

TOWN OF DRYDEN
SPECIAL TOWN BOARD MEETING
May 30, 2017

Present: Supervisor Jason Leifer, Cl Daniel Lamb, Cl Linda Lavine,
 Cl Deborah Cipolla-Dennis, Cl Kathrin Servoss

Elected Officials: Bambi L. Avery, Town Clerk

Other Town Staff: Ray Burger, Director of Planning

Supv Leifer opened the meeting at 7:05 p.m. and board members and guests recited the pledge of allegiance.

1061 DRYDEN ROAD
PLANNED UNIT DEVELOPMENT

Supv Leifer said the public hearing on this matter was closed on May 18 and confirmed that no further written comments had been received. R Burger shared a revised 239 review letter dated May 30, 2017, from Tompkins County Planning. They have changed their position of strict ADA compliance for the trail connection. They have two recommendations. One is to follow the landscape buffers as required in Section 909 of the Town's zoning law. The applicant is complying with that. The landscaping features and fence that is in place between the applicant's property and the Reed property are sufficient to meet the requirements of Section 909. The other recommendation is to continue working with NYS DOT on a pedestrian crossing from the development to the bus shelter. This is an ongoing process and part of the development plan.

The draft resolution for approval has two conditions. One is addressing the driveway realignment to merge with the adjacent drive a 1065 Dryden Road. The other condition addresses the conveyance of 1.2 acres for the rail trail to the town. It reaffirms the SEQR review that was done for the concept plan. Any minor changes since have had a positive environmental effect, mainly the change from fossil fuel to heat pump.

Gary Sloan, applicant, requested the condition with respect to conveyance of property for the rail trail state that a certificate of occupancy (not a building permit) will be not be issued until a deed conveying title is delivered to the town. The reason is that applicant will need access to that property during construction. Discussions are proceeding well with Mr. Reed for an agreement for a shared driveway and he expects that document will be completed soon.

S Hugo reviewed for Cl Lavine the landscaping plan, the play/gathering area, and explained that the cost of moving the stormwater infrastructure underground is cost prohibitive.

**RESOLUTION #81 (2017) – Approve Development Plan and Site Plan for a Planned Unit
 Development District at 1061 Dryden Road for Townhouse Development**

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

WHEREAS,

- A. M&R Entities, LLC (M&R) has applied for a Planned Unit Development (PUD) district at tax parcel 55.-1-16, identified as 1061 Dryden Road, Dryden, New York in order to

construct multi-family dwellings on the property at a density greater than permitted by the Town's Zoning Law.

- B. M&R proposes to construct 36 new two-story townhomes on the 6.537 acre site. A PUD application which included a Development Plan, site plan, engineering reports, and Storm Water Pollution Prevention Plan (SWPPP) have been submitted on January 23, 2017 and subsequently revised.
- C. A Concept Plan was approved with conditions by the Town Board by Resolution #153 (2016) on October 5, 2016 and the Development Plan is in compliance with the Concept Plan.
- D. The Town Planning Department considers the application complete and in conformance with the requirements of Town Zoning Law Article X (PUD Districts).
- E. The Planning Board held meetings on March 1 and March 23, 2017 regarding M&R's Development Plan and Site Plan and made recommendations to the Town Board which were considered.
- F. The Town Board held public hearings on April 20 and May 18, 2017 at which time the public was heard and those comments were considered by the Town Board.
- G. A Stormwater Pollution Prevention Plan (SWPPP) has been prepared in compliance with the Town's Stormwater Management, Erosion and Sediment Control Law –Local Law #4-2007.
- H. The parcel is in the Rural Residential Zoning District which allows for townhouse development at a density of 2 Dwelling Units per acre. The proposed density is 5.5 Dwelling Units per acre.
- I. The proposed townhomes are consistent with the community character.
- J. The proposed PUD is consistent with the Town Comprehensive Plan's goal for development and the Commercial Development and Residential Development Design Guidelines.
- K. The developer shall deed approximately 1.2 acres of land to the Town for recreational purposes.
- L. Tompkins County Planning Department has reviewed this project as required by NYS Municipal Law §239 -l, -m, and -n and determined that this project may have negative inter-community, or county-wide impacts (letter dated May 30, 2017). The Town Board has considered Tompkins County Planning's recommended modifications.
- M. Pursuant to the New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations at 6 NYCRR Part 617, the granting of approvals for this project is an Unlisted action for which the Town Board, acting in an uncoordinated environmental review with respect to the project, on October 5, 2016, made a negative environmental determination of significance, after having reviewed and accepted as adequate a Full Environmental Assessment Form Parts 1, 2 and 3.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board finds that the proposed changes from the approved Concept Plan are either minor or have a positive environmental effect and therefore have no negative effect on the environmental impact of the townhome project, and the Town Board hereby reaffirms its negative determination of environmental significance in Resolution #152 (2016) dated October 5, 2016, in accordance with the State Environmental Quality Review Act.
2. The Town Board approves the Development Plan and Site Plan for 1061 Dryden Road as shown in application materials dated January 23, 2017, and in additional submission materials dated May 16, 2017, conditioned on the following:
 - a) If the driveway is realigned to merge with the adjacent driveway at 1065 Dryden Road the site plan and SWPPP will be modified to the satisfaction of the Town's Engineer and Planning Director without the need for further Town Board approval.
 - b) Prior to the Town's issuance of any certificate of occupancy for the PUD, the developer must deed the approximately 1.2 acres of land (as shown in the Development Plan) to the Town for recreational purposes. The deed shall be in a form acceptable to the

Attorney for the Town and Town Board, and the surveyed locations, deed, and abstract must show good and marketable title for the land to be deeded to the Town.

