

**Dryden Conservation Board
August 28, 2018**

Members Present: Peter Davies (Chair), Steve Bissen, Mike Richmond, Craig Schutt, Gian Dodici, Tim Woods, Bob Beck and (at 8:15) Nancy Munkenbeck

Liaisons: David Weinstein (Planning Board), and (at 7:39) Dan Lamb (Town Board)

Absent: Jeanne Grace

The meeting was called to order at 7:03 PM

Review and approval of minutes from May 29, 2018 and June 26, 2018

C. Schutt made a motion to approve the May 29, 2018 minutes, seconded by M Richmond, and unanimously approved.

M. Richmond reviewed June 26, 2018 minutes. Motion was made by C. Schutt to accept minutes with minor insertion regarding discussion that took place, seconded by G. Dodici and approved 5-0 with S. Bissen and P Davies abstaining due to absence.

Reports and updates:

Environmental Management Council: S Bissen

No meeting in August

Agricultural Advisory Committee- C. Schutt

See attached report

Planning Board: D. Weinstein

See attached report

P. Davies- Did the Planning Board come to any further recommendations to the Town Board (apart from the fact that Trinitas doesn't fit with the Varna Plan)?

D. Weinstein – Planning Board listed recommendations regarding issues that must be addressed.

P. Davies – If developer answers those concerns, will the objections of the Planning Board evaporate?

D. Weinstein- It depends on the response. The Town Board decided only after Trinitas deals with TG Miller's analyses and things they identified as problems would it come back to either the Planning Board or the Conservation Board. Since the Town Board expressed the plan must be significantly altered, it does not make sense for any board to weigh-in until they get an answer back from Trinitas. Discussion ensued regarding the full site plan review, the sketch plan, and that our zoning lays out what needs to be covered.

Rail Trail – Bob Beck

We are proceeding with the AARP grant that requires the installation of 3 kiosks and 7 benches in the section between Dryden and Freeville. B. Schickel has designed the kiosks with informational display panels that would include maps and other interesting information for the area. These will be located at many of the road intersections and would include a map indicating the current location, directions to the next intersection in each direction, and a map of the whole trail. To meet AARP's requirements, these items must be installed by the end of October. We will gather people from the community to assist in the assembly and installation of the benches and kiosks. Work will be documented by photos and/or videos that will be sent to AARP. Our hope is to have a public celebration officially opening the trail between Freeville and Dryden.

The following 5 easements were approved at the last town board meeting:

1. The last of the Cornell easements;
2. Peter Sarkus-east of Mount Pleasant Road;
3. Pro-Lawn (Bellisario)-Hall Road;
4. Bruno Schickel –railbed property in Etna; and,
5. The Finger Lakes Land Trust's nature preserve in Etna.

The easements will go to the County Clerk's Office for recording. After the official recorded easement is received back, I will deliver it to the landowner with our thanks.

We just submitted a grant proposal for a Transportation Alternatives Program Grant through NYS DOT. This is federal money that would be used to do the stone dust surface from Game Farm Road to Pinckney Road; and to potentially do a pedestrian bridge over Route 13. We had an engineering firm do a study of both pedestrian bridge and tunnel options, and the results indicated the tunnel would be over \$4,000,000 whereas a bridge would be around \$1,800,000. Due to the incredible work of Todd Bittner (Cornell Botanical Gardens), Alice Green, and Dan Lamb to minimize the cost to town taxpayers, using the remaining portion of the State Park Grant that we already have, it could result in no cost to taxpayers. We have also requested multi-modal funds through Barbara Lifton. Barbara had offered money towards this project. We discovered neither the TAP Grant money, nor the multi-modal funds would cover the relocation of sewer and water utilities that go under route 13. It will be several months before we will know if we are successful in obtaining the funding. The goal is to do 10.4 miles all the way from Ithaca to Main Street in Dryden, added to the 4 miles of the Jim Schug trail it will be 14.5 miles. It connects on the western end with East Ithaca Recreation, which gets you right into Ithaca. We continue to work on other easements.

Town of Dryden finally owns the FH Fox bridge in Varna and are proceeding with the permit and the work we need to do. We are still waiting for the veterinary college alumni to decide if they can contribute to our project. Discussion ensued regarding the "message" that will be painted on the bridge.

New business

Revision of the Dryden Town Wind Generation Law, with regards to small scale wind energy conversion systems, as requested by the town board at their June meeting:

P. Davies- Can you tell us the background of this Dan? Why has the town asked us for a revision?

T. Woods – In the early 2000's they wanted the conservation board to put together a suggested ordinance concerning all alternative energy. We spent several months putting that together and MaryAnn Sumner took the document for review and when she brought it back it was an entirely different document. She and Mahlon Perkins had put together an alternative plan and that was the one that was presented to the town board.

