



Atty Perkins - in addressing the criteria in Section 617.11 you may want to refer to different documents and statements which have been presented. The ones that would be appropriate to consider are 1- the long form environmental assessment form; 2- a copy of a letter from the Commissioner of Planning, Frank R. Liguori dated Sept 4, 1985; 3- the statement from the Town of Dryden Planning Board dated August 27, 1985; and 5- the memorandum to the Dryden Town Board by the developers dated Sept 4, 1985 with the attachments a, b and c and two appendices a and b. The attachment c being another memorandum dated August 22nd. The memorandums and attachments are the product of the developer. The Board may feel free to accept, reject or modify any part of those statements as part of your decision making process. If any other statements have been filed or any other comments that have been received by the Town Board, you can also take those into consideration.

Atty Perkins - going down the check list for the criteria in answering the criteria someone should make a comment on the record to each for each part and some can be taken together.

Section 617.11 (1) - a substantial adverse change in existing air quality, water quality, or noise levels; ---

Clm Schlecht - lets make it clear which site we are talking about. This new site plan which has been moved approximately 600 feet from the end of Lee Road which has been revised 8-26-85.

Atty Perkins - for the record we should reflect the size of the project and its development location with its existing physical features.

Supv Cotterill - it sets east of the east line of the TC 3 building itself. 600 feet from the end of Lee Road and is 189 units consisting of two buildings three stories high and will have parking lots and will be landscaped.

Clm Schlecht - as far as change in the water and air quality, does not feel that it has never been an issue. As far as noise levels go, it is 600 feet from the nearest residence and 50 to 60 feet above. He cannot see any problem with the new proposed location.

Atty Perkins - (1) ---- whether there is a substantial adverse change in solid waste production; ---

Supv Cotterill - it would be hooked into the public sewer and arrangements would have to be made about garbage pickup.

Atty Perkins - (1) - whether there is a substantial increase in potential for erosion, flooding, or drainage problems; ---

Supv Cotterill - this has been a concern, and the Board has to determine whether it is properly designed.

Clm Garlock - as he understands it the developer has agreed to make sure the runoff situation will be no worse than it is at the present time.

Supv Cotterill - the developers stated they can control it to zero increase.

Clm Schlecht - the peak rate of runoff from the project is a standard procedure that developers and engineers have to go through with the increase concern in flooding. There is no reason why a particular site like this, if it is designed properly that the rate of runoff from the site in question should be any greater or will not be any greater than the peak rate of discharge currently. He felt that as part of our special permit process that if you are so inclined there will be a condition that the procedure for having the Town Zoning Engineer do the calculations, and make sure that it is done properly. There is nothing unusual and quite common and does not see any reason why if the Board makes sure the design incorporates it that there should be any increase flooding or relations to drainage.

Atty Perkins - (2) -- whether or not there will be a substantial significant effect on the environment by the removal or destruction of large quantities of vegetation or fauna; the substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; --

Atty Perkins - obviously there will be some condition in the site now where it is overgrown crop land with some Christmas trees planted. The part that is not developed at all will be planted back to lawn.

Tim Buhl - anything that is not paved or where a building is will be lawn.

Atty Perkins - (2) -- whether or not there will be a substantial adverse effect on a threatened or endangered species of animal or plant or the habitat of such a species; ---

Clm Evans - there was no reason that he knew of and all of the Board members agreed.

Atty Perkins - (3) -- whether this action will have a significant effect on the environment by the encouraging or attracting of a large number of people to a place or places for more than a few days compared to the number of people who would come to such place absent the action; ---- He felt that the intent here is to address the question of rock concerts, or large events such as that. You might make the determination as to whether you feel that 48 units, even if they were all full, means a large number of people.

Clm Schlecht - a large number of people compared to what? It has to be relative to something. A large number of people compared to ones going to TC 3 - no, a large number compared to that part of town the answer would be no, a large number to what is there now the answer would be yes. If the question is read in context then they would assume it would be like rock concerts, etc.

Atty Perkins -- (4) -- whether or not the action will have a significant effect on the environment by the creation of a material conflict with a community's existing plans or goals as officially approved or adopted; -- you will note from your zoning ordinance that this is an allowed use by a special permit in this zone. You might also refer to the special permit application memorandum dated Sept 9th. There was one area where he could find where there was a potential deficiency in the plans and that had to do with the number of parking spaces, because the density as far as the use goes does not come anywhere near the threshold established by our ordinance and this memorandum correctly points that out. Including the lot to be covered by buildings, it is nowhere near what could be put there, under allowed uses, even a use without a special permit. Also, the size of the units, they are large enough according to our Town Ordinance. You might want to consider the fact that all of the setback requirements have been met on the special permit application. The special permit can be granted on the condition that all other area and density requirements of the ordinance have been met. You cannot vary that as far as this Board is concerned. You need to make some decision or position of finding with respect to #4.

