

PLANNING BOARD  
December 19, 2018

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

Town Staff: Ray Burger, Planning Director  
Bambi Avery, Town Clerk

Liaisons: Dan Lamb, Town Board, Craig Schutt, Conservation Board

Chair Kiefer called the meeting to order at 7:00PM

**Public Comment:**

**Mary Ann Lutz**, 33 Lee Road, said they received notice from the Planning Department last Friday stating that the Town is considering allowing pedestrian traffic from TC3 down Lee Road. *[There was a condition in the special use approval for the student housing that there would be no pedestrian or vehicular access between Lee Road and the project.]* Currently there is a gate between foundation property and the dead end of Lee Road. They have been trying to find out who requested there be a change, and have not been able to find out who until this evening when Deb Mohlenhoff from TC3 President's office said that Dan Lamb requested the special permit language be changed to clean up the language. D Mohlenhoff said there is no plan to open the gate at this point. Residents are requesting that this vote be postponed. They have been led to believe that when there is a vote before the Board that they have the number of votes to approve. They received the note Friday, the meeting is Thursday, and many residents are out of town for the holidays. Tomorrow night is the village board meeting at the exact same time so village board members cannot attend. Our Mayor, Mike Murphy, did not know anything about this until he received a letter because he is a Lee Road resident. They feel something is off. They have been through this in 1985 and October 1, 2002. Deb Mohlenhoff said there have been many meetings village and town people attended, but couldn't give dates. They have had a hard time in the past with people jumping the fence and trespassing.

J Wilson asked for explanation of this topic. M. Lutz explained there is a 6' gate and 20' fence to the north at the end of Lee Road. In 2002 the Foundation planted multiflora roses to try to keep people from jumping fence and accessing private property on Lee Road and causing damage.

D Weinstein stated this was introduced at the town board agenda meeting last week and my recollection is that D Lamb had had meetings with the TC3 President and the President wanted to open this access and D. Lamb's feelings were that this would be good economic boon to the village to give the students an easy way of getting down town.

M Lutz – There is a van service from TC3 for the students to get to Cortland, Dryden, and Ithaca. This is a very narrow road, no sidewalks, poor lighting. She asked that the planning board talk to the town board and try to get them to postpone the vote.

**Sue Engel** – last house on right (next to gate). It is not a good time to open this. The gate is there for emergency access for vehicles, it is not meant for pedestrians or bikes. We had a berm there, but it was removed when there was emergency. We have dogs and we had put a gate and fencing up close to

TC3's gate. We have had many students cut around the gate. We put barbed wire up to prevent students from using that access. They have had a few students with jobs that traversed and were very respectful (few and far between). They come across all times of day and night. Students have gotten into verbal confrontations with her and her husband and have taunted the dogs. They were concerned for the safety of their young daughter while they were not home. They have witnessed videos being taken of an empty house at 11:30 at night, mid-December in a snow storm, smoking pot, leaving their garbage all along the street and at the fence. Two years ago, there were several incidents with people threatening neighbors at the bottom of the road (to kill them and their dog). They are concerned about safety, drug use, garbage, and are not in favor of opening it up at all. There are alternatives for transportation. Not knowing who, why and having enough information, please do what you can to postpone a vote.

D Lamb stated this is not an issue for the Planning Board, we have not asked you to. The town board will take it up tomorrow night.

M Hatch- The citizens are asking us to and it is public access. I am suggesting that if we want to take an informed position we need to have a little bit more information. The two people that presented have said they are concerned about what it is that is trying to be accomplished. We can't take a position without knowing what is trying to be accomplished.

J Wilson- We have an agenda and a major issue. It makes sense to give the community time to digest and it is not the Planning Board's place to take a position.

**D Bravo Cullen**, 28 Lee Road, recommend looking at the town website if you want to become more informed pertaining to this matter. The 239 from the Tompkins County Planning Department didn't do a very good job because they determined there is no negative community impact. J Bartsch wrote a letter that outlines these points and that is on the website. The gate is actually in the village and part of the Foundation property with no development in the village. The Village reservoir has been relocated and now the property is open for more dormitory development. If there was vehicular access it would become a short cut and this dead end quiet neighborhood is no longer a quiet neighborhood. Students coming through have been problematic.

D Lamb- TC3 is happy to address concerns. There will be no road. Reps from TC3 will come tomorrow night to the Town Board meeting.

