

To: Dryden Planning Board  
From: D.Weinstein

Re: Concerns about the proposed 1096 Dryden Rd (and 9 Freese Rd) development

I outline the following issues with regard to this development proposal.

1. The developers claim in the March 12, 2020 letter from Marathon Engineering is that since the property identified as Parcel A once contained a house that was demolished nearly 10 years ago, any development on it now constitutes a redevelopment. Obviously, the “redevelopment” definition in our existing zoning is an incomplete description of what it was intended to define, an improvement of a parcel containing buildings in poor shape.

**The developers claim is that the only time “redevelopment” doesn’t apply is when no building has ever occurred on a parcel.**

If the developer’s interpretation is accepted, parcels in Varna will be separated into two groups, those in which no modifications have been done since the original structure was built, and those in which any modifications have been done since that time. This later group would be eligible for a redevelopment bonus regardless of the nature of what is being proposed. If we instead say that if at any time in the past a structure was removed, or you dumped any fill on to a property, it becomes eligible for a redevelopment bonus, all properties in Varna can easily made eligible.

The board must apply its good judgement to interpret what was meant by “redevelopment”, which, as those of us on the board when the zoning was constructed understood meant the improvement of a property containing buildings in poor condition.

Further, if the board feels constrained to stick only by the wording in the zoning definitions, than we are bound to give a bonus to any “planning, development, design, clearance, construction, or rehabilitation of existing property”, since “improvements” is not a word and therefore must be struck from the definition.

2. Without the redevelopment bonus, the development containing apartments (units whose floor is the ceiling of another unit) is entitled to 6 dwelling units per acre, or 13.8 units, plus an additional 4 dwelling units per acre, or 9.2 units, **a sum of 23 units.**

3. **No evidence has been presented by the developer that these units will be constructed such that they will probably be eligible for the green bonus.** Minimally, they should have produced a preliminary checklist that shows tentatively what green aspects of the construction and operation are likely to make them eligible.

4. As was recognized in the Planning Board’s unanimous recommendation to reduce the allowable density to bring the zoning into alignment with the Varna Plan, developers cannot be relied on to propose less than the maximum allowable density, as is once more the case in this proposal. It is beyond my understanding to see why developers cannot build a profitable arrangement at a lower density that would be more in **keeping with the surrounding properties**

**and character. The most apparent explanation is that maximizing profit is much more important to them than fitting into the existing community character or that outlined in the official Varna Plan.** The Planning Board should not accept the developers push for maximum profit, and should take a stance to force the developer to reduce the proposed density to one more in keeping with the community's desires.

5. The Cornell fields to the east are used for experimentation about crop pathogens and their spread. **The Cornell officials are explicitly concerned about large numbers of people wandering through their fields**, because such activity could cause problems with their experiments. They have been tolerant of dogs being walked on leach, but a large increase in visitation is likely to result in officially closing off these fields, removing a large open space area the Varna and Cayuga Trail communities currently enjoy.

These developers are proposing to place a large number of people right adjacent to their fields, with easy frequent access to the fields, greatly threatening their usefulness as research plantings for disease spread analysis. I have spoken to Cornell people about this potential problem, and they are greatly concerned about an increase in people in and about these fields, something they raised when the original Tiny Timbers development was under consideration. This proposal will increase the adjacent density over more than 4 times what was proposed them.

6. The document, "1096 20 Grad Eros Plan" **fails to show how all of the runoff generated on the site will be collected and shunted either to the bioretention areas #1 and #1 or to the stormwater holding pond structure.** Even the bioretention areas are problematic on a site than contains 30' of only lightly compacted fill. Instead of these bioretention areas being location for return of water to slowly percolate to the groundwater, these areas will in fact provide a fast flowing conduit for water and its pollutant contents to move quickly to the level of land on the adjacent property, where the water table is at the surface, and then quickly into Fall Creek only 100' away.

