

TOWN OF DRYDEN
PLANNING BOARD MEETING
APRIL 25, 2019

Present: John Kiefer (Chair), Tom Hatfield, Martin Hatch, Joe Wilson, Craig Anderson, David Weinstein, Tony Salerno, Jim Skaley (alt), Dan Bussmann (alt)

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

Liaisons: Dan Lamb (Town Board), Craig Schutt (Conservation Board), Alice Green (Town Board)

Chair John Kiefer opened the meeting at 7:00 p.m.

PUBLIC COMMENT

Joe Osmeloski, 2180 Dryden Road, said he had sent an email to Planning Board about a FOIL request he had made. He has put in FOIL requests before and this is the first time he has been denied. He asked that the letter denying his appeal be part of the record (attached). He had asked for communications between members of the building energy subcommittee. Publicly members had said how straight forward they were about following the laws and following the instructions of the town attorney. He finds it strange that this request was turned down. The rules say inter- and intra-agency materials can be denied but he's never had a problem getting emails. He understands the Planning Board had nothing to do with it being turned down, but just wants to say when a FOIL request is turned down it raises questions. He believes any FOIL should be allowed. FOIL is a tool for the public to gain access to what goes on. He is disappointed that his request was turned down and he hopes there isn't anything being purposely hidden.

Shirley Lyon thanked D Weinstein for visiting and walking the property she's been talking about in the Mineah Road/Knollwood Drive area. He saw the protected streams and understands the erosion problem and how it is impacting Knollwood Drive. He also understands how the water is being directed down from Cornell property to further protected streams that join and impact Knollwood Drive and also the properties on Kirk Road.

With respect to the Hopshire application, she said she endorses the parking lot 100% but it will drain into the ditch and if it proceeds to Knollwood Drive, there is no entry into the culvert that is already severely damaged. If the ditch fills up NYS DOT will dig it out. What they don't know is how much water Cornell has directed down Knollwood, under the road and on to the trailer park. Water that flows into the wetlands by Covenant Love ends up over on Kirk Road. Please be careful tonight where the water ends up.

D Weinstein said it is frightening how much erosion is going on behind the people's houses and how close it is getting to some of the houses.

Comments & Statements:

- There is chronic debris movement and landslides.

- There is bank erosion.
- There is a ton of water all over the site.
- It is running in ditches despite redirecting it away from the ditches.
- Seriously consider redirecting development away from the area.
- Annual rainfall is increasing.
- The only direction for the water to flow is toward Route 13.

MINUTES

D Weinstein suggested an addition to the minutes that was accepted. J Wilson made a motion to approve the minutes as amended, seconded by C Anderson. Aye – Kiefer, Hatch, Wilson, Anderson, Weinstein, Salerno Abstain - Hatfield

HOPSHIRE

Ray Burger explained that part of the conditions of the approval for Hopshire when they put the addition on, was that a future parking expansion would be required to come under the commercial development guidelines. They are ready to expand the parking now so that is an amendment. One of the triggers on the original approval is now going to invoke the commercial design guidelines on this expansion. The SWPPP is being finalized. We just heard about the water problems in the area and we have a very carefully engineered SWPPP, so hopefully that will help the situation.

Randy Lacey, owner of Hopshire, displayed the plan and explained this will add another segment of parking in the field next to the existing parking lot. Currently the 37 acres he owns is a tiled field and drains to a ditch along Route 13. This stormwater plan catches everything in the developed area of the field and runs it through a bioretention area for the first runoff and then there is a retention basin for heavy flows that then releases slowly to the road. The purpose is to slow the runoff from what it is today. The bioretention area is 130' x 35'. Trees and shrubs in the bioretention area will also screen the parking lot. The plants selected are shown in the plan.

- Applicant intends to put in a walkway from the parking lot to the patio.
- Parking will increase from 50 to 90 spaces.
- They occasionally have a scheduled bus stop for tour groups.

C Anderson said this is an event center for the brewery and he believes it all falls under Ag & Markets. Some of our zoning laws really don't apply, such as the parking out front. We overlooked a lot of the design guidelines when they came to the board before. He's not sure we can apply all our design guidelines to this.

R Lacey said when he originally came to the town with the project Henry Slater determined that the entire operation was agricultural, and they needed no zoning variance or site plan review. Subsequent administrations have determined that they do need approval because they are not totally agricultural. So, some things such as the SWPPP are catch-up.

