

**Dryden Planning Board  
September 28, 2017**

**Members Present:** Marty Moseley (Chair), Joe Wilson, David Weinstein, Craig Anderson, Marty Hatch, John Kiefer, Tom Hatfield and James Skaley (Alternate)

**Liaisons Present:** Deborah Cippolla-Dennis, Town Board

**Town Hall Staff:** Ray Burger, Planning Director

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

The meeting was called to order at 7:05PM.

**Review and approval of minutes from August 24, 2017:**

D. Weinstein moved to approve the minutes as amended per discussion. T. Hatfield seconded the motion was unanimously approved with J. Kiefer abstaining due to absence.

**Public Comment** regarding items not on the agenda:

Shirley Lyon:

Concerning the report that was given by Ms. Winston last month August 23rd. It was turned over to legal to see if there could be a review of the DEC intent. He answered the DEC about the traffic and then he responded to it showing that there were discrepancies on his answers in the first and the answers on the second and the traffic. It says this is subject to further review. The information was sent to the legal department and she is wondering about the status.

M. Moseley responded that he has not heard any report from legal and is unsure they have had time to review the documents regarding the traffic study and the Pine Ridge Cottages.

Joe Osmeloski: 2180 Dryden Road

I am going to speak a little bit about the debacle last month that was called a public hearing. The most important entity in a public hearing is the public, not who ever is presenting. The most important thing in a public hearing is the public and what happened last month was an absolute travesty to the public. First, the public was made aware that there were two plans in place. Ray (Burger) received an email saying that only one plan was in place. You know what? The public didn't get that email so how is the public supposed to know which plan to prepare to comment on. I don't think this Board even got the email on which plan we were going to comment on. There were two plans in place, then we found out that there is only one plan in place. Well the public doesn't know that so the public, right off the bat at that meeting, was screwed. We went through that meeting. There was a 4-3 vote on the first resolution. A 4-3 vote against, that is it, we're done. Nope, let's put that back in play and start to put conditions on it. And as the conditions went along, it was apparent to the developer that again, it was probably going to fail. So the developer throws a third plan up there. A third plan that the public, it is a public hearing, the public never saw that plan, never got to comment on it and yet somehow that plan went through 6-1. Interesting though, the person who voted against that plan, Hilary Lambert, resigned the next day. We don't know why she resigned but we all have ideas about why she resigned, but she resigned. So the bottom line in a public hearing can we please make sure the public hearings are held for the public, not for the developer or the Town Board but the public.

Craig Schutt

I want to read something into the record that is kind of a follow up to that. It was sent to the planning Board and any other germane persons. Considering the discussion we had on this very same subject Tuesday night at the Conservation Board, I think this is a germane subject to bring up again and get into the record.

Dear Town of Dryden Planning Board:

Thank you for your collegiality during my brief tenure as an alternative member.

I apologize that my ongoing work commitments make it impossible to sustain my participation at the high level of excellence, and extensive time commitments, demanded by the position.

At this time I am writing as a member of the Dryden public to inform you briefly of my concerns regarding actions taken by the Board at the August 24 Planning Board meeting.

We went into the meeting with two proposed maps for the proposed subdivision action. One map contained proposed conservation actions that would have gone far to prevent the proposed solar array development area from having negative impacts on surrounding properties and downstream along Willow Glen Creek and Virgil/Fall Creek. The other map was the standard offer by the applicant. These two maps had been public noticed online for the time period required by law.

During the meeting, the Board emerged from a private session with the town attorney with the understanding that only the standard map was being considered.

Members of the public present at the meeting were informed of this action in a casual aside by the Board and attorney, and were allowed no substantive input on this abrupt change.

Some might call this a "bait and switch" situation. I do.

Near the end of the meeting, a THIRD map was suddenly presented to the Board by the applicant, a map with the conservation actions missing and with the flag lots flipped.

The members of the public present called out to see this map, which had not been public noticed as required by law.

The applicant representative paraded the third map back and forth in front of the public for perhaps as much as a minute.

A motion was swiftly proposed and voted on to accept the subdivision changes as delineated on this third map.

As you know, I was the sole NO vote.

I am highly dismayed at these actions.

At best, they indicate disrespect for procedures, and casual dismissal of the required role for public input and review.

These were not, in my opinion, fully transparent and honorable actions.

Why this is germane to the Conservation Board? I proposed a resolution at the Conservation Board for a moratorium again for the Conservation Board to vote on. It ended up a 4-4 vote.

