

TOWN OF DRYDEN PLANNING BOARD
October 26, 2017

Members Present: Marty Moseley (Chair), Joe Wilson, David Weinstein, Craig Anderson, John Kiefer, and Jim Skaley (Alternate), and at 7:15 p.m. Martin Hatch arrived

Absent: Thomas Hatfield

Liaisons Present: Craig Schutt (Conservation Board), Deborah Cipolla-Dennis (Town Board)

Town Hall Staff: Ray Burger, Planning Director

The meeting was called to order at 7:04 p.m.

Review & Approval of minutes from September 28, 2017:

D Weinstein moved to approve the minutes as amended per discussion, seconded by C. Anderson. The minutes were unanimously approved.

M. Moseley appointed Jim Skaley to serve in the absence of Tom Hatfield (excused).

Public Comment regarding items not on the agenda:

Shirley Lyon, Mineah Road, said she would like to hear an apology from the board for not acting for over two months on her request. Last month she was promised that someone would get on top of it and that didn't happen. She has to tell people after 60 days of promises that she was told tonight nothing was done.

M Moseley apologized and said he will send an email to the town attorneys asking why they haven't looked into this since he can't get others to do so.

S Lyon said she called the State and they have not heard from Dryden on anything concerning Mineah Road. She asked whether Ray Burger had sent a letter and he responded there is a letter consolidating the Mineah Road and George Road and Malloryville as a request for three safety items. He doesn't believe the letter has been mailed.

Craig Schutt said the Conservation Board met on Tuesday night and voted to finalize the Natural Resources Conservation Plan. That should be coming to all the boards very soon for review. The Ag Committee has for the most part finished the Agriculture & Farmland Protection Plan (that has been received by board members). Both plans are well done and contain good information.

Introduction of proposal by UAW Local 2300 for administrative offices at 1495 Dryden Road.

They are trying to buy this property and do financing through the UAW. The UAW needs to know whether they can build and add on to the existing building. They have spoken with D Sprout in the Zoning office who has been helpful.

They provided a drawing of what they expect the building to look like from the road when completed and a drawing of the existing lot. The only change they propose to parking is to move the handicap parking closer to the larger building. They want to add a 30' by 20' addition on the right hand side of the

building. The shed may be moved to the left of the building. A floor plan of their desired building was provided. An 8' x 27' addition to the existing building will house their archives. The front of the building will be much more attractive. It will be staffed five days a week with 5 or 6 staff. Once a month there will be membership meetings (50-60 people usually attend) held from 4:30 to 6:00 p.m. Parking would be on the gravel lot. It was suggested the road cuts be limited to one instead of the current two and that they consult with NYS DOT in doing so. There will be a sign (not very large) with some shrubbery around it. There will be motion-activated downward shining lights attached to the outside of the building. Local union labor will be used during construction. The current owner can give them "designated agent status" so they can apply prior to closing on the purchase of the property. R Burger told them when the application and site plan is submitted the matter will be scheduled for hearing.

PUBLIC HEARING

APPLICATION OF MODERN LIVING RENTALS, LLC
FOR CONSTRUCTION OF 42 TOWN HOMES ON A
COMBINED LOT OF APPROXIMATELY 3 ACRES
(tax parcels to be combined: 56.-2-5 and 56.-2-6)
802, 804, 810 and 812 Dryden Road

Official opening of the public hearing delayed pending a determination of whether the application submitted was complete. Board members have reviewed the resubmitted application. C Anderson is still concerned about sidewalks.

Adam Fishel of Marathon Engineering said in response to comments last month they have provided more landscaping with decorative grasses, some flowering shrubs and rose bushes to break up the site lines from Dryden Road. Photo of those being used were provided to the board. The pocket park has been updated to include a raised planting bed, benches and removal of the gazebo. They will move forward with a connection to Dryden Road provided it is approved by NYS DOT. There is a raised planter. The walk between the park and the development will have decorative grasses. Some landscaping was added to the front of each building unit and described to the board. There will be some low level lighting. It was suggested the applicant consider a maintenance plan for the landscaping.

