

**Dryden Conservation Board
October 29, 2019**

Members Present: Gian Dodici (Acting Chair), Craig Schutt, Jeanne Grace, Tim Woods, and Milo Richmond

Absent: Peter Davies, Bob Beck, Anne Clark, David Wilson, and Nancy Munkenbeck

Liaisons: Daniel Lamb, Town Board and Craig Anderson, Planning Board

Guest(s): Loren Sparling

The meeting was called to order at 7:03 p.m.

M. Richmond was made a voting member in the absence of five members.

Review and approval of minutes dated September 24, 2019

C. Schutt made a motion to accept minutes as written, seconded by M Richmond and unanimously approved.

Citizens' Privilege

Loren Sparling – Is running for a position on the Town Board and advised the Conservation Board that his goal is to sit in on every single board on both the town and village level to have a better understanding of what is going on and to be better informed about the issues that are affecting Dryden.

Even if he is not elected, he would continue doing so. His belief has always been in community and that is one of the reasons he settled in this area. He would like to inspire the younger generation to get involved. They have opinions they are not afraid to express but then there is action.

G. Dodici mentioned that one of the concerns that has risen numerous times in the past is that a lot of our resolutions seem to fall on deaf ears when they get to the town board. We are an advisory board to the town board on conservation issues that this board thinks are important. Just throwing that out there so you are aware.

Additions to the Agenda

None

Reports and Updates

Agricultural Advisory Committee – C. Schutt

Advised Cornell Cooperative Extension of Tompkins County came again to the last meeting with a map of the Ag District and they spent most of the meeting working on the map and the errors on the existing map.

Dryden Rail Trail – D. Lamb

Stated there was a good turnout at the last Rail Trail meeting over at Houtz Hall in Etna. They gave an update on:

- TAP Grant
- Opening of section between Game Farm Road and Route 13

- Neighbors on Hall Road showed up with some concerns regarding privacy
- South Hill Rec Way concerns

Town Board – Dan Lamb

Has been in touch with Andy from the Finger Lakes Land Trust and he mentioned there is a parcel that they would like to get a conservation easement on and wanted to make sure the town is up for another easement to maintain. It is approximately 80 acres of wetlands. D. Lamb advised we do have the capacity thanks to the work of the Conservation Board.

G. Dodici advised there would need to be a discussion at some point regarding our volunteer capacity. If acreage keeps getting added, it may become too much.

Planning Board – D. Weinstein

See attached list of items the Planning Board has been working on.

Deer Population Management – T. Woods

Has been trying to find something that would indicate the actual boundaries of the rifle hunting zones within Tompkins County.

C. Schutt advised they haven't been designated yet to his knowledge. Could be next year before the county hears back from DEC.

T. Woods – Biggest question was whether the deer management focus area was going to be a majority of that area. If it is, that could be an interesting outcome. There are six towns involved in the DMFA that surrounds Ithaca.

M. Richmond- Attended a meeting at the Ellis Hollow Community Center and was very surprised about the number of people there were not aware of the hazards of deer season and walking in the woods. He feels someone should be telling these folks that they should wear bright clothes when you walk in the woods; or walk in a group of 3 or 4. Suggested something be put on our website reminding people to wear bright clothes or walk in groups. M. Richmond will get ahold of the person that does the Ellis Hollow newsletter so a reminder can be put in that.

Ditch Management – G. Dodici

Doesn't really have any updates yet on the ditch management topic. He has emailed R. Schneider but has not had any response from her yet. As a recap, concern was raised a couple of years ago regarding the lack of ditch management in the town. This has potential impacts on not only the ditch itself, but on water bodies downstream. Non-vegetated ditches allow the transport of nutrients from farm field run-off and pollutants from the road. We were proposing to work with R. Schneider to designate a kind of demonstration zone to implement some of these better management practices to show the town that these things would work and would meet ditch maintenance objectives of the town and have the benefit of reducing run-off.

M. Richmond - Acknowledged the water has to be kept below the road far enough to avoid freezing and thawing causing damage to the road. The rapid run-off causes a lot of problems.

G. Dodici- Need to work with the town highway department to show them that what we are proposing has monetary benefits to them and to help us all.

