

**TOWN OF DRYDEN  
TOWN BOARD MEETING  
October 9, 2002**

**Board Members Present:** Supv Mark Varvayanis, Cl Charles Hatfield, Cl Stephen Stelick, Jr., Cl Deborah Grantham, Cl Christopher Michaels

**Other Elected Officials:** Bambi L. Hollenbeck, Town Clerk  
Jack Bush, Highway Superintendent

**Other Town Staff:** Mahlon R. Perkins, Town Attorney  
Henry Slater, Zoning Officer  
David Putnam (TG Millers), Town Engineer

**PUBLIC HEARING**

**APPLICATION OF TC3 FOUNDATION, INC. TO MODIFY THEIR SPECIAL PERMIT TO INCLUDE A FOURTH STUDENT HOUSING BUILDING AT 24 FARVIEW DRIVE**

Supv Varvayanis opened the public hearing at 7:00 p.m. and Town Clerk read the notice published in *The Ithaca Journal*.

Carl Haines, President of Tompkins Cortland Community College, introduced Sandy Gay, Chair of the Property Management Committee for the Foundation, Bob Ross, Dean of College Services for the College and lead project manager for this project for the Foundation, Lisa Belokur, Director of Resident Life at the College for the Foundation, Dennis Budzinski, Construction Manager for Somerset Builders, and Peter Vars, Project Engineer for BME Associates. C Haines explained that student housing is important at TC3 for a number of reasons. There has been a demand for student housing for years because of students who want to attend from other areas in the state and the college has a large number of international students. They are often not able to find housing in the area. In the Spring of 1999 the College asked the Foundation to consider acquiring the two buildings that existed then, and that was accomplished in June 1999 and the Faculty Student Association (FSA) agreed to manage the facilities. FSA operates the buildings as a full-scale resident life program. Having students in residence has had a positive impact on student life and programs at the college have been enhanced. Athletes now are attracted to TC3 because of the availability of housing. Housing has attributed to the growth of the college and enrollment has increased approximately 45% in the last six years. Students who attend from other counties (75% of those who live in the housing) bring with them "out of charge back dollars" (operating budget and capital budget) which provides resources that the college budget can use to operate that local taxpayers don't have to come up with and the capital dollars provide monies to be used for building or remodeling existing facilities. They are in the process of completing an economic impact study (by Thoma Associates) to determine the impact on the local communities as the result of the spending habits of student residents. They believe it is significant and the study will be available in a few weeks.

Bob Ross explained the rolls of the different organizations involved in the project. There are three organizations involved, Tompkins Cortland Community College (TC3), The TC3 Foundation (The Foundation) and the Faculty Student Association (FSA). The FSA is an organization that exists to provide support for college students for a lot of activities, athletics, etc. It has a board of directors (currently 17 people) comprised of faculty, students and staff.

It is the non-profit fundraising arm for the college and has existed for about 25 years. They have been very successful in fundraising efforts and hold property used by students.

The College has had a large number of individuals who want to come to TC3 and requesting housing. The College by resolution asked the Foundation to build another residence hall. There is a contract that spells out how the College and Foundation work together and under that the Foundation has asked the College to collect the deposits and room rent on behalf of the Foundation. The Foundation owns the land on which the housing buildings sit and has been owned by the Foundation for 25 years. They are the entity responsible for paying the mortgage. The FSA manages programs for students that are not covered by tuition and are funded in part by a student association fee. They manage the bookstore, the childcare center, the fitness center, the open swim program, athletics, inter murals, residency program, etc. The salaries for the resident life staff are not paid from student activity fees, but from revenue from students paying rent to live in the housing. The important distinction is that this is a stand-alone project. The rental revenues are used to take care of the mortgage, electricity, etc.

