

**TOWN OF DRYDEN**  
**TOWN BOARD MEETING**  
**October 22, 2020**  
**Via Zoom**

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

Elected Officials: Bambi L. Avery, Town Clerk

Other Town Staff: Ray Burger, Planning Director

Supv Leifer called the meeting to order at 5:00 p.m.

**2150 DRYDEN ROAD**  
**SPECIAL USE PERMIT AMENDMENT**  
**PUBLIC HEARING (continued)**

Ray Burger explained this is the third meeting on this matter. The changes since the last meeting are that the pole array in the field off George Road has been changed slightly mainly due to a compression of the pole matrix. NYSEG changed their requirement from 50' to a 40' spacing and the pole that was sitting kind of in the middle of the driveway to consolidate all three lines has been moved to the edge of the field to aid in opening access to the remainder of the field for potential farming. County Planning has reviewed the revised submittal and come back with a 239 review that they have no recommendations or comments. A review analysis by the town engineer, TG Miller, has been received. It basically talks about no significant adverse environmental impact and recommends some mitigating measures. A draft resolution has been presented that lists conditions. Last Friday there was a site visit by representatives of the Town Board and advisory boards. A new configuration of the interconnect was displayed and is on the website.

Noah Siegel of True Green said they reviewed different options and finally decided on the plan labeled Option 1A (on the town's website). The distance between poles has been reduced to 40' and still meets NYSEG's safety standards. The guy wire will be protected and farm access to the field has increased in width. The utility pole that first enters the site from George Road has been moved to the north side of the access road so that anyone accessing the field will only go under one utility wire.

They have reviewed the draft resolution and asked for guidance on where the evergreen trees would be planted.

NYSEG has agreed to a flag on the line on George Road so that excessive tree trimming does not occur at this site. The evergreen planting would provide additional screening in the event the trees along George Road were to come down for some reason.

CI Sparling asked if there was a tree cutting plan for Virgil Creek. He understands the Conservation Board has not been allowed on site. He would like the Conservation Board to see what trees are slated for cutting and the method. It has been suggested to him that hand tools be used in place of mechanized equipment and that it be done by a local contractor. Condition (d) in the resolution was modified to indicate only non-mechanized tree removal between the pole line and the creek bank and that the cuttings would be left in place.

It was noted that the south bank of the creek is very steep and should be protected from erosion. Any large trees scheduled for removal should be identified in accordance with our zoning law.

N Siegel said their engineer and contractor visited the site and have provided a report that he shared with the board. Trees with diameters of at least 12" were a red maple and an ash on the south side of the creek and four red pines on the north side. There is no de-stumping and the understory will be left. A non-mechanized method of removal will be used between the poles and the stream and all work will be done in accordance with DEC guidelines. Equipment will be used to set 3 poles between the stream and the edge of the clearing on the north side of the creek.

The evergreens to be planted should be placed outside of the NYSEG right-of-way. They will provide additional screening when leaves drop from the deciduous trees in the winter. Cl Skaley suggested eastern red cedar might be used as it is a denser evergreen, but their landscaper should decide what evergreen is best suited for the site.

Craig Schutt - noted that the Cornell farm in Harford is a NYSEG project, not National Grid, and everything is underground down there. NYSEG reps should have known that. People are misinforming us.

Why should we expect them to be so careful on Virgil Creek after the disaster they made of Willow Glen Creek? There were supposed to be roots left and it all got bulldozed. It's like a highway down through there and they straightened the stream. He doesn't believe there will be anything different. He still says the Conservation Board needs to look at the south side and he doesn't know why they won't allow that. What is the problem with giving them a site visit for 15 or 20 minutes there? He has asked over and over for access to that side and it makes him question more and more what is really going to happen.

R Burger said code enforcement officers have visited the south side. They saw stumps left in place along the Willow Glen tributary. The cutting plan was executed with stumps in place to protect from erosion. Originally there was a former tractor crossing of Willow Glen Creek and the contractor per the original site plan could drive on that same road. In order to protect the creek more and prevent any sediment from getting in the creek, they actually put in a culvert there. So there is a spot that has a 20' culvert and that is probably the part that is being viewed as having straightened the creek. It looks like a road crossing because it is a dirt road over a culvert, but that was an improvement to avoid sedimentation because the original plan allowed them to drive through the creek.

