

PLANNING BOARD  
October 25, 2018

Present: John Kiefer, Craig Anderson, David Weinstein, Deborah Cipolla-Dennis, Joseph Wilson, Martin Hatch, James Skaley (alternate)

Absent: Thomas Hatfield

Liaisons: Dan Lamb, Town Board; Peter Davies, Conservation Board

Chair J Kiefer opened the meeting at 7:00 p.m. and welcomed new member Deborah Cipolla-Dennis. He appointed J Skaley as a voting member for this meeting in the absence of T Hatfield.

Public Comment period for items not on the agenda – none.

Approval of Minutes – D Weinstein moved approval of the September 27, 2018, minutes, seconded by J Skaley. Aye – Kiefer, Anderson, Weinstein, Wilson Abstain – Cipolla-Dennis

**Wind Local Law** – The Town Board has asked the Planning Board and Conservation Board to review the town's local renewable energy law and provide comment. The Conservation Board has prepared a draft for the Planning Board's review.

Suzanne McMannis of Weaver Wind was present to discuss wind energy. When asked if there are people in town interested in installing wind turbine energy systems who are being held back by the town's current law she replied that she doesn't believe so. (T Hatfield arrived.)

S McMannis said that currently solar is easier for people for a residential system. They do have one local customer who has a hybrid wind/solar with lithium battery storage system and it takes care of all their electricity needs.

The current draft law suggests a height of 150' and 25 KW max and she was asked what the cost of that would be. She said wind is far more expensive and nothing competes with solar now. The largest they make currently is a 5 KW. Their flagship machine is 2 KW that they pair with a couple KW of solar for a 4-5 KW system with some battery storage to allow off-grid usage. She doesn't think a 150' tower is necessary around here. When drafting the Village of Freeville ordinance, they tried to help people identify siting considerations. You don't want to put a tower right next to a three-story barn or a silo. You want it 300' from any obstacle or feature in the landscape. It's more of a space requirement with wind to have it be optimally effective.

Peter Davies said the figures used in the law came from a study done by Tompkins County. They recommend 25 KW for the upper limit of what they call small. J Skaley asked if there are options for a larger farm (that would have more usage than residential). The County has a classification for medium systems. This document only refers to small systems, under 25KW.

The cost for a 2 KW system with storage and solar PV is about \$70,000.

C Anderson talked with the County about the study they did of locations in the county suitable for medium to large wind, mostly regarding farms. He was told they were disappointed because the cost of

electricity purchased on state bid was low and it blew the numbers out of whack. A farm can put up a renewal energy system (wind, solar, geo-thermal) up to 125% of their use with no permits. They don't need town approval for that as part of the Ag Law.

S McMannis said they had not looked for locations for small wind in Dryden. They did look at one site, but the property owner (who already has solar) wasn't ready. She said a useful way to think about wind is that maybe the site isn't great on paper, but wind and solar are complementary. The wind may blow harder in the winter and it also blows at night. A good wind resource would be an annual average of 11 mph. A 9-mph wind site might pick up the slack in the winter when the solar panels are covered with snow.

Noise from wind turbines – S McMannis said their turbine is not louder than the ambient wind. Technology keeps it from over speeding.

P Davies explained the wind law document the Conservation Board began with was the previous Dryden law. It was upgraded to accommodate larger wind turbines than in the original and for that he used data in the county documents. Considerations that other people have are mainly noise, so he created the criteria for noise based on documents previously distributed to members. The proposed law says a wind turbine should not double the ambient noise (3 decibels higher) of a neighbor. The proposed law has been approved by the Conservation Board and now the Planning Board has it to review and to come up with rules.

### **Comments/discussion**

- There needs to be an energy section in the Comprehensive Plan.
- Start with that section and add components to fit that piece.
- There is currently no one waiting to install a wind turbine.
- Listening sessions could be held and comments received via the web to gather feedback.
- Look at the objectives of what we are trying to accomplish and how to accomplish those.
- Amending the Comprehensive Plan and adopting a law with respect to wind energy could happen simultaneously.
- This could be done in time for developers to incorporate in their designs.
- Work on the Comprehensive Plan should not become a low priority.
- A residence will likely not put up a larger turbine than needed for its own usage.
- The Freeville law is simple and easy to understand; the municipality retains the power by the mechanism of setbacks.
- Up to a certain size could be allowed out of right; larger turbines would require a special use permit.
- The fall zone would be the height of the turbine plus 10'.
- What is the impact on property values if there are several turbines in a neighborhood?
- Help find solutions that appeal to people; that help cut back on carbon emissions.
- People can purchase renewable energy without having it in their backyard; they have choices.
- The draft law contains provisions about a circle drawn around the tower where no habitable building can be. The circle may help address the concern about property values. This section should be revisited.
- If an applicant meets the requirements of this document, they would not need a special use permit or variance.

