

TOWN OF DRYDEN
PLANNING BOARD MEETING
October 22, 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: Dan Lamb & Loren Sparling (Town Board), Craig Schutt (Conservation Board)

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

Approval of Minutes

Approval of the September 24, 2020 minutes was moved by A Green, seconded by T Salerno – all in favor.

Updates

Town Board – Dan Lamb reported that the special use permit amendment for the 2150 Dryden Road solar array was approved with conditions and explained why going underground with the interconnect in this instance was not possible. The site visit and recommendations of the Planning Board and Town engineer were helpful in drafting the conditions. If the town were to insist on underground, the expense would be paid by the town. The Town Board will look at amending the solar law to provide a formal process for amending these site plans.

There will be a public hearing on the Short Term Rental Law on November 19. The version introduced would establish a registry.

With respect to the Freese Road/Route 366 intersection, he has spoken with NYSDOT and Fernando de Aragon about the possibility of a roundabout there. He's learned it may be a difficult fit. The resurfacing project will start next year and early design work has begun. There will be public hearings early in the year and that will be the opportunity to bring this up. The traffic study for the intersection has been received and NYSDOT does think it is a good place for a blinking yellow light.

Town Ethics

If members have not yet signed the town's new Code of Ethics, please do so and get that back to the bookkeeper, Amanda Anderson.

Comp Plan

Today is the last day to submit comments on the inventory and analysis. At the next meeting the group will work on a virtual public workshop to be held in early December. It is expected that by November 4 the consultants will provide a draft of the plan for discussion on the meeting to be held November 10.

County Planning Department Outreach

Each year County Planning offers support to municipalities. They have offered to generate best practices documents on various topics. We can request a research paper on a topic. Inclusionary zoning has been suggested as a topic and R Burger asked members to provide him with other ideas. J Wilson suggested guidance on implementation of a process of asking developers to contribute to a fund for recreation space. A Green added that there had been talk at one point of implementing recreation impact fees. J Skaley said he would like to add form-based zoning as a topic.

Planning Department Update

The Route 13 Corridor Study is available in draft for comment and expected to go the legislature for adoption in November.

Someone is interested in purchasing a property on Southworth Road, in a rural ag district, and utilizing the 100' pole barn there to do a rolled roofing business. He says most of his customers are agricultural, so it seems to fit the definition of ag related business. Once the application comes in, he will bring it to the Planning Board for site plan review. If it weren't for the purpose of putting it on ag barns, it would be an industrial process, but it is in support of agriculture, and structures is listed as an ag-related business. Sheet metal will be brought in in rolls and roofing metal will be produced.

C Anderson said he thought ag-related business was a spinoff of a farm. For example, someone owns a farm and wants to start selling haying equipment. This would help the farm stay competitive and profitable. He didn't think it was something put on ag land without the parent farm.

R Burger said this seems to fit the definition of ag-related enterprise.

Pandemic Considerations for Developers

S St Laurent has presented a list (attached) of items that might be considered. The pandemic has changed a lot of things, for example, shopping malls and not being able to have a lot of people in an enclosed space. Things that used to be great shared amenities are now not so popular. Shared gyms in an apartment complex aren't as important when looking for a place as they used to be. Internet connection is important, and broadband availability isn't part of this board's approval process, but is now something we might want to think about for larger projects. Some of these items are more appropriate for building code and general advice, but there are other things like bicycles and public transit that suddenly shifted. People are suddenly happier riding their bicycle than being in the bus. People are needing office space at home. There are a lot of things that were minor accessory uses that have become much more valuable and some people who are looking for new homes are looking for space in their home for an office. We don't know which of these trends will last. He said he is not

historically a fan of drive-through windows, but it is now more appealing than it was a year ago. The town may want to take some of these changes into consideration and try to be prepared for the future.

Comments:

- Recommendations could be handed to developers when they pick up an application.
- We should start considering internet as a utility, the same as water, sewer, and power.
- The concept of working remotely is not likely to go away.
- Open space for exercise is more important.

Open Meetings Law

J Kiefer said it seems the biggest thing is how to address email communications. He suggests take this be taken up at the next meeting along with examples of different types of email that should or shouldn't be shared.

Maifly Development

At the last meeting one of the items was to let the NYSDOT know the Planning Board's perceptions of the Route 366 intersection. Dan Lamb has reviewed where this currently stands.

The applicant has provided emails with a lot of information in response to Planning Board questions and comments.

