

Town of Dryden Planning Board  
February 22, 2018

Members Present: Martin Moseley, Chair, John Kiefer, Joseph Wilson, Martin Hatch, David Weinstein, Craig Anderson, James Skaley  
 Absent: Thomas Hatfield  
 Other Town Staff: Ray Burger, Planning Director  
 Khandikile Sokoni, Town Attorney

The meeting was called to order at 7:00 p.m.

**Review and Approval of Minutes of January 25, 2018**

The minutes were revised to reflect a series of motions in the appointment of the Vice Chair and on motion of J Kiefer and seconded by C Anderson, the minutes were unanimously approved.

**PUBLIC COMMENT**

Elizabeth Dewey said she believes there is an error in October 26 Planning Board minutes. She believes the comments quoted of the October 24 meeting of the Dryden Conservation board are incorrect because she believes they were looking at the wrong piece of property. They were looking at the 1626 Ellis Hollow Road property because there were no utilities on the 1540 Ellis Hollow Road property. Buzz Dolph did not have a deed to that property until December 2017. The comments made relate to the 1626 property and not to the 1540 property. She would like those reviewed.

**PUBLIC HEARING**

**CONSERVATION SUBDIVISION FINAL PLAT  
ORMSBY (BUZZ) DOLPH  
1540 ELLIS HOLLOW ROAD**

Chair Moseley opened the public hearing at 7:10 p.m. Applicant wishes to subdivide a ten-acre parcel (TM# 66.-1-7.3). Five residential buildings lots would be created with five acres reserved as open space along the Cascadilla Creek corridor. An application for the common driveway approval will also be considered.

D Weinstein noted the town is having a problem with notification. Clearly neighbors are not getting notified. This is the second time we've had this situation. We need to figure out the procedure and make sure it is followed so all neighbors are alerted that there is a public meeting and they know they can come and make comments. It is troubling that people are saying they heard nothing about a development that is happening right next door.

R Burger explained the statutory requirement is to mail out to record owners within 250' and to publish notice in a paper of local wide circulation. We meet those two requirements and go beyond by going to a 500' circle. The mailing goes to the owner of record using the list of the county assessment office. They don't do certified mailing, but meet the statute and go beyond.

There was discussion and suggestions about what could be done differently in the future. Use of a business size envelope instead of a postcard may help. E Dewey said two of the properties were not notified at the proper address. Posting a sign with notification on the property was suggested.

Atty Sokoni said lack of notice is a concern, but is a fixable concern. If the board is not satisfied that people have received notice, it could delay and do a re-mailing.

J Wilson said many people have come tonight. This is a public hearing. It appears from Ms Dewey's letter that the issue of substance is about the water supply. It may make sense to find out about that and see what the board could say is new information about the water supply. Since folks have taken time to come, hear them out. We should take note of who may be here now who says they didn't receive notice.

Chair Moseley asked for public comment:

**Diane Miller** noted that the document that shows wells shows one on her property (20 acres of undeveloped land). There is not a well there, so that is inaccurate. If we are going to be looking at well water issues, we need to be sure the documents looked at are correct.

Ray Burger said this information came from Rural Water Association who he asked to map known wells. These were reported from the known well logs.

**Tom Yaw** said he and his wife (Elizabeth Dewey) own property immediately to the east of the proposed development. It wasn't until the 6<sup>th</sup> of February that he ran into Craig Anderson who asked how they felt about this development. He came to the Planning Department and was given a plat, but it looks like tonight the applicant is hoping for final approval. There are issues that other neighbors are concerned about. Water is an issue. When the Hartwood development went in, his in-laws who owned the property at the time did notice a problem and had trouble with their well. Karen Eldredge was given written notice that in times of dryness that her well would go dry. Putting five more homes with individual wells in a small space will have an impact on water availability for the whole neighborhood. The driveway for the development goes along their common property line where they (Yaw & Dewey) have maintained a lane to access their back property. With the topography, unless something is done to prevent runoff from coming to their lane, they will have a mud hole and have trouble accessing their property. They would like to see a 25' buffer on the east side (their side) of the property.

With respect to notification, Todd Bittner (who is in charge of the natural areas for Cornell) had not been informed. Cornell's natural area just downhill from this development would be affected by any runoff from this development.

