

TOWN OF DRYDEN
 PLANNING BOARD MEETING
 August 27, 2020
 Via Zoom

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: Daniel Lamb (Town Board), Loren Sparling (Town Board)

Chair John Kiefer opened the meeting at 6:00 p.m.

Public Comment

David Weinstein read the attached statement.

Approval of Minutes

On page 3 of the June 25 minutes it states that R Burger is pursuing remedies to a problem in a conservation easement with the lot owner. In fact, the developer is working with an engineer to remedy the problem. A minor clarification was made in the July 23 minutes. On motion of D Weinstein and seconded by J Wilson the minutes of June 25, 2020, and July 23, 2020, were unanimously approved.

Summary of Varna Zoning Proposal

J Kiefer said two months ago the Town Board took the Planning Board's recommendations and spent quite a long period of time at a meeting going through the document. They then turned it over to the Town Attorney to prepare in local law form. The document was then posted for public review and the board opened a public hearing a month ago for comment. There was strong public support for the recommendations made, with a couple of exceptions from developers who said the changes would make it less attractive for someone to build a project. At last week's Town Board meeting the hearing was resumed and again there was strong support for the recommended changes. The County 239 review referred to a study done in Tompkins County on housing where areas with municipal utilities were chosen are areas appropriate for residential development to offer affordable housing and better housing for the county. So, the County 239 objected to the reduction in density. There wasn't a lot of discussion among the board. Jim Skaley made a motion to approve the new zoning and did not get a second. There was no discussion about that, so we really don't have much feedback from the Town Board on why they are not in favor of the recommendations made by the Planning Board. There was a brief discussion about a moratorium in the hamlet and the Town Board asked the town attorney to think about that. He said he doesn't know what the desire of the Town Board is for zoning in the hamlet. We need to be careful about having a moratorium in the hamlet and then immediately begin work on thinking about inclusionary zoning because we are in the middle of a broad comprehensive plan update for the town and it would be out of sequence to pick up a little piece of the town and begin an analysis on that. It is fine to think about inclusionary zoning when we get to that part in the comp plan update.

His general advice for the Planning Board is to stand by and wait and see what, if anything, the Town Board would like the Planning Board to think about in the hamlet. In the past, the Planning Board has spent a lot of time on stuff that really hasn't gone anywhere, and his recommendation is that we do not do that anymore.

Cl Skaley said he thinks there needs to be more clarification as to what the county's expectations were. He hopes to be able to get an explanation from them at some point. It isn't clear from the letter what exactly they expect in terms of nodal development, particularly as it relates to the other objectives the county has for affordable housing and for maintaining community character. 239(l) specifically relates to community character. When the town is attempting to address the discrepancy between the current zoning and the Comprehensive Plan, it leaves everything in a limbo situation. On one hand we are trying to correct to the zoning to comply, and on the other we are told that that doesn't comply with what the county is interested in. It's hard to know where to go with this without further clarification.

D Weinstein said it is confusing because in the document the county cited, it says for nodes like Varna the density should be somewhere between 5 and 15 units per acre. We had 14 (in the high range) and reduced it to 8 (mid-range) and suddenly that wasn't good enough for them.

A Green said she would like to hear from the Town Board on what was behind the decision not to second the proposed zoning changes that the Planning Board spent so much time working on and not discussing it.

D Lamb said he thinks the situation came about for several reasons. If you are going to try to make a change like this, the Town Board needed to buy into it early on. The outcome shouldn't surprise anyone because the Town Board never really felt close to this idea of rezoning. They never asked for it, never encouraged it and often felt like it was going on a parallel track. The Planning Board and certain members of the Planning Board took up this initiative without getting the Town Board's buy-in. This can happen in any situation when you're dealing with a legislature and an advisory board. There was no synchronicity in this process. The Town Board charged the Planning Board with looking into short-term rentals and had interaction throughout that process and now is on the verge of passing a town law on short-term rentals. These sorts of things should be collaborative throughout and the boards should be communicating back and forth. Planning Board members need to know that the Town Board likes what they are doing so there are no surprises in the end. That's one of the reasons why we had a growing chasm between what the Planning Board wanted and what the Town Board wanted. We run town-wide and our constituents are throughout the town. It's not just Varna. We hear views, we run for office, we campaign on ideas, things that we want to work on. None of us campaigned on this. This wasn't something that was on the Town Board agenda. The Planning Board put it on its agenda, so some of this is on the Planning Board. It's not just the Town Board not picking up this initiative. He hopes going forward we learn from this and collaborate on things so that when something big comes along, we aren't surprised in the end.