Clm Garlock - there is no question that they are well within the limits.

Atty Perkins - (5) whether or not this action is likely to have an impairment of the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character; ---

Clm Schlecht - felt that question was not relevant, there are no historical, archeological, architectural or aesthetic resources that he is aware of.

Atty Perkins - that is basically because of the condition of the site.

Atty Perkins - (6) -- whether or not the action will have a major change in the use of either the quantity or type of energy; --- this has been answered in the long form environmental assessment form (you can ask the developers if you have any other question)

Clm Garlock - wanted to know what source of energy would be used.

Tim Buhl - right now they are looking at electrical heat. They have met with NYSE&G and they can see no problems with serving the project with electric or gas if necessary.

Atty Perkins - (7) whether or not this action will have a significant effect on the environment by the creation of a hazard to human health or safety;

Clm Evans - does not see any problem because there will be not traffic to Lee Rd area and that was one of the concerns that was expressed and addressed.

Atty Perkins - (8) -- whether or not the action has a significant effect on the environment by a substantial change in the use, or intensity of use of land or other natural resources or in their capacity to support existing uses; ---

Clm Schlecht - felt what this paragraph was referring to may be more relevant to coming up with a new use or change in water. It is just over grown crop land now.

Atty Perkins -- (9) -- whether or not the action will have a significant effect on the environment by the creation of a material demand for other actions which would result in one of the above consequences; ---- Is there likely to be a demand for other actions of this character or a different character by this action itself. That can be anything from expansion of number of units, to a convenient store or anything else there. That is as wide open as you can get. There are not any identified that he knows about. The action they are talking about here is the action which might be subject to SEQR as to whether or not there might be other actions which might tend to have a significant environmental impact.

Clm Evans - cannot see how there can be with having its own SEQR review.

Atty Perkins - that is what they are trying to do now with this question in case there are any identified nor or likely based on this action so that we don't overlook long term decision making. The action is construction and then use. If this was implemented in would automatically or likely create a material demand for other actions which might be subject to SEQR.

Clm Schlecht - cannot foresee what might happen by passing this causes demand for something else which might have an adverse effect.

Atty Perkins - an example might be if you gave a permit to mine gravel and the permit did not include counting a crusher, etc. Everyone might not think that was the next logical step. It needs to be addressed to all of the things at one time, if they can be identified. If you can't identify them you just have to answer the question on the facts you have.

Clm Schlecht - could see no problem.

Atty Perkins (10) - whether there are changes in two or more elements of the environment, no one of which has a significant effect on the environment, but which when taken together result in a substantial adverse impact on the environment: ----- this is similar to the last question that was addressed.

Clm Webb - does not see where it is going to demand anything except maybe another building if they are ever going to expand. It doesn't demand anything as far as he can see. It obviously isn't farm land once you put a building there.

Atty Perkins - the position of the Board then is that there are no changes in two or more elements in the environment: taken together have that effect.

Clm Webb - that is correct

Atty Perkins - (11) -- whether there are two or more related actions undertaken, funded or approved by an agency, no one of which has or would have a significant effect on the environment, but which cumulatively meet one or more of the criteria in this section; --- this is a Type I action so that the answer would obviously have to be no.

Atty Perkins - once the Board has made a decision on each criteria you take the sum opinion of each item and make your determination whether or not based on your review of the criteria. Your decision should refer to it you want one or any of the different attachments. The ones that you think are important and you wish to adopt. You might want to take a minute to review the statements mentioned earlier including the statement from the Planning Board, which addressed their concerns of drainage, increased runoff, the location of the road, and the location of the site. Attempts have been made to meet those. The same would be true for the Commissioner of Plannings letter dated Sept 4th and the long form Environmental Assessment form which there is a question that is marginal as to whether it should be a long form or a short form. The short form could have been sufficient since it is an unlisted action. The developer did fill out the long and was not sure if it added more than the short form would have except that it does look at different questions which have been presented. You can either accept or reject any part of the developers answers.

Supv Cotterill - his personal opinion is that the most important part is controlling water runoff. The Planning Board states that drainage and increased runoff were a concern as originally presented. The developers have come up with a detailed drainage plan which appears to meet the need. Any drainage plan, however, should be checked by someone having adequate technical expertise to analyze such a plan. The County Planning Dept stated that they approve the revised location of the alternate siting approximately 600 feet further east as being the most appropriate to reduce the impact on the residents of Lee Rd.