3. The Town Board, finding that the applicant is in compliance with all other provisions of the Town Zoning Law and other applicable ordinances, establishes this Planned Unit Development District for the property at 1061 Dryden Road, Tax Parcel 55.-1-16.

2nd Cl Servoss

Roll Call Vote	Cl Lavine	Yes
	Cl Cipolla-Dennis	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

G Sloan said there is power to the site, but it is not readily available right out in front and they are working with NYSEG. It needs to come from the Cayuga Heights substation and then come via Freese Road to get to the corner, so they are waiting. He asked the board for a letter encouraging NYSEG to make that happen sooner rather than later. It also affects the Tiny Timbers project.

They are still working on project details and getting ready to bid it out. They need to get the driveway in place for site plan work and are hoping to start in the spring.

**OPEN PUBLIC HEARING
PROPOSED LOCAL LAW
CORTLAND ROAD SEWER RATES**

Supv Leifer opened the public hearing at 7: 23 p.m. This proposed local law will increase the rates charged by the town to users in the Cortland Road Sewer District because the Village has increased what it charges to the Town. There were no comments and the Public hearing was left open. The board will vote on this in June.

MONTGOMERY PARK

Supv Leifer presented a resolution for use of reserve funds to contribute \$5,000 for backboards for the basketball court. The board had discussed use of contingency previously. Use of the recreation reserve is subject to permissive referendum. There was a question as to whether this is a capital asset of the town; that the fund should be used for assets of the town. There is an agreement with the Village for use of the park for town programs. Atty Brock said under Town Law §220 the town has the authority to equip parks and it doesn't say parks owned by the town, so it isn't a problem there. She reviewed General Municipal Law §6(c) and said she didn't see anything that would prevent use of the recreation reserve fund in this instance.

**RESOLUTION #82 OF 2017 - AUTHORIZING USE OF FUNDS FROM THE TOWN OF
DRYDEN RECREATION CAPITAL RESERVE FUND FOR MONTGOMERY PARK
REVITALIZATION**

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

WHEREAS, Montgomery Park, located in the Village of Dryden, is used by all residents of the Town of Dryden for active and passive recreation; and

WHEREAS, the revitalization of Montgomery Park will benefit the entire Town by making the park an attractive place for residents and tourists to visit; and

WHEREAS, Montgomery Park has a history of serving as a venue for festivals, Kiwanis Baseball, Concerts, outdoor movies, and other activities sponsored by private organizations, the Town of Dryden Recreation Department, and the Village of Dryden; and

WHEREAS, the Town of Dryden wishes to provide additional support to the revitalization effort by pledging an additional amount not to exceed \$5,000, allocated towards installing backboards on the basketball court; and

WHEREAS, in consideration for the Town’s contribution towards the revitalization effort the Village of Dryden has stated its intent to into an intermunicipal agreement with the Town of Dryden to allow the Town of Dryden Recreation Department to use Montgomery Park as a venue for Dryden Recreation Department Programming; and

WHEREAS, the Town Board of the Town of Dryden wishes to work with the Village of Dryden for the benefit of all residents; and

WHEREAS, the Town Board of the Town of Dryden established the Town of Dryden Recreation Capital Reserve Fund (“the Recreation Reserve Fund”) by resolution #158 adopted on September 9, 2009, for the purpose of accumulating all or part of the costs related to the development and/or improvement of recreation facilities, fields, parks, trails, and other related assets in the Town of Dryden; and

WHEREAS, demonstrating intermunicipal cooperation is important for securing grant funding to support the revitalization of Montgomery Park; and

WHEREAS, pursuant to General Municipal Law §6-c, an expenditure from the Recreation Reserve Fund requires authorization by the Town Board, and such authorization is subject to a permissive referendum; and

WHEREAS, revitalizing Montgomery Park and providing recreational opportunities to the public falls within the purposes for which the Recreation Reserve Fund was established; and

WHEREAS, the Town Board of the Town of Dryden seeks to draw \$5,000 from the Town of Dryden Recreation Reserve Fund to fund the Town’s contribution towards the cost of installing backboards on the basketball court in Montgomery Park;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board authorizes the following expenditures from the Town of Dryden Recreation Capital Reserve Fund: \$5,000.00 towards the cost of installing backboards on the basketball court in Montgomery Park in the Village of Dryden; and be it further

RESOLVED that, pursuant to General Municipal Law §6-c, this resolution is subject to a permissive referendum.

2nd Cl Lavine

Roll Call Vote	Cl Lavine	Yes
	Cl Cipolla-Dennis	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes

Supv Leifer

Yes

Dryden Community Center Café – Supv Leifer said he had a conversation with Tony Salerno and when the town cut out the community grant program this year, the effect was that they lost money that they had used for music. Since the town had sponsored the live music there they were able to tell ASCAP they were under the town’s coverage. They are hoping the town can help. Supv Leifer asked Jack to review the recreation budget to see if they have funds to pay ASCAP for the Café (probably around \$100) to add them. The board agrees that it makes sense. Cl Servoss cautioned that other past recipients of community grants may come and ask for the same thing. Supv Leifer will have a proposed resolution ready for June 18.

At 7:32 p.m. on motion made, seconded and unanimously carried, the board moved to closed session in order to seek advice of counsel. No action was being taken and the meeting was adjourned.

Respectfully submitted,

Bambi L. Avery
Town Clerk