

TOWN OF DRYDEN
TOWN BOARD MEETING
March 15, 2018

Present: Supervisor Jason Leifer, CI Daniel Lamb, CI Linda Lavine,
 CI Kathrin Servoss, CI Alice Green

Elected Officials: Bambi L. Avery, Town Clerk

Other Town Staff: Ray Burger, Director of Planning
 Khandikile Sokoni, Town Attorney
 Rick Young, Highway/DPW Superintendent

Supv Leifer opened the meeting at 7:05 p.m. Board members and audience recited the Pledge of Allegiance.

PUBLIC HEARING
DELAWARE RIVER SOLAR
2243 DRYDEN ROAD
SITE PLAN REVIEW & SPECIAL USE PERMIT
(continuation)

George Reed was present representing Delaware River Solar. Ray Burger explained this is a continuation. Last month the board went through SEQR review. There was information lacking on the Northern Harrier. We have now received that and it was the last outstanding issue.

There were no comments from the board or the public and the hearing was closed at 7:09 p.m.

**RESOLUTION #56 (2018) – Lead Agency Designation and Negative Declaration of
 Environmental Significance – 2243 Dryden Road Community Solar Project**

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

WHEREAS,

A. The proposed action involves the construction of one 2 MW and one 1.3 MW solar photovoltaic (PV) arrays for generation of energy and sale under the community distributed generation program. Solar arrays consist of PV modules mounted on metal racks anchored into the ground. The arrays will be fenced in and gravel access drives will be constructed to access each site. Each site will contain an electric transformer mounted on a cement pad. The two fenced arrays will encompass approximately 22 acres of the total of approximately 115 acre Tax Parcel 47.-1-7.3 at the address 2243 Dryden Road. The owner of the parcel is Evan J. and Brenda T. Carpenter and the applicant is Delaware River Solar, LLC, and

B. The proposed project, which requires Special Use Permits and site plan approvals from the Town Board of the Town of Dryden and subdivision approval from the Town Planning Department, is a Type 1 action pursuant to the New York State Environmental Quality Review Act (“SEQRA”), 6 NYCRR Part 617, and

C. A Full Environmental Assessment Form, Part 1 was submitted by the applicant, along with application materials, and

D. The Town Planning Department, on behalf of the Town Board, distributed a Lead Agency concurrence letter to potential involved and interested agencies on August 18, 2017, and received no objections to the Town of Dryden Town Board serving as Lead Agency on this matter, and

E. The Town Board has reviewed the Full Environmental Assessment Form Part 1, revised and dated 1-26-18, prepared by the applicant, and Parts 2 and 3, prepared by town’s consultant TG Miller and Planning staff, and

F. A public hearing having been held on February 15, 2018 at which all persons wishing to speak on this project were given an opportunity to do so.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town of Dryden Town Board hereby establishes itself as lead agency to coordinate the environmental review of the proposed actions, as described above, and
2. The Town Board of the Town of Dryden, based upon (i) its thorough review of the EAF, Part 1 and 2, and any and all other documents prepared and submitted with respect to this proposed action and future construction activities, 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 review of the EAF, Part 3, including the reasons noted thereon (which reasons 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 determines that an Environmental Impact Statement will not be required, and
3. The Responsible Officer of the Town 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 EAF and determination of significance shall be incorporated by reference in this Resolution.

2nd Cl Lamb

Roll Call Vote	Cl Lavine	Yes
	Cl Green	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

R Burger presented a draft resolution for approval and reviewed it with the board. TG Miller had made three recommendations for conditions for the special use permit and those are addressed in this resolution.

DRAFT RESOLUTION #57 (2018) - Approving Site Plans and Granting Special Use Permits for Two Large-Scale Solar Energy Systems at 2243 Dryden Road

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

WHEREAS,

- A. Delaware River Solar LLC has applied for two Special Use Permits (SUPs) to construct two large-scale solar energy systems at 2243 Dryden Road in Dryden, New York, Tax Parcel #47.-1-7.3 to be subdivided into three lots, and
- B. The proposal is to construct one 2 MWac and one 1.3 MWac solar photo-voltaic arrays for generation of energy under the community distributed generation program, and
- C. An application, site plan drawings, wetland findings letter, viewshed study, glare assessment report, storm water pollution prevention plan (SWPPP), and other materials have been submitted and some were subsequently revised, with the original application in October 2017 and revisions provided in November and December 2017 and January 2018, and
- D. The Town Planning Department considers the application complete and in conformance with the requirements of Town Zoning Law §501, §600, §1103, §1201 and §1312, and
- E. Public hearings were held on February 15 and March 15, 2018, with public comments registered in the meeting minutes and considered by this board, and
- F. The Tompkins County Planning Department has reviewed (letter dated 1/17/18) these projects as required by NYS Municipal Law §239 -l, -m, and -n and has determined that they have no negative inter-community, or county-wide impacts, and
- G. The SWPPP has been reviewed by the Town Engineer and found to be substantially in compliance, with any final issues to be addressed prior to issuance of a building permit, and
- H. Pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations at 6 NYCRR Part 617, the granting of approvals for the proposed solar energy systems are a Type I Action for which the Town Board of the Town of Dryden, acting as lead agency in an environmental review with respect to these systems, has, on March 15, 2018, made a negative determination of environmental significance, after having reviewed and accepted as adequate the Full Environmental Assessment Form Parts 1, 2 and 3, and
- I. The Town Planning Board reviewed the application per Town Zoning Law §1312 and made recommendations concerning the site plans, and
- J. The Town Board has reviewed this application relative to the considerations and standards found in Town Zoning Law §1104 and §1312 for site plan review and §1202 and §1312 for Special Use Permit;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board, finding that the applicant is in compliance with the provisions of the Town Zoning Law and other applicable ordinances, approves the site plans for the two projects at 2243 Dryden Road dated January 2018, conditioned on submission to the Planning Department of the following items prior to issuance of building permits:
 - a) specifications for the solar panels and inverters to ensure compliance with current UL standards,
 - b) complete decommissioning agreement for the approved arrays on the two sites, subject to the approval of the Town Planning Director and Attorney for the Town, with the triggering mechanism in Paragraph 2 changed from “twelve (12) consecutive months” to “six (6) consecutive months” to conform with Zoning Law §1312 J.1.,
 - c) addition of a note to the site plans to require a Knox-box or similar system for emergency gate access to the sites,
 - d) addition of a note to the site plan to place a less than 32 square foot sign at the driveway entrance on Ferguson Road with identifying information, 24 hour contact information and street address for the solar facility, and
2. The Town Board hereby finds that the considerations for approval of the requested Special Use Permit listed in §1202 and §1312 of the Town of Dryden Zoning Law have been met or will be met with the conditions noted, specifically that:

- a. The proposed use is compatible with the other permitted uses in the district and the purposes of the district set forth in the Zoning Law since population density will remain low with no increase in noise, traffic, odor or lighting (after construction); and for the reasons stated in the narrative for the Full Environmental Assessment Form Part 3 (FEAF P3) Attachment A, including but not limited to Sections 9, 17 and 18;
- b. The proposed use is compatible with adjoining properties and with the natural and manmade environment due to the extensive vegetative and topographic screening; the panels will not exceed 10 feet in height; there is no increase in noise, traffic, odor or lighting; and for the reasons stated in the FEAF P3 Attachment A, including but not limited to Sections 9, 17 and 18;
- c. Parking, vehicular circulation, and infrastructure for the proposed use, and accessibility for fire, police, and emergency vehicles are adequate, when the conditions in this resolution are met;
- d. The overall impact on the sites and their surroundings considering the environmental, social and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, glare, or any other nuisances has been considered and found to be negligible, based on the information and reasons in the Full Environmental Assessment Form. While not expected, in the event that glare is experienced within any residence adjacent to these projects, the applicant shall install additional vegetative screening of the species and height needed at appropriate line-of-sight locations to intercept the glare, with such screening subject to approval of the Town Director of Planning;
- e. Given the proximity to nearby residences the hours of operation during construction are limited to 7 am to 6 pm on weekdays only unless specific work is approved in writing by the Town Code Enforcement Officer such as work by public utility companies or work done to avoid impacting roadway traffic. With this additional restriction, the design of structures or operation of the use necessary either to ensure compatibility with the surrounding uses or to protect the natural or scenic resources of the Town as described in the FEAF P3, Attachment A have been incorporated into the site plans;
- f. The projects comply with the requirements for site plan review and conform to the Town's Commercial Design Guidelines to the extent applicable. Guidelines for sidewalks are waived since there are no existing nor anticipated sidewalks in this commercial corridor to which to connect;
- g. The projects comply with the location criteria set forth in Zoning Law §1312 F.2.a., b and c. To further protect the farmland soil a condition is placed on these projects that trenching for underground cables or conduits shall follow a procedure where topsoil is preserved by stockpiling it separately and returning it to the trench as the top layer;
- h. Per Zoning Law §1312 F.3, the solar energy systems:
 - i. Conform with all federal and state laws and all applicable rules and regulations promulgated by any federal or state agencies having jurisdiction. The NYS Department of Environmental Conservation and NYS Department of Parks, Recreation, and Historic Preservation have written letters concerning their jurisdiction and all conditions have been met,
 - ii. Are designed and will be constructed in a manner which minimizes visual impact to the extent practical, as described in FEAF P3 Attachment A, Section 9,
 - iii. Comply with all other requirements of the Town of Dryden Zoning Law, provided the conditions in section 4 below regarding subdivision and common driveway are met, and comply with applicable Commercial Design Guidelines, except guidelines for sidewalks are waived for the reasons stated in section 2.f above,
 - iv. Conform with all adopted plans of the Town of Dryden, including the Town's Comprehensive Plan, which allows large-scale solar energy systems within the zoning district that applies to the sites,
 - v. Comply with a fifty-foot (50) front yard, rear yard, and side yard setback, and a 10 foot internal yard setback between the two solar facilities,