C Schutt said that is an improvement, but still doesn't address access to the south side of Virgil Creek. No one has been able to see that. He brought it up again at the site visit, but was ignored.

N Siegel said the poles on the south side are near the panels. There are no trees in front of the poles.

Supv Leifer closed the public hearing at 5:33 p.m. Written comments were received from Joe Osmeloski and Craig Schutt (attached).

Dondi Harner of TG Miller Engineers reviewed their letter of October 21, 2020 (attached). Their concerns have been addressed with the conditions.

Supv Leifer moved the resolution, it was seconded by Cl Skaley. The board discussed the conditions and language was added to (d) regarding use of non-mechanized tree removal and maintaining the integrity of the streambank.

Joe Osmeloski said he is completely against this plan and knows that the board is going to go forward with it. His major concern is oversight. There is no oversight in this town. There are still no poplars planted by the cell tower and that should have been done already. Once this is approved, they will be allowed to basically do what they want. There is no oversight. There was a plan to go underground and it should be going underground. We've been lied to before about this plan, and this group has lied about this plan. He is completely against this and doesn't believe that once they have their approval there will be any oversight. The SUP for the cell tower required poplar trees to be planted in certain locations and that hasn't happened. There is no oversight in this town.

R Burger said he will check on the Verizon cell tower site and the planting plan will be executed.

**RESOLUTION #130 (2020) - Approving Site Plan Amendment and Reaffirming SEQR determination for Electric interconnect at 2150 Dryden Road, Tax Parcel 38.-1-3.11**

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

WHEREAS,

A. Dryden-Tompkins Solar II, LLC (True Green Capital Management) has applied to amend their site plan for the large-scale solar facility at 2150 Dryden Road, Tax parcel 38.-1-3.11 detailing how this facility will interconnect to the electric grid, and

B. The original site plan was approved by the Town Board on August 17, 2017, and

C. An application dated 8-17-20, visual analysis dated 7-29-20, response letter dated 9-17-20, a SWPPP modification report dated 9-23-20, and a sketch plan labeled "Pole Farm site plan, Option 1A" dated 10-16-20 have been submitted, and

D. The Town Planning Department considers the application complete and in conformance with the requirements of Town Zoning Law §1102, and

E. A public hearing was held on September 17, 2020 and resumed on October 15 and October 22 with public comments registered in the meeting minutes and considered by this board, and

F. The Tompkins County Planning Department has reviewed the application pursuant §239 -1, -m, and -n of the New York State General Municipal Law, and

G. In a letter dated October 21, 2020, the Tompkins County Planning Department stated that they have no recommendations or comments on this proposal, and

H. The Town Engineer has reviewed this application and provided comments in a letter dated 10-21-20 regarding the Stormwater Pollution Prevention Plan (SWPPP) and environmental impacts and this has been considered by this board, and

I. Pursuant to the New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations at 6 NYCRR Part 617, the Town Board of the Town of Dryden

has, on July 20, 2017, made a negative determination of environmental significance, after having reviewed and accepted as adequate the Environmental Assessment Form Parts 1, 2, and 3, and

J. The Town Board has reviewed this application relative to the considerations and standards found in Town Zoning Law §1104 for site plan review.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Town of Dryden Town Board hereby reaffirms its negative determination of environmental significance that was made on July 20, 2017, in accordance with Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617 New York State Environmental Quality Review for the above referenced proposal, based on the information in the EAF Part 1 and for the reasons set forth in the EAF Parts 2 and 3, and, therefore, a Draft Environmental Impact Statement will not be required.