D. Lamb – My main concern is the height restriction that appears in our renewable energy law. As per the 2017 amendment to this law, you must obtain a Special Use Permit for mechanical wind turbines over 50' in height. We do not want to have an unnecessary review process that could dissuade people from renewable energy. The height restriction was there to prevent the gigantic wind turbines.

P. Davies went to the county website and industry websites to gather information regarding kilowatts, height and clearance from the bottom of the blade to the highest object. He gathered data and came up with a proposed new town wind ordinance section 17 (attached); his changes are indicated by the highlighted sections.

Discussion ensued regarding height, kilowatts, setbacks for small (residential type) turbines; 166' radius (2 acres) free of human occupied structures and property lines, the noise (hum) of the turbine, and neighbors would be consulted if a special use permit is applied for.

D. Lamb-I am very open to a discussion about dropping the special use permit requirement on towers under 140' or 150'. I would like your advice on that. It seems cumbersome. My understanding of what happened with Weaver Wind in Freeville, is they wanted to put up a 100' or 120' tower and the Village of Freeville used the Town of Dryden's law as a rationale. Should we raise the 50' limit?

Discussion ensued regarding the special use permit, zoning districts, tower heights and the effect these wind turbines have on the environment due to the vibration and temperature at ground level. Proposal to drop the requirement for a special use permit assuming the person met the regulations of a tower no higher than 150' for a 25 kilowatt in an appropriate zone. Requirement to obtain a building permit would remain. P. Davies will compose guidelines and revised proposal of change to the law for the conservation board's review for discussion next month.

Park and Recreation impact fees:

The town board has requested that we consider the Park & Recreation Impact Fees that are proposed to be placed on all new residential buildings.

D. Lamb – My understanding of the law is that it must be commercial residential and cannot be individual houses. We must show that the recreational needs of the residents of the facility would not be met by accommodations on premises. It would be a one-time fee. This is

important to the town with respect to replenishing our recreational reserve fund and makes sense.

P. Davies -Included in this would be all our trails and natural areas and obviously, the Rail to Trail is a very important part of this. Some of the impact fee monies could be used for the natural areas of the trail creation and maintenance.

Discussion ensued regarding the wording, exactly what type of homes would be impacted, who would be responsible for the fee (the builder or the occupant), the fee schedule, and what would be required for the fee to be waived.

It was determined that the concept is acceptable; however, revisions would need to be made before the conservation board could offer their support. N. Munkenbeck will work on a revised version. It was agreed that P. Davies will advise D. Lamb that we like the concept but not the execution.

Trinitas development proposal at the junction of Dryden Road and Mount Pleasant Road in Varna:

P. Davies – I personally feel the site has quite a steep slope on part of it and if you remove the trees you will get erosion galore. Also, there is a huge area of parking that should be permeable so the water soaks in instead of running off.

D. Weinstein – The new plan has a 3-level parking garage where that slope is located. Discussion ensued regarding the parking garage resulting in a considerable decrease of paved parking areas, erosion, and stormwater concerns. The Conservation Board is concerned about the steep slope and erosion.

N. Munkenbeck made a motion to pass the following resolution:

Resolution #6 for 2018 from the Dryden Conservation Board to the Dryden Town Board with regard to the Trinitas development in Varna

WHEREAS the proposed location includes a steep slope subject to erosion

WHEREAS extensive blacktop will lead to high volume run-off, further causing land erosion

Be it resolved that the Conservation board recommends that the Town board reject the Trinitas proposal UNLESS

- 1) The trees and other large vegetation be left on slopes exceeding 10% both during construction and in the final development; and,
- 2) Appropriate storm water pollution prevention be a prominent part of the project.

Motion was seconded by S. Bissen and passed unanimously.

A motion to adjourn the meeting at 9:55 was made by S. Bissen and seconded by T. Woods. It was unanimously approved.