- vi. Do not exceed twenty (20) feet in height, as the upper edges of the panels are less than 10 feet above grade,
- vii. Have solar collector surface areas (as measured in the horizontal plane) that, when combined with the coverage of other structures on the relevant lot, do not exceed twice the maximum lot coverage as permitted in the underlying zoning district, as lots in the Rural Agricultural District have less than 50% lot coverage (50% is twice the underlying district’s 25% limit),
- i. Per the Special Use Permit Standards in Zoning Law §1312 F.5:
 - i. The solar energy systems will have the least visual effect practical on the environment, for the reasons described in FEAF P3 Attachment A, Section 9,
 - ii. Glare produced by the solar arrays will not impair or make unsafe the use of contiguous structures, any vehicles on or off the road, any airplanes, or uses by other possible impacted entities, as described in FEAF P3 Attachment A, Section 9; section 2.d above imposes a condition requiring additional screening in the event glare is experienced within a residence adjacent to the projects,
 - iii. Exterior lighting shall have the least visual effect practical on the contiguous properties, because permanent exterior lighting will not be installed,
 - iv. Equipment and vehicles not used in direct support, renovations, additions or repair of the solar energy systems shall not be stored or parked on the facility sites,
 - v. The solar energy systems will be enclosed by 8-foot high agricultural fencing to prevent unauthorized access, with warning signs with the owner’s name and emergency contact information placed on access points and perimeters. To avoid adverse aesthetic impacts, systems shall be screened as described in the site plan materials and FEAF P3 Attachment A, Section 9,
 - vi. Lighting will not project off the sites, because no permanent lighting will be installed,
 - vii. A locked gate located off the public right-of-way will be installed to prevent entry by unauthorized vehicles,
 - viii. The solar energy systems are required to be built, operated and maintained to acceptable industry standards, including those of the Institute of Electric and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI).

3. The Town Board, finding that the applicant is in compliance with all other provisions of the Town Zoning Law and other applicable ordinances, approves two Special Use Permits for the proposed large-scale solar energy systems to be constructed at 2243 Dryden Road, subject to the conditions and requirements in this resolution, and further subject to the Town of Dryden Standard Conditions of Approval as amended August 14, 2008.

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

- a. Receipt of approval by the Planning Department of the subdivision of Tax Parcel # 47.-1-7.3 into three lots, and
- b. Receipt of approval of the common driveway application for access to the two solar facilities.

2nd Cl Green

Roll Call Vote	Cl Lavine	Yes
	Cl Green	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

George Reed thanked the board and said working with the town had been a great experience. He thanked Ray Burger for his hard work. They are looking to get started on the project as soon as possible. He requested a letter of support be sent from the Town to the IDA for PILOT negotiations.

**AGRICULTURE AND FARMLAND PROTECTION PLAN
PUBLIC HEARING (continuation)**

Supv Leifer explained this is a continuation of the public hearing. The board is working from the draft provided last month and he understands there are no changes.

Craig Schutt said the Ag Committee met last night. It was unfortunate that the documents for tonight (SEQR and Resolution) hadn't gotten to the Ag Committee yet so they couldn't review them. He doesn't see that as a problem as long as there have been no changes to the plan since last month.

Supv Leifer thanked the Ag Advisory Committee, said no changes had been made to the plan and read the resolution passed by them on March 14, 2018:

RESOLUTION #1 FOR 2018 from the Dryden Agriculture Advisory Committee to the Town Board regarding the Agriculture and Farmland Protection Plan Document.

Whereas the Committee previously presented the Town Board with a copy of the Plan as revised and dated on February 14, 2018,

And Whereas the Committee has received no feedback regarding said document

Therefore, the Dryden Agriculture Advisory Committee recommends that the Dryden Town Board adopt the Agriculture and Farmland Protection Plan as revised February 14, 2018,

However, if changes are made the Dryden Agriculture Advisory Committee would like to go over any and all changes made to said document prior to its adoption.

There were no further comments and the public hearing was closed at 7:28 p.m.

R Burger explained the SEQR is a fairly abbreviated process because the action is legislative adoption. There are not a lot of criteria to go through. R Burger reviewed the full environmental assessment form with the board. Only potential impact is in agricultural resources. In each sub area there is no or a small impact. Another impact to consider is that it will support farming in the town. Board members have reviewed the SEQR form.

**RESOLUTION #58 (2018) – SEQR NEG DEC concerning Adoption of Town of Dryden
Agriculture and Farmland Protection Plan**

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

WHEREAS,

A. The proposed action involves adopting the Town Agriculture and Farmland Protection Plan, and

B. The Town Board of the Town of Dryden (“Town Board”) elected to treat this plan adoption as a Type 1 action pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and said Town Board designated itself to be the Lead Agency for the purposes of uncoordinated environmental review, and

C. The Town Board, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of SEQRA, (i) thoroughly reviewed the Environmental Assessment Form (“EAF”), Parts I and 2, 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 EAF, Part 3; and

D. The action is not intended to be an amendment of the Town’s Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board, based upon (i) its thorough review of the EAF, Parts I and 2, 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 EAF, Part 3, including the reasons noted thereon (which reasons 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 determines that an Environmental Impact Statement is not required, and

2. The Town Supervisor 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 EAF and determination of significance shall be incorporated by reference in this Resolution.

2nd Cl Lamb

Roll Call Vote	Cl Lavine	Yes
	Cl Green	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

Supv Leifer thanked the Ag Committee, George Frantz and Cooperative Extension and everyone involved in putting the plan together. Cl Green said she has reviewed the plan and has learned a lot about the town from this report. She appreciates the work of the committee and can see all the work involved. It’s a wonderful document and we need to pay attention to it and carry it forward. It is now the town board’s job to promote agriculture in the town.

RESOLUTION #59 (2018) – Adoption of Town of Dryden Agriculture and Farmland Protection Plan

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

WHEREAS,

- A. The Town of Dryden was awarded funding from the New York State Department of Agriculture and Markets to develop an Agriculture and Farmland protection Plan (the “Plan”), and
- B. The Plan was developed under NY Agriculture and Markets Law, Article 25-AAA, Section 324-a, and
- C. The Town Agriculture Advisory Committee, working with Cornell Cooperative Extension of Tompkins County, collected data, conducted public meetings and prepared the draft Plan, and
- D. The Town Board proposed the adoption of the Plan and scheduled a public hearing for December 21, 2017 at 7:10 PM to hear all interested persons on the proposed Plan, and
- E. Notice of said public hearing was duly advertised in the Ithaca Journal, and
- F. Said public hearing was held on said date at the Dryden Town Hall and all persons in attendance were permitted an opportunity to speak in favor of or in opposition to said Plan, or regarding any part thereof, and
- G. Said public hearing was continued at the Town Board meetings on January 18, February 15 and March 15, 2018 to permit further opportunity for public comment, and
- H. Pursuant to Article 8 of the NY Environmental Conservation Law and its implementing regulations at 6 NYCRR §617 (SEQR) the Town Board, acting as lead agency in an environmental review with respect to adoption of the Plan, did on March 15, 2018 make a negative determination of environmental significance.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1.The Town Board of the Town of Dryden hereby adopts said Agriculture and Farmland Protection Plan, and
 - 2.The Town Board’s adoption of the Plan is not intended to be an amendment of the Town of Dryden Comprehensive Plan, and
 - 3. The Planning Department is hereby directed to forward the Town of Dryden Agriculture and Farmland Protection Plan to the Tompkins County Agriculture and Farmland Protection Board and the New York State Commissioner of Agriculture and Markets for approval.
- 2nd Cl Servoss

Roll Call Vote	Cl Lavine	Yes
	Cl Green	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

TOWN CLERK

RESOLUTION #60 (2018) – APPROVE MINUTES

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

RESOLVED, that this Town Board hereby approves the meeting minutes of February 8, 2018, and February 15, 2018.
 2nd Cl Lamb

Roll Call Vote	Cl Lavine	Yes
	Cl Green	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

CITIZENS PRIVILEGE

Supv Leifer announced that former Town Justice Joe Valentinelli passed away. He was the first Judge Supv Leifer appeared before when he moved to Dryden thirteen years ago. Judge Valentinelli was a teacher at the school for many years. He served more than 20 years on the bench. He and his family have contributed a lot to the town of Dryden and he will be missed. There will be a celebration of his life at the VFW on Sunday between 1 and 3 p.m. In lieu of flowers, donations to the VFW or Dryden Ambulance would be appreciated.