- Applicant will not have to put an island every ten spaces in the parking lot.
- The current sign complies and will not change.

- There will be some ground lighting along the driveway, the parking lot and along path.
- The second lot isn't always necessary, but they don't want people parking on Route 13 for safety reasons.
- Applicant will complete the drainage work and addition this year.
- The parking lot will likely be constructed next year.
- Applicant has been working with TG Miller Engineers for two years on the SWPPP.
- Screening on the road side will be provided by the plants in the bioretention area.
- Applicant may plant some trees near the parking lot.

RESOLUTION #4 (2019) – AMEND SITE PLAN FOR HOPSHIRE – 1771 DRYDEN ROAD

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

RESOLVED, that the site plan approval for Hopshire Brewery expansion, 1771 Dryden Road, granted June 23, 2016, is hereby amended to include approval of a second parking area (that will improve pedestrian safety) as shown on a plan provided by Maser Engineering dated July 1, 2016, recognizing that the drainage will be improved when improvements are made according to the SWPPP submitted, with the recommendation that trees be planted along the west side of the new parking area.
2nd D Weinstein – all in favor

MILL CREEK SUBDIVISION

R Burger explained this is a 900-acre subdivision off Caswell Road. Alan Lord, representing the applicant, was before the Planning Board last month. The Conservation Board has not yet given their review and will meet next Tuesday. There have been a few changes to the project that Alan will talk about and the Planning Board can make suggestions about what it would like to see incorporated in the sketch. Sketch Plan, Preliminary Plat Approval and Final approval will take approximately 3 months.

A Lord said he has learned that Tompkins County has a waiver from the State Health Law. Everywhere else he has worked in the state you must have 12 inches of percolatable soil or you can't build. Sand filters are allowed in Tompkins County. The County Health Department will design the system for the owner when they are ready to build.

It was suggested that the building envelope be sited where it is less likely that the owner would have to put in a sand filter.

R Burger said he understands from DEC that if the project specifies where driveways and building sites will be located, there would need to be a full SWPPP. That would be very expensive for a 900-acre, 40 lot subdivision. He will confirm with DEC what will be required.

The building setbacks required by Town of Dryden zoning are shown on the map displayed as well as wetland setbacks. As configured, all lots have adequate space to build.

J Wilson questioned whether it could be stipulated the allowed accessory building with a single residence can't be occupied. R Burger explained that the conservation district zoning allows an accessory dwelling (occupied) as well as duplexes and such. This proposal is a restricted community.

TG Miller and R Young will determine whether the road (currently designated as a seasonal use road) will be sufficient with the current improvements and will accommodate fire trucks.

C Anderson thanked them for the conservation area along Fall Creek to be given to the town. They are also proposing 3.5 acre recreation area, half wooded and half field. The conservation board has yet to weigh in on that.

R Burger explained this is a conservation subdivision without a cluster development because the lots are so large. Variances in frontages will be able to be dealt with in the subdivision process. J Wilson requested a planning staff memo that outlines criteria for a conservation subdivision.

D Bussmann said we should check that roadside drainage would be able to handle drain off from the building sites.

There was some discussion of the proposed deed covenants. #7 will be amended to reference the proper code or law. #15 will ensure that all properties will be able to be served by public utilities.

RESOLUTION #5 (2019) – APPROVE MILL CREEK SUBDIVISION SKETCH PLAN

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

RESOLVED, that the Dryden Town Planning Board appreciates the donation of a 3.5-acre parcel of property on Wood Road (between lots 3 and 4) and a 23-acre parcel along Fall Creek to the town to be used for recreational purposes and hereby approves the Mill Creek Subdivision Sketch Plan as submitted and reviewed this date subject to the following:

- That the currently designated seasonal use portion of the road is suitable for emergency vehicles;
- That the site drainage be evaluated to be sure the roadside drainage can handle the full buildout;
- That there is no substantial objection by the Conservation Board;
- That a map scale of 1" to 300' is acceptable for the final map.

2nd M Hatch – all in favor

2141 Dryden Road Site Plan Review Professional Office

R Burger introduced Dr. Brad Yentzer, the applicant, and his architect, Gary Bush. This is a project for a professional office roughly across from the cemetery on Route 13 between the Pain Clinic and Scotties' Automotive. This is a Type II action.

