimizes visual impact to the extent practical, as described in FEAF P3 Attachment A, Section 9. This was the part of the SEQR analysis dealing with aesthetic resources.

h(iii) - Comply with all other requirements of the Town of Dryden Zoning Law, provided the condition in section 4 below regarding variances for arrays within yard setbacks is met, and comply with applicable Commercial Design Guidelines, except guidelines for sidewalks are waived for the reasons stated in section 2.f above. There was a question about emergency vehicles accessing array #5. They will access via the main driveway and over the tributary (Class C stream). The DEC reviewed this application with that drive in place and stated there was no permit required. The existing crossing will be used in the same way the tractors access it. Joe and Sarah Osmeloski believe that can present a problem and it cannot be accessed a four-wheel drive tractor is used. The fire departments have seen the plans and said it was fine as long as access through the gate and a turnaround at the building are provided.

h(iv) - Conform with all adopted plans of the Town of Dryden, including the Town's Comprehensive Plan, which allows large-scale solar energy systems within the zoning districts that apply to the sites. This was an affirmative statement made in the Comp Plan.

h(v) - Comply with a fifty-foot (50) front yard, rear yard, and side yard setback, except to the extent that the Zoning Board of Appeals may grant an area variance(s) for arrays within a yard setback.

h(vi) - Do not exceed twenty (20) feet in height, as the upper edges of the panels are 8 feet above grade. This language amended to read "...8 feet above grade on level ground, with variations due to grade, and in no case may structures exceed 20' in height."

h(vii) - Have solar collector surface areas (as measured in the horizontal plane) that, when combined with the coverage of other structures on the relevant lot, do not exceed twice the maximum lot coverage as permitted in the underlying zoning district, as lots in the Rural Agricultural District have less than 50% lot coverage (50% is twice the underlying district's 25% limit) and the lot in the Conservation District has less than 30% lot coverage (30% is twice the underlying district's 15% limit).

i. Per the Special Use Standards in Zoning Law Section 1312F.5:

i(i) - The solar energy systems will have the least visual effect practical on the environment, for the reasons described in FEAF P3 Attachment A, Section 9.

i(ii) - Glare produced by the solar arrays will not impair or make unsafe the use of contiguous structures, any vehicles on or off the road, any airplanes, or uses by other possible impacted entities, as described in FEAF P3 Attachment A, Section 9; section 2.d above imposes a condition requiring additional screening in the event glare is experienced within a residence adjacent to the projects. Amended to read "...in the event glare is experienced from the projects as described in section 2d above."

i(iii) - Exterior lighting shall have the least visual effect practical on the contiguous properties, because permanent exterior lighting will not be installed,

i(iv) - Equipment and vehicles not used in direct support, renovations, additions or repair of the solar energy systems shall not be stored or parked on the facility sites.

i(v) - The solar energy systems will be enclosed by 7-foot high agricultural fencing (6-foot woven wire fencing on wood posts with a single string wire on top; no barbed or razor wire) to prevent unauthorized access, with warning signs with the owner's name and emergency contact information placed on access points and perimeters. To avoid adverse aesthetic impacts, systems shall be screened as described in the site plan materials and FEAF P3 Attachment A, Section 9.

i(vi) - Lighting will not project off the sites, because no permanent lighting will be installed.

i(vii) - A locked gate located off the public right-of-way will be installed to prevent entry by unauthorized vehicles.

i(viii) - The solar energy systems are required to be built, operated and maintained to acceptable industry standards, including those of the Institute of Electric and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI). B Srinivasan said New York Department of State describes what the code is to follow and sometimes they end up incorporating standards from ANSI or sometimes they have modifications of those standards for use in New York. They don't have a problem complying with the standards, but there may be a difference between what New York has and what ANSI and IEEE require. He asked that they be subject to following all laws in the State of New York. The language was amended to read ".... acceptable industry standards, including applicable standards of the Institute..."

R Burger read the remainder of the resolution aloud.

In response to a question about conservation easement, S Brock said it is actually a Planning Board issue not a Town Board issue. If they process it as a conservation easement and decide there are lands that need to be preserved, then under the subdivision law there are certain things that happen for protection of that land. That is all done by the Planning Board.

RESOLUTION # 110 (2017) - Approving Site Plans and Granting Special Use Permits for Five Large-Scale Solar Energy Systems at 2150 Dryden Road

Supv Leifer offered the following resolution and asked for its adoption:

WHEREAS,

- A. SUN8 PDC LLC has applied for five Special Use Permits (SUPs) to construct five large-scale solar energy systems at 2150 Dryden Road in Dryden, New York, Tax Parcel #38.-1-3.1 to be subdivided into five lots, and
- B. The proposal is to construct five 2 MWac solar photo-voltaic arrays for generation of energy under the community distributed generation program, and
- C. An application, site plan drawings, environmental site assessment, aquatic resources report, habitat assessment, visual impact statement, storm water pollution prevention plan (SWPPP), ecological assessment, archaeological report and other materials have been submitted and some were subsequently revised, with the original application in February 2017 and revisions provided in April, June and July 2017, and
- D. The Town Planning Department considers the application complete and in conformance with the requirements of Town Zoning Law §501, §600, §1103, §1201 and §1312, and
- E. Public hearings were held on March 16, April 12, July 20 and August 17, 2017, with public comments registered in the meeting minutes and considered by this board, and
- F. Written comments have also been received which have been considered by this board, and
- G. The Tompkins County Planning Department has reviewed (letter dated 7/6/17) these projects as required by NYS Municipal Law §239 -l, -m, and -n and has recommended approval with one condition to ensure that panels are not placed in the Virgil Creek floodplain, and
- H. The SWPPP has been reviewed by the Town Engineer and found to be substantially in compliance, with any final issues as outlined in the letter from T.G. Miller to the Town Supervisor dated 8/10/17 to be addressed prior to issuance of a building permit, and
- I. Pursuant to the New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations at 6 NYCRR Part 617, the granting of approvals for the proposed solar energy systems are a Type I Action for which the Town Board of the Town of Dryden, acting as lead agency in an environmental review with respect to these systems, has, on July 20, 2017, made a negative determination of environmental significance, after having reviewed and accepted as adequate the Full Environmental Assessment Form Parts 1, 2 and 3, and
- J. The Town Planning Board reviewed the application per Town Zoning Law §1312 and made recommendations concerning the site plans, and
- K. The Town Board has reviewed this application relative to the considerations and standards found in Town Zoning Law §1104 and §1312 for site plan review and §1202 and §1312 for Special Use Permit;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board, finding that the applicant is in compliance with the provisions of the Town Zoning Law and other applicable ordinances, approves the site plans for the five projects at 2150 Dryden Road dated July 2017, conditioned on submission to the Planning Department of the following items prior to issuance of building permits:
 - a) specifications for the solar panels and inverters to ensure compliance with current UL standards,

- b) complete decommissioning plans for the approved arrays on the five sites, subject to the approval of the Town Planning Director and Attorney for the Town; after the final decommissioning plans are submitted, the Town Board shall determine the amount of the financial security bonds or other forms of financial security to be provided for each site, to assure removal of the systems and property restoration,
- c) revised drawing showing a turnaround for emergency vehicles in the vicinity of the buildings on Lot 2,
- d) addition of a note to the site plans to require a Knox-box or similar system for emergency gate access to the sites,
- e) a long-term maintenance plan subject to the approval of the Town Planning Director and Attorney for the Town for the vegetative screening that is shown on the site plans, with such plan to define heights at which vegetation will be trimmed for shading purposes, establish time limits for replacing damaged or dying plantings, and require replacement plantings to be of equal height or diameter to the initial planting,
- f) revised drawing modifying the size of both the construction sign and the permanent sign so that neither exceeds 32 square feet, and showing placement is at least 15 feet from the highway line,
- g) revised drawing with sufficient detail showing that no panels will be placed within the 100-year FEMA floodplain,
- h) updated site plan drawings, inclusive of planting plans and details, to incorporate all edits and revisions enumerated in errata sheets submitted on or prior to 7/20/17,
- i) revised drawing noting that the trees on Lot 5 along the Willow Glen Creek tributary south of the “existing crossing and path” marked for non-mechanized removal on Sheet C-105 may be removed only if and when the Special Use Permit # 04-2017-TSUP issued to Upstate Cellular Network (Verizon) for a cell tower at 2150 Dryden Road lapses, expires, or is revoked, or is voluntarily surrendered, and
- j) revised SWPPP acceptable to the Town Stormwater Management Officer and Town Engineer that addresses the SWPPP items in the August 10, 2017 letter from T.G. Miller to the Town Supervisor. Those items are:
 - a. Review land cover types and revise to closely match ecological assessments prepared for the site. When the predevelopment land use is agriculture, the curve number for the predeveloped condition shall be taken as “meadow” per NYSDEC SWDM Section 4.5.
 - b. Provide inverter pad detail with stone trench.
 - c. Coordinate the gravel drive detail to be consistent between the site plan documents, SWPPP narrative and SWPPP plans.
 - d. Outline the method for de-compaction in areas to be restored or adjust upward the curve number (CN) values.

