

TOWN OF DRYDEN  
PLANNING BOARD MEETING  
May 23, 2019

Present: John Kiefer, Chair, Tom Hatfield, Craig Anderson, Tony Salerno, Martin Hatch, David Weinstein, Daniel Bussmann (alternate), James Skaley (alternate)

Absent: Joe Wilson

Staff: Ray Burger, Planning Director

Liaisons: Craig Schutt (Conservation Board), Daniel Lamb (Town Board)

Chair Kiefer called the meeting to order at 6:05 p.m. D Bussmann and J Skaley will have voting privileges at this meeting in the absence of J Wilson and D Weinstein.

#### **ANNOUNCEMENTS**

The source water protection plan project (put on hold when Steve Winkley was ill) will be moving forward again. He is working on a map of the town that shows specific water resources. Eventually there will be a product that shows places in town where there is a shortage of water or where water supplies are at risk.

With respect to the situation on Mineah Road, R Burger and J Kiefer have asked to get a proposal from TG Miller to look at the drainage situation, water flows there and what the risks are. Whether the town actually funds a contract with TG Miller may depend on the cost. Updates will be provided as they occur.

#### **MINUTES**

The April 25 minutes state the building at 2141 Dryden Road will be a net zero building. Calculations have not been completed and they expect it to be *at or near* net zero. That will be amended in the minutes. On motion of M Hatch, seconded by J Skaley, and unanimously carried, the minutes of April 25 were approved as amended.

#### **2141 Dryden Road – Medical Office Site Plan Review**

The board reviewed the conditions attached to the sketch plan approval for this project:

*That signage complies with the town's design guidelines.*

Gary Bush, SPEC Consulting, designer for the project, distributed detail on the signs and placement proposed for the property. One sign, near the driveway, will be on property owned by NYS DOT (they own 80' from the centerline). (Dave Weinstein arrived.) The other sign will be placed 80' from the

property line and will be larger than is allowed (visibility is an issue because the property slopes down from the road). Applicant is in negotiation with the DOT with respect to placement of the smaller sign near the driveway and will need to go through the town's billboard special use permit process for the off-premises sign. The larger sign will require a variance from the Zoning Board of Appeals.

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

Gary Bush pointed out the catch basins in the driveways and parking areas. The water collected there goes into the infiltration basin, preventing the water from flowing over and into the stream. Where the infiltration pond is perched at under 5 minutes in today's test.

*Color of building – commercial design guidelines talk about neutral colors.* Applicant will be using a flagstone color vinyl siding. The roof will be dark gray.

*The estimated project construction schedule.*

Applicant hopes to break ground in August pending all approvals, with completion anticipated around the first of the year.

*Record of application and status of other necessary permits.*

Applicant has conceptual approval from DOT, but there is still a process to go through to get the permit. The DOT permit is a three-step process. You first submit an initial concept plan. DOT responds with comments. Any revisions are submitted and a final approval is not given until they have site plan approval from the municipality.

### **RESOLUTION #9 (2019) – APPROVE SITE PLAN FOR 2141 DRYDEN ROAD**

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

RESOLVED, that the site plan for a professional office at 2141 Dryden Road prepared by SPEC Consulting dated May 21, 2019, is hereby approved subject to:

- 1) A variance from the Town of Dryden Zoning Board of Appeals for the large sign;
- 2) Permission from NYS DOT to locate the small sign on property owned by the State;
- 3) Town Board approval of special use permit for sign near the driveway;
- 4) Standard Conditions of Approval as amended 8/14/08;

and further

RESOLVED, that the Town of Dryden Planning Board recommends to the Zoning Board of Appeals that the variance sought by the applicant for the sign be granted given the site topography, and further

RESOLVED that the Town of Dryden Planning Board recommends to the Town Board that the applicant be granted a special use permit for sign to be located on property owned by the State.

2<sup>nd</sup> M Hatch – all in favor

Dan Lamb, Town Board liaison, arrived at 6:30 p.m.

## Small Scale Wind Ordinance

Small scale wind ordinance – Chair Kiefer explained that he had asked for clarification from the Town Board with respect to the charge to the Planning Board. They were concerned specifically about commercial applications and wanted to make sure that businesses like that could put up a small wind turbine as a demonstration model (not generating energy producing). The document in front of the board does more than that and does a lot to improve the existing ordinance.