Joe Wilson, Hunt Hill Road, reminded the board that we are in the throes of working through alternatives to the West Dryden Natural Gas pipeline. NYSEG and the Public Service Commission have issued a Request for Proposals for alternatives to the pipeline. Buried in the RFP is a request for the community to give their opinion about whether or not a viable alternative is to run trucks throughout the community carrying either compressed natural gas or liquid natural gas. He asked town board members to comment on whether or not it would be a good idea to use these compress trucks carrying gas as an alternative. The County legislature has passed a resolution against that. He encouraged the town board to do the same. He has emailed a copy of the resolution Tompkins County passed and a cover letter (attached) because he was asked to be a spokesperson for the folks along West Dryden Road and the community.

Janet Morgan presented a copy of a petition circulated at the last pancake breakfast in Varna in favor of keeping the one lane bridge in Varna. Over the course of two hours they received 42 signatures. One woman who signed it remarked "I love the Freese Road Bridge, it makes people behave".

Jim Skaley read attached letter and additional information.

Peter Schug said he just became aware of the situation with the Freese Road bridge and has some concerns. He understands the bridge is out of compliance with State regulations and is concerned that it may be shut down temporarily or long term. He understands the bridge improvement to two lanes would be funded almost entirely by other than Town of Dryden funds. It's great that we could do something like that. The opportunity to do this with a grant could cause an issue if we don't proceed. It becomes increasingly hard to ask for grant money when you've turned down or don't use money that has been approved for you. His family owns two buildings on Hanshaw Road, a business and a residence, and his biggest concern is that emergency vehicles may not be able to get across that bridge and have to take a long way around to get to his mom's house (or other residents' homes). He asked that that be taken into consideration when looking at this. He understands the historic and aesthetic value, but public safety and the needs of the whole community is just as important as the needs of the few that are near the bridge.

Ken Burkhart, 98 Hickory Circle, speaking on behalf of the Freese Road Bridge citizens committee read the attached statement.

David Weinstein, 51 Freese Road, said the Freese Road bridge is not out of compliance. Today at the bridge they watched a full size plow loaded with salt cross the bridge with no

problem. Emergency vehicles can get across the bridge. As the traffic study showed, a two lane bridge will make the area less safe not more safe. Please consider preserving the historic bridge.

HIGHWAY/DPW DEPARTMENT

Highway Superintendent Rick Young said a 6-wheeler not a 10-wheeler went across the bridge today. A 10-wheeler will not go across it. Neither will a fully loaded engine or tanker.

BridgeNY – Supv Leifer said there was a teleconference today with Doug Mills and Mark Frechette about the one lane bridge policy. There has also been a letter sent to the citizens committee via email (Cole to Mills). They will need to have a finding documentation package as to the effects of the historic nature of the bridge. That will be part of the B & L analysis. The finding document must be submitted before SHPO can make a recommendation or final decision. DOT wants the town board to be the point for talking with all the agencies. Any communications from the citizens committee need to go through Supv Leifer, Cl Lamb or Cl Servoss. The single point of contact is a request from the state.

The following comments and statements were made during discussion:

- The citizens document about how to perform the Section 106 clearly says citizens should directly communicate with SPHO.
- Other options for keeping the bridge one-line include traffic signals at each end of the bridge, make Freese Road a one way road, do a twinning with a new one way attached to the existing, utilizing the existing bridge for pedestrian and bike traffic.
- Using the existing bridge for pedestrian and bike traffic and building a new bridge for traffic could be paid for under the construction contract.
- Newer options are contingent on whether the substructure repairs to the existing bridge can be made.
- There is clear liability for the town if it is maintained as a one lane bridge.
- Counter measures are necessary if it remains a one lane bridge.
- Traffic light signals would be the town's maintenance responsibility.
- Retention of the historic features would be the town's maintenance responsibility.
- The one lane bridge policy is a policy.
- There may be some flexibility for non-standard features.
- The number one priority is safety.
- The state and federal governments are not willing to spend two million dollars on a structure that is viewed to be unsafe.
- The consultants have to provide every design option; they will not present only a preferred option.
- After comments on the list of options, a preferred option will be presented.

- Knowingly creating a structure that will double the speed on the road creates a safety problem that currently doesn't exist.
- The speed study needs to be taken into consideration.
- Speed bumps could be a problem.
- Agreement for Tompkins County to pay the local share on these bridges is waiting for review by the facilities committee.
- Freese Rd. Bridge Citizens Committee Report submitted (attached)
- A draft of the finding document us expected in the next two weeks.

RECREATION DEPARTMENT

Marty Conger has an intern working with her now. The board will talk about hiring for the department later in executive session.

PLANNING DEPARTMENT

Ray Burger has provided the department's monthly update. There will be a hearing for special use permit for a hair salon at 225 North Road on April 12, 2018, at 7:00 p.m. Then a public hearing will be held for a revision to the 1061 Dryden Road Planned Unit Development on April 19 at 7:05 p.m.

COUNTY BRIEFING

Martha Robertson said she saw remarks on Facebook that the County had put up a sign to save the Freese Road Bridge. That sign was made by the County to replace a sign that was created and paid for by a private citizen on private property. It was erroneously removed and destroyed by a county employee, so they replaced it. The County is not taking a position on the future of the bridge.

The County's budget retreat is scheduled for April 24. The County Administrator and staff are starting to work on what the process will look like.

The County did pass a resolution opposing the use of CNG or LNG in response to NYSEG's non-pipe alternative request for proposals. It would be great if the Town of Dryden would pass a resolution on that also. The major reason to do this project is to avoid use of fossil fuels. It is not helpful to use a more dangerous version of fossil fuels. The County is working with NY Power Authority for the many county buildings in the airport area and hopes to over time convert those to heat pumps and/or geothermal. Taking that entire load off the system would free up supply for that area. If the business and technology park came on board it would make an even bigger difference. This is an elegant response to the RFP. They are phoning the PSC tomorrow because of concerns with RFP itself and the timing and will try and get some modifications.

Changes in service for Spectrum television is a hot topic. A Spectrum rep explained the issue with WENY going off the air in Tompkins County has to do with the ABC affiliate and getting it from Syracuse instead. WSKG public television from Binghamton no longer being here is a Spectrum decision. They said that is their business decision. Complaints and board resolutions have been sent to the highest levels in the state.

ADVISORY BOARD UPDATES

Swift 911 – Dana Magnuson was unable to attend. Katie Quinn-Jacobs and Janice & Tony Bretscher were present representing the committee. They need the board to confirm appointment of Dana Magnuson as the Swift 911 liaison so that Dana can then receive orientation training. Supv Leifer will take care of this on Monday.

They want to develop a mission statement and get some guidance on how the committee should operate. They want to determine what kind of issues they should take on and identify responsibilities and concerns. Supv Leifer asked that they call his office and set up an appointment. He will help them draft a mission statement.

In January they had 6 subscribers and now have 33 even though it isn't active yet. Perhaps they could have a link on the town website.

Planning Board – no report.

Conservation Board – no report.

Recreation & Youth Commission – Cl Green introduced David Peck, the new chair of the commission. Their last meeting focused on guidance from the DRYC regarding hiring of a recreation supervisor. D Peck noted they received a good report from Victoria, the program coordinator for OURS/YOURS who is doing a great job.

Cl Servoss reported that the spring booklet is out for the Rec Department. A summer camp director has been hired and the village will give the town all their camp supplies. Long term liaison from Tompkins County Youth Services, Kris Bennett, is retiring in May. They are going through a personnel restructuring and will have a new person in place soon.