Chair J. Kiefer – halted comments and wished them luck in getting it all resolved, but not at this meeting.

**Russ Benson**, 44 Lee Road – supports neighbors and doesn't want to see college student access to Lee Road. He witnessed an incident of 3 people coming up the road with a basketball. They turned and looked across the street at neighbor's property where there was a basketball hoop, they entered the driveway uninvited and played basketball. He is concerned if the road is opened that there will be more of this. There have been incidents of people being threatened. He wants to see Lee Road maintained as a quiet neighborhood.

Warren Currier, Jr – minor subdivision. This is a ZBA case and the Planning Board can weigh in.

J. Kiefer said he is not adding to the agenda the day of the meeting.

**Joe Osmeloski** – Said he is here tonight because of Mike Sigler, Tompkins County Legislator, who has made a plea to citizens to go to their individual towns and face this energy crisis we are having. He has a problem over in Lansing that is not our problem. But we have a problem in Dryden, too. Dryden has become so energy centric that it is blinded to what the board's purpose is. He proceeded to read the purpose of the planning board. This board, in my opinion, puts energy ahead of everything in this town. Chuck Geisler in his comments about the Trinitas application said he considers anything other than energy use as "side dishes" and only cares about use of fossil fuels. Dryden uses veiled attempts to extort the type of heating systems that it wants used. End the charade, the games that we play with these developers. Let's just ban fossil fuels in Dryden. If energy comes from a plant that uses fossil fuels that is not good enough.

**Approval of Minutes** of October 25, 2018, November 14, 2018 and December 6, 2018. The board discussed each set of minutes and agreed on minor changes to the December 6, 2018 minutes. M Hatch moved approval of these minutes, seconded by J Wilson. Aye – Kiefer, Anderson, Weinstein, Hatch Wilson, Cipolla-Dennis; T Hatfield abstained.

J Kiefer reported that Ray Burger is trying to set up a meeting for us with the town counsel, possibly in January. To make the best of time at that meeting, he suggested that members email topics for legal counsel to J Kiefer. For example, what is suitable for email discussion; whether the town has jurisdiction to make changes to NYS building code (such as increase requirements for insulation); limits of home rule; and topics that could be part of site plan review.

J Skaley- remarked there is an update from NYS Dept. of State that does in fact include energy conservation as a component of a site plan review checklist. It is not well defined.

J Wilson- There are also some changes in SEQR that take effect January 1. He recently heard that list had been pared down. What SEQR changes are mandated?

J Wilson is no longer liaison to the Agricultural Advisory committee. J Kiefer encouraged members to consider this opportunity.

R Burger - ZBA Town Law Section 277 that requires anytime a subdivision goes to ZBA for area variance they have to request a recommendation from the planning board. This one is a proposal for a 3-lot subdivision of a 3-acre parcel on 1932 Slaterville Road. Applicant is Habitat for Humanity.

- There is an existing dwelling that will be remodeled and they want to build two more dwellings on the site. Two lots are conforming and one will be a flag lot. The flag lot would have a shared driveway with one of the conforming lots.
- It won't affect the character of the neighborhood; already a dense neighborhood.
- ZBA has granted similar flag lots so there is precedent. D Weinstein would rather they come here first, not to ZBA.
- Planning Board doesn't have authority to grant because it is non-conforming.
- Not a good shared driveway configuration – should be one driveway at the road.
- Shift the position of the house on lot 2 so there is more space and pushed back.

R Burger- The ZBA could grant the minor subdivision and the Planning Department can take care of the rest of the items. The density, setbacks, and flag lot are consistent with this area. D Weinstein likes the idea of creating affordable housing. It is something we desperately need.

**RESOLUTION #30 -RECOMMENDATION TO APPROVE FRONTAGE VARIANCE 1932 SLATERVILLE RD**

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

RESOLVED, that the Town of Dryden Planning Board hereby recommends the ZBA approve this frontage change, as it is reasonable. 2<sup>nd</sup> M Hatch - all in favor.

**Building Energy Subcommittee**

The LEED reference in our zoning is obsolete. It would be a straight forward thing for us to recommend to the Town Board that they change the language in the zoning so that instead of referring to the “2009 version of LEED” that it say the “current version”. R. Burger suggested amending Section 706 in the Zoning Law to read “...according to the most current LEED Neighborhood Development protocol.”