2. The Town Board approves the sketch plan documents as referenced in C. above, as a site plan amendment for 2150 Dryden Road, and waives further site plan review, conditioned on the following prior to issuance of a Certificate of Compliance:

- a. A landscaping plan, to include at least 10 evergreen trees to augment the screening provided by the natural vegetation buffer along George Road as well as maintaining that existing vegetation buffer, shall be submitted to and approved by the Town Engineer and Planning Director.
- b. Confirm with NYS Department of Environmental Conservation that this plan meets their Virgil Creek setback requirements.
- c. Bollards shall be placed to protect the guy wire anchors nearest the 40 foot wide access lane at the east corner of the 18 pole matrix.
- d. Vegetation removal across Virgil Creek will be limited to only those trees that will immediately impair the overhead lines and shorter understory vegetation will not be cut. Any tree stumps should remain to avoid soil disturbance. Future tree cutting should be limited to these same requirements. Utilize only non-mechanized tree removal between pole line and streambank and leave cuttings in place. Protect steep terrain to south of creek from erosion, and continue erosion control for the life of the project. Streambank integrity must be maintained.
- e. The pervious access road detail per NYSDEC requirements be added to the plan set.
- f. The Town of Dryden Standard Conditions of Approval as amended August 14, 2008.

2<sup>nd</sup> Cl Skaley

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

Supv Leifer asked R Burger to make sure these conditions are followed and to check on the Verizon cell tower site.

R Burger said there is an application for a third storage building at the 4 Seasons site at 1400 Dryden Road. He'd like to schedule a public hearing for November 19. The time was set at 6:35 p.m. There is still potential for First Light to be ready for their public hearing that night.

There being no further business, on motion made, seconded and unanimously carried, the meeting was adjourned at 5:50 p.m.

Respectfully submitted,

Bambi L. Avery  
Town Clerk

**Sent:** Sunday, October 18, 2020 11:13 AM  
**Subject:** 2150 Dryden Rd. Creeks and Streams

Dear Dryden Supervisor and other interested parties (with special attention to The Conservation Board),

After doing a site visit to 2150 Dryden Road, on Friday, October 16th, I am very concerned about Virgil Creek and the entire wetlands, ecosystem associated with such an important Spawning Trout stream, and a major feeder to Cayuga Lake, the source of many in Dryden and Tompkins county for their drinking water.

Before addressing Virgil Creek, I would like to go back to the Willow Glen Creek that dissects the 2150 site entering from a culvert under Rte 13, and running northerly between Solar Array field #5 to the east, and the Cell Tower and the other part of Array #5 to the west, eventually emptying into Virgil Creek. I have provided some pictures of the current condition of Willow Glen Creek.

Back in 2017, when this Site Plan was approved, we were provided a "Tree CUTTING plan" for the beautiful Willow Trees that along with many other species of trees, shrubs, brambles etc that formed the Riparian buffer for this creek. As it turns out, the term "Tree CUTTING plan" used by Distributed Sun and its representative: Bhirath Srinivasan, was, as we have come to find out later, just another falsehood. In actuality, what happened at the 2150 site, and The Willow Glen Creek was a "tree REMOVAL plan". You see, the trees, yes were first "cut", but then, the complete removal of the entire root systems of these more than 100 year old Willows was REMOVED, obviously compromising the Riparian Buffer for Willow Glen Creek. In fact, if you look at the pictures of the current condition of the creek (although what I see looks more like a road and a parking lot), its alarming to say the least.

Fast forward to an even more sensitive Creek and Ecosystem, that being Virgil Creek, and the new Site Plan adjustment being tendered by True Green Capital, LLC. The swath of "cutting", again has been depicted in their current plan as a "tree CUTTING plan" for multiple lines crossing Virgil Creek, (instead of just ONE in the original underground plan). Given that the "tree CUTTING plan" for Willow Glen Creek turned into a Tree REMOVAL plan, I shudder to think what will occur, with a tree "CUTTING" plan for Virgil Creek.

Please be advised that all this information for what has already happened to Willow Glen Creek, and is about to occur to Virgil Creek, will immediately be forwarded to the District 8 DEC office located in Cortland, and to Tompkins County and Mr. Scott Doyle, who will be involved in the county's 239A review. In speaking to Mr. Doyle, it was quite apparent that our Planning Director in the previous 239A review for this site plan adjustment was lax in sending ALL pertinent information for review such as: 1. Exactly how much of the Riparian buffer was to be disturbed, 2. How many trees of more than 12" in diameter, at breast height, are to be destroyed, 3. Any and all precautions being taken to protect the Virgil Creek Riparian buffer and ecosystem. Simply sending the schematic of the plan is completely inadequate.