There will be no bus pull off area. TCAT has stated it will stop on the shoulder of the road.

Applicant has followed up with the fire chief and has not received a response, though the plan provides for access for a reasonably sized ladder truck, leaving a buffer for vehicles. There are two hydrants inside the parking lot as requested.

Sewer capacity - TG Miller has submitted a letter stating there is existing sufficient capacity to accommodate this project and have some excess for future development.

Water capacity – In talking with TG Miller, it seems that the Town of Dryden is moving forward with taking over the water main along the frontage and once the upgrades are made to the control valve there will be sufficient capacity for the project. R Burger explained there needs to be an agreement between the Town of Ithaca and the Town of Dryden for turning over the infrastructure, then Dryden will have to do some modification to bring the water from Route 13 instead of Freese Road. It's a priority for this winter and they expect work to be done in the spring. Approval can be conditioned on an eventual hookup. Applicant anticipates beginning construction in the spring.

Applicant has TG Miller's most recent engineering review and doesn't see anything there that can't be accommodated and they will work on that.

C Anderson asked whether there is adequate snow storage around the dumpsters. There is and they will haul snow out if need be. A few trees may need to be moved.

The town's zoning plan calls for space between every ten parking spaces. There are 17 spaces together in one location. Based on the plan provided, the board feels this is adequate.

D Weinstein asked if the applicant has met the town's requirement for green space. They did check and will give R Burger a formal response.

There are sidewalks to the pocket park and to the bus stop. C Anderson said there should be some sort of sidewalk from the center and asked if the driveway and a walkway could safely share space. The driveway is 28' wide, dictated by DOT because of the speed limit there on Dryden Road. There was discussion about pedestrians safely using the area. This could be defined by a white line. Applicant will consider a walkway or defined area of the driveway for pedestrians with some lighting.

The entrance should be lighted – probably in the same style as the interior of the complex.

R Burger reported there are various mechanisms for a contract ensuring the developer constructs a sidewalk along the road frontage at a specific point in the future (to be defined). It may not be necessary to require an escrow or bond. It could, for instance, be tied to the certificate of occupancy.

C Anderson pointed out that Section 7 of the Zoning Law requires that any proposed development or redevelopment along Route 366 requires sidewalks. He also said the applicant has requested LEED certification and came up with 40 points based on a walkable community and asked if the sidewalks were not done would it affect that. He suggested before this moves on, it needs to be evaluated. Sidewalks should be drawn on the site plan so it can be referenced in the future. The LEED worksheet also shows points for trees shading the sidewalks. Perhaps that should be revisited. He believes they should follow the provisions of the law.

The board discussed whether the sidewalk should be constructed now or in the future or whether a variance may be required. Applicant needs to be aware that a sidewalk may be required in the future if it is not constructed now and there could be a contract for future obligation. It should be shown on the plan. There could be a condition (such as agreement acceptable to the board and the town attorney) in the site plan approval. The sidewalk needs to be shown on the plan.

With respect to LEED, applicant agreed that if they need points that can't be gained elsewhere, they will put the sidewalks in now to get the LEED bonus. R Burger will verify the LEED points.

Tompkins County Planning has not reissued a §239 review. There were some energy recommendations that were addressed by commitment to the heat pumps.

Stormwater maintenance agreement is included in the standard conditions of approval. TG Miller will review that.

C Anderson noted the changes the applicant had made in the building design. The frontage has been broken up. He personally doesn't like all the different sidings and asked how this represents Varna.

Applicant said they have revised their thoughts on buildings A and B (facing the road). They have tried to center the project in different configurations and presented their current version. Of 42 units, 18 offer a first floor master bedroom which should help with maintaining a mixed use development. Floor plans were explained.

