

TOWN OF DRYDEN
TOWN BOARD MEETING
April 12, 2018

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

Elected Officials: Bambi L. Avery, Town Clerk

Other Town Staff: Jennifer Case, Bookkeeper
 Ray Burger, Planning Director

Supv Leifer opened the meeting at 7:10 p.m. Board members and audience recited the pledge of allegiance

PUBLIC HEARING
SPECIAL USE PERMIT
HAIR SALON AT 225 NORTH ROAD

Supv Leifer opened the meeting at 7:11 p.m. Ray Burger explained the special use permit for the Avinet business at 225 North Road was not transferrable and expired with transfer of ownership. This hair salon is going into a single story structure in a rural residential zone. The County has stated they don't need to do a 239 review on this. There is one public comment in support from an adjoining property owner. John Conway, the applicant was present with his son and daughter-in-law, Dan and Jen, who will be running the hair salon.

John Conway explained they presently have had their business in town next to Subway for three years. This is a good location with plenty of parking. The new salon will occupy the back part of building and they will put something in the other side. They have submitted stamped drawings and are looking to get a building permit and get started as soon as they can. Their regular customers will go to the new location. (Cl Lavine arrived at 7:13 p.m.)

R Burger and the board reviewed the short form SEQR and completed Parts 2 and 3. Supv Leifer stated this is a great re-use of the property. There were no comments from the audience. The public hearing was closed at 7:20 p.m.

RESOLUTION #67 (2018) – NEG SEQR DEC – Locating a Hair Salon at an existing facility at 225 North Road, Tax Parcel 35.-1-23

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

WHEREAS,

A. The proposed action involves locating a hair salon to an existing one-story, 2664 square foot building on the 1.01 acre site located at 225 North Road, tax parcel ID # 35.-1-23, and

B. The Town Board of the Town of Dryden considers this an unlisted action pursuant to the New York State Environmental Quality Review Act ("SEQRA") and is the lead agency for the purposes of uncoordinated environmental review in connection with site plan and special use permit approval by the Town, and

C. The Town Board of the Town of Dryden, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of 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;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board of the Town of Dryden, 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 SEQRA for the above referenced proposed action, and determines that an Environmental Impact Statement will not be required, and

2. 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

RESOLUTION #68 (2018) - Approving Site Plan and Granting Special Use Permit for a Hair Salon Business at 225 North Road, Tax Parcel #35.-1-23

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

WHEREAS,

A. John Conway has applied for a Special Use Permit (SUP) to locate a hair salon to an existing one-story, 2664 square foot building on the 1.01 acre parcel located at 225 North Road, in Freeville, New York, Tax parcel #35.-1-23, and

B. A separate dog grooming business, in a separate portion of the building, is no longer under consideration, and

C. The proposal is for interior, non-structural changes to the existing structure on the 1.01 acre site, and

D. The proposal includes a new message within the existing free-standing sign, a split rail fence along the south side of the existing parking area, and no other changes, to the exterior of the property, and

E. An application, sketch plan, short EAF, and Ground Disturbance Tally Form have been submitted, and

F. The Town Planning Department considers the application complete and in conformance with the requirements of Town Zoning Law §501, §600, §1103 and §1201, and

G. A public hearing was held on April 12, 2018 with public comments registered in the meeting minutes and considered by this board, and

H. The Tompkins County Planning Department waived NYS Municipal Law 239-M review (email dated 2/27/18) of this project per §II-F of the Inter-governmental Agreement between the Town of Dryden and the Tompkins County Planning Department, and

I. The Stormwater Management Officer reviewed the proposal and concluded that no Stormwater Pollution Prevention Plan (SWPPP) is required, and

J. Pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations at 6 NYCRR Part 617, the Town Board of the Town of Dryden, has, on April 12, 2018, made a negative determination of environmental significance, after having reviewed and accepted as adequate the Short Environmental Assessment Form Parts 1, 2 and 3, and

K. The Town Board has reviewed this application relative to the considerations and standards found in Town Zoning Law §1104 for site plan review and §1202 for Special Use Permit.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the sketch plan documents, dated January 30, 2018, as site plan for 225 North Road without conditions; and
2. The Town Board hereby finds that the considerations for approval of the requested Special Use Permit listed in Section 1202 of the Town of Dryden Zoning Law have been met, specifically that:
 - a. The proposed use is compatible with the other permitted uses in the Rural Residential district and compatible with the anticipated predominant form of development (one and two-family homes) of the district, as set forth in the Zoning Law, as it is a type of service business sometimes operated as a home occupation – a permitted use in the Rural Residential district;
 - b. The proposed use is compatible with adjoining properties and with the natural and manmade environment, as no substantial changes to the site are proposed. The property is surrounded by agricultural uses with the nearest residence over 450 feet away. The proposed use is a permitted use on the property directly across the street. Existing trees and the expanse of agricultural land screen residential uses from the proposed business;