Please, before another ecological disaster similar to Willow Glen Creek occurs at Virgil Creek, lets be sure that we know EXACTLY what will happen at Virgil Creek, to allow 3 sets of poles and lines to cross the creek, as indicated by the current plan.

Thank you,

Joseph Osmeloski

## Bambi Avery

---

**From:** Osmeloski <ttia607@gmail.com>  
**Sent:** Thursday, October 22, 2020 8:01 AM  
**To:** Alice W. Green; Ray Burger; Brad Perkins; Steven Bissen; Bambi Avery; Craig Schutt; Craig Anderson; Charles R. Smith; Deputy Clerk; Evan Carpenter; David Alan Weinstein; Peter J. Davies; Gian Dodici; Joseph Wilson; Janis Graham; Hilary Lambert; Tom Hatfield; John Kiefer; Dryden Town Supervisor Jason Leifer; Timothy L. Woods; Loren Sparling; Nancy Munkenbeck; Robert M. Beck; Mike Richmond; sports@flcn.org; Craig Anderson  
**Subject:** Statement for Public Meeting: 10-22-2020, NOH True Green Capital Site Plan adjustment at 2150 Dryden Rd.

Dear Dryden Town Supervisor and other interested parties,

I am writing this email to be entered into the record for the Dryden Town Board, Public Meeting dated 10-22-2020, to begin at 5pm pertaining to the site plan adjustment application for NOH, True Green Capital LLC, at 2150 Dryden Rd.

I have stated on numerous occasions during this process that I (like I'm sure many Dryden Citizens) do not like or appreciate being lied to and it saddens me that these Solar projects were approved based on lies and falsehoods. I would like to thank Mr. Andrew Sullivan of the Dryden Courier for beginning his October 21st article titled; NYSEG, True Green Under Scrutiny for Changes to Solar Project, with the most blatant of lies we received from Mr. Bhirath Srinivasan, in the April 20, 2017 TB meeting where he tells Shirley Price that the ONLY overhead line will be across Virgil Creek, for the NYSEG interconnections. Now I must point out another lie or false hood perpetrated by the current owners True Green Capital and its representative : Mr. Ilias Garidis. In the same Dryden Courier article above, on page 20, paragraph at the top of the 2nd column, Mr. Garidis is quoted as saying the following: "the sketches of the site plan did not clearly identify whether or not the interconnection would be under or above ground". I have looked at at numerous site plans and sketches and all clearly show the the interconnections UNDERGROUND. Please refer to map C-102 (2150 Dryden Rd, Site plan) dated 5-31-2017, prepared by LABELLA. This map clearly shows the lines coming to the pole crossing Virgil Creek, and then the lines on the other side of the creek after they have crossed over the 2nd pole labeled as UE (underground electric) and then in the legend, these lines are called: AC ELECTRICAL TRENCH PATH (EST). I dont know how much clearer it could have been, and if a Project Engineer for a multi-million dollar company could not discern this, then he is either a Liar or Incompetent or both.

Noah Siegel of True Green Capital on many occasions has said how he wants True Green Capital to be a good neighbor. Funny, Bhirath Srinivasan said the same thing. Do all Solar companies believe that being a good neighbor means that they lie to, and deceive the citizens of a community?

That brings us to the current plan, I believe labeled 1a on the website.

Does being a good neighbor mean submitting a "new" plan that has so few changes, and completely ignores the suggestions of the Dryden Town Supervisor, to move the poles as far North as possible, and was so easy for Scott Doyle and Kathy Borgella to review that they returned the 239A review back in a matter of 24hours, for a process that normally, according to Scott, takes at least 2 weeks? When you make so few and ridiculously small changes to a plan, then of course, its easy to review as they basically had already reviewed this plan as the original.

