

**TOWN OF DRYDEN
TOWN BOARD MEETING
May 21, 2020
Via Zoom**

Present: Supervisor Jason Leifer, Cl Daniel Lamb, Cl James Skaley,
Cl Kathrin Servoss, Cl Loren Sparling,

Elected Officials: Bambi L. Avery, Town Clerk
Rick Young, Highway/DPW Superintendent

Other Town Staff: Ray Burger, Planning Director
Khandi Sokoni, Town Attorney

Supv Leifer opened the meeting at 6:00 p.m.

Town Clerk

RESOLUTION #62 (2020) – APPROVE MINUTES

Supv Leifer offered the following resolution and asked for its adoption:

RESOLVED, that this Town Board hereby approves the meeting minutes of April 9 and April 16, 2020.
2nd Cl Lamb

| | | |
|----------------|-------------|-----|
| Roll Call Vote | Cl Sparling | Yes |
| | Cl Servoss | Yes |
| | Cl Skaley | Yes |
| | Cl Lamb | Yes |
| | Supv Leifer | Yes |

Highway Department

R Young reported they are performing usual duties while social distancing and getting Mott Road ready for pavement. They continue to sanitize the town hall and highway facilities. Supv Leifer asked if he planned to update the 284 agreement. R Young said he was holding off. They have some absolute repairs that need to be done and Mott Road will be done with grant funds. They may use stone and oil and there are a few purchases that he needs to make. He is looking for better prices.

George Road Bridge

Cl Servoss reported that construction is proceeding well. At a meeting on June 4 they will schedule a final walk through with DOT and the consultants during the week of June 8. She asked board members to attend and will let them know when the date and time has been set.

Planning Department

R Burger reviewed the Planning Department report (attached). The Planning Board steering committee continues to work on the comprehensive plan update and is putting together a mail survey.

The solar project at 2150 Dryden Road is ready to break ground now that construction is opening up. When the site plan was approved in 2017 there was a tree cutting restriction centered on the northern long-eared bat, and the window in which to do that tree cutting has expired for this season. Since 2017 there is new data on the northern long-eared bat and the closest habitat is in Seneca County. The applicant has secured a jurisdiction letter from US Fish & Wildlife Service and they have concurred there is no habitat present. Applicant has requested that the tree cutting restriction be removed so they can move forward.

Atty Sokoni said this is a minor change and was imposed erring on the side of caution. Given the new information there are no liability concerns. There was discussion about whether the proposed resolution waives this condition for only this year or permanently. All construction will occur this year, so it doesn't matter.

RESOLUTION #63 (2020) – Modifying Tree Cutting Plan for Five Large-Scale Solar Energy Systems at 2150 Dryden Road

Supv Leifer offered the following resolution and asked for its adoption:

WHEREAS,

- A. SUN8 PDC LLC received site plan approval from the Dryden Town Board on 8-17-17 to construct five large-scale solar energy systems at 2150 Dryden Road in Dryden, New York, Tax Parcel #38.-1-3.1 to be subdivided into five lots, and
- B. The Tree Cutting Plan presented in Drawing C-105 had a seasonal tree cutting restriction from May 1 to August 30 on a portion of the site that was intended to protect Northern Long-Eared Bat (NLEB) habitat, and
- C. The current owner, Dryden-Tompkins Solar II, LLC has applied for removal of this restriction based on current data indicating no NLEB at this site and provided a concurrence letter from the US Fish and Wildlife Service dated 5-14-20, and
- D. This request is based on delays on this project due to the mandated NY State PAUSE guidance in reaction to the COVID-19 pandemic, in which construction on solar sites was postponed as it was identified by NYS as a non-essential activity. As such, tree cutting on the site was not able to occur prior to April 30th, and
- E. TG Miller evaluated this request on behalf of the Town and confirmed that there is no longer a need for restrictions on timing for tree cutting.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1. The Town Board finds that the current data on NLEB habitat supports the conclusion that the tree cutting restriction is no longer needed to protect the NLEB and approves removing this tree cutting restriction as this change is de minimis and results in no harm.

2nd Cl Lamb

| | | |
|----------------|-------------|-----|
| Roll Call Vote | Cl Sparling | Yes |
| | Cl Servoss | Yes |
| | Cl Skaley | Yes |
| | Cl Lamb | Yes |
| | Supv Leifer | Yes |

The Planning Department report includes an update of two projects before the Planning Board: a Dollar General store at 1408 Dryden Road and a townhome development at 9 Freese Road. R Burger reported that NYS DOT has confirmed funding (1.5 million in federal funds and \$345,000 in state funds) for a pedestrian bridge over Route 13 for the rail trail. The Zoning Board of Appeals will meet June 2 for a variance on a front yard setback.