Elevations of buildings and sidings were reviewed. On building A there is a stone banding material that raises up at the entry point and wraps around the corner. There is a mix of vertical board and batten siding and horizontal siding. Buildings C and E are symmetrical and have the same hung canopy system over the doors. The proposed entrance gate and signage was displayed and they will look at dark sky compliant lighting for that. The bump-outs on the front façade of the end units protrude out 3 feet.

Trees can't be placed in the sewer easement area or too near the detention pond. Some small trees will replace some of the shrubbery in the plan. M Hatch would like to see the front aesthetic broken up with some small trees and said there are trees that would work near the detention pond.

Views of the buildings from the parking lot were displayed as well as views from buildings C and D toward the pavilion. Each building has its own unique character and they feel that is a positive change.

The questions the board had last month have been answered and there were comments that this change is a big improvement.

There are only a few small cross sections where there is a line of sight from the arboretum to the project. There is a berm and landscaping on the arboretum property to protect it from lighting. Cornell's maintenance building also provides some visual buffer. Applicant noted there are tall light poles in the arboretum parking lot and outside lighting on their facilities. There should not be much impact from this project.

Chair Moseley said it appears that once the board has plans that indicate the sidewalk and potential trees, verification from R Burger about the LEED points, and a designation of the pedestrian connectivity for the main entrance (with lighting) they would be happy to move forward.

C Moseley opened the public hearing for comment from the public.

Buzz Dolph asked if the zone is to have sidewalks that connect, when they would be built. Is the town going to put sidewalks in areas that are not being developed? If zoning is saying that developers are to put sidewalks in front of their developments, eventually when Varna is nothing but apartment complexes, they will all be connected. But unless that is done in short order, when will it get done? If that is not enforced in zoning, when will the sidewalk get built?

The public hearing was left open.

SKETCH PLAN REVIEW

5-LOT CONSERVATION SUBDIVISION OF 10 ACRE PARCEL
1540 ELLIS HOLLOW ROAD – BUZZ DOLPH

Applicant provided updated Part 1 SEQR. This is essentially the same type of subdivision he did before a half mile away on Ellis Hollow Road. This project will require a SWPPP and he will have to go to the county for health department approval for the septic. He is working with an engineer on design of the septic systems and the SWPPP. The reason for the conservation subdivision is creation of a greenway and protection of the Cascadilla Creek. The five lots share a driveway and that requires approval of the Planning Board (it must be requested by the applicant).

D Weinstein said he appreciates the effort to protect the land in the back. There is a certain characteristic in Ellis Hollow of long thin lots, not with the idea to populate the area with one acre lots, but to keep the open space. Making a subdivision like this is making a little more space for houses, like was done in the applicant's other project. If we keep repeating that it will change the characteristic of the area and he is concerned about that. He received comments about it after the first conservation subdivision was approved.

B Dolph said he is trying to avoid sprawl, but create housing in a way that is sustainable and somewhat affordable. Home ownership has to start happening on a county-wide basis or Tompkins County will be gentrified off the map. He is fighting this fight with the City right now. He wants to create housing that people can live in, enjoy and be part of a community. According to the subdivision law he is doing everything he is supposed to do.

D Weinstein said one lot is on a wetland as identified by Tompkins County (not by DEC or the Army Corps) and cautioned the applicant about the first lot designated. B Dolph has not noted wetness there.

Chair Moseley directed the board to Article 1000 regarding sketch plan. There are items to work through to determine whether the sketch plan is appropriate.