Adam Fishel reported they have reached out to DOT about advanced warning signage and beacons for the intersection and DOT was not receptive to the idea. With respect to a crosswalk across Dryden Road from this development to Mt Pleasant Road, DOT indicated they would put that in, provided the sight distances are good. They will make those measurements and send them on to DOT.

Regarding LEED certification, J Kiefer said he understands that the LEED process is an ongoing thing and changes as the design develops. It is difficult for the Planning Board to want to nail it down right away because that isn't the way it works.

J Wilson said what he takes from the process is that beyond the language we are looking at, the whole notion of awarding green density bonuses is premature because the plans change and you can't really predict how many points someone may ultimately be eligible for. J Kiefer said the developer starts spending money on design work based on how many units they get to have, and to be fair to them they need to know ahead of time. The way the statute is written needs some work.

A Fishel said as requested they have included an additional plan that enlarges the identified recreation areas as well as the outdoor nature areas. Areas paved and not paved are more easily identified and there is a table with square footages computed. The contour information is included to show that the identified recreation areas are mostly flat. The outdoor nature area is more of a space to explore nature.

The fire department did ask that one raised corner at a landscaped area be removed to help with firetruck maneuverability. They are still above the 15% minimum, primarily because of the large bioretention area in the middle.

Maifly SEQR Review

J Kiefer said D Weinstein has recused himself and S St Laurent will be voting in his stead on this matter. After SEQR review will be site plan review. SEQR Part 1 is the project information submitted by the developer. Part 2 asks the board to consider the project in many different areas and rate it as either a little or no environmental significance or significant environmental significance. In Part 3 the board makes a either a negative or a positive declaration of environmental significance. A positive declaration causes the developer, if they want to continue, to do an environmental impact statement. When the board is not in agreement on the answer to a particular question, a vote will be taken and majority rules.

The board reviewed SEQR Part 1 and completed the answers as follows. J Wilson shared his thoughts with respect to questions 17 and 18 in documents (attached) and he shared his comments in discussion.

SEQR Part 2 Identification of Potential Project Impacts

1. Impact on Land – Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. Yes.

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

a) The proposed action may involve construction on land where depth to water table is less than 3 feet. No.

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

c) The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface. No

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

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

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

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

2. Impact on Geological Features – The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). No

3. Impacts on Surface Water – The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). No

4. Impact on groundwater – The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. Yes

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

a) The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells. No

b) Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. No

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

- d) The proposed action may include or require wastewater discharged to groundwater. No
- e) The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated. No
- f) The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer. No
- g) The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources. No

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

6. **Impacts on Air** – The proposed action may include a state regulated air emission source. No

7. **Impact on Plants and Animals** – The proposed action may result in a loss of flora or fauna. No

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

9. **Impact on Aesthetic Resources** – The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. No

10. **Impact on Historic and Archeological Resources** – The proposed action may occur in or adjacent to a historic or archaeological resource. No

11. **Impact on Open Space and Recreation** – The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. No

12. **Impact on Critical Environmental Areas** – The proposed action may be located within or adjacent to a critical environmental area (CEA). No

13. **Impact on Transportation** – The proposed action may result in a change to existing transportation systems. Yes

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

- a) Projected traffic increase may exceed capacity of existing road network. No
- b) The proposed action may result in the construction of paved parking area for 50 or more vehicles. No
- c) The proposed action will degrade existing transit access. No
- d) The proposed action will degrade existing pedestrian or bicycle accommodations. No
- e) The proposed action may alter the present pattern of movement of people or goods. No
- f) Other impacts: With respect to the off site Freese Road/Route 366 intersection, both the traffic study and NYS DOT acknowledge that this intersection has problems, but the NYS DOT has mitigation measures planned.

14. **Impact on Energy** – The proposed action may cause an increase in the use of any form of energy. Yes

If “Yes”, answer questions a-e. If “No”, go to Section 15.

- a) The proposed action will require a new, or an upgrade to an existing, substation. No
- b) The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use. No

- c) The proposed action may utilize more than 2,500 MW hrs. per year of electricity. No
- d) The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed. No

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

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

- a) The proposed action may produce sound above noise levels established by local regulation. No
- b) The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home. No
- c) The proposed action may result in routine odors for more than one hour per day. No
- d) The proposed action may result in light shining onto adjoining properties. No
- e) The proposed action may result in lighting creating sky-glow brighter than existing area conditions. No

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

17. Consistency with Community Plan – The proposed action is not consistent with adopted land use plans. Yes

If “Yes”, answer questions a-h. If “No”, go to Section 18.

