

TOWN OF DRYDEN
PLANNING BOARD MEETING
February 25, 2021
Via Zoom

Present: John Kiefer, Chair, Tom Hatfield, Craig Anderson, Tony Salerno, Daniel Bussmann, Joe Wilson, 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.

Public Comment Period

No comments

Approval of Minutes

Approval of the minutes of January 28, 2021 was moved by A Green, seconded by J Wilson – all in favor.

**97 Southworth Road
Site Plan Review**

J Kiefer asked if there were any neighbors that wanted to address the board and there were not. R Burger reported he talked with Ryan Sherman of Jerry Dell Farm who was dismayed that he would lose a potential acre of hay because he leases the property. He had no further concerns.

The site plan as amended was displayed and explained by applicant Hans Haas. A second line of trees was added on the east side facing the closest house on the adjacent parcel. Their view shed is opposite of that. They added a walkway from the employee parking area to the offices and the handicapped space is identified. The grass area in front of the building will be paved (Note 11). A drawing of the sign was presented. It will be the maximum allowable size, 4' x 10'. They will use motion sensors after 4:00 p.m. for lighting, downward facing, dark sky compliant (Note 6). The scrap dumpster was relocated (Note 7). R Burger said the ground disturbance worksheet totaled about an acre, but the impervious surface was more than half an acre and that invokes the requirement for a SWPPP. This SWPPP would be reviewed by the town, not the DEC.

Applicant said he just found out about the SWPPP requirement last week. They got a quote for over \$7,000 from an engineering firm, then they would have to pay the town's engineering firm to review it. He asked if that could be a condition of approval. That would be covered under the town's Standard Conditions of Approval.

Because they are building on a plateau on a hill, less than half an acre, applicant asked the board to consider a permaculture option. It is basically land management by shaping the land and using land with strategic plantings to build the overall health and sustainability of the soil and land. A large part of it is water retention, preventing erosion and trying to keep rain that falls on the land in place. It can be done with excavation and plantings, ponds, swales, small berms, and such. Eventually he would like to plan an orchard on the adjacent land and blight resistant chestnut trees. He would like to come up with a permaculture proposal that would go well beyond what an engineering firm would tell us to do. If the board would consider that, he could present a rough proposal next month. He understands the intention of the law is to prevent the cumulative effect of a lot of development and water and erosion problems in the town. What he will do whether he must do the SWPPP or not, will go above and beyond that.

J Kiefer said while that sounds better than spending thousands of dollars on a SWPPP, the Planning Board doesn't have jurisdiction over this. It may be the code enforcement officer. The board may be able to say we recommend consideration of the applicant's request, but he doesn't think the Planning Board can waive requirements in Town Law.

R Burger said the town will eventually have to check the box on the stormwater law. With the sentiment of seeing what alternatives like permaculture can be explored, we can see how far we can go to still be compliant with Local Law #4 of 2007. The stormwater officer can consult with the town engineers, the Soil & Water Conservation District and NYS DEC in considering this request. Applicant can provide a rough plan at the next meeting. A Green suggested that permaculture specialists of Cornell Cooperative Extension can be helpful.

T Salerno said he likes the changes in the plan and is in favor of exploring the permaculture option. It would be nice if the stormwater law would allow that.

D Bussmann said the town needs to comply with what the state requires and can make a more stringent requirement if they choose to. The Stormwater officer would interpret that, but his hands might be tied regarding state requirements.

A mockup of the sign was shown.

C Anderson noted there is no size for the trees on the plan; they should be 6' tall. The sign seems large for the neighborhood and street it is on, though 4' by 10' is permitted. Design guidelines call for a low monument style sign with plantings around it and applicant was referred to those.

The board reviewed the Part 2 of the short environmental form the project and responded as follows:

1. No
2. No or small
3. No or small
4. No
5. No
6. No or small
7. No
8. No

- 9. No
- 10. No
- 11. No

RESOLUTION #6 (2021) - NEG SEQR DEC AND SITE PLAN APPROVAL – 97 SOUTHWORTH ROAD

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

- A. The proposed action involves site plan review for construction of a new 100' x 60' pole barn and adaptation of existing buildings at 97 Southworth Road (Tax Parcel #48.-1-61.62) for production and sale of metal roofing and siding.
- 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 short 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 short 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.