Ag Committee – Craig Scutt reported that Cooperative Extension has a team of Cornell students to address the zoning issues identified in the Ag Plan. Students will look at those and do an analysis pro and con.

Rail Trail Task Force – Cl Green reported they currently have three vacancies on the RTTF. Those were created by her moving to a non-voting position and Bruno Schickel's resignation to head a volunteer group to do fundraising. They put word out on their list serve (over 200 people) and have had two letters of interest. Bob Beck is serving as internal project manager for implementation of the grant and is making great progress working with staff. They have a logo design committee working on rules for the trail and they have a new logo about to be made public. They are hoping for an opening ceremony for the Dryden to Freeville section in June. There is work needed on the crossings at Springhouse Road and George Road and hope that can be done in house before the opening. Signage is needed. They also need to work on a form of agreement with the villages so it is clear that the villages are ok with having the trail on their property.

With respect to Game Farm Road access, Cl Lamb said the Town Board passed a resolution that was forwarded to Ken Lynch and Jim Farquart. It has been ten days and nothing has been heard, so he will call tomorrow to see what is going on. They are looking for a use agreement for access to the rail bed that crosses the game farm.

J Skaley noted the rail trail is important to the development of the Varna community and part of the hamlet plan.

OLD BUSINESS

Emergency Services Advisory Committee – Supv Leifer has provided a draft resolution establishing an Emergency Services Advisory Committee that has to do with working with the volunteer fire companies and ambulance service. A copy has been provided to the Mayors of the villages. The board can take this up in April. The committee would have eleven members: one from each fire company, one from the ambulance service, one from the Town Board, one from each Village, the Fire Warden, and one at large member of the public. The primary purpose is to establish what the town expects of our emergency service providers, develop a contract for services with the companies, and to work more closely with them and the companies work more closely with each other in order to have the best possible services. Any comments from the board, the villages and service providers will be considered and we’ll move forward from there.

MOU with Dryden Village – Montgomery Park – The version with Mariette Goldenhuys’ edits was sent to the Village a couple weeks ago. They meet tonight and Supv Leifer expects to hear back soon.

Budget Modification – This is to provide funds for Planning Board member training.

RESOLUTION #61 (2018) – APPROVE BUDGET MODIFICATION

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

RESOLVED, that this Town Board hereby approves the following budget modification:

From		To		
B8020.401	Planning Contractual	B8020.411	Planning Board Training	800.00

and authorizes the Town Supervisor and bookkeeper to make the necessary adjustments to the budget and to file any other forms or documents as required by Law.
2nd Cl Servoss

Roll Call Vote	Cl Lavine	Yes
	Cl Green	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

Mike Lane thanked Supv Leifer for coming to the County transportation meeting. They discussed the area of Route 13 through the Town of Dryden. They hopefully will have a study if they can get funding. One of things discussed is the proliferation of driveways on the area between the Village and NYSEG and how those could possibly be reduced with use of access roads. There is section of DOT called the Access Management Section and he suggested that the Town’s Planning Department contact them to see if there are restrictions possible to keep the number of driveways down.

WSKG

RESOLUTION #62 (2018) - Requesting Charter Communications/Spectrum to Continue WSKG as Part of its Basic Cable Service to Subscribers Residing in Tompkins County

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

WHEREAS, WSKG TV, a public television station originating in Binghamton, NY, is currently offered as part of the basic cable television lineup that Charter Communications/Spectrum provides to subscribers residing in Tompkins County, and

WHEREAS, WSKG TV's programming offers local news and arts coverage of particular interest to residents of Tompkins County, and

WHEREAS, Charter Communications/Spectrum has announced its intention to remove WSKG from the basic cable television lineup it provides to subscribers residing in Tompkins County, and

WHEREAS, Charter Communications/Spectrum also recently elected to remove WENY TV, a primary provider of local Tompkins County news and sports coverage, from its basic cable television lineup, and

WHEREAS, it is, therefore, a public service, and in the public interest, for Charter Communications/Spectrum to continue to offer WSKG as part of the basic cable television lineup it provides to subscribers residing in Tompkins County, and

WHEREAS, it will cost Charter Communications/Spectrum nothing to continue to offer WSKG as part of its basic cable television lineup, and

WHEREAS, Federal Communication Commission rules neither require nor prohibit Charter Communications/Spectrum from continuing to offer WSKG as part of its basic cable television lineup, now therefore be it

WHEREAS, numerous residents of Tompkins County have communicated their anger at Spectrum's decision and asked County officials to speak up on their behalf, now therefore be it

RESOLVED, that the Dryden Town Board asks Charter Communications/Spectrum to reverse its announced decision and to continue to offer WSKG TV as part of the basic cable lineup it provides to subscribers residing in Tompkins County,

RESOLVED, further, That copies of this resolution be sent to Charter Communications/Spectrum, Congressman Tom Reed, and New York State Senator Tom O'Mara.
2nd Cl Lamb

Roll Call Vote	Cl Lavine	Yes
	Cl Green	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

Recreation Reserve – This resolution will appropriate funds from the Recreation Capital Funds to be used as match for the Rail Trail grant, subject to permissive referendum. Supv Leifer said this doesn't mean it will all be spent, but it will be there if needed. Cl Green said there are a very committed group of citizens who want to be sure that it gets restored.

RESOLUTION #63 (2018) - AUTHORIZING USE OF FUNDS FROM THE TOWN OF DRYDEN RECREATION CAPITAL RESERVE FUND FOR THE DRYDEN RAIL TRAIL PHASE 1 GRANT LOCAL MATCH

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

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

WHEREAS, in the Spring of 2016 the Town Board appointed a Rail Trail Task Force made up of volunteer community members and authorized it to take deliberate steps to develop a Dryden Rail Trail in the historic Lehigh Valley Railroad corridor; and

WHEREAS, the Task Force has made significant progress advancing the trail project including obtaining easements along its 10.5-mile length and clearing and surfacing the segment of the trail between the Villages of Dryden and Freeville, all using 100% volunteer labor and material from individuals and local businesses; and

WHEREAS, the Task Force has obtained a \$182,000 matching fund grant from the NYS Office of Parks, Recreation and Historic Preservation Environmental Protection Fund (EPF) in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 to complete Phase 1 of the trail, which consists of the aforementioned segment and the segment between Game Farm Road and the Rt. 13 Bridge over Fall Creek; and

WHEREAS, the Task Force has set a goal to deliver the Phase 1 project while minimizing reliance on local property taxes by using existing Town staff and equipment and "in-kind contributions" consisting of voluntary donations of labor and materials, in combination with the EPF grant; and

WHEREAS, the Task Force recommends that the Town provide a source of funding because the EPF Grant works on a reimbursement basis and to meet other cash flow needs; and

WHEREAS, pursuant to Town of Dryden Resolution Number 95 of 2017, the Town Board previously approved the allocation of up to \$183, 000 to the Trail Project to meet the Town's fifty percent local match obligation, but resolved to pass a further resolution in the future to determine and allocate the exact source of such funds; and

WHEREAS, the Town's share of funding for the project shall be an amount not to exceed \$182,000, in cash and in-kind contributions; and

WHEREAS, the Town will enter into and execute a project agreement with the State for such financial assistance to this Town of Dryden for the Dryden Rail Trail Project Phase 1 (CFA Award 74363); and

WHEREAS, the Town Board has determined that using funds from the Recreation Reserve Fund in support of the Dryden Rail Trail Project Phase I is consistent with the purpose of the Recreation Reserve Fund; and

WHEREAS, pursuant to General Municipal Law §6-c, an expenditure from the Recreation Reserve Fund requires authorization by the Town Board, and such authorization is subject to a permissive referendum; and

WHEREAS, the Dryden Rail Trail Project Phase I will provide recreational opportunities to the public and falls within the purposes for which the Recreation Reserve Fund was established; and

WHEREAS, the Town Board of the Town of Dryden seeks to draw no greater than \$182,000 from the Town of Dryden Recreation Reserve Fund to fund the Town’s contribution towards the cost of Dryden Rail Trail Project Phase I; and

WHEREAS, the Town completed its SEQR review and made a negative declaration of environmental impact on December 15, 2016

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board authorizes the following expenditures to be disbursed out of the Town of Dryden Recreation Capital Reserve Fund: \$182,000.00 towards the cost of the Dryden Rail Trail Project Phase I; and be it further

RESOLVED that, pursuant to General Municipal Law §6-c, this resolution is subject to a permissive referendum.

2nd Cl Green

Roll Call Vote	Cl Lavine	Yes
	Cl Green	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

Six Mile Creek – Tim Larkin has been trying to rename Sixmile Creek to Six Mile Creek. This resolution supports that.