Secondly, because we are engaged in a comp plan rewrite that will create rezoning throughout the town, that is the right time to do comprehensive rezoning. Doing it in a piece meal approach, a second time following the Varna plan being completed in 2015 and rezoning in 2015, to do twice seems like an odd process to him. That should have been thought about before this initiative started.

Regarding the County, most of his colleagues on the board agree with the County. The county and its nodal development is sustainable development. That's where you want development. Our Comprehensive Plan says our development should be in the hamlets and in the villages. At this point to read the 239 and act like we've never heard of nodal development or no one knows what nodal development is, is a stretch. He knows what nodal development is and knows why the county encourages development there. When the 239 came in and we saw that we have to have 4 of 5 votes to pass this, we knew we didn't have that. In our own FEAF prepared for this, we state the impact of this project is to reduce density and decrease open space. That is an environmental impact that we need to take into consideration. The Town Board found the same thing that the County found in its 239. The attachment in that document says it could lead to increased development in other parts of the town. We all know that our 2005 plan says that we should be concentrating development in our villages and hamlets. This goes against our Comprehensive Plan in some ways and he knows that was a problem for the Town Board.

Town Board members felt that this was a bit of a proxy battle about Trinitas and we should have been more up front about that. This was a reaction. No Trinitas, no zoning law amendment. He doesn't know why we have to dance around that. There was no effort to do this in the prior seven years, but Trinitas comes along and this effort coincidentally comes along. We all know better. This has everything to do with Trinitas and that is something that needs to be said.

T Hatfield said he appreciates the statement. What bothers him is that there was no second to J Skaley's motion. For him it's just courtesy that you get a second for nothing more than debate. It sends a message when you can't get a second and the pros and cons and debate on the record. He appreciates what was said, but wished it was on the record.

D Lamb said that's a fair point. They realized there would have been a bit of an uproar and they felt at some point this needed to be stopped. It would have meant a much longer meeting and they met until close to 11:00 pm on Thursday. They realized this had gone far enough. It gets back to the Town Board and the Planning Board not being on the same page, not engaging, and he really thinks this was about other things. It caused a chasm in how the boards were communicating. If this would have passed, it would have had grandfather language in it. At the end of the day, this would have disempowered the Town Board from decisions concerning Trinitas. That's a bit of challenge to power in roles and he thinks we all know that.

A Green said she wished that the Town Board through its liaison, D Lamb, had communicated sooner that this initiative was unappreciated and wasn't going to go anywhere. She served as the second liaison and watched this process go on. She heard D Lamb describe collaborations that work between the Planning Board and the Town Board and every one of them required the Planning Board being requested by the Town Board to pursue something. She asked if the Town Board wants the Planning Board to take any initiatives and if so, she would like the Town Board to give timely feedback if they think those initiatives are inappropriate.

Cl Lamb said this is an opportunity for a reset. He gave several examples of when the Town Board gave the Planning Board a charge and it delivered in a big way. If the Planning Board sees something it wants to work on, before things get too far along, they should test the Town Board's appetite for it. There may have been a deliberate effort not to do that.

J Kiefer said part of this is on him as the Chair of the Planning Board. He went to many Town Board meetings where the Planning Board made presentations over the last few years and he could tell by the body language and response that there was a difference of opinion. He's learned that he could have questioned the Town Board about this, and he should have. Planning Board members have spent easily 1000 hours thinking about zoning in the hamlet and reading the hamlet plan and we get this far and are disappointed. He's thought about what he could have done differently, and he hopes everyone does that. We ought not to be in this position again. We should learn something from this.

D Weinstein said he appreciates J Kiefer taking the heat, but it is undeserved. Many reasons given by D Lamb can be demonstrably shown to not be the real case. It is tragic. We have nine well-informed people who can add to the expertise of the Town Board and to not have them produce information and get the Town Board to think about it. In this case there was a potential litigable issue in the town's zoning not matching the comp plan. The Town Board should have seen that, but they didn't. That issue was presented very soon in this process. It would be very sad if the lesson from this is that these nine individuals cannot consider things on their own. Opinions can change as facts are brought out. The job of the Planning Board was to present the facts out to the Town Board and then they can deliberate it. It's tragic to put this on the Planning Board. It's the wrong lesson.