C Anderson- We should ask that the Town Board include some funding so we can hire someone to go over LEED.

D Weinstein – A mechanism might already be built into the process of applying for a permit?

R. Burger- We do capture escrow accounts from applicants on major projects, which really stems from the stormwater law. There is a portion of the permit application that further explains that third party consultation by the Town (in the form of engineers and attorneys) will also be paid for by the applicant.

**RESOLUTION #31 - RECOMMEND TO THE TOWN BOARD A CHANGE IN LEED REFERENCE**

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

RESOLVED, that the Town of Dryden Planning Board hereby recommends the amendment of Section 706 in the Zoning Law to reference “.....In addition to the density permitted in the Varna Density table in Section 703, a density bonus may be awarded if a neighborhood development proposal achieves at least basic LEED certification according to the most current LEED Neighborhood Development Protocol”.

2<sup>nd</sup> D Weinstein - all in favor

D Weinstein suggested a committee be formed to start the process of figuring out our own LEED. M Hatch agreed.

**TRINITAS REVIEW**

J Kiefer – We previously talked about Trinitas Part 1, which was their description of the project. We had pages and pages of things that we believed were either missing or incorrect in the application. My understanding is those got passed along to TG Miller and then we saw a formal document from TG Miller to the developer which covered most of the things that we had talked about.

There are a lot of things that we believe are missing from the application, which makes it difficult for us to do a real SEQR part 2. When we encounter things in the list of SEQR part 2 that we do not know, we will just indicate we do not have data for this and move onto the next one.

C Anderson - Site Plan review – After the meeting they talked about bike racks in the parking garage, it would probably be smart to have a bike lane to/in parking garage.

J Wilson - Part 2 identifies potentially significant impact – where don't know, we can say they are potentially significant (moderate to large) pending receipt of information.

R Burger - applicant has some significant pieces to gather. It is doubtful they can get those to us by early January. He believes it will be well into January before we have a complete application.

J Skaley - Conditions – sketch plan: Include specific details of how the site plan complies with the Varna Community Development Plan adopted in December 2012.

With regards to the letter we received from K Hansen (Trinitas) dated October 23<sup>rd</sup>, initially K Hansen replied and cited two pages in the Plan on pages 19 and 20 and the quote she was looking at was on page 18, regarding the Varna 2 site. Part 1 in the Varna Plan states that these areas are undeveloped and when developed would cater to “family and students”. On page 27-I describing the graphic units could be for young professionals, students, or designed to help with demand for senior housing.

- What she was referring to is a section of the Varna Plan referred to as Varna Hollow, next to Route 366. Most of the development is located on the trail side section, which is going to house most of the units on a 12.6 acre parcel.
- The County's data is suggesting that the demand for rental housing has peaked for 3-4 bedroom units.
- Referring to DEC guidelines: Is consistency with community plans poses the following questions:
- How do the divisions and goals described in these plans compare with various elements of the proposed project? Do any elements of the proposed project conflict with vision, goals and strategies outlined in these adopted plans? There are 3 goals cited in the Plan – protect and enhance the hamlet character/develop a transportation system that is balanced, safe and equitable for pedestrians, cyclist and motorist/protect and improve the quality of life in the hamlet. Hansen and Trinitas have not referenced any of these goals in their letter or any other part of the presentations I have heard. Much of the plan discusses moving away from conventional zoning to character informed based zoning where projects are to be reviewed based on bulk and character related to and in harmony with the overall community character. Trinitas' 219 townhouse development essentially squeezed onto 5 parcels is at much higher density and out of character. The relate to the development at 902 Dryden Road as example, which is such a smaller scale. Zoning is based on structures per acre as adopted allows for this higher density- that zoning fails to comply with what is stated in the objectives of the Plan.
- The condition statement refers to the Plan, not to the zoning. The Plan distributes population based on number of bedrooms as part of the final plan in Section 4 of the Varna Plan.

- Trinitas fails to site part 4 of the Varna Plan which is a proposed final master plan, and which also distributes growth in a rational manner according to population or number of bedrooms in different character areas of the hamlet. That way the development is better integrated into the existing community. The buildout shows a total growth of 454 bedrooms, which is already exceeded in this one project. The trailside, where most of the townhouse units are proposed, indicates predominantly reserved for single family units with a few townhouse units. Trinitas is totally out of scale and fails to provide any individual single-family units or any of the home ownership as stated.
- The proposed action will cause the permanent population of this city/town/village to grow by more than 5%.