2. The Town Board hereby finds that the considerations for approval of the requested Special Use Permit listed in §1202 and §1312 of the Town of Dryden Zoning Law have been met or will be met with the conditions noted, specifically that:

- a. The proposed use is compatible with the other permitted uses in the district and the purposes of the district set forth in the Zoning Law since the project areas will include an agricultural use (livestock grazing); population density will remain low with no increase in noise, traffic, odor or lighting (after construction); and for the reasons stated in the narrative for the Full Environmental Assessment Form Part 3 (FEAF P3) Attachment A, including but not limited to Sections 9, 17 and 18;
- b. The proposed use is compatible with adjoining properties and with the natural and manmade environment due to the extensive vegetative and topographic screening; the panels will not exceed 8 feet in height on level ground with variations due to grades; there is no increase in noise, traffic, odor or lighting; and for the reasons stated in the FEAF P3 Attachment A, including but not limited to Sections 9, 17 and 18;
- c. Parking, vehicular circulation, and infrastructure for the proposed use, and accessibility for fire, police, and emergency vehicles are adequate, when the conditions in this resolution are met;
- d. The overall impact on the sites and their surroundings considering the environmental, social and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, glare, or any other nuisances has been considered and found to be negligible, based on the information and reasons in the Full Environmental Assessment Form. While not expected, in the event that glare from the project is experienced within any residence or home business adjacent to these projects, or within Willow Glen Cemetery Association lands, the applicant shall install additional vegetative screening of the species and height needed at appropriate line-of-sight locations to intercept the glare, with such screening subject to approval of the Town Director of Planning;
- e. Given the proximity to nearby residences the hours of operation on the project sites during construction are limited to 7 am to 6 pm on weekdays only unless specific work is approved in writing by the Town Code Enforcement Officer such as work by public utility companies or work done to avoid impacting roadway traffic. With this additional restriction, the design of structures or operation of the use necessary either to ensure compatibility with the surrounding uses or to protect the natural or scenic resources of the Town as described in the FEAF P3, Attachment A have been incorporated into the site plans;
- f. The projects comply with the requirements for site plan review and conform to the Town's Commercial Design Guidelines to the extent applicable. Guidelines for sidewalks are waived since there are no existing nor anticipated sidewalks in this commercial corridor to which to connect;
- g. The projects comply with the location criteria set forth in Zoning Law §1312 F.2.b and c. Per §1312 F.2.a, location on prime farmland soils may occur with Town Board approval. The location of these projects on 35 acres of prime farmland soils is hereby approved since the acreage will be used for sheep grazing and can be used for cropland if and when the solar panels are removed from the project sites. To further protect the farmland soil a condition is placed on these projects that trenching for underground cables or conduits shall follow a procedure where topsoil is preserved by stockpiling it separately and returning it to the trench as the top layer;
- h. Per Zoning Law §1312 F.3, the solar energy systems:
 - i. Conform with all federal and state laws and all applicable rules and regulations promulgated by any federal or state agencies having jurisdiction. The U.S. Army Corps of Engineers, NYS Department of Environmental Conservation, and NYS Department of Parks, Recreation, and Historic Preservation have all written letters concerning their jurisdiction and all conditions have been met,

- ii. Are designed and will be constructed in a manner which minimizes visual impact to the extent practical, as described in FEAF P3 Attachment A, Section 9,
 - iii. Comply with all other requirements of the Town of Dryden Zoning Law, provided the condition in section 4 below regarding variances for arrays within yard setbacks is met, and comply with applicable Commercial Design Guidelines, except guidelines for sidewalks are waived for the reasons stated in section 2.f above,
 - iv. Conform with all adopted plans of the Town of Dryden, including the Town's Comprehensive Plan, which allows large-scale solar energy systems within the zoning districts that apply to the sites,
 - v. Comply with a fifty-foot (50) front yard, rear yard, and side yard setback, except to the extent that the Zoning Board of Appeals may grant an area variance(s) for arrays within a yard setback,
 - vi. Do not exceed twenty (20) feet in height, as the upper edges of the panels are 8 feet above grade on level ground, with variations due to grade, and in no case may structures exceed 20' in height,
 - vii. Have solar collector surface areas (as measured in the horizontal plane) that, when combined with the coverage of other structures on the relevant lot, do not exceed twice the maximum lot coverage as permitted in the underlying zoning district, as lots in the Rural Agricultural District have less than 50% lot coverage (50% is twice the underlying district's 25% limit) and the lot in the Conservation District has less than 30% lot coverage (30% is twice the underlying district's 15% limit),
- i. Per the Special Use Permit Standards in Zoning Law §1312 F.5:
- i. The solar energy systems will have the least visual effect practical on the environment, for the reasons described in FEAF P3 Attachment A, Section 9,
 - ii. Glare produced by the solar arrays will not impair or make unsafe the use of contiguous structures, any vehicles on or off the road, any airplanes, or uses by other possible impacted entities, as described in FEAF P3 Attachment A, Section 9; section 2.d above imposes a condition requiring additional screening in the event glare is experienced from the projects as described in 2d above,
 - iii. Exterior lighting shall have the least visual effect practical on the contiguous properties, because permanent exterior lighting will not be installed,
 - iv. Equipment and vehicles not used in direct support, renovations, additions or repair of the solar energy systems shall not be stored or parked on the facility sites,
 - v. The solar energy systems will be enclosed by 7-foot high agricultural fencing (6-foot woven wire fencing on wood posts with a single string wire on top; no barbed or razor wire) to prevent unauthorized access, with warning signs with the owner's name and emergency contact information placed on access points and perimeters. To avoid adverse aesthetic impacts, systems shall be screened as described in the site plan materials and FEAF P3 Attachment A, Section 9,
 - vi. Lighting will not project off the sites, because no permanent lighting will be installed,
 - vii. A locked gate located off the public right-of-way will be installed to prevent entry by unauthorized vehicles,
 - viii. The solar energy systems are required to be built, operated and maintained to acceptable industry standards, including applicable standards of the Institute of Electric and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI).

3. The Town Board, finding that the applicant is in compliance with all other provisions of the Town Zoning Law and other applicable ordinances, approves five Special Use Permits for the proposed large-scale solar energy systems to be constructed at 2150 Dryden Road, subject to the conditions and requirements in this resolution, and further subject to the Town of Dryden Standard Conditions of Approval as amended August 14, 2008.

4. The site plans and Special Use Permits approvals are further conditioned on the following:

- a. Receipt of approval by the Planning Board of the subdivision of Tax Parcel # 38.-1-3.1 into five lots that can house the solar arrays, and
- b. For construction of solar arrays that lie within any yard setback, receipt of an area variance(s) from the Zoning Board of Appeals.

2nd Cl Lamb

Roll Call Vote	Cl Lavine	Yes
	Cl Cipolla-Dennis	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

CITIZENS PRIVILEGE – Mineah Road

Chris Kappler, 34 Mineah Road, presented and read a letter from residents of the west side of Mineah Road (attached). When he bought his house 23 years ago it was zoned as residential. He asked why was it changed and why wasn't he notified that it was changed. There are houses there. There is nothing commercial there. About ten years ago he built a garage. It was 6" too close to the centerline. All of his neighbors got a letter. They are not building a 24 unit complex and he didn't know anything about it until the driveway was being put in. Does that make any sense?

Debbie Clemente Fortner said when she bought her house she was under the impression it was residential and finds out it is commercial now. It is next to the cottages. She was not notified of this project whatsoever. Mineah Road looks really nice driving up it, but when you get to where he put his second driveway, you'll hear your transmission change because the hill gets really, really steep. In the winter she calls the road department all the time because can see when cars are sliding. They slide all the way down the hill. You can't stop. It's too steep. Where the second driveway is, either somebody living in those apartment buildings or someone living on the road is going to get killed because it is so steep you can't stop unless you have a 4 x 4. Her daughter, used to driving in Manhattan, will not visit in the winter time because of the street. During rush hour it is hard to pull out onto Route 13. Cars don't care and are travelling at a minimum at the speed limit. The public bus stops right before the street, so you can't see whether a car is coming out of Mineah Road. Are the cottages going to be as big as the apartment buildings? They are housing multi families. She has a lot of concerns and not been notified about anything. She doesn't want to see anyone killed. Water is a concern. Her mother had a farm in New Jersey and the neighbors sold their property to a big church and her mother's well went dry for six months. She called the town and asked whether this was a possibility and they said yes, it is, they can't guarantee anything. She asked how big the cottages would be and how deep the wells would be and whether they would affect her property or others.

