

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

Present: John Kiefer, Chair, Tom Hatfield, Craig Anderson, Tony Salerno, Daniel Bussmann, Joe Wilson, Linda Wagenet, 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 called the meeting to order at 6:00 p.m.

Public Comment

None

Approval of Minutes

Approval of the minutes of February 25, 2021 was moved by J Wilson and seconded by T Salerno - all in favor.

2020 NY Stretch Energy Code

J Kiefer reviewed what has happened since the Fall of 2020 when Terry Carroll and Lou Vogel gave a presentation regarding the Stretch Code to the Climate Smart Communities Task Force. The Town Board has asked for a recommendation from the Planning Board on adopting this, and they have jurisdiction. Last month the board reviewed a proposed resolution, and the matter was tabled in order to gather comment from municipalities that have adopted the Stretch Code and contractors that work in those municipalities as well as code enforcement officers.

A Green has prepared a revised resolution that she believes addresses concerns as well as benefits in adopting the Stretch Code and asked members to consider that resolution tonight.

J Kiefer asked each member to share their findings and observations on cost/benefit and recommendations for or against the resolution.

J Kiefer said he studied the NYSERDA Residential Cost Analysis, talked to an engineer at E & V Energy, and studied a NREL document on energy recovery ventilators to find out how much energy they recover. For windows stretch is reasonable. It is around the energy star rating. It saves energy, the payback is long, but it makes sense. There is no effect on the envelope in zone 6. He looked at reducing water usage, hot water, and heat recovery. That made sense and he thought there were ways that ingenious contractors and designers can meet that without spending a lot of money. Lighting was a no brainer; everyone should be using LED lights and efficient fixtures. Energy Recovery Ventilation

bothered him because for small homes there isn't that much energy to recover. Forced Air Heating Systems is a lot about ducts and where you put them (conditioned or unconditioned space) and how much they leak. It makes sense for a large house, maybe less for a small house. Making a home PV and electric car ready seems like a good design. He supports the resolution. He also suggested that homes under 1500' of usable space might be exempted from the stretch code. On average this would increase the cost to build by 2-3%. For larger homes, there are good paybacks associated with that.

A Green said at the last meeting they talked about contacting folks in communities that had adopted the stretch code. She reached out to the climate smart coordinator for Beacon, New York. They adopted the code in April, it became effective in May and they have had zero pushback from local builders. Code Enforcement was reluctant until they saw how simple it was to enact the new procedures under the code. She urged members to adopt the code. It is the right thing to do. It is a small step to make on behalf of the environment, but it will make for lower costs over time for residents.

C Anderson said we should do a cost analysis unique to Dryden. The document sent around used words like assumption and multipliers. It is based on a 2400 sq ft house in climate zone 4 with 8.5' ceilings. The commercial side will save energy, just the insulation alone, but he isn't sure if applied to a small store in Dryden that it will have much effect. Requiring automatic shutoff for 50% of receptacles won't save energy for a doctor office. He believes we should do some studies before doing this. The information on the energy recovery system is only accurate if you have a forced air system. Many homes here have mini-split heat pumps. This would add another \$2,000 to the cost of a mini-split system. He would like to a cost analysis for an 1,800 sq ft house with a mini-split system and with a forced hot air system. He would also like to see a cost analysis on a commercial building of 18,000 sq ft or a doctor office with 3,600 sq ft. Until he sees numbers unique for Dryden, he can't vote for this resolution. He thinks it would be appropriate for incentive zoning and a good start instead of LEED.

D Lamb said he reached out to the City Administrator of Beacon in Dutchess County, population of about 14000 people. The building department there reported that it had no impact on development and did not diminish the number of building applications or cause resentment from the builders. They referred to it as a change in the performance score. They saw it as an inevitability since the state will be changing the regulations anyway. They saw the overall environmental benefit of this and wanted to lock in the savings sooner rather than later.

He contacted the Town of Manlius and the Supervisor reported they were interested last year, and passed a motion for a hearing. They did get a lot of pushback from the building community and the matter was tabled. Because of the pandemic, it was put on the back burner.