Respectfully submitted,

Chrystle Terwilliger
Deputy Town Clerk

Report to the CB on the Ag Committee meetings 7 -11 -18 and 8 – 08 - 2018

Prepared by Craig Schutt liaison from the CB to the Ag Committee

1. The regular scheduled meeting of Ag Committee was held on 7 – 11 – 2018. Much of the meeting was spent discussing by-laws for the committee. Much of the discussion was based on the document for operations developed by the CB. Reviewing this document the AC realized that much of that could be adapted for the AC's use. Work will continue on a document specific to the AC.
2. The regular scheduled meeting of the Ag Committee was held on 8 – 08 - 2018. This meeting focused mainly on discussion of the town's oversight and jurisdiction affecting direct farm marketing activities as it relates to Ag and Markets law. Discussions began on creating a document that could be used by the Planning Department to evaluate proposed projects that may fall under its jurisdiction. There are differing views on the intent of Ag and Markets law and how it may be applied. All agreed this will be an ongoing discussion and will take time to develop something acceptable to all concerned parties.

Report from the Planning Board meeting of July 26, 2018 (there was no meeting in August because of a lack of a quorum). (David Weinstein)

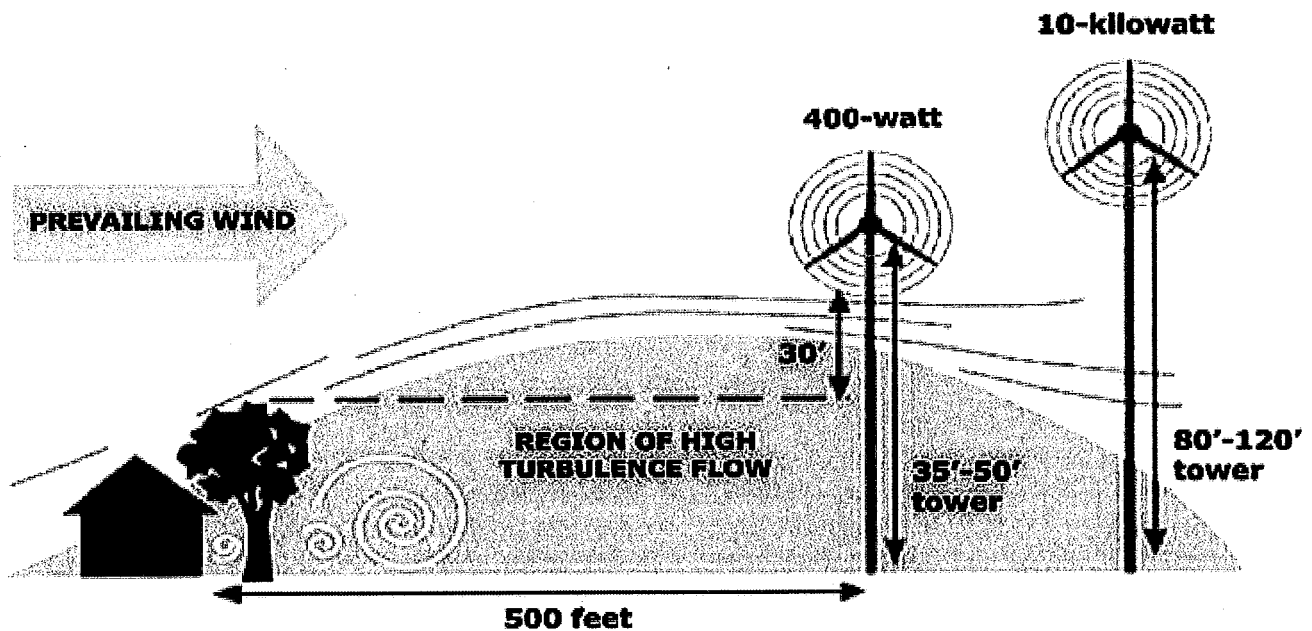
1. The Board continues to hear from citizens of Mineah Road, who report major problems in getting out on to Route 13 and significant water shortages. They continue to seek potential changes in zoning that could limit the amount of new construction on Mineah Rd., given that many believe the road is already beyond its carry capacity for both traffic and water availability.
2. Approved sketch plan and waved site plan review for two modular homes at 231 Groton Road.
3. Discussed potential zoning amendments recommended by the Agriculture Committee to bring our zoning into agreement with Ag and Markets concerns. Began consideration of creating an Agriculture-specific Site Plan review.
4. Recommended hiring a consultant to help with a major updating of the Dryden Comprehensive Plan next year.
5. Approved a sketch plan and waved site plan review for 121 Sweetland Road, to put a second home on a 3-acre lot.
6. Approved a Site Plan Review for Grass Masters Landscaping at 2025 Dryden Road.
7. Reviewed the Trinitas townhome project in Varna at 959 Dryden Road, and provided recommendations to the Town Board about issues that must be addressed by the developer before moving forward with this project's consideration. Many members expressed significant concern about the discrepancy between the proposal and the Varna Plan.
8. The Board was informed that the ownership of the project to be built at 802 Dryden Rd has changed hands, and reviewed small changes in the design that will be implemented.
9. Reviewed the idea of instituting impact fees, with several members expressing deep concern over the idea.
10. Reaffirmed the board's support of the Rail to Trail project.