Ray Burger explained the plan now is to scale back to four 2-bedroom cottages. He expects they will be about 1800 square feet. They drilled two wells for the Pine Ridge Cottages project and are getting a lower quantity of water than he would feel secure with doing the original development, so he is downsizing it. This is a mixed use commercial zone and the use is permitted by right so notification of neighbors is not required. There is a site plan review before a regularly scheduled planning board meeting. There is no public hearing requirement.

Cl Cipolla-Dennis asked if the Planning Board should be asked to reconsider the zoning in that area. The board agrees it should be reviewed and she will bring it up to the Planning Board.

Robert Fortner, 22 Mineah Road, is right next to the building site. He found out about it when the driveways went in. When they moved there they were zoned residential. They have a USDA loan. They will not give you a USDA loan for commercial property so he knows they were zoned residential at that time. They were never notified they were being rezoned as commercial. He is disappointed with the town for not notifying its citizens when changes are made in the laws. He would appreciate representation. It's been done so this guy can eat up the mountain. There's trees and deer and birds and all kinds of streams that run down the mountain. This guy has cut them all off. The site is disgusting. He has destroyed the environment and just wants to build more. We need to have it rezoned keep him from building commercial properties up Mineah Road or he is going to destroy that mountain. It's one of the most beautiful places in all of Tompkins County and it is being destroyed. There are a lot of safety concern. The mountain is steep. He has to park at the bottom and walk up the hill in the winter time. Someone is going to get hurt there. You can have children coming out of these places and cars sliding down the road. He doesn't want to be the one to run over a child. It needs to be scaled back. They need to be rezoned. People live there, people in houses, people who work hard and they deserve better.

Shirley Lyon, 29 Mineah Road, said she was there when they had to carry groceries over a dirt road that had washed away. She was the first one up there and has been there for 37 years. She is a daughter of developer and is not anti-development. This project is the right development in the wrong place. She said when you deal with a 20% slope you are going to get into bedrock and a low water yield. But the Planning Board said lets not follow the Comprehensive Plan and let them dig into a 20% building site and let him put his apartments in. It's laughable because if you read the 2005 Comprehensive Plan the Planning Board wouldn't have done that. She showed an aerial view of the 22 parking spaces in Pine Ridge Cottages and said double that because what he is asking for is a total of 44 parking spaces. What's happened is that development has found a loophole for apartment complexes. They are going under the guise of single family homes. That way they don't need a site plan review, they don't need to notify the residents. We need to catch up with these developments. They have put one or two occupancies in and go this is a single family home, I can build them here, I don't have to notify anybody. She came home to a bulldozer on her road and found out there would be 40 occupants. Being a developer's daughter (he rented to about 80 students), he said it's funny, his occupancy always doubled. After mom and dad go home the boyfriends and girlfriends move in and more cars came. So when they said 40 cars, I said well that's going to be 60 or 65. The hill is dangerous. If the residency had been notified, if they had put these kinds of developments in a particular category and they'd been notified, they could have helped Mr. Wawak with a world of information. We wouldn't be at war with our Planning Board and wouldn't have these people wondering why they weren't notified. We need to catch up with these small apartment complexes that hide under the guise of single family homes. She knows the board knows this exists. It was read and passed to the Planning Board. Look at those 22 sites. How many of those do you see before single family homes?

The board took a break at 10:00 p.m. and came back into session at 10:12 p.m.

Ellis Tract Site Plan & Special Use Permit Review

Ray Burger said this will be the same process and read the “resolveds” beginning with the site plan portion. They are many of the same concerns addressed in the 2150 Dryden Road review.

There were no comments or questions with respect to a), b), or c).

d) addition of a note to the site plans to require Knox-boxes or similar systems for emergency gate access to the sites – It was noted this was different than the 2150 site in that there is no additional turnaround for fire apparatus required.

e) No comments or questions.

f) revised drawings modifying the size of both the construction signs and the permanent signs so that none exceed 32 square feet, and showing placement is at least 15 feet from the highway line – Here there are multiple access points to the various sites and each one will have a sign.

g) No comments or questions.

h) revised drawing providing for screening along the west side of Array S1 between the fence and Dodge Road, subject to the approval of the Town Director of Planning – This was added in response to comments. There was a landscaping plan that shows screening along S3 and S2 that covered the front of residences there. The S1 array to the north where there were no residences did not have a screening plan. This condition extends that landscaping north between Dodge Road and the S1 array. It was confirmed that when the lease is executed the applicant will have control of that portion of property.

i) updated drawings showing additional detail and routes of underground and/or overhead electric cables or conduits installed through delineated wetlands, subject to the approval of the Town Director of Planning and Town Engineer - There are wetlands being constructed over so there is more detail presented.

j) revised SWPPP acceptable to the Town Stormwater Management Officer and Town Engineer that addresses the SWPPP items in the August 10, 2017 letter from T.G. Miller to the Town Supervisor – Again, those conditions listed in the letter will be set forth in the resolution.

k) revised drawings for the east side of the S5 site which abuts the perennial stream to note that the selective tree cutting protocol for the North sites also applies to this site – R Burger said this a bit redundant. There is some coverage in the errata sheets addressing a protocol for that tree removal area along the east side of S5. This is just to make it clearer that the more selective tree removal protocol will be applied to the southern arrays. This is on the Turkey Hill Road side and deals with a creek that runs down and has some willows.

The Board agrees these site plan conditions are appropriate. The Planning Board resolution had requested that the town attorney confirm that the subdivisions of the site are minor subdivisions, not major subdivisions, and that the lot line adjustments do not construe a precedence to avoid the subdivision process. That has been done. It was confirmed that the Norway spruce stand will be removed with stumps left in place and the mature overstory will be lost. Tree removal protocol is being applied. The conditions placed on that include only seasonal cutting to avoid the northern long eared bat concerns and non-mechanized cutting as

a protection of the archeological site. Additional screening for the travelling public on Dodge Road was added.

Review continued with #2, considerations for approval of the Special Use Permit.

a. no comments

b. The proposed use is compatible with adjoining properties and with the natural and manmade environment due to the extensive vegetative and topographic screening; the panels will not exceed 8 feet in height; there is no increase in noise, traffic, odor or lighting; and for the reasons stated in the FEAF P3 Attachment A, including but not limited to Sections 9, 17 and 18 – this was amended with the same language as the 2150 approval to read “not exceed 8’ in height on level ground with variations due to grades.”

c. no comments

d. The overall impact on the sites and their surroundings considering the environmental, social and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, glare, or any other nuisances has been considered and found to be negligible, based on the information and reasons in the Full Environmental Assessment Form. While not expected, in the event that glare is experienced within any residence adjacent to these projects, the applicant shall install additional vegetative screening of the species and height needed at appropriate line-of-sight locations to intercept the glare, with such screening subject to approval of the Town Director of Planning – language was amended to read “While not expected, in the event that glare from the project is experienced within any residence or home business adjacent to these projects, the applicant shall install vegetative....”

e. the words “on the project sites” were added after hours of operation.

f. no comments

g. With Town Board approval of location on prime farmland soils and wetlands, the projects comply with the location criteria set forth in Zoning Law §1312 F.2. The location of these projects on 31 acres of prime farmland soils is hereby approved since the acreage will be used for sheep grazing and can be used for cropland if and when the solar panels are removed from the project sites. To further protect the farmland soil a condition is placed on these projects that trenching for underground cables or conduits shall follow a procedure where topsoil is preserved by stockpiling it separately and returning it to the trench as the top layer. The location of these projects in wetlands is hereby approved based on the finding of no significant adverse impact on wetlands and surface waters and the extensive discussion of that contained in Section 3 of the FEAF P3 Attachment A, Section 3 – This is different than the 2150 resolution in that the 2150 project did not have any construction of arrays in wetlands. There is wetland under the arrays here and thus we are making the appropriate statement.

h. This Section 1312 F.3 are standards under the Solar Law

There were no comments with respect to h(i), (ii), (iii), (iv), and (v).

h(vi) - Do not exceed twenty (20) feet in height, as the upper edges of the panels are 8 feet above grade. This language amended to read “...8 feet above grade on level ground, with variations due to grade, and in no case may structures exceed 20’ in height.”

vii. no comment

i. Per the Special Use Standards in Zoning Law Section 1312F.5:

i(i). no comment

i(ii) - Glare produced by the solar arrays will not impair or make unsafe the use of contiguous structures, any vehicles on or off the road, any airplanes, or uses by other possible impacted entities, as described in FEAF P3 Attachment A, Section 9; section 2.d above imposes a condition requiring additional screening in the event glare is experienced within a residence adjacent to the projects. Amended to read "...in the event glare is experienced from the projects as described in section 2d above."

iii. no comment

iv. no comment

v. insert "A" after Attachment.

vi. no comment

vii. no comment

viii. amended as with the 2150 resolution to read "...applicable standards of the Institute..."