- a) The proposed action’s land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s). No
- b) The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%. No
- c) The proposed action is inconsistent with local land use plans or zoning regulations. No
- d) The proposed action is inconsistent with any County plans, or other regional land use plans. No
- e) The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure. No
- f) The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure. No
- g) The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action). No
- h) Other: Comment - clarification on LEED bonus is needed.

18. Consistency with Community Character – the proposed project is inconsistent with the existing facilities, structures, or areas of historic importance to the community. Yes

If “Yes”, answer questions a-g. If “No”, proceed to Part 3.

- a) The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community. No
- b) The proposed action may create a demand for additional community services (e.g., schools, police and fire). No
- c) The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing. No
- d) The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources. No
- e) The proposed action is inconsistent with the predominant architectural scale and character. No

- f) Proposed action is inconsistent with the character of the existing natural landscape. No
 g) Other: Would change the nature of housing and the character of community interaction. No

RESOLUTION #12 (2020) - NEG SEQR DEC – Maifly Development -5-9 Freese Road

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

- A. The proposed action involves site plan review for construction 15 single-family homes and a community building at 5 Freese Road and four multi-family buildings at 9 Freese Road.
- B. The proposed action is an Unlisted Action for which the Planning Board of the Town of Dryden is the lead agency for the purpose of uncoordinated environmental review.
- C. The Planning Board of the Town of Dryden, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law – the State Environmental Quality Review Act “(SEQR)”, (i) thoroughly reviewed the Full Environmental Assessment Form, Part 1, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review,(ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1) The Planning Board of the Town of Dryden, based upon its thorough review of the Full EAF, Part 1, and its thorough review of the potential relevant areas of environmental concern has determined that the proposed action will have no significant adverse impact on the environment in accordance with SEQR, and
- 2) John Kiefer is hereby authorized and directed to complete and sign as required the determination of significance, confirming the foregoing Negative Declaration.

2nd T Hatfield – Aye: J Kiefer, T Hatfield, T Salerno, D Bussmann, C Anderson
 No: J Wilson, S St Laurent

R Burger said the owner of the self-storage business next to the recently approved Dollar General has submitted an application for a third building behind the two currently in place. The board reviewed the plan and has questions regarding slopes, access, lot coverage, earth work and runoff. They would like another opportunity to review the plan before making a recommendation to the Town Board.

Next meetings were rescheduled due to November and December holidays. Meetings will be November 18 and December 16. The Comp Plan update meeting will be November 10, 2020.

Respectfully submitted,

Bambi L. Avery

Pandemic Considerations for Developers
SSLaurent 8/23/20

I would like to talk about ways in which the current pandemic is reshaping expectations about buildings, especially the multi-unit and commercial projects the planning board tends to deal with directly. While I know we'd all like this to go away quickly, even if it does, this moment will still likely change behavior for a lot of people for a long time to come. These are a few (well, okay, a lot) of the things that come to mind.

- Lobbies, shared hallways and stairwells, gyms, and community gathering spaces suddenly look threatening rather than welcoming.
- Townhouses with separate entrances have new appeal over apartments.
- Substantial broadband Internet connections are now vastly more important.
- Outdoor amenities are ever more attractive.
- Sinks are more important, and in some places are returning to entry areas.
- Spaces (extra rooms or walk-in closets) that convert easily to offices have extra value.
- The details of shared bathrooms matter.
- In shared spaces, separate bathroom (and perhaps kitchen) space makes it much easier for residents to genuinely quarantine.
- Housing unit density doesn't seem to be a problem, but crowding too many people into a space is clearly a problem.
- Places to receive deliveries are even more useful than they were.
- Bicycles suddenly have advantages over public transit.
- Cars matter as distancing containers (and emergency offices) rather than just transportation.
- In commercial spaces, separate entrances and exits now make more sense.
- We should probably encourage rather than discourage drive-thru (and walk-up) windows.
- Ventilation is also a key topic, but something more for the building code folks.

Most of this will, of course, be up to individual developers, but I hope that we can improve Dryden for the long run by reminding people that 2020 and beyond may not look quite the same as before.

**PB Maifly-SEQRA FEAF Pt. 2 Question 17—Consistency with Adopted Land Use Plans 10-20-20
Environmental Impacts**

Question 17: “The proposed action is not consistent with adopted land use plans.”