Resolution from the Conservation Board to the Dryden Board with regard to revised rules for Small Wind Energy Conversion Systems (WECS) updating the rules of 8/30/2006

Section 17 Development Standards

All Small WECS shall comply with the following standards. Such systems shall also comply with all the requirements established by other sections of this Article that are not in conflict with the requirements contained in this section

- 1) Appropriate Locations. Small-Scale Wind Energy Systems consisting of a single turbine should be a permitted as-of-right accessory use throughout the community. This may include agricultural, residential, commercial/industrial, and public property class designations. Parcels should be at least a 2 acre circle free of human occupied structures and property lines.
- 2) Areas deemed inappropriate include Unique natural areas (UNAs), slopes >15%, Important Bird Areas, Publicly owned open space, Critical Environmental Areas, Airport approach and clear zones, and Cornell natural areas
- 3) Setbacks. Setbacks for Small-Scale Wind Energy Systems from lot lines should be the total height of the installation plus 10 feet, unless the affected adjoining property owner agrees otherwise in writing. This setback should be measured from the center of the tower.
- 4) Location on a Property. In residential zoning districts, Small-Scale Wind Energy Systems should be located in the side or rear yards, to the extent practical.
- 5) Only one Small WECS (or, where authorized, a temporary wind measurement tower) per lot shall be allowed. Adjoining lots shall be treated as one lot for purposes of this limitation. More than one Small WECS per lot may be allowed if the applicant adequately demonstrates that the electrical or mechanical power needs of the individual user exceed the power generation capability of one WECS.
- 5 Small WECS shall be used primarily to reduce the on-site consumption of public utility-provided electricity, or as a primary source of electricity when the applicant is not connected to the electricity grid.
- 6 The maximum turbine power output is limited to 25 kW unless the applicant demonstrates to the reasonable satisfaction of the Town Board that a larger turbine is necessary to meet the historical and/or projected energy needs of the applicant. The applicant shall submit documentation supporting the increased turbine size including copies of electrical bills, an energy audit or electrical power requirements of any new or proposed equipment.
- 7 Tower Height: A tall tower is the single most important factor in the economic viability of a small wind system. Tall towers enable turbines to access faster in better quality winds, and even small increases in wind speed translate to exponentially more energy the turbine can generate. In other words, a taller tower means far more – and cheaper – energy. It is recommended but not required that the bottom of the turbine rotor should clear the highest wind obstacle (rooftop, mature tree, etc.) within a 500 foot radius by at least 30 feet. Tower heights shall be limited to a maximum of 150 feet.



- 8 The allowed height shall be reduced if necessary to comply with all applicable Federal Aviation Requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports.

>>At the end of the Small Wind Energy Conversion Systems could be added:
 Medium-Scale Wind Energy Systems shall follow the county recommendations of 10/15/2015 as below.

Medium-Scale Wind Energy Systems

Appropriate Locations. Communities should conduct a thorough review of all their zoning districts to determine in which Medium-Scale Wind Energy Systems would be appropriate. As a general rule of thumb, Industrial Zoning Districts and Agricultural Zoning Districts would be appropriate, as would some Rural Zoning Districts and some Commercial Zoning Districts. Other Zoning Districts may also be suited for such energy systems.

- (b) Where the municipality's comprehensive plan does not address renewable energy systems, add language indicating the critical nature of these systems to our energy future and identify the types of areas where they are appropriate.

Approval Process. Medium-Scale Wind Energy Systems should be permitted through a site plan review process in order to ensure that proposed installations comply with the standards established by the community.

Setbacks. (a) Setbacks for Medium-Scale Wind Energy Systems from lot lines should be 1.5 times the total height of the installation.

(b) Setbacks from neighboring residences, schools, churches, and libraries should be 2 times the total height of the installation, unless the affected adjoining property owner agrees otherwise in writing.

Height. Medium-Scale Wind Energy Systems should be allowed to exceed otherwise-established maximum height requirements.

Natural Resources. Medium-Scale Wind Energy Systems should avoid Critical Environmental Areas, Unique Natural Areas, slopes in excess of 15%, and clearing extensive areas of forest. Any systems located in these areas should be required to take appropriate mitigation measures.

Scenic Resources. Medium-Scale Wind Energy Systems located in previously-identified distinctive or noteworthy viewsheds should be required to prepare a visual impact analysis.