- c. Parking, vehicular circulation, and infrastructure for the proposed use is adequate;
- d. The overall impact on the site and its 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 Short Environmental Assessment Form;
- e. No restrictions and/or conditions on design of structures or operation of the use (including hours of operation) are deemed necessary to ensure compatibility with the surrounding uses or to protect the natural or scenic resources of the Town;
- f. The project complies with the requirements for site plan review and conforms to the Town’s Commercial Design Guidelines to the maximum extent practicable in that: the site is screened from residential uses by the existing landscape and agricultural fields and no new road cuts are proposed, and

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 a Special Use Permit for the proposed use of the existing facility for a hair salon at 225 North Road with the Town of Dryden Standard Conditions of Approval as amended August 14, 2008.

2nd Cl Servoss

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

**PRESENTATION
PRINCE FARM CONSERVATION EASEMENT**

Peter Davies, Chair of the Conservation Board, explained that the Prince Farm, also known as the Brotherton Farm, is trying to get a conservation easement on their land at the intersection of Route 13 and Ringwood Road. The property is about 325 acres and includes 72 acres of prime Ag land and 135 acres of land with soils of statewide importance. There are 54 acres of freshwater wetland. Conservation Board’s Natural Resources Conservation plan emphasizes the importance of agricultural land, open spaces and wetlands. They think it is very important to support a conservation easement on this land to preserve it as Ag land and open land for future generations of Dryden residents, particularly in view of the commercial development happening along Route 13. The easement is being handled by Finger Lakes Land Trust.

Andy Zepp, Executive Director of Finger Lakes Land Trust (FLLT), said this is an incredible opportunity that builds on the town’s long term partnership with FLLT. That relationship includes past investments in the board walk at Roy H Park Preserve on Irish Settlement Road, work to establish conservation areas at the Parke-Dabes property off Route 366, and the Campbell Meadow property on Fall Creek. It also builds on the conservation easements purchased for two farms through the state program. Because of this family’s commitment to the land, they are not seeking to sell the rights; they want to donate the rights.

FLLT will work with the family and think beyond our lifetimes. Agriculture has changed tremendously in the past, as has the Route 13 corridor, and it will undoubtedly change again

the future. In this case, they developed a land management plan. TG Miller has surveyed several different zones. The two focuses of this project is sustaining agriculture and the other is conserving water and wetland resources. There will be a buffer around the wetland that will define and document it. There is a small stream parallel to Ringwood Road that will receive additional protection. Agricultural areas will be defined so that if it is let go for awhile it is clear that the fields can be reclaimed for agriculture. Because the property is bisected by Route 13 and to give more flexibility for the future, they decided to treat this as two properties with one additional home site or farm. It is possible that a future family may want to sell off some acreage. There is a provision for two residential areas that are liberal in size and in these defined areas of four acres or so, it is between the owner and town what happens there and they won't have to consult with FLLT.

FLLT has received a grant of \$20,000 from Tompkins County to help cover costs associated with the project. The biggest cost is putting funds in the stewardship fund to monitor these agreements annually. If they are contested in the future FLLT has a legal defense fund. Because of the size of the property and the zones, the survey fee is not insignificant. There are also legal transaction costs. For each easement they hire a study done that documents the conditions of the property and its resources. That is a planning tool (signed and recorded) so something changes there is proof of what it was like.

A Zepp said FLLT has about 150 easements now and they are monitored by staff on an annual basis. They have about half of the \$40,000 budgeted for this easement and hope the town will consider a contribution in support.

P Davies said the Conservation Board, in line with the value to the town of an easement on this property to preserve for Ag and natural areas, has written a resolution in support. It was transmitted to the Town Board in early February. He read the resolution:

**RESOLUTION # 1 for 2018 FROM THE CONSERVATION BOARD TO THE TOWN BOARD
RECOMMENDING FINANCIAL SUPPORT BE GIVEN TO THE FINGER LAKES LAND TRUST TO HELP
FACILITATE THE ESTABLISHMENT AND STEWARDSHIP OF AGRICULTURAL EASEMENTS ON THE
PRINCE FARM.**

Whereas the donation of two conservation easements on the 324-acre Prince farm, located near the intersection of State Route 13 and Ringwood Road in Etna, will contribute significantly to the preservation of farmland in Dryden, NY,

Whereas these easements will foster continued agricultural use in what is a rapidly developing corridor,

Whereas these easements will help to preserve large areas of wetland on the property, providing expanded buffering of the Etna Swamp Unique Area, which in turn will protect valuable habitat for wildlife and buffer downstream communities from flooding,

Whereas the preservation of farmland and open space is encouraged in the Dryden Comprehensive Plan,

Whereas Tompkins County, recognizing the large number of benefits that an easement on this property, has already committed a contribution of \$20,000 toward the establishment and stewardship of this easement, and

Whereas the Dryden Town Board expressed its support of the Finger Lakes Land Trust's application to the County Legislature for help preserving this farmland,

Therefore,

Be it Resolved that the Dryden Conservation Board recommends that the Dryden Town Board contribute \$10,000 to facilitate the establishment and stewardship of this easement.