Gary Bush explained the site plan. The building is south-facing, 3500 square feet with a walkout basement in the back. The site will be graded, with a gravel drive (possible future paving) and there is the possibility of a future tenant.

R Burger has explained that the board is concerned with the parking in front, the dumpster location, and would like to see sign and building material details.

G Bush displayed renderings of what the building will look like. They would like to place a small sign by the drive because of the way the property slopes from the road.

Comments/Discussion:

- The slope of the land and trees will shield the building from view from the road.
- There are three entrances to the building and three parking areas for potentially 3 different business.
- Primary business will be a dermatology practice.
- Number of parking spaces are based on NYS code.
- There are no plans to expand the building; there will be room to expand within it.
- Location of proposed drive has, at least, almost double the required site distance for NYSDOT.
- A driveway permit has been applied for.
- Site lines are better than the driveways at the Pain Clinic and at Scotties.
- Islands in the parking lots can be waived, but there should be islands at the ends of the lots to define each bay.
- Think about snow removal and not putting snow runoff in the stream; it should be diverted to the stormwater system. Snow will be pushed to the retention pond.
- TG Miller will be reviewing the SWPPP.
- Deep hole tests were done and at 3' they hit sand.
- Consider a drop-off area for transport services, making sure there is adequate space to turn around.
- The parking area will be reviewed by the fire department.
- Board would like to know color scheme for building exterior; should be natural colors.
- TCAT does make call stops along Route 13.
- Air source heat pumps will be used; it will be a net zero (or near net zero) building.
- The solar panels are expected to cover usage in the building.
- Outside lighting will be LED dark sky compliant.

RESOLUTION #6 (2019) – APPROVE SKETCH PLAN – 2141 DRYDEN ROAD

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

RESOLVED, that the Dryden Town Planning Board hereby approves the sketch plan as submitted and reviewed on this date for a professional building at 2141 Dryden Road, with the following conditions:

That signage complies with the town's design guidelines.

Demonstration that there is no runoff to the stream and make the stream is more visible on the map.

That the building exterior be a neutral/natural color.

The estimated project construction schedule.

Record of application and status of other necessary permits.

2nd M Hatch – all in favor

Planning Board Meeting schedule – The board discussed moving the regular Planning Board meeting and whether a separate meeting would be required for work on the comprehensive plan. After discussion it was decided to continue to hold the regular business meeting on the 4th Thursday at 6:00 p.m. J Kiefer will check on the availability of the meeting room at the DPW building. Pending

confirmation, the first meeting to begin work on the comprehensive plan will be held May 8th at 6:00 p.m.

Trinitas resolution – There was a question about whether the Town Board had been formally given what they asked for after the SEQR analysis. After discussion, the board passed the following resolution.

RESOLUTION #7 (2019) - RECOMMENDING A POSITIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE FOR THE TRINITAS VENTURES VILLAGE AT VARNA—TOWNHOMES AT DRYDEN PROJECT AT 959 DRYDEN ROAD IN THE HAMLET OF VARNA

J Kiefer offered the following resolution and asked for its adoption.

WHEREAS, Trinitas Ventures made application for a Special Use Permit and Site Plan Review to construct 219 townhouses containing 552 bedrooms at 959 Dryden Road in the Hamlet of Varna, and

WHEREAS, Sketch Plan and Site Plan Review for projects requiring a Special Use Permit is conducted by the Town Board, and

WHEREAS, the Town Board requested the Planning Board to review the Trinitas proposed action and make recommendations to the Town Board for their use in evaluating the project, and

WHEREAS, the Planning Board devoted a total of approximately four hours during one regular meeting and one special meeting to a methodical and systematic SEQR review of the proposed action including;

- Review and comment on the applicant's FEAF Part 1 submittal
- Analysis of potential environmental impacts of the project using the FEAF Part 2 process
- An evaluation of project impacts and determination of significance using the FEAF Part 3 process, and

WHEREAS, the FEAF Part 3 process determined that the following elements of the project may result in significant environmental impacts:

- Impact on Land [FEAF Part II #1]
- Impact on Surface Water [FEAF Part II #3]
- Impact on Flooding [FEAF Part II #5]
- Impact on Transportation [FEAF Part II #13]
- Consistency with Community Plan [FEAF Part II #17]
- Consistency with Community Character, [FEAF Part II #18] and

WHEREAS, the attached table shows the analysis, rationale and vote by members of the Planning Board, and

WHEREAS, new SEQR requirements specify that a full public scoping session be conducted prior to drafting of an Environmental Impact Statement,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board recommends to the

Town Board that the Trinitas Ventures Village at Varna —Townhomes in Dryden project may result in significant adverse impacts on the environment and that in regard to current SEQR requirements a scoping session and a draft environmental impact statement be prepared to further evaluate the above impacts and recommend mitigating measures as appropriate.