3 and 4 were read aloud and there were no comments.

RESOLUTION #111 (2017) - Approving Site Plans and Granting Special Use Permits for Ten Large-Scale Solar Energy Systems at Turkey Hill, Stevenson and Dodge Roads (Collectively Referred to as the Ellis Tract)

Supv Leifer offered the following resolution and asked for its adoption:

WHEREAS,

- A. SUN8 PDC LLC has applied for ten Special Use Permits (SUPs) to construct ten large-scale solar energy systems at Turkey Hill, Stevenson and Dodge Roads in Dryden, New York, on land involving Tax Parcels #56.-5-31, Tax Parcel #57.-1-6 to be subdivided into three lots, Tax Parcel #57.-1-7.1, Tax Parcel #67.-1-3 to be subdivided into three lots, Tax Parcel #67.-1-4, and Tax Parcel #67.-1-7.2 to be subdivided into two lots, and
- B. The proposal is to construct eight 2 MWac solar photo-voltaic arrays and two 1 MWac solar photo-voltaic arrays for generation of energy under the community distributed generation program, and
- C. An application, site plan drawings, environmental site assessment, aquatic resources report, habitat assessment, visual impact statement, storm water pollution prevention plan (SWPPP), ecological assessment, archaeological report and other materials have been submitted and some were subsequently revised, with the original application in February 2017 and revisions provided in April, June and July 2017, and
- D. The Town Planning Department considers the application complete and in conformance with the requirements of Town Zoning Law §501, §600, §1103, §1201 and §1312, and
- E. Public hearings were held on March 16, April 12, July 20 and August 17, 2017 with public comments registered in the meeting minutes and considered by this board, and
- F. Written comments have also been received which have been considered by this board, and

- G. The Tompkins County Planning Department has reviewed (letter dated 7/6/17) these projects as required by NYS Municipal Law §239 -l, -m, and -n and has recommended its approval, and
- H. The SWPPP has been reviewed by the Town Engineer and found to be substantially in compliance, with any final issues as outlined in the letter from T.G. Miller to the Town Supervisor dated 8/10/17 to be addressed prior to issuance of a building permit, and
- I. Pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations at 6 NYCRR Part 617, the granting of approvals for the proposed solar energy systems are a Type I Action for which the Town Board of the Town of Dryden, acting as lead agency in an environmental review with respect to these systems, has, on July 20, 2017, made a negative determination of environmental significance, after having reviewed and accepted as adequate the Full Environmental Assessment Form Parts 1, 2 and 3, and
- J. The Town Planning Board reviewed the application per Town Zoning Law §1312 and made recommendations concerning the site plans, and
- K. The Town Board has reviewed this application relative to the considerations and standards found in Town Zoning Law §1104 and §1312 for site plan review and §1202 and §1312 for Special Use Permit;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board, finding that the applicant is in compliance with the provisions of the Town Zoning Law and other applicable ordinances, approves the site plans for the ten projects at the Ellis Tract dated July 2017, conditioned on submission to the Planning Department of the following items prior to issuance of building permits:

- a) specifications for the solar panels and inverters to ensure compliance with current UL standards,
- b) complete decommissioning plans for the approved arrays on the ten sites, subject to the approval of the Town Planning Director and Attorney for the Town; after the final decommissioning plans are submitted, the Town Board shall determine the amount of the financial security bonds or other forms of financial security to be provided for each site, to assure removal of the systems and property restoration,
- c) geographic coordinates for each of the ten solar arrays,
- d) addition of a note to the site plans to require Knox-boxes or similar systems for emergency gate access to the sites,
- e) a long-term maintenance plan subject to the approval of the Town Planning Director and Attorney for the Town for the vegetative screening that is shown on the site plans, with such plan to define heights at which vegetation will be trimmed for shading purposes, establish time limits for replacing damaged or dying plantings, and require replacement plantings to be of equal height or diameter to the initial planting,
- f) revised drawings modifying the size of both the construction signs and the permanent signs so that none exceed 32 square feet, and showing placement is at least 15 feet from the highway line,
- g) updated site plan drawings, inclusive of planting plans and details, to incorporate all edits and revisions enumerated in errata sheets submitted on or prior to 7/20/17,
- h) revised drawing providing for screening along the west side of Array S1 between the fence and Dodge Road, subject to the approval of the Town Director of Planning,

- i) updated drawings showing additional detail and routes of underground and/or overhead electric cables or conduits installed through delineated wetlands, subject to the approval of the Town Director of Planning and Town Engineer,
- j) revised SWPPP acceptable to the Town Stormwater Management Officer and Town Engineer that addresses the SWPPP items in the August 10, 2017 letter from T.G. Miller to the Town Supervisor. Those items are:
 - a. Review land cover types and revise to closely match ecological assessments prepared for the site. When the predevelopment land use is agriculture, the curve number for the predeveloped condition shall be taken as “meadow” per NYSDEC SWDM Section 4.5.
 - b. Provide inverter pad detail with stone trench.
 - c. Coordinate the gravel drive detail to be consistent between the site plan documents, SWPPP narrative and SWPPP plans.
 - d. Outline the method for de-compaction in areas to be restored or adjust upward the curve number (CN) values.
 - e. Provide a detail for timber mats to be used for crossing delineated wetlands.
- k) revised drawings for the east side of the S5 site which abuts the perennial stream to note that the selective tree cutting protocol for the North sites also applies to this site.

2. The Town Board hereby finds that the considerations for approval of the requested Special Use Permit listed in §1202 and §1312 of the Town of Dryden Zoning Law have been met or will be met with the conditions noted, specifically that:

- a. The proposed use is compatible with the other permitted uses in the district and the purposes of the district set forth in the Zoning Law since the project areas will include an agricultural use (livestock grazing); population density will remain low with no increase in noise, traffic odor or lighting (after construction); and for the reasons stated in the narrative for the Full Environmental Assessment Form Part 3 (FEAF P3) Attachment A, including but not limited to Sections 9, 17 and 18;
- b. The proposed use is compatible with adjoining properties and with the natural and manmade environment due to the extensive vegetative and topographic screening; the panels will not exceed 8 feet in height on level ground with variations due to grades; there is no increase in noise, traffic, odor or lighting; and for the reasons stated in the FEAF P3 Attachment A, including but not limited to Sections 9, 17 and 18;
- c. Parking, vehicular circulation, and infrastructure for the proposed use, and accessibility for fire, police, and emergency vehicles are adequate, when the conditions in this resolution are met;
- d. The overall impact on the sites and their surroundings considering the environmental, social and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, glare, or any other nuisances has been considered and found to be negligible, based on the information and reasons in the Full Environmental Assessment Form. While not expected, in the event that glare from the project is experienced within any residence or home business adjacent to these projects, the applicant shall install additional vegetative screening of the species and height needed at appropriate line-of-sight locations to intercept the glare, with such screening subject to approval of the Town Director of Planning;

e. Given the proximity to nearby residences the hours of operation on the project sites during construction are limited to 7 am to 6 pm on weekdays only unless specific work is approved in writing by the Town Code Enforcement Officer such as work by public utility companies or work done to avoid impacting roadway traffic. With this additional restriction the design of structures or operation of the use necessary either to ensure compatibility with the surrounding uses or to protect the natural or scenic resources of the Town as described in the FEAF P3, Attachment A have been incorporated into the site plans;

f. The projects comply with the requirements for site plan review and conform to the Town's Commercial Design Guidelines to the extent applicable. Guidelines for sidewalks are waived since there are no existing nor anticipated sidewalks in these areas to which to connect;