Clm Schlecht - having gone up there to look at the site, is a long way from the nearest house. He felt that the residents concerns have been warranted and not irrational at all. The developers have come a long way from the original proposal. He notes that it is as nearly as far from TC 3 as it is from the nearest house. He asked the developers if there was going to be any pedestrian access or any access from the housing project to Lee Rd? or any future plans?

Tim Buhl - no, they do not have any plans.

Clm Schlecht - according to the environmental impact statement you have to judge how it will effect the environment. There are 2 or 3 major concerns as he sees it as to whether or not it is going to be mesh between this and the neighborhood and where the site is. He sees that as being minimized. Secondly, the storm drain runoff can be technically controlled. He can see no reason legally why we can't make sure that it is going to be controlled. These people have a legal right to dispose of their property and to make use of it. Our zoning allows it by a special permit and the Lee Rd people have to understand that. The Town Board is allowed to do this if they address certain concerns. If the site plan incorporates the areas that we want to see addressed and set up the mechanism and check that it is done, he does not see how we can turn it down.

Clm Evans - one of the most critical things that he sees of the environment is traffic. If the site is seperated from Lee Rd and there will not be any traffic in that direction there should not be any problem. It would also appear that although this isn't going to be a public road, he would assume that the majority of the traffic wouldn't even go out on Livermore Rd but would come down the TC.3 complex itself. If that is the case then effective traffic on the whole current area should be almost negligible.

Atty Perkins - you need a resolution based on your findings you reviewed in the criteria and the long form environmental assessment form which was filed, along with the statement from the Dryden Town Planning Board, the statement from the Tompkins County Department of Planning and the memo to the Town Board with attachments and appendices including the memo of Aug 22nd. If the Board finds that the action does not have any environmental significance within that term as it is defined and interpreted under SEQR rules and regulations which promulgated thereunder.

RESOLUTION #167 ACCEPT STATEMENTS AND FORMS

Clm Garlock offered the following resolution and asked for its adoption: RESOLVED, that this Town Board accept the findings in the criteria and the long form environmental assessment form which has been filed, along with the statement from the Dryden Town Planning Board, the statement from the Tompkins County Department of Planning and the memo to the Town Board with attachments and appendices including the memo of Aug 22nd. The Town Board also finds that this action does not have any environmental significance within the term as it is defined and interpreted under SEQR rules and regulations which promulgated thereunder.

2nd Clm Webb: Roll call vote - all voting YES

Atty Perkins - for the special permit you have to meet SEQR rules and regulations. This is an allowed use with a special permit in this zone. The developer will have to go through our Article XIII, which is our speical permit process. The public hearing has already been held, another two meetings were held by the Dryden Town Planning Board with respect to this application. The items in Article XIII Section 1303.2 specific requirements -- In reaching a determination the Town Board shall consider the following (a) whether the requirements in Section 1303.1 have been met, which has to do with the application requiring certain types of information. You have before you the original application, also the plans including the revised plan which shows the relocation of this project, the same design but at least 600 feet further up the hill. Then you have to make a determination (b) whether the location, use, and the nature and intensity of operation will be in conflict with the allowed uses of the zone or neighborhood. -- (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; -- (d) whether the use will discourage or hinder the appropriate development and use of adjacent properties or neighborhood; -- (e) whether a non-residential use adjacent to an existing residential use shall be screened by a landscaped buffer strip or suitable fencing, which there already is a committment from the developers to do that. -- (f)-- whether health, safety and general welfare of the community may be adversely affected. In making these determinations you might want to go over them one at a time. If there are any conditions that the Board thinks ought to be made a part of the discussion can be addressed at that time. The first on is Section 1303.2 (a) whether the requirements in Section 1303.1 have been met; - this basically has to do with the name of the applicant, description of the premises, proposed use, including parking facilities. He notes that the ordinance requires 1 parking space for each bedroom and this Board does not have any authority to require any less. A legible sketch drawn to an approximate scale showing size of building or structure and location on premises. -- The sketch is that of the revised plan dated Aug 26th which the Board will be acting on. -- Sewage disposal and water supply facilities existant or proposed, together with Tompkins County Health Department certification; -- those will be handled through the municipal system; -- the use of premises on adjacent properties; - you are aware of that because of the plans and the public hearings. -- a statement from the applicant appraising the effect of proposed use on adjacent properties and development of the neighborhood. -- There are two different memos from the developer and in your determination under this section you have to either accept or reject this memo. Another memo from the Lee Rd residents to the Town Planning Board and Town Board addressing their concerns of a decrease in adjacent property value, increase in Lee Rd pedestrian traffic, excessive noise, close proximity to Lee Rd residential property, loss of privacy, negative environment impact, potential safety hazard to children, potential trespassing and property damage, future expansion, immediate population expansion, fire control and excessive water runoff.