D Weinstein reviewed with the board the things that have substantially changed in the document since they last saw it. The preamble states that a single turbine should be a permitted as an as-of-right accessory use throughout the community. C Anderson said a structure 150' in height with 50' blades is a large structure for someone's back yard. He suggested an 80' total height from the ground including the blade. After discussion the KW would not be limited. Anything larger would require a public hearing and site plan review.

The board reviewed the rest of the document.

Section 1 –

1 – Location - OK

2 – Inappropriate areas – Add *Tompkins County* Unique Natural Areas. Strike publicly owned space. Bird areas *as defined by the Audubon Society*. Strike Cornell Natural Areas. Site plan review not special use permit.

3 – Setbacks – Setbacks from roads should be height plus 50' from the centerline.

4 – OK

5 – Site plan review, not special use permit.

6 – OK

7 – OK

8 – Tower height. 80' by right, 81-150' require site plan review.

9 – OK

10 – Manufacturers spec sheet may provide information on noise level generated. Change person to *owner*.

11 - OK

12 – For those installations requiring site plan review, review criteria shall include minimize adverse visual impacts from public viewing....

There is no 13 – need to be renumbered.

15 – Strike whenever possible, change Town Board to Planning Board.

16 – ok

20 – ok

24 – add this to #3 (Setbacks).

25 – Leave this in. Change Town Board to Planning Board for site plan review.

26 – Change *good* to *safe*. Reference unsafe structure law.

Dan Lamb is concerned that these regulations may be too burdensome and not encourage small scale wind installations. During discussion it was stated these structures are 175', and that while it may seem excessive for a 2 KW installation, it isn't for a 25KW installation. The board discussed height again and determined that a height of up to 100' (there is no limit on KW) would not require site plan review.

Remove Section II

**RESOLUTION #10 (2019) – RECOMMEND ADOPTION OF A MODIFICATION OF THE TOWN LAW  
GOVERNING SMALL WIND ENERGY ELECTRICAL CONVERSION SYSTEMS (WEECS)**

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

Whereas the Town of Dryden seeks to encourage the development of Small Wind Energy Electric Conversion Systems if implemented in a manner that protects the public health, safety, and community welfare,

Be it resolved that the Dryden Planning Board recommends to the Dryden Town Board the adoption of the language governing these WEECS's included in the Attachment A to this resolution.

2<sup>nd</sup> T Salerno - all in favor

**Comprehensive Plan Update**

J Kiefer said the RFP for a consultant to work on the comp plan has been approved by the Town Board and sent to the town attorney. He called several planning consultants, and all were fine with the thirty day process, but were not inclined to discuss how much the process would cost. After attorney approval the RFP will be released. There is no need to meet regarding the comp plan in June. The selection committee will meet next to review the responses to the RFP. That committee will make an initial cut and bring three finalists to the Planning Board. The Selection Committee will consist of: R Burger, M Hatch, D Lamb, D Weinstein, and T Hatfield.

**Housing Conditions Study**

R Burger explained the last time the town had a community development block grant for housing improvements was in 1998. The town received a grant for a housing conditions study (needed to apply for an application for housing improvements) and Thoma Development was awarded the contract for that study.

Rich Cunningham of Thoma Development explained the process used to determine the condition of the housing stock in the town. The object is to get the overall condition of the community and then utilize the data collected to secure funding to help renovate those homes that need it. Properties in the town, excluding the villages, were evaluated in January, February and March. They looked at 1, 2- and 3-unit homes (not apartment complexes) and mobile homes on private property (not those in mobile home parks). CBDG grants can not be used to rehab homes in mobile home parks. There were not really any concentrations of substandard homes. The results show a relatively strong need for purposes of grant applications. The next step would be to do an income survey, and the next funding round will probably be this fall. The results of the study are attached. Thoma will provide a map or chart that shows the data regionally (doesn't identify specific locations).

There are weatherization assistance programs that can help with mobile homes in parks. Community Action will do work on mobile homes in parks.

**Varna Zoning/Comp Plan Compatibility** - discussion will be on the agenda next month.

### **Planning Department**

R Burger said the June 27 agenda will include:

Mill Creek Subdivision – should be coming back with a preliminary plat for review.

Blue Bird Subdivision – Five highway permits have been issued for driveways in this subdivision and the approved plat called for three common driveways. There will be a public hearing for a plat amendment and the board will determine whether there is rationale to modify the driveway placements. There is currently one house under construction and one done. There was no particular note on the plat mandating a curb cut. Driveway cuts were not addressed in the conditions on the deeds. There are five driveways where three were intended.

