

**TOWN OF DRYDEN
TOWN BOARD MEETING
December 17, 2020
Via Zoom**

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

Elected Officials: Bambi L. Avery, Town Clerk

Other Town Staff: Ray Burger, Director of Planning
Peter Walsh, Town Attorney

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

Approval of Minutes

RESOLUTION #154 (2020) – APPROVE MINUTES

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

RESOLVED, that this Town Board hereby approves the meeting minutes of November 5, November 12 and November 19, 2020.
2nd Cl Sparling

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

Announcements

Judge Clauson’s court will be moving to Mondays at 9:00 a.m. and will be held virtually beginning December 28, 2020.

Broadband SEQR Review

This is a town-wide SEQR review for the municipal fiber network. Parts 1, 2 and 3 were reviewed by the board.

**RESOLUTION #155 (2020) - WITH REFERENCE TO THE
PROPOSED TOWN OF DRYDEN, NY
MUNICIPAL INTERNET ACCESS NETWORK
STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)
DETERMINATION OF SIGNIFICANCE**

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

WHEREAS, the Town of Dryden (hereinafter the “Town”) proposes to undertake a Municipal Internet Access Network; and

WHEREAS, the proposed project (hereinafter the “Project”) is for development of Town of

Dryden Municipal Internet Access Network, and consists of Town owned essential elements to provide internet service as an access level provider including bandwidth wholesale purchase, facilities to store equipment, network equipment, fiber optic cabling, optical splitters, and appurtenances thereof. The action includes installation of broadband telecommunication cables within existing or proposed utility rights of way including: approximately 69,000 linear feet of buried cable within the Village of Dryden installed by directional drill, trenchless burial, or trenched burial; approximately 55,000 linear feet of buried cable outside of the Village of Dryden installed by directional drill, trenchless burial, or trenched burial; and approximately 700,000 linear feet of aerial cables installed on existing poles or new poles; and network equipment nodes placed within existing buildings or on existing poles or new poles. The total area of disturbance is less than 5 acres; and

WHEREAS, the Town is obligated under SEQRA and corresponding regulations to review the Project, and if necessary, undertake a review of the potential environmental impacts associated with the Project before undertaking the same; and

WHEREAS, the Town is the appropriate agency to be the lead agency to undertake the project review under SEQRA; and

WHEREAS, based upon an examination of 6 NYCRR § 617.4 and § 617.5, the Town classified the Project as a Type I Action and that such activities include nonagricultural use occurring wholly or partially within an agricultural district of § 617.4(b)(8). A Full Environmental Assessment Form was prepared for the Project, and pursuant to 6 NYCRR § 617.6(b)(3), coordinated review was undertaken by the Town and no objections were received regarding the Town serving as lead agency.

NOW, THEREFORE, LET IT BE RESOLVED, that:

The Project consists of Town owned essential elements to provide internet service as an access level provider including bandwidth wholesale purchase, facilities to store equipment, network equipment, fiber optic cabling, optical splitters, and appurtenances thereof. The action includes installation of broadband telecommunication cables within existing or proposed utility rights of way including: approximately 69,000 linear feet of buried cable within the Village of Dryden installed by directional drill, trenchless burial, or trenched burial; approximately 55,000 linear feet of buried cable outside of the Village of Dryden installed by directional drill, trenchless burial, or trenched burial; and approximately 700,000 linear feet of aerial cables installed on existing poles or new poles; and network equipment nodes placed within existing buildings or on existing poles or new poles. The total area of disturbance is less than 5 acres.

IT IS FURTHER RESOLVED, that:

The Town Board hereby designates itself lead agency pursuant to 6 NYCRR § 617.6(b)(2) and § 617.6(b)(3) with respect to the Project.