**Henry Kramer**, 1524 Ellis Hollow Road, said his property abuts the proposed development. They bought their land in 1998 from Cornell and the issue of water supply was so critical to them that they arranged to dig a well on the property before they owned it to ascertain whether there was an adequate water supply. His concern now is primarily about water and a good supply of water. Adding five new properties next to them in addition to the Rider property next door, and the property immediately to their west which has just been sold and will be built on, means six new wells added in the area. He asked if there is some way before the subdivision is approved to make sure there is adequate water supply for the families in the immediate area. He is not as concerned about septic systems because the science for that is pretty well established. He is very concerned about the drinking water problem. 1205

Ellis Hollow Road does not have potable water and he understands there are similar problems along Ellis Hollow Road. He urged the board to take a good look at that.

He is also fairly concerned about the fact that people did not get notification.

**Shirley Lyon**, 29 Mineah Road, said this is a familiar story about water and contaminated water. She's has been discussing notification with several people and offered to volunteer to work with someone on the Planning Board regarding a new notification process.

**John Kraut**, 37 Hartwood Road, asked whether a stormwater management plan has been submitted for this property. He also asked whether the Conservation Board has done a review of this property. He understands their role is advisory, so he isn't sure their comments are relevant.

**Diane Miller** said development causes soil compaction. The soil on that plot is clay. She is concerned with the clay soil and soil compaction that happens with construction. What will be done to mitigate the compaction to avoid runoff issues, decrease in amount of water held by soil, etc. It will affect where water flows, whose back yard will become swamp and things like that. In one of the documents there is a noted wetland on lot one by the road. Has that been addressed? She is concerned that the runoff from the common driveway on the property line. If the soil is compacted, it will flow to Dewey's property.

These subdivisions change the character and the nature of the environment and the community. Are we loosing the rural in rural residential? As a board, are you going to allow for the kind of suburban sprawl out of Ithaca? She is currently battling the Ithaca City Planning Board (where she lives) about this. This same property owner is developing something a half mile down the road and we don't know what the impact of that development is going to be from a water perspective, from a traffic perspective, and what it does to the character of Ellis Hollow. People bought property in Ellis Hollow because they wanted that rural feel. If we get the suburban sprawl from Ithaca, we are creating the same problem in Ellis Hollow. She wonders whether the Ellis Hollow community is aware of this given that the board approved the project down at 1626 less than a year ago. We don't know the ramifications or impact of that project on the neighborhood yet. Things seem to be moving extremely fast and she asked that we step back and look at the master plan for Ellis Hollow. Is it to be a suburban area, a full residential area, are we going to lose the rural? It's nice to talk about the green space along the Cascadilla Creek corridor that Cornell controls, but that isn't what everyone sees when they drive down the road.

If this subdivision goes through she would appreciate the board requiring, if possible, a green visible barrier from the neighbors and from the road so that neighboring properties are less impacted. Is there a plan to replace brush and trees after construction? As we tear trees out and change the land, are we being environmentally conscious?

She received both notifications and may have been the only one to do so. More of the Ellis Hollow community needs to hear about this because this is their place.

**Buzz Dolph**, 26 Quarry Road, said he has lived all his life in Ellis Hollow and so he has a vested interest in Ellis Hollow. He used to own the quarry so was hated for a long time in Ellis Hollow. He is following the subdivision law. It is very clearly written. There are regular subdivisions and conservation subdivision. He chose conservation subdivision because he believes keeping people closer to allow for more green space is a better thing for the community and environment. A SWPPP is required. It is an

administrative review between his engineer and the town engineer. It requires that all runoff on the developed property stays on the land that is being developed. They create a series of rain gardens on each lot and when there is a large rain event it fills up and the overflow goes to a central easement waterway that goes down to a larger retention pond that is built into the conservation area.

The driveway proposed for the eastern border is a 30' easement owned by Cornell and they could put a road there without asking anyone. He felt the best place for the driveway to allow for a larger lot, is on the Cornell easement because of their right to use that. They are choosing to slope the driveway to the west (instead of crown it) so all runoff is collected into the central swale and channeled to the overflow area.