- ◆ The DEC’s FEAF Workbook says, “To answer this question, the reviewing agency should become familiar with what, if any, plans exist and what the vision, goals, recommendations, and mapped land use plans may be included.” (p. 253)
- ◆ Plans which apply include the Town’s Comprehensive Plan and the Varna Plan Amendment to the Comprehensive Plan. Between them, the two Plans include visions, goals, and recommendations for Hamlets generally and specific recommendations and maps for multi-unit projects and the proposed Maifly site in Varna.
- ◆ As shown in these answers to SEQR 17 sub-questions below, Maifly’s proposal will cause moderate to large potential negative environmental impacts. Individually or collectively their impacts of which are significant and require mitigation or an EIS.

17 a. The proposed action’s land use components may be different from or in sharp contrast to current surrounding land use patterns.

- ◆ The proposal is in sharp contrast to current surroundings because it would place 15 cottages, two 2-story apartment/town home buildings, two 3-story apartment/town home buildings and 91 parking places totaling 47 dwelling units on 4.7 acres. By contrast, the surrounding land use includes 14 stand-alone houses, a boarding house, one retail building, one apartment. There are 37 dwelling units in these buildings, and they sit on 11.8 acres. Thus, Maifly would put a dwelling unit density of 10 units per acre into what was previously a density of 3 dwelling units per acre. Interjecting these apartment-style buildings, the large parking lots, and doubling dwelling unit density creates a Large impact. It can be mitigated by scaling back the project in each of these areas based on applicable Town Laws for parking and unit density (i.e. Zoning Laws Sections 706, 902).
- ◆ The intensity of the land use, as this term is applied in the Workbook (p. 255), will be in sharp contrast to the surroundings because between 104 and 208 renters will live at Maifly.¹ A reasonable estimate of the persons living in the surrounding dwellings is between 79 and 99.² Maifly’s proposal would create a density of between 22 and 44 persons per acre compared to 7-8 persons per acre in the surroundings.³ Increasing population density by 3 to 5 times at one time creates a Large impact. It could be mitigated by reducing the number of dwelling units and population on site.
- ◆ The Varna Plan Amendment to the Town’s Comprehensive Plan designates Maifly’s 9 Freese Road site as “natural area”.⁴ In sharp contrast to this, Maifly would remove the designated “natural area” devoting much of that space to 74 parking spaces, two 2-story buildings, two 3-story buildings,

1 Maifly has declined to estimate the number of residents because it will rent by the unit not by individuals. With 104 bedrooms and attached baths, this means that at full rental there will be a minimum of 104 tenants and could be as many as 208 based on two occupants in each bedroom.

2 The surrounding area includes 9 1-family, 4 2-family, 1 3-family houses; 1 apartment building with 20 units, 1 boarding house with 8 residents. Using 2.5 persons per family and 20-40 persons in the apartment building, the estimated total of persons is between 79 and 99.

3 104 or 208 persons divided by 4.7 acres determines Maifly’s density. 79 or 99 persons divided by 11.8 acres determines density for the surroundings.

4 Varna Plan Amendment at p. 4 and maps at pp. 16, 21, 30, 65.

sidewalks, driveways and a storm water retention area. This proposal would dramatically change the planned land use pattern and create a Large impact. It could be mitigated by reducing the number of dwelling units and parking spaces and increasing the open space at 9 Freese Road.

- ◆ Each of these problems was anticipated in the Varna Plan (pp. 37, 41, 46). Because Maifly's proposal is in such direct conflict, the impact is Large and should be mitigated by scaling back the project to make it more consistent with the Plan's recommendations for 5 and 9 Freese Road and the "Gateway" located at the intersection of Freese/Mt. Pleasant/Rt. 366. (pp. 52,54).

17 b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.

- ◆ Varna's population is approximately 1000. When each unit is rented, Maifly's tenants will increase Varna's population by between 104 and 208 renters—an increase of between 10% and 20%. According to the Workbook (p. 257), an increase above 5% is in and of itself a Moderate to Large impact. The obvious mitigation would be to scale the project back to reduce the population increase.
- ◆ The tenants Maifly is marketing to—students, professionals, families—and adding new buildings will increase demand for fire, emergency, child care, and police services. All but the last service are provided by a continuously diminishing supply of volunteers. This increased demand is Moderate to Large and can be mitigated by reducing the population increase.
- ◆ As noted by Maifly's consultant, GMB, there are "minimal services" in Varna. As a consequence the consultant says, this situation will require tenants to use their cars every day.⁵ That will add traffic to the problematic Rt. 366/Freese/Mt. Pleasant intersection. Traffic could be reduced by scaling back the population increase and/or decreasing the number of parking spaces.

