

PLANNING BOARD
November 14, 2018

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

Liaisons: Dan Lamb, Town Board

Chair Kiefer led a discussion about the proposed Trinitas development and Planning Board's desire to make recommendations with respect to SEQR review and site plan. There appears to be a lack of any useful information on how energy is handled in the Trinitas proposal. The board would like Trinitas to address the County 239 energy questions. (These questions could be incorporated into the town's review process after establishing a certain threshold.) R Burger reported that Trinitas knows that this is a deliverable and will convey that the Planning Board wants to see this as part of the site plan package. It will be added as part of the punch list. Town staff and TG Miller are working to determine whether the application is complete.

J Wilson said the town board has publicly stated they wanted to know everything Trinitas was doing with respect to energy. The goal is to try and get sufficient information, so the lead agency can make a decision. Are the impacts of what is proposed with energy significant? We need to ask questions that are not in the workbook. SEQR is a tool and we may still need more information.

M Hatch said a county committee discussed energy five years ago. What is different with this one is there isn't a significant report about sustainability for this project. D Weinstein said we have made an error in the past by not requiring a formal written document that explains what they are going to do in this area. We have seen a lot of the developments get sold and our agreement with the developer is not binding on a new owner.

It was suggested that this board come up with better energy related requirements associated with site plan review because there is currently no specificity about energy. That information should be gathered in a systematic, methodical early place in the process.

Trinitas is committed to electric according to R Burger, but have not specified use of heat pumps. Dan Lamb stated they said on the record that they will use heat pumps.

D Lamb said it would be great if we could address building without fossil fuels in the building code because it is a priority for the town board. The last five projects approved in the town are fossil fuel free. J Wilson said the town could capitalize on what the city and town of Ithaca have done about efficient building envelopes. Some of that is addressed in the 239 energy review. There is a policy to be codified in the city & town that creates a system for a developer to earn points for building to a certain level.

The Planning Board has volunteered to do SEQR analysis and site plan review analysis for the town board on the Trinitas project and that needs to be provided in a timely way. While the application has not yet been declared complete, the Planning Board should get its work complete. TG Miller is doing its review, will likely make a request for additional data in a week or so and Trinitas could respond by the end of the month. Everything submitted by Trinitas to date is on the website. The next town board

meeting is December 20. The Planning Board, after discussion, scheduled a special meeting for December 6 at 7:00 p.m. and Dan Lamb will confirm that the Town Board wants the Planning Board involved in the SEQR and Site Plan Approval process.

Special Use Permits to be introduced at Town Board:

Auto Sales at 117 North Street – (corner of Ellis Drive & Route 13) Applicant Dave Donlick is proposing a used car sales lot with up to 45 used cars on the lot. Both entrances will be utilized. There will be no repairs on site. The Planning Board's position is that pedestrian walkways should be provided by installing sidewalks or marking the existing pavement (and using curb stops or planters) along Route 13 and Ellis Drive. Perhaps they could tie the sidewalk into the Subway mall on Ellis Drive. It's a good opportunity to tie that area together. Any sign would need to be in accordance with the design guidelines. R Burger will convey the Planning Board's position to the Town Board.

Contractor's Yard at 450 Cortland Road – This application is for an existing building on a flag lot. The building sits well back from the road on a long driveway. A picture of a proposed sign was provided. Most storage will be inside. The use won't restrict the present use of neighboring properties (farm operations). It seems to be a good use of the property. While board members generally liked the sign as depicted, it must meet the current design guidelines. (7:51 p.m. J Skaley arrived.) Any outside lighting should be downward shining. There are no provisions for pedestrian traffic. If there is intent to invite the public, the board would like them to come back with more details. An area should be designated for employee parking. The Planning Department will go through the 30 items for special use permits and provide a memo prior to the next Planning Board meeting. The Planning Board agrees that this is a reasonably compatible use and R Burger will convey Planning Board's concerns to the Town Board.