g. With Town Board approval of location on prime farmland soils and wetlands, the projects comply with the location criteria set forth in Zoning Law §1312 F.2. The location of these projects on 31 acres of prime farmland soils is hereby approved since the acreage will be used for sheep grazing and can be used for cropland if and when the solar panels are removed from the project sites. To further protect the farmland soil a condition is placed on these projects that trenching for underground cables or conduits shall follow a procedure where topsoil is preserved by stockpiling it separately and returning it to the trench as the top layer. The location of these projects in wetlands is hereby approved based on the finding of no significant adverse impact on wetlands and surface waters and the extensive discussion of that contained in Section 3 of the FEAF P3 Attachment A, Section 3;

h. Per Zoning Law §1312 F.3, the solar energy systems:

i. Conform with all federal and state laws and all applicable rules and regulations promulgated by any federal or state agencies having jurisdiction. The U.S. Army Corps of Engineers, NYS Department of Environmental Conservation, and NYS Department of Parks, Recreation, and Historic Preservation have all written letters concerning their jurisdiction and all conditions have been met,

ii. Are designed and will be constructed in a manner which minimizes visual impact to the extent practical, as described in FEAF P3 Attachment A, Section 9,

iii. Comply with all other requirements of the Town of Dryden Zoning Law, provided the condition in section 4 below regarding variances for arrays within yard setbacks is met, and comply with applicable Commercial Design Guidelines, except guidelines for sidewalks are waived for the reasons stated in section 2.f above,

iv. Conform with all adopted plans of the Town of Dryden, including the Town's Comprehensive Plan, which allows large-scale solar energy systems within the zoning district that applies to the sites,

v. Comply with a fifty-foot (50) front yard, rear yard, and side yard setback, except to the extent that the Zoning Board of Appeals may grant an area variance(s) for arrays within a yard setback,

vi. Do not exceed twenty (20) feet in height, as the upper edges of the panels are 8 feet above grade on level ground, with variations due to grade, and in no case may structures exceed 20' in height.

vii. Have solar collector surface areas (as measured in the horizontal plane) that, when combined with the coverage of other structures on the relevant lot, do not exceed twice the maximum lot coverage as permitted in the underlying zoning district, as all lots have less than 50% lot coverage (50% is twice the underlying Rural Agricultural District's 25% limit),

i. Per the Special Use Permit Standards in Zoning Law §1312 F.5:

i. The solar energy systems will have the least visual effect practical on the environment, for the reasons described in FEAF P3 Attachment A, Section 9,

ii. Glare produced by the solar arrays will not impair or make unsafe the use of contiguous structures, any vehicles on or off the road, any airplanes, or uses by other possible impacted entities, as described in FEAF P3 Attachment A, Section 9; section 2.d above imposes a condition requiring additional screening in the event glare is experienced within a residence adjacent to the projects,

iii. Exterior lighting shall have the least visual effect practical on the contiguous properties, because permanent exterior lighting will not be installed,

iv. Equipment and vehicles not used in direct support, renovations, additions or repair of the solar energy systems shall not be stored or parked on the facility sites,

v. The solar energy systems will be enclosed by 7-foot high agricultural fencing (6-foot woven wire fencing on wood posts with a single string wire on top; no barbed or razor wire) to prevent unauthorized access, with warning signs with the owner’s name and emergency contact information placed on access points and perimeters. To avoid adverse aesthetic impacts, systems shall be screened as described in the site plan materials and FEAF P3 Attachment A, Section 9,

vi. Lighting will not project off the sites, because no permanent lighting will be installed,

vii. Locked gates located off the public right-of-way will be installed to prevent entry by unauthorized vehicles,

viii. The solar energy systems are required to be built, operated and maintained to acceptable industry standards, including standards of the Institute of Electric and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI).

3. The Town Board, finding that the applicant is in compliance with all other provisions of the Town Zoning Law and other applicable ordinances, approves ten Special Use Permits for the proposed large-scale solar energy systems to be constructed at Turkey Hill, Stevenson and Dodge Roads, subject to the conditions and requirements in this resolution, and further subject to the Town of Dryden Standard Conditions of Approval as amended August 14, 2008.

4. The site plans and Special Use Permits approvals are further conditioned on the following:

a. Receipt of Planning Department approvals for the minor subdivisions of Tax Parcel #57.-1-6, Tax Parcel #67.-1-3, and Tax Parcel #67.-1-7.2, so that these lots can house the solar arrays,

b. Receipt of Planning Department approvals for lot line adjustments involving Tax Parcels #56.-5-31, 57.-1-6, 57.-1-7.1, 67.-1-4, and 67.-1-7.2 as shown on Drawings C-103 and C-109, and

c. For construction of solar arrays that lie within any yard setback, receipt of an area variance(s) from the Zoning Board of Appeals.

2nd Cl Lamb

Roll Call Vote	Cl Lavine	Yes
	Cl Cipolla-Dennis	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

Supv Leifer said we know there's an impact, but I think the community benefits overall. It's not easy, especially on Dodge Road. I've walked that a number of times and have many pictures from Turkey Hill Road.

Cl Cipolla-Dennis said one of the things that was brought up was about the site of these projects. She wants to clarify that the Town Board, the Planning Board, the Planning Department, no one related to the town can choose the site. The site was brought to us and we have to evaluate the projects that are brought to us. That is part of the free country that we live in and property rights and the ability of people to bring a project to the town to evaluate. These projects were brought to us. We did not go look for them and there were many explanations from the developer as well as Cornell as to why these sites were chosen by them. She wants to clarify that the town has no control over that. The other thing we don't have control over is the newspaper. We can't control what was printed and statements that have been made or that sort of thing. She hasn't had the opportunity to read the article that was referenced tonight. She's sure her Dryden Courier is in her mailbox and she will read it but hasn't had a chance so can't respond to that directly.

As far as ignoring advisory boards, we take seriously the comments we get from our advisory boards. She personally attends all Planning Board meetings and attended every one through this process except for the month she missed due to cancer treatment. She takes those comments seriously. The board did receive comments from the ag committee and the Conservation Board and those comments were also taken seriously.

With respect to the comment that the board has been intimidated by Cornell and Distributed Sun, she is not intimidated by Cornell or Distributed Sun. They are up there to do their jobs and have done their jobs and have worked through this process. This was first brought to us in December of 2016 and she gives Distributed Sun and Bharath a lot of credit because they did not have to bring it to us that early. They could have gone a lot further down the road. But they did come to us and they wanted to discuss things, so she would say that it has been quite the process.

She doesn't think anyone on this board has ever referred to a tree as a garbage tree. That is not part of her language and she has not heard it from anyone on this board in reference. They take seriously the trees and the value that trees bring to Dryden and to our planet. There are tradeoffs that have to be made and sometimes these tradeoffs are not easy and we have to make tough decisions. She is very sad to see some of these trees get cut down. She would be even sadder if our children and grandchildren aren't able to live on this planet. We have made tradeoffs and that is one of them.

She has never heard anyone on this board, and she has never said, that this is the only option for solar that Dryden had. We have been approached by other companies. We were, she thinks, approached by Delaware River Solar before we were approached by Distributed Sun and she believes that is reflected somewhere in the minutes.

Supv Leifer said it is definitely reflected in Conservation Board minutes from June of 2016 because there was a presentation at the fire hall where specifically 2 MW solar systems were discussed. At that time people were only looking at connecting to 3 phase without upgrading the grid.

Cl Cipolla-Dennis said every decision that she makes is with climate change in the back of her mind. Climate change is the most important thing in the world right now. It is going to affect us in ways that we can't even imagine yet. So what we have to do as citizens of this planet is to make changes and take bold action and be leaders to mitigate climate change.

That's why she thinks these projects are so important. And Dryden has a reputation as being a leader and we are going to continue to do that.

Cl Lavine said she agrees with everything Deborah said. For the record, she has gone to every meeting and listened carefully and really kept an open mind. She has asked a lot of questions and asked Cornell to convene a meeting that they did with the ag schools and Bharath was on the phone with them. They answered all of the questions she had, some of which were mysteries to many of us such as why did they choose that one piece of land of Cornell's and not the adjacent one. It became pretty clear to her that there are really some very tight parameters here because of the need to link up with NYSEG. It would be nice some day to have logical laws about where you can hook up and proper encouragement for this. As it is we are faced with both the real climate crisis and an insane climate in Washington that includes the fear that we won't be able to be importing Chinese solar panels in the future at a reasonable rate. And the fact that as a function of collateral damage we ended up with a New York provision that was going to cost this more if the project didn't go through. It's an irony, having been on this board through all of the fracking things and all of the arguments about critical environmental areas, it's been funny to hear suddenly people who previously said we had no right to consider viewsheds tell us that is entirely within the province of us to say that we should make sure their viewshed is what it was, despite the fact that they didn't offer to pay money and buy the private property adjacent to the cemetery when it was available. They could have had they cared about their viewshed. That's how property works. People who have been complaining about this have long said that they wanted lower price utilities, lower taxes, more development to bring in more taxes. All of those things are advantages to this system. Clearly the freedom to develop that land and to follow the laws that say that it is eligible for this function and that the owner has the right to rent it for that purpose, that again is an irony since when we went through the fracking battle suddenly everybody had the right to put atomic bombs on their property as long as it was only on their property and not the neighbors'. A little hyperbole there but obviously having your land fracked was incredibly relevant to the problems your neighbors would have as a function of your development. Suddenly the tables were turned.