D Lamb said he expected that. The whole process has been set up to be a collision. Just because you produced points of view and your view on the facts, doesn't mean the Town Board agrees on them. What was just said, for instance, doesn't pass muster, for him, to say that we are creating liability by not having our zoning law reflecting our comp plan. Why didn't he come to that conclusion sooner and if that is the fear, why set the threshold where it was set? Why not set it at the strict buildout analysis that is in the Varna plan? A lot of the arguments for this proposal start with we must have compliance with our zoning law to the Varna plan, but this proposal doesn't even do that. So, the basic premise starts off on the wrong foot for some of us. His strong belief in sustainable development goes far beyond this discussion. Density is very compatible with sustainable development. If you want to take this back to things that we did campaign on, things that we do care about are sustainable development and concentrated housing. You benefit from the reductions of CO2 emissions if you have people living in closer densities and closer proximity to their destinations. As a planning concept, this idea goes against the idea of sustainable development in his mind. Nothing presented to him moved him from that position. When the county came out with its position, it was affirming to him because that was consistent with how he views sustainable development and the need for density. This was seen as something different, and particularly the arguments early on that were made in favor of single-family homes and against multi-family housing made him question what the real motives were here. Again, we were never on the same page with this and I think that rather than trying to get on the same page we stayed on separate tracks until a confrontation escalation situation.

J Skaley said he appreciates the explanation, however, you can go back to the minutes and discussion in the 2015 minutes and there was also strong opposition regarding the kind of density that was being proposed. State law dictates that zoning should follow the goals and objectives of the Comprehensive Plan. (D Lamb – to the extent possible.) He takes exception with some of the comments about what kind of housing is most appreciated. If you go back to the county's housing study, they talk about people living inside and outside the county who need to commute are looking for single-family housing. Single-family housing is lacking in supply compared to what the demand is. If there is no supply and you must live in close, the only option is to rent. Renting is not a way of appreciating capital or wealth. That is one of the things for people of that affordable income level. There is a social justice

issue here as well. It's not just that we are sustaining development for high rent, high income situations. If we're going to have a realistic, coherent community to sustain itself through the coming years.

S St Laurent said the Varna plan is now part of the Comprehensive Plan. He heard Dan kind of elevating the 2005 Comprehensive Plan as a way to say that the Varna plan's goals are wrong. There could be an inconsistency in the document, but he wouldn't phrase it that way. To say the Town Board represents the whole town and somehow the Planning Board doesn't is a very strange problem. He certainly spends a lot of time all over Dryden, not just in his corner of it. He expects to be campaigning all over Dryden next year as a result of these things. He strongly encouraged D Lamb to step back from saying that the Town Board is the town and the Planning Board is something different because he doesn't think it reflects well on him.

D Lamb said he was referring to the commentary last week where there was a strong representation from Varna, and not from people from all over the town. He talked about things that the board hears as representatives of the entire town do not necessarily reflect what the board was hearing at the meeting last Thursday. They have to consider a range of views.

J Skaley said the Varna plan was the result of an action of the Town Board as a special area that needed special consideration. That is why the Varna plan was developed and paid for. Subsequently, there were other areas of concern and one of the things to consider when talking about sustainability is community cohesion. Of course, Trinitas was a problem and it still will be a problem should they complete their application. The board needs to understand what makes a community work and that needs to be considered when talking about planning. There was a presentation to the Planning Board by the town attorney when he was a member of that board that indicated that the Planning Board has every right to take its own initiative and present things to the Town Board that they believe are of importance and necessary to have corrected if it's a problem, or whatever the issues happen to be. It's a simple fact that the Planning Board does not have to wait for the Town Board to take some initiative. That would countermand the whole purpose of having a Planning Board.

J Kiefer said this is a contentious, emotional thing and got far along without hashing it out. He hopes that doesn't happen again. It's a complex thing and he wishes they could continue talking about it, but there are other things on the agenda. Maybe this discussion can happen at another time.

Freese Road Maifly Development

J Kiefer said the developer had asked to give the board an update and asked them specifically to talk about the sketch plan list. There needs to be a SEQR Part 1 that includes both parcels for instance.

Present on behalf of the applicant: Adam Fishel, Matt Durbin, Gretchen Brevard, Noah Demarest.

Adam Fishel said they'd taken the list of sketch plan comments and items to provide and done their best to get something back to the board. There may be some holes to fill in. They have submitted a long form EAF that represented 5 and 9 Freese Road. It was provided electronically, together with the Tiny Timbers EAF redlined indicating what changes as a result of that project that will be pulled into this one. R Burger confirmed that they have complied with that requirement.