17 c. The proposed action is inconsistent with local land use plan or zoning regulations.

Contradictions of Zoning Regulations:

- ◆ Contrary to Zoning Law Section 902, Maifly's proposal calls for a total of 91 parking spaces. Following that law, the correct, maximum number of allowable spaces on site is 73 calculated as follows:
 - The Town granted the previous developer of the 5 Freese Road parcel a total of 35 spaces for the dwelling units on that parcel.
 - Under 902 B.1., the 9 Freese Road parcel is required to provide one space per unit or 32. Were the Planning Board to "expressly approve" an additional 20% under Section 902 G, 20% more spaces (6) could be added for a total of 38.
 - 35 for 5 Freese Road and 38 for 9 Freese Road totals 73 parking spaces not 91.
 - The 91 parking places is 25% more than allowed and consumes open space useful to the tenants. This is a Large impact. It should be mitigated by reducing the space devoted to parking or by down-scaling the project to harmonize the number of tenants with the legally available parking spaces.⁶

⁵ GBC letter 9-8-20, p. 2

⁶ Maifly argues it is entitled to 56 spaces at 9 Freese Road based on a ratio used at Ivy Ridge in Varna. Nothing in our Zoning Law authorizes or requires this. At most this argument raises a legal question: Is this Planning Board required to ignore the specific

- ◆ Contrary to the express language of Zoning Law Section 706 which allows the Planning Board to award a density bonus for “a Neighborhood Development proposal [which] achieves at least basic LEED certification according to the most current LEED Neighborhood Development Protocol”, Maifly is seeking a multi-unit bonus without seeking actual LEED certification.⁷ The number of “bonus” apartments/townhouses would significantly increase the number of dwelling units, the size of the buildings, the number of residents, and the number of parking spaces. Awarding this bonus would create a Large impact. It could be mitigated by down-scaling the project to harmonize it with the amount of dwelling units available without the Section 706 bonus.

Contradictions of Land Use Plans:

- ◆ The proposed 10 to 20% increase in students, families, and young professionals⁸ will create a substantial demand for outdoor space with spaces matching the different needs of these different groups. As is on the Planning Board agenda for 10/24/20, there is an increased need for outdoor space at multi-unit projects because of Covid-19 Health and Safety Guidelines which call for greater separation and distancing than was sufficient before this pandemic.
- ◆ Contrary to the Comprehensive Plan “Guidelines for Multi-Family Development (p. 56) and Varna Amendment (p. 20),⁹ when given a SEQR “hard look”, Maifly’s statement that it is offering 23,715 square feet of open space to all tenants of is questionable. The reason is that much of the 11,415 square feet labeled “Outdoor Nature Area” on the far west part of the site is on an extremely steep slope (60% slope and 18-foot drop to a Cornell’s fence). (See Maifly’s “Demo Plan”, Drawing C-1.0, revised 8-28-20 and Site Plan C 2.1 revised 10-16-20 shared 10-16-20).
- ◆ Common sense says that such a space is not usable for any realistic recreational purpose. Estimating that 80% or 9,100 square feet of the Area is sloped and subtracting that from the 23,715 Maifly says is available open space for all tenants means the actual usable space is 14,615 square feet. This falls far short of the minimum Comp Plan Guideline of 10% of the site (0.47 acres or 20,473 square feet) and even farther below the alternate Guideline calling for 47,000 square feet (1000 square feet per dwelling unit x 47 units). Under the circumstances of Covid 19, the latter standard is probably more applicable. The lack of usable open space under either Guideline creates a Large impact. It could be mitigated by scaling back the project, especially at 9 Freese Road, to provide a realistically usable space consistent with the Guidelines. And given Covid-19, the Guideline of 47,000 square feet is clearly preferable.
- ◆ Maifly asserts that any and all tenants are free to use any of the space identified on its plans as a yard for each of the Cottages at 5 Freese Road. This would about double the open space offered—disregarding the problems with the west slope, above. Common sense suggests that few if any

regulation stated in Section 902 because of a previous Planning Board’s (possibly erroneous) decision?

