

**Planning Board  
January 25, 2018**

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

Liaisons Present: Craig Schutt (Conservation Board), Dan Lamb (Town Board)

Town Hall Staff: Ray Burger, Planning Director, Khandikile Sokoni, Town Attorney

The meeting was called to order at 7:03 p.m.

M Moseley appointed James Skaley to serve as a voting member in the absence of Martin Hatch.

**Review & Approval of minutes of October 26, 2017, November 15, 2017 and December 19, 2017:**

D Weinstein moved to approve the October 26, 2017, and November 15, 2017, minutes, seconded by J Wilson and unanimously approved.

The board discussed the corrections submitted by D Weinstein for the December 19 minutes, in particular the addition with respect to a discussion about the Mineah Road project: "R Burger indicated that a SWPPP Notice of Termination had been sent out. D Weinstein asked if that meant the developer would not be allowed to build any parts of his development until a new site plan was submitted and approved by the Planning Board, and R Burger answered, "Yes" (indicating that the developer cannot move forward with development under the existing site plan)."

R Burger said the context of the conversation was that if the developer may be coming back in February with a new development plan. If that was to be a single family home, it would be permitted by right and there would be no site plan review process. If it was three single family homes on the one parcel, then a site plan review before this board would be necessary. The proper way to address his current site plan is that it has gone through the approval process and approval was conditioned on compliance with the Town's stormwater laws. Since the developer filed a notice of termination for the SWPPP stating that the project was abandoned, it is no longer in compliance with the stormwater laws.. It is in essence a project that has a conditional approval, but the conditions have not been met. With this clarification, it is not necessary to make the addition to the December minutes.

D Weinstein moved to approve the December 19, 2017, minutes as amended (without clarification on the Mineah Road project). Seconded by Joe Wilson and unanimously approved.

**PUBLIC COMMENT**

**Joe Osmeloski** asked whether his email about D Weinstein's comments on the resolution to change the solar law were forwarded to all planning board members and was told they were.

**PUBLIC HEARING (continued)**

**1540 ELLIS HOLLOW ROAD**

**CONSERVATION SUBDIVISION PRELIMINARY PLAT**

Applicant Ormsby (Buzz) Dolph wishes to subdivide a ten acre parcel (TM# 66.-1-7.3) at 1540 Ellis Hollow Road, five residential lots to be created with five acres preserved as open space along the Cascadilla Creek Corridor. The board has reviewed a map that incorporates the requests made at last month's meeting. The conservation easement area has been clarified, site buffers are clearer, the topo numbers have been changed to 5' increments, notes were added to the general sheet and the difference between lots 6 and 7 is clarified. Some of lot 7 is included in the conservation easement.

There was discussion about whether buffering was required on Lot 1 (on the public road). There is a 50' setback from the road and the board agrees no buffer is required there.

C Anderson said his list of concerns has been addressed. He asked about the grade of the driveway where it meets the road. A county road permit will be required and applicant will need to show that the grade is within 10% for that. A car waiting to turn onto the road will be level with the road.

R Burger said the utilities are portrayed by showing the electric on the map. Well and septic are shown by indicating that space is available. That is acceptable with the Tompkins County Health Department. Steve Maybee has provided a sketch plan for water and sewer. A stamped map is being provided to the county.

Martin Hatch arrived at 7:27 p.m. (J Skaley no longer a voting member)

A §239 response from Tompkins County Planning states there is no negative inter-community or town wide impacts, but there was a comment about the wetland that appeared on the map. The applicant has gone through the wetland determination and is non-existent in reality, so that comment was already addressed.

The board reviewed the long form SEQR submitted October 26 by the applicant.

Part 1 was reviewed and the following changes made and accepted by the applicant:

- Page 3 – D.1.(e) – Will proposed action be constructed in multiple phases? Changed from Yes to No.
- Page 5 – D.2.(d)ii – was blank and completed by adding: sanitary waste water.
- Page 11 – E.2.(d) – average depth to water table was blank and changed to >7'.
- Page 2 – B(a) – Government Approvals – Town Board acceptance of conservation easement was added.
- Page 12 E.2.m. was clarified by adding "squirrel" after "Grey"

The Board reviewed Part 2 (lead by M Hatch) and found no to small impact in each instance.

On motion made, seconded, and unanimously carried, the public hearing was closed at at 7:48 p.m.