**Tom Yaw** is concerned the snow plow will push snow and salt to the east side and that will drain onto his property. B Dolph responded that in his experience with moving snow and the amount of runoff and long term effects of that snow removal is that chances are slim to none. There is runoff from that property now and when this is done it will probably corral more of the runoff by changing it and incorporating it into a SWPPP. He has hired Steve Maybee to work on this plan. The town works with TG Miller to review what is submitted. That makes two professional sets of eyes to agree on the best way to deal with runoff.

B Dolph said he has drilled 15 wells in the Ellis Hollow ranging from 2 gallons a minute to 40 gallons a minute. It's a crapshoot where you hit water. It's a vague science. Monitoring it is almost impossible. He has to drill a well to prove that there is flow. He will drill five wells and will know that each one will have water. As far as he knows water quantity and quality is a county issue.

B Dolph said he is sorry that some neighbors weren't notified. He is building small houses. They are very much in keeping with what Ellis Hollow is all about. He invited the audience to visit his other development. There is a housing issue in Tompkins County. There is not enough housing stock for middle income people. He is trying to create a product that is aesthetically pleasing and affordable to a broader public. He has gone through the approval process in Varna for a 15-lot community subdivision on two acres (there is public water/sewer there). He is trying to provide housing that fits in. The neighbors that come and join the community will be good neighbors. 14,000 people a day commute into Tompkins County every day because they can't afford housing here. That has to be fixed and that housing has to go somewhere. He is doing a conscientious and good job trying to provide that. If there are concerns that he can address to make it more comfortable, he will try. He did add a buffer on lot one to try and protect Elizabeth and Tom. He won't clear sides and between lots.

C Anderson asked when the SWPPP would be complete and was told TG Miller will have it hopefully within a week. TG Miller has reviewed the conceptual SWPPP. C Anderson said it would help the concerns of the public if they saw the SWPPP.

M Moseley said he is concerned about the notification issues and proposed they keep the public hearing open until next month until notifications can be sent out again.

M Hatch likes the idea of a sign on the property. It would be supplementary to the legal requirements. It would provide an opportunity for people affected to talk on the site.

J Wilson believes this conversation was helpful on both sides. We followed the law and people are here who are concerned. If we get another notice out he wonders whether it will be sufficient. If

compliance with law is not sufficient, what is? How do we orchestrate informal conversations among people here? There was respectful and substantive conversation here tonight. He is not sure what gets accomplished by another hearing, another round of notice and how we establish that notice procedures are sufficient.

M Hatch said if there are legal implications with respect to notification and/or the board wants a clearer path then we could hold the hearing open and provide notification again. Dialogue has been established and perhaps applicant could have more discussion with the neighbors.

Atty Sokoni said it is great that you go beyond the 250' for notification, but that is not the legal requirement. We are hearing that people within the 250' radius have said they did not get actual notice. She usually says do you want a winning argument or no argument at all. That is a decision for the board. If the board is satisfied that everything was done right and that the legal notice went out, the board can make a choice that if it came to it, it would have an argument, or do you want to avoid any perception that the board moved forward once it was brought to your attention that people did not get notice. If after hearing all sides you are satisfied that notice was done properly and you have no further concerns, you could go ahead. But you go ahead knowing that you are susceptible to having an argument regarding notice. Someone will have to decide whether actual notice was sent out or not.

B Dolph said he too has rights. This wasn't two meetings; it was three. There is a law that as far as he is hearing, has been met. He is not trying to diminish the fact that people didn't receive notice. He has rights as a developer, a property owner, and a member of the Dryden community to also follow the law.

**E Dewey** said no minutes were available for the October Planning Board meeting, the December meeting and not for the January meeting. Since things were carried over from one meeting to the next, if someone missed the first notice, there was nothing that they knew about until notice for this meeting.

B Dolph proposed to stay in touch with neighbors and try to incorporate their comments and concerns. In good faith he will talk with them about what he is doing and will keep them updated on the well drilling, the SWPPP process and take their comments and try to incorporate them. The SWPPP is an administrative action. He would like a resolution tonight.