**Public Hearing to consider the application submitted by Modern Living Rentals LLC:**

- M. Moseley asked the Board for a short discussion. He stated that the items requested from Modern Living Rentals at the July 27th meeting have not been provided in full. He does not believe the Board should open a public hearing because they cannot take action without those items being provided. If the public hearing was to be opened, the public wouldn't have the information to comment on. He recommended the applicant go through their presentation and set a public hearing for the next board meeting.
- D. Weinstein, for purposes of clarification, asked for a list of the items that are missing.
- M. Moseley indicated the requested information is in the July 27th minutes and asked that the applicant be given a copy of those minutes. Some of the items from the minutes include a detailed exterior lighting plan and the lighting on the buildings themselves. The fire chief has been contacted to ensure adequate fire access as requested. They need to contact the highway superintendent regarding sewer lines and lateral additions. They need to provide a stormwater maintenance agreement to the Town for review. (The applicant responded that they are waiting on Cornell to resolve some concerns they had in regard to stormwater.) There were some comments in the minutes regarding sidewalks, green spaces and recreation/play areas, some of which are provided.
- D. Weinstein asked about the sidewalk that was proposed from the southwest gazebo to the road and then to the arboretum.
- Adam Fischel (Modern Living Rentals) reported that is the DOT right of way and they are in discussion with the DOT. As far as the sidewalk to the arboretum, they are still in discussions with Cornell.
- M. Moseley said that there were other comments about a bus stop/turn lane and bike racks and storage.
- A. Fischel said they have talked to TCAT and were told that there are already two stops in that area - one on each side of the road - and they do not want/need more accommodation.
- C. Anderson asked about the requested sidewalks in front of the building. It is part of the LEED program.
- The applicant indicated that a sidewalk would lead to no where as there are no other sidewalks in the area.
- C. Anderson pointed out sidewalks are part of the design guidelines.
- J. Kiefer had sent an email for the July meeting and reminded the Board that the Varna plan needed to be considered. When looking at the drawing, it appears the buildings have turned their back on the street. There should be architectural compatibility with the other buildings in the hamlet. The buildings in the hamlet are older farm house type building with porches, sidewalks to the road, interesting roof lines, foundation plantings with trees out front. He did not see any of those things in the drawing and asked the developer to address that for him.
- The developer recalled that they had agreed to bring back a plan for some landscaping to break up the facade of the building. That has not happened yet because the design of the building has been in flux. As soon as they have decided on the building layout, then they can better provide those details.
- C. Anderson agreed with J. Kiefer. When he looks at the proposed building, he just sees different colors. At the July meeting, he suggested some reverse gables or something to break it up. The Varna plan calls for development to mimic Varna. He shared a drawing of townhouses that he feels fit the plan better. This is the first building people will see when they enter Varna. There seems to be a disconnect with

what we want and what you are presenting. It would be nice to have more character than a cantilevered porch.

John Snyder (Architect) shared the plans the developer has to this point.

- see attached drawings
- Building A and B are the ones that face Dryden Road, C, D, E and F are the interior buildings.
- The ends of the units are 3 bedroom units, the center of the buildings have 4 bedrooms units and two bedroom units flank those.
- Buildings A and B, because they don't want to encourage people to have porches on the Dryden Road side due to clutter, they have included porches on the interior sides. They have dressed up the street side facade with gables and articulation on the building ends.
- They are trying to reduce the number of doors visible by putting the doors along different sides and pulling some entryways forward.
- M. Hatch asked about the doors in terms of their placement. He questioned whether tenants can get large deliveries in and out. J. Snyder assured him they have considered that and yes, access will be available.
- They have provided 8 balconies to the ends of the buildings that come off the apartment lounge space.
- They have added gables and created some articulation in the roof line
- D. Weinstein asked if there was a way to break up the flat plane that is the back of buildings A and B. He stated they look like dormitories. It doesn't say individual apartments.
- M. Hatch asked what the landscaping will be, will it use trees that are going to break up the flat plane? The applicant said they are definitely thinking about tall grasses, bushes and maybe some taller evergreen trees.
- The retaining wall that was shown on an earlier drawing is no longer a consideration.
- J. Kiefer asked for a drawing showing the landscape.
- The developer indicated that for the next meeting they plan to have views of the development and landscaping.
- J. Skaley suggested the developer move some units forward or back to create a division between the apartments and then use different veneers to further differentiate each unit.
- M. Moseley asked where the utilities will be located.
- J. Snyder replied that the meter packs will be hidden from the front side of the buildings and/or screened.
- Behind buildings C - F, there will be 6 foot fencing around an 8x6 space to delineate outdoor patios for each unit - those units will have doors off the back side to encourage people to use the outside.
- The condensers for the heating/cooling will be screened off.
- M. Moseley asked where the utilities will be located on buildings A and B?
- Charlie O'Connor (Developer) said the idea is to create separation between the porch areas where they will locate the utilities. He said they need to talk to Gretchen Bavard to determine if the units can be put under the porches.
- C. Anderson asked if they are mini splits? Yes. That means they can be wall hung on a rack.
- M. Hatch noted the center section on the front side of buildings A and B inset is 1 foot. On the other side it looks about 10 feet.
- C. O'Connor said the back side is offset about 5 feet.