Comments during board discussion:

- There will be no public access. It remains private property subject to the discretion of the landowner.
- The land is not too far away from the rail trail, but it is either Ag land or wetland. It may be possible years down the road.
- Board members voiced support.
- That the owner is donating the easement is significant.
- There is development on Route 13 and this would preserve the legacy beauty of the area.
- The town needs to determine where the money would come from, perhaps from fund balance.
- There will be revenues from the development on Route 13 in the next 20-30 years with the solar and some of that could be used to preserve this. It provides balance.
- A permanent funding source for these types of things should be established.
- Any signage recognizing partners involved is up to the landowner.
- The board may have a resolution next week.

RESOLUTION #69 (2018) – APPROVE ABSTRACT #4

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

RESOLVED, that this Town Board hereby approves Abstract #4, as audited, general vouchers #176 through #271 (\$546,359.72) and TA vouchers #8 and #9 (\$3,201.60) totaling \$549,561.32.

2nd Cl Servoss

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

The budget modification done last month regarding the BridgeNY grant needs to be amended to reverse a portion from the BridgeNY Freese Road line to Bridges Contractual and another from Bridge NY Freese Road to BridgeNY George Road.

RESOLUTION #70 (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	
DA5120.410 BridgeNY Grant - Freese	DA5120.4 Bridges Contractual	482.52
DA5120.410 BridgeNY Grant - Freese	DA5120.411 BridgeNY Grant - George	3,514.62

and authorizes the Town Supervisor and bookkeeper to make the necessary adjustments to the budget and to file any other forms or documents required by law.

2nd Cl Lamb

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

Supv Leifer explained the state made an overpayment to us for when the Highway Department assisted Buffalo a few years ago. The funds need to be moved to the Trust & Agency account until the state notifies us with respect to what needs to be done. The Highway Department is looking into it.

RESOLUTION #71 (2018) - MOVE OVERPAYMENT TO TRUST & AGENCY ACCOUNT

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

WHEREAS, the Town Highway Department assisted the City of Buffalo after a snow storm in 2015, and

WHEREAS, the Highway Superintendent applied for reimbursement for Town costs related to the assistance provided, and

WHEREAS, the Town received \$34,545.44 on January 19, 2016 from the City of Buffalo, and

WHEREAS, the Town then received a second payment of \$34,553.42 from New York State on March 13, 2017, and

WHEREAS, the Highway Superintendent does not yet have an answer about why the Town was paid twice, or which payment amount is correct, and

WHEREAS, the Town does not wish to overstate the DA fund balance if the second payment will need to be returned, be it

RESOLVED, that the Bookkeeper is authorized to move the amount of \$34,553.42 from the DA fund to the Town’s Trust & Agency fund. The money will stay in that fund until the Highway Superintendent has an answer to where it should go.
2nd Cl Servoss

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

The board needs to appoint an authorized purchaser for the Recreation Department.

RESOLUTION #72 (2018) – APPOINT PURCHASER FOR RECREATION DEPARTMENT

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

WHEREAS, at the January 4, 2018 organizational meeting of the town the Recreation Department was not fully staffed, and

WHEREAS, additional staff has since be hired, and

WHEREAS, Marty Conger is the head of the Recreation Department,

NOW, THEREFORE, be it agreed and understood that Marty Conger is hereby authorized to make purchases on behalf of the Recreation Department per the purchasing and procurement policy.

2nd Cl Lamb

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

Supv Leifer said the board needs to consider a pet policy for town hall. Dogs are sometimes unleashed in the building. Points and comments during discussion:

- These are not service dogs.
- There was an unleashed dog in the entranceway.
- It is staff that has complained, not the public.
- People do bring their dogs in to the clerks office to license them.
- There should be rules at the very least.
- This involves staff dogs and could be addressed at a staff meeting.
- Staff could be asked to keep their animals at home or on or leash or otherwise confined.
- Articles were presented that address the benefits of dogs allowed in the workplace.
- There could be an insurance liability issue.
- Having a dog at work may have a negative impact on performance (use of time).
- There should be a policy.
- Policy could be drafted after a staff meeting.
- No negative comments from the public about dogs in the building.
- A staff meeting will be held in May.