B Dolph spoke with Todd Bittner (Cornell Natural Areas) today. He will be included in the SWPPP discussion. T Bittner has an issue with the lot line for the conservation area at the end of the development and sent an email to Ray Burger today. The board could make a final approval with contingencies. The contingencies are what people are concerned with.

D Weinstein said the wetland at the top of the property was examined by a professional. It doesn't show up at DEC or USGS. B Dolph hired a wetland delineation expert who assessed the property and provided a report that it did not meet the criteria for a wetland.

Sprawl is of concern. D Weinstein said you've had all these long lots in Ellis Hollow and now there is potential of developing into those deep lots. It does potentially change the character of Ellis Hollow. The issue is that our zoning right now allows this. If we all say we don't like this idea and say we need to change the zoning so it isn't allowed, that's the pathway forward. It doesn't relate to this issue but it can be worked on for the future.

D Weinstein said he understands the concern about water. The idea that all these houses are taking up a certain amount of water and you could run out makes sense if all the water and layers were tightly connected. But here we are talking about sheet flow that comes off Snyder Hill headed toward the Ellis Hollow swamp. With sheet flow flowing through multiple clay lenses and rock layers, it isn't likely to take away water from other houses. Unless the USGS delineates this (with a very big price tag) we can't be sure, but there is not a high likelihood that more houses in this situation would actually cause everyone's well to get drawn down.

Jim Skaley said the issue of quantity of water and septic system infiltrating into wells was looked at by the county in the 1990's. A USGS survey won't be timely. Another option is a monitoring system for the Ellis Hollow Community overseen by perhaps the County Health Department to show quantity and quality of water systems. It could then be used as criteria for when a developer does something in a certain part of the area. He is not in favor of having the hearing remain open at this point. The developer has met the criteria required and it is not fair to go back and say you need more criteria laid out ahead of time. The SPWPPP and the road are part of an engineering review and this board doesn't approve that review. There is nothing else he can see that would delay this.

C Anderson agrees with J Skaley in a lot of ways. The SWPPP will explain a lot of the issues brought up tonight. Rural character is another issue. His concern coming in was the SWPPP. Pitching the driveway to the west makes sense, but the steepness of the slope on the Dewey side of the property is a potential issue.

B Dolph said the required width of the driveway is an issue. One of the things that can happen, particularly at the top, is to widen the right of way, cutting the corner of lot one a bit, to swerve that and create more space where the fill is, reducing the runoff directly onto the Yaw property. That would be shown in the SWPPP.

J Kiefer stated it sounds like the notification process by town staff met the law. It seems people have now have heard about it and are addressing the board. It is not clear whether new information will come forward if the public hearing is extended. He does have some concern about the water issue. Is there an ability to forecast what might happen in the future? R Burger said it is not an exact science.

E Dewey said she spoke with Scott Freyburger at the Health Department who advised her to hire a civil engineer or engineer to monitor the water table elevation and water quality, to have samples pre and post development, and her recourse would be to sue the five new homeowners next door.

B Dolph was told the same thing. He feels confident that it is a non-issue.

Chair Moseley gave J Skaley full member status in the absence of Tom Hatfield.

J Skaley said he doesn't think we will learn additional information by holding this hearing open. The board should consider the issues presented here when moving forward with similar projects. He moved to close the public hearing, seconded by Craig Anderson.

J Wilson noted he has sat with Steve Winkley of the Rural Water Association who worked on an aquifer protection plan for the Town of Caroline, and then again when trying to get the town of Dryden to create an aquifer protection plan. The way water operates here given the heterogeneous nature of

the surface below us is such that predicting the flow of water and supply to anyone is pretty problematic. He will support the motion.

Motion to close the public hearing by J Skaley, seconded by C Anderson.

Aye: J Kiefer, J Wilson, D Weinstein, M Hatch, J Skaley, C Anderson

No: M Moseley

The board discussed approval of the final plat with conditions. Suggested conditions include an approved SWPPP and standard conditions of approval (8-14-08). TG Miller has stated the common drive detail outlines gravel thickness and width for which the drive should minimally meet. Prior to issuing building permits they recommend the engineer inspect the common drive to ensure it meets the standard as outlined. Inspection of the driveway should be a condition. Amendments to the plat include a vegetative buffer on the east side and readjustment of the lot line for lot 7 to be shortened, extending the lot line between lots 5 and 6 per Todd Bittner's February 22, 2018 email. B Dolph said he had discussed that lot line adjustment with Todd Bittner and suggested that he send the email to the Planning Department.