There being no further business, the meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Bambi L. Avery  
Town Clerk

## DRYDEN HOUSING CONDITIONS SURVEY

	All Properties	1-Unit		2-Unit		3-Unit		Mobile Homes	
		Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
<b>Number of Properties</b>	<b>3,260</b>	2,976	91.3%	197	6.1%	14	0.4%	73	2.2%
<b>Standard</b>	<b>2,033 (62%)</b>	1,914	64.3%	106	53.8%	7	50.0%	6	8.2%
<b>Substandard</b>	<b>1,227 (38%)</b>	1,062	35.7%	91	46.2%	7	50.0%	67	91.8%
<b>Moderately Substandard</b>	<b>765</b>	675		61		3		26	
<b>Severely Substandard</b>	<b>452</b>	381		29		4		38	
<b>Dilapidated</b>	<b>10</b>	6		1		0		3	

**Attachment A**  
**Small Wind Energy Electrical Conversion Systems (WEECS)**  
**Draft 5/23/19**

Small-Scale Wind Energy Generation Systems (WEECS) (<25 kW) consisting of a single turbine will be permitted by either:

- i. administrative review and approval by the Dryden Planning Department for systems <80' in height, or
- ii. by Site Plan Review and approval by the Dryden Planning Board for systems greater than or equal 80' in height but less than 150' in height,

provided they conform to each of the standards identified below.

The intent of this Article is to encourage the development of small wind energy systems if implemented in a manner that protects the public health, safety, and community welfare.

This Article regulates and provides standards for Small Wind Electrical Energy Conversion Systems (WEECS) designed for on-site home, farm, and commercial use, and that are primarily used to reduce on-site consumption of public utility generated and distributed electricity.

This shall apply only to windmills involved in electricity generation.

**Section 1. Development Standards**

All Small WEECS shall comply with all the following standards.

Plans for the installation shall be approved as directed above prior to installation.

- 1) Appropriate land use locations. This may include agricultural, residential, commercial/industrial, and public property class designations.
- 2) Location on site. A wind tower may be placed anywhere on a given property as long as the criteria established in this section are met. In residential zoning districts, Small-Scale Wind Energy Systems should be located in the side or rear yards, to the extent practical.

Wind towers can be mounted on or adjacent to existing structures contained within the same property as long as they conform to the setback requirement described below. Wind towers must not cast shade for more than a one hour period during any day, and must not cast sun flicker on to adjacent properties during any portion of the year. An engineering analysis may be required to determine these probabilities.

- 3) Areas deemed inappropriate include Unique Natural Areas (UNAs), Slopes >15%, Important Bird Areas, Critical Environmental Areas, and Airport approach and clear zones. Small WEECS shall be set back at least 1,000 feet from any Important Bird Area as identified by New York Audubon and from State-listed wetlands. The Dryden Planning Board may consider applications with Site Plan Review for Small WEECS within 1,000 feet of an Important Bird Area or State- listed wetland upon a recommendation from the Conservation Board.

- 4) Setbacks. Setbacks for Small-Scale Wind Energy Systems from lot lines should be the total height of the installation plus 50 feet. This setback should be measured from the center of the tower.
- 5) Only one Small WEECS (or, where authorized, a temporary wind measurement tower) per lot shall be allowed. Adjoining lots under common ownership and without separate residences on each shall be treated as one lot for purposes of this limitation. More than one Small WEECS per lot may be allowed if the applicant adequately demonstrates that the electrical or mechanical power needs of the individual user exceed the power generation capability of one WEECS; for this a Site Plan Review Permit will be required.
- 6) Small WEECS shall be used primarily to reduce the on-site consumption of public utility-provided electricity, or as a primary source of electricity when the applicant is not connected to the electricity grid.
- 7) The maximum turbine power output is limited to 25 kW unless the applicant demonstrates to the reasonable satisfaction of the Town Planning Board that a larger turbine is necessary to meet the historical and/or projected energy needs of the applicant. The applicant shall submit documentation via a Site Plan Review Permit application supporting the increased turbine size including copies of electrical bills, an energy audit or electrical power requirements of any new or proposed equipment.
- 8) Tower Height: Tower heights shall be limited to a maximum of 150 feet. Tower height shall be measured as the distance from the ground surface to the top of the windmill blade at its highest point. It is recommended but not required that the bottom of the turbine rotor should clear the highest wind obstacle (rooftop, mature tree, etc.) within a 500-foot radius by at least 30 feet.
- 9) The allowed height shall be reduced if necessary to comply with all applicable Federal Aviation Requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports.
- 10) The sound level at the closest place of human residence or frequent occupancy not owned by the WEECS owner shall not exceed twice the local ambient noise level, or 3dB above the ambient level. To evaluate this, the following metrics can be used: quiet rural areas ambient level = 30 dB; next to a highway = 80 dB; a commercial area=50 dB. Note: Doubling the sound level = +3dB; Doubling the distance from the source= -6dB.
- 11) The system's tower and components shall be painted a non-reflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporate non-reflective surfaces to minimize any visual disruption.
- 12) The system shall be designed and located in such a manner to minimize visual impacts from public viewing areas (e.g., public parks, roads, trails) and from adjacent properties as much as practical, evaluated by the reviewing body.
- 13) Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.
- 14) On-site electrical wires associated with the system shall be installed underground except for "tie-ins" to a public utility company and public utility company transmission poles, towers and lines. Towers located on or immediately adjacent to a structure may connect to that structure's electrical