The Village of Montour Falls adopted the stretch code in January. The Mayor said he campaigned on the issue and it passed unanimously. He felt the cost per unit isn't that much of a change and his colleagues saw it as insignificant. The savings outweigh the costs when you look at the long term benefit in energy savings. They were concerned because they have a big housing project on the horizon and wanted it in place in order to have a high performing structure. The code officer was initially concerned about new training, but it wasn't a hassle, and they were fine with it. He said this is about the future, these regulations are coming regardless, and we should have a longer horizon when looking at buildings.

Dan Bussmann said one of his concerns is that the town keeps wanting to have affordable housing. He is concerned that the numbers NYSERDA is showing are not realistic for where we are located. He talked with two builders in Montour Falls. It is difficult because it was just implemented. One builder indicated they don't feel the NYSERDA numbers are accurate and for smaller homes it is 2.5% to 3% of upfront costs. They don't think it will hold up development much and acknowledged that it is something that is coming anyway. He asked why we would put ourselves at a competitive disadvantage at this time if everyone will have to do it eventually. He would feel more comfortable if we know the actual cost to the home builder and see a real application of that. Right now, we are seeing a significant increase in the cost of lumber and that is adding significant cost. The average home in the US is seeing a \$20,000 increase in the cost of lumber on a new home. And if we add another \$4,000 to \$5,000, it could make the difference whether someone can build or not. He is reluctant to support this resolution.

Joe Wilson displayed a chart called Correlated Sustainability Strategies and said the response rate to the comp plan survey in the sustainability and energy efficiency area was in the 80% range and people were in support of the town taking steps to ensure that new development is located and built in ways which conserve energy, reduce emissions, and incorporate renewable energy. The community wants this in general, so this is a particular opportunity to do energy efficiency through the stretch code.

He spent time researching and talked with seven local builders, three local architects, the county tax assessor, several NYSERDA reps, the energy team from Cooperative Extension, a local landlord and the HeatSmart director. Less energy will be used for every building built to the stretch code. Less energy means less money paid from the homeowner/renter's pockets for utility bills. Savings start right away when you live in a stretch code building. The reduced energy use means cleaner air in and outside of buildings. The stretch code building is more comfortable to live and work in. The construction costs for a residential contractor and buyer is around 1-2%. The contractor passes that extra amount on to the buyer who then spreads it over the life of a mortgage. The upfront costs are not a significant barrier to moving forward. Less energy use means less greenhouse gas emissions. The county is not taxing properties that are built to stretch code standards at a higher rate than those that aren't. There are three different paths for residential contractors to follow to comply with the stretch code, and commercial builders have two. Code officer training is paid by NYSERDA if we get in now.

Regarding affordable housing, that is close to a separate issue. The affordable housing issue is not so much about the building envelope and the devices to make the building energy efficient. That will be addressed through zoning changes, reducing fees, and density bonuses. All of those take time and are not directly pertinent to whether or not the building is built to stretch code.

He will vote for the resolution presented tonight.

Linda Wagenet said the cost benefit that was brought up is legitimate, but she looked at the data done by a consulting company that knows what they are doing. You can't have an analysis of cost benefit for every kind of situation in every kind of community. Scientific models are made to be applied across a broad range of situations. She thought the data was pretty good and well researched. Doing a specific research case for Dryden would be a huge undertaking and would cost a lot of money. The state is going to require this anyway, so why are we waiting? We might as well get started and if there are issues with it, you can do some massaging of it. The affordable housing concern is legitimate, but J Wilson addressed that pretty well. She will vote yes for the amended resolution.

S St Laurent said he first heard about ERVs when the SPCA did their major new building in 2005. The Varna Community Association will be putting a similar device in their building because they need better ventilation for the childcare program. The big advantage of the ERV is that it changes the air in and out without losing the heat. From a safety perspective, it is awesome. In general, it is not a very complicated contraption and not a big impact on the house over time. He thinks the energy savings over time are a bigger deal than the actual installation. There is a point with the houses under 1500 sq ft. Unless you are building a passive house, it starts to get kind of weird. He would vote for Alice's version of the resolution.