M Robertson thanked Joe Wilson and Alice Green for responding to her request for more outreach on the west side of town regarding the comp plan update. A zoom meeting has been set up for June 8.

Cl Skaley noted a letter of concern regarding the Dollar General store. He said there are additional lands for sale nearby, and he wonders if this will start a wave of development in the area. The Route 13 study is ongoing. He asked if a moratorium was appropriate until the study can be completed.

R Burger explained that this is a small lot in between other businesses and will use a shared driveway. It is a relatively low traffic business and is not adding a driveway in a dangerous area for any traffic. There is an operating Dollar General on the north side of the village, the Family Dollar store on Freeville Road is vacant and the old Dollar Store on Freeville Road has been vacant for a number of years. There is also a Dollar General proposed on Route 79 in Caroline.

There was discussion about a moratorium until the Route 13 study is complete and perhaps the comp plan is complete. J Wilson said that there have been several comments and concerns about sprawl along Route 13 and that the zoning is inconsistent with the old comp plan's goal of grouping development around villages and hamlets. Increased traffic turns on Route 13 could cause safety issues. R Burger pointed out that a development node was clearly identified at the NYSEG area of Route 13.

Atty Sokoni said moratoriums are a legitimate tool to help prevent a municipality from being inundated with a kind of development before you can prepare for it. They tend to be viewed narrowly by the courts and you have to be fully aware of what the risks area.

J Wilson said that Dollar General had provided some very particular information on traffic and when it is expected and which way it will turn. He said he wouldn't target that particular store, but think about the bigger issue of sprawl.

County Update

M Robertson reported that the facilities and infrastructure committee met this morning and Jeff Smith, Highway Manager, made it clear that with the budget concerns they will be doing minimal work (patching and urgent safety repairs). The county will be looking at how to manage the 2020 budget and are anticipating an 11- to 18-million-dollar gap. They expect the Governor to announce more cuts in early June.

Freese Road bridge was mentioned and J Smith confirmed that the town board had the authority to make a request to the state and identify a preferred option.

The county is having conversations about reopening and have had several meetings that are on the county's YouTube site.

M Robertson emphasized the importance of the 2020 census, reporting and reporting correctly. Related to that, redistricting is done based on census information and that is anticipated to be late. The state has moved the petitioning schedule earlier and it will be impossible to redistrict in time. The November 2021 election will be based on old census data. The legislature needs to decide whether they want the next term for legislators to be shorter and if so, it needs to be on the ballot for 2020 and voted on by the public. The government operations committee is working on how to make it best work and not impact other elected positions. They currently are in cycle with town elections. They will continue to have conversations and hope that the public will weigh in. A decision will need to be made by July.

She noted that depending on the census count, the city could gain a seat on the legislature and make the total number of legislators an uneven number of seats.

Citizens Privilege

None

Special Joint Commission - IAWWTF

Supv Leifer explained that the Acti-flow System Pump Replacement project will require a public interest order and public hearing. The town’s share (1.98%) is \$2,033.16. The hearing can be scheduled for next month.

RESOLUTION #64 (2020) – ADOPT PUBLIC INTEREST ORDER IAWWTF CAPITAL IMPROVEMENTS FOR ACTFILOW SYSTEM

Cl Skaley offered the following resolution and asked for its adoption:

RESOLVED, that Dryden Town Board hereby adopts the following Public Interest Order

| |
|--|
| <p>In the Matter of the Proposed Improvement Project Pursuant to Town Law §202-b for the Wastewater Treatment Plant in the City of Ithaca serving the Town of Dryden known as the Actiflow Capital Project</p> |
|--|

ORDER CALLING
PUBLIC HEARING

WHEREAS, a plan and proposal have been duly prepared in such manner and in such detail as heretofore has been determined by the Town Board of the Town of Dryden, Tompkins County, New York, relating to the Capital Project recommended by the Special Joint Committee (SJC) for Replacement Pumps and Piping for the Actiflow High Rate Sand Ballasted Tertiary Treatment Phosphorus Removal System, pursuant to Town Law § 202-b, at the Ithaca Wastewater Treatment Facility (IAWWTF) in the City of Ithaca owned and managed jointly by the City of Ithaca, Town of Ithaca and Town of Dryden (Owners), which wastewater treatment plant provides wastewater treatment services for the Town’s Consolidated Sewer Districts served by such wastewater treatment plant, such improvements to be constructed and owned by Owners, and