system with aboveground wires. Upon review, the Planning Department or Planning Board may determine if the project terrain is unsuitable for belowground wires due to reasons of excessive grading, biological impacts, or similar factors.

15) The system shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated that a system is causing harmful interference, the system operator shall promptly mitigate the harmful interference or cease operation of the system.

16) At least one sign shall be posted on the tower at a height of five feet warning of electrical shock or high voltage and harm therefrom. No brand names, logo or advertising shall be placed or painted on the tower or components where it would be visible from the ground, except that a system or tower's manufacturer's logo may be displayed on a system housing or the fantail in an unobtrusive manner.

17) Towers shall be constructed to provide one of the following means of access control, or other appropriate method of access:

- a. Tower-climbing apparatus located no closer than 12 feet from the ground.
- b. A locked anti-climb device installed on the tower.
- c. A locked, protective fence at least six feet in height that encloses the tower if the tower was made to be climbed.

18) Anchor points for any guy wires for a system tower shall be located within the property that the system is located on and not on or across any above-ground electric transmission or distribution lines. The point of attachment for the guy wires shall be enclosed by a fence six feet high or sheathed in bright orange or yellow covering from three to eight feet above the ground.

19) The minimum height above the ground of the lowest part of the wind turbine blade shall be at least 15 feet.

20) All Small WEECS tower structures shall be designed and constructed to be in compliance with applicable provisions of the New York State Uniform Fire Prevention Building Code, National Electric Code and generally accepted engineering practices.

21) All Small WEECS shall be equipped with manual and automatic over-speed controls and emergency shutoff controls.

22) No WEECS shall be so constructed or operated so as to create artificial habitat for raptors or raptor prey. Electrical boxes, perching opportunities, etc., shall to the maximum extent practicable be minimized.

23) A Small WEECS shall not be located closer to any adjacent property's line, right of way, easement, public highway or power line than the Total Height of the facility plus ten feet.

24) All Small WEECS shall be maintained in safe operational condition in accordance with the manufacturer's specifications and all requirements of this section. A person should be available to shut down the wind turbine within 12 hours in case of a dangerous or high-noise malfunction. The local fire department or other alternative agency shall be provided, at installation, with the means of shutdown. Structures deemed unsafe will be required to be removed (refer to the Dryden Town law governing unsafe structures).

## **Section II. Application material required**

Applications for Small WEECS, including both administrative review permits and Site Plan Review Permits, shall include:

1. Name, address, telephone number of the applicant. If the applicant will be represented by an agent, the name, address and telephone number of the agent, as well as an original signature of the applicant authorizing the agent to represent the applicant is required.
2. Name, address, telephone number of the property owner. If the property owner is not the applicant, the application shall include a letter or other written permission signed by the property owner (i) confirming that the property owner is familiar with the proposed applications and (ii) authorizing the submission of the application.
3. The names and mailing addresses of all owners of all property adjacent to the proposed tower Site and/or within 500 feet of the proposed tower Site.
4. Address of each proposed tower Site, including tax map parcel number.
5. Evidence that the proposed tower height does not exceed the height recommended by the manufacturer or distributor of the system.
6. A completed Short Environmental Assessment Form (EAF).

The reviewing body may require submission of a detailed visual analysis based on the proposed configuration of the installation. This material may include a computerized photographic simulation, demonstrating the visual impacts from nearby strategic vantage points. The description of the proposed installation shall indicate the color treatment of the system's components and any visual screening incorporated into the project that is intended to lessen the system's visual prominence.

7. Applicants must have a pre-application conference with the Town Code Enforcement Officer to address the scope of the required visual assessment.