IT IS FURTHER RESOLVED, that:

Based upon an examination of the components of the Project, the Full Environmental Assessment Form, and the criteria contained in 6 NYCRR § 617.7(c), and based upon its knowledge of the areas including and surrounding the Project site, and discussions with professionals retained by the Town, the Town Board, as lead agency, hereby makes the following determinations with respect to the Project pursuant to SEQRA:

1. The Project constitutes a "Type I Action."
2. Based upon review by the Town Board of the Full Environmental Assessment Form,

any input provided by other involved agencies, and other necessary criteria set forth in SEQRA, the Town Board hereby finds and determines that the Project will result in no significant impacts and, therefore, (a) the action is not one which “may include the potential for at least one significant adverse environmental impact,” (b) “there will be no significant adverse environmental impacts,” and (c) no “environmental impact statement” need be prepared, as such quoted terms are defined in SEQRA. This determination constitutes a negative declaration for purposes of SEQRA and it has been prepared in accordance with Article 8 of the Environmental Conservation Law.

3. A copy of this resolution, together with notice of negative declaration, shall be placed on file in the office of the Town Clerk where the same shall be available for public inspection during business hours and such notice of negative declaration shall be filed in such offices, posted in such places and published in such manner as shall be necessary to conform to the requirements of SEQRA.

This resolution shall take effect immediately.
 2nd Cl Lamb

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

Amabel Stock Escrow Agreement

Supv Leifer explained that the Town of Ithaca has asked us to act as an escrow agent for them in an agreement with Susan Cosentini in connection with a project in their town. It basically means that we hold shares of stock in our vault until they are called for under the terms of the agreement.

RESOLUTION #156 (2020) – APPROVE AMABEL ESCROW AGREEMENT AND AUTHORIZE SUPERVISOR TO SIGN

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

RESOLVED, that this Town Board has reviewed and approves the Escrow Agreement between the Town of Ithaca, Susan Cosentini and Town of Dryden and authorizes the Town Supervisor to execute the same.

2nd Cl Skaley

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

Volunteer Board Applications

Some applications have been received and because of the pandemic the board may not make appointments at the organizational meeting while they search for more applicants.

**1622 Dryden Road
 Special Use Permit Introduction
 Contractor Yard**

R Burger said this site is on Route 13 next to Elemental Pet Vets. It is an allowed use by special use permit. Applicant, Nick Bellisario, gave a presentation of the project.

The property was purchased three or four years ago with the intent to use it as a fill site. It was a fill site at some point many years ago. The area that is level with the road is all fill. He owns a medium sized excavation company and they don't generate a huge amount of spoils, about 3,000 yards a year. They had planned to use the site for their own use and have used it some. There is a lot of interest from companies to use it for a contractor yard. He was allowed to use it for the past year. What they are looking to do is rent it to a utility company that is coming to town (contracted with NYSEG for three years). They need space to park up to 10 bucket trucks and office trailers and other equipment and supplies. There would not be a lot of traffic. Some days they don't work or are working out of state.

N Bellisario said he didn't really get a chance to talk to the Planning Board last night. There is a berm in the front and he would plant a buffer on that. There is a dog boarding kennel and vet next door and there is a plan for a shared driveway to Route 13 for the three properties. The permits have been started for that driveway and he will be doing it at his cost for all involved. Once that shared driveway is in place, they plan to close the berm along the road frontage of the lot. The lot would be fenced for protection of the items stored there. When rented, about ten trucks a day can be expected to go in and out in a day.

When asked if neighbors or anyone else had complained about what is happening on the site, R Burger said he had not received complaints from neighbors. Occasionally a traveler on the highway will stop and comment on the site.

N Bellisario said he understands that the lot is a huge impact as is, but it is within weeks of dissolving. A plan for the shared driveway and sketch of the site were displayed for review. The driveway will be about 28' wide.

R Burger asked for a sense of the board and whether they wanted to see further fleshed out plans on this. They are trying to get an indication for the applicant whether it is worth pursuing.