This was not an easy decision for any of us. Her hopeful statement is, aside from everything else, when she looks at utility poles these days and all the wires running down our rural roads, they are an icon for rural development, an icon of rural beauty and nostalgia. There was a time when they started building suburbs where everybody had to bury their utility poles and they were seen to be an eyesore. The new hip cool was to not be able to see them. The solar panels are something new to most of us, but they are not an eyesore and they quickly become background the way utility poles have become background. It's like any time you rearrange the furniture or paint the room or put a little dent in your car, in the beginning something about it seems like it is going to obsess you forever and then it disappears. For all those reasons and taking very seriously the concerns of both the neighbors in Ellis Hollow and the people with due respect to the cemetery and its wonderful, beautiful, historic function, this is clearly the right and moral thing to do.

Cl Servoss said she has taken a different approach on this project. In 2010 the census stated that 32% of the Town of Dryden's residents were renters that occupied 34.7% of the houses in the town. Renters really can't get solar. She is a renter. She couldn't get solar. Why should only home owners and property owners be allowed to be privileged enough to have solar power? She doesn't get it. Again, along with what Linda said, the Town has been criticized for not bringing in more businesses or increasing the tax base. These projects will bring in funding that we would not normally get if the projects were not approved. There is so much potential with these projects, she don't see a reason why we should deny.

Cl Lamb said this is a leadership moment for the town. It is our job to look at all sides of an issue like this and take a big picture and try and sort out whether the benefits of the

project outweigh the costs. We've heard a lot of people with different views based on their perspectives of where they live or what they do and their beliefs about climate change or economic development and we've had to sort through all that. It's true that this board is full of people that care very deeply about climate change and believe that it's not a hoax and that we have an existential threat on our hands. He got involved in public policy 25 years ago to fight climate change and he is still fighting it and his kid will probably be fighting it. With that as a backdrop, we look at things like this year being the hottest on record, tied with last year being the hottest in 137 years of record keeping. Sea levels are rising, 3 inches in the last 25 years, predicted to rise 7 inches in the next 100 years or by the end of this century. The largest ice sheet break off in Antarctica this month. Things are happening and they do seep into our psyche and affect how we approach projects right here locally, especially when we don't have leadership at the national level. This is a time when state and local government must step up. That's driving us and guides a lot of what we decide to do. Bringing it here more locally, as Kathy said, is an economic equality issue. Access to solar power is not something that is shared across the income spectrum. Low income people do have a stake and a place in this initiative. We want to provide people a way to get solar who might not be able to put up \$25,000 to get solar on the rooftops and wait for those subsidies or rebates to come in. We want to give renters an option or people with houses in the woods an option for solar power. We have 7500 opportunities for participation in community solar. That's about how many households we have in Dryden. We are looking out for everybody with this and he hopes that everybody who would want to subscribe gets in first and gets cheaper power. He is excited about 10% less on electricity bills. When he talks to his constituents about it, that excites them. The location, wherever we put this there would be reasons, and probably passionate, well thought out reasons to find another location. That's just the way development is. We've seen enough projects come before this board in his short time to know that there is always somebody who wants whatever we are doing put somewhere else. He doesn't mean to minimize the passion about the objections to projects, but you have to understand that we hear that a lot up here and we know that there is always going to be a darn good reason for not putting something somewhere, but at some point the buck stops and it stops with us and we have say where we are going to put something.

It was said earlier that the funds shouldn't be going to the Ithaca City School District. He took issue with that. He has a kid in the Ithaca City School District. The residents in the Town of Dryden who have kids going to the Ithaca City School District will benefit from this and we are all residents that have kids somewhere and the proceeds of this project shouldn't just go to one school district where a certain amount of residents have their kids.

This is a windfall for the town when we look at new revenue coming into the town and we are excited about that. We've all talked about the need to expand the tax base and lessen the tax burden. This project really checks those boxes in a way that he thinks is more generous than potential future projects. The PILOT issue that we are dealing with and the rates that we'll get are fairly generous when you look at what is happening elsewhere in the state or in other states. The arrangement that we have through the PILOT program will be very good for the town of Dryden.

This project is a little larger than people might have expected a solar project to be. It is broken up in the Ellis Hollow Tract into three and folks still think that that's too big. But solar projects are getting bigger and we are going to see more projects like this, this size, throughout the state. It may seem unusual this year, but it's not going to seem unusual in a few short years. We are looking at a response to a large problem and that's why he personally has supported this.

Supv Leifer asked B Srinivasan whether there was a plan to offer Dryden residents a sort of first-come first-served window. B Srinivasan said they can. Normally when they finish all the approvals and begin the subscription process, they can. Because it takes a while to

build it, they can offer a window of 15 or 30 days when a Dryden resident applies for a subscription during that window, they will get it. It was agreed the window would be 30 days. There will need to be some publicity and that will be coordinated.

Supv Leifer said most everything has been said, but this ticks off all the boxes that he thinks we need in the town. It brings in new business. It doesn't cost the town government anything to maintain. We don't need to maintain any roads for this. It will bring in new revenue that will allow us to keep our tax rate lower or we can invest in new things like the rail trail. The folks putting that together are doing a great job, but money doesn't grow on trees and they'll never be able to build something like that without having some funding. Relying on donations to build that project isn't necessarily realistic.

Assuming the PILOT is the same and remains \$8,000 per MW we will be getting enough revenue to pay for all the bridge work, including the Dodge Road bridge, that has to occur. It's already occurring on Red Mill and Malloryville Roads. This revenue will pay for all that. Until these projects came to the town we were struggling to figure out how to pay for this necessary work. Luckily for Freese Road and George Road we got 95% from a grant, but we still have to pay 5% and that's not an insignificant amount of money when you are talking about \$3.6 million projects.

We're losing part of the viewshed on Turkey Hill. He's lived here twelve years and it is one of the best views looking west in the entire town. But like some folks that live over there said, they are willing to sacrifice that because climate change is such a real problem.

As far as the involvement of the advisory boards, he has dates when it was discussed. Even before he was supervisor we were talking about commercial solar in the town of Dryden. He ran for Supervisor two years ago and that is one of the things he talked about constantly. At the Ag Committee they talked about commercial solar 1/13/16. They actually passed a resolution on it 4/13/16. They talked about it again 6/8/16, 7/13/16, 11/9/16, with a report from one of the folks here that made a comment on what was going on at the Planning Board. Then again 2/8/17. Conservation Board talked about the Renovus model of commercial community solar 1/26/16. Dave Weinstein started reporting on the Planning Board charge that the Planning Board received from this Town Board at the 2/23/16 meeting. Dave Weinstein reported again on 3/29/16. They talked about solar again 4/26/2016, 5/31/2016. Dave Weinstein updated them again on the Planning Board's review of the zoning for solar. 6/28/2016 one of the folks who got up and said we didn't involve them at all actually said at the meeting "the Conservation Board may want to think where solar installations want to go." They didn't talk about solar again until 11/29/16 and then 12/27/16. They have been part of the process. Check the minutes for yourselves.

The Town of Dryden has five school districts that touch it. Ithaca City School District is in the southwest part of town. The largest school district in the Town is the Dryden Central School District. The Groton School District cuts down into the top middle of the northern end of the town. Lansing is in the northwest corner and Cortlandville near the McLean area. But again, these projects are driven by where they can connect to substations that have transmission capacity.

We'll be talking about the Delaware River project. That is actually going to be in the Dryden Central School District. Curiously enough it is going to be a 4 MW proposal on the property of the Ag Committee chair's farm which unanimously voted for a moratorium on anything above a 2 MW system. That will help out the Dryden Central School District as well. They aren't being left behind and this will be another opportunity for folks in Dryden who, if they can't get on to the Sun8 subscription, they can go to Delaware Solar. They're using the same model as far he knows, where they don't have to buy panels, so this broadens who can buy into this. People who are his clients who can't even afford more than Section 8 housing

can buy solar at a 10% discount of the rate from NYSEG. This democratizes the whole thing. People want and deserve cheap power.