In the document "1096 Freese-Rd-Concept-SWMP-3-12-20.pdf", the plan exacerbates this problem by indicating, "Under proposed conditions, runoff from the roof areas will be collected via gutters and downspouts and piped to the face of curb where it will combine with surface runoff from the parking lot and driveway before ultimately discharging into Bioretention Area #1." This is a recipe for increasing the delivery of parking lot pollutants to Fall Creek.

Of further concern are the very steep areas on all sides of the fill pile, where water cannot be diverted to any retention in any meaningful way.

The loose rocky "soil" of this type of fill site provides an easy way for developers to get rid of visible water quickly, while maximizing the likelihood that water will quickly drain to the adjacent property in a diffuse manner, something the SWMP calculations are unable to analyze (since building on 30' of fill was never anticipated by DEC).

7. **The short-form EAF is clearly insufficient**, with all the potential drainage problems and the incompatibility of the density with the local community and that envisioned in the Varna Plan. A full EAF must be required.

On the short-form EAF, here are inconsistencies:

#2 – Approvals by the Planning Board and County 239 review should be listed.

#3 – Explain how more acreage will be disturbed than in physically controlled by the project sponsors.

#4 – “Agriculture” should be checked, given that Cornell practices agriculture on the field adjacent to the project.

#5b - This project is not consistent with the adopted comprehensive plan, so should be marked “No”. Trinitas tried to claim the same thing.

#6 - This project is not consistent with the predominant character of either the existing built or natural landscape, so should be marked “No”. Trinitas tried to claim the same thing.

#8 - Parking for 100 vehicles, that must exit on to Freese Road, which carries 2000 cars a day. At only 2 trips per vehicle per day, this amounts to a 10% increase in traffic. If that is not a substantial increase, I’m not sure what is.

Further, most of these trips will require cars to enter the Rt 366 – Freese Road intersection, already acknowledged as a very dangerous one with accidents waiting to happen. A traffic light might be installed at some time in the future, but no promises have been made about when and if this will happen.

#9 – This project as proposed had better exceed state energy code requirements or no Green bonus should be granted. Consequently, the design features and technologies must be described here.

#13b – The adjacent property (my property) is loaded with ephemeral ponds supporting a wide array of amphibians, etc., during spring or other wet periods that temporarily impound water on its way to shortly enter Fall Creek. The proposed action is likely to change the water regime of these ponds, therefore encroaching into them. Therefore, this should be marked “yes”. I would estimate that the sum total of these ponds is approximately ¼ acre.

#17 – As mentioned above, it is completely unclear whether the proposed bioretention ponds and stormwater retention facility, even if they work as advertised, will effectively mitigate stormwater quality and quantity concerns. Of particular concern is that the inevitable petroleum product discharge from 100 cars fed into a bioretention pond sitting on top of 30 feet of loose, unconsolidated, and uncompacted fill will pass quickly through the fill to the groundwater and then rapidly into the adjacent Fall Creek.

#18 – On what planet was it deemed appropriate to mark “no”, there will not be any construction of a retention pond?

## **8. Inadequacy of the Notice of Ground Disturbance**

Project and Site Characteristics #2: The site is 110 feet away from the high-water flood plain (inundated at times of high water) of Fall Creek, not 170, which may be the distance to the low-water bank of the creek.

Project and Site Characteristics #10: The assumption that the soils are relatively impermeable (HSG D) will allow the calculation of the maximum size the retention pond must be assuming all water can be collected and shunted to the ponds. As pointed out earlier, no evidence has been presented indicating that this will be the case. In reality, much of the water will disappear rapidly into the excessively permeable fill and the highly permeable HSG A soil beneath, rapidly carrying parking lot pollutants with it into Fall Creek close by.

Project and Site Characteristics #11: As is acknowledged here, only a portion of the site (0.3 acres) is redevelopment.

A redevelopment activity, as defined in the NY Stormwater Management Manual, is “Disturbance and reconstruction of existing impervious surfaces.” Fill sites, the opposite of “impervious surfaces” are not even considered as relevant under this definition..