WHEREAS, said plan and report have been prepared by Koester Associates, Inc. and have been filed in the office of the Town Clerk where they are available for public inspection, and

WHEREAS, on April 15, 2020, the Special Joint Committee SJC resolved to recommend to the Owners to establish IAWWTF Capital Project 424J Replacement Pumps and Piping for the Actiflow Tertiary Treatment Phosphorus Removal System in an amount not to exceed \$102,685.00, and

WHEREAS, the SJC thereby recommended authorization of this project contingent upon action by Owners committing their percentage of reimbursement shares to the Joint Activity Fund allocated per the Joint Sewer Agreement as follows:

| Municipality | Percentage | Project Cost |
|----------------|------------|--------------|
| City of Ithaca | 57.14 | \$58,674.21 |

| | | |
|----------------|-------|--------------|
| Town of Ithaca | 40.88 | \$41,977.63 |
| Town of Dryden | 1.98 | \$2,033.16 |
| | | ===== |
| TOTAL: | | \$102,685.00 |
| | | ===== |

WHEREAS, the IAWTTF serves the Town of Dryden Consolidated Sewer District, and

WHEREAS, the maximum proposed to be expended for the improvements is \$102,685.00 of which Town of Dryden’s share is \$2,033.16, with the proposed method of payment being that the Town will reimburse the City of Ithaca for the former’s share pursuant to a contract between the Town and the City of Ithaca. The Town will not issue or co-issue any bonds but pay its share of expenses from sewer rents and charges from the Consolidated Sewer District, and

WHEREAS, due to the Corona Virus/COVID-19 pandemic, the Governor of the State of New York has authorized municipalities to conduct certain public hearings and meetings by virtual means in order to ensure the public health and safety, be it now

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Dryden, Tompkins County, New York, as follows:

Section 1. A public hearing is scheduled for June 11, 2020 at 6:05 PM via Zoom, to determine whether it is in the public interest to approve a Capital Project for Replacement Pumps and Piping for the Actiflow High Rate Sand Ballasted Tertiary Treatment Phosphorus Removal System at IAWWTF, as recommended by the SJC. Access details for the Zoom meeting shall be posted on the Town of Dryden website at www.dryden.ny.us 24 hours prior to the date of the hearing. In addition to participation in the public hearing via Zoom, all members of the public wishing to submit written comments on this proposal may do so in writing addressed to the Town Clerk at 93 East Main Street, Ithaca, NY 13053 or by email to townclerk@dryden.ny.us

Section 2. The Town Clerk of the Town of Dryden is hereby authorized and directed to cause a copy of this order to be published once in the Ithaca Journal and also to post a copy on the Town website and notice boards not less than 10 nor more than 20 days before the date of the hearing.

Section 3. This order shall take effect immediately.
2nd Supv Leifer

| | | |
|----------------|-------------|-----|
| Roll Call Vote | Cl Sparling | Yes |
| | Cl Servoss | Yes |
| | Cl Skaley | Yes |
| | Cl Lamb | Yes |
| | Supv Leifer | Yes |

Supv Leifer reported that at the SJC meeting yesterday they discussed the possibility of granting an easement to a development. He will keep the board advised of the situation. Susan Brock has submitted an engagement letter for legal services for the commission and he asked the board for authority to execute that document on behalf of the town.

RESOLUTION #65 (2020) – AUTHORIZE SUPERVISOR TO EXECUTE ENGAGEMENT LETTER FOR LEGAL SERVICES (S BROCK FOR SJC)

Cl Lamb offered the following resolution and asked for its adoption:

RESOLVED, that this Town Board hereby authorizes the Town Supervisor to execute, on behalf of the town, an engagement letter for legal services for the Special Joint Commission with Susan Brock dated January 6, 2020.
 2nd Cl Skaley

| | | |
|----------------|-------------|-----|
| Roll Call Vote | Cl Sparling | Yes |
| | Cl Servoss | Yes |
| | Cl Skaley | Yes |
| | Cl Lamb | Yes |
| | Supv Leifer | Yes |

Varna Water/Sewer Improvements

The Board discussed the process for applying to the Environmental Facilities Corporation for improvement/replacement of the water sewer infrastructure in Varna. Bond counsel has prepared resolutions to set public hearings for the water (\$3,021,956) and sewer (\$5,358,570) projects to begin the process for bonding.