**RESOLUTION #6 (2018) – APPROVE FINAL PLAT (TM #66.-1-7.3)  
CONSERVATION SUBDIVISION AT 1540 ELLIS HOLLOW ROAD  
AND APPROVAL OF COMMON DRIVEWAY**

D Weinstein offered the following resolution and asked for its adoption:

RESOLVED, that the Town of Dryden Planning Board hereby approves the final plat for a conservation subdivision (TM# 66.-1-7.3) at 1540 Ellis Hollow Road dated 1/04/18 with Revision 3 dated 1/29/18 subject to the following:

1. Standard Conditions of Approval (8-14-08);
2. Addition of a vegetative buffer on the east side as shown on drawing dated 2/8/18;
3. Readjustment of Lot 6 to encompass all of the conservation easement area and Lot 7 to be reduced to that portion south of the extension of the lot line between lots 5 and 6; and it is further

RESOLVED, that the Town of Dryden Planning Board hereby approves the common driveway application dated 11/14/17 as clarified by letter dated 12/19/17 subject to the review and approval of the attorney for the Town and further subject to the Town Engineer's approval of construction prior to any building permits being issued

2<sup>nd</sup> J Skaley

Aye: M Moseley, J Kiefer, J Wilson, D Weinstein, M Hatch, J Skaley, C Anderson

**Sketch Plan Review**

**Warehouse – 57 Hall Road**

Chair Moseley explained that Nick Bellisario addressed the board last month and provided information regarding a storage warehouse building (180' by 60') on Hall Road near the Duke Company. The Planning Board reviewed the SEQR last month and found a negative declaration. Nick Bellasario explained they already have a couple of buildings there. It is in a light industrial area. It will be the last building on his land there. There were no further questions or concerns.

**RESOLUTION #7 (2018) – APPROVE SKETCH PLAN  
57 HALL ROAD**

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

RESOLVED, that the Town of Dryden Planning Board hereby approves the sketch plan in connection with construction of a 180' by 60' warehouse at 57 Hall Road.

2<sup>nd</sup> D Weinstein

Aye: Aye: M Moseley, J Kiefer, J Wilson, D Weinstein, M Hatch, J Skaley, C Anderson

On motion made, seconded and unanimously carried, the board moved to executive session to seek legal counsel (attorney/client privilege) to discuss process of subdivision. The board returned to regular session at 9:21 p.m.

**PUBLIC HEARING  
FINAL PLAT 2150 DRYDEN ROAD**

Chair Moseley read the published notice and the public hearing was opened. Holly Austin, Baharath Srinivisan and Chet Feldman were present for the applicant. This is a five lot subdivision for the purpose of siting large scale energy systems and an application for a common driveway will be considered.

H Austin presented the changes from the preliminary plat to final plat. In August there were a number of conditions placed on the approval for the preliminary plat. Most of the changes reflect those conditions. The layout of the lots matches what was discussed. Two conditions requested the references to other documents submitted be noted (the wetlands and streams and the SWPPP). There was a condition to state on the plat that the existing driveway on the property is what will be turned into the common driveway. There was a condition that it be stated on the plat that there would be deed restrictions for the parcels restricted to the common driveway so there could not be other roadcuts or access by any means. Originally at the hearing for the preliminary plat they had intended to get access to lot 1 from George Road over an easement. That easement would have to be modified to allow Sun8 to use it and that is not going to happen. All five lots will now be accessed by the common driveway. The existing driveway already stretches that whole distance and there is no physical change. They have eliminated a roadcut, so now are down to one that already exists. Because the driveway will serve five lots a common driveway application has been submitted.

TG Miller provided comments on the common driveway application. They were provided with a visual of the common driveway and have been shown where fire access turnarounds are. Sun8 is exempt from complying with the fire code because it is a solar development. But if the property is used for other purposes in the future, they wanted to be sure they met TG Miller's concern. The graphic shows the approximate location of an existing turnaround on lot 2 and where a new turnaround would have to be constructed at the end of the driveway on lot 1. Applicant met with Dryden Fire Department today to make sure they are comfortable with the existing turnaround and the graphical depiction, and they are and have no concerns.