RESOLUTION #64 (2018) – In Support of the Geographic Name Proposal Recommendation for Six Mile Creek

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

Whereas, Six Mile Creek in Tompkins County is listed by the United States Board of Geographic Names as "Sixmile Creek", and

Whereas, common usage in Tompkins County is to refer to this stream as "Six Mile Creek", and

Whereas, according to the Tompkins County Historian, the use of the name "Six Mile Creek" goes back to at least 1829, and

Whereas, Timothy Larkin, a Tompkins County resident, has initiated the formal process of officially changing the name to "Six Mile Creek", and

Whereas, the United States Board on Geographic Names requests local municipalities to weigh-in on requests for name changes; now therefore be it

Resolved, that the Town Supervisor is authorized to sign and submit a Geographic Name Proposal Recommendation form to the United States Board on Geographic Names, confirming that the Town of Dryden believes this stream should be officially known as "Six Mile Creek".

2nd Cl Green

Roll Call Vote	Cl Lavine	Yes
----------------	-----------	-----

Cl Green	Yes
Cl Servoss	Yes
Cl Lamb	Yes
Supv Leifer	Yes

Conservation Easement – 1540 Ellis Hollow Road – R Burger explained that as part of the conservation subdivision approved by the Planning Board last month, there is a 3.7 acre parcel that the town will receive a conservation easement on. A public hearing is required prior to the board accepting that easement.

RESOLUTION #65 (2018) - SCHEDULING A PUBLIC HEARING ON APPROVING A CONSERVATION EASEMENT ON PROPERTY LOCATED ON TOWN OF DRYDEN TAX PARCEL NUMBER 66.-1-7.3 (located at 1540 Ellis Hollow Road) AND AUTHORIZING EXECUTION OF THE DEED OF CONSERVATION EASEMENT TO THE TOWN OF DRYDEN

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

WHEREAS, the Town of Dryden Planning Board by resolution adopted on February 22, 2018 granted final subdivision plat approval for a seven-lot subdivision (“the Project”) of a parcel of real estate located on Town of Dryden Tax Parcel Number 66.-1-7.3 (“the Property”) and owned by Tiny Timber, LLC (“Tiny Timber”), and granted site plan approval for the Project by resolution adopted on October 26, 2017; and

WHEREAS, as a condition of site plan approval, Tiny Timber is required to preserve a portion of the subdivision as open space by means of a conservation easement; and

WHEREAS, a proposed Deed of Conservation Easement (“the Easement”) grants the Town a conservation easement on the portion of the Property described in the Easement; and

WHEREAS, the Town has the authority to acquire an interest in land (including an easement) for the purpose of preserving open space, pursuant to General Municipal Law (“GML”) §247, and may acquire such interest by gift, subject to a public hearing and due notice; and

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

NOW, THEREFORE, BE IT

RESOLVED that a public hearing shall be held at the Town Board meeting on April 19, 2018 at 7:00 p.m. in the Town Hall, 93 East Main Street, Dryden, NY 13053, to give members of the public the opportunity to comment on the proposed grant of the Conservation Easement to the Town and the Town’s acceptance thereof; and be it further

RESOLVED that notice of such public hearing shall be published and posted at least five days before the date thereof.

2nd Cl Green

Roll Call Vote	Cl Lavine	absent
	Cl Green	Yes

Cl Servoss	Yes
Cl Lamb	Yes
Supv Leifer	Yes

On motion made, seconded and unanimously carried the board moved into executive session at 9:07 p.m. to discuss the employment history of two individuals.

The board moved back to regular session at 9:41 p.m.

RESOLUTION #66 (2018) – OFFER OF RECREATION DEPARTMENT POSITIONS

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

RESOLVED, that this Town Board authorizes an offer of a 40 hour per week Recreation Supervisor position at an annual salary of \$40,000 to an individual identified in executive session and the creation of a Recreation Coordinator position if the incumbent qualifies, and if not, a second Recreation Supervisor position at 25 hours per week with an annual salary of \$25,000, and further that said positions be effective March 19, 2018.

2nd Cl Lamb

Roll Call Vote	Cl Lavine	Yes
	Cl Green	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

There being no further business, on motion made, seconded and unanimously carried, the meeting was adjourned at 9:43 p.m.

Respectfully submitted,

Bambi L. Avery
Town Clerk

To: Members of the Tompkins County Legislature
Regarding: Resolution Opposing the Use of CNG and LNG in Response to NYSEG's Non-pipe
Alternative Request for Proposal, DOC ID: 7653
Meeting: March 6, 2018 at 5:30 PM

I am Joe Wilson. I live in Dryden, and I am speaking for WDRAP*, an independent group of County residents who have been following the Pipeline issue since NYSEG's first Pipeline proposal some 4 or 5 years ago.

We are glad that NYSEG has asked for the community's views on whether NYSEG's injecting natural gas into the local system using trucks to transport Compressed Natural Gas or Liquefied Natural Gas is a suitable alternative under the NYSEG RFP.

As a first principle, we oppose increasing the transport and use of natural gas/methane in our community. This would worsen NOT mitigate global warming, and it would defeat our County's goal to reduce the use of natural gas.

As a second principle, we oppose trucking CNG and LNG because of the well documented dangers that are involved. These include that compressing or liquefying natural gas, off-loading the gas into trucks, moving the trucks from point A to B, then off-loading the trucks into our over 50 year-old and leaky local system all add rather than decrease the numerous health and safety risks already inherent in any system of natural gas exploitation.

As a third principle, none of us want to see the inevitable increase (instead of decrease) in truck traffic and diesel or gasoline consumption which by definition come with any additional truck traffic. By itself, this new stream of trucks on our local highways will further detract from our County's efforts to reduce fossil fuel driven traffic and emissions.

Finally, most of us have actively supported the election and appointment of officials in Dryden who have and continue to work diligently to further sustainable, energy efficient development in Dryden as a complement to our County's sustainability and emission-reduction goals. The trucking of CNG and LNG to increase the use of natural gas/methane flies in the face of our and our Town officials' work.

For all these reasons, we support the Resolution Opposing the use of CNG or LNG in response to NYSEG's Non-Pipe RFP and ask each member of the Legislature, especially our two representatives from Dryden, to vote for it.

*West Dryden Residents Against the Pipeline

c: Assembly and State Senate persons serving Tompkins County; Joseph Syta, NYSEG; Hon. Kathleen Burgess, PSC (Docket No. 17-G-0432)

/s/ Joseph M. Wilson
75 Hunt Hill Road
Ithaca (Town of Dryden), NY 14850



SCHEDULED

RESOLUTION NO. *i* DOC ID: 7653

1 **Resolution Opposing the Use of Compressed Natural Gas (CNG) or**
2 **Liquified Natural Gas (LNG) in Response to New York State Electric**
3 **and Gas's Non-pipe Alternative Request for Proposal**

4 WHEREAS, Tompkins County has made a commitment to reduce greenhouse gas emissions (GHG) at least
5 80% by 2050 and the 2016 Tompkins County Energy Roadmap concludes that the community must reduce the use of
6 natural gas by at least 50% to achieve that goal, and
7

8 WHEREAS, New York State Electric and Gas's (NYSEG) proposed Freeville - Lansing pipeline generated
9 strong community opposition, and the County's 2016 Energy and Economic Development Task Force's top
10 recommendation was to seek a solution that would meet the community's energy needs without increasing reliance on
11 natural gas, and
12

13 WHEREAS, considering these community goals, on November 16, 2017, the New York State (NYS) Public
14 Service Commission (PSC) issued an order authorizing NYSEG to implement a compressor solution to meet reliability
15 needs for existing customers, and to issue a Request for Proposals (RFP) for non-pipe alternatives to meet future
16 demand, in lieu of the previously proposed pipeline, and
17

18 WHEREAS, on December 18, 2017, NYSEG issued the RFP seeking non-pipe alternatives and clarified in
19 their February 9, 2018, "Questions and Answers and RFP Clarification" document that they were seeking responses
20 that would "introduce additional gas supply (or reduce current gas demand) into/on the System", and
21

22 WHEREAS, one method of adding gas to a system is to transport compressed natural gas (CNG) or Liquified
23 Natural Gas (LNG) by truck and inject it into the system, and
24

25 WHEREAS, NYSEG's RFP states (Section II, C. Eligible Resources): "Resources may be in the form of any
26 or all of the following resource types... Introduction of CNG, LNG to the extent allowed and supported by the
27 community....", and
28

29 WHEREAS, injection of CNG or LNG would result in expanded use of natural gas which is counter to
30 Tompkins County's goal to decrease use of natural gas to achieve GHG emissions reduction, and
31

32 WHEREAS, transportation of CNG or LNG on local roads introduces significant safety risks and adds wear
33 and tear to our roads, now therefore be it
34

35 RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That
36 Tompkins County opposes the injection of CNG or LNG as a non-pipe alternative solution in response to NYSEG's
37 non-pipe alternatives RFP,
38

39 RESOLVED, further, That the Clerk send a certified copy of this resolution to Joseph Syta, Vice
40 President-Controller and Treasurer at NYSEG and to Hon. Kathleen Burgess Secretary, New York State Public
41 Service Commission (docket number 17-G-0432).
42

SEQR ACTION: TYPE II-20

James E. Skaley, Ph.D.