RESOLUTION #66 (2020) – SCHEDULING A PUBLIC HEARING REGARDING IMPROVEMENT OF THE TOWN OF DRYDEN CONSOLIDATED SEWER DISTRICT FACILITIES

Supv Leifer offered the following resolution and asked for its adoption:

WHEREAS, the Town Board of the Town of Dryden (the "Town") proposes to undertake the acquisition, construction and installation of improvements to the Town of Dryden Consolidated Sewer District sanitary sewer system including, but not limited to, the replacement or rehabilitation of sewer mains, manholes, pump stations and other facilities, and the acquisition of machinery, equipment or apparatus required in connection therewith, at a maximum estimated cost of \$5,358,570; and

WHEREAS, the Town Board now desires to call a public hearing regarding the acquisition, construction and installation of the Town of Dryden Consolidated Sewer District improvements, as required by Town Law Section 202-b;

NOW, THEREFORE, BE IT RESOLVED that the Town Board will hold a public hearing to hear all persons interested in the improvement of the Town of Dryden Consolidated Sewer District facilities, which public hearing shall be held via Zoom in the Town of Dryden on June 18, 2020, at 6:10 p.m. (link to be posted the town’s website -dryden.ny.us – prior to the meeting); and be it further

RESOLVED, and ordered that the Town Clerk give notice of such hearing by publishing in the official Town newspaper the Notice of Public Hearing in substantially the form attached hereto and by posting the Notice of Public Hearing on the Town's official sign-board not less than ten nor more than twenty days before such hearing.
 2nd Cl Skaley

| | | |
|----------------|-------------|-----|
| Roll Call Vote | Cl Sparling | Yes |
| | Cl Servoss | Yes |
| | Cl Skaley | Yes |
| | Cl Lamb | Yes |
| | Supv Leifer | Yes |

**RESOLUTION #67 (2020) - SCHEDULING A PUBLIC HEARING
REGARDING IMPROVEMENT OF THE TOWN OF DRYDEN
CONSOLIDATED WATER DISTRICT FACILITIES**

Supv Leifer offered the following resolution and asked for its adoption:

WHEREAS, the Town Board of the Town of Dryden (the "Town") proposes to undertake the acquisition, construction and installation of improvements to the Town of Dryden Consolidated Water District water distribution system including, but not limited to, the replacement of water mains, valves, hydrants and other facilities, and the acquisition of machinery, equipment or apparatus required in connection therewith, at a maximum estimated cost of \$3,021,956; and

WHEREAS, the Town Board now desires to call a public hearing regarding the acquisition, construction and installation of the Town of Dryden Consolidated Water District improvements, as required by Town Law Section 202-b;

NOW, THEREFORE, BE IT RESOLVED that the Town Board will hold a public hearing to hear all persons interested in the improvement of the Town of Dryden Consolidated Water District facilities, which public hearing shall be held via Zoom in the Town of Dryden on June 18, 2020, at 6:10 p.m. (link to be posted the town's website -dryden.ny.us - prior to the meeting); and be it further

RESOLVED, and ordered that the Town Clerk give notice of such hearing by publishing in the official Town newspaper the Notice of Public Hearing in substantially the form attached hereto and by posting the Notice of Public Hearing on the Town's official sign-board not less than ten nor more than twenty days before such hearing.

2nd Cl Lamb

| | | |
|----------------|-------------|-----|
| Roll Call Vote | Cl Sparling | Yes |
| | Cl Servoss | Yes |
| | Cl Skaley | Yes |
| | Cl Lamb | Yes |
| | Supv Leifer | Yes |

Community Garden

The town has been providing space for a community garden near the town hall since 2010 and at that time signed a lease agreement with the Dryden Community Garden Association. The group provides a certificate of liability insurance to the town. The town does not manage the property but has assisted with repair of the fence. Supv Leifer would like to execute a new lease with the same terms and asked the board to authorize him to execute that.

RESOLUTION #68 (2020) – AUTHORIZE USE FOR COMMUNITY GARDEN

Supv Leifer offered the following resolution and asked for its adoption:

RESOLVED, that this Town Board hereby authorizes the Town Supervisor prepare and execute a new lease with the Dryden Community Garden Association for a one-year term, to renew annually, and the Town Supervisor is hereby authorized to execute the same.

2nd Cl Lamb

| | | |
|----------------|-------------|-----|
| Roll Call Vote | Cl Sparling | Yes |
| | Cl Servoss | Yes |

| | |
|-------------|-----|
| Cl Skaley | Yes |
| Cl Lamb | Yes |
| Supv Leifer | Yes |

Varna Zoning Proposal

The board has received a memo from the town attorney on the Varna zoning proposal prepared by the Planning Board. Supv Leifer asked for public comment on this matter.

