

TOWN OF DRYDEN
 PLANNING BOARD MEETING
Held via Zoom
 May 28, 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:

Staff: Ray Burger, Planning Director

Liaisons:

Chair John Kiefer called the meeting at 6:02 p.m. T Salerno and D Bussman were not in attendance at that point and A Green was given voting privileges.

Approval of Minutes

A Green moved to approve the minutes of April 23, 2020, seconded by D Weinstein, all in favor.

Site Plan Review

Dollar General Store 1408 Dryden Road

Last month the board reviewed SEQR and there were a couple of outstanding items before approval could be granted. In their 239 review the county noted they would recommend that the outdoor lighting not be higher than 3000K. Applicant states those bulbs will be installed. The pedestrian walkway to Route 13 is now shown on the site plan as an extension of the striping on the driveway to the road. The monument sign was displayed for board members. Applicant will choose either brick or stone for the base. The proposed sign meets sign requirements at 10' tall, but board members would like it reduced to 8' tall.

RESOLUTION #6 (2020) – APPROVE SITE PLAN – 1408 DRYDEN ROAD – DOLLAR GENERAL

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

RESOLVED, that the site plan for a Dollar General Store at 1408 Dryden Road is hereby approved subject to the following:

- 1) The monument sign shall be eight (8) feet tall;
- 2) The applicant shall comply with the recommendation of Tompkins County Planning in their 239 review with respect to the temperature of the outdoor lights;
- 3) Approval by the town engineer of the stormwater plan and requirements;
- 4) That a shared driveway access agreement and Operation, Maintenance and Easement Agreement be approved by the town attorney and executed by the parties;
- 5) Standard Conditions of Approval as amended 8/14/08.

2nd T Hatfield – all in favor

S St Laurent was given voting privileges.

The board discussed approval of the minor subdivision for this project.

RESOLUTION #7 (2020) – APPROVE MINOR SUBDIVISION (TM #52.-1-8.1)

C Anderson offered the following resolution and asked for its approval:

RESOLVED, that this board has reviewed and hereby approves the minor subdivision of tax parcel #52.-1-8.1, one part of which will be the future home of the Dollar General store also approved on this date.

2nd D Weinstein – all in favor

D Bussman arrived.

D Weinstein noted there had been several comments about more than one dollar store in the area and that should be considered in comp plan discussions. J Wilson said he has learned that under state law we can designate areas for redevelopment under state law. We might want to think about that as we think about the comp plan update and densification and stopping sprawl.

Judith Pierpont made the following statement:

I have been following your efforts at revising the Varna zoning law to bring it into compliance with the Varna Plan/ Dryden Comprehensive Plan. This is a logical undertaking as well as a legally necessary one. Thank you for doing this work so deliberately and carefully. I am glad that it is finally coming to fruition and would like to see both the Planning Board and Town Board pass the new law as soon as possible.

Of course, like other Dryden residents, I would have liked to see the new law passed a while ago--before the Trinitas and Maifly projects came before the Planning Board. It would have given much clearer guidance to these developers. But I do not see why the consensus of the PB should not govern any decisions on site plans and permits starting from now, this May 28 meeting. If passing the new zoning has been held up for technicalities and wording, that should not change the principle according to which present zoning decisions are made. I urge you to abide by the density and housing type specifications put forth in the new law in any consideration you give to pending site plans. Better yet, take up the remaining zoning law issues to ready it for Town Board approval while putting off any consideration of projects whose outcome is made ambiguous by the future of the zoning law. Holding off seems sensible to me; passing on any plans that would soon stand in violation of the zoning law and the Comp Plan would be counter to the whole purpose of the law, the Plan, and all the work that you have done to bring about a rational and consistent set of documents.

In general, I am in favor of concentrating housing in village and hamlet centers for the benefits of transport hubs and preservation of green space. The Town and County do need appropriate and affordable housing for people who work in the area. I favor also the principle of cluster zoning to create livable community groupings with surrounding green space. But it seems to me that these principles, although embodied in the 2005 Comprehensive Plan, have not been achievable through zoning. Thus, absent some way of incentivizing or enforcing the kind of grouped housing for working people and

families that Varna has said it would like to have, it seems that zoning by density of housing type and numbers of beds is the only way to discourage massive developments of rental units designed mostly for Cornell students. The huge numbers of student rental units proposed by Trinitas and Maifly would overwhelm the balanced residential character of Varna, exactly what the Varna Plan and the new zoning law are designed to prevent. Passing on either of these two projects would sadly, and permanently, undermine all the efforts to preserve the character of Varna and to build within appropriate constraints.