940 Dryden Rd.
Ithaca, N Y 14850

JESkaley@aol.com

(607) 256-1617

15 March 2018

To Dryden Town Board

I want to thank the Board for adopting a resolution at the last Board meeting to request that the B&L consultants preparing designs for the Freese Rd bridge project consider several options including the rehabilitation of this historic bridge constructed circa. 1890. As I have stated previously to the this Board the bridge is not only historic but is listed in the Varna Hamlet Plan as a significant character attraction for the hamlet and has been designated as one of the "Gateways" to the hamlet.

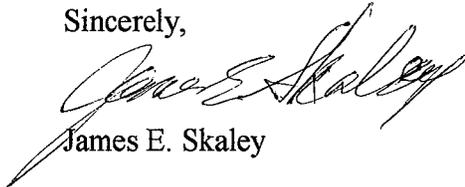
The NYSDOT has stated their reasons why this bridge should be a two-lane replacing the existing structure—several of those policy rationales listed at the initial public meeting have been shown to be no longer valid based on information gathered —specifically there have been no accidents recorded related to the bridge—most of the accidents recorded related to other areas of the road and the intersection with Rt 366. The only criteria remaining of their one-lane bridge policy is that the bridge should have no more than 350 cars/day crossing the bridge.

In our recent meeting with DOT and B&L representatives, I asked for data or specific documentation for why the 350 number was a valid number and Mr. Francetti who is the Region 3 DOT section leader in charge of this project did not know and could give no basis for understanding why this number exists in the policy. Currently the one-lane Freese Rd bridge easily handles over 2000 cars/day with minimal or no wait times for vehicles. The recently rehabilitated one-lane Forest Home Bridge handles over 4000 vehicles/day. The USDOT federal policy guidelines "encourage the use of flexibility and a context-sensitive approach to consider a full range of project and user needs and the impacts to the community. . ."and further that State and local agencies "may consider design standards when warranted based on the project's impact on the environment (natural and built), historical and recreational facilities, and other factors" (see federal register dated Oct 13, 2015 attached).

There is additional evidence that the NYSDOT makes exceptions to its one-lane bridge policy—particularly as it relates to historic structures. The Rochester Democrat & Chronicle reported in October 2017 (see attached) that the DOT is currently rehabilitating the one-lane 105 year-old Marsh Road bridge which crosses the Erie Canal and carries about 3266 vehicles per day. The Marsh Road bridge is currently rated for only 8 tons vs. 15 tons for Freese. Cost of the project is \$2.2 million.

I urge that the Town board exerts their due diligence in overseeing the B&L consultant to assure that both the character of the community and concerns regarding pedestrian vehicle safety be given their proper due.

Sincerely,



James E. Skaley

day, 365 days each year. Please follow the instructions. An electronic copy of this document may also be downloaded by accessing the Office of Federal Register's home page at: <http://www.archives.gov/federal-register/>, or the Government Printing Office's Web page at: <http://www.gpo.gov/fdsys>.

Background

This rulemaking updates existing regulations governing new construction, reconstruction, resurfacing (except for maintenance resurfacing), restoration, and rehabilitation projects on the National Highway System (NHS), including the Interstate System, by incorporating by reference the current versions of design standards and standard specifications previously adopted and incorporated by reference under 23 CFR 625.4, and removing the outdated or superseded versions of these standards and specifications. Several of these design standards and standard specifications were established by the American Association of State Highway and Transportation Officials (AASHTO) and the American Welding Society (AWS) and were previously adopted by FHWA through rulemaking. The updated standards or specifications replace previous versions of these documents and represent the most recent refinements that professional organizations have formally accepted. The FHWA formally adopts them for NHS projects.

The revisions include referencing the 2011 edition of the AASHTO *A Policy on Geometric Design of Highways and Streets*, commonly referred to as the Green Book. The revisions also include referencing the current version of AASHTO's *Load and Resistance Factor Design (LRFD) Bridge Design Specifications*; *LRFD Movable Highway Bridge Design Specifications*; and *Standard Specifications for Structural Supports of Highway Signs, Luminaires and Traffic Signals*. In addition, the revisions reference the current version of the AWS *Bridge Welding Code* and the *Structural Welding Code—Reinforcing Steel*.

The AASHTO is an organization that represents 52 State transportation agencies (STA) (including the District of Columbia and Puerto Rico). Its members consist of the duly constituted heads and other chief officials of those agencies. The Secretary of Transportation is an ex-officio member, and DOT staff participates in various AASHTO activities as nonvoting representatives. Among other functions, AASHTO develops and issues standards, specifications, policies, guides, and related materials for use by

the States for highway projects. Many of the standards, policies, and standard specifications that were approved by FHWA and incorporated into 23 CFR part 625 were developed and issued by AASHTO.

The revisions also include updated versions of welding codes published by AWS. The AWS is a nonprofit organization known for its code and certification procedures, providing industry standards for welding, including in the transportation field. The AWS reports about 66,000 members worldwide and develops updated materials for welding professionals and other interested parties, including those related to bridge welding and structural welding.

While these adopted standards and specifications apply to all projects on the NHS (including the Interstate System), FHWA encourages the use of flexibility and a context-sensitive approach to consider a full range of project and user needs and the impacts to the community and natural and human environment. The STA and local agencies may consider using design exceptions to achieve a design that balances project and user needs, performance, cost, environmental implications, and community values. These adopted design standards provide a range of acceptable values for highway features, and FHWA encourages the use of this flexibility to achieve a design that best suits the desires of the community while satisfying the purpose for the project and needs of its users.

At a minimum, STAs and local agencies should select design values based on an evaluation of the context of the facility, needs of all the various project users, safety, mobility, human and natural environmental impacts, and project costs. For most situations, there is sufficient flexibility within the range of acceptable values to achieve a balanced design. However, when this is not possible, STAs and local agencies may consider designs that deviate from the design standards when warranted based on the project's impact on the environment (natural and built), historical and recreational facilities, and other factors. In instances where design standards for a particular element cannot be attained, a design exception, subject to approval by FHWA, or on behalf of FHWA if an STA has assumed the responsibility through a Stewardship and Oversight agreement, is required for projects on the NHS. Additional information on FHWA's adopted design standards and design exceptions is available electronically at <http://www.fhwa.dot.gov/design/standards> and in FHWA's publication

titled *Mitigation Strategies for Design Exceptions* available at http://safety.fhwa.dot.gov/geometric/pubs/mitigationstrategies/fhwa_sn_07011.pdf.

In addition, FHWA supports using design guides that national organizations develop from peer-reviewed research, or equivalent guides developed in cooperation with State or local officials, when such guides are not in conflict with Federal laws and regulations.

The rule also makes technical changes to the regulatory text consistent with updated **Federal Register** procedures, including updating mailing addresses and including telephone and Web site addresses in 23 CFR 625.4(d) pertaining to the availability of documents incorporated by reference.

Discussion Under 1 CFR Part 51

The documents FHWA is incorporating by reference are reasonably available to interested parties, primarily STAs and local agencies carrying out Federal-aid highway projects. These documents represent the most recent refinements that professional organizations have formally accepted and are currently in use by the transportation industry. The documents are also available for review at the U.S. Department of Transportation's National Transportation Library, the National Archives and Records Administration, or may be obtained from AASHTO or AWS.

The documents incorporated by reference in this final rule are:

- (1) *A Policy on Geometric Design of Highways and Streets*, 6th Edition, AASHTO 2011. The AASHTO, 2011 edition incorporates the latest research and current industry practices, with the basic criteria identified for geometric design standards remaining essentially the same. This Policy is a comprehensive manual to assist STAs and local agencies in administrative, planning, and educational efforts pertaining to design formulation. The Policy includes design guidelines for freeways, arterials, collectors, and local roads in both urban and rural locations.
- (2) *A Policy on Design Standards Interstate System*, AASHTO, January 2005. This Policy complements *A Policy on Geometric Design of Highways and Streets and Standard Specifications for Highway Bridges*. Topics include design traffic, right-of-way, geometric controls and criteria, cross section elements, interchanges, and bridges and other structures.
- (3) *Standard Specifications for Highway Bridges*, 17th Edition, AASHTO, 2002. This document details

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Marsh Road bridge closes today

Victoria E. Freile, @vfreile

Published 10:19 a.m. ET Feb. 23, 2018 | Updated 7:22 a.m. ET Feb. 28, 2018



(Photo: Shawn Dowd/@sdowdphoto/Staff Photographer)

The single-lane bridge on Marsh Road in Bushnell's Basin will close for more than half the year starting Wednesday for state Department of Transportation crews to improve the bridge

The DOT announced that construction is underway on the single-lane truss bridge that carries motorists over the Erie Canal as part of a \$2.2 million rehabilitation project.