Tiny Timbers is making some minor changes to their site plan (conservation subdivision at the corner of Freese Road and Route 366). Four lots have now been sold. Tiny Timbers is getting their utility plans and SWPPP in place. A lot of things are coming together, and conflicts are becoming apparent now so there are some adjustments to the site plan. Force mains for sewer, gravity mains, stormwater drains and piping, and water lines need to be installed. There was a meeting today to hammer out details. Major changes include a sidewalk going down Freese Road will now follow a more gradual contour to the top of a retaining wall above a new 15 space parking lot. The additional parking is provided at the request of people purchasing lots. Planning Board concerns include:

- Lighting (ground level) should be provided for parking/sidewalk due to safety issues.
- Stormwater practices in place include provisions to continue with the phase two development.
- Increased handicapped accessible parking spaces (2 or 3) in the main parking lot.
- Steps from the sidewalk to the lower parking level.

There will be a larger, more detailed drawing at next month's meeting. A permanent easement to use a portion of the neighboring parcel for the lower parking lot will be necessary.

Other Items of Concern

Construction prep near town hall - R Burger explained that is for a shed to be used by the Recreation Department to store equipment and some DPW equipment. It is exempt from site plan review because it is a public building. It will be pole barn style with wooden siding, two garage doors and lean-tos on

the sides to store mowing equipment. Because the size of the structure increased with the addition of the lean-to features, the permit now requires engineered plans. DPW staff will put it up with assistance from outside contractors at critical points. The board wants to make sure it is a pleasant looking structure.

Solar sites – The permit for the cell tower at 2150 Dryden Road has expired. Part of the protection for the nearby residents was that willow trees would be left intact. R Burger said the large willows in the creek bed can now be removed. There was a condition in the approval for the solar fields that if the cell tower did not go in the willow trees could be removed. There will be other screening between the solar panels and that resident's property.

Status of legal proceedings – R Burger reported there have been no pleadings from town attorney.

Sale of solar projects – R Burger reported the Ellis tract project has been sold to True Green Capital. The same contractor is still in place and they are finalizing plans. They still need a SWPPP, decommissioning plan and maintenance plan. Once the SWPPP is in place the civil work can start.

Drainage concern at 1540 Ellis Hollow Road – R Burger reported the driveway has been roughed in and signed off on by the engineer. The sub base is approved for use by fire trucks. The sub base has silt and with rain, though it is graded to shed to the interior of parcel, as stuff washes through it is coming out the bottom. C Anderson reported there is no silt fence on the property. There is construction material on the driveways and COs have been issued for two of the places. T Hatfield said this is a public safety concern given the rains and possible access issues by emergency vehicles. R Burger said there will be another inspection by the engineer when the final layer goes on. D Sprout will inspect the site tomorrow.

C Anderson asked that the Planning Department be more cautious about issuing occupancy permits when the only power is a generator or having a developer topcoat a road after everything is sold and no bond is in place.

D Weinstein noted that the Conservation Board has asked to play a bigger role in reviewing conservation easements when they are presented by a developer. The Town Board has authorized the Conservation Board monitoring the easements and the process.

Project Topics

Chair Kiefer prepared a list of topics (attached) suggested by members that will continue to be updated. Time will be provided at each meeting to review progress. Subcommittees can be formed to work on these topics. The scope and deliverables need to be clear on each that is chosen to be taken up.

Comments on the first three topics:

- Energy, emissions and building efficiency issues should be addressed in the comprehensive plan.
- Energy, emissions and building efficiency issues could be added to the application processes.
- We could adopt additional SEQR issues that raise those questions.
- The zoning law may need to be amended.
- The town attorney should be consulted for legal guidance.

- Site plan review generally only addresses items outside a building.
- Town attorney could be invited to a Planning Board meeting.
- There should be something that uniformly dovetails with SEQR across the town's boards.
- Can the town offer a point scheme for items such as heat pumps or density for increased density?
- Can you require heat pumps?
- The town should at least require whatever the current LEED standards and includes things other than LEED.
- The town's application could raise questions similar to the County's 239 review.
- The lead agency in SEQR can make decisions based on community values, etc.
- The town could add energy components to the check list for site plan review.
- The town could use incentivized zoning or have its own LEED program.

The subcommittee to work on the first three items on the list is Joe Wilson, Deborah Cipolla-Dennis, Jim Skaley and Dave Weinstein. J Kiefer asked that they put together a project plan using the documents the town has, think about what resources they may need, and put together an overall framework for the work they propose to do and then present it to this group as a starting point.

Update Use Tables in the Zoning Law – Review what requires a Special Use Permit and what doesn't. It seems that some of the things that require SUPs should either just be allowed or not allowed in certain districts. That would relieve the Town Board of some of those hearings and there should be a discussion of whether site plan review should be done at the Planning Board or Town Board. T Hatfield and Marty Moseley worked on this at one point. There are some items that could be administered by the Planning Department. J Kiefer will gather what he can find on this topic, organize it and bring it back to this group.