The proposed building will look a lot like the last building built in December. Instead of being L-shaped it will be one four story building. (Building was located for the audience on the site plan.) It will have a pitched roof, with a split-face block type exterior. The interior will be mostly four bedroom apartments (couple of two bedroom apartments) with a living room, full kitchen and bathroom. They are provided with cable television, local and on-campus telephone service, and high speed internet access. Each floor has a lounge and laundry area. The general construction is all masonry with load-bearing interior walls and split-faced masonry exterior. The building will have three sets of staircases (one in the center and one at each end) and an elevator. Floors and ceilings will be pre-cast concrete beams, much like that used in constructing hotels and motels. It will be rugged and durable. The heating system is gas fired baseboard hotwater. Fire protection includes a sprinkler system with coverage in all bedrooms and all occupied spaces. There is a fire alarm, both heat and smoke detectors, and a system that automatically calls fire control when there is a problem.

Bob Ross said staffing is important and speaks to the kind of program they have put together. Current staffing includes a director, Lisa Belokur, and an assistant director and both of those individuals are required to live on site, one in a house provided on site and one in Cortland Hall. There is a fulltime secretary and a 2/3 time maintenance worker on site. There is one RA on each floor (a student who receives free room) responsible for direct supervision and activities on their floor. Currently there is a total of 9 RA's. Cleaning and snow removal are contracted out. When the new building is completed there will be one more professional staff and four more RA's and they will move the maintenance to full time. He believes this is adequate staff on site to supervise the program. This is a "full-blown res life program" and they look at this as a living/learning center. Staff provides weekly educational programs on a wide variety of topics (date rape, drinking and driving, mental health issues, nutrition and cooking, etc). There are recreational programs such flag football and camping trips. There is a van service students can take advantage of that will take them into town to do grocery shopping, etc (in Dryden, Ithaca & Cortland).

With respect to safety concerns, fire drills are conducted regularly. Each RA participates in a ten day training program that covers first aid, personal counseling, and simple repair tasks. Security and discipline are linked and tied to the contract that each student signs and to the handbook which describes very specific rules for living in the residence halls. There is a residential life judicial process that handles minor infractions such as conflicts between room mates and individuals in the building. More serious rules include a two strike rule which applies to smoking in the building and drinking on the premises. If a student is underage the parent is informed of the infraction. The second time they are caught they are given 48 hours to pack and leave the premises and their deposit and rent is not returned. A

zero tolerance policy applies to the use or sale of illegal drugs or the creating of a false fire alarm and the Sheriff's Department is involved.

They have not involved campus security in working with disciplinary issues and crime in housing. They have a contract instead with the Tompkins County Sheriff's Dept. They provide additional patrols, interact with the staff, assist staff in training, run workshops for students and are present and address the students at student orientation.

Access to the buildings is controlled with a keypad. Room keys are set up so there is a key to the suite and a separate key to their bedroom. If the keys are lost, they have a system that makes it easy to change the locks and not compromise the level of security. Parking lot lighting was improved in the summer of 1999. Additional lights were added this past summer. The new parking lot will be adequately lighted. The new building (as well as the last one built) will have interior television cameras for surveillance cameras and has been proved helpful in the past.

They have a contract with a local physician to provide care for students who become ill. Emergencies are taken care of at either of the hospitals' emergency rooms. The college is looking into establishing a health center on campus.

One issue that has come up at meetings with local residents has to do with students leaving the housing complex and walking down Lee Road. Early in the 1980's a fence and gate were installed at the end of Lee Road and apparently that did not stop student traffic on Lee Road. At that time rose bushes were supposed to have been planted between Lee Road and the student housing. There are multiflora rose in the field, but it is not enough to stop foot traffic. There was a dirt road that went from Lee Road to the reservoir and that has been improved to a gravel based road and both sides are now mowed, opening it up more. They have reviewed all this and have agreed to add 20 feet of fencing to the left of the gates and in a couple of weeks they will transplant some of the multiflora rose to the front of the fence area so that it will be less likely that people will try to go around the fence. The point of vulnerability is that the gates are only 6 feet high and residents of the neighborhood have seen individuals climbing the fence. There is no plan to increase the height of the gate because of visibility from Lee Road. They will take a "wait and see" approach and if it continues to be a problem they may raise the height of the fabric on the chainlink fence to the east. There have been conflicting reports with respect to foot traffic on Lee Road.