BE IT FURTHER RESOLVED, that site plan approval is hereby granted for construction of a new 100' x 60' pole barn and adaptation of existing buildings at 97 Southworth Road (Tax Parcel #48.-1-61.62) for production and sale of metal roofing and siding, subject to the following:

- 1) Consideration by the town's stormwater officer of the permaculture concept proposed by the applicant;
- 2) Delivery trucks not travel through the Village of Dryden;
- 3) The applicant will provide an annual statement showing that half of the product sales are to the farming community;
- 4) Standard Conditions of Approval (8-14-2008);
- 5) Tree plantings will a minimum of 6' in height;
- 6) The height of the sign will not exceed 7'.

2nd C Anderson – all in favor

C Anderson said for the past five years the board has assumed that when the soil disturbance form showed that was one or more acres was disturbed then a SWPPP would need to be filed with DEC. Now it appears it is a half acre. R Burger said for DEC purposes it is one acre. The town's stormwater

law (LL#4 of 2007) [was meant to be more stringent than state law and](#) says if it is more than half an acre of [connected impervious](#), we require a [full local](#) stormwater plan. It is not a [full SWPPPSWPPP filed with DEC](#) and will not go to DEC for review. This is [explicit with particular to](#) our town law and [has may have](#) been unevenly applied over the years. ~~The town's stormwater law was meant to address our MS-4 status.~~

C Anderson asked if R Burger knew how many applications [with more than a half acre of connected impervious](#) had been approved without the condition of a stormwater plan. R Burger said he would have to go back and audit to see which were under an acre but more than a half-acre [connected impervious](#) that may have had this apply. ~~He isn't sure what triggered it in this instance.~~

Town Board Update

Dan Lamb reported the Town Board appointed Leonardo Vargas-Mendez to fill the vacancy resulting from the resignation of Kathy Servoss. Mr Vargas-Mendez was head of the Cornell Public Service Center for 25 years and very connected to the community and greater Ithaca/Tompkins County area. He is the founder and President of the Latino Civic Association. D Lamb said he is a good man, very smart, thoughtful and will be a good addition to the board. He lives on Snyder Hill Road.

D Lamb worked with Tony Salerno and Ray Burger and came up with some guidelines for running zoom meetings. The Supervisor will be sending those out to all advisory board chairs.

Planning Board Vacancy – D Lamb said they have found a nominee to fill David Weinstein's vacancy. The position was left open for a while to look for a woman who brings some diversity to the board. He reached out to Linda Wagenet who has agreed to accept the appointment. She worked at Cornell as a senior research associate; her expertise is in water. She currently is a member of the Water Resources Council and volunteers with other organizations. D Lamb introduced Linda Wagenet to the board and said she will be a productive board member.

C Anderson asked who was in charge of the comp plan process and asked why the time for comments was extended without asking the Planning Board. D Lamb said the Town Board had passed a resolution putting the Planning Board in charge. The comment period was extended in response to requests to slow down. The Planning Board would not be meeting before the comment period deadline and D Lamb said he didn't think anyone would be against extending it. [Both John Kiefer and Loren Sparling added that they shared that opinion.](#) The Town Board must vote to accept the comp plan though the process is collaborative.

Zoning Law

J Kiefer has been compiling a list of possible changes to make to the zoning law. He asked that members of any town boards as well as code enforcement officers and staff send him items of concern. He displayed Janis Graham's document and suggested it would be a good way to structure items of concern. J Wilson has submitted memos in the past and those will be included in the list.

Janis Graham asked what the process to make changes would be and R Burger explained that zoning law amendments require a public hearing and adoption by the Town Board. The problems list will not drive the comp plan draft. It was suggested that some items might be fixed while the comp plan

process continues because it could be several years before resulting zoning comes from the new comp plan.

Dryden Lake Dam

The Town Board asked the Conservation Board to issue an opinion on the dam at Dryden Lake. The Conservation Board passed a resolution (attached) and shared it with the Planning Board. J Kiefer shared some photos of the current dam, which the DEC has said will need some work. He displayed what he believed the effect on the lake might be if the dam were removed. S St Laurent said the lake has been in place since 1801 and it works well for the community and the creatures that inhabit the area. The DEC is not actively seeking comment on the matter; this is somewhat preemptive.