Buzz Dolph said he owns fifty percent of 5 and 9 Freese Road and they are under contract to sell that property to Maifly Development. Maifly has submitted plans for development that are under review by the Planning Board. He thinks that lowering density in Varna would be a huge mistake. He believes it is in the best interest of the town overall and is in the best interest of the planet to put density where people work, where there is public transportation, sewer and water. He can't think of a better place in Tompkins County than Varna. He tried with Tiny Timbers to provide homes at an affordable price for owner occupied housing. It took three years to get all the necessary approvals and during that time he was building houses in other places. Unfortunately, he didn't make any money with the Tiny Timbers project. If people believe that home ownership in Varna is an option, they should rethink that. Construction of new homes other than people buying a few acres in the country and putting in a septic and putting in a modular and things of that sort isn't happening. No one is developing and the reason is that it is too difficult to make it happen and make a profit. He believes the best thing for Varna, if there ever is to be any change, is to begin to embrace development in a way that would provide what people in the township would like to see. He is not a big fan of Trinitas. He thinks they are taking the only green space in Varna and painting it with townhouses. He believes there should be a corridor of high density, 3-4 story buildings, business on the bottom and apartments above, parking behind or underneath. To lower density is keeping in its current condition because no one will be able to come in and do it at a profitable level. There hasn't been a lot that has happened in Varna in the last 75 years and it will continue to stay that way. The town needs to rethink how the town embraces developers and tries to work with developers. He doesn't know if anyone has told Trinitas what the town would like to see. Developers are not the enemy. Things don't get built without development. The city has done a pretty good job of creating a thriving downtown and making it more robust every day. Single family houses – it doesn't happen, certainly in the city. In 2018 there were 500 building permits for apartments in the city of Ithaca. For the previous 15 years there has been an average of 2 single-family owner-occupied houses, and he believes 95% of those were INHS. You can't build small houses inexpensively and make money. So, you have to start looking at other types of development.

Charles Geisler, 517 Ellis Hollow Creek Road – read the following statement:

I will address the Maifly discussion underway in Varna (3 pts & some comments--)

- a. There's more than one way to design and build Maifly.
- b. There is useful thinking in the 2005 CP that can anchor our housing thinking (we should go back to it).
- c. To ignore cluster subdivisions, which is a family of options, has negative consequences not just for open space, which the 2005 Plan sought, but negative climate consequences (an impetus for 20/40 Comp Plan).

Expanded Comments

a. “More than one way to design and build Maifly.” Analogy--cake making and consulting different cookbooks. Do same here: one “cookbook” is The New Urbanism cookbook; another is the Cluster Subdivision cookbook; another is the INHS integrated housing cookbook; and there are more. We have the luxury now to study & discuss multiple recipes and bake them into the housing section of new Comp Plan.

b. “What’s really useful in 2005 CP thinking?”

i. Overall housing goal (p. 34): “Provide for a variety of affordable, high-quality housing options for all town residents.”

ii. Insightful coverage of cluster subdivision—has much in common with New Urbanism.

iii. Warning about overreliance on student rental housing; some is okay but don’t ruin the recipe! (p. 53 or 54., I think)

c. “Don’t ignore the 2005 cluster subdivision housing solution to affordability”: there are greenhouse gas consequences of not doing this. Many thousands of people employed in Ithaca now commute to Cortland or Homer, or Truxton and burn fossil fuels to do it. Transportation is the #1 source of greenhouse gases. Heating, cooling, and electrifying detached houses add to cost and (un)affordability—these are next largest sources of greenhouse gases in the US. From a greenhouse gas standpoint, cluster subdivisions have appeal.

A FINAL THOUGHT: 2005 CP repeatedly calls for balance—in housing types, design, unit numbers, and even affordability options. Balance is the rubric we should carry forward to new Comp Plan.

David Weinstein, 51 Freese Road, said the reason the Planning Board created the proposed modifications for zoning in Varna is because the people of Varna worked hard on a community plan that would set guidelines and goals for they community that they felt would create a better community that they would want to keep living in. That was done in 2012 and was approved by the Town Board as part of the comprehensive plan. The Varna Plan specified an increase of about 450 bedrooms, that would about double the community that existed in 2012. That was pretty generous of the community. Unfortunately, the zoning that was created from that would increase the potential density in Varna about six times what the people of Varna said was reasonable. That was a real dilemma. Clearly the zoning was out of compliance with the goals of the comprehensive plan, which is not something a town is supposed to do.

The Planning Board created a new zoning that reduced densities. They were also overly generous and said they couldn’t keep to the 450 bedrooms, but said it was reasonable to go to something like 1200 bedrooms. So, a lot increase but not nearly what the current zoning has. He believes this is a much better recipe to create what the people of Varna said they wanted: to remain a largely rural environment that had greater density but compromised in allow some greater density but keeping some of the character of the community as it exists now. For that reason, this modification of the zoning not only makes sense, but would get the town zoning in line with the comprehensive plan, which is a necessity as far as state law goes.