J Wilson – I don't see why we would do anything other than take their letter at face value. They say what they say, now we go and apply these criteria and answer these questions in part 2, which you're doing individually and then we are going to do it collectively. I don't see the purpose of hearing an individual's critique.

J Skaley – The other parts of the condition statement that are not going to be part of the SEQR, some of which they've met and some of which they have not met in the entirety. The things like providing car share, bus stop not complete, issues regarding sidewalk connections and where those are going to go, trails connecting community gardens, no information with regards to the operation of the community garden, traffic control features – exits that are not yet defined as far as I know. This is related to the approval of the sketch plan. This is information the Town has requested and has not gotten.

D Weinstein – It doesn't even go to SEQR if Trinitas cannot demonstrate that they have met the first condition of being in compliance with the Varna Plan. There was not going to be any project if they cannot demonstrate that. I have shown, point-by-point, that their arguments that they are meeting the plan are not valid. There is no reason the Town Board should say they have met the first condition.

Pointed out the distinction between SEQR and scoping questions.

Discussion ensued regarding TG Miller's letter the developer received and needs to respond to, and what happens with the developer's response. It is the Town Board's decision of what comes to the Planning Board for review.

### **SEQR Part 2 Identification of Potential Project Impacts**

1. **Impact on Land** – Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. *Yes*

a) The proposed action may involve construction on land where depth to water table is less than 3 feet. *No, or small impact may occur*

b) The proposed action may involve construction on slopes of 15% or greater. *Moderate to large impact may occur*

c) The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface. *No, or small impact may occur*

d) The proposed action may involve the excavation and removal of more than 1,000 tons of natural material. *Not enough data*

- e) The proposed action may involve construction that continues for more than one year or in multiple phases. *Moderate to large impact may occur*
- f) The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides). *Moderate to large impact may occur*
- g) The proposed action is, or may be, located within a Coastal Erosion hazard area. *No, small impact may occur*
- h) Other impacts: *Visibility – needs more renderings*

**2. Impact on Geological Features** – The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). *No (SKIP TO SECTION 3)*

**3. Impacts on Surface Water** – The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). *Yes*

- a) The proposed action may create a new water body. *No, or small impact may occur*
- b) The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water. *No, or small impact may occur*
- c) The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body. *Not enough data*
- d) The proposed action may involve construction within adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body. *Not enough data/Moderate to large impact may occur*
- e) The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments. *No, or small impact may occur*
- f) The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water. *No, or small impact may occur*
- g) The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s). *No, or small impact may occur*
- h) The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies. *Moderate to large impact may occur*

T Hatfield left at 8:50 p.m., J Skaley was appointed as a voting member in T Hatfield's place.

- i) The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action. *Moderate to large impact may occur*
- j) The proposed action may involve the application of pesticides or herbicides in or around any water body. *No, or small impact may occur*
- k) The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities. *Need more data/Moderate to large impact may occur*
- l) Other impacts:  
     Surface water- May create flooding on downslope properties  
     Need for hydrology study

**4. Impact on groundwater** – The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. *Yes*

- a) The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells. *No, or small impact may occur*

- b) Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. *No, or small impact may occur*
- c) The proposed action may allow or result in residential uses in areas without water and sewer services. *No, or small impact may occur*
- d) The proposed action may include or require wastewater discharged to groundwater. *No, or small impact may occur*
- e) The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated. *No, or small impact may occur*
- f) The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer. *No, or small impact may occur*
- g) The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources. *No, or small impact may occur*
- h) Other impacts:

**5. Impact on Flooding** – The proposed action may result in development on lands subject to flooding.

*Yes*

- a) The proposed action may result in development in a designated floodway. *No, or small impact may occur*
- b) The proposed action may result in development within a 100 year floodplain. *No, or small impact may occur*
- c) The proposed action may result in development within a 500 year floodplain. *No, or small impact may occur*
- d) The proposed action may result in, or require, modification of existing drainage patterns. *Moderate to large impact may occur*
- e) The proposed action may change flood water flows that contribute to flooding. *Moderate to large impact may occur*
- f) If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade? *Moderate to large impact may occur*
- g) Other impacts: *May create flooding on downslope properties  
Need for hydrology study*