Atty Perkins - would assume that these will be complied with, but it is up to the Town Board to make that decision. You have to make certain the determination as to whether those Section 1303.1 requirements have been met.

Clm Schlecht - 1303.1 under specific requirements that the Tomp Co Health Dept has to certify that the sewage disposal and water supply facility is adequate, felt that the Town Board should make special note that in relation to the problem with water pressure, and that the developers be required to present to the Health Dept and to the Town Board for review the necessary information to ascertain that the dumping facilities will be adequate and will not adversely effect the Lee Rd residents. At the same time we review the runoff and also note for the record that the Health Dept will do it anyway, so that it will not be just the Town of Dryden, and independent agency, that will be looking at it.

Atty Perkins - as far as the village and town are concerned this should be clearly understood that the maintenance of this pumping arrangement will not be the responsibility of the village or the town. It will be the developers expense, that is not to become part of the public system. They maintain the pump and electricity to run it, etc as their operation until such time water and sewer will be available. One of the conditions that is important for the town and village both, is that they are not going to be allowed to hook-up to the village water or sewer facilities until those plans have been met.

Clm Schlecht - the conditions for the sewage disposal and water supply facilities should be approved and certified by the Tomp Co Health Dept and the Town of Dryden. The other condition is parking facilities as far as the number of units and size of parking facilities to met the zoning requirement of one space per bedroom. Wanted to know how many students per bedroom?

Tim Buhl - 189 spaces all total required by the ordinance, which is 1 student per bedroom.

Atty Perkins - wanted to point out at this time that the developers can go to the Zoning Board of Appeals and ask for some relief on the required spaces which may or may not happen if the runoff is of a concern. The less paved area that you have would be that less of a collection area and more chance for absorption. The Town Board does not have the authority to change the required parking spaces. The parking facilities, setbacks and density and coverage all have to be met. They nowhere exceed it by the plan.

Atty Perkins - 1303.2 (b) you must consider whether the use, location, and the nature and intensity of operation will be in conflict with the allowed uses of zone or neighborhood.

Supv Cotterill - this is an allowed use.

Clm Schlecht - multi-family is an allowed use in this zone by a special permit.

Atty Perkins - dwelling units with more than three unrelated persons are allowed uses by a special permit. ----- whether the location, the use and the nature and intensity of the operation will be in conflict with other allowed uses, not the one you are discussing.

Clm Evans - within the zoning ordinance.

Atty Perkins - yes, under an RC Zone and the RC Zone is the most wide open zoning you have.

Supv Cotterill - read the allowed uses in a R-C Zone under Section 801 and 802.

Clm Evans - wanted it assured with the permit that this site will not have any connection to Lee Rd. The topology there is not appropriate for any access but would like to add that as a requirement within the permit. That no vehicle or pedestrian access would be allowed from this site to Lee Rd.

Supv Cotterill - we have to say is across the village line.

Atty Perkins - Section 1303.2 (c) -- whether the use will be more objectional 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. -

Clm Schlecht - could think of a lot of allowed uses that will be a lot more objectional and that that it would not be objectional.

Atty Perkins ---- (d) --whether the use will discourage or hinder the appropriate development and use of adjacent properties or neighborhood. ----

Clm Webb - half of it is TC 3 itself and it certainly shouldn't effect TC 3. You are only talking of land above and below this development. This you don't know if it will effect the people on Lee Rd, if there is enough noise there to effect the sale of a house. The Board has looked at the site and feels that it will be shielded enough not to be that noisy. If you talk about the sale of property and whether it would affected, the Board could not judge that question. The only land

that would be effected would be where the Christmas trees are located.

Supv Cotterill - this development will have to have water and sewer and felt that there will be more applications for development in this area over the next 10 years.

Atty Perkins - the question is will this use discourage or hinder development?

Supv Cotterill - there will be applications for houses and development and doesn't see where this will change anything that is developable. It will happen whether or not this building is there or not. There will be applications for houses to the village and applications for this parcel we are discussing tonight. Both the town and village will see development there because there will be water and sewer.

Atty Perkins ---- (e) whether a non-residential use adjacent to an existing residential use shall be screened by a landscaped buffer strip or suitable fencing.

Supv Cotterill - felt that there would be no problem if we require the buffer strip that is specified in our commercial zone adjacent to residential property.

Clm Schlecht - felt that we could still require some sort of multiflora rose in a certain location.