Comments:

- This is in a rural residential zone, but there are two businesses nearby, so this little pocket is on its way to looking like a small commercial center.
- The FirstLight application (for equipment sheds) that is expected is for a corner of this lot.
- The Lowery Construction site (accessed from Etna Road) is adjacent to this lot.
- This was initiated originally as a temporary situation, and from time to time there are opportunities to lease the property.
- The Planning Board was unanimously opposed to this project because it is not in keeping with the rural residential zoning designation.
- There has been a lot of concern about development on Route 13 and how that road is starting to look to people.
- The town has made an investment with the Brotherton property of 300 acres in the form of an easement with Finger Lakes Land Trust to preserve some more open space on Route 13.
- We need to be cognizant of what Route 13 looks like and that was expressed by the Planning Board.
- It was disclosed at the Planning Board that there should not have ever been a temporary permit given for this location. It was at best a mistake and this is now an

- effort to create an SUP, which should have been the application initially.
- This is an allowed use in the zone if it can be made compatible with the zone.
- The rural residential zone is for single and two-family houses with agriculture as an allowed purpose. There is nothing about industrial purpose or construction yards.

Supv Leifer said if the applicant wants to put this forward for a hearing, there needs to be more detailed plans and that the board would take the Planning Board's recommendation seriously. The applicant can present what he feels is needed to make his case, but he doesn't think board members should be telling the applicant what to present. The public would also have a chance to comment at a hearing. Applicant said he will do a more complete site plan.

1279 Dryden Road Special Use Permit Introduction Multi-Family Housing

R Burger said this project is for three buildings of multi-family housing at the old Saunders Greenhouse site near the Plantation Inn. This is an allowed use by special use permit in a mixed-use commercial zone.

Applicant Richard Wawak said he bought this property six years ago. He also owns the house at 1269 Dryden Road. He purchased that second house as a buffer to other single-family homes should 1279 Dryden Road be developed. The property is about 10 acres, L-shaped, with 265 feet of frontage on Dryden Road and additional frontage on Baker Hill Road (not usable because of a deep ravine). The property at 1269 is about one acre in size. There are currently three driveways that will be reduced to two, with the single-family home sharing a drive to the project property and a single-family home behind the proposed building site.

R Wawak explained surface water drainage on the site between 1269 and 1279 Dryden Road and where an existing ditch is. When building the driveway two flows would be combined into one and drainage off the properties would remain as it is.

The largest building (in the middle) will contain 20 units and smaller buildings on each side will contain 4 units each. 16 of the units will be studios with a loft (600 sq ft) and 12 would be one-bedroom apartments (800 sq ft). Parking for 40 cars will be provided between the building and the road. The building will be raised 8' above the upper part of the parking lot, so the roofs of the cars will be lower than the base of the building, making the building completely exposed above the cars. The slope of the land behind the buildings is quite steep. People are looking for smaller apartments and are also working from home, so he expects the studios with a loft will work well.

Electric heat pumps will be used with radiant heat floors. Consideration is being given to installation of solar panels on the southern roof portion of the main building.

R Burger said the Planning Board reviewed this last night and were generally in favor of the proposal. They want to see it again when full architectural drawings, engineered plans and a stormwater plan are available.

Comments during discussion:

- Studio w/loft will rent for \$1100 per month; 2-bedroom apartments for \$1300 per month.
- Similar property is generally rented to grad students and young professionals.
- Town has been hoping for more accommodations for families or 2-bedroom apts.
- It is too risky to have just one type of unit.
- Applicant has those on another property; he sees a need for what he is proposing.

- We need more affordable housing in the community.
- This appears to be for more transient, short-term arrangements.
- Should this be utilized as a commercial site?
- Town guidelines suggest parking in the rear of the building; slope prevents that.
- Parking is planned for 30-40 vehicles.

R Burger suggested a full sketch plan review in January and a public hearing in February.