Judy Pierpont said the main reason she has been in favor of reducing density and bringing it into compliance with the Varna plan is there doesn’t seem to be another way to constrain the kinds of development like Trinitas the current plan for Maifly except by doing that. She is extremely in favor of the kinds of development that was suggested in the 2005 comprehensive plan with more planned and clustered developments with various kinds of housing that would be more green in the way they have densities created. She also wouldn’t be

adverse to greater densities in parts of Varna if the town had a way of making the kinds of development that the Varna people and Dryden people have said they wanted in the comprehensive plan. Developers come along and they want to do a kind of inappropriate student-housing-type development. There doesn't seem to be a way in the current zoning to force them to do the kinds of projects that the comprehensive plans have said is the kind of development we want. They have deliberately said that they don't want to become a student housing center, so how else besides controlling the density can the town work toward the kinds of developments we've said we wanted and keep the student housing at bay because that's kind of development that's wanted. And as Buzz said it would destroy that beautiful green hillside. She would like to see that left as open space and prefer a greater density along the road if that can happen. She doesn't if the town has the ability in the current zoning to do that or how that can be done.

J Pierrepont's letter sent to the Planning Board:

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.

Martha Robertson said there really needs to be some kind of balance and she hopes we can find more opportunities for housing in Varna for reasons mentioned by Buzz and Chuck. We are still seeing trouble finding places that are the right location and not contributing to sprawl. We need opportunities for people to live here and not drive through Varna from somewhere else. It is a problem that the comp plan and zoning don't match up and however

that is sorted out, it's important. As far as affordable housing, INHS can construct housing that's affordable to moderate income folks because they pull in different kinds of subsidies from different kinds of places that enable the homes to be either rented or sold at lower prices. They still have to pay similar prices for labor, material and land that made it impossible for Buzz to do the right thing as a private business. They are a great developer and are very entrepreneurial and very interested in the Varna area. On the other hand, Buzz has a particular piece of land and she doesn't know that INHS is in a position to offer.... It's a private business here and it isn't right to try to micromanage what happens on a specific parcel. INHS is very interested in Varna and a year ago talked about the Trinitas parcel, so if there's an opportunity there hopefully it can be pursued. Who knows what the current economy is going to do for that proposal? It's hard to micromanage and the goal really is to try to find a balance so that housing can be brought into the town and Varna is a great place for it so she would encourage that to be the attitude here.

Joe Wilson said if you read the comp plan with regard to the villages and hamlets and Varna in particular, there are drawings and maps that show a mixed-use, multi-story development for apartments or townhouses for Buzz's Tiny Timbers area, but that leaves the lower area as green space. That sounds a lot like the kind of thing that Chuck was talking about and it certainly conforms very specifically to what the Varna plan anticipated because it is laid out in great detail.

Cl Skaley said one of the things that is not happening in current proposals is creating a diversity of structures that people can choose to live in. Buzz is probably correct in that it may have to have some kind of subsidized situation and that is why he's been involved with INHS about this and they are interested in coming to Varna. There are several structures that could be rehabilitated and made into more appropriate housing instead of being torn down and creating something that is out of character to the rest of the community. One of the things in the SEQR is determining whether the project relates to the character of the community. In the case of Trinitas, the Planning Board clearly said it did not work. In this case, the proposed zoning still increases the density. So it's not just a question of density, it's also a question of different kinds of living spaces for people to buy into. He hopes we can work more with local developers and that is the case with Maifly. Trinitas has gone around the country to college towns and plopped down big projects in residential areas, the latest one in Ann Arbor. Ann Arbor didn't feel the project was appropriate but hadn't changed their zoning to not allow it.

In 2010-2012 there was a large amount of participation by community members and businesses in the area and that is how the Varna plan got developed. Do developers decide on the community structure or does the community decide what kind of development to choose? There is case law that if zoning does not conform to the comprehensive plan, it can be challenged. This proposal provides more guidance in the type of community fabric that the citizens and residents of the Varna area have asked for.

Cl Skaley said he believes developers would still choose to come to Varna and do the kind of development that does not create a disproportionate community feel. Hopefully with the upgrade of the Route 366 paving and adding sidewalks and crosswalks we can create a community where people can move about that may also promote some small business in the area. The new urbanized perspective is that you create a multitude of opportunities.