Clm Evans - felt that would be reasonable since they wanted some type of barrier that vehicles and pedestrian could not go through that area to Lee Rd.

Atty Perkins --- (f) -- whether health, safety and general welfare of the community may be adversely affected.---

Clm Evans - cannot see where it is, as long as we are guarantying that it is isolated from the current community and felt that the Town Board was doing that.

There was some discussion regarding the buffer strip. That it be planted and maintained and to be located starting with the southwest corner of the property at least 200 feet north along the west line from the southwest corner of the property and at least 500 feet east along the south line from the southwest corner on the south side of the property. The buffer strip meet the same specifications as required in the M-A Zone.

-- The developers will have to design the runoff as stated and the design and implementation will have to be approved by the Town's Engineer Gary Wood.

-- The developer shall build the road as shown on the plans according to the highway specifications and the design and exact location be approved prior to the construction by the Highway Superintendent.

-- The water and sewer hookups will have to be approved by the Village of Dryden.

Supv Cotterill - is it the Board's desire to issue a permit with all of the conditions mentioned. The Town is obligated to issue the permit if all of the terms have been met.

Clm Schlecht - wanted to go down the list because the residents from Lee Rd have spent a lot of time and effort. The Town Board and Town Planning Board have also spent a lot of time reviewing the plans and site.

--- vehicular traffic - did not see any vehicular traffic going down Lee Rd and felt that most of the traffic was going down Livermore Rd and back to TC 3 driveway. There would not be any more traffic generated than what is there now, infact there might be even a decrease in traffic.

--- pedestrian traffic - when the proposed site was 75 feet away he felt that there would be a problem, but felt that it has been moved back 600 feet and could not see any problem with the addition of the buffer strip. They would hike out to TC 3 property or drive their cars and felt that would happen before they would go down the step hill.

--- concern about planned expansion - for the project - any expansion has to go this same process that we are now doing and doesn't feel any great sense for this Board to allow any type of development closer than what has now been proposed. It may expand, but not any closer than what has been proposed.

--- increased flooding due to water runoff - it is a relatively inexpensive design mechanism that would allow the runoff to be contained in the parking lot, it can be retained on roofs, dry wells, have it perked down thru parking lots with an open drain in the asphalt, there are many ways that it can be handled,

--- water pressure to Lee Rd residents - can adequately addressed by the Health Dept.

--- closeness and proximity - it was formerly 75 feet way and now it is 600 feet away from the nearest property.

--- devaluation of the property - he would be worried to and can understand that, but have seen development in other areas with the same concern that has been expressed and have not seen that necessarily, plus this is an allowed use. It has always been an allowed use by a special permit and the concerns have been addressed.

When you balance off the possible devaluation which may or may not occur having not see a lot of it, if it is done properly and does not see it happening. The Town is obligated to issue the permit if the concerns have been adequately addressed. He has spent a lot of time thinking about this proposal and has not taken it lightly.

Supv Cotterill - the Board has covered all of the concerns and conditions.

RESOLUTION #168 GRANT SPECIAL PERMIT TO DRYDEN HOUSING  
GROUP

Clm Schlecht offered the following resolution and asked for its adoption: RESOLVED, that this Town Board grant a special permit to Dryden Housing Group to build (two) three story multi-family dwellings (total 48 units) to be located off Livermore Road with the following conditions:

- 1 - that the access road from Livermore Road be built to current town specifications and approved by the Highway Superintendent.
- 2 - that the drainage system be designed so that the site after development not be any greater than the peak rate of runoff compared to current runoff before development. Such design shall be approved by Gary Wood.
- 3 - that the site and project be as submitted in the revised plan of August 26th and a minimum of 600 feet away from any current residences.
- 4 - that a buffer strip, be planted and maintained and to be located starting with the southwest corner of the property at least 200 feet north along the west line from the southwest corner of the property and at least 500 feet east along the south line from the southwest corner on the south side of the property. The buffer strip to meet the same specifications as required in a M-A Zone.
- 5 - that the developer not make nor allow any pedestrian or vehicle access to Lee Road or the Village of Dryden. All access to the housing property must be through TC 3 land or along the proposed town road to Livermore Road.
- 6 - that the sewer and water connections be approved by the Cortland Road Sewer District, Village of Dryden and Tompkins County Health Department where required.
- 7 - that all other requirements of the RC Zone (i.e. density, coverage, setbacks, etc.) be met by the project.

2nd Clm Garlock

Roll call vote - all voting YES

Adjourned: 9:15 PM

*Susanne Lloyd*

Susanne Lloyd  
Town Clerk