1. The name of the owner and all adjoining property owners shown on the most current assessment roll. *Will be added.*
2. The tax map sheet, block and lot number of the parcel(s) to be subdivided and of all adjoining parcels. *Is shown.*
3. A vicinity map showing the location of the land to be subdivided and the boundaries of all tax parcels within 500 feet of the property, including the area to be subdivided in relation to the entire parcel, and the approximate distance to the nearest existing streets and street intersections. *Yes.*
4. Wooded areas, streams and other significant physical features including large bodies of water, within the area to be subdivided and within 200 feet thereof, including an indication of potentially significant, natural or cultural features on or adjacent to the site (e.g. wetlands, creeks, steep slopes, historic structures). *Needs to be added, with document that there is (or isn't) a wetland.*
5. If topographic conditions are significant, contours should be indicated at intervals of not more than 10 feet. *Needs to be clearer.*
6. Approximate location of existing and proposed buildings or other significant structures. *Shown.*
7. Existing land use, proposed land use and existing land uses of immediately adjacent

- properties. *Shown.*
8. Existing restrictions on the use of land including easements, covenants, and zoning district boundaries. *Shows Cornell's easement.*
 9. Existing utilities and all existing streets. *Shown.*
 10. Written explanation of the character and purpose of the proposed development including the type and density of development, water and sewer systems proposed, and general timetable for the development. *Provided, details in SEQR II.*
 11. A general concept plan indicating approximate lot dimensions, proposed location of structures, proposed street layout and widths, recreation areas, Open Spaces, stormwater system areas, a general utilities plan, and an estimate of the number of Lots and/or dwelling units that might be possible within the Subdivision. *Adequate. Applicant will provide SWPPP. Electric, data, and any conduit will be underground within the road right-of-way.*

The preliminary plat must show all adjacent parcels (one was omitted from sketch plan), particular attention needs to be taken with respect to #4 above, and topographic contours must be clear. Applicant will provide letter asking for approval for all lots to use a common drive and consult with the town engineer. If it turns out there is a wetland on lot one, the plan may change.

There was some discussion that the character of the neighborhood doesn't really come up in subdivision review and a suggestion that the zoning law be looked at for these types of inconsistencies that may come up for developers.

RESOLUTION # : Sketch Plan Approval
1540 Ellis Hollow Road

M Hatch offered the following resolution:

RESOLVED, that this Board hereby approves the sketch plan for a subdivision at 1540 Ellis Hollow Road, subject to the following conditions items #2, #4, and #5 of Section 1000 be addressed by the applicant.

Seconded by D. Weinstein and unanimously approved.

Updates by Planning Director Ray Burger

Delaware River Solar has an application in that has been reviewed by TG Miller for completeness and issued a review letter. Delaware River Solar has responded to those issues and what is currently on the town's website are the original application and a supplement to that application. TG Miller is still checking the supplemental information and R Burger expects that TG Miller will declare whether the application is complete sometime next week. When it is deemed complete, the Planning Board will complete the step in the solar law of reviewing that application and make recommendations based on the site plan. He expects that will be on the November 15 agenda. That would allow the Town Board to direct the Planning Board to execute that step at their agenda meeting.

M Moseley noted that previously with the other solar applications the official review process was started when the town board finalized SEQR because that's when the application was complete and that was what was explained by the town attorney. The Planning Board could review it, but official

review and action by the Planning Board happens after the SEQR has been completed by the lead agency (the Town Board in that instance). He asked R Burger to verify the process with the town attorney. R Burger said he will get something official from the Town Board at their agenda meeting.

DRS is getting more information on the viewshed and soils as those were issues of concern.

With respect to zoning and subdivision laws, R Burger said there had been talk for some time about possible amendments. He will try to get a short list of the easier amendments to consider with respect to technical aspects for Planning Board evaluation in advance to take care of the obvious deficiencies identified over the past year or so.

Joe Osmeloski, with respect to the application by Delaware River Solar for a project at 2243 Dryden Road, remarked about interior setbacks not being shown on the map. R Burger previously stated at the Town Board that it is proper to put in the application that they would be seeking a variance and the application was predicated on that. J Osmeloski said the solar law calls for 50' setbacks, but no map submitted by an applicant shows those setbacks. It's difficult to know where the subdivision lines are as well. Other plans come in for projects that must show setbacks. Solar companies seem to be exempt from the setback laws. Right now the law says 50' setback and he doesn't understand why we don't get a map that shows 50' setbacks. The applicant can then choose to go to the ZBA for relief from that, but the law says a 50' setback. There's nothing that says pending ZBA approval. He'd like to see a map that goes by the law.