NOW, BE IT FURTHER RESOLVED, that the Town Board hire an outside engineering consultant at the expense of the applicant to evaluate a draft environmental impact statement and forward their recommendations to the Town Board taking a vote on this application.

2nd D Weinstein Aye: J Kiefer, D Weinstein, J Wilson, T Salerno, M Hatch
Abstain: C Anderson, T Hatfield

J Skaley said he had been concerned that there was a lot of earth moving on the proposed Trinitas site. When he inquired he found out that the town was unaware there was any earth moving there and that town staff needed permission to go on the site. J Skaley would like an official notification on application forms giving town permission to access sites for evaluation. He presented a resolution for consideration.

Discussion/comments:

- There is a mechanism in the zoning law that provides for access.
- Not all applicants are the property owner.
- Broad access should not be given to anyone affiliated with the town but should be limited to specific positions.
- The town attorney should be consulted on this matter.
- The board can consider again next month.

RESOLUTION TO MODIFY APPLICATION FORMS FOR PROJECTS REQUIRING PLANNING BOARD OR TOWN BOARD APPROVAL TO ALLOW FOR AUTOMATIC INSPECTION OF SITES BY TOWN OFFICIALS

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

WHEREAS, the town application forms for general and special use permits do not specifically state that the applicant on submission of the forms gives town officials automatic access to the proposed site for purposes of inspection, determining site conditions and/or suitability and,

WHEREAS, access is often necessary for town officials to properly evaluate the site in regard to the proposed use and site preparation and,

WHEREAS, it has been noted that agents of Trinitas Ventures initiated major earth disturbances on their proposed site without giving the Town prior notice and without following appropriate storm water management procedures, now therefore, be it

RESOLVED that the various permit application forms be modified to include a statement that on submittal the applicant thereby gives Town officials access to the proposed site for purposes of

evaluation and inspection, and that such inspections are exempt from trespass and imply no liability for injury to the applicant.

2nd J Wilson All voted no

D Weinstein said discussion of the Wind Ordinance has been postponed for six months and the Varna Zoning matter has been postponed since last summer. Those two items need to be moved closer to the beginning of the agenda.

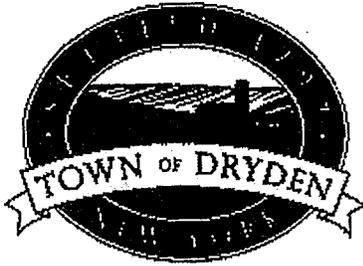
C Anderson said on July 19, 2018 the Town Board charged the Planning Board, Conservation Board, and Ag Committee with looking at the existing renewable energy law as it pertains to wind energy. The conversation referred to small scale commercial turbines. D Weinstein recommended asking the Town Board whether they would also like residential considered. J Kiefer will get clarification.

Varna is part of comp plan update.

On motion made, seconded and unanimously carried, the meeting was adjourned at 9:18 p.m.

Respectfully submitted,

Bambi L. Avery
Town Clerk



Jason Leifer
Town of Dryden Supervisor
93 East Main Street
Dryden, NY 13053
(607) 844-8888 ext. 227

supervisor@dryden.ny.us

April 18, 2019

Joseph Osmeloski
2180 Dryden Road
Freeville, NY 13068

DECISION ON FOIL APPEAL

Dear Joe,

On April 1, 2019 you filed a request for records with the Dryden Town Clerk. You described the records as "ALL EMAILS + TEXTS - WRITTEN CORRESPONDENCES OF THE "BUILDING AND ENERGY COMMITTEE" TO AND FROM ALL MEMBERS OF THAT COMMITTEE, THE DRYDEN TOWN BOARD AND THE DRYDEN PLANNING DEPARTMENT, STARTING WHEN THE COMMITTEE WAS FORMED AND UP TO ITS BEING DISSOLVED."