Tom Hatfield said he talked with a state code official and a local code official about the stretch code. He said they would encourage people to be cautious of the numbers in the studies and don't think they apply to our region. He agrees with the point made about the cutoff in size. We fail in the arena of affordable housing. Why would we keep moving the goal posts further and further away as we add more requirements to the builder or developer making it more expensive? The stretch code should be encouraged, and ultimately the state will adopt it. It is not adopted yet, and it may look different when it is, then we have a reconciliation process. We could encourage it but not mandate it. At the very least we should have some consideration for smaller residential homes as suggested by J Kiefer. We can come up with some consistencies, exempt the small homes, and encourage, but not mandate. We can move forward with the state. He is not prepared to vote for the Town Board to take this up and mandate that the community move to stretch code at this time. He won't vote for either resolution.

Tony Salerno said the NYSERDA numbers don't make sense to him when he knows the cost of certain devices. It doesn't make sense especially in the smaller houses. We know there is a significant demand for affordable housing and need to look at that. J Wilson talked about the 1-2% up front cost. If that is rolled into the mortgage, the cost is inflated with 20-30 years of interest. That amount could make a difference for people in the lower spectrum in whether they get a 20 or 30 year mortgage.

In reading about plumbing runs and hot water runs, architects will have to rethink how to design houses. It could significantly increase (or decrease) the cost of some floor plans.

With respect to the level playing field, if it is unlevel, even for two years, is it a good thing? If we do it and other towns don't, is there an issue there? He is on the fence with voting. He would like to move forward but has these concerns. He likes the idea of it not applying to residences under 1500 sq ft. Will that reduce the benefits to the town from NYSERDA? He prefers Alice's version because it makes the benefits clear, but he is not sure if it addresses our concerns. He wants to vote for this, but has these concerns.

Lou Vogel said exempting homes under 1500 sq ft would not be amending the stretch code. The stretch code only affects the energy conservation code and not any of the administration. If the town adopts the stretch code as it is, he believes the clean energy community points and grants would still apply. If it is accepted piece meal, it will impact the benefits of the clean energy community. There are questions sometimes on how it will affect farm buildings or renovations and that will stay the same. It is covered in the building code, not in the energy conservation code.

With respect to the ERV, NYSERDA hired a firm to do the energy modeling and cost estimating. They are not taking credit for energy savings for the ERV. That is an indoor air quality measure, and it is happening all over because we are tightening up our buildings. There are benefits to that, but unless you are opening up windows, you are not getting the amount of fresh air in that you should. The ERV

warms and filters the air as it comes in. 60 CFM is required for a 2400 sq ft 3-bedroom is. A 5" duct would handle that. It is not required to be pumped into each bedroom. He found online a Fantac ERV for less than \$300 that would provide 80 CFM, more than is required for that house. NYSERDA put \$1,000 because you need to power the unit and duct it. It is 5" flex duct and not really expensive when you are constructing it. It is easier to install in new construction and less expensive than after construction.

The same thing comes into play with the solar and electric provisions. They are not saying that you have to put in a charger or solar collectors. They are saying while you are building a building, have an available breaker spot and put a conduit out to the spot where it would go. They are trying to make it something worth doing. It's a small amount of CFM, but is guaranteeing someone fresh air in their house.

C Anderson questioned how the requirement to prep for an electric car charging station would save the house energy. L Vogel replied it is part of the emissions savings; it doesn't save the house energy. C Anderson pointed out it may never be used. T Carroll noted you only have to keep a 40-amp circuit open.

C Anderson said with a heat recovery system you put in one return and one supply, but when you get into an energy recovery system you are running multiple ducts. L Vogel replied heat recovery and energy recovery are basically the same thing. Both of them are four ducts. The energy recovery also recovers humidity; you can do either.

C Anderson asked what the fees would be to do a performance check. L Vogel said they do it as part of the engineering.

C Anderson asked L Vogel if he got paid a commission to sign up municipalities. L Vogel responded he gets paid hourly to talk with people.