There is a vacancy on the Recreation & Youth Commission. There is also a vacancy for an alternate on the Zoning Board of Appeals. Interested people should submit a volunteer board application.

TG Miller is working with Atty Sokoni and the attorney for the Town of Ithaca to come up with the Memorandum of Understanding to transfer ownership of the pressure release valve at the Cornell Apple Orchard to the Town of Dryden.

Resolution #73 (2018) - Opposing the Use of Compressed Natural Gas (CNG) or Liquefied Natural Gas (LNG) in Response to New York State Electric and Gas's Non-pipe Alternative Request for Proposal

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

WHEREAS, The Town of Dryden appreciates 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. and

WHEREAS, The Town of Dryden is one of the communities where Compressed Natural Gas (CNG) or Liquefied Natural Gas (LNG) would be loaded under a proposal in response to the request for proposals, and

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

WHEREAS Town of Dryden officials 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, and the trucking of CNG and LNG to increase the use of natural gas/methane would directly contradict our Town officials' work. and

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

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

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

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

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

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

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

RESOLVED, that the Town of Dryden opposes the injection of CNG or LNG as a non-pipe alternative solution in response to NYSEG's non-pipe alternatives RFP,

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

SEQR ACTION: TYPE II-20

2nd Cl Greene

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

There will be a celebration to recognize emergency first responders with 25 to 30 plus years of service at TC3 on May 2, 2018. There is an associated small budget and the town has a small balance in the town's fire protection line of roughly \$25,000. The town can contribute toward some of their expenses and pins. Supv Leifer will do a resolution to appropriate from the fire protection fund for next week.

The Dodge Road bridge needs repair and the town's share will be about \$120,000. Atty Sokoni will review the contract with the County for next week. The county will do the work and the town will pay them the town share. The town is responsible for maintenance of the approaches. This is not covered under the BridgeNY grant, though there may be an application for this one.

Charter Communications has been negotiating with the TCCOG group. All the Time Warner franchises are expired. Charter has asked for a Non-Disclosure Agreement. This is a way to find out if they are building in the town of Dryden under the merger approval agreement with the state, but the information cannot be shared. Atty Sokoni has reviewed and marked up the agreement. The board can vote to sign the agreement next week.

An application has been received from Camp Earth Connection in connection with expanding their operation on Hammond Hill. They will be present next Thursday to introduce and schedule a hearing for the May meeting. It functions similar to a retreat center. They have some a small lodge and some primitive cabins. It is a slow growing operation.

The board discussed establishing a code of conduct for public meetings and reviewed the draft presented. There was discussion about the definition of harass and whether it needed to be made more clear. They will add that the speaker should wait to be recognized by the chair before addressing the board. Cl Lamb will revise and bring back to the board next week.

Cl Servoss would like to hold a training on heated meetings for board and committee members. She also suggested that Atty Sokoni could do a FOIL and open meetings training.

Proposed April 19, 2018 Agenda Items:

Public Hearings

- 1540 Ellis Hollow Road –acceptance of Conservation Easement
- 1061 Dryden Road –site plan revision downsizing the townhomes

Unfinished Business

- Report on property at 473 Bone Plain Road
- Report on property at 107 Morris Road

R Burger stated they are beginning the new process under our Zoning Law

New Business

- Consideration of \$10,000 contribution to FLLT for Prince Farm Conservation Easement
- Recommendation and appointment of new members to Rail Trail Task Force
- Approval of Agreement with Dryden Area Intergenerational Band & Chorus
- Introduction of SUP Camp Earth Connection and scheduling of public hearing

Cl Lavine said she just came from the East Hill Village meeting (she has attended all three). It is important to be aware of what is happening there because it makes the town of Dryden areas near the East Hill Plaza more desirable for commercial development and

residential homes. There will be additional infrastructure necessary, for instance. R Burger will stay in touch with the development team because of potential impacts, both positive and negative, to the town.

Craig Schutt announced the Conservation Board has arranged for a presentation by Rebecca Snyder on road ditch maintenance and best management practices at 1:00 p.m. next Tuesday at the DPW meeting room. Highway and DPW staff are invited to attend as well as town board and committee members.

Cl Green and Cl Lavine will be attending a meeting on the 19th in Seneca Falls on ditches and wastewater management in terms of preserving the watershed. There is some grant money available and they want to learn more about that.

There being no further business, the meeting was adjourned at 8:48 p.m.

Respectfully submitted,

Bambi L. Avery
Town Clerk