Repair work will include replacing the floor system and lower section of the truss with higher-grade galvanized steel components. The north and south approaches to the bridge will be widened to allow approaching vehicles to better see oncoming traffic on the bridge, according to DOT officials.

The extra space will allow a vehicle already crossing the bridge to exit alongside a waiting vehicle, eliminating the need for either party to back up.



The one-lane Marsh Road bridge in Perinton is notorious for locking drivers into a standoff. (Photo: MAX SCHULTE, @maxrocphoto)

"This significant rehabilitation work will make the Marsh Road canal crossing a dependable, safe way for people to get where they need to go and ensures first responders have a fast, reliable connection to both sides of the community," Paul Karas, the DOT's acting commissioner, said in a news release

More: [Andreatta Perinton's 'Standoff Bridge' to finally stand down \(/story/news/local/columnists/andreatta/2017/11/02/andreatta-perintons-standoff-bridge-finally-stand-down/824961001/\)](#)

More: [Marsh Road bridge closed Thursday \(/story/news/2017/01/19/marsh-road-bridge-closed-thursday/96765944/\)](#)

More: [Standoff on the Marsh Road Bridge \(/videos/news/2017/11/02/standoff-marsh-road-bridge/107261066/\)](#)

The bridge is currently posted with a weight restriction of eight tons, which means firetrucks cannot travel over the bridge to cross the canal. Once the project is completed, the bridge will be able to carry all legal loads, according to DOT officials.

DOT spokesman Jordan Guerrein said the bridge is expected to remain closed through the summer. Work will continue in the fall, with occasional lane closures. Detours will be in place while the bridge is closed and flaggers will direct traffic in the fall.

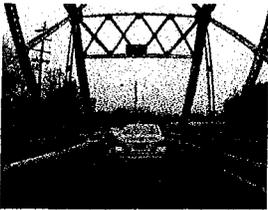
The single-lane truss bridge was built in 1912. About 3,266 vehicles travel the bridge on a daily basis, according to the DOT.

[VFREILE@Gannett.com \(mailto:VFREILE@Gannett.com\)](mailto:VFREILE@Gannett.com)

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Andreatta: Perinton's 'Standoff Bridge' to finally stand down \$1⁹⁹ per month

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(Photo: MAX SCHULTE, @maxrophoto)

Updated 12:30 p.m. ET Nov. 2, 2017

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ADS

Everyone in Rochester's eastern suburbs knows the Marsh Road bridge, a busy 105-year-old, one-lane span over the Erie Canal in the Perinton hamlet of Bushnell's Basin.

They know it as "Standoff Bridge," "Stalemate Bridge," "Standstill Bridge," and expletive-laced names that can't be printed here.

That's because every day, for as long as any of them can remember, motorists crossing the bridge in opposite directions meet windshield to windshield on the span, forcing one of them to reverse course so the other may pass.

"I call it 'Standoff Bridge' because people don't want to go backwards," said Perinton Supervisor Mike Barker. "I'm shocked that nobody has had a fistfight there."

This happens because the bridge and its approaches on either end take the shape of an inverted "S," a design that offers motorists no sight line across the 148-foot span, and leaves them guessing whether they'll meet another car in the middle.

The steel-grated bridge deck, or roadway, is shy of 15 feet wide. That includes a slightly elevated strip meant for pedestrians. The width sufficed in 1912 when horse-drawn carriages ruled the road and Henry Ford hadn't envisioned a car wider than a Model T.

"You can sit along the canal and watch the chicken fights," said Laura Ruffino, who started the Facebook page, "[Safety at the Bushnell's Basin One Lane Bridge.](https://www.facebook.com/BushnellBasinBridge/)" (<https://www.facebook.com/BushnellBasinBridge/>) to track news about the bridge. "They happen on a daily basis."

That sadistic — albeit thoroughly amusing — form of entertainment may be coming to an end with a long-awaited \$2.2 million state Department of Transportation rehabilitation project that will, among other things, widen the approaches to the bridge next year.

The work is tentatively scheduled to run from January through November, and the DOT anticipates the bridge being closed from January to June.

The primary purpose of the rehab is to strengthen the truss bridge to accommodate more than seven tons.

As it stands, fire engines from the Bushnell's Basin Fire Department take a seven-mile detour, through a separate fire district, to reach the hundreds of homes they're assigned to serve on the north side of the canal.

But an ancillary benefit of the project will be wider approaches that the DOT says will improve visibility that could reduce, if not end, the daily standoffs.

"I'm excited that they're finally going to get that done and I'm praying — I'm not optimistic, but I'm praying — it gets fixed before we have a fight on that bridge," Barker said.

Sometimes, if bridge drivers are exceedingly courteous, they find themselves in what's been coined a Canadian standoff, a fawning display of politeness in which both parties back up and invite the other to cross first.

After you. No, I insist, after you. Really, it's no trouble. Thank you, but I wouldn't hear of it.

More often, though, drivers lock into a Mexican standoff and wait for the other to cede ground before one of them begrudgingly gives in and shifts into reverse with a huff.

All right, buddy, what's it gonna be? I ain't backing up. No way, I backed up last time. Ugh, God, fine!

The only respite from standoffs in recent years has come from temporary closures for emergency repairs, which have occurred on several occasions for days and weeks at a time since 2014.

Despite those fixes, the bridge is rated "structurally deficient" by the DOT. The agency insists that designation only means the bridge is sub-standard, not unsafe.

But on the matter of visibility, Marsh Road bridge is paradoxically unsafe. It's so unsafe, it's safe, in that motorists recognize crossing the span is so risky they exercise extreme caution when approaching.

Local, state and federal elected officials have been clamoring for improvements to the bridge for years, particularly that it be widened or that traffic lights be installed.

The DOT won't do either. Spokesman Joseph Morrissey said the agency considers the bridge an "historic structure," and that traffic signals could result in backups to the nearby busy intersection of Route 96.

If any elected official could appreciate the historic significance of the bridge, it would be Barker, who taught high school history before he became supervisor. But even he can't see the argument.

"I was really hoping they would make it a two-lane because I don't appreciate the historical ramifications of that particular bridge at all," he said. "It's just a pain in the neck."

That's another name for the Marsh Road bridge.

David Andreatta is a Democrat and Chronicle columnist. He can be reached at dandreatta@gannett.com (<mailto:dandreatta@gannett.com>).

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K. Burkhardt

March 15, 2018

To: Dryden Town Board

Fr: Freese Road Bridge Citizens Committee

Re: Speed Study Statement

In response to the Speed Study prepared by B&L and presented to the Dryden Town Board on March 5, 2018, please note the following traffic observations related to the 820 ft section of the study from the stop sign at Rt 366 & Freese Road to the first curve at the bottom of the S-curve hill on the opposite end.

The study reveals the following facts:

- The radius of the first curve at the bottom of the S-curve hill is insufficient for current or future speed postings. Also, the banking of the crown of the roadway along this section of curve is in the wrong direction.

-Using recent traffic data, the current "peak" speed with the existing one-lane bridge is 34 mph (note that the posted speed along this section is 30 mph)

-The Speed Study shows the projected future "peak" speed along this section if replaced with a two-lane bridge is estimated to reach 50 mph (note that the posted speed will remain at 30 mph)

-As per the Speed Study conducted in June of last year, 85% of north-bound traffic traveled at 28 mph or less with an average of 20 mph. Additionally, 85% of the south-bound traffic traveled at 27 mph or less with an average of 19 mph. Taking into account this statistical record, it seems clear that the one-lane bridge does in fact act as a calming device mitigating some of the danger related to the radius and banking issues as well as the short distances to both the stop sign at one end and the S-curve hill at the other.

This current statistical report shows a reasonable traffic speed flow compared with the projected estimate of peak speeds, it seems counterproductive and would only exacerbate the safety issues regarding this stretch of Freese Road by adding a two-lane bridge that will only encourage more traffic at higher speeds.

These data then suggest a two-lane bridge with higher projected speeds may lead to more accidents at different sections of Freese Rd and at the Rt 366 intersection. Therefore, one might conclude that the B&L report may actually provide evidence for retaining and rehabilitating the current Freese Rd bridge."