- This change should follow a thoughtful item in the comp plan; no immediate need.
- There is a wind energy law on the books; these changes are not huge. They are changing the height and the idea that you need a special permit for each one.
- We need to put our house in order regarding the Comprehensive Plan.
- Without something in the Comp Plan, this wind law is essentially illegal.
- The Zoning Law is supposed to reflect your Comprehensive Plan.
- It should not take a year to get an energy component in the Comp Plan; we could borrow from what other communities have done.
- This could be reworked in the same manner that solar was.
- Items to be addressed would include renewables, energy efficiency issues, site plan review and SEQR process.

### **RESOLUTION #26 – REQUEST PERMISSION FROM TOWN BOARD TO WORK ON COMP PLAN AMENDMENTS AND A WIND LAW**

C Anderson offered the following resolution and asked for its adoption:

RESOLVED, that the Town of Dryden Planning Board hereby requests permission from the Dryden Town Board to construct and write a section on Energy to be inserted in the current Comprehensive Plan and to simultaneously work on a wind law for adoption by the Town Board.  
2<sup>nd</sup> M Hatch – all in favor

S McMannis encouraged the board to be visionary. Battery energy storage will be huge in terms of stabilizing the grid. Residential battery storage is exploding, and time of use rates will be coming in.

P Davies said there will be an increase in the number of people with electric cars. It will be useful to plan to have places to charge cars.

### **ZBA Request for Planning Board recommendation – area variances**

According to NYS Town Law 277 there is a requirement for the ZBA to get recommendations from the Planning Board. Both cases are looking for lot frontage relief and R Burger provided members with a copy of the Planning Department memo to the Zoning Board of Appeals for the matters to be heard on November 6, 2018.

**2085 Dryden Road** – This is a large 16-acre lot that contains the book auction house and extends from Route 13 out beyond the end of Scout Lane. It is zoned mixed use commercial on Route 13 and much of the southern portion is zoned neighborhood residential. There are small subdivisions on either side. The owner is seeking a frontage variance to subdivide and create two lots. The larger back lot would be accessed solely through Scout Lane.

Discussion/comment:

- Scout Lane ends abruptly; it could be converted to a turn-around.
- If more than a single residence was put on that lot, the requirement would be for a proper turn-around and making it a proper part of Scout Lane.

- Neighbors have likely been looking at this parcel as open space; can right of first refusal be offered to neighbors?
- Could there be a development with a common driveway?
- There is a wet area that could be offered as a conservation area.
- The frontage requirement is a mechanism for maintenance of semblance of open space in our town.
- This might be an opportunity for cluster housing.
- This is a request for massive relief.
- It is somewhat land locked.
- Scout Lane is a town road, built to town specifications and deeded to the town.
- An extension would need to be built to town specifications and if built, will need to be maintained by the town and so is an expense to the town.
- This is a neighborhood residential area and it is not inconsistent with the neighborhood.
- If a cluster subdivision was done the wet area could become a conservation area.
- Applicant could come to the Planning Board to discuss a development plan.

The Planning Board agreed to recommend that the Zoning Board of Appeals deny the application and that the applicant come to the Planning Board with a plan. The matter properly belongs before the Planning Board.

**257 Virgil Road** – Applicant would like to divide his property into two lots and is asking for 26’ relief on the frontage requirement on one lot.

Discussion/comment:

- There could be a shared driveway.
- This is large variance and sets a precedent.
- It is an excessive amount of relief.
- The plan doesn’t meet the criteria of road frontage.
- Don’t see the hardship.
- Line of site in that area is not good.

The Planning Board recommends that the Zoning Board of Appeals deny the application because it is an excessive amount of relief.

It was noted that it is good for the Planning Board to be aware of the types of cases the ZBA is hearing and the relief granted for planning purposes. R Burger said many of the cases they hear are for yard setbacks.

### **Planning Department Update**

R Burger reported that last month the **ZBA** heard a matter regarding 33 Quarry Road. The rock fabrication non-conforming use was approved for transfer to a modular home fabrication non-conforming use. The quarry site will be filled in over the years. There were conditions on the approval. It won’t be able to expand much beyond the present footprint of the current structures.

With respect to the Mineah Road appeal to rescind the building permits issued to Wawak, the ZBA said their jurisdiction was strictly to the zoning law and they found no reason to rescind under the zoning law.

S Lyon said the ZBA refused to hear the matter because they based their appeal on sections 200 and 1804. Even though they had the application 30 days ahead and published it and Mr Wawak's argument. They said they wouldn't take it on misrepresentation because only Planning Department had the privilege to use 1804, that it wasn't for citizens. One ZBA member said the comprehensive plan to them was more like a wish list. They don't understand why their voices were silenced.

R Burger said there were no firm numbers put into the zoning law with respect to steep slopes. While there was a general desire in the Comp Plan expressed to not build on steep slopes, that was translated in to the zoning law by having a conservation district with less dense development in those steep slope areas.

D Weinstein said the upside now is that it is back in the Planning Board's court to plan for appropriate rules for that road to protect the individuals there where there is low water availability and high erosion potential. The Planning Board can look at that and devise a change in the zoning to protect the people on that road.

**Telecommunication law revisions** – R Burger reported they are in the process of tweaking that in order to bring fewer of these actions before the town board. A special use permit for upgrades could be administrative in the Planning Department.