A reference to the Right to Farm Law was added and a subdivision name was added. The plat now meets all the requirements of the Dryden code, town law and subdivision law. They have made an effort to meet all concerns in addition to the legal requirements.

B Srinivasin said he made a list at the last meeting and every item has been met. TG Miller's comments were received yesterday afternoon and they responded this afternoon.

Joe Osmeloski, 2180 Dryden Road, read the Planning Board resolution for preliminary approval. He said the conditions have not been met, and there are now five lots on the common driveway. That was not a condition for plat approval. For the whole time they knew they had no access from George Road and knew the easement was strictly for one person and for agriculture use and were trying to pull something. They only wanted four lots on the common driveway and it blew up. He asked if the Planning Board was going to stand on its resolution. He suggests they eliminate lot 1 and have lots 2, 3, and 4 on the common driveway. We can let a judge decide.

Brad Perkins, representing Willow Glen Cemetery, noted there is more than a solar development planned here. There are structures on the land that have to have access, emergency vehicle access, and fire access.

Buzz Lavine, 719 Ringwood Road, said he has listened to this discussion for many months. As a member of the public he feels it is the developers right to respond to these comments if they would like to do so. He hopes that can happen.

Holly Austin, attorney for the applicant, stated the final plat does reflect the conditions. Lots 2, 3, 4 and 5 are going to be governed by a deed restriction. They've added one. The condition did not state that only lots 2, 3, 4, and 5 had to be restricted with the deed restriction for lot 1. 2, 3, 4 and 5 are restricted by a deed restriction as required by that condition. The width of the easement is delineated as requested, though they are not using it. But they did meet that condition.

A common driveway application has been provided with the January 31 submittal of the final plat. It has been available for public review. TG Miller has weighed in with a letter on February 21 making three comments on that. That resulted in the quick turnaround with a revised common driveway application. A map was provided to accompany Exhibit A. There is now a hammerhead turnaround at the end of the driveway with a meets and bounds description and a map. The comment about driveway detail and a recommendation that the town engineer inspect the common driveway insuring necessary upgrades to the existing drive are completed. Our law provides that common driveways be inspected by the town engineer.

R Burger explained that the common driveway application previously required administrative approval, because there were four lots tied to the common driveway. Because there are now 5 lots involved it needs Planning Board approval.

On motion of D Weinstein, seconded by J Skaley, and unanimously carried, the public hearing was closed 9:36 p.m.

D Weinstein moved to accept the common driveway application, 2<sup>nd</sup> J Wilson

C Anderson said if access is granted to five lots on a common driveway, realistically it is 7 driveways because of barns and the future cell tower. That is a precedent. The cell tower has a 35 year lease with a driveway and there are two barns that have a driveway. He thinks that is a precedent for future applicants. There needs to be a conversation of fire access. He understands solar is exempt.

B Srinivasan said they met with two people (including the chief) from the fire department today. They visited the lot and drove around the turnaround. They have no concerns with fire access because the lots are going to be occupied by solar, that particular area is being fenced off and no other alteration is being made to the buildings, there is no new structure that requires fire access. If a home is built in the future that will be addressed in the building permit and compliance with the fire code. Because the existing access to the buildings is not being changed, and the structures proposed on the land do not require fire access, that issue is not relevant. As a part of their application they have stated that for future uses if the use has to comply with the fire code, that the driveway will be upgraded to the standard of the New York State Fire Code.

M Hatch would like written approval from the fire department as a condition. The board understands it was discussed, but it would be beneficial to have that as part of the record. B Srinivasan responded that it is the code official that determines whether that threshold is met. He feels by shifting that responsibility to the fire department a precedent is being set for something they cannot provide an opinion on. The code enforcement officer makes the determination on whether the Fire Code must be complied with. M Moseley explained the code enforcement officer must determine that the driveway can accommodate the largest and heaviest rig possible, which in turn requires a conference with the fire chief. R Burger said there is a memo from the code official regarding the sufficiency of the present driveway for the purpose of the solar farms.