Freese Rd. Bridge Citizens Committee Report

A meeting, convened by the Dryden Town Board, was held in Varna on January 10 2018. Since the Town and County had applied for and received BridgeNY funding for rehabilitation or replacement of the Freese Rd. bridge, the meeting was to provide information to the public about the project. Presentations were made by NYSDOT representatives and engineers from Barton and Loguidice (B&L), the firm hired by the Town to design the bridge project. As the meeting progressed it became apparent that citizens had many questions about the project and had significant concern that there was no mechanism for citizens to have input into decisions about the project going forward. In the end, Councilperson Servoss said a citizens committee would be formed and anyone who was interested in participating should sign up on the attendance sheet. Councilperson Servoss acted as convener for the meetings.

The resulting Freese Rd. Bridge Citizens Committee met four times (1/22, 2/5, 2/12, and 2/26/18). A fifth meeting was scheduled for 2/¹⁹~~12~~ but was canceled by Councilperson Servoss. Attendance at the meetings averaged approximately 10 citizens plus Councilperson Servoss.

As early as the first meeting the Citizens Committee identified a list of priorities for the future of the Freese Rd. bridge. Top priority was assigned to rehabilitation of the existing one-lane bridge with the addition of a walkway for pedestrian safety. Advantages of a one-lane bridge were discussed as: preservation of the existing historic structure, maintenance of low traffic speeds, track record of no accidents related to the existing bridge structure, and preservation of the character of surrounding creek environment. Other options were identified by the committee, with a new two-lane bridge consistently falling at the bottom of the list. The possibility of twinning was discussed and rejected as too costly.

The Citizens Committee developed a resolution to be presented to the Town Board for approval. Councilperson Lavine moved the resolution at the Town Board meeting on 2/~~7~~, but there was no second and therefore no discussion. The Citizens Committee then developed a new resolution that Councilperson Servoss agreed to take to the Town Board on 2/¹⁵~~14~~. The Citizen Committee's rationale for the resolution was to get up-to-date confirmation that the

Freese Rd. Bridge Citizens Committee Report

Town Board would request NYSDOT and B&L to fully consider multiple design options for the bridge. The resolution drafted by the Citizens Committee was extensively revised by the Town Board, but the basic intent of the document was preserved and passed unanimously by the Town Board. **The Citizens Committee respectfully requests that the Town Board's resolution of 2/14¹⁵/18 be uploaded to the Freese Rd. Dropbox file and also forwarded to NYSDOT and B&L if those distributions have not already been made.**

The final meeting of the Citizens Committee was attended by fourteen citizens and two Town Board members. Also in attendance, at the invitation of the Town Board, were two representatives from NYSDOT, and two engineers from B&L. The time was split between presentations by the invited experts and presentations by citizens. Questions, comments and discussion took place throughout. Summary of topics:

- NYSDOT representatives stated that all citizen comments regarding the bridge project, whether intended for NYSDOT or SHPO, had to be funneled to Councilperson Servoss who would pass them on to Doug Mills of NYSDOT who would communicate them, if appropriate, to SHPO. It was stressed that this was the manner of communication even for individuals with Consulting Party status for the Section 106 historic review process. **This is clearly in clear violation of the Section 106 guidelines that allow Consulting Parties direct input to SHPO during the 106 review process. Please clarify this.**

Here is the relevant information from the Citizen's Guide to Section 106 review:

"Under Section 106 review...your first points of contact should always be the federal agency **and/or** the SHPO/THPO."¹ (bold font added)

(Note: To date, these individuals/groups have Consulting Party status for the Freese Rd. bridge project: David Weinstein, Laurie Snyder, James Skaley, Janet Morgan, and Historic Ithaca.)

¹ Protecting Historic Properties: A Citizen's Guide to Section 106 Review. Advisory Council on Historic Preservation (2015), p. 18.

Freese Rd. Bridge Citizens Committee Report

- When asked how the 350 vehicle/day number in the NYS one-lane bridge policy was arrived at, the NYSDOT representative said "I don't know," and could not point to any documentation to support that number as the maximum allowed on a one-lane bridge. His only comment, repeated several times, was that it is in the NYSDOT policy.
- B&L engineers reported that the load bearing parts of the bridge trusses are not strong enough for a 15ton weight limit. The current bridge should probably be rated at 12tons.

Since the last meeting of the Citizens Committee, SHPO has requested more information from NYSDOT. **We would like to know what information has been requested and what the timeline is for NYSDOT to provide that information.**

The Citizens Committee was convened to work up until the draft design report was complete sometime in early March. Given this time frame, Councilperson Servoss has now disbanded the Citizens Committee. A number of interested citizens continue to meet.

Freese Rd. Bridge Citizens Committee – citizens who attended one or more meetings:

Laurie Snyder, James Gustafson, James Skaley, Janet Morgan, Kenneth Burkhart, Susan Heath, Robin Seeley, Tom Seeley, Pricilla Barclay, Martha Robertson, Christine O'Malley, David Weinstein, Mary Kirkpatrick, Kim Klein, Bruce Brittain, John Burger, Hillary Lambert, Thomas Moorhoff

*Submitted by:
Janet Morgan
3-15-18*

Memorandum

Date: March 13, 2018

To: Town Board

From: Ray Burger, Planning Director

Subject: Planning Department Update

Application materials and other documents for the items below can be found at:

<http://dryden.ny.us/departments/planning-department/permit-review-links/>

Conservation Subdivision at 1540 Ellis Hollow Road: The Planning Board approved the final plat for a 7 lot conservation subdivision at 1540 Ellis Hollow Road. As a condition of approval there is a Conservation Easement on one of the lots that is being donated to the Town. A public hearing will be held at the Town Board meeting on April 19 to consider accepting that conservation easement.

Subdivision at 2150 Dryden Road for Large-Scale Solar Facilities: The planning board approved the final plat and a common driveway application at their meeting on February 22.

Subdivisions for Large-Scale Solar Energy Systems at Ellis Tract: Final plats were signed for four minor subdivisions at Stevenson, Dodge and Turkey Hill Roads (known as the Ellis Tract) for purposes of installing solar facilities.

Special Use Permit (SUP) applications for Large-Scale Solar Facilities at 2243 Dryden Road: Delaware River Solar is applying for SUPs to construct two facilities on land behind the electrical substation on Dryden Road. TG Miller, acting for the Town, has reviewed this application for environmental impacts and prepared a draft SEQR Full Environmental Assessment Form Parts 2 & 3 for consideration. A public hearing was held on February 15 and environmental review was conducted with one issue pending. This has since been resolved by NYS Department of Environmental Conservation. The hearing is to be continued at the March 15 Town Board meeting at which time the board can complete the SEQR review and consider approval of the applications.

Special Use Permit (SUP) application at 225 North Road: A small manufacturing facility closed down and a hair salon business wants to move in. A service business is allowed in this Rural Residential District by SUP. This project was introduced at the February 15 meeting and a public hearing is set for the April 12 Town Board meeting to consider this application.

Revised Site Plan for 1061 Dryden Road (Evergreen Townhomes) Planned Unit Development (PUD): The Town Board approved the PUD and site plan on May 30, 2017. Upon further design work the footprint of all 6 buildings in this project have been reduced and this increases the setback from the lot lines. An application to revise the site plan was introduced at the February 15 meeting and a public hearing is set for the April 19 meeting to consider this application.

New Business at 57 Hall Road: The site plan for a new warehouse on Hall Road was approved by the Planning Board on February 22.

Dryden Agriculture and Farmland Protection Plan: The Agriculture Advisory Committee did their final review and the Town Board will consider adoption of this plan at the continuation of the public hearing on March 15.

Property maintenance complaints at 473 Bone Plain Road and 107 Morris Road: These two properties have been the subject of complaints for some time. Action plans are being prepared for board review next month.

Planning Department activity for **TOWN** -February 2018

Building permits: 11 (1 single family, 1 duplex)

Zoning permits: 2

Special Use Permit Reviews: 1

Site Plan Reviews: 1

Variance reviews: 0

Fire safety inspections: 0

Building inspections: 54

New businesses: 0

Subdivisions: 11

Violation notices: 0

Complaints: 4 (property maintenance)

Fire calls: 0

Training hours: 4

Planning Department activity for **VILLAGE** -February 2018

Building permits: 2

Zoning permits: 1

Special Use Permit reviews: 0

Site Plan Reviews: 0

Variance reviews: 0

Fire safety inspections: 1

Building inspections: 3

New businesses: 0

Subdivisions: 0

Violation notices: 0

Complaints: 2 (property maintenance)

Fire calls: 0