D Bussman asked what is factored into the estimate for running conduit to a driveway because at \$15 per linear foot installed for 30 feet would add \$500.00. He wants to be realistic about the true cost. L Vogel can look into that.

L Vogel said he found an ERV for \$300 that would satisfy a decent size house. Things probably cost more than they estimated, but he doesn't know that personally. He noted the ERV takes the place of a bathroom exhaust, so you eliminate an exhaust fan when you use those.

T Carroll said affordability isn't just the cost of the home. It goes into how much it costs to heat and cool your house and how much it costs in transportation to get to work or to essential services. For someone spending \$150,000 on a home, spending an extra \$1500 or \$3000 will be greater, but the savings will matter a lot more than it will to someone building a larger, more expensive home. The total cost of ownership is important and should be considered. Yes, he and Lou are paid to promote this. He does it as part of a greater educational thing where he helps municipalities on clean energy. But at the end of the day, if you don't adopt the stretch code, they still get paid. There is no consequence to them. There is no quid pro quo. Cooperative Extension provides the education, and the municipality makes the decision. With respect to why do it now vs later and the competitive disadvantage, he said every town has its advantages or disadvantages to living, building, and working there. Taxes in Dryden are probably higher than in Cortland County and school taxes are higher in some places than others. All

these things contribute, but are also reasons why people choose to live and work in some of these places anyway.

The town and city of Ithaca are going well beyond the stretch code with their green building policy, and they are not worried about whether people will decide to live there or not. Adopting the stretch code is not going to make people decide that Dryden isn't a valuable place or someplace that's worth living. With respect to floor plans, he thinks a lot of these things are overblown and won't have a tremendous impact on floor plans. There are options in all of this.

C Anderson said we are in a climate zone 6 and the surrounding areas are climate zone 5. It is an economic disadvantage, and it is something to consider when you look at having to put in 2" of Styrofoam or spray foam your house, and in Cortlandville or Virgil they only have to do an infill of R21. There's a big cost right there currently that is different. This is adding more economic disadvantage to what we already have. He has been putting in the water distribution systems for about 15 years. They do cost about \$500 more and do save energy and do save water.

L Vogel said the utility bills for people will be less through the years in addition to saving the emissions. That can be a selling point for people and be a reason that they do come to Dryden.

L Wagenet said it adds to the value of the house when you want to sell it. She thinks it is a bit short-sighted if the state is going to require this so why not get it done now. She doesn't think the additional cost to the homeowner is going to be that big.

L Vogel said it is a verifiable change and he can see people looking for it.

C Anderson would rather have the new code that will be adopted in two years because that involves R60 in the ceilings. There is a big difference in two years coming down the road.

J Kiefer asked for a vote on the A Green version of the resolution as presented. There was some discussion about exempting houses under 1500 square feet and/or the commercial. Approving that would mean the town would lose some Climate Smart Communities points. The board will vote on the resolution as presented first.

RESOLUTION #8 (2021) - BY THE TOWN OF DRYDEN PLANNING BOARD RECOMMENDING TOWN BOARD ADOPTION OF THE 2020 NEW YORK STATE ENERGY STRETCH CODE

L Wagenet offered the following resolution and asked for its adoption:

WHEREAS, NYSERDA developed the 2020 NYS Energy Conservation Stretch 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, a stretch energy code is simply an energy code that is more stringent than the minimum base energy code that can be voluntarily adopted by local jurisdictions; and

WHEREAS, some New York State municipalities have adopted stricter energy standards to meet their energy and climate goals for residents and businesses; and

WHEREAS, the Town of Dryden Planning Board and the Climate Smart Community Task Force have weighed both the benefits and the potential drawbacks of adopting the Stretch Code; and

WHEREAS, the Benefits can include:

- Reduced energy use compared to buildings that meet current energy codes. NYERDA estimates an average 20% and 7% reduction in energy use for residential and commercial buildings, respectively.
- NYERDA estimates an average 11% cost savings in overall heating and cooling bills.
- Reduced building operating costs for the lifespan of the structure
- Healthier and more comfortable buildings: cleaner air inside and outside
- Provisions in buildings for compatibility with solar panels and electric vehicles
- Potential increases in property re-sale value; and