**Trinitas – Design Sewer Flow Rates** – The engineer for Trinitas initially submitted a report showing 76,000 produced per day. The initial calculations were based on accepted standards and when they realized that would push them over what TG Miller has said is the limit for how much Dryden can deliver to the sewage treatment plant, they came up with a new figure of how much would be generated per bedroom that is more than 30% below what the state standards said it should be. The standard is 110 if it is new plumbing, 130 per day per bedroom if it is pre-1994 fixtures and 150 gallons per day per bedroom if it is pre-1980 fixtures. Hunt Engineers, TG Miller & R Burger discussed what would be a rational number to use for estimating what this potential development would put out. TG Miller gave examples of recent development in the Town of Ithaca (actual use of the former Maplewood development of 75 gallons per day per bedroom). D Weinstein said the problem is we have to base it on standards and data. The data from Tompkins County is that an average apartment generates 108 gallons per day per bedroom.

J Kiefer agrees this seems inconsistent with well-established standards. It is not the Planning Board's project to approve but will get a chance to comment on it. It is not useful to have this discussion here. D Weinstein said everyone should be concerned about setting standards for calculating the impact of development on our basic systems, we need to require that we use accepted standards and be consistent.

M Hatch said the data is not clear and they need to do more work to get clearer data. R Burger said there will be more data when TG Miller does their SEQR analysis. J Wilson would like the Planning Board to be able to provide SEQR and site plan analysis at the appropriate time. There is not a completed FEAF at this point.

**RESOLUTION #27 – REQUEST SEQR AND SITE PLAN ANALYSIS FOR TRINITAS DEVELOPMENT  
APPLICATION**

J Wilson offered the following resolution and asked for its adoption:

RESOLVED, that the Town of Dryden Planning Board requests that it be asked to provide SEQR and site plan analysis on the Trinitas development application at the appropriate time.

2<sup>nd</sup> D Weinstein All in favor

**Sidewalk through Trinitas Development** - R Burger said the sidewalk from Route 366 through the development to the rail trail is calculated as green space. There is a 60% green space requirement for this project. The glossary definition of green space that talks about having the trails and sidewalks that connect to a park (the rail trail is a linear park) be counted in that green space calculation.

D Weinstein said that the Planning Board had recommended that connections to trails be considered as green space. He doesn't think it was ever considered that a nearly half mile sidewalk that winds through a development and eventually connects to the trail would be considered as green space under the green space umbrella. It seems to violate the whole idea. It's a slippery slope if you say that any sidewalk that connects to anything that might connect to a trail is part of green space. In this case, without including this 1800 feet of sidewalk, they don't meet their green space requirement and need to seek a variance.

J Kiefer pointed out that if the Town Board engages the Planning Board in SEQR and site plan review this inappropriate calculation could easily be one of the findings. R Burger said his interpretation of the definition allows for including the sidewalks.

M Hatch said it isn't clear that this is a sidewalk that goes to green space. It is idiotic to say that any sidewalk that connects to a trail is considered green space. It winds around through the development and goes to buildings.

T Hatfield said everyone who lives in the place, ADA restrictions or not, has access to the trail.

The board reviewed the route of the sidewalk from Route 366 stopping at the driveway. M Hatch said the only place there is access direct to the trail is in one spot. There needs to be a rational response; this is access to the houses and two different standards of thought. This is flimflamery. You can't say that this sidewalk is designed to go to the trail. It stops at the road.

**Planning Board Initiatives** – J Kiefer asked board members to each provide a list of items they think are appropriate for planning board initiatives related to updating the comp plan, various laws, and such that the board might devote its attention to. He will then compile a list and the board can then begin to prioritize and discuss how to engage the board. This will be discussed next month.

**Ag Site Plan Review** – There needs to be a decision about who will have jurisdiction over site plan review. Ag & Markets limits the time for review to 45 days. After discussion it was decided that ag site plan review should be done by the Planning Board. There is a certain amount of flux around what Ag & Markets says are the rules; it was 30 days and now it is 45 days. At the time an application is made the Planning Board will follow the Ag & Markets Law as it exists at that time. There doesn't need to be a new set of criteria; when things are found that are not applicable (i.e., bicycle racks) the board can say it

doesn't apply and simply move on. That provides more consistency and the board will stay current with Ag & Markets Law as it evolves. It would basically be done in one meeting. C Anderson said he will write that up and create a checklist. J Wilson will work on that also. The board has agreed to the definitions and C Anderson will circulate that completed document to the board.

Due to the upcoming holidays future Planning Board meetings will be held November 14 and December 19, 2018.

R Burger said that Khandi Sokoni, town attorney, wants to come to a future meeting to discuss site plan review by the planning board and have a question and answer period. He will arrange that.

Tompkins County has an energy guru (Andrea Maguire) who is working with grants and coaching businesses through an evaluation of their energy needs and how they can be met differently. Trinitas is currently working with them.

There will be a public meeting regarding EV charging stations on November 1 at Weaver Wind.

There being no further business, the meeting was adjourned at 9:18 p.m.

Respectfully submitted,

Bambi L. Avery