Cl Lamb said he believes this would add character to the area and be an improvement over what is currently on the site. The Planning Board had a positive response, and no one was against it. He is pleased with the commitment to not use natural gas. Supv Leifer suggested Mr Wawak contact a County Energy Advisor to look at costs and incentives. Mr Wawak expects it to be energy neutral.

County Briefing

Martha Robertson reported the county is working with UHS in Binghamton for vaccine deliveries. UHS is the regional hub for vaccine deliveries. Cayuga Medical will receive its allocated doses first for medical professionals. Pharmacies will do delivery and vaccination of residents and staff of nursing homes. The Southern Tier will receive 4500 vaccine doses in the first delivery. That is not enough for all the medical workers. It will be awhile until everyone is covered and the public is urged not to let its guard down in the meantime. They are looking for registered nurses and others with medical background to help with contact investigations and contact tracing.

PUBLIC HEARING PROPOSED LOCAL LAW ENACTING NOISE CONTROL REGULATIONS

Supv Leifer opened the public hearing at 7:30 p.m. He said there would be no action tonight because we have not yet received the 239 review from the county. This would be an amendment to the town Zoning Law. The proposed local law and associated documents are posted on the website. This amendment to the Zoning Law would give law enforcement officers factors to consider when a noise complaint is made. Fines and penalties are contained in Section 1307 of the Zoning Law and will be determined and assessed by the Town Justice.

Martin Hatch, 696 Snyder Hill Road, stated he is in favor of this amendment. They have a situation near his residence with a firing range and someone using a semi-automatic rifle at all times of day for excessive periods of time. The language of this law seems to fit very well with the problem and noise this situation presents. It not only disturbs the peace but degrades the environment because of the lead going into the ground. It is damaging to the mental and physical health of the neighbors. It's great to have this in a form that can be adjudicated when the offender doesn't respond to his community.

Ben Davis, 681 Snyder Hill Road, said he and his neighbor's properties are surrounded by the property where the firing range is located. This has been going on for multiple years and happens for extensive periods of time. Even with the windows closed it penetrates the back side of their home. In the summer when it gets dark later, evenings outside are difficult to enjoy. It doesn't happen every day, but when it does, it takes away the pleasurable use of his property. It affects many in the neighborhood because the sound travels and people on Redwood Lane can be disturbed by it as well as others further out. It's nice to now have a recourse and "unreasonable" clearly fits. This could be applicable in other ways as well, and he fully supports the proposed law as written.

Bonita Davis, 681 Snyder Hill Road, agreed with what has been said by M Hatch and B Davis. They have a neighborhood watch meeting a few times a year and this topic has come up repeatedly. The Sheriff has stated they have no recourse to do anything about it. It really impacts the entire neighborhood and is incredibly disturbing. This is semi-automatic weapons and the sound is quite intense and at all times of the day and for about three-quarters of the year. It takes a toll on their daily living when the firing is going on. They moved here twenty years ago to a residential, rural, peaceful neighborhood, not ever anticipating that there would be a firing range next to their land. She supports this regulation. There are dozens and dozens of neighbors who are very supportive of this ordinance.

B Davis asked if having a signed petition in support would be helpful and was told it would. J Skaley stated that the reason for this proposal initially was due to loud parties at short-term rental premises. The hearing was left open at 8:04 p.m. and will resume on January 21, 2021.

Authorize Postage for Tax Bills

RESOLUTION #157 (2020) – AUTHORIZE POSTAGE FOR TAX BILLS

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

RESOLVED, that this Town Board hereby authorizes postage for mailing the 2021 property tax bills in an amount not to exceed \$3,000.00.
2nd Cl Skaley

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

Approve Insert for Property Tax Bills

The board reviewed language for an insert with the 2021 property tax bills.