Thank you very much for your consideration.

David Weinstein, 51 Freese Road, said he agrees with the sentiments of Judy Pierpont. He is speaking during citizens privilege because he is recusing himself (reluctantly) from discussion about the Maifly proposal. He has previously spoke about the essential need to reduce the density of developments in Varna to have some hope of getting back on track with the goals of the Varna plan. All the recent development proposals in Varna have come to the board requesting the maximum density. If we don't start requiring reductions in that density, something the board has abundant reasons to do, we haven't a prayer of achieving the goals that were set in the Varna plan that the Varna residents articulated.

With respect to the Maifly proposals, the developers presented visuals and sadly those were constructed to minimize the evidence of the problems that the development will create. For example, according to their grading and erosion plan, there is at least an 18' difference between the height of land at the base of the fill pile to the north (essentially level with the bridge) and the base of the three-story building. That building itself will add 35-40' so we're talking about a 60' elevation above the road. Yet the trees in the visuals are depicted as dwarfing the building. He's researched trees and the average mature tree around here is somewhere between 60' and 80'. Not all the trees there are mature. Does this look like a building that will be nearly as tall as the trees on the neighboring properties in their visuals? He doesn't think so.

The grading plan also shows the height from the base of the fill pile to the base of the two-story building that is right next to the road. That difference according to their grading plan is 15'. Does the visual that is given in location #4 (A9) make it look like this is a 15' height? It looks more like 6' on their visual at most.

Location #5 (A11) makes it look like there is no difference between the roofline of the three-story building and the two-story building, or relatively little difference. The distance between these two buildings on the northeast corner of the development is no more than 60' from each other, yet somehow we are supposed to believe that the extra story won't add any discernible height. They have tried hard in all these visuals to minimize the apparent height of this three-story building.

Location #2 shows far more space between the road and the upper fill pile than is shown on their visual A3, so the developer is not trying to show us what things will look like, but instead are trying to downplay every discernible concern. If there is something in his long history on the Planning Board that he has disliked more than anything, it is when it seems like developers are trying to pull wool over our eyes. Perhaps worse, the buildings shown here are ugly and he doesn't know why they would show something as nondescript hulking blocks that really wouldn't add anything to our community. It doesn't seem like there is any attempt being made there.

If you take all those and add to the concerns that he expressed in the letter he sent this week (driver safety will be dramatically decreased at the 366/Freese Road intersection, there is a great potential for pollution of Fall Creek from percolation of the parking lot runoff through the sites 20' of loose fill, dramatic change in community character), definitely this proposal is nowhere near being ready to be considered for preliminary site plan approval.

J Kiefer said there are several items and the developer wanted some feedback on the visual simulation. Relative to approval of sketch plan, he has been having discussions with R Burger about what exactly this board approves. It seems that we are approving a list of information that we need in addition to what is stated in zoning to begin site plan review. He wanted to draw that distinction so that folks don't think that if the sketch plan is approved that the site plan will be approved. At sketch plan you might still lack information and haven't done SEQR. The main agenda for Maifly is to approve the list of information that we developed at the last meeting with any amendments, and that's what the approval is.

J Skaley mentioned a resident had inquired about expanding the town's noise ordinance to include residential and it may be forwarded to the Planning Board at some point.

Matt Durbin reviewed the visuals (showing basic massing per discussion) and noted they are not a full design because they haven't gone through the full site plan approval and design standards. He takes exception to the remarks about scale and size. They were done 100% to scale by a licensed and certified architect and a licensed and certified state engineer that stamps every drawing. It is one hundred percent to scale based on the grading plan.

Adam Fishel reviewed the plan and said that sometimes the visuals can appear to skew grades and scale and massing. They are not trying to deceive anyone. This is a 3D representation of the grades and site model that has been built in a very preliminary level of detail. He explained the grades and where the old house is. The grades on the three-story building are 10-13' above existing grade before you meet the bottom of the foundation. From the vantage points you won't see that because there is so much vegetation. He explained the grading around the back side of the project. The buildings shown are for reference and do not show specific details (materials, colors, doors, rooflines, etc have not been selected and are not shown.); at this stage they are illustrating building massing from the various perspectives. The building massing of the two-story and three-story buildings from Freese Road are pretty comparable. A preliminary plan to show how the project could be visually buffered along Freese Road was shown.