With respect to drainage, residents of Lee Road have expressed concern about drainage and water run off from the student housing site into the back yards on Lee Road. They have taken the complaints seriously and invited those residents to walk the land with representatives of the college. On September 12 two members of the Town Board, Henry Slater, Dave Putnam, representatives of the college and representatives of Somerset walked through the backyards and up the hill to the student housing area to try and get a better idea of what was going on. They felt there might be one other area to add an additional diversion ditch to and are prepared to do that.

They have tried to place the building as far away from the residential area as possible and it will be masked by a lot of the other buildings in the area. The parking lot will actually be situate on college land instead of Foundation land. The College has leased that land to the Foundation for a long-term lease and both Counties have agreed to the lease. As part of the College's master plan the road to the parking lot from Farview Drive the road will eventually continue on, pass the proposed athletic fields and come out on Bahar Drive. That will give access to the student housing area via a road that is quite level.

Peter Vars of BME Associates, site engineers for the project, said that as part of the planning for the fourth building, one of the first things they did was meet with Henry Slater

and Dave Putnam to lay out the design as it related to some of the concerns that the Town had received from the Lee Road residents. The direction they were given was to insure that any runoff from the new development (and even addressing some of the drainage off of the existing facilities) would not be directed toward the Lee Road area, but to the northwest into an existing channel and eventually entering Egypt Creek. The natural drainage pattern is east to west. They are collecting any runoff from the proposed parking area and the existing building and putting it into a stormsewer system (located on the drawing). It will move westward between the college building and the christmas tree farm and enter Egypt Creek. A retention pond was constructed with the third building was erected and discharges through a swale to an existing large detention area that is controlled through a 12" pipe that discharges to the north and enters an existing ditch. The swale will be better defined to insure that the water reaches the detention area. All runoff will enter a new stormwater management facility (located on the site plan) which is designed to contain up to a 100 year storm event and control the outlet through the existing ditch and into Egypt Creek. An additional diversionary channel will also be constructed to divert any water from the reservoir site toward the christmas tree farm and into the system. The goal of the system is to direct all runoff to pass through the system as described and not exacerbate any existing runoff problems the residents of Lee Road have.

Supv Varvayanis said that a 100 year storm event was more than they were required to do, but it does not cost that much to do more and he asked how much percentage-wise over the 100 year storm event they were. P Vars said the system was designed to be the equivalent of a 100 year storm and if that were to occur the runoff volume from the storm would be held within the pond without topping it's banks. He is not sure what additional storage capacity there is between that elevation and before they reach the top of the bank, but will calculate it and provide the information to the engineer.

Supv Varvayanis asked what it would cost to finish the proposed road and the response was that they really did not know what it would cost to finish it (about a mile) but there were estimates of \$70 to \$100 per foot. They have recently received approval from both counties to proceed with the design work on the athletic facility, fields and the road and should be ready to go to bid next summer, contingent upon a capital budget within the State University of New York and allocation of the funds needed for construction.

Cl Michaels stated the site plan specifically identified some trees, but there were areas that were not identified (surrounding the parking lot) and was told that was existing vegetation. There are some mature trees that they would like to save and the intent is to keep it in its natural state to help screen the parking lot.

Cl Michaels asked them to describe what the view would be like looking up the hill at the site. The finished grade of the new building, the first floor elevation, will be at the approximate same grade as the third building. This is to soften the elevation, recognizing this is a four-story building, and the roof line will be lowered.

Cl Grantham asked if any of the neighbors had complained about students parking on Lee Road and walking in to campus. Joe Macrina of 49 Lee Road said they haven't had anyone parking, but on the weekends at 2:00 or 3:00 a.m. a car will come up the street because they think they can get through to the dorms. You hear their radio and then they put on the brakes because of the gate, turn around and go back down the hill.