RESOLUTION #158 (2019) – APPROVE PROPERTY TAX BILL INSERT

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

RESOLVED, that the Town Board hereby approves the following information to be included as an insert with the 2021 real property tax bills:

The Town of Dryden would like to bring your attention to two important matters:

- 1) Comprehensive Plan Update Steering Committee to Host Virtual Community Workshops**

The Town of Dryden is currently updating its 2005 comprehensive plan. During the past year the Steering Committee for the project conducted stakeholder focus groups, provided public presentations, and administered a community survey. Based on these interactions the Steering Committee developed preliminary goals and strategies to address the community needs.

On **January 20th, 26th, and 27th at 6pm** the Steering Committee will host a series of **Virtual Sessions** to solicit feedback on the draft goals and strategies. The Virtual Community Workshops will provide community members with the opportunity to review draft goals and strategies and provide their thoughts, reactions, and ideas on how to refine those goals and strategies for the future of the Town of Dryden. Six thematic areas were identified by the Town. Each session will focus on two of the six thematic areas as follows:

Session 1, January 20th: Affordable Housing and Land Conservation

Session 2, January 26th: Transportation and Walkable Communities

Session 3, January 27th: Economic Development and Energy Sustainability

Beginning the week of January 4th, community members will be able to access information on how to attend the sessions and on the draft goals and strategies through the project website (www.dryden2045.org, "Virtual Community Workshop" link). The materials will remain available and comments may be submitted on the website through February 10, 2021.

To have a paper copy mailed to you, contact the planning department at planning@dryden.ny.us or 607-844-8888 x216.

2) Rules for Operating a Short-Term Rental

The Town recently adopted a new law that concerns all current and future Short-Term Rentals (aka Airbnb). Property owners involved in such businesses must comply with the law and should review the Town's website for details.

2nd Cl Sparling

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

Introduce Local Law regarding Sapsucker Sewer District

Supv Leifer explained that this local law provides that rates for the Sapsucker Sewer District may be changed by resolution of the Town Board going forward. The proposed local law was introduced and a public hearing was set for January 14, 2021 at 7:00 p.m.

Local Law # ___ of 2021

TITLE. Amending Local Law #1 of 2013 Sewer Use Rate SS1 SECTION 3 is amended as follows:

“SECTION 3. Amendments to sewer rents established under this local law may be made by Board Resolution.”

A new Section 4 is Added as follows:

“Section 4. This local law shall take effect for all sewer use beginning January 1, 2021, and after filing with the Secretary of State”.

Amend Water Rate for Yellow Barn Water District

Supv Leifer said in developing the budget for the Yellow Barn Water District this year it was suggested the use rate increase.

RESOLUTION #159 (2020) - AMEND WATER RATE – SW7

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

WHEREAS; the Town Board of the Town of Dryden enacted the 2021 Budget on November 5, 2020; and

WHEREAS; the Town Board of the Town of Dryden budgeted \$46,200 in non-tax revenue for SW7; and

WHEREAS; the water rate was last adjusted for the 2020 budget year; therefore

RESOLVED, that this Town Board hereby establishes the Town of Dryden water rate at \$14.68 per 1000 gallons with a 5000-gallon minimum per unit charge per billing period for the units served by the Yellow Barn Water District.

2nd Cl Skaley

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

Kennel Lease for Dog Shelter

Supv Leifer explained that Chris Kappler, who purchased the real property where the town’s dog shelter is situate, is willing to lease the kennel to the town for the sum of \$1800.00 per month. It may turn out that the town leases it for a year and then the Dog Control Officer will lease the property, but in the meantime, we need to have a lease in place. The remainder of budgeted funds will be put toward the DCO salary as discussed last week.

RESOLUTION #160 (2020) – AUTHORIZE KENNEL LEASE FOR DOG SHELTER

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

RESOLVED, that this Town Board hereby approves a lease with Christopher Kappler for a kennel building to be used as the town’s dog shelter at the sum of \$1,800 per month in

accordance with the terms of the lease agreement and the Town Supervisor is authorized to execute the same.