RESOLUTION #7 (2021) – ENDORSE CONSERVATION BOARD RESOLUTION REGARDING DRYDEN LAKE

T Salerno offered the following resolution and asked for its adoption:

RESOLVED that the Town of Dryden Planning Board hereby endorses the Conservation Board resolution adopted December 29, 2021 recommending preservation of a dam at Dryden Lake.
2nd C Anderson – all in favor

Comp Plan Update

J Kiefer reported the consultants will gather all input from the public outreach, summarize those and summarize the goals and strategies. They will then prepare what is a chapter of the update. He expects that will happen late next month and the steering committee will meet the second Wednesday in April to begin processing that.

J Wilson said the Climate Smart Community Task Force had discussed having the community greenhouse gas emissions report include information that used a methodology consistent with the county. J Kiefer said he contacted the consultant about that and hasn't heard back yet.

T Salerno asked if there was any feedback ~~the~~ from the efforts to get as much of the disrupted meeting record up for public view as we could. R Burger said he went up through minute 49 when the profanity started. The offensive comments were removed from the chat up to minute ~~10670~~ when it was shut down. The chat file from January 26 was not captured, however one of the consultants was taking points from the chat and verbally bringing up to the moderator. Some of those were translated to sticky note format.

After EDR completes their preliminary summary of all the public outreach at some point this spring there will be another public workshop to present that document. It will be posted to the Dryden2045 website and put out to the public again.

In response to a question about timing for this update, J Kiefer noted it was longer than what was recommended in the previous comp plan. T Salerno said the work on the update began in November of 2019, well before the pandemic.

NY Stretch Energy Code

J Kiefer presented a resolution ~~from~~ adopted by the Climate Smart Communities Task Force (attached) and reviewed it with the Planning Board. A Green moved that the Planning Board endorse the resolution, seconded by J Wilson.

Comments during discussion:

- What would be the affect on affordable housing in Dryden?
- All the things in the Stretch Code will be in the standard code in 2023.
- Tompkins County is considered a climate zone 6; surrounding counties are a 5 and build to a lesser energy code than Tompkins County.
- People are choosing to build in Cortland County.
- Tompkins County may have petitioned for a higher zone.
- A cost analysis particular to Dryden should be done.
- There's no increase in the amount of insulation required for residential buildings.
- Does increasing the cost of the building mean it costs more to live in?
- There's a lot more we can do.
- You can adopt one code or the other, and then you can amend.
- The cost analysis provided in the chat goes by climate zones and concludes that the costs over the long term with one exception, all classes of buildings analyzed show a cost savings.
- There are health and safety benefits of using a minimum of fossil fuels.
- We have goals of better living conditions for residents and more efficient housing and using less energy to save people on their utility bills.
- The cost of building in the Town and City of Ithaca is higher now than it is in Dryden. When they finish their energy code, it will be more expensive. We have an advantage now and it will get greater.
- An 11% savings in energy consumption from new buildings is a low bar, but is something the Town can do to reduce energy consumption.
- The code enforcement officer has said this is a reasonable thing to enforce.
- Some builders have said all the materials to meet this code exist and we can save energy for our town.
- New York State has set some ambitious targets for reducing fossil fuel use to combat effects of climate change and is incentivizing municipalities to accept the stretch code now. The incentives are to municipalities willing to take leadership both in dollar grants and there will be points toward larger dollar grants if we choose to adopt the stretch code. (Dryden may be able to recover some of the expense of converting its streetlights to LEDs)
- This is timely and is a conservative change.
- The additional cost and payback time should be explored specific to Dryden.
- The current code we are building under is extremely stringent as it is; there was a change in April of this year.

- There is a very long payback on this; the cost analysis used weren't specific to an area, but used national numbers, so it is skewed.
- Every house is different and meeting the code will vary quite widely.
- Does the ResCheck program support this?
- A person may spend up to \$5,000 to comply with this.
- Dryden's tax burden is high and adding this will drive more people out of Dryden and Tompkins County.
- This will not address the affordability problem.
- Don't put Dryden at a competitive disadvantage.
- The longest payback on a chart displayed was 6 years in this zone.
- The expense for the work necessary may not be accurate.
- What is the source of the data?
- What are the energy savings under this code on an annual basis?
- The energy recovery systems will have minimal savings because it requires electricity to operate.
- One section or other (residential or commercial) can be adopted independently.
- We can reach out to other communities that have adopted this to see whether it has negatively or positively impacted development or increased property prices.