M Hatch said creation of the common driveway provides access to a site which has non-solar things on it. The point is that Sun8 has made the case that the fire chief looked at this and we want to have statement that attests to what the fire chief said.

H Austin stated there is no legal requirement to provide that now because they are exempt and because the existing building hasn't changed. By law, any new use would need approval for compliance with the fire code and that change would have to be made at that time.

J Wilson said reaching into a speculative future and requiring that of the developer is an arbitrary and capricious act on the board's part. He doesn't gather there is jurisdiction and they can't necessarily get what is being suggested.

Further comments:

Owner is not proposing any changes in use for the existing buildings on the property.

Applicant has applied for a subdivision with a common road which has a set of standards.

TG Miller will inspect the driveway for sufficiency.

Item 6 of Subsection C of Section 1201 says the common driveway design must be sufficient width, suitable grade and location to accommodate prospective traffic and facilitate ingress and egress of fire trucks, ambulance, police cars and other emergency vehicles.

M Moseley asked for something in writing from the fire chief.

H Austin responded there is no requirement for the solar use, so there is no requirement for fire chief approval for the use going in, but will be required if there is a change in use.

There is a requirement for fire access approval under the common driveway provisions.

What would happen if the fire chief won't put the approval in writing?

The road has a turnaround for fire access.

The project was endorsed with the provision that the subdivision made is governed by conditions that will shield it from becoming something more than wanted should solar not be there.

This discussion is about what is required by the town with respect to a common driveway.

Does the fire code exemption take precedent over our local law for common driveways?

Does the approval fall if the fire chief will not provide a letter?

Is the condition reasonable? It could be qualified by saying reasonable effort will be made to secure it.

A Knox box will be provided at each gate for fire access (condition of the special permit).

The culvert pipe along the drive will be part of the inspection by the engineer.

### **RESOLUTION #8 (2018) - APPROVE COMMON DRIVEWAY FOR 2150 DRYDEN ROAD**

D Weinstein offered the following resolution and asked for its adoption:

RESOLVED, that the Town of Dryden Planning Board approves the common driveway application submitted by SUN8 PDC LLC for the subdivision located at 2150 Dryden Road is hereby approved conditioned on the applicant securing, with reasonable effort, a letter from the Fire Chief of Neptune Hose Company No. 1 of Dryden, Inc. stating that access to the existing buildings on the property is sufficient.

2<sup>nd</sup> J Skaley

Aye: M Moseley, J Kiefer, J Wilson, D Weinstein, M Hatch, J Skaley

No: C Anderson

### **RESOLUTION #9 (2018) - FINAL SUBDIVISION PLAT APPROVAL 2150 DRYDEN ROAD**

D Weinstein offered the following resolution and asked for its adoption:

RESOLVED, that the Town of Dryden Planning Board, noting that a common driveway agreement has been approved subject to conditions, hereby accepts the "2150 Dryden Road Major Subdivision: Final Plat" dated January 17, 2018, by SUN PDC LLC with the following conditions:

If at any time any of the five lots are conveyed to a third party then the deed for such conveyance shall provide for the filing in the Tompkins County Clerk's office of a shared driveway access and maintenance agreement or right-of-way for access to that lot through the common driveway, in a form to be approved by the Attorney for the Town, at the time of the recording of the deed for the conveyed lot, and submission to the Planning Department of proof of such filing, within 5 days of the filing.

This final plat approval shall be conditioned upon the filing of this Planning Board resolution in the Tompkins County Clerk's office, indexed to the lot(s) being conveyed, and submission to the Planning Department of proof of such filing, prior to the issuance of any building permit.

The current owner of 2150 Dryden Road shall record a deed restriction ensuring that any future conveyance of any of the five lots resulting from this final plat approval shall have rights and obligations in the common drive way that shall run with the land.

2<sup>nd</sup> J Wilson

Aye: M Moseley, J Kiefer, J Wilson, D Weinstein, M Hatch, J Skaley  
No: C Anderson

**Review Revised Site Plan for Evergreen Town Homes  
1061 Dryden Road  
Recommendations to Town Board**

R Burger explained this project that was approved last year has come back with a revised site plan. The six buildings will have a reduced depth of about 10 feet. Sketches were provided. This is coming back to the Planning Board for recommendations because it was part of the process and made recommendations to the Town Board initially.

