

TOWN OF DRYDEN
PLANNING BOARD MEETING
Via Zoom
April 23, 2020

Present: John Kiefer, Chair, Tom Hatfield, Craig Anderson, Tony Salerno, Daniel Bussmann, Joe Wilson, David Weinstein, Alice Green (alternate), Simon St Laurent (alternate)

Absent: None

Staff: Ray Burger, Planning Director

Liaisons: Dan Lamb and Loren Sparling (Town Board)

Chair John Kiefer opened the meeting at 6:05 p.m.

Approval of Minutes

C Anderson moved to approve the minutes of February 27, 2020, seconded by J Wilson, all in favor.

5 and 9 Freese Road Modification of Site Plan

R Burger explained this project is on two lots that are the former Tiny Timbers project. There was discussion about whether there would be a new SEQR for the entire project or just a new SEQR for 9 Freese Road. There is an existing SEQR determination for 5 Freese. This could be evaluated in light of the proposed changes and a determination made as to its sufficiency. The evaluation of the Full Environmental Assessment Form for 9 Freese Road could be done at the same time so there is no appearance of segmentation.

Matt Durbin of Maifly Development and Adam Fishel of Marathon Engineering presented the site plan. The former Tiny Timbers plan for 5 Freese Road remains essentially the same. They propose replacing the pavilion with a clubhouse with space to be used by maintenance personnel for storage. There may be some improvement of utilities and drainage. The lower lot (9 Freese Road) will contain two 2-story buildings and one 3-story building. They have moved the dumpster away from Freese Road back near the 3-story building and added a sidewalk along Freese Road (with some lawn and grade relief. There will be some expansion of the previously designed stormwater pond.

D Weinstein is concerned with the elevation of the buildings and the view from the level of the bridge. He asked whether the 2-story buildings are apartments or townhomes. R Burger said they are traditional townhomes according the building code definition.

How are allowable units figured with a mix of townhomes and apartments? Developer states the base underlying density for townhomes is 10 and for apartments is 6 and there are additional density bonuses if they use LEED green development and for the redevelopment. For apartments it is a 4-unit

bonus for green and an additional 4 for redevelopment, for a total of 14 units for apartments if you achieve both. For townhomes it is 10 plus 2 for green and another 2 for the redevelopment. At the end whether it is apartments or town homes the code allows for the same density with the green bonus and the redevelopment, which they are seeking. They will do a LEED neighborhood development like they did at Ivy Ridge so it will be green, and it is a redevelopment of an existing building and an infill project that was brown field. Of the 2 lots that comprise 9 Freese Road, one has a single family home (SFH) and the other had a SFH that has been demolished and that lot is now vacant.

J Wilson said before any green bonuses are awarded the board would need to see specifically what they will do to earn the points and get the bonus.

D Weinstein said he agrees. A lot of the plan will be based on the density they are allowed to have, so the board will need more information.

R Burger said on other projects that were awarded the green bonus there was a spreadsheet listing how the points would be achieved and it came when further site plan details were submitted. It was not done this early in the process. Developer would like to use the same as they did for Ivy Ridge.

J Kiefer said he is making a list of what the developer should provide in order to start site plan review and that spreadsheet would be on the list.

J Wilson asked if the developer would like to respond to Tompkins County recommendations on new building projects because they are mostly focused on the topic of what is energy efficient. It would help the board to see that response.

When asked what the benchmark to be referenced is, D Weinstein said the zoning law says the most current LEED neighborhood development (ND) protocol is to be followed.

Parking spaces on the plan are smaller than the minimum required. It is the same as was approved for the cottages project. D. Bussmann stated 9' x 18' spaces are pretty much standard, and it is encouraged now to minimize impervious surface. The town's typical is 20' but the board has the discretion to approve this parking plan.

Concrete sidewalks adjacent to any parking will be curbed.

What will be stored in the maintenance portion of the community building? The space will have some shelves for supplies and a bathroom for the maintenance crew.

Will parking be available on the lower level for the upper level residents if the cottages are individually sold? There is some provided along the property boundary.