The resolution was tabled to gather information including the impact in municipalities where it has been adopted and talking with a contractor in those municipalities who has installed according to the stretch code in residential and/or commercial properties. Lou Vogel and Terry Carroll could be asked to come back for questions. A comparison for a build under current code compared to a build under the stretch code would be helpful.

J Wilson cautioned the board should not lose sight of the benefits of complying with the code by focusing solely on what it costs to build. He understands there are multiple paths of complying with the code. It's possible that some contractors want to do things a particular way, that some are more onerous and less flexible.

T Salerno said if the stretch code requires certain features at certain levels, what is the industry standard for those. If manufacturers are already ahead of it, then there is no cost increase.

The Town Board will ultimately make the decision on this and it would require a public hearing. No other municipality in Tompkins County has adopted this yet, but some are considering it. The City and Town of Ithaca have their own code and will not likely adopt this.

Information gathered will be shared at the next meeting and there will likely be a vote on the matter.

Planning Department Update

TC3 trail to Village of Dryden – This has been considered over the years to provide relief to the Lee Road residents who have student traffic up and down the road. TC3 is considering a proposal to the south that could come down through some private lands and town hall lands. He expects an application from TC3 in the next few months. There are some major wetland issues by Neptune Fire Department, but it could be a very elegant solution to the Lee Road problem.

The 1622 Dryden Road contractor yard application has been withdrawn. The Town Board did permit the First Light project there, a 50' by 50' compound with some equipment sheds. That will connect some of the fiber coming through town. Bellisario is in the process of taking the temporary construction fence down. Boom trucks will be moved to Oak Brook Drive.

R Burger reminded the board that there is a standing invite to propose sites for community solar. Sites should be a minimum of ten acres, someone else will analyze whether it is appropriate for connection to the grid and such.

Pre-sketch plan conference – This is something Planning Department staff do with applicants and try to anticipate what should be presented. It seems to fall short and R Burger asked if any Planning Board members were willing to sit in on those conferences. This could potentially improve the application. C Anderson and T Salerno both indicated they would like to do that if they were available.

There being no further business, on motion made, seconded, and unanimously carried, the meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Bambi L. Avery

Final

12/29/2020

Dryden Conservation Board Resolution

Recommending Preservation of Dryden Lake Dam

Whereas there has been a dam at Dryden Lake Dryden, NY since circa 1801; and

Whereas the body of water known as Dryden Lake, created by the building of the dam, has provided numerous benefits to the citizens of the Town of Dryden and surrounding areas for over two hundred years, with its benefits changing and expanding over two plus centuries; and

Whereas the lake originally provided power for a sawmill and ice harvesting, it created additional waterfowl and wildlife habitat that has made the lake today a birding “hot spot” with 228 species observed, providing migratory bird rest areas and nesting and foraging habitat (Canada geese, ducks, loons, herons, Bald Eagles) as well as habitat for numerous mammals, amphibians, turtles, etc; and

Whereas Dryden Lake and its surrounding areas provides many forms of year round recreation for town and surrounding area residents, such as fishing, ice fishing, hiking, jogging, dog walking, biking, cross country skiing, snow shoeing (on the Jim Schug trail), kayaking, canoeing, ice skating, hunting, trapping, bird watching, picnicking, etc; and

Whereas Dryden Lake and its surrounding natural areas are an important educational resource, being used both for formal classes in ecology and natural resources (Cornell University) and informal education of everyone from young children to lifelong education participants; and

Whereas the Town of Dryden currently provides a community park at the Lake under an agreement with the New York State Department of Environmental Conservation; and

Whereas the Dryden Lake park is a popular location for many community events with the lake being the center piece for those events; and

Whereas the lake has a rich historical and cultural value to the citizens of the town; and

Whereas the NYS DEC is considering the removal of the dam and the elimination of Dryden Lake in the form it has existed for over two hundred years; and

Whereas the Dryden Town Board has requested a recommendation from the Conservation Board on the future of the Dryden Lake dam and ultimately Dryden Lake itself.

Therefore, let it be resolved that the Town of Dryden Conservation Advisory Board recommends to the Dryden Town Board that the latter take all necessary action to ensure the preservation of a dam and the body of water known as Dryden Lake, maintaining its current contribution to the recreational and ecological benefits provided to the Dryden community.