WHEREAS: the Stretch Code offers a system that:

- Is readily adoptable with minimal changes by local government
- Is in enforceable language
- Is coordinated with the New York State Uniform and Energy Codes
- Is about one cycle ahead of the next New York State Energy Code in its requirements
- Lowers energy use and greenhouse gas emissions from new and existing buildings
- Makes Town energy goals and required methodologies clear to potential developers
- Can build local workforce expertise in newer technologies, and potentially creates more green jobs; and

WHEREAS, Dryden Code Enforcement Officers indicate that for them enforcement of the Stretch Code will not be significantly different from what is required for the existing NYS Energy Code, and free training in the new Code will be made available free of charge; and

WHEREAS, New York is offering incentives for municipalities that take leadership in helping reach necessary goals to reduce greenhouse gases, including:

- A \$5,000 grant from NYSERDA, which could be used for further clean energy actions
- Clean Energy Community Program points that can make Dryden eligible for an additional \$10,000 to \$30,000 in NYSERDA grants to lower Town costs for actions like installing LED lights, or purchasing a more energy efficient town vehicle; and

WHEREAS, the Planning Board has also considered potential drawbacks of adopting the Stretch Code, including possible increased costs to builders, with the following findings:

- The materials required to meet the code 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.
- Builders and designers are free to choose among three separate ways to meet residential Stretch Code standards.
- Two popular energy-modeling applications used by designers and builders to demonstrate Stretch Code compliance (REScheck, COMcheck) are free and available online for download by

builders and engineers.

- Compliance with the Stretch Code will minimally raise the cost of new building construction but NYSERDA's literature indicates that those costs will be paid back by energy savings over the life of the building; and

WHEREAS, recognizing that there will be some additional costs to builders, the Town Planning Board recommends considering offering remediation measures such as waived building permit costs and/or density incentives for builders complying with the Stretch Code; and

WHEREAS, substantial elements of the Stretch Code are intended to be incorporated into the NYS Energy Conservation Construction Code in the next update cycle in 2023; and

WHEREAS, the Town could wait until the Stretch Code becomes the mandatory law of the state, receiving no state incentives and missing an opportunity to reduce energy consumption and utility bills, OR the Town of Dryden could help its residents to have lower utility costs, cleaner air, and more comfortable homes by adopting the code now;

THEREFORE, BE IT RESOLVED that the Town of Dryden Planning Board recommends that the Town Board adopt the 2020 NYS Energy Conservation Stretch Code.

2nd J Wilson

Yes – J Wilson, L Wagenet, T Salerno, J Kiefer

No – C Anderson, D Bussmann, T Hatfield

J Kiefer asked D Lamb to take the sentiment to the Town Board. He added that he is impressed with the energy and thoughtfulness of the folks on the board. The Town of Dryden is fortunate.

Coordination with Town Board

Virtual Meetings – D Lamb reported that until at least April 20 we are allowed virtual meetings per the Governor's executive order.

Freese Road Bridge – The town had agreed to a truss bridge, single lane, integrating components of the old bridge to maintain the historic value in Varna. Federal Highway wanted the old bridge to maintain intact and needed to sell it intact. Groton would like to have the bridge (and the Red Mill Road bridge) to use as part of a historic display and the Village of Groton has sent us a letter of interest. We have now received notice of what is called a 1064F process. So it seems they are ok with this and they want to hear more. The benefit is that the bridge would stay local to be appreciated. In Varna we would still go with a truss style bridge of a similar design as previously chosen (low profile, pedestrian walkway with lookout nook). It is nice to keep the old bridge together in one piece. There will be a meeting with folks the second week of April and we will see if we can move this along.

When asked about the Trinitas project in Varna, R Burger reported there is still no word, but he wouldn't be surprised if they reactivated the application after the pandemic. The board discussed adding a sunset clause to these applications as well as other types. That will be added to the list of items to review in the zoning law.