2nd Cl Lamb

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

County Briefing

Mike Lane said the County IDA has seven members: 4 legislators, a representative from Tompkins County Area Development, an at large member and an elected official member. There was a proposal to increase that structure so there are only 3 legislators and adding a seat designated for a representative from organized labor. That did pass and M Lane made an effort to amend it expanding the board to nine seats, maintaining 4 legislators and adding another at large member. That amendment did not pass. Other county legislators seem interested in seeing the expansion to 9 people. That may take state legislation or a local law. He will report on any progress.

At the Facilities and Infrastructure Committee meeting today, there was some discussion about the Freese Road Bridge. Jeff Smith reported it is likely that the load capacity on the bridge will have to be reduced because of continuing problems with the steel structure. It may be reduced from 12 tons down to 5 tons. They are trying to avoid having to close it completely, but if a crack is discovered in one of the major members, the State will order it closed.

With respect to the Dryden Lake Dam, there seem to be folks at the county level in favor of supporting the town’s action if the town asks that the dam be replaced.

Advisory Board Updates

Conservation Board – Has discussed the dam at Dryden Lake. Supv Leifer reported he has left a message with the DEC making it clear that the dam should remain.

Recreation & Youth Commission – The Ugly Sweater 5K that was a collaboration between Dryden Rec and Willow Running was a success. More than \$670 was raised to go toward an educational kiosk along the rail trail. One member of the group would like to see more programming for Dryden senior citizens. RecDesk is set to go live on January 1.

Ag Advisory Committee – Did not meet.

Rail Trail Task Force – Cl Lamb reported he has received an email from NYS DEC and they have approved a long-term use agreement for the railbed that goes through the Game Farm. The town has grant money to work on this section of the trail, but have not been able to use it because we could not demonstrate a right-of-way. The town can now move forward with repairing the trestles there and upgrading the trail.

Climate Smart Community Task Force – Supv Leifer is waiting on an agreement from NYPA to sign before the end of this year. Cl Sparling reported that in reviewing incentive programs for building energy efficiency, steps will be taken this winter to design a public educational campaign to get the information out to Dryden residents. This public outreach will

garner Dryden some points in its quest for silver certification. The group has discussed how best to do that. There may be a list-serve seed in the email list associated with Dryden2045.

Because of the multitude of roles that Alice Green currently has on Dryden's various boards (including chairing this Task Force), she feels she needs to step down. She hopes that given the overlap between Climate Smart and the Conservation Board, that the Conservation Board will take up the reins. She will approach them about this idea.

Broadband Committee – The SEQR for the project was done tonight. They have applied for another grant with USDA. It seems no system similar to our proposal was awarded under the ReConnect program, but this other opportunity may work out. The committee is working on a recommendation for the business plan. There has been discussion about having an open system (letting other ISPs use the fiber) versus a closed system (town system only). They hope to have a recommendation for the board to vote on in January. Supv Leifer said having an open system seems to be another way to give a free ride to an industry that hasn't come through for the town in the past. He isn't inclined to do that. If the FCC should deem fiber as a common carrier, that would be another matter.

Clarity Connect is still doing work in Dryden, but they don't have enough money to do anything on the scale of what the town is planning.

Varna Water/Sewer

Cl Skaley reported the income survey field work is complete and he received an oral report from the consultant that the town will qualify for a hardship application. It seems as if the EFC is over-subscribed with regard to funding this year. However, if we start the project it is possible that subsequent funding will come in and we can get reimbursed. 64% of the population in the district is below the median average income for the state, and that makes us qualify. They will apply for a CDBG grant through the Office of Community Renewal. Our consultant, Jay Grasso, has worked closely with this office in the past and has suggested he can prepare a grant application. A proposal from him for this service will be forthcoming.

The annual organizational meeting will be held January 4, 2021 at 6:00 p.m.

There being no further business, on motion made, seconded and unanimously carried, the meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Bambi L. Avery
Town Clerk