Don't forget this property will still remain ag land because of sheep. We talked about this early on. There aren't going to be any pesticides used. The land is going to remain clean so when they are decommissioned it can go back to farming. And after the 20 year PILOT is up, it's on the tax roll at full value. So as long as the panels are still producing then it goes to full value, whatever that is at that time.

Since we are now looking to improve our energy code and we want more developers to go with solar and wind rather than hooking up to gas, we need projects like this. Basically we're walking the walk and talking the talk.

With respect to the property rights side of this, we banned gas drilling because of the effects it could have outside of someone's property line. This is a way to make up for that with folks who wanted to put wells on their land. They can do this if they choose to. But the thing is no one is forcing anyone to lease their land. We can't for anyone to do that. There's no forced integration. For people who are talking about protecting viewsheds etc, don't lease your land. No one's forcing you to do it.

Cl Lavine said another way to look at is another cost that's being saved for our citizens is not being forced to invest in more infrastructure for gas. There's nothing free about the utilities that are not the solar. We are forced to pay when they build new pipelines. In the future presumably those pipelines will become obsolete very quickly. So this enables us not to have to worry about whether or not Lansing can build more housing and so on because they do it with electric and only use the gas for things that absolutely need gas. So we're saving a lot of money in not investing in infrastructure.

ADVISORY BOARD UPDATES

Ag Committee – Supv Leifer reported they reviewed the ag plan. Changes they wanted were actually put in by Cooperative Extension. At their next meeting hopefully they will approve it, then there will be some public hearings on it and eventually the Town Board will pass it and accept it.

HIGHWAY/DPW DEPARTMENT

Supv Leifer reported he has already been talking with the Highway Superintendent about the budget and told him the goal is zero use of fund balance in the A fund.

Cl Cipolla-Dennis asked if there was anything that can be done at Mineah Road because it sounds like a very dangerous situation. It was suggested that Supv Leifer will send a letter to the residents letting them know what number to call when they feel the road needs treatment.

R Burger said the project may be downsized to the point where he subdivides his lot and just puts these cottages in as permitted by right.

Supv Leifer said the Planning Board needs to look at the neighborhood just like they did with the Cricket Lane neighborhood. Cl Cipolla-Dennis will bring it to the Planning Board.

MOU with Village of Dryden for Montgomery Park – Supv Leifer is already authorized to sign this. Cl Lamb said there is one small change and that is saying that we want to hear back from the Village that they will review our proposals on use no later than the end of March. The board agrees.

SCLIWC AGREEMENT OF MUNICIPAL COOPERATION

Board members have reviewed the agreement.

Resolution #112 (2017) - Approving the Revised Southern Cayuga Lake Intermunicipal Water Commission Agreement and Authorizing the Supervisor to sign a an Act of the Town Board

Supv Leifer offered the following resolution and asked for its adoption:

Whereas, the Town entered into an agreement of intermunicipal cooperation with several other municipalities creating the Southern Cayuga Lake Intermunicipal Water Commission and authorizing the construction by such Commission of the Bolton Point water treatment plant and related transmission and other facilities, which agreement was restated as of June 5, 1979 and which agreement has been subsequently amended from time to time (such agreement as so amended being hereinafter referred to as the “Agreement”); and

Whereas, the parties to the Agreement wish to revise the Agreement to streamline and clarify certain sections as well as incorporate the various amendments made over the years; and

Whereas, a copy of the proposed revised Agreement has been submitted to this Board; and

Whereas, this Board finds it is in the best interests of the Town and its citizens to effect the proposed revisions; now, therefore, be it

Resolved, that the Town Board of the Town ofhereby determines, pursuant to Part 617 of the Implementing Regulations pertaining to Article 8 of the Environmental Conservation Law (the State Environmental Quality Review Act [“SEQRA”]), that adoption of said proposed revisions is a Type II action, constituting “routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment: and thus may be processed without further regard to SEQRA; and it is further

Resolved, that the Town Board of the Town of Dryden hereby adopts the revised Southern Cayuga Lake Intermunicipal Agreement; and it is further

Resolved, that the Town Board sign such revised agreement as the act of the Town and the Town Board.
2nd Cl Lavine

Roll Call Vote	Cl Lavine	Yes
	Cl Cipolla-Dennis	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

SCLIWC Billing Structure Change

Board members have reviewed the document. Supv Leifer explained this will change the minimum to 5,000 gallons and should result in lowering some people’s bills.

RESOLUTION #113 – APPROVE SCLIWC AGREEMENT TO CHANGE WATER RATE BILLING STRUCTURE

Supv Leifer offered the following resolution and asked for its adoption:

RESOLVED, that this Town Board hereby approves the Southern Cayuga Lake Intermunicipal Water Commission Bolton Point Water System Agreement to Change Water Rate Billing Structure.
 2nd Cl Cipolla-Dennis

Roll Call Vote	Cl Lavine	Yes
	Cl Cipolla-Dennis	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

Move IDA Funds

Supv Leifer explained that in 2012 the State Senate and Assembly passed a bill closing a number of inactive Industrial Development Agencies across the state. The town has an account for its IDA at The First National Bank of Dryden that has \$750.07 and in order to move that to the general fund we need a resolution of the board.

RESOLUTION #114 (2017) - Close IDA bank account and transfer remaining funds

Supervisor Leifer offered the following resolution and asked for its adoption:

WHEREAS, the Town was involved in the initial establishment of the Industrial Development Agency (IDA), and

WHEREAS, town funds were deposited in a separate bank account opened for the IDA at the First National Bank of Dryden, and

WHEREAS, the IDA was dissolved, leaving this bank account inactive, be it

RESOLVED, that the Town Board hereby authorizes the IDA bank account to be closed, and the current balance in the account (\$750.07), plus any interest accrued, to be transferred to the Town’s Money Market account at the First National Bank of Dryden.

2nd Cl Cipolla-Dennis

Roll Call Vote	Cl Lavine	Yes
	Cl Cipolla-Dennis	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

Delaware River Solar Application

The Planning Department has received an application and the board needs to pass a resolution to be the lead agency for SEQR. R Burger explained we have an existing application for 2 MW. They are migrating that into a 4 MW proposal on a subdivided 14 acre piece of farmland. They have submitted a full EAF reflective of the new 4 MW proposal and a site plan. But we are still waiting for another week or two to get the full revised package that will reflect the 4 MW. That package will be put on the website.

Resolution No. 115 (2017) - Lead Agency – Declaration of Intent, Delaware River Solar, 2243 Dryden Road, Solar Plant Project, Tax Parcel No. 47.-1-7.3,

Rt. 13, East of Irish Settlement Road

Supv Leifer offered the following resolution and asked for its adoption:

WHEREAS:

1. The Town of Dryden Town Board, at its meeting on August 17, 2017, considered the application for the proposed Delaware River Solar 2243 Dryden Road Solar project located on Dryden Road east of Irish Settlement Road, Town of Dryden Tax Parcel No. 47.-1-7.3 Rural Agricultural District. The proposal involves a two lot subdivision of the 114 (+/-) acre parcel on Dryden Road. The project includes clearing and grubbing the parcels, installation of erosion and sediment controls, installation of gravel access roads and utilities, and the installation of solar panels resulting in two 2MWac solar arrays. Each array will be fenced. Delaware River Solar, LLC ,Applicant; Evan and Brenda Carpenter, Parcel Owner, and
2. The proposed project, which requires site plan approvals and special permits by the Town Board, and subdivision approval by the Town of Dryden Planning Director, is a Type I action pursuant to the State Environmental Quality Review Act, 6 NYCRR Part 617.4. Environmental Quality Review, because the project will result in the physical alteration of more than 2.5 acres within an agricultural district (§617.4 (b)(8) .
3. A Full Environmental Assessment Form, Part 1, has been submitted by the applicant, along with application materials dated July and August 2017.

NOW, THEREFORE, BE IT RESOLVED:

That the Town of Dryden Town Board hereby proposes to establish itself as lead agency to coordinate the environmental review of the proposed actions, as described above, and

BE IT FURTHER RESOLVED:

That the Town of Dryden Town Board hereby requests the concurrence of all involved agencies on this proposed lead agency designation, said concurrence to be received by the Town of Dryden Planning Department no later than September 18, 2017.

2nd Cl Cipolla-Dennis

Roll Call Vote	Cl Lavine	Yes
	Cl Cipolla-Dennis	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

Ray Burger said his department has had phone calls about Mineah Road from people other than ones who spoke tonight with similar safety concerns. He invited board members to the Planning Board meeting next week when Delaware Solar will give a brief presentation of their project. It will be on the September and October town board agendas.