A Fishel displayed a map of the entire site. The Dryden Road side, 5 Freese Road and site of the former Tiny Timbers project, previously consisted of 15 three-bedroom homes. The current proposal is for 10 three-bedroom homes and 5 two-bedroom homes, same number of units but a slight reduction in the number of beds. There is the addition of a community center, minor changes to the site parking and some of the utility infrastructure that was previously approved by the town and some minor changes associated with the landscaping. The lower terrace, 9 Freese Road, consists of two multi-family town home buildings and two three-story apartment buildings in the back. These provide 64 beds over 32 dwelling units. Access to the lower part is from Freese Road. All the parking will be screened by the front buildings and there is a mixture of landscaping throughout to break up the front façade and address some stormwater concerns. One item left off the plan is some of the street trees that are in the 3D perspectives. Those have not been incorporated here and will be incorporated in a later submission.

Renderings of how project will appear from nearby roads – They had provided some rough schematics showing building massing. These have been updated and were shown to board members. Noah Demarest said renderings are prepared from topographic renderings and the site plan. It's a best attempt to accurately model the site in a 3D way and place the buildings on it. When you match up the points of the road, it creates a pretty authentic view of the rest of the site. They are confident that they are within a foot or two of accuracy. The current mound of earth currently on the site is taller than the three-story buildings.

Detail of how this project will meet town Zoning Law Section 706 concerning green neighborhood development – Gretchen Brevard said she went through the LEED v4 for neighborhood development with the design team. They meet the minimum of 40 points (Ivy Ridge was very similar). A LEED certification is a process. The checklist is an evolving document and where start and finish sometime ranges a couple of points either way. Like with the other project, they will keep updating the checklist and keep sending it to the town to make sure everyone is on the same page. There were two prerequisites that at this point they do not meet. They do not meet the prerequisite for walkable streets because 90% of the building frontages do not open to a plaza – the main entrances open to a parking lot. The single-family home area does meet the requirement because the parking area is small, and they open to a walkable sidewalk area. They do not meet the requirement for connected and open community because there would need to be 90 intersections within a quarter mile radius of the project boundary.

J Wilson said he has reviewed the checklist and has questions about the rationale behind some of the responses on the checklist. He will send his questions to the developer.

Because the developer cannot pursue certification because of the prerequisites they do not meet, J Wilson asked the board whether it is appropriate to consider the green density bonus when certification is being pursued. M Durbin pointed out that LEED for neighborhood is designed more for urban infill, not a more rural suburban areas such as the hamlet of Varna. G Brevard said they are still planning to provide Energy Star certified buildings (as they did in Ivy Ridge), so they will be highly efficient, very sustainable buildings and they are doing everything they can on site to make sure this is a sustainable site and provide a walkable neighborhood as much as possible and keep the idea of sustainability. They would be able to get the certification if they were able to meet the prerequisites.

J Wilson said the Planning Board would need to vote on whether to waive the prerequisites. This is a discretionary decision by the Planning Board. He said in addition to the things already noted, including building efficiency, there seems to be a good deal of effort to positively respond to the

county's new building recommendations. The bottom line is the statute doesn't really apply. You can't comply with it in a reasonable amount of time. It takes about four years to get a LEED certification.

J Kiefer said he didn't feel the two prerequisites bring anything to the project and it doesn't bother him that the applicant doesn't meet them. He's always viewed this as a scoring system that is convenient and if the architect is willing to sign off and say to the best of their knowledge this project has met the points they claim to meet, he is reasonably satisfied that and it is consistent with what has been done in the past. This is a reasonable way for the town to create green development. This approach for the green certification and density bonus is consistent with their previous project brought to the town. This plan contains a lot of things the town is looking for and what the bonus all about.

J Wilson said going forward with the comp plan update and action steps after, we should look seriously at the NYS Energy Stretch Code which would accomplish the purposes we seem to care about the most. If we are really worried about building efficiency, then we should be focused on the LEED standards for buildings where they apply. As to this issue, he thinks the combination of what they are proposing plus most of their responses to the county guidelines would cause him to not want to split hairs and move forward in a positive way.

J Wilson will send his questions to the developer.

How does the project comply with the Varna Design Guidelines and Landscaping Standards (Section 701) – They are providing landscaping design. They still owe on the plan the landscaping for the front face of the townhome building to show how that will break it up and provide some street trees. Like the issue they ran into on Ivy Ridge, there are several utilities in the right-of-way, so getting trees and plantings out near the road may prove to be difficult if not impracticable. But there is room outside the right-of-way where they can do something that is reasonable. The interior landscaping has native plants associated with the shrubs and grasses as well as the plantings that are proposed in the bio-retention areas. The plantings proposed in the cottages portion at 5 Freese Road is consistent with what was approved by the town during that project's review.

Streetscape & Sidewalk Design – There will be sidewalks on the Dryden Road side and on the portion along Freese Road. Both the 5 and 9 Freese Road projects will be connected to the sidewalk in the public right-of-way by accessible sidewalks. They are complying with the sidewalk design element.