D Weinstein asked whether the fire trucks could reach the 4<sup>th</sup> floor of the building and was told that they could. The Foundation has made some adjustments to the sidewalk so that the truck can have better access. They are looking into having a stand pipe incorporated in the building for easier access for the fire hoses.

RJ Calale, 47 Lee Road, has wanted to know the catalyst behind the project and how it relates to students that go to local high schools and residents of Cortland and Tompkins Counties that seek higher educational opportunities. He asked what it offers other than being a facilitator to a great sports program or revenue generator. At the neighborhood meetings they have discussed issues of drainage, traffic, fences and security. He wondered how the Foundation could contract and pay a Sheriff's Department, that is basically subsidized by tax dollars and is a service that everyone should benefit from, and he wonders how that service would be spread thinner in a time of need when other residents as well as schools might need service. There is a concern that there is a security system with a camera, but there is no one watching it. If there is an emergency they need to know what is happening at the time. It has been noted in the news media that there is not enough funds to support more than four or five cars at any given time. They are also concerned about future buildings, the upkeep of those buildings and maintenance of the road. Another 400 students means more wear and tear on the school. He asks where does this all benefit the taxpayer and says that he thinks the school is losing it's focus. He said the school should be competing for the residents of the two counties with programs that are marketable, income generating programs for residents who want to send their children to TC3 as a county community college rather than sending them elsewhere.

Supv Varvayanis noted that this hearing is for review of the site plan. Bob Ross stated that TC3 is a part of a system of 64 campuses in the State of New York, 30 community colleges, and it is designed to provide students the ability to attend other colleges and that is why they have the "charge back" system. If a student from Broome County attends TC3, Broome County has to contribute some money to the operating budget of TC3 and some money for the capital infrastructure of the campus. They believe that an athletic program will attract students who want to continue to play sports after high school and will keep county residents from going to other community colleges. Over 50% of the community colleges in the state now have near campus housing facilities for students who do not wish to live at home while attending college. In order to keep taxpayer dollars from leaving the county they need to be competitive in the market and in the process it does attract students from outside Cortland and Tompkins Counties.

RJ Calale said there are 400 minors in the housing facilities. He has had a discussion with a local deputy who said they are not sure if there was an emergency in another part of the County that they could give the best service possible to TC3 and the contract does not necessarily give TC3 priority. Bob Ross said that might be true, but that every single day the Sheriff's Dept does drive through the property and on critical nights, mostly weekends, they stop and spend time. Their presence is a deterrent and they participate in orientation and other programs. When there is a problem, they are there as soon as they can.

Jeff Walkuski, resident of Lee Road, said he is also concerned about security and asked who was ultimately legally responsible for any illicit activity that occurs on campus. B Ross said the Foundation would be responsible with respect to the housing units because it owns the property and they have comprehensive and liability insurances. J Walkuski stated he does not feel the issues of security have been adequately addressed. He also stated that any foot traffic on Lee Road is unacceptable. He has seen the students walk up and down the road and he does not feel safe and does not want his children outside. He doesn't like people he doesn't know walking up and down his road.

With respect to security at the housing facilities, it was noted that campus security were security officers and not peace officers. They are not armed and do not have arresting power and are college employees, not Foundation employees.

Supv Varvayanis closed the public hearing at 8:14 p.m. and the board began deliberations on the TC3 Foundation application. Dave Putnam stated that he has reviewed

the site plan. There needs to be some minor revisions and they are in the process of working out the fine details, but the overall plan and the routing of the storms is all in there.

Cl Grantham stated that the board approved a special permit for a building last year and at that time asked what the future plans for expansion were and the Foundation indicated there were no plans for expansion. She does not necessarily object to the project, but under SEQR the board is supposed to consider an entire project in its entirety, even if it is phased over a period of years. She has asked the County Planning Department about what the board should do to consider cumulative effects from the previous project combined with this project. The board has a responsibility to look at cumulative effects from the combined project and to ask the Foundation what it's future plans are for the area. The County has recommended that be received in writing. D Putnam said the drainage plan does take into the cumulative effects from the entire site.