M Durbin said he hopes everyone understands this is exactly to scale and size based on the massing and grading plan that has been produced to professional standards. They have a sense of the community single-family homes and as you look down it breaks up the scale and the massing with a lower density product up top. The top of the back buildings are below the scale of the front buildings. They would like feedback and discussion with the Planning Board.

A Fishel acknowledged that they owe the Planning Board the list of items that was communicated to them at the last meeting. They wanted to make sure they were going down the right path on building massing before they spend a lot of effort on further design exercises.

J Kiefer said the board will not vote on whether this is ok and asked the board members if what was presented satisfies the need for the massing diagrams.

J Wilson asked if the board thinks there is a legitimate dispute on the scale, is it appropriate to have an independent third party render the same types of drawings? C Anderson, D Bussman, T Salerno agree these were prepared by professionals and see no reason to doubt the accuracy.

Thicker screening was anticipated.

There will be a full geo-tech study for the soil and compaction data. If loose fill is identified, there are ways to replace that and/or use different foundation systems. That would be addressed before a shovel is put in the ground.

J Wilson noted the Tiny Timbers FEAF did not render any kind of traffic study. He strongly feels we need an FEAF that covers both the Tiny Timbers and Maifly lots. In 2010 the Varna plan included a summary of a traffic study done that showed considerable traffic at the intersection from different places during each of the rush hours and was compounded by the left turn volume that occurred during rush hours.

J Kiefer reviewed the list of items to be addressed from the last meeting as sent to the applicant by R Burger. Several studies have been done of the Freese Road/Dryden Road intersection in recent years. Applicant stated their study will provide peak hour trips and a stacking analysis. The Trinitas study included the full impact of Tiny Timbers and the potential extension.

A Fishel would like to know if the Maifly project would change any of their conclusions but would like that checked. From a SEQR perspective, the trigger for needing a traffic study on any project is 100 trips per hour during the peak hour time period. They are 90-100 parking spaces and it is unlikely that they would have 100 cars leaving during the peak hours to trigger the need for the traffic study. DOT will have to review the permit from the Tiny Timbers project and a trip generation letter will have to go to DOT for both projects so that will address peak traffic for both projects and DOT can weigh in. J Wilson said he knows there are other factors that would require a traffic study and noted he is working from the latest SEQR workbook.

J Kiefer noted that while the board is viewing this as two separate things, a new site plan and an amended one, the SEQR review is probably best handled by looking at them as if they were one project. R Burger said to keep in mind that the project at 5 Freese Road has already received a negative SEQR declaration. You want to look at the whole site so as to not have any segmentation arguments, but there is a potential for separation of the two lots in the future. He thinks they each need to have a SEQR decision based on the single lot since they are not combined at this point. The review should acknowledge that these are two separate properties. J Wilson said the projects will be done at the same time, have inter-related infrastructure, and the impact on the community is all one. M Durbin said they will review and note any potential changes on the cottages EAF and do a long form for the combination. There was some concern about compromising the approved SEQR for 5 Freese Road. After further discussion, J Kiefer said they will ask the town attorney for guidance with respect to this.

RESOLUTION #8 (2020) – ACCEPT SKETCH PLAN FOR 5-9 FREESE ROAD

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

RESOLVED, that this board has reviewed the documents submitted by Maifly Development for its project at 5-9 Freese Road and hereby accepts the sketch plan subject to the following:

1. Renderings of how the project will appear from the nearby roads and trails, including Freese Road at the intersection with the Cayuga Trail and Dryden Road at the intersection with Freese Road.
2. Details of how this project is to meet the Zoning Law (ZL) Section 707 requirements concerning the green neighborhood development bonus.
3. Features reflecting the Varna Design Guidelines and Landscape Standards and an explanation of how the project complies with the requirements of ZL Section 701.
4. Explanation of the project addresses the Tompkins County Energy Recommendations for New Construction of Greater than 20 Units.
5. Show how features such as pike parking, pocket park, sitting area are to be provided.
6. Elements outlined in ZL Section 1103.
7. Adjusted application to achieve building footprints less than 5000 sq. ft. (see (ZL Section 702C).
8. Traffic study of turning movements at the Freese Road-Dryden Road intersection.
9. Bedroom counts.
10. Full Environmental Assessment Form (FEAF).
11. Address concerns raised by the fire department in their review, namely the bumpouts at the southeast end of Building 3 should not interfere with a fire truck turning into the parking lot.
12. Address concerns of Town Engineer in the course of the stormwater plan review.
13. Address concerns raised by Tompkins County in their GML 239 review.
14. Make a separate application to amend the site plan for the project at 5 Freese Road to include: list of all changes proposed; amend FEAF to reflect these changes; provide renderings showing proposed changes to building appearance; propose suitable instruments to replace the function of the HOA.