**RESOLUTION # 1 (2018) - NEG SEQR DEC –  
Conservation Subdivision – 1540 Ellis Hollow Road (TM# 66.-1-7.3)**

*T Hatfield offered the following resolution and asked for its adoption:*

WHEREAS,

A. *The proposed action involves consideration of the application of Ormsby (Buzz) Dolph to establish a Conservation Subdivision at 1540 Ellis Hollow Road (TM #66.-1-7.3).*

B. *The proposed action is an Unlisted Action for which the Planning Board of the Town of Dryden is the lead agency for the purposes of uncoordinated environmental review in connection with approval by the Town.*

C. *The Planning Board of the Town of Dryden, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act (SEQR), (i) thoroughly reviewed the full Environmental Assessment Form (the "full EAF"), Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR §617.7(c), and (iii) completed the full EAF, Part II;*

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. *The Planning Board of the Town of Dryden, based upon (i) its thorough review of the full EAF, Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR §617.7(c), and (iii) its completion of the full EAF, Part II, including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance ("Negative Declaration") in accordance with SEQR for the above referenced proposed action, and*

2. *The Responsible Officer of the Planning Board of the Town of Dryden is hereby authorized and directed to complete and sign as required the determination of significance, confirming the foregoing Negative Declaration, which fully completed and signed full EAF and determination of significance shall be incorporated by reference in this Resolution.*

*D Weinstein seconded the motion which was unanimously approved.*

The board discussed what additional items would be necessary for final plat approval.

Correct typo in 30' Cornell right-of-way.

Bottom left hand corner – correct spelling of existing.

Near label of lot 6 – remove artifacts that shouldn't be there; the west lot line distance should be removed.

Common driveway application requires an engineer sign off – not necessary to be addressed here.

**RESOLUTION #2 (2018) – ACCEPT PRELIMINARY PLAT  
CONSERVATION SUBDIVISION (TM #63.-1-7.3) 1540 ELLIS HOLLOW ROAD**

*T. Hatfield offered the following resolution and asked for its adoption:*

*RESOLVED, that this board hereby accepts the preliminary plat (with the changes noted this evening) for a Conservation Subdivision at 1540 Ellis Hollow Road (TM #63.-1-7.3).  
2<sup>nd</sup> by J Wilson and unanimously approved*

**SKETCH PLAN CONFERENCE  
CONSTRUCTION OF WAREHOUSE ADJACENT TO 51 HALL ROAD  
NICK BELLISARIO**

Board members have copies of sketch plan and a memo from the Planning Department. Applicant Nick Bellisario explained he would like to build another warehouse adjacent to the one he has there currently. It will be the same color, a bit smaller (10,600 sq ft; 180' x 60'), and in an area that was a prior fill site. It meets all setback requirements and there will be no effect on the rail trail easement. One loading dock will be utilized by both buildings. Area of disturbance is about 15,000 sq ft and will be fairly level (they may raise it a bit). The runoff flows to the road edge; there is a diversion ditch to protect the neighbor's driveway. There will be downward pointing lighting on the side of the building; no pole lights. Applicant will need to subdivide the lot (minor subdivision approved by Planning Dept) in order for NYSEG to supply electricity to the building.

Some things proposed are not strictly following the commercial design guidelines in that there is no landscaping up front. The whole area has been an existing parking lot and is an entirely impervious surface. It functions better as it is now. There is no reason to bring in landscaping.

This is a sketch plan conference and the board may waive further site plan review based on information provided in the sketch plan. D Weinstein would like to see the drainage plan and that water is being shunted in a place that won't bother a neighbor. There could be a condition that any runoff that adversely affects neighbors be dealt with. The board is comfortable moving forward with approval.

Applicant has provided a short form EAF and M Hatch led the board through that review.

Part 1 was reviewed. The following changes were made and accepted by the applicant:

- Hallwoods Road was changed to Hall Road
- 3(a) changed to 1.09 acres
- 3(c) changed to 4.05 acres
- 9 changed to Yes
- 14 – checked Urban
- 17 – answered yes.

Part 2 – all items were marked no.

**RESOLUTION #3 (2018) - NEG SEQR DEC –  
Site Plan Review – Construction of Warehouse on Hall Road  
Nick Bellisario**

*M Hatch offered the following resolution and asked for its adoption:*

*WHEREAS,*

- A. *The proposed action involves site plan review and construction of a warehouse facility on Hall Road by Nickolas Bellisario.*
- B. *The proposed action is an Unlisted Action for which the Planning Board of the Town of Dryden is the lead agency for the purposes of uncoordinated environmental review in connection with approval by the Town.*
- C. *The Planning Board of the Town of Dryden, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act "(SEQR), (i) thoroughly reviewed the short Environmental Assessment Form (the "full EAF"), Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR §617.7(c), and (iii) completed the full EAF, Part II;*

*NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:*

1. *The Planning Board of the Town of Dryden, based upon (i) its thorough review of the short EAF, Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR §617.7(c), and (iii) its completion of the short EAF, Part II, including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance ("Negative Declaration") in accordance with SEQR for the above referenced proposed action, and*
2. *The Responsible Officer of the Planning Board of the Town of Dryden is hereby authorized and directed to complete and sign as required the determination of significance, confirming the foregoing Negative Declaration, which fully completed and signed full EAF and determination of significance shall be incorporated by reference in this Resolution.*

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

Atty Sokoni said because there are no materials on the website and the agenda lists the matter as an introduction of sketch plan, she is concerned about public notice and doesn't recommend taking action tonight. The board agreed that there are no other items necessary from the applicant. A public hearing is not necessary because it is an allowed use in an allowed district and is consistent with existing uses.