D Lamb reported the town is starting a newsletter, with reports and updates from town departments and advisory boards. It could include updates on the comp plan.

Fabric Covered Fencing

C Anderson said the Planning Board had recommended a black fence with a gray colored building for the First Light fiber shed on Route 13. Somehow that got transformed to a fabric covered fence of natural color. R Burger said First Light had proposed a fabric covered fence and neutral color for the building. He took that as a step up over doing a flat black chain link fence because the fabric hides the facility better. Whitmore Fence agreed it is an upgrade to screening. The fabric is not a big added cost to the project but is pretty effective. T Salerno said it is used at Cornell and the fabric doesn't seem to hold up well. A painted black chain link fence will look the same in three years. It may be ok short term, but not for a permanent installation.

C Anderson said he brought this up because there seems to be a disconnect between what the Planning Board recommended and what the Town Board approved. R Burger said he thought it would be a better, more effective visual screening. C Anderson also understood there would be trees on the site. He added that the same fabric covered fencing is being used at 2150 Dryden Road. He doesn't believe the fabric screening is considered in the design guidelines. J Kiefer added it shouldn't be thought of as a substitution for a vegetative screen. They don't last and the town doesn't need another thing to police.

R Burger thinks that First Light will go with a black matt fence if that is the preference. He probably started the misdirection thinking it was a step up to hide the building. C Anderson said they had landscaping on all three sides that would help screen it. J Wilson said if the design guidelines recommend something else and the Planning Board recommended adherence to those guidelines, that is what we should expect.

T Salerno said the fabric screening installed at 2150 Dryden Road does not improve the look of it at all.

R Burger will bring the First Light black matt fence with landscaping matter back to the town board.

Zoning Law Update Items

J Kiefer encouraged people to continue to send items in the zoning law that they think should be changed or reviewed to him. It may be that some changes could be made sooner rather than later.

C Anderson suggested that deeming a business as ag-related if 51% of their sales are ag-related could be a problem. Zoning drives commercial growth to the major corridors and the hamlets. We say agriculture should have an ag-related enterprise attached to it, but he isn't sure zoning adequately covers it. We could rely on Ag & Markets making the determination.

J Wilson said in 2016 the Planning Board was asked to review the zoning with an eye toward reducing the number of SUPs that were allowed. He has supplied J Kiefer with the information he compiled at that time.

Planning Department

R Burger reported the Route 13 contractor yard is being decommissioned.

Maifly LEED Update – R Burger said there is no update. They are proceeding with the basic plan as laid out. Their ultimate deliverable is to have a design that gives those 40 LEED points. They will have to certify that, and it is subject to review before the Certificate of Occupancy is issued. If there are specific questions, they are willing to answer those. Any decisions that would alter the original plan would need to be divulged to us. He expects to hear if there are any deviations.

97 Southworth Road - Stormwater Issue – We have a local law that talks about when you have half an acre of impervious and that is where Dave Sprout made the call. After consulting with TG Miller and others on interpretation, it actually reads half an acre that feeds into ditches and connectivity to the MS-4. In this project, a lot of the impervious dumps out into the lawn, not to the ditches and the MS-4. Looked at that way, it is below the half acre and that local law is not being invoked.

They audited the last few years of projects that may have been misinterpreted and there were none that met the half acre threshold. The current project will be required to have an erosion and sediment plan during construction, but will not have to do stormwater practices and file a full SWPPP with DEC.

Upcoming Meetings

Comp Plan Steering Committee – April 14 at 6:00 p.m. – The consultants will share updates and what comes next, then discuss the goals and strategies for housing, walkable communities, economic development, land conservation and transportation. Materials are expected a week ahead of time.

Comp Plan Steering Committee – April 29 at 6:00 p.m. – to discuss the town climate plan and the goals and strategies associated with that.

Written comments to Sam Gordon after he sends out materials are welcome.

Regular Planning Board Meeting – April 22 at 6:00 p.m.

There being no further business, the meeting was adjourned at 8:06 p.m.

Respectfully submitted,

Bambi L. Avery