Because True Green Capital, like Distributed Sun, has proven that they in fact could care less about being a good neighbor, my wife (Sarah) and I have now decided that we will not agree to ANY PLAN where the hideous pole arrays that will blight our viewscape, are above ground on the NORTH side of Virgil Creek. We will agree to these hideous Pole Arrays on the SOUTH side of Virgil Creek, and if this means sacrificing Solar Arrays in I believe Array Field #1, then so be it. Clearly, though, we would prefer ALL interconnections to be underground as originally agreed to by the Town of Dryden, so Pole Arrays like the ones at The Ellis Tract and Carpenter Farm are not blighting the landscape at Willow Glen.

Thank you,

Joseph Osmeloski

Dear Ray and Supervisor Leifer

After a lot of thought and consideration I have decided I should voice my concerns about the direction of the 2150 Solar Project SUP. I attended the site visit last Thursday, October 16. I listened, asked questions and after much reflection must say very little changed. All that did change was moving of a couple of poles a few feet. This will improve access to the site, to some degree but, that's all it will do. There were several other concerns brought forward by the Planning Board and strongly supported by both the Conservation Board and the Ag Advisory Committee yet none of these have been addressed. To say these small changes have brought everyone into agreement on a plan is a false narrative and a misconception of what transpired. Yes, I agree access will be improved but what about the other concerns. This plan does nothing to improve the visual impacts of the placement of the poles. I was under the impression at the Board meeting on the 15<sup>th</sup> that moving the poles as far to the north as possible was the plan that was going to be pursued. Yet a little smooth talking by a group of Tru-green representatives seemed to convince several attendees that they had made big concessions by moving a couple of poles just a few feet. I was not convinced then and the more I think about it the more convinced I am that it was a bait and switch by big business yet again and the major reason was again the bottom line as always. Cheaper to move those couple of poles rather than move that entire grouping to a more acceptable location. I voiced this concern at the site visit but my concerns seem to fall on deaf ears.

Let's consider some of the other concerns. Most importantly is the destruction of the riparian buffer along Virgil Creek. Again Tru-green is making promises of how careful they will be when taking down trees in this sensitive area but they have yet to submit a comprehensive plan to be reviewed. After looking at before and after pictures of the destruction of Willow Glen Creek why should anyone believe there will be a better end result on Virgil Creek. The PB asked that the crossing be limited to one line across the creek to minimize the destruction but again Tru-green says it is not possible. Again should we just take this at face value? And then there is the fact that no one has been allowed access to the south side of Virgil Creek. I have requested this several times, but I am simply ignored. I brought this up again at last week's site visit and there was no response. I will ask again what I have before, "What are they hiding? Why are they so reluctant to allow access?" Is it because they don't want anyone to actually see what may be destroyed ahead of time? Is it a case of the old adage, It's better to ask forgiveness after the fact than ask permission? I don't know and either does anyone else without an opportunity to see what is on the south side and review an acceptable plan. There is only way to dispel these concerns and that will only happen if you Ray, and the Town Board insist, instead of ignoring every request.

Again, I ask that the Town Board not to approve this plan until all pertinent concerns are addressed satisfactorily and access to the south side of Virgil Creek is permitted. My hope is these concerns will not fall on deaf ears again and will be taken seriously and the concerns of the advisory boards will also be taken seriously. Please don't push this SUP through for the sake of getting it off your plate.

Thank you for your time and consideration.

Craig Schutt

# T. G. MILLER, P. C.

ENGINEERS AND SURVEYORS

605 W. State Street, Suite A | Ithaca, NY 14850 | phone 607-272-6477 | fax 607-273-6322 | www.tgmillerpc.com

October 21, 2020

Jason Leifer, Supervisor  
Town of Dryden  
93 East Main Street  
Dryden, New York 13053

Re: Solar Photovoltaic Plants  
2150 Dryden Road  
Dryden-Tompkins Solar II, LLC  
Revised Interconnection Review

Dear Supervisor Leifer,

We received the George Road Electrical Interconnection and Visual Impact Analysis dated July 29, 2020; a response letter dated September 17, 2020; a SWPPP Modification Report dated September 23, 2020; and a Pole Farm Site Plan, Option 1A dated October 16, 2020 all as prepared by LaBella Associates. Upon review of these documents, I offer the following comments as they pertain to the previously approved plan.