**RESOLUTION #4 (2018) – DISPENSE WITH PUBLIC HEARING  
WAREHOUSE ON HALL ROAD**

*T Hatfield offered the following resolution and asked for its adoption:*

*RESOLVED, that this board has determined that a public hearing is not necessary in connection with the application of Nickolas Bellisario for construction of a warehouse on Hall Road and is hereby dispensed with.*

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

The board will take the matter up next month for approval.

### **Mineah Road Zoning Update**

R Burger has been asked to start the process of evaluating whether there needs to be a zoning change on Mineah Road. That has not yet been done, but he is hopeful to have it for the next meeting. NYS DOT is doing an analysis on the traffic. Steve Winkley of Rural Water is looking at the water situation in the neighborhood.

R Burger reported that Mr Wawak is coming back in February. If the proposal is for three dwellings on one lot, the project will need to come before Planning Board.

### **Appointment of Vice Chair**

Chair Moseley previously appointed John Kiefer to serve as Vice Chair and has since learned that the entire board should vote on the matter. The Vice Chair would act in the absence of the Chair. M Hatch resigned from the position of Vice Chair and nominated John Kiefer as Vice Chair. J Wilson amended the motion to provide that the term coincide with the term of the board Chair. M Hatch disagrees stating that the chair and vice chair should be independent.

M Hatch offered a motion to appoint John Kiefer as Vice Chair, seconded by T Hatfield. The motion was then amended by J Wilson and seconded by D. Weinstein. Discussion resulted in the following resolution.

#### ***RESOLUTION #5 (2018) – APPOINT VICE CHAIR – J KIEFER***

*M Hatch offered the following resolution and asked for its adoption:*

*RESOLVED, that this Board hereby appoints John Kiefer as Vice Chair for a term to coincide with the term of the Planning Board Chair (December 31, 2018).*

*Seconded by T Hatfield*

*Aye: M Moseley, J Wilson, J Kiefer, D Weinstein, C Anderson, M Hatch, T Hatfield*

### **Discussion – Agriculture & Farm Land Protection Plan**

D Weinstein understands there is a revision of the plan with consideration of the comments submitted. His issue is that at one point it suggests prohibiting conversion of farmland to other uses, but then says there should be no prohibition to farmers selling farmland for residences to raise income. Those two are incompatible.

R Burger understands that Monika Roth of Cooperative Extension is collecting and coalescing all comments. She will bring that document to the next Ag Committee meeting for review before it goes to the Town Board. There is anticipated action at the Town Board's February meeting.

J Wilson said he understands that documents shared regarding solar from NYSEDA and NYS Ag and Markets may be incorporated in some fashion, possibly the appendix. Planning board members can weigh in and send comments to the town board via email.

J Skaley said if the intent is to preserve agricultural land then there should be recognition of the soils that support agriculture, not the surface conditions. With respect to the concern for soil compaction, the amount of compaction on the landscape for solar is not more than farm work. The recommendations seem overboard or extreme in his view.

M Hatch stated the inconsistencies between page 8 and page 45 with respect to siting of large scale solar need to be rectified. There is a problem in the definition of farmland of statewide importance in that a lot of those areas have already been developed.

Craig Schutt said they are trying to do an overlay to show where farmed land is of statewide importance and show fallow land and land currently being used. The Ag & Markets document is no different than the one they have for pipelines and gas drilling. It is a very similar document and is all in Ag and Markets policy. Those documents should be part of the appendix and referenced.

Evan Carpenter said most of Ag & Markets language is common sense to active farmers. They will utilize the roadways on the outside of the fields. If there is to be a permanent parking area, they will remove the good topsoil. Culvert pipes will be positioned in locations to prevent erosion. It's what a farmer would do when working with any developer. The language isn't out of the ordinary.

M Hatch said there is a subtlety that is missing that should be appropriate to our area. One thing missing in looking at soils suitable for farming is that there is not cognizance of small farms that could take place in back yards or front yards. For example, a small mushroom farm. To just blanket prime Ag land doesn't take into account what happens in Dryden. A model of how farms have evolved needs to be represented. Is there a resistance to this from the Ag committee?

The Town Board has charged this board with reviewing the Subdivision Law with respect to large scale solar. D Weinstein, M Hatch, and J Wilson will serve on a committee to do that.

There was an email from Joe Osmeloski with some allegations. Chair Moseley asked board members attending other meetings to be careful about representing that they are talking and speaking for an entire board.

There will be a March 17 Ag & Markets four hour session. Members wanting to register should contact the Planning Department.

There being no further business, on motion made, seconded and unanimously carried, the meeting was adjourned 9:07 p.m.

Respectfully submitted,

Bambi L. Avery