Building and Architectural Detail – They are complying with the maximum height of no more than a 40' tall building. Even the three-story building from finished floor is about 33' tall so they are complying with that one.

The proposed development shall be designed to preserve as much as practicable the existing views and line of sight of the existing neighboring properties – To mitigate this, they are setting the smaller and shorter buildings (two-story townhome buildings) and siting the taller three-story back away from Freese Road, so you don't really see a lot of that building perspective from Freese Road. The three-story building is not higher than the mound of dirt there. The taller building's end and the two-story building are screened by the trees along the field.

The building materials are representative of those outlined in the plan. The intent is to work with materials similar to those used at Ivy Ridge. It is intended to be a traditional neighborhood feel and the developer feels that fits with the character of Varna very well.

What is displayed is a schematic design package and as far as sketch plan it is a robust set of drawings for the architecture, but they are not done. There will be revisions and things like colors, porches and details to be discussed. But if you look at what Maifly did with Ivy Ridge, they are trying to do a better, higher quality façade.

Satisfying the compliance and satisfying the recommendations and desires of the Varna Plan – This neighborhood and intersection was flagged as one that was underutilized and underdeveloped. The scheme in Trail Side included a mix of single-family homes and townhomes that provided a slightly higher density than some of the other options in the plan. If you look at 5 and 9 Freese Road as proposed, it is a very similar density as is outlined in the plan of around 10 units per acre. The 5 Freese Road still comply with the max allowable 14 units per acre with the base zoning and green and redevelopment bonuses. They are generally in line with what the Varna plan had for total density for something similar, single-family homes with street connectivity to sidewalks, connectivity to trails and rec spaces and sidewalk accessibility. This is what they are providing.

Explanation of how the project addresses the Tompkins County Energy Recommendations for New Construction Greater than 20 Units – They understand there is a huge emphasis on electrification. Using heat pumps for heating and cooling instead of putting in gas infrastructure is an enormous amount of greenhouse gas savings, not just because of the efficiency of the units but because of the opportunity to use renewable resources, whether that is on site or community solar or just the grid getting greener over time. New York State has a commitment to doing that so just by using electric equipment, we are heading toward a greener, more sustainable future as opposed to using gas infrastructure. Other things are window to wall ratio and keeping the building simple forms. They applying as much of it as they can in this case.

J Wilson asked that they comment on:

- (4) 20% more insulation than R value required by the energy code.
- (6) High efficiency heating and cooling systems – comment on any of the bullets under (6) and no comment on whole building energy modeling.

N Demarest said he will talk with Maifly and respond, but the general answer is in looking at the green building policies in the Town and City of Ithaca and achieving energy efficiency without added cost. That is kind of the starting point for these projects. J Wilson will email his questions to R Burger to be passed on.

M Durbin asked what is required and what is needed. Their commitment is to use heat pumps, all electric, mini-split units, the most efficient that they can. They want to give the town what it wants. J Wilson said he was mildly surprised that they aren't using heat pump driven water heaters. N Demarest said one of the issues with those is the space they require for air, so they can't be in a small space because it affects the efficiency of it. They also are quite noisy. Electric on-demand water heaters have an enormous draw of energy and are not as efficient as a small modest water heater. They realize it is not optimal, but when you are dealing with relatively small units without basements, they don't have a lot of options. When dealing with electrification, this is sort of a middle path.

Bike parking, pocket park, sitting area – Bike racks are provided outside the buildings in a few different areas. Some units will have a wall mounted bike rack. A lot of people bring their bikes inside.

There is a fair amount of grade change and embankment slopes to deal with on the site and there are stormwater provisions to be made. So, the space for a pocket park gets used up quickly. They can put something small in. In the upper area there is a community center and some green space to the southern side and a pocket park on the northern side of the cottages area. The two projects combined are a walkable community. They will try to identify other areas.

J Wilson, A Green and S St Laurent said there doesn't seem to be enough recreation areas for young families and young professionals. There was discussion about the available space and using a paved area on the lower level.

Is there a provision of law that allows the town to request park land or a contribution toward the purchase of recreation space? There is New York State Town Law that gives that power to boards that have site plan review power. R Burger will provide that information to the board. Applicant has met the green space requirement of 40% so that zoning provision is met. The board is considering the recreation needs of this added density. It can be provided on site or there can be payment in lieu of providing it on site.

M Durbin asked the board for some guidance because this site has more rec space than the Ivy Ridge development. The board wants to know where children would go outside to play in the lower development. It was suggested that because the more than the minimum parking spaces are being provided, perhaps that could be reduced some of that space could be utilized. N Demarest suggested they could do an inventory of what similar developments in the county have provided. He noted the areas used for emergency vehicle turnaround on the upper development could be utilized by children for play space as well as the sidewalk around the stormwater area. Developer will work on providing more rec space.