**6. Impacts on Air** – The proposed action may include a state regulated air emission source. *No*

**7. Impact on Plants and Animals** – The proposed action may result in a loss of flora or fauna. *Yes*

- a) The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site. *No, or small impact may occur*
- b) The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the Federal government. *No, or small impact may occur*
- c) The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site. *No, or small impact may occur*
- d) The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government. *No, or small impact may occur*
- e) The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect. *No, or small impact may occur*



- f) The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. *No, or small impact may occur*
- g) The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site. *Yes, moderate to large impact may occur*
- h) The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. *No, or small impact may occur*
- i) Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides. *No, or small impact may occur*
- j) Other impacts: *No, or small impact may occur*

**8. Impact on Agricultural Resources** – The proposed action may impact agricultural resources. *Yes*

- a) The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System. *No, or small impact may occur*
- b) The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc). *No, or small impact may occur*
- c) The proposed action may result in the excavation or compaction of the soil profile of active agricultural land. *No, or small impact may occur*
- d) The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District. *No, or small impact may occur*
- e) The proposed action may disrupt or prevent installation of an agricultural land management system. *No, or small impact may occur*
- f) The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland. *No, or small impact may occur*
- g) The proposed project is not consistent with the adopted municipal farmland Protection Plan. *No, or small impact may occur*
- h) Other impacts:

**9. Impact on Aesthetic Resources** – The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. *Yes*

- a) Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource. *No, or small impact may occur*
- b) The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views. *No, or small impact may occur*
- c) The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round *Need more data*
- d) The situation or activity in which viewers are engaged while viewing the proposed action is:
- i. Routine travel by residents, including travel to and from work *Moderate to large impact may occur*
  - ii. Recreational or tourism based activities *Moderate to large impact may occur*
- e) The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource. *No, or small impact may occur*
- f) There are similar projects visible within the following distance of the proposed project:  
0-1/2 mile, 1/2-3 mile, 3-5 mile, 5+ mile *No, or small impact may occur*
- g) Other impacts: *No, or small impact may occur*

**10. Impact on Historic and Archeological Resources** – The proposed action may occur in or adjacent to a historic or archaeological resource. *No*

**11. Impact on Open Space and Recreation** – The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. *No*

**12. Impact on Critical Environmental Areas** – The proposed action may be located within or adjacent to a critical environmental area (CEA). *No*

**13. Impact on Transportation** – The proposed action may result in a change to existing transportation systems. *Yes*

a) Projected traffic increase may exceed capacity of existing road network. *Moderate to large impact may occur - Need more data*

b) The proposed action may result in the construction of paved parking area for 50 or more vehicles. *Moderate to large impact may occur*

c) The proposed action will degrade existing transit access. *No, or small impact may occur*

d) The proposed action will degrade existing pedestrian or bicycle accommodations. *No, or small impact may occur*

e) The proposed action may alter the present pattern of movement of people or goods. *Moderate to large impact may occur*

f) Other impacts: *Need more data (traffic study by independent organization)*

**14. Impact on Energy** – The proposed action may cause an increase in the use of any form of energy. *Yes*

a) The proposed action will require a new, or an upgrade to an existing, substation. *No, or small impact may occur*

b) The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use. *Need more data*

c) The proposed action may utilize more than 2,500 MW hrs per year of electricity. *Moderate to large impact may occur*

d) The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed. *Moderate to large impact may occur*

e) Other impacts: *Energy serve 219 units would be moderate to large increase demand for new energy.*

**15. Impact on Noise, Odor, and Light** – The proposed action may result in an increase in noise, odors, or outdoor lighting. *Yes*

a) The proposed action may produce sound above noise levels established by local regulation. *No, or small impact may occur*

b) The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home. *Need more data*

c) The proposed action may result in routine odors for more than one hour per day. *No, or small impact may occur*

d) The proposed action may result in light shining onto adjoining properties. *Need more data*

e) The proposed action may result in lighting creating sky-glow brighter than existing area conditions. *Need more data*

f) Other impacts: *Considerable noise during 17-months of construction*

**16. Impact on Human Health** – The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. *Yes*

- a) The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community? *Yes -Moderate to large impact may occur*
- b) The site of the proposed action is currently undergoing remediation. *No, or small impact may occur*
- c) There is a complete emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action. *No, or small impact may occur*
- d) The site of the action is subject to an institutional control limiting the use of the property *No, or small impact may occur*
- e) The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health. *No, small impact may occur*
- f) The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health. *No, or small impact may occur*
- g) The proposed action involves construction or modification of a solid waste management facility. *No, or small impact may occur*
- h) The proposed action may result in the unearthing of solid or hazardous waste. *Moderate to large impact may occur* *Need more data on buried materials*
- i) The proposed action may result in an increase in the rate of disposal, or processing, of solid waste. *No, or small impact may occur*
- j) The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste. *No, or small impact may occur*
- k) The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures. *No, or small impact may occur*
- l) The proposed action may result in the release of contaminated leachate from the project site. *No, or small impact may occur*
- m) Other impacts:

**17. Consistency with Community Plan** – The proposed action is not consistent with adopted land use plans. *Yes*

- a) The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s). *Moderate to large impact may occur*
- b) The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5% *Moderate to large impact may occur*
- c) The proposed action is inconsistent with local land use plans or zoning regulations. *Moderate to large impact may occur*
- d) The proposed action is inconsistent with any County plans, or other regional land use plans. *No, or small impact may occur*
- e) The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure. *Moderate to large impact may occur – need more information*
- f) The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure. *Moderate to large impact may occur – need more information*
- g) The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action) *Moderate to large impact may occur*
- h) Other: *Need more information on green space calculation and the impact on allowable density*

**18. Consistency with Community Character** – the proposed project is inconsistent with the existing facilities, structures, or areas of historic importance to the community. *Yes*

- a) The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community. *No, or small impact may occur*
- b) The proposed action may create a demand for additional community services (e.g., schools, police and fire). *Moderate to large impact may occur*
- c) The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing. *Moderate to large impact may occur*
- d) The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources. *No, or small impact may occur*
- e) The proposed action is inconsistent with the predominant architectural scale and character. *Moderate to large impact may occur*
- f) Proposed action is inconsistent with the character of the existing natural landscape. *Moderate to large impact may occur*
- g) Other:

Discussions ensued regarding large new buildings verses current character of the homes in Varna.

### **SEQR, Part 3 - Significance**

J. Kiefer – From the introduction to Part 3 – this is not a little deal. Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in part 2 where the impact has been identified as potentially moderate to large.

We listed a lot of them, had a lot of unknowns/questions. A suggestion was made to do a special meeting in early January, depending on documents received.

D Weinstein -All we need is one moderate to large impact that cannot be mitigated by the developer. In the meantime, can we state that we cannot see how this is not going to require an environmental impact statement? In case the board moves forward before we get to the completion of Part 3.

J Kiefer – Before the board deliberates on this, we would do a Positive declaration/negative declaration determination recommendation to the board, and a list of what we believe the scope needs to be.

A. Green – We (town board) will follow R Burger’s timetable, it’s quite unlikely that we’re going to get answers to the questions that we need by the January 17<sup>th</sup> meeting. R Burger – we may have pieces by the end of December, but I don’t believe we will have a complete application before mid-January.

Planning Board to complete Part 3 before the Town Board resumes deliberations on project.

R Burger – researching stories definition to see if they meet guidelines. They do meet the under 40’ limit in the zoning regulations.

J Kiefer – We will pass along to the Town Board that we have completed Part 2. We are also conveying to the Town Board that we would like the opportunity to complete Part 3 before they resume deliberations on the project.

D Cipolla-Dennis asked R Burger to keep the Planning Board updated as to the progress of the application and give us notice when the Town Board is going to take this up. If they are taking this up at

their January meeting it would be nice to know early in January so we can have another meeting prior to that.

M Hatch – There is so much to be done that this can't be rushed by a January meeting.

**RESOLUTION #32 – MEMEBERSHIP FOR 2019**

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

RESOLVED, that the Town of Dryden Planning Board would like to recommend that J Skaley get reappointed as an alternate to this board and J Kiefer be reappointed as chair.

2<sup>nd</sup> D Cipolla-Dennis All in favor (J Skaley abstained)

D Weinstein – The Conservation Board wants to know why we are not moving on wind energy – I would like to see a meeting of a committee in early January. M Hatch would be happy to work with D Weinstein on this. If anyone else is interested in working on this, send D Weinstein an email. If not, D Weinstein and M Hatch will work on it and present it to this board.

C Anderson suggested that if kept under 10 KW would have easier time putting it through.

There being no further business, the meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Bambi L. Avery  
(transcribed by Chrystle Terwilliger)