Atty Sokoni said the proposal originally came from the Planning Board. She has cautioned about certain aspects of it. It can be sent back to the Planning Board for clarification or move forward with the process. For example, the definition of redevelopment has been removed, but the concept is referred to throughout the law. The qualifier "rental" was removed. Supv Leifer suggested they ask the Planning Board for comment on removal of the definition of redevelopment. They meet next week. At the agenda meeting June, the Town

Board could discuss whether should be any changes to the proposal. Cl Skaley noted the attorney had made minor edits. The Planning Board had not sought legal counsel.

Comments/discussion:

- Remove the new definition section; there should only be one.
- To limit types of uses if they are rental is a substantive change and legally not proper.
- Final language needs to be agreed on before introduction and a hearing.
- The Planning Board can be asked to clarify the redevelopment question.
- The board has the version prepared by the Planning Board and the version as edited by Atty Sokoni.
- They will move forward with the version as edited by Atty Sokoni.
- The Planning Board will be asked to address the questions with respect to removal of the definition of development.
- Town Board members have not had adequate time to review the document and materials.
- The intent of the Planning Board was to get rid of the redevelopment bonus.
- The dictionary definition of redevelopment will be fine for other purposes in the zoning law.
- The redevelopment bonus was there for a reason.
- In the current instance, there used to be a house on the property that was plowed under some years ago.
- Something buried below is not a current, existing improvement.
- A bonus is given because we want land redeveloped; if it isn't in good order, why not redevelopment.
- We want to incentivize that kind of work.
- It seems erratic to do it in this case.
- The Planning Board has struck redevelopment bonus. Do they want to redefine it or get rid if throughout Article 7?
- The language will be clarified in June and a hearing scheduled by July.
- Applying redevelopment across parcels is also a problem.
- Is it better to give bonuses for the green development we'd like to see than bonuses for redevelopment?
- It is likely the areas will be altered anyway, then the question is how it should look and what kind of density.

The Planning Board will review the document as edited by Atty Sokoni and provide feedback. The Town Board will finalize language at the June 11 meeting.

Advisory Board Updates

Broadband Committee - One member of the committee has resigned and replaced by Karl Kolesnikoff. The Reconnect grant has been submitted and the committee is investigating another grant opportunity. A December announcement is expected for the Reconnect grant. There needs to be support from outside the town before taxpayer money is spent. Some phases may not be covered by the Reconnect grant, but it seems essential to get that grant. The committee spent a lot of time determining how to structure the timeline and get financial support.

Rail Trail Task Force – Supv Leifer is working with the Town of Ithaca and the County about the Game Farm Road crossing. The Multi-modal funds have been obligated (\$345,000).

Climate Smart Task Force – Supv Leifer and Alice Green have been working to fill in the loose ends on the LED streetlight project. Work should commence soon on the EV charging station now that construction has opened up.

Safety & Preparedness Committee – Supv Leifer said the town should look into the plan presented by Nina Saeli.

Planning Board – No report.

Conservation Board – Has not met.

Zoning Board of Appeals – Will hold a hearing June 2 for the first time this year.

Ag Advisory Committee – Has not met.

Recreation & Youth Commission – CI Sparling applauds Marty Conger who has been fielding calls from parents on the summer camps, which have now been cancelled. She’s handled things on her own for the past month or month and a half. It looks there will be virtual programs this summer by the library and others. Dryden is partnering with Groton to have outdoor films. The summer music series is still a possibility. There is some hope for fun.

CI Servoss presented a resolution for consideration on the Freese Road Bridge. She had a conversation with DOT regarding the deletion of a statement in the resolution of April 16. Removal of language regarding the need to improve the bridge infrastructure is concerning and they would like to see a version of that brought back. The proposal adds a bullet point: *Need to Improve Bridge Infrastructure to provide a safe, unposted, crossing over Fall Creek*. It does not refer to one or two lanes. According to the state it should refer to safe and unposted.

CI Lamb said he felt safe deleting that because the statement was clear on the posting and the one lane policy and the need for traffic signaling. At this point it doesn’t really matter and is clear what we are looking for. He doesn’t think it will affect how DOT responds to the project.

After discussion, no action was taken on the proposed amendment.

There being no further business, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Bambi L. Avery
Town Clerk

Memorandum

Date: May 20, 2020

To: Town Board

From: Ray Burger, Planning Director

Subject: Planning Department Update

Application materials and other documents for some of the items below can be found at:

<http://dryden.ny.us>

Planning Department Offices closed to the public since March 16 due to COVID-19: Planning Department business continues with half of staff working remotely. The Phase One Reopening which began May 16 included the construction industry and Code Enforcement is essential to that business. Code Enforcement Officers continue to inspect construction projects and deal with code violations. Applications, complaints and inquiries are accepted via email (planning@dryden.ny.us), phone and mail.