Zoning Law 1103 - This is essentially the site plan submission checklist and applicant says all that has been submitted. He noted they will provide LED post top decorative fixtures (LED, dark sky compliant) at each end of the island in the parking lot to provide illumination there.

Building footprint – has been adjusted to be less than 5,000 square feet.

Traffic – SRF & Associates has been retained and was involved in the traffic section of the Varna plan. In that Varna plan the traffic issue at the Freese Road/Dryden Road section was already identified (accident counts, safety and functionality). Applicant was asked to consider 5 & 9 Freese Road completely separately from the Trinitas traffic report. The cottages project was outlined in that report, but not the new proposal by Maifly. SRF has done the trip generation report. In response to D Weinstein's comment about only 23 or so trips being generated in the peak hour, the way the traffic consultants assess trips generated for residential is not based on the number of beds or number of cars. It is based on the number of dwelling units. You won't be generating 100 trips during the peak hours because some of the residents are college students and they don't have classes that correspond to those hours. They can ask the traffic consultant to come and address the board.

With respect to the functionality and level of service of the Freese Road/Dryden Road intersection, as outlined in the letter SRF submitted and based on data received, the accident counts for the intersection does not warrant installation of a traffic signal at that intersection because of this project. They do recommend that it be monitored, and that DOT consider placement of a flashing

beacon to call attention to it and slow traffic down. This project will not increase traffic to the point where it will be a tremendous burden on the intersection and require substantial traffic mitigation. They have provided what was asked for during sketch plan. The board feels it would have more direct answers if they were able to talk with the traffic engineer directly.

There was discussion about the applicant putting some signage on their property about the speed limit on Route 366. DOT would need to be part of the conversation. R Burger noted that DOT will be doing a public process this winter for the paving/sidewalk project through the hamlet, so it will dovetail nicely with this project.

Question about bedroom counts – Total number of beds was outlined in the long form EAF for both projects – 104.

J Wilson added questions to the chat for the applicant: If we run out of time, it would be helpful to have information in the FEAF for D2k, E1j regarding the house that is buried on the site of the Townhouses and under F--a statement regarding the target tenants.

D2k – (applicant is not required to do that)

E1j – *Is there hazardous waste or anything like that that would fit into this category?* No, not based on the environmental study done by the applicant or anything that the applicant has received.

F – affirmation of who the target tenants are. Applicant states they want young families, professionals. They realized that a lot of folks were looking for an affordable place for a one-bedroom (currently limited and in high demand).

Will there be affordable units in the project? They are not planning to have any mandated minimum low-income housing on the site.

Address concerns raised by the fire department – That was done on the site plan.

Concerns with town engineer, stormwater plan review – The conceptual SWPPP was submitted to TG Miller knowing that more information would need to be provided. That was done and they have not heard back yet from TG Miller. They will work closely with TG Miller, Dave Sprout and DPW addressing comments as they come up. They will have to work closely with DOT with respect to the drainage coming off Dryden Road that is currently flowing on their site.

Address comments raised by Tompkins County in their GML 239 review – Once that review has been received, they will address any issues.

Make a separate application to amend the previous site plan for 5 Freese Road – Done. The EAF for that project was redlined and a narrative of the changes submitted. There were minor adjustments to the stormwater infrastructure and stormwater conveyances systems. The placement of the dumpster was changed. Sidewalks within the site have been updated to better accommodate the project. A buffer agreement with Cornell that included placement of landscaping and a split rail fence was part of the previous approval. Cornell does have cross access to this property to get to their ag lands and that will be maintained. They have met with Cornell and Cornell is comfortable with how the access has been provided. They are working through Cornell's request for some buffering along the adjacent parcel.

Minor adjustments were made to the access drive on Dryden Road to better comply with DOT's driveway requirements. The whole development plan has been given to DOT for their comments. They have no major objections with the development as part of their conceptual review. A formal review will be triggered when the driveway permit is submitted. A community building was added in lieu of the gazebo. Parking spaces were adjusted. The community building is 1,000 sq ft and some space (25%) will be dedicated to maintenance/storage.

HOA – The physical lot that was to be dedicated to the HOA still exists, but the HOA was never established because the project didn't move forward. Applicant will honor whatever the town needs with respect to the requirements of the HOA. R Burger will arrange for the town attorney and the developer's attorney to decide this.