If the properties are two separate projects and the upper one was sold, how would be dumpster be available for those residents? If any single-family homes on the upper lot are sold, the developer would make sure they have the right to use the dumpster.

There was an extensive landscaping plan approved for the 5 Freese project. Developer states that will remain the same. The buffer along the bio-retention and by the Cornell farmland will remain. Applicant

has been in contact with Cornell and the desire is to continue that along the entire edge of the property and have a controlled access point at the end of their easement.

There was a park area planned for where the community building is now proposed . There is still a gazebo at the other end. Could more public space be created on the lower section?

There is a need to keep people from going into the Cornell fields. Is there a fence? Cornell has agreed to a split rail fence and landscape buffer. If Cornell has a strong opinion to modify that, applicant will work with them to be sure it is adequate. If Cornell feels a concern is not being addressed, they can come before the Planning Board. Applicant stated a meeting is being scheduled with Cornell.

What is the status of the Homeowners Association that had been proposed for the previous development? The papers were approved by the state and were going to be filed with sale of the first lot, but they have not been filed. Lot 16 was to have been commonly owned by all the homeowners. Developer will do some research and propose protective measures that will replace the function of the HOA.

When this board begins site plan review it would be helpful to have a list of all the changes that are proposed for the cottages site, a detailed list of everything that is different in this proposal than what was approved.

D Weinstein has shared a list of what he believes is necessary before this matter moves on to site plan review.

J Wilson noted that the Varna Plan and Design Guidelines will also be referenced when reviewing this project including a narrative demonstrating how the development will preserve open space and existing natural features and that a development shall be designed to preserve, as much as practicable, the existing views and line of sight of existing buildings and neighboring properties. He added that if the developers would look at the Tompkins County recommendations and address them, that would clarify how green the proposal will be.

The board reviewed the items they would like to see at site plan review:

A project massing drawing from Freese Road at the southeast corner to see what it will look like.

Renderings of all the buildings.

If there are changes to the architecture in the cottages, exterior finishes and such, what they are.

A list of everything on the cottages site that is a change from what was already approved.

For LEED, a spreadsheet that shows where the points will come from.

Bicycle parking.

Facilities for leisure recreation.

A typical detail of the retaining wall.

How the bank not held by a retaining wall will be maintained during development.

If any changes are necessary for the SEQR Part 1 done for the Tiny Timbers project, make those and resubmit the form.

A Full Environmental Assessment Form for the lower parcel.

There was discussion about review of the entire project. The board will start with the approval that was done for the Tiny Timbers project and decide whether it needs to be redone. When the SEQR review is done for the lower project the record needs to reflect in the part 2 review any items which might have an impact from the upper project.

Redevelopment bonus

R Burger read the definition of redevelopment in the zoning law: *The planning, development, design, clearance, construction, or rehabilitation of existing property improvements, regardless of whether a change in the Principal or Accessory Use occurs.* That is a pretty wide definition. The project at 902 Dryden Road was awarded redevelopment bonus by the Town Board. What existed prior to the redevelopment was a duplex on a 2-acre lot. The project at 802 Dryden Road, approved by the Planning Board, was a 3-acre lot with about 5 buildings on it (single family homes and 1 commercial business). Those were by many definitions rundown properties. The redevelopment bonuses were discussed early on. There was no formal approval process at sketch phase, but it was done like a straw poll and the final approval was memorialized by a board resolution approving the site plan.

J Kiefer said with 802 and 902 the developer wasn't given any reason to believe that they would not receive the bonus. It is incumbent on the board to be clear because the developer is getting ready to make an investment in design and needs to know.

D Weinstein has recused himself from voting on this matter because he owns property adjacent to the site and the town attorney has advised that an alternate should vote on this project. J Kiefer appointed Simon St Laurent to vote in this instance.

Discussion about whether this is redevelopment:

802 had dilapidated properties all over it; only .25 acres of this project has dilapidated property.

An aerial of the property in 2007 was displayed (prior to placement of the fill).

Stormwater and drainage improvements have been made to the property.

Does fill make a property eligible for redevelopment?