Cl Lamb said he and others believe the Town Board should go on record condemning the hate speech and things that we've been hearing and seeing happen in this country. He read a proposed resolution aloud. Cl Lavine said would like to wait to pass this because there is greater eloquence that could be introduced into it. Since it's purpose is largely symbolic in the sense that we are not going to change the world instantly, that it ought to be as well worded as possible. She left the meeting saying she would abstain if she voted.

Cl Lamb said he wanted to do something while the feeling was still strong. Cl Cipolla-Dennis said she feels it is important to do something tonight because she is hearing from so

many people about the generalized fear and anxiety that people are experiencing right now because of the incredible lack of leadership at the federal level. Our President is making statements that are making her hair stand on end. Our Congressional representative, Mr Tom Reed, is also punting. It is obvious to her that there is a significant gap in the lack of leadership. She feels strongly we have to do this.

Cl Lamb stated this summarizes a lot of what needs to be said. We could needle the President directly and have a discussion whether we want to single out Donald Trump for instigating a lot of unrest or exacerbating.

Supv Leifer said he had relatives who had tattoos from the concentration camps. When he heard what happened in Charlotte he was disgusted. There is no reason to wait.

Cl Lamb said our constituents need to know that we took this up and take it seriously and that we affirm a culture composed of multiple cultures. Cl Servoss agrees.

RESOLUTION #116 (2017) – CONDEMNING VIOLENCE AND HATE SPEECH AND EXPRESSING SOLIDARITY WITH ALL THOSE TARGETED FOR THEIR ETHNICITY, RACE, RELIGION, GENDER, OR GENDER IDENTIFICATION OR SEXUAL ORIENTATION

Cl Lamb offered the following resolution and asked for its adoption:

WHEREAS, the United States was founded by immigrants, many fleeing religious persecution, who enshrined freedom of religion as one of our nation’s fundamental legal and ethical principles; and

WHEREAS, we are deeply saddened and outraged at the recent escalation of hateful rhetoric against immigrants, all people of color, ethnicity, race, religion, gender, gender identification, and sexual orientation; and

WHEREAS, we, as elected representatives of the people, have a special responsibility not to stay silent in the face of hate, violence and discrimination against any of our constituents or countrymen; now, therefore be it

RESOLVED, the Town of Dryden condemns all hateful speech and violent action directed at any individual or group based on ethnicity, race, religion, gender, gender identification, or sexual orientation; and be it further

RESOLVED, the Town of Dryden commits to pursuing a policy agenda that affirms civil and human rights, and ensures that those targeted on the basis of ethnicity, race, religion, gender, gender identification, or immigration status can turn to government without fear of recrimination, and be it further

RESOLVED, the Town of Dryden reaffirms the value of a pluralistic society, the beauty of a culture composed of multiple cultures, and the inalienable right of every person to live and practice their faith without fear, and moves its adoption.
2nd Supv Leifer

Roll Call Vote	Cl Cipolla-Dennis	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

There being no further business, on motion made, seconded and unanimously carried, the meeting was adjourned at 11:29 p.m.

Respectfully submitted,

Bambi L. Avery
Town Clerk

Comments before Dryden TB, Aug. 17, 2017, Dryden Town Hall

Charles Geisler, 517 Ellis Hollow Cr. Rd.

My name is Charles Geisler and I live at 517 Ellis Hollow Cr. Rd.

I support community solar in Dryden a proposed by SUN8 PDC LLC (c/o Distributed Sun LLC).

Our town is asking fundamental questions about who are we and who we want to be in an era of unprecedented climate change. Opponents of the large-scale solar project in Dryden have raised plausible objections. The most challenging issue raised by opponents of this large 28 MW project is its so-called 'industrial face.' This issue will quickly fade when the proposed solar arrays are installed.

When necessary, communities adapt to industrial parks, new roads, cell towers, power line corridors, malls, and land fills. "Industrial" looking self-storage units are spreads across Dryden and Tompkins Co. yet are every day more invisible.

It's time to get out of the carbon cocoon and show resolve regarding community solar in our Town. Please grant the Special Use Permit.

To: Dryden Town Board and Planning Board Members

From: Candace Akins and Brad Whittemore

420 Irish Settlement Rd, Freeville, NY 13068; 607.844.9174

candaceakins@frontiernet.net

Date: 2 August 2017

Re: Community Solar Project

1) I support community solar! Please do not place a moratorium on moving forward with community solar. I think a moratorium is unnecessary and a waste of time and resources. It's stalling for time, and for what? So much effort has gone into studying the impact of the solar arrays on the community, and thousands of pages of reports and opinions have been gathered. Although I'm sure additional information could be gathered; would any of it help with making a decision? What remains unanswered? If part of the reason for the moratorium is to pursue other locations for the array, that also is a waste of time and resources. A location that makes everyone happy does not exist. Which brings me to point 2.

2) Nationally and locally, we must move beyond the "not in my backyard" thinking. If we drive cars, heat our houses, turn on the lights, etc., we need to be responsible for where that energy comes from. We must accept and even welcome that it can come from our own backyards.

3) As mentioned before in town meetings, to really make an indent in the fossil fuel industry, we need many, many sites for solar arrays (and other alternatives). I want my local community to contribute to a solution--to install whatever "alternative" energy is feasible so that we can reach the point in our country that these sources are no longer "alternative" and are instead the norm.

4) Incorporating solar and other nontraditional energy sources into our community is a complex process. I appreciate that companies such as Distributed Sun are conscientiously and cooperatively working out flexible solutions for each given community and site. Someone must take the lead. As members of the town boards, we also look to you to lead. You have the opportunity to be more informed than the general population, and we count on you to make well-considered, thoughtful decisions on our behalf.

5) I have heard some people object to the sight of the solar array panels. Please keep in mind that many of us welcome the sight of solar panels. When I drive through other communities that have solar arrays in place, I'm envious and impressed with their forward-thinking resourcefulness. I would be incredibly proud to have my local community powered by local solar. It benefits us and encourages other communities to follow in our footsteps. I think we even need a pull-off site with an educational kiosk about the panels and what they contribute to our area.

6) Please vote to move forward without delay--you have our support and thanks!

Thank you -- 

I am here tonight to complain about the 'Line of Sight Profile From the Osmeloski Property' submitted to the board by Distributed Sun. This is their attempt to demonstrate that their proposed vegetative barrier is as good or better than the 'natural screening' mentioned in the Verizon cell tower SEQUR and resolution. However there is one major error in their diagram and that is the height of the willows designated as the 'natural screen' for the cell tower. The height of 40' which Distributed Sun used is the mature height of a willow if you sit at a desk and google it. What Distributed Sun failed to do was go out and measure the actual height of these willows. I have measured them using the shadow method and they are between 78 and 85 feet tall, TWICE the height used in the 'line of sight' diagram. Willows branch at ground level and have multiple trunks. Several of which I measured at greater than 9' in circumference and 3' in diameter at breast height, refer to zoning law 1103.23. These willows will screen over 1/2 the height of the tower which is why we chose to go with the natural screening as opposed to artificial camouflage. Distributed Sun's proposed vegetative barrier is inadequate when compared to the actual height of the willows.

I suggest that these trees along with stream #4 be put into a conservation easement to protect them from destruction and preserve the required screening of the cell tower. Failure of this board to protect these trees after using them to mitigate the visual impact of the cell tower will result in my filing article 78 with the NYS Supreme Court, which I believe I have 30 days to do so after final action on this project.

Sarah Osmeloski
2180 Dryden Rd.
Freeville

August 17th, 2017

Dryden Town Board
93 East Main Street
Dryden, NY 13053

Re: Rezone Request for West Side of Mineah Road

To the Attention of the Town Board:

We, the current residents & property owners on the west side of Mineah Road, request that the Town Board change our current zoning status as Mixed Use Commercial District to reflect that of our neighbors on the east side of the road who are zoned as a Neighborhood Residential District.

The area to be rezoned begins at residential home with the parcel # 44.-1-27.53, and encompasses the properties located south (up the mountain) to the residential properties bordering that of Cornell University, parcels 46.-1-91 and 46.-1-14.324.

We ask for this rezoning so that our rural neighborhood may be protected from inconsistent uses such as commercial development and/or rental housing units and that we may also enjoy the benefits of being appropriately zoned, as the parallel properties across Mineah Road enjoy.

Respectfully submitted,

Chris Kayler 34 Mineah Rd 46.-1-91

Lokhan Songput 32 Mineah Road 46.-1-14.324

Myint M Aye 32 Mineah Road 46.-1-14.324

Deborah Clemest-Fortner 22 Mineah Rd 44.-1-27.53