7 The Planning Board granted such a bonus for this developer’s Ivy Ridge project based on a LEED checklist filled out by its consultant who was LEED certified. Again a legal question seems raised: Whether this previous Planning Board’s approach requires this Planning Board to ignore the plain language of Zoning Law Section 706 and award a bonus based on Maifly’s consultant’s checklist?

8 A 10-20% increase in population is a Moderate to Large environmental impact in and of itself. (Workbook, p. 257)

9 At page 20 the Plan says, “[T]here are few public spaces in the hamlet, ... there is a lack of parks, trails, pedestrian trails and recreation space. The underutilized and vacant sites provide the space that when developed, can incorporate public green spaces that will cater to a family and student community.” Maifly’s site is one of those “underutilized and vacant”. Therefore this proposal is contrary to the Plan because it devotes most of site to its 91 parking spaces, 15 cottages, two 2-story buildings, two 3-story buildings, sidewalks, driveways and a storm water retention area.

tenants living at 9 Freese Road will climb to 5 Freese Road and feel comfortable or welcome playing ball, grilling, or lounging in any of these yards which are so close to those living in the individual Cottages. While the amount of space on the level of 5 Freese Road might be sufficient for those tenants by themselves because they have their individual yards, the lack of realistically usable space at the 9 Freese Road level should be mitigated by scaling back the proposal for 9 Freese Road to provide realistically usable space consistent with the Guidelines.

- ◆ Contrary to the Comprehensive Plan Goal 3 (p. 53) and the Varna Amendment (p. 40), the population increase of 10-20% renters will shift the character of community rapidly not slowly. This increase is Large by definition under the SEQR Workbook and could be mitigated by scaling back the units to reduce the on site population and offering some of the units for sale.
- ◆ Contrary to the Comprehensive Plan at p. 53, the Maifly proposal does not limit multi-unit development to 20 units on a multi-unit site. Instead, Maifly's proposal more than doubles the unit density to 47. This doubled density is a Large impact which could be mitigated by reducing the number of dwelling units on site to a number closer to these Comprehensive Plan recommendation.
- ◆ Contrary to the Comprehensive Plan, Goal 2, (p. 52) the Maifly proposal does not encourage home ownership because all 47 units and 104 bedrooms will each be rentals. This impact could be mitigated by offering some of the units for sale as in the original Tiny Timbers proposal.
- ◆ Finally, the cumulative impact of each of the individual impacts described above when combined under SEQR Regulation 617 is Large and significant. The cumulative impact could be mitigated by scaling back the project to reduce the impacts and harmonize the project with the applicable Town Plans.

**PB Maifly-SEQRA FEF Pt. 2 Question 18--Consistency with Existing Community
Environmental Impacts-10-19-20**

Question 18: “The proposed project is inconsistent with the existing community character.”

The DEC’s FEF Workbook (p. 263) directs SEQR Reviewing Agencies as follows:

- “[E]xisting community character is ... clearly defined in a comprehensive plan.”
- “Reviewing agencies should ... ask and answer sub-questions (a) through (g) in order to understand what changes the proposed project might bring to the community.”
- “A comparison of current conditions to those that might exist after implementation of the project will determine if the action is inconsistent with the existing community character or not.”
- “[I]f you find that the proposed action is NOT consistent with existing community character, then...evaluate the size of potential impacts resulting from that inconsistency.”

b. The proposed project may create a demand for additional community services (e.g. schools, police, and fire)

- According to the Varna Plan Amendment to the Comprehensive Plan, community services include public space. As noted in the analysis for SEQR Part 2 Question 17 b, the 10 to 20% increase in students, families, and young professionals¹ will create a substantial increased demand for outdoor space with spaces matching the different needs of these different groups. The space needs have increased because Covid-19 precautions call for greater separation and distancing than was sufficient before this pandemic. Because Maifly’s current proposal for open and recreation space at best barely meets the more modest of the pre-Covid Comprehensive Plan Guidelines,² this proposal is not consistent with Varna’s current community character as this term is used in the Workbook. This is a large impact. It can be mitigated by reducing the percentage increase in the incoming population.
- Maifly’s consultant, GBC, confirms the common knowledge that available community services in Varna are minimal.³ With the exception of school and police services, community services such as fire, emergency, and child care are currently being provided by a fast-diminishing number of

¹ A 10-20% increase in population is a Moderate to Large environmental impact in and of itself. (Workbook, p. 257)