1. The SWPPP Modification Report that was provided, incorporates the additional work proposed at the point of common coupling and shall be kept onsite with the approved project SWPPP and SPDES General Permit for Stormwater Discharges from Construction Activity. I recommend the pervious access road detail per NYSDEC requirements be added to the plan set if not already incorporated with the Building Permit submission.
2. The proposed vegetation removal across Virgil Creek has increased from 20 feet in width to approximately 100 feet to accommodate three sets of overhead lines. The total wooded area to be cut on either side of the creek is approximately 0.85 acres, or an additional 0.68 acres. I recommend the vegetation removal across the creek be limited to only those trees that will immediately impair the overhead lines and that shorter understory vegetation not be cut. Any tree stumps should remain to avoid soil disturbance. In addition, future tree cutting should be limited to these same requirements. Per a conversation with NYSDEC on September 21, 2020, an Article 15 permit for disturbance of a protected stream does not appear to be required for the proposed work since the application has stated no disturbance will occur within the creek bed or bank. What is not clear from the plans is if there is a defined bank along the creek that would set clear limits for top of bank. If there is no discernable top of bank then NYSDEC regulates 50 feet from the creek channel. Based on the Pole Farm Site Plan, Option 1A, it appears the poles will be placed to meet this minimum setback. Therefore, no significant impacts on plants and animals are anticipated as a result of the proposed modification.
3. The siting of the poles within the field will reduce the total tillable acreage by approximately 0.7 acres. The system can be decommissioned and removed, allowing the land to revert back to agricultural use. The pole placement and spacing depicted in the Pole Farm Site Plan, Option 1A indicates a 40-foot wide access lane is maintained around the poles and any guy wires for agricultural equipment. Based on this latest information, no significant impacts on agricultural resources are anticipated as a result of the proposed modification.

David A. Herrick, P.E.  
Frank L Santelli, P.E.  
Andrew J. Sciarabba, P.E.

Dondi M. Harner, P.E.  
LEED A.P., C.P.E.S.C.

Lee Dresser, L.S.  
Darrin A. Brock, L.S.

4. Five interconnection locations along George Road were originally shown on the SUP plans dated July 7, 2017. Although no specific site plan was provided showing the detail interconnection requirements, the approximate location was noted with the understanding that additional design was necessary for the interconnection to the NYSEG system. The total number of connections have since been reduced from 5 to 3 with only one point of connection to the NYSEG power poles along the George Road right-of-way. Prior to combining the three connections, we understand the multiple poles are required as shown on the Pole Farm Site Plan, Option 1A in order to meet NYSEG interconnection requirements. NYSEG further described these requirements in a letter dated August 3, 2020. The applicant has prepared a revised site plan outlining the detail connections and a Visual Impact Analysis. Based on the visual renderings and line of sight profiles provided, the visibility of the proposed infrastructure will be limited to nearby residences and vehicles traveling along George Road. The proposed infrastructure will be partially screened by native vegetation surrounding the site. While no significant adverse impact to aesthetic resources are anticipated as a result of the proposed modification, I do suggest the Town consider a requirement for planting of evergreen trees within the current vegetated area adjacent to George Road to supplement the seasonal visual screening of the existing deciduous trees and shrubs. If supplemental screening is deemed appropriate, a Planting Plan prepared by a qualified design professional or landscape contractor should be submitted to the Town for review and approval. The quantity, size and placement of evergreen trees would be based on sight lines that will soon become revealed by the falling leaves.

Based upon my review of the above referenced documents, together with my recommendations, it is my opinion the proposed modifications do not trigger a supplemental environmental review; therefore, the Town Board can consider re-affirming the 2017 Negative Declaration of Environmental Significance.

Feel free to contact me with any questions related to this recent review. Thank you.

Respectfully,



David A. Herrick, P.E.  
Principal

Cc: R. Burger, Director of Planning