Applicant plans to have an onsite meeting with TG Miller, Dave Sprout, town DPW and Bolton Point in the next few weeks to go through all the utility permit processes. Applicant was advised that the town will be replacing the water/sewer infrastructure, hopefully starting next spring or summer.

In response to questions from D Weinstein, applicant said slopes now drain on to the Weinstein property. The slopes are not very well vegetated presently, but on completion of this project, they will be stabilized by a non-mow mix. The runoff from the roof areas will be collected by gutters and down spouts and piped to the pond directly for the areas that don't have elevation to get to the bioretention area. The project will not increase the runoff rates toward the Weinstein parcel. It is in compliance with DEC regulations. No stormwater infiltration is proposed. There will be a lining and the stormwater will be piped to the basin itself. There are no records about what kind of fill was placed there and you don't want a bunch of concrete in a pond embankment. The plans show the "L" section being torn out and put back on so the engineer can make a determination as to the stability of the embankment. It will also have impermeable either clay or concrete core in it, originally proposed as part of the cottages plan. They will make sure that the pond is stable and there will not be an infiltration issue. A Geotech will determine the soil stability.

R Burger said with answers to a few questions this evening, the FEAF is complete. This package has been submitted to the county, so it is already on their radar, but they will not start the 30-day clock until we fill in a few gaps. Still to come would be a proposal for a recreation area and what other little tweaks to be made to the site plan, so it is still a bit dynamic. It is substantially complete, and it is valuable to get public feedback. There will be a few revisions in the next weeks, so it is ripe enough for a public hearing. J Kiefer said it seems we should be able to post a complete application a week before the next meeting for a public hearing. When R Burger makes the determination that the application is complete, a hearing will be scheduled, hopefully for September.

There was discussion about whether to do the SEQR immediately after the public hearing or prior to it. It can be done either way.

NYSDERDA Renewable Generator Build Ready Program – R Burger explained NYSDERDA is looking to put together a list of potential sites for solar. The idea is that the sites chosen would be those with a quicker path to putting solar on. This is a program where local communities can nominate sites, probably 50-100 acres. Nominations will be open until Spring. Members can provide suggested sites to R Burger.

Pandemic Considerations for Developers – S St Laurent said these aren't necessarily all things that the Planning Board can do, but it is a good to think through things that might be different than in the past. For example, drive-through services may be more desirable. T Salerno noted there is a shift back to disposable and single-use products and while it is understandable, it is contrary to the reuse and recycle way of thinking.

Comp Plan Update – J Kiefer reported the consultants are about finished with the inventory and analysis section draft and they intend to have that and a summary of the survey by September 2 and prior to the meeting on September 9. On the 9th there will be a review of the introduction, inventory and analysis and a discussion about preliminary survey results. There were about 650 survey responses.

Route 13 Corridor Study – There will be a public meeting via Zoom on September 3. There is a link on the county website.

There being no further business, the meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Bambi L. Avery

David Weinstein

Aug 21, 2020

Planning Board member
51 Freese Road
Ithaca, NY 14850

Colleagues of the Planning Board:

Last night the Town Board refused to discuss our proposal to amend the Varna zoning, as you know unanimously supported by our Board and overwhelmingly supported by the letters, emails, and vocal statements made by the public. Jim Skaley moved consideration of the proposed zoning amendment and no one on the Board would 2nd it, so it died without discussion.

Consequently, the rest of the town, including the Planning Board, received no information about what was wrong with the proposal, what people liked, what proposed solutions they thought worked or didn't work, or what needs to be changed to make it acceptable. We don't even know whether the Town Board agrees with County Planning that Varna should become a dense "node" and the Varna Plan should be ignored.

To me, this is a huge affront to the work of the Planning Board. I could understand tabling it for modifications, but to not even discuss its merits and shortcomings, that's an affront.

The idea of putting a 6-month moratorium on project approvals was brought forth, asking the Town Lawyer to draw up a possible resolution.

Presumably, this would allow a deliberative body, possibly the Planning Board, to rethink everything it had done over the last year to see if it could come up with something better. However, without any idea of what the Town Board might think is good and bad about our proposal, I don't know why we would come up with anything different.

Perhaps the proposal was derailed by the notion that no proposal is acceptable unless it contains a strict requirement for inclusionary housing (requiring a certain percent of all units offered as affordable under the County's definition) being recommended by some people. The rush toward inclusionary housing is not well-thought out. It could help bring affordability, but it could also add to the cookie cutter apartment complexes that we are already getting, as developers scream that they have to build in as cheap a way as possible each time in order to have a profit.

It would be better, as we proposed, to establish as a foundation a lower allowable density more in keeping with the Varna Plan than to start from the current high allowable density. We could then work from there to see if we could add on pieces that solved other problems.