There is a retention pond on the lower lot.

There is a change in the way the sewer line will run.

Redevelopment can be an adaptive reuse, replacement, or redevelopment of brownfield sites.

The developer is tearing down a depressed structure and redeveloping a site that had development on it that was demolished and sat as a vacant lot that has not been utilized.

The site has been an eyesore and an issue in the hamlet for a long time.

It can be an asset instead of a liability.

This is a bad precedent.

These parcels are a good example of what a hazardous landowner can do to a property.

Redevelopment could be a benefit of bad behavior of previous owners.

Redevelopment should be struck from the Varna code.

There could be less dense development without setting a bad precedent.

RESOLUTION #4 (2020) – GRANT REDEVELOPMENT BONUS FOR 9 FREESE ROAD

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

RESOLVED, that this board hereby grants the redevelopment bonus available under Section 707 of the Town of Dryden Zoning Law.

2nd T Hatfield Yes: T Hatfield, C Anderson, D Bussman, T Salerno, J Kiefer

No: S St Laurent, J Wilson

R Burger said the Varna Fire Department's only concern is that the bump-outs at the south side of building three not be curbed but be at grade so that they are not clipped by large apparatus entering the site.

Buzz Dolph asked about D Weinstein's recusal, and D Weinstein said he would talk with him at another time.

C Anderson asked that as items are completed in the project, they be provided to board members to allow time for review. J Kiefer said items should be provided by the Friday prior to the meeting.

Because the Homeowners Association was not filed and there is a possibility that lots at 5 Freese Road could be sold, the town will need to see some other instrument or path to assure that the shared features on Lot 16 will be maintained. Developer will find a way to address that.

R Burger said the County will need 30 days to review after materials come in, so there will be no action on this at the May meeting.

1408 Dryden Road Dollar General Site Plan Review

J Kiefer asked the applicant to respond to the list of items provided at the sketch plan conference on February 27, 2020. DeAnna Hyche, representing the Broadway Group, and Brian Gross of Fagan Engineering were present.

Updated renderings of the building were presented. There are now elevation changes in the roof line, changes in color and step-out columns. There are awnings on the windows and gooseneck lighting has been added. There will be brick about 3.5' along the bottom walls with hardy plank above.

- Parking along the road frontage side has been removed and moved to the back side of the building. They will rely on advice of local landscapers with respect to deer resistant plantings.
- The retaining wall will be made of cornerstone block, matching the darker color of the building. A rendering of the wall was displayed. It is a step-up wall, 16' at its highest point.
- Signage is done through a 3rd party contractor and will be adjusted to meet town regulation (monument style, 40 sq. ft max). A rendering was provided.
- The fire department had no concerns with the plan.
- County 239 review is still pending. They had made a comment about going to warmer lighting. Applicant will provide the requested bulbs if they can acquire them.
- The stormwater plan has yet to be reviewed.
- A shared access agreement is being negotiated with the current property owner.

- The property line (through the driveway area) has been adjusted to meet requirements.
- The sidewalk needs to be adjusted to reach Route 13 or provide a marked walkway along the driveway. Applicant will work that out.
- Applicant is not able to provide a path to the mobile home park out back; the parcels are not adjacent.
- Changes requested to the SEQR Part have been made.

There board reviewed and completed SEQR Part 2.

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*

If “Yes”, answer questions a – h. If “No”, move on to Section 2.

a) The proposed action may involve construction on land where depth to water table is less than 3 feet.

No or small impact

b) The proposed action may involve construction on slopes of 15% or greater. *No or small impact*

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*

d) The proposed action may involve the excavation and removal of more than 1,000 tons of natural material. *No or small impact*

e) The proposed action may involve construction that continues for more than one year or in multiple phases. *No or small impact*

f) The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides). *No or small impact*

g) The proposed action is, or may be, located within a Coastal Erosion hazard area. *No or small impact*

h) Other impacts:

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*

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). *No*

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*

If “Yes”, answer questions a-h. If “No”, move on to Section 5.