- M. Hatch indicated he agreed with others about the creative landscaping to help break up the facade.
- M. Moseley agreed that bumping out the center section with a different facade would break it up more.
- T. Hatfield suggested shutters will also help break it up. He reminded the developer about the vision for Varna.
- C. O'Conner indicated they are trying to come up with a modern look that still fits with the hamlet.
- M. Moseley indicated that sidewalks are part of the interconnectivity of the neighborhood and even though it won't connect with other sidewalks yet, eventually it will.
- C. O'Conner asked if there is a waiver process where they can put some of the money aside through the town for future sidewalk construction.
- J. Skaley asked if the TIP money the Town will be getting for road improvement in Varna can be used to extend the sidewalk up the hill.
- R. Burger stated he will see if they can expand the scope of the TIP project.
- M. Moseley verified that the applicant submitted a traffic analysis. He asked if the neighboring municipality has responded in terms of any impacts. R. Burger said that the Town of Ithaca has not weighed in and the Tompkins County Planning letter suggested an evaluation of the energy. The 239 will be resubmitted after a final site plan.
- T. Hatfield asked for verification of the process for this project.
- M. Moseley - R. Burger will receive the application and send out a notice. At that point, we will have a complete application. Then the Board will hold a public hearing during which they will do SEQOR. Then the Board will close the public hearing and, potentially, take action.
- T. Hatfield asked how many days need to pass between the date of notice and the actual meeting. It is 10 days.
- C. Anderson asked about the gazebo by the road. He doesn't feel that is the best way to go for a pocket park; something more natural, open space would be better maybe with a water feature and landscaping, maybe a butterfly garden with a bench.
- D. Weinstein agreed a couple of benches on the path that goes to the arboretum would be good.
- M. Hatch suggested that tying a park where people are waiting for the bus will be a benefit.
- J. Skaley agreed with the other Board members and suggested evergreens plantings so the color stays and remains inviting.
- C. O'Connor reviewed the presentation and the direction he wants to go. He verified that the Board is ok with the back buildings. He is surprised to learn that the Board might be pushing a sidewalk. He asked if something could be put in the deed that says a sidewalk would be added if/when the time was more appropriate. R. Burger will look into these options.
- M. Moseley reminded the applicant that planning for the future is part of their job and a sidewalk is part of the vision for Varna. The Board and the applicant discussed the pros and cons of putting in a sidewalk:
  - it goes to nowhere
  - the terrain is not conducive for a sidewalk, there is a steep drop off at one side of the property
  - it is a large expense
  - preparation for the future

- C. Anderson asked about the path to the Cornell lands. A. Fischel said it might not work out because Cornell appears to be leaning toward no due to concerns about people crossing their maintenance access road and the direct access to their property.
- C. Anderson then asked about the sidewalk to the road. A. Fischel said they are talking with DOT about connecting to the road since it will be the natural path to the road.
- A. Fischel said they are talking to Bolton Point regarding the potable water issue.

**Alternate meeting dates:**

November 15th, Wednesday

December 19th, Tuesday

The Board moved to discussion with counsel at 8:25PM

The Board returned to session at 9:05PM

M. Moseley told the Board that there will be a training session on October 16th at the Neptune Fire Hall. Participants will get 4 training points.

M. Moseley appointed J. Kiefer as the Deputy Chairperson.

T. Hatfield offered a resolution to thank Hilary Lambert for her service on the Board. It was short but it was effective and he's appreciate that he got know her. As someone he had never met before, he found her insightful and helpful.

D. Weinstein seconded the motion which was unanimously approved.

There being no further business, the meeting was adjourned at 9:07 PM.

Respectfully Submitted,

Erin A. Bieber  
Deputy Town Clerk