² Pre-Covid minimum standard noted in our Comprehensive Plan (p. 56) is 10% of the 4.7 A site (0.47) or 20,473 square feet. Maifly’s revised plan offers 23,715 square feet or 0.54 A for all tenants’ use. (This calculation excludes the yard areas immediately adjacent to each of the 15 Cottages.) The second standard is 1000 square feet per unit. That is 47,000 square feet or 23,285 square more than Maifly’s offer. Alternatively stated, Maifly is offering 504 square feet for each of its 47 units vs. the 1000 square feet per unit standard—barely more than half this second standard. Maifly argues that all tenants will be able to use the small yards immediately surrounding each of the 15 Cottages without permission from the occupants. This would translate into almost double the space noted above being available to all tenants. This seems unreasonable given Covid distancing requirements, human nature, and the fact that most of the tenants would have to climb the slope between 5 and 9 Freese Road to get to the Cottages and their individual yards.

³ GBC letter of 9-9-20 p. 2

volunteers. Under the Workbook, the proposed population increase creates a Large impact. It can be mitigated by reducing the percentage increase in the incoming population.

d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.

f. The proposed action is inconsistent with the character of the existing natural landscape.

As has been reaffirmed in the Comprehensive Plan Update survey, respondents want our natural landscape preserved to the extent possible. The Varna Plan calls for the underutilized and vacant spaces such as the Maifly site to incorporate green spaces “catering to a family and student community”. (p. 20) The DEC’s LEAF Workbook says, “A negative impact can occur when “the proposed action may interfere with the use or enjoyment of officially recognized or designated public resources” and/or the “proposed action is inconsistent with the character of the existing natural landscape.” (pp. 265, 269)

- The 9 Freese Road area below the steep slope has been designated in four of the Varna Plan maps as a “natural area”. (pp. 16, 21, 30, 65) Its character is that of an “existing natural landscape” close by Fall Creek. Under the Maifly proposal, this area would become 74 parking spaces, two 2-story buildings, two 3-story buildings, sidewalks, driveways and a storm water retention area. This will be a dramatic change and creates a Large impact. The impact could be mitigated by reducing the scale of the man-made additions and increasing the amount of open/recreation space of the project to make it more than minimally consistent with Guidelines at p. 56 of the Comprehensive Plan.

g. Other Impacts:

- Changing the Nature of Housing: The proposal would place 15 cottages, two 2-story apartment/townhome buildings, two 3-story apartment/town home buildings and 91 parking places totaling 47 dwelling units on 4.7 acres. By contrast, the surrounding land use includes 14 stand-alone houses, a boarding house, one retail building and one apartment building. There are 37 dwelling units in these buildings, and they sit on 11.8 acres.
- The four box-like apartment/town house structures at 9 Freese Road will starkly contrast with the nearby houses. The dwelling unit density of 10 units per acre starkly contrasts with 3 dwelling units per acre in the surroundings. These contrasts create a Large impact. They can be mitigated by scaling back the number of proposed dwelling units at 9 Freese Road.
- As previously documented, Maifly’s proposal would create a population density of between 22 and 44 persons per acre compared to 7-8 persons per acre in the surroundings. Increasing population density by 3 to 5 times at one time creates a Large impact. It could be mitigated by reducing the number of dwelling units and population on site.
- Changing the Character of Community Interaction: As noted Varna’s population will be increased by 10-20% when all units are rented. The internal design of all the units as individual bedrooms with attached private bath and the total number of tenants per unit cannot be estimated by Maifly because they will lease by-the-unit. GBC predicts most tenants will be using their cars on a daily basis. As noted, the amount of realistically usable open space is minimal. The proximity of Cornell suggests that many if not most tenants will be unrelated, rent-sharing individuals capable of paying market rate rents.

- Common sense dictates that such tenants are likely to see their units not as homes connected to the Varna community but as a night-time stop-over. They are unlikely to see the permanent residents of Varna as peers or people with whom they share common interests. Adding 10-20% of this group to the permanent, more eclectic, older and community-oriented population would make quick and dramatic change in the character of the community. As noted, this kind of change has been warned against in the Town's Plans and is contrary to the Goals of the Comprehensive Plan and the Varna Amendment. Therefore, this is a Large, negative environmental impact. It should be mitigated by scaling back the project to reduce the percentage increase in the population and by offering dwelling units for sale on the premise that owners as opposed to shorter term lessees are more likely to integrate into the community.