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*

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*

c) The proposed action may allow or result in residential uses in areas without water and sewer services. *No or small impact*

d) The proposed action may include or require wastewater discharged to groundwater. *No or small impact*

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*

- f) The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer. *No or small impact*
- 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*
- h) Other impacts:

5. Impact on Flooding – The proposed action may result in development on lands subject to flooding. *No*

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. *No*

8. Impact on Agricultural Resources – The proposed action may impact agricultural resources. *No*

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. *No*

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*

If “Yes”, answer questions a-f. If “No”, go to Section 14.

- a) Projected traffic increase may exceed capacity of existing road network. *No or small impact*
- b) The proposed action may result in the construction of paved parking area for 50 or more vehicles. *No or small impact*
- c) The proposed action will degrade existing transit access. *No or small impact*
- d) The proposed action will degrade existing pedestrian or bicycle accommodations. *No or small impact*
- e) The proposed action may alter the present pattern of movement of people or goods. *No or small impact*
- f) Other impacts:

14. Impact on Energy – The proposed action may cause an increase in the use of any form of energy. *Yes*
If “Yes”, answer questions a-e. If “No”, go to Section 15.

- a) The proposed action will require a new, or an upgrade to an existing, substation. *No or small impact*
- 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. *No or small impact*
- c) The proposed action may utilize more than 2,500 MW hrs. per year of electricity. *No or small impact*

d) The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed. *No or small impact*

e) Other impacts:

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

If “Yes”, answer questions a-f. If “No”, go to Section 16.

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

b) The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home. *No or small impact*

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

d) The proposed action may result in light shining onto adjoining properties. *No or small impact*

e) The proposed action may result in lighting creating sky-glow brighter than existing area conditions. *No or small impact*

f) Other impacts:

16. Impact on Human Health – The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. *No*

17. Consistency with Community Plan – The proposed action is not consistent with adopted land use plans. *No*

18. Consistency with Community Character – the proposed project is inconsistent with the existing facilities, structures, or areas of historic importance to the community. *No*

RESOLUTION #4 (2020) NEG SEQR DEC – 1408 Dryden Road

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

- A. The proposed action involves site plan review for construction of a Dollar General Store at 1408 Dryden Road.
- B. The proposed action is an Unlisted Action for which the Planning Board of the Town of Dryden is the lead agency for the purpose of uncoordinated environmental review.
- C. The Planning Board of the Town of Dryden, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law – the State Environmental Quality Review Act “(SEQR)”, (i) thoroughly reviewed the Full Environmental Assessment Form, Part 1, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review,(ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1) The Planning Board of the Town of Dryden, based upon its thorough review of the Full EAF, Part 1, and its thorough review of the potential relevant areas of environmental concern has

determined that the proposed action will have no significant adverse impact on the environment in accordance with SEQR, and

- 2) John Kiefer is hereby authorized and directed to complete and sign as required the determination of significance, confirming the foregoing Negative Declaration.

2nd C Anderson – all in favor

J Kiefer reviewed items outstanding for site plan review: signage consistent with design guidelines, safe pedestrian access to Route 13, County §239 review, SWPPP review, agreement for shared driveway maintenance and plant selection for landscaping (could be condition of approval).

Comp Plan Rewrite

The public speaker series can continue with information and notes sent to the consultant. These would be existing organizations who invite a presentation. These meetings would need to be properly noticed. If taped presentation could be put on the town website as well as the Dryden2045 website. A spreadsheet has been shared regarding the recommendations of the 2005 plan and whether goals have been achieved. Information gathered will help the consultant construct a survey, hopefully available in May.

C Anderson commented that when the 2005 comp plan was translated to zoning it hit a wall. A lot of people weren't ready for it. The consultants said it would be helpful to have a subcommittee to identify problems encountered in the existing zoning, and R Burger has a list started.

J Kiefer hopes to have a draft responding to the moratorium before the next meeting. J Wilson has shared his notes.

Short term rentals – T Salerno has shared a proposal that can be discussed at the next meeting.

The renewable energy law is with the town attorney and may be ready by next meeting.

Respectfully submitted,

Bambi L. Avery