**Resolution by the Climate Smart Communities Task Force (Task Force) Recommending
the Town Adopt the 2020 New York Stretch Energy Code**

Adopted February 9, 2021

WHEREAS, NYSERDA developed the 2020 NY Stretch Energy Code (the Stretch Code) as a statewide model code for New York jurisdictions to use to meet their energy and climate goals by accelerating the energy savings obtained through their local building energy codes, and

WHEREAS, the contents of the Stretch Code are intended to be incorporated into the New York State Energy Conservation Construction Code (NYS Energy Code) at the next update cycle in 2023, and

WHEREAS, the Task Force attended a presentation by Terry Carroll (NYSERDA Clean Energy Community Coordinator) and Lou Vogel (Taitem Engineering) on the Stretch Code. The presentation and subsequent discussion included the following:

- The materials required to meet the code for are readily available from large, well established manufactures.
- The construction methods required to meet the code are readily achievable by designers, contractors and tradespeople familiar with building to meet the existing requirements of the NYS Energy Code.
- A popular energy modeling application used by designers and builders to demonstrate code compliance (REScheck, COMcheck) supports the Stretch Code.
- Per a conversation with Dave Sprout, while the Dryden Code Enforcement Officers have not received training on the Code and will need to do so in the event it becomes Dryden law, Dave believes enforcement of the Stretch Code will not be significantly different than what is required for the existing NYS Energy Code.
- The cost to build Stretch Code compliant buildings is expected to be recovered over time through reduced energy costs for building owners and tenants, and

WHEREAS, one concern the Task Force has with the adoption of the Code is that the first cost of implementation will exacerbate Dryden's existing problem with affordable housing cost, especially when compared with housing cost outside of Tompkins County, and the resulting incentive for people to live far away from and commute to work, shopping and other destinations, often through Dryden.

THEREFORE, BE IT RESOLVED that the Task Force recommends that the Town Board adopt the Stretch Code into Town law.

Planning Board
February 25, 2021
Zoom Chat

00:23:05 Simon St.Laurent: I would happily support permaculture approaches to this - I'm not sure it's supported explicitly by our stormwater laws, but it should be!

00:24:53 Alice Green: As a Master Gardener, I have studied Permaculture a bit. I agree with Simon. We should be encouraging this!

01:20:07 James: Can the Steering Committee give any explanation why or how portions of the public record on 1/26 and 1/27 have been lost or omitted from public review?

01:23:16 James: Is ALL the Chat portion of all 4 Workshops now available to the public online?

01:28:02 RYE: Why was 16 years considered the best interval for the Comp Plan review during a pandemic, before census results and before a local election? t

01:30:36 RYE: I could not find the 5 to 10 year recommendation.

01:31:31 Joe Wilson: Most NYS literature on Comp Plan seems to recommend 5 year revisions

01:31:51 RYE: t

01:32:07 RYE: Thank you

01:36:49 James: Since there is an Affordable Housing issue already prevalent in Dryden and Tompkins County, why exacerbate that problem in these ways??

01:38:03 Joe Wilson: There are studies that detail the costs and benefits. I can supply what I have found.

01:38:27 James: Why not wait until 2023?

01:39:23 Joe Wilson: I looked up today and found that Dryden is 5A.

01:55:10 Joe Wilson: Here is a cost analysis: Energy Savings and Cost-Effectiveness Analysis of the 2020 NYStretch Energy Code Residential Provisions Final Report | Report Number 19-37 | July 2019

01:56:12 Joe Wilson: The cost analysis above is specific by NYS Climate Zone. These "national numbers."

01:57:49 Joe Wilson: Payback for single family houses is 5.9 years per NYSERDA.

02:18:12 Simon St.Laurent: COMcheck desktop 4.1.5 includes the NY STRETCH code. I don't see it in REScheck.

02:26:37 James: If several other municipalities are studying STRETCH Code, why not get in synch with them to benefit from the aggregate sum of all their research? Why is Dryden in a rush to get out ahead of the rest of Tompkins County municipalities? Are we trying to make an ideological splash, earn publicity points?

02:32:54 Joe Wilson: Tax burden is mostly school tax and residents can vote every year what taxes they want to pay for their schools.

02:33:53 Simon St.Laurent: All of Oak Brook Road is zoned Mixed-use Commercial

02:34:14 Alice Green: Thank you, Simon.