2nd C Anderson – All in favor

(S St Laurent voted in place of D Weinstein who has recused himself from this matter)

The town attorney will be asked for a legal opinion on preparation/amendment of the FEAF(s) for this project. A public hearing will be scheduled when there is a complete application. It was noted that #1 has been met. As we progress with site plan review the appearance of the buildings will start to firm up.

PB Recommendations for Varna Rezoning

The Town Board discussed this last week. The town attorney made edits mostly to address clarity and consistency with the law and the board would like to make sure the Planning Board is okay with the edits. The term rental was removed from the chart of building types because the law doesn't differentiate between ownership and rental. J Kiefer asked if there were edits recommended on the version the Town Board now has.

D Weinstein said he isn't sure why we aren't allowed to refer to rentals. We don't refer to renters in the law, but do refer to owners. It's okay with him to take it out, but when we talk about condominiums in the definitions we talk about individually owned units, so we already differentiate. But if we can move forward with just the change of taking out rental, he is ok with it. C Anderson agrees.

J Wilson said he hasn't had an opportunity to digest it all.

D Weinstein said some of the wording was changed or rewritten in a major way. This was carefully constructed and could understand it if it was a legal issue. The definition of Varna Hamlet Zone is rewritten. The attorney stated she had a problem with not defining redevelopment, but it turns out that we don't define development either. The only places that the term redevelopment is used is when it is used with the term development (development or redevelopment). He doesn't think eliminating the definition is a problem. There is agreement to leave the definition out.

J Skaley said he and R Burger reviewed the changes with the town attorney. The attorney wanted to make sure the Planning Board was ok with removing the definition. With removal of the bonus for redevelopment, there is no point in having a definition. The dictionary definition will be used. J Kiefer will send the Planning Board's comments to the Town Board.

Comp Plan Update

Outreach to Town Advisory Boards – The Planning Board does not have liaisons to a couple of them right now. Conservation Board – Simon St Laurent will serve as liaison. Ag Advisory Committee – Tony Salerno will serve as liaison.

The liaisons will continue with speaker presentations to advisory boards. A Green and J Wilson are scheduled to do a presentation for the Freeville Village Planning Board. A Green and J Kiefer will do outreach to the Village of Dryden. A Green asked for guidance on a more targeted discussion with the villages because increasing density in nodal areas is a critical area of increasing the comprehensive plan. We need to know what is going on in the villages and have a more in-depth discussion. Freeville will be updating their plan next year. Their current plan should be reviewed to see how it dovetails with the 2005 plan what is envisioned for 2045.

J Wilson and A Green have an outreach to Ellis Hollow planned. The format of the meetings that have been conducted will have to be reformatted for a zoom meeting. A Green would like suggestions on that. The chat function could be used. Everyone should be aware that the survey will be coming and to be sure to complete that.

D Weinstein is organizing a meeting for Varna.

A meeting has been scheduled with Martha Robertson, Mike Lane, J Kiefer, R Burger and Sam and Jane of the consultant group. Mike and Martha are anxious to talk with the consultants.

The best way to deliver the comp plan survey was discussed. We really want to reach everyone, and some folks are concerned for those who don't have ready access to the internet. R Burger said the cost of sending a postcard to each mail address in the town is about \$2,000. The postcard would direct people to an online survey or they could call for a paper one. To send a paper survey (to property owners) with a return postage paid envelope could be as high as \$10,000. We need to reach renters in addition to property owners. Could there be a hybrid? Combine voter data? The postcard option won't reach property owners who don't get their mail in the town of Dryden. A first-class mailing won't get renters. Outreach can also be done via the town's website and social media, paper ad, posters and electronic signs. This will be discussed again at the meeting with EDR.

Prior to the meeting with EDR reps members should provide feedback on the survey by June 3. Expect a final draft of the survey for the June 10 meeting and discussion on how to distribute it.

Short term rentals will be on the agenda for June. Members who have questions should email them ahead of time and they will be discussed at the meeting.

Restrictive Covenants – Conservation Subdivisions The moratorium expires next month. J Kiefer said he doesn't see a need to extend the moratorium. The board needs to be sure to have an executed declaration of restrictive covenants in the future and the town attorney should be consulted in the process.

There being no further business, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Bambi L. Avery