It was clarified that this board does not interpret the zoning law. That is up to the Planning Director and his staff.

Chair Moseley announced that the Town of Groton has submitted a project to the board under §239(nn) provisions. This is for a storage facility off of Route 34B (Peruville Road). Board members received information on this about a week ago.

D Weinstein is concerned about wetlands. One is a state DEC wetland that cuts through or abuts back of this property. It doesn't make sense to develop the back of this property. A more reasonable approach would be to only develop the front of the property.

J Kiefer said he would like the color scheme to blend in with the surroundings (not orange). It would also be nice to see plantings in front of the development.

**RESOLUTION # : COMMENTS REGARDING SELF-STORAGE FACILITY AT
ROUTE 34B, TOWN OF GROTON**

D Weinstein offered the following resolution:

RESOLVED, that the Town of Dryden Planning Board hereby makes the following recommendations for the proposed self-storage facility at Route 34B in the Town of Groton:

- 1) That applicant avoid and/or mitigate any impact on wetlands on or near the property;
- 2) That the color scheme not include orange and blend with the surroundings;
- 3) That plantings be used to screen the development.

Seconded by J Kiefer and unanimously approved.

Craig Scutt (liaison from the Conservation Board) read a communication from Conservation Board Chair Peter Davies:

Comments by the Town of Dryden Conservation Board on the 1540 Ellis Hollow Road conservation sub-development application.

October 24th 2017

>> The Conservation Board thanks Ray Burger for requesting an evaluation of the proposal for a Conservation Subdivision for 1540 Ellis Hollow Road and we hope that the Conservation Board will continue to be consulted in all similar instances in the future.

It was a universal sentiment of Board members that this conservation sub-development is not a bad deal; smart development better than spread.

However it looked as if this application is being submitted after the fact as the site has already been cleared, the road roughed in and some utilities already installed, and yet “no improvements” is listed which is not correct.

It was considered that the following need attention:

- P3 item 4: it is not a “gentle slope” as claimed. The road goes straight down a steep slope and this will lead to erosion. As such an S shaped main drive would be much more desirable.
- Water retention at the base is desirable; this is mentioned but there is no description. A catchment and appropriately planted soak-away area should be installed at the base of the driveway.

Other items of concern were:

- D.2.c-d: Water supply and septic handling on the small lot sizes is not described in any detail.
- E.2.a: Bedrock is way less than 25ft.
- E.2.h.iv: No mention is made of the stream classification. We believe that it is a DEC classified Class C trout stream.
- E.2.m: The entry is not sufficient for an experienced individual (i.e., a trained naturalist) to evaluate.
- E.3.d: Tompkins County UNA126 is adjacent or possibly overlaps the property; where is the UNA boundary vs this area?
- E.3.h: No aesthetic areas are listed. Do nearby Cornell natural areas etc. classify as aesthetic?
- Difficulty of entering Ellis Hollow road from a sloped driveway.
- What if house sizes are increased post-sales?

>> Bob Beck brings to the Planning Board’s attention that deed restrictions are non-transferable and can be overwritten by the owner. As such a deed restriction is not sufficient, as the conserved area could be lost in the future. A conservation easement can be enforced, which is a big difference. We request that Ray Burger seeks legal advice on the perpetuity of such deed, and if not permanent, move for a conservation easement.

C Schutt noted that the Conservation Board was happy for the opportunity to review matters such as these. There was discussion about sharing project information on a regular basis with the Conservation Board. The Planning Board would like their input, but don’t want to hold a project up.

There being no further business, on motion made, seconded and unanimously carried, the meeting was adjourned at 9:41 p.m.

Minutes compiled from recording.

Bambi L. Avery
Town Clerk