M. Richmond – Over in Ellis Hollow some of the deeper ditches have rip rap in them to slow down the flow in the ditches.

1540 Ellis Hollow Road – M. Richmond

Received this from David Sprout (Town Code Enforcement Officer)

Hello all,

Ray asked me to provide some information about the stormwater facilities at 1540 Ellis Hollow Road:

A breach on the west side of the stormwater pond's forebay, immediately adjacent to the spillway, has been repaired. The repair included some work on the spillway itself which does not seem to have been effective. It appears that some sort of caulking, and/or possibly spray foam was used, unsuccessfully, to stop water from seeping under the spillway and into the pond.

A new breach (see [photo]) has developed upstream. According to the property owner, she has an agreement with Buzz Dolph that leaves him responsible for the practice. Mr. Dolph is aware of the new breach and will, presumably, be making repairs sooner than later.

All the stormwater practices need to be re-evaluated by Mr. Dolph's engineer.

Dave Sprout

I was back down to this property yesterday and looked at it myself thinking maybe R. Burger or D. Sprout would be able to come to this meeting to talk more about what has been accomplished. I did see the same thing as D. Sprout indicated in this email. It does look like there has been some real effort to get some of this rip rap stone in the drainage sites of the main road, which is a good thing.

J. Grace- What's the repercussion, what's the motivation? He can do that today, tomorrow, five years from now or never.

G. Dodici gave D. Lamb some background regarding this property and the retention pond being in the conservation easement.

M. Richmond will continue to talk to R. Burger and D. Sprout about this. He will see what the timeline for the repair is.

Moratorium on Conservation Subdivision applications with restrictive covenants – C. Anderson
Bluebird subdivision – We had an issue with a builder out there that put a driveway pipe in the wrong spot, we had asked for shared driveways, it never made it as a footnote on the plat, so he was given a pass on it. Now he has put the house within the front conservation zone district, which is about 200'-250' from the street. It was set up for view shed for the neighbors and he's put the house 40' into the district. He had come to the ZBA and asked for a variance and it was determined it was not a ZBA

matter since it was a deed restriction. Unsure where this is going to end. I have recommended a moratorium on conservation subdivisions that restrict the covenants to protect open space, until we get a better idea of how we can have better control over this. We do not, as of right now, have any control over this person that built the house in a restricted area.

D. Lamb thinks this should be fixed administratively. Whenever we approve a building permit, we need to look at the restrictions.

C. Anderson – If that would work, I’m all for it. We do not want to have this same problem again. There are ways to do it. Put it in the law if you are going to create a conservation subdivision and use the restrictive covenants to protect open space. Before you get a building permit, you are going to have to get a surveyor to pin the corners of the house. There is a lot of gray area here. That is why I recommended the resolution, the Planning Board approved it, and it has been kicked on to the Town Board for them to review.

There was no mechanism for the town to look at the deed restrictions at the Bluebird subdivision to be able to say what was unacceptable before applicants are issued a building permit. There was no reason not to give them a final occupancy permit as the applicants met the code. What they didn’t do is follow the restrictive covenants. The restrictive covenants are a contractual agreement between the homeowners in the subdivision.

In the Town, there have been 5 subdivisions in the last two years, 3 with conservation easements and 2 with restrictions.

C. Anderson provided the attached copy of his resolution and asked for the Conservation Board’s support.

C. Schutt offered the following resolution as asked for its adoption:

RESOLUTION #7 (2019) – SUPPORTING PLANNING BOARD RESOLUTION #24 (2019) RECOMMENDING A SIX-MONTH MORATORIUM ON CONSERVATION SUBDIVISIONS WITH RESTRICTIVE COVENANTS

WHEREAS, the Planning Board has passed a resolution to be presented to the Dryden Town Board to establish and adopt a six-month moratorium on receiving or processing Conservation Subdivision applications which use “Restrictive Covenants” as a form of Open Space Protection; and,

WHEREAS, the Dryden Conservation Board agrees with the Planning Board that the current use of a “Restrictive Covenant” is not a reliable or suitable arrangement to permanently protect open space;

THEREFORE, BE IT RESOLVED, that the Dryden Conservation Board supports an immediate six-month moratorium on processing applications for Conservation Subdivisions that use “Restrictive Covenants” as a mechanism to protect Open Space, or until such time as policies are established to mitigate this inconsistency.

Seconded by G. Dodici and approved unanimously.

C. Schutt – Suggested for a future meeting to discuss things we want to work on. Have some future planning/goals. Topics that are important to us. Maybe go through the Natural Resource Plan to come up with things we could be working on.

There being no further business, J. Grace made a motion to adjourn the meeting, seconded by M. Richmond and unanimously approved. The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Chrystle Terwilliger
Deputy Town Clerk