Let me be clear, 14 units per acre, even if it has a desirable level of affordable housing, is just too dense to get us back on track with the Varna Plan, to protect the character of the hamlet from being upended. There are unwanted problems in traffic, additional need for police and fire, stress on infrastructure, etc. that come along with such density, and in my mind the tradeoff of getting a larger number of affordable units with 14 units per acre vs 8 units per acre is not worth that cost.

it's not like our subcommittee didn't weigh various schemes to get more affordable housing. There was a concern that setting a fixed % for affordable housing would promote that cookie-cutter development I spoke of above. What we wanted was more flexibility for developers to come up with a range of possible solutions, under an umbrella of a lower density.

The idea of a moratorium is an easy way out – essentially saying “We don't like your proposal, but we don't want to tell you what we don't like and why, so we are going to send it back to “a committee” for more discussion”. Why would anyone expect that the Planning Board would come up with any different idea when we aren't being told what is wrong with the current proposal as a starting point?

So, those are my thoughts on what the board did, and I hope you understand my reasoning so that I do not have to repeat these points in our discussion next week. However, we both know that I probably will.

David

Weinstein remarks to Planning Board on Aug 27, 2020

Here are things I hope you will consider as part of your deliberations:

1. As I have pointed out before, the work of professionals working for a project should never be taken as gospel truth. Each item they put forth must be double checked for accuracy and must pass the “ does this make sense” test.

For example, on document “9-Freese-Road-Lot-Combination”, the identification of the owners of the adjacent parcel is incorrect. This parcel is owned by Weinstein/Stark, not /Clark.

In another example, the visual impact of the buildings remains far understated, nothing close to what the community will experience. I suggest you revisit these visualizations.

2. In talking about the traffic study (and as reported on the 5 & 9 FEAF), with 64 bedrooms below and 40 bedrooms in the cabins above, a total of 105 bedrooms (and a possible 105 to 150 people) will only generate 24 exiting vehicle trips during peak AM hour? Does this seem reasonable to you. Only 15% to 25% will leave during rush hour? Are these mostly home makers with no need to get to work or class during the rush hour. If so many are taking the bus, why all the parking spaces?

You’ll be hearing much more from me about the reasonableness of the traffic study when I have more time to examine this and the FEAF.

3. The engineering report and the SWPPP do not adequately address what will happen to the storm water falling on the steep 20’ northern slope and the water percolating rapidly from drainage collection basins with parking lot runoff, through the very loose rocky gravel to the water table, at the surface on my neighboring property.

4. I did not see anything about testing for the stability of the loosely piled rock and construction material debris.

5. Complying with the Varna design guidelines was discussed, but not compliance with the Varna Plan. The design guidelines reference the Varna Plan, so compliance with the Plan must be demonstrated.

Planning Board

August 27, 2020

Zoom chat

- 00:52:23 Joe Wilson: Simon has been trying to get in
- 02:04:18 Ray: NYS Town Law §274-a. 6. is parkland citation
- 02:06:20 Joe Wilson: One of my football coaches once asked me why there weren't any smart donkeys? I asked why, and his answer was Nobody likes a Smart Ass. Point taken!
- 02:13:13 David Weinstein: The ratio is WAY lower than the number of parking spaces - 24 trips from 100 cars. Bedrooms make much more of a difference than units.
- 02:20:26 David Weinstein: If they had recorded trips out of Ivy Ridge during the course of the day, for many sample days out of the year, then they would have evidence that only 25% of the cars would leave during the peak hour. But no one is gathering that data.
- 02:25:27 David Weinstein: The average number of trips from a dwelling per day is something like 4 (8 trips, one out and one back). If it was only 2, which would be one trip out and one trip back, it would add 10% to the number of cars per day in Freese Road. That's not insignificant, as Noah is implying.
- 02:32:19 Joe Wilson: If we run out of time, it would be helpful to have information in the FEAF for D2k, E1j regarding the house that is buried on the site of the Townhouses and under F--a statement regarding the target tenants.
- 02:38:21 David Weinstein: What environmental studies are you referring to? None have been provided to the town, just standard upper soil info.
- 02:43:12 Joe Wilson: Re. Marathon's letter of 8\21: What are the dimensions /square footage of the community building? What percentage/square footage is devoted to storage and "break room" for staff and what %/square footage dedicated to the activities of the tenants?
- 02:49:01 David Weinstein: testing of the fill material and testing the excessive percolation rates in the fill.
- 03:00:16 Joe Wilson: Will we hear from the traffic engineer on the night of the hearing?