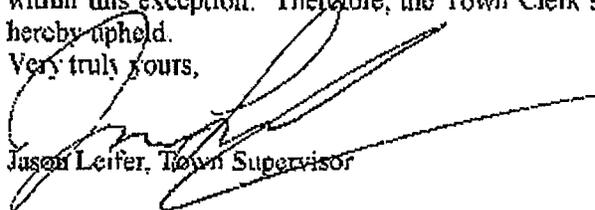
On April 5, 2019, the Town Clerk denied your request on grounds that the records you sought were "inter/intra agency materials." Upon reviewing your FOIL request and the Town Clerk's decision I hereby uphold the Town Clerk's decision, and deny your appeal. Section 87(2)(g) of the New York Public Officers Law (FOIL) permits an agency to withhold public access to records that:

"(g) are inter-agency or intra-agency materials which are not:

- i. statistical or factual tabulations or data;
- ii. instructions to staff that affect the public;
- iii. final agency policy or determinations;
- iv. external audits, including but not limited to audits performed by the comptroller and the federal government; or ..."

The records you described in your FOIL request, to the extent that any such records exist, fall squarely within this exception. Therefore, the Town Clerk's denial of your FOIL request was reasonable and is hereby upheld.

Very truly yours,


Jason Leifer, Town Supervisor

cc: Bambi Avery, Town Clerk

Committee on Open Government
Department of State
41 State Street, 11th Floor
Albany, New York 12231

Trinitas Part 3 SEQRA Review												
2/7/19 Planning Board Special Meeting												
	Impact	Duration	Likelihood	Mitigating Measures	Significant?	Vote						
1. Impact on Land	Large	Long-term	Probable	not well defined	Yes	5 - 1						
Very large project relative to the size of the hamlet. Construction would be very disruptive and complicated due to steep terrain.												
2. Impact on Geological Features	No											
3. Impacts on Surface Water	Moderate to large	Long-term	Possible	not well defined	Yes	6 - 0						
Project would remove a wetland. Steep slopes = significant erosion risk, especially during construction.												
4. Impact on Groundwater	No											
5. Impact on Flooding	Moderate to large	Long-term	Possible	not well defined	Yes	6 - 0						
Flood risk will increase with climate change: frequent 500yr events possible,												
6. Impacts on Air	No											
7. Impact on Plants & Animals	Moderate	Short-term	Probable	None	No	6 - 0						
Rationale for "no" vote: we found no evidence of unique or endangered species.												
8. Impact on Agricultural Resource	No											
9. Impact on Aesthetic Resources	Large	Long-term	Probable	None	No	6 - 0						
Rationale for "no" vote is that the aesthetic resource (the natural area being disrupted) is not that important.												
10. Impact on Historic & Archeological Resources	No											
11. Impact on Open Space & Recreation	No											

	Impact	Duration	Likelihood	Mitigating Measures	Significant?	Vote
12. Impact on Critical Environmental Areas	No					
13. Impact on Transportation	Large	Long-term	Probable	None	Yes	6 - 0
Project would greatly increase the number of cars in the hamlet both in terms of quantity and percent increase.						
14. Impact on Energy	Large	Long-term	Probable	mitigated	No	6 - 0
Rationale for "no" vote: Building heat is by heat pumps. Building envelopes and appliance efficiencies are very good.						
15. Impact on Noise, Odor & Light	Moderate	Short-term	Probable	Needed	No	6 - 0
Rationale for "no" vote: Impact is short term, but: Need to address truck traffic & dust						
Hours of operation during construction should be constrained						
Contractor should submit operating plan to mitigate impacts for approval by Town prior to Building Permit.						
16. Impact on Human Health	Moderate	Short-term	Possible	Unknown	No	6 - 0
Rationale for "no" vote: Construction phase dust was the major concern and it can be mitigated with proper operating procedures.						
17. Consistency with Community Plan	Large	Long to Irreversible	Probable	None seen	Yes	6 - 0
Proposed development is clearly and significantly at odds with the Varna Plan.						
18. Consistency with Community Character	Moderate to Large	Long-term	Probable	None	Yes	6 - 0
Proposed development would completely change the character of the hamlet.						
Recommend Town Board allocate a certain number of units as "moderate to low income" affordable housing						
Planning Board Recommendation:	Proposed project should receive a positive declaration of environmental significance.					