C Haines said that the last application did consider a second building, but they were uncertain whether there was a need for it, but a fourth building was always a possibility. He stated there really isn't any room in this area to do anything more and he will be happy to put that in writing.

Board reviewed and completed the long environmental assessment form for the project (contained in project file).

**RESOLUTION #190 - NEG SEQR DEC - TC3 FOUNDATION, INC.**

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

**RESOLVED**, that this Town Board hereby accepts Part 1 of the Environmental Assessment Form for the TC3 Foundation, Inc. project as adequately completed and hereby issues a negative declaration based on the SEQR review for the application of the TC3 Foundation, Inc. to construct a four-story, 132 bed student housing facility at 24 Far View Drive. This is an unlisted action and the Town of Dryden is the lead agency in uncoordinated review. The Supervisor is authorized to sign all necessary documents.

2<sup>nd</sup> Cl Hatfield

Roll Call Vote	Cl Hatfield	Yes
	Cl Stelick	Yes
	Supv Varvayanis	Yes
	Cl Michaels	Yes
	Cl Grantham	Yes

Atty Perkins stated that ZO Slater had provided board members with a copy of the Town's Ordinance Section 1301(2) and advised the board that it would be appropriate if in their discussion the board addressed all of the points listed and use them as a guideline for their reasoning. He said that the definition of a special permit is an authorization of a particular land use which is permitted in a zoning ordinance, subject to requirements imposed by the ordinance, or in this case the board, to insure that the proposed use is in harmony with the zoning ordinance and will not adversely affect the neighborhood if such requirements are met. The conditions which can be attached are those which are directly related to and incidental to the proposed special use permit. Since the Board has reserved to itself the right to grant or deny special permits as a legislative body, the only standards they are governed by are those in that section of the town law and that they not be arbitrary and capricious and that they be reasonably related to the permit.

Section 1303.2(a) refers Section 1303.1 which deals with the completeness of the application and board determined the application was complete.

(b) Whether the location , the use, and the nature of the intensity of operation will be in conflict with the allowed uses of the zone or neighborhood. - No.

(c) Whether the use will be more objectionable or depreciating to adjacent and nearby properties (by reason of traffic, noise, vibration, dust, fumes, smoke, odor, fire, hazard, glare, flashing lights or disposal of waste or sewage) than the operation of the allowed uses of the zone. - No.

(d) Whether the use will discourage or hinder the appropriate development and use of adjacent properties or neighborhood. - No.

(e) Whether a non-residential use adjacent to an existing residential use shall be screened by a landscaped buffer strip or suitable fencing. - No, buffering is adequate and it is a residential use.

(f) Whether health, safety and general welfare of the community may be adversely affected. - No.

Board discussed conditions and they shall include all prior conditions and approval by the Town Engineer of the stormwater management plan, addressing the cumulative effects. Attempts shall be made to control glare from lighting. Applicant will provide a letter stating the Foundation's future plans to the best of their knowledge.

**APPROVE SPECIAL PERMIT MODIFICATION - TC3 FOUNDATION**

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

RESOLVED, that this Town Board hereby approves the site plan modification by TC3 Foundation, Inc. to construct a fourth student housing facility at 24 Far View Drive, subject to the following conditions:

- 1) Prior conditions, including standard conditions of approval, shall apply.
- 2) Approval by the Town Engineer of the stormwater management plan, addressing the cumulative effects.
- 3) Glare from lighting shall be controlled.
- 4) Applicant shall furnish a letter to the Town Supervisor indicating their future plans, if any, for further development of the area.

2nd Cl Michaels

Roll Call Vote	Cl Hatfield	Yes
	Cl Stelick	Yes
	Supv Varvayanis	Yes
	Cl Michaels	Yes
	Cl Grantham	Yes

**RESOLUTION #192 - APPROVE ABSTRACT #110**

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

RESOLVED, that this Town Board hereby approves Abstract #110, as audited, vouchers #668 through #729, totaling \$370,111.29.

2nd Cl Stelick