Definitions – J Skaley distributed a document to members for review. He believes some definitions need to be tightened up and some definitions are not in the zoning but are in other areas. There is no reference to the Varna components except for one section with no definitions. The definitions are in the Varna Plan but not in the zoning. This will be discussed further at the next meeting.

The energy piece is a pressing issue and imbedded in the bigger vision. Updating the comp plan could take a while and the energy piece should come first. J Kiefer suggested that the rest of the list might be rolled up into the concept of a general update to the comp plan. Then the task is to put together a scope for that update. You need to determine how the pieces fit together, what are the specific work elements that need to happen to each one and how we cause them to be drawn together so they relate to each other. It all needs to be written down and codified so that when the board authorizes an update to the plan there is a template for doing it.

M Hatch said the build-out of the town and where you put housing is an energy issue.

Fixing the definitions in the zoning law could carry through even after the comp plan is updated. There may be a list that was being developed by the former town attorneys. R Burger will check on that.

D Weinstein asked that the board recommend to the Town Board Craig Anderson be re-appointed for another term. He said that while he frequently disagrees with Craig about things, he

always finds his perspective to be useful in making him think about things that he wouldn't have thought about otherwise. He brings a lot to this board and it would be very valuable for him to continue on the board.

RESOLUTION #28 – RECOMMEND C ANDERSON FOR RE-APPOINTMENT

D Weinstein offered the following resolution and asked for its adoption:

RESOLVED, that the Town of Dryden Planning Board hereby recommends Craig Anderson for another term.

2nd T Hatfield - all in favor

R Burger reported the town currently has an RFP out for a consultant to do a housing conditions study. He asked for a volunteer to help evaluate the proposals. M Hatch will help with that.

J Skaley shared a list of residential multi-unit development sites in the county in various stages of development. It indicates there are 11,021 beds to be added across the county.

There being no further business, the meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Bambi L. Avery

Project Topics

Update the Comp Plan, Building/Zoning Codes, Town Application Templates, Site Plan Review and SEQR processes to incorporate energy, efficiency and emissions issues. Joe introduced this topic. Deborah expressed interest in participating, in particular on SPR and SEQR processes. Jim expressed interest in participating, in particular as related to new construction.

Updates to Zoning/Building Code sections that provide incentives to meet Town goals for things like energy use, affordable housing, accessibility, etc. Craig introduced this topic.

Update Small Scale Wind Turbine law. The TB asked the PB to provide recommendations. At our October meeting we reviewed a draft prepared by the Conservation Board. We agreed the law needs to be revised but we did not have consensus on urgency compared to other work before the PB. We should decide next steps.

Update the Use Tables in the Zoning Code to improve consistency and reduce the number of uses that require SUPs: Deborah introduced this topic noting that the TB asked us to work on this in 2016 and several PB members started work on it. At the meeting we'll summarize current status and set a direction.

As part of the zoning (town wide and Varna Plan) several definitions are problematic and need to be tightened up--that is something that shouldn't take too long and should be accomplished before going in depth in other parts of the zoning etc. Jim introduced this topic.

In preparation for the comprehensive plan rewrite, we need to compare the potential build out for the entire town, based on our current zoning, to our collective vision of what we want the town to look like in 20 years. We need to decide whether our general overall should still be "Preserve the rural and small town character of the Town of Dryden, and the quality of life its residents enjoy" or whether we are content to allow the town to become suburbanized, with distinctly non-rural areas, as our current zoning permits. David introduced this topic.

Update the Zoning Code related to agricultural enterprises such that it does not conflict with Ag and Markets Law. Craig introduced this topic. Current status: The PB has completed recommendations for definitions and recommends that the PB conduct Site Plan Reviews where applicable. Next step is for Craig to review PB recommendations with AAC. Then we need to work on scope of Site Plan Review.

Mineah Road Development Issues: Mineah Road residents have expressed concern with traffic safety, potable water resource capacity and storm water runoff associated with residential development in their neighborhood. Status: David is working with Mineah Road residents and has asked them respond in writing regarding what they are seeking in terms of zoning restrictions and allowable uses for their neighborhood. We await their reply.