D Weinstein said he thought there was a formal play area and he doesn't see that. R Burger said if it was in the original site plan it is not being changed. The only thing being changed is in the building envelope. It appears that the back of the building has not changed, and there is still an inset for the porch. Concrete sidewalks are specified and that would be great, but he thought there was an idea that they would do asphalt sidewalks. R Burger will clarify that with the applicant for the town board.

C Anderson asked if this reopens discussion of the PUD again, what are the bounds of review, and whether this a substantial change.

Atty Sokoni said it is within the Planning Board's authority to review a PUD. The concern is if this is treated as an opportunity to revisit whole application, you open yourselves to question about whether it is arbitrary and capricious. She cautioned against treating this as an opportunity to revisit the whole thing. The Board should review the changes requested, be careful about departing from a prior position.

C Anderson said there was concern previously about green space. They have now gone from asphalt to concrete sidewalks, and concrete is a benefit to the community and the people who will rent there. What the board missed and should have picked up on were some energy efficiency things that are important to people of the town of Dryden. He didn't know if that could be revisited. Requesting something like electric charging stations is not in our zoning law, but could have been applied in this case.

Atty Sokoni said case law says using this opportunity to address concerns that have been voiced can be deemed as too subjective and arbitrary and capricious. This has been approved and it looks like they are scaling back. The applicant is still committed to anything they received approval for.

J Skaley noted this reduces the number of bedrooms and so is reducing the number of potential inhabitants. With the reduction in number of beds, how does it differ from an apartment complex and the PUD. He doesn't understand the distinction. R Burger explained it is a modification to an existing approval for a PUD. J Skaley said for future note, this looks to him like nothing more an apartment complex. It doesn't rank like a PUD. J Keifer noted the Planning Board commented on that and that the applicant was taking advantage of the density afforded to them with a PUD.

The board approves of the reduction in size of the buildings and number of bedrooms. They also agreed there is no harm in encouraging them to think about providing charging stations in various

places. No formal action is required by this board and R Burger will convey the sentiments of the board via email to the town board.

**239 review of Town of Groton Storage Facility on Route 34B** - The Planning Board reviewed this previously and have now received an update. The buildings were relocated to fit the topography. They added finish grade detail, added stormwater details, lighting details, plantings, sign location and modified the site entrance. The wetlands were mapped out. J Kiefer said he recalled the Planning Board didn't have a lot of comments when they last looked at it. There were no new comments from the board.

**Updates on Mineah Road Rezoning** – Shirley Lyon stated she has received nothing with respect to an update. R Burger said the only new piece of information is getting the Rural Water Association data for that neighborhood. The legend for that map was explained. The size of the circle is indicative of a range and the number next to it is the gallons per minute. S Lyon said she owns property that a well is shown on and that well barely gets 5 gpm, not the 30 that is shown. There is a portal at DEC to get facts on these wells. This map is missing new wells. One is Mr Wawak's of six months ago at 300' at 1.5 gallons. Another well shown is only 4 gpm. She will get casing info, depth and gallons per minute from the DEC portal. The information distributed is inaccurate.

D Weinstein said apparently the Health Department had better data sets than this when they decided Wawak's supply was insufficient. We know the water supply is insufficient, and he isn't sure that we should wait on other information before deciding whether it is appropriate to change the zoning. R Burger said this is simply data gathering.

D Weinstein advised the Mineah Road residents to look at what is allowed under neighborhood residential, rural residential and conservation when considering what zoning district they would like to be in.

J Kiefer resigned as liaison to the Ag Committee and asked that another person consider taking on that position.

There is a training opportunity March 17 at the Ramada Inn. Bob Somers from Ag & Markets will be speaking.

There is a NY Planning Federation Conference training in Lake George in April. There is a \$1,000 budget for Planning Board training. Tom Hatfield, Craig Anderson and Joe Wilson are planning to go. R Burger will ask the Town Board to increase the funding.

On motion made, seconded, and unanimously carried, the meeting was adjourned at 10:43 p.m.

Respectfully submitted,

Bambi L. Avery