Comprehensive Plan Update: The Planning Board committee working to update the comprehensive plan held a virtual meeting on May 13. The committee is exploring ways to survey the community as a way to keep advancing this project. Please check the website Dryden2045.org to inform yourself about this Town project and engage in the process. You can also sign up for updates or leave a comment.

Solar project at 2150 Dryden Road is ready to break ground: There are two site plan modifications that the Town Board will be reviewing this month and next. This month there is a proposal to lift the seasonal tree cutting restriction that was meant to protect the Northern Long-Eared Bat as it has been determined that neither the animal nor its habitat exist on this site. Next month the details of how this project connects to the grid at the interconnect site on George Road will be reviewed.

Dollar General Store proposed for 1408 Dryden Road: The Broadway Group LLC submitted revised site plan materials for a retail store at this address. The Planning Board will conduct full site plan review of this project at their May 28 virtual meeting. Details for participating in this Zoom meeting will be posted on the Town website.

Townhome Development at 9 Freese Road: An application to develop 32 townhomes at this site near the Freese and Dryden Roads intersection is continuing to be reviewed by the Planning Board. The same developer is also looking to modify the site plan of the adjoining lot at 5 Freese Road.

Rail Trail project to Bridge Route 13: The Project to build a pedestrian bridge across Route 13 at the Dryden Rail Trail is supported by a \$1.5 million federal grant and \$345,000 from the state. This month the NYS Department of Transportation confirmed that those funds are obligated.

Zoning Board of Appeals (ZBA) to Hear Area Variance Request: An application for partial relief from the front yard setback will be reviewed by the ZBA at a virtual meeting on June 2. Meeting details will be posted on the Town website.

The Ithaca Area Wastewater Treatment Plant (IAWWTP) Need Four Pumps Replaced: This capital project which will cost the Town approximately \$2000 will need to be reviewed by the Town Board. A public hearing will likely be scheduled for June.

Planning Department activity for TOWN for April

Building permits: 9
Zoning permits: 4
Special Use Permit Reviews: 0
Site Plan Reviews: 1
Variance reviews: 0
New businesses: 0
Fire safety inspections: 0
Building inspections: 8
Certificates of Occupancy/Compliance: 0
Subdivisions: 1
Violation notices: 2
Complaints: 2
Fire calls: 0
Training hours: 0

Planning Department activity for VILLAGE for April

Building permits: 0
Zoning permits: 0
Special Use Permit reviews: 0
Site Plan Reviews: 0
Variance reviews: 0
New businesses: 0
Fire safety inspections: 0
Building inspections: 1
Certificates of Occupancy/Compliance: 1
Subdivisions: 0
Violation notices: 0
Complaints: 3
Fire calls: 0

NOTICE OF PUBLIC HEARING

TOWN OF DRYDEN, TOMPKINS COUNTY NEW YORK

PLEASE TAKE NOTICE THAT, in accordance with Section 202-b of the New York State Town Law, the Town Board of the Town of Dryden, Tompkins County, New York (the "Town") will conduct a public hearing on _____, _____, 2020 at _____ p.m. at the Town of Dryden Municipal Building, located at _____ to consider the expenditure of \$5,358,570 for the acquisition, construction and installation of improvements to the Town of Dryden Consolidated Sewer District sanitary sewer system including, but not limited to, the replacement or rehabilitation of sewer mains, manholes, pump stations and other facilities, and the acquisition of machinery, equipment or apparatus required in connection therewith.

Dated: _____, 2020

By Order of the Town Board of
the Town of Dryden, Tompkins
County, New York

Town Clerk
Town of Dryden

NOTICE OF PUBLIC HEARING

TOWN OF DRYDEN, TOMPKINS COUNTY NEW YORK

PLEASE TAKE NOTICE THAT, in accordance with Section 202-b of the New York State Town Law, the Town Board of the Town of Dryden, Tompkins County, New York (the "Town") will conduct a public hearing on _____, _____, 2020 at _____ p.m. at the Town of Dryden Municipal Building, located at _____ to consider the expenditure of \$3,021,956 for the acquisition, construction and installation of improvements to the Town of Dryden Consolidated Water District water distribution system including, but not limited to, the replacement of water mains, valves, hydrants and other facilities, and the acquisition of machinery, equipment or apparatus required in connection therewith.

Dated: _____, 2020

By Order of the Town Board of
the Town of Dryden, Tompkins
County, New York

Town Clerk
Town of Dryden