

Town of Dryden
Planning Board Meeting
Thursday, February 22, 2024
Hybrid Zoom

Planning Board - 2024

Current Members	I.P.	Z	Ex	Ab
Tony Salerno, Chair (2029)	X			
John Kiefer (2027)	X			
Frank Parish (2024)	X			
Chris Morrissey (2030)	X			
Craig Anderson (2025)	X			
Joe Wilson (2024)		X		
Brad Will (2026)				
Diane Tessaglia-Hymes (2028)*Alternate		X		
Vacant (2024) * Alternate				

Others Present or on Zoom

Dillon Shults, Planner, Zoning Officer
Joy Foster - Recording Secretary (Zoom)
Dan Lamb - Liaison (TB)

The Regular Meeting of the Town of Dryden Planning Board was called to order at 6:02pm by Chairman Tony Salerno.

Minutes taken from Transcript

Tony Salerno welcomes new member **Frank Parish** who was originally assigned as an alternate, but at the last Town Board meeting **F. Parish** will switch places with current member **Diane Tessaglia-Hymes** to be a member and **D. Tessaglia-Hymes** will be an alternate.

F. Parish introduces himself.

I met Dave Sprout from the building department multiple years ago as I worked on my house, and we got along well, and he always recommended I join this group because he thought I'd be interested. And so, I put in an application, maybe a year and a half ago and forgot about it. And then Spring Buck reached out to me a couple weeks ago. Said there was an opening, so I took it. My background is in architecture and construction and I'm a facilities manager where I was a director at Cornell for many years and now, I'm project manager. I come in with that kind of background. I've been in Dryden since 2012.

T. Salerno, thank you and welcome.

Public comment, for items not on the agenda. There's nobody here. I'm assuming we don't have any public comments. I don't see anybody on zoom. So, we can move on.

Approval of Planning board minutes from 12/28/23

As you remember, these are the ones we put off because we had the conversation with the attorney at our last meeting. And we wanted to ask some questions and so those minutes are now up for approval.

Craig Anderson did the attorney ever get back to us about the revising of minutes.

T. Salerno, I don't recall seeing a formal response.

Dillon Shults, didn't he say that the best approach was the asterisk in the future minutes.

T. Salerno, right. so, in other words in the future if there are minutes that have been approved which we need to revisit we shouldn't change them because they've been approved, but we should put a note on them that there is a revision in a future meeting. And then in those minutes, talk about the revision.

T. Salerno, October, and November minutes are approved. The October minutes are the ones we had an issue with. What we should do is note the changes in the December meeting. Because they were approved in November, they were brought up in the December meeting. So, on the December meeting notes, we should put a note of what the revisions would be. And then put a

note on the October minutes to say, see the December minutes per revision. Does that make sense?

C. Anderson, I think we have done that in the past.

T. Salerno, now we're looking at the December minutes. I think we wanted the discussion that we had about the October minutes to be included as a revision.

Joe Wilson, when we actually get to the December 28 meetings minutes, I sent an email to everyone about a concern I had, and I can find it again, when we get to that point. My first question is whether it makes any difference at this point? To make them more accurate, and if so, then I gave the gist of what I intended to comment. Which didn't seem to quite translate when it got into the minutes. So, first question, does it make any difference because the staff now seems to be willing to create checklists for us and the developer beforehand, so we know whether there's an actual judgment that the plans comply with the requirements before they get to us.

T. Salerno, the way I understood the discussion with the town attorney. Was that it's really not up to the staff to determine whether an application is complete. It's really up to the applicant to decide whether it's complete. Now staff can guide them, and they can say you need to submit this, and they can have a checklist. But if the person only submits half the stuff on the set checklist and says, here's everything I'm going to give you. Then my understanding is that the staff is obligated to push it forward to the board.

D. Shults, I think more or less, there's the five requirements. And as long as they submit the five requirements. If they come to us and they're not willing to submit anything more than those five requirements, or even if those five requirements are there, but they're poor, and they don't want to revise, then then at that point, we have to pass it on.

T. Salerno, right, and they need to understand that there's a risk that the Planning Board is going to say you need to give us more because on a on a sketch plan, we can say you didn't give us enough you need to give us more. As long as the staff is coaching them and telling them that they need, you know if you wanted this to go through quickly, if you want us to go through in one meeting, you need to give us these other things, or at least be prepared to address these questions that come up. That doesn't mean that it's not complete like so if they have the five things, no matter how poor of a sketch plan and they want to push it forward for a sketch plan review, then the staff's going to bring it to us. And we may think it's not enough, but that's our option at that point, to tell the applicant we need to do a full site plan review you need to give us more.

J. Wilson, OK, so I'm going to withdraw my comments so we can move ahead understanding that now we're the policeman of whether either the sketch plan or the submission of the site plan is complete. And so, that's our obligation. And by the same token, we can feel free to object and move to not consider what they submit because we collectively deem it not complete.

T. Salerno, and like I said, while it's my understanding is and D. Shults correct me if I'm wrong, my understanding is that the staff is coaching the applicants and saying you should submit these things and you should be prepared to submit these things. And if we're doing a site plan, here are the things you need. And to a certain extent they can say no, I'm not going to bring it forward.

Unless you give us everything on this checklist. But again, if the applicant says this is all I'm going to give you right then they're going to push it forward and then it's up to us to say, no, you didn't give us enough and you need to come back. Does that make sense?

D. Shults I just pulled up the sorry to interrupt. I just pulled up the site plan law and so it's, yeah, they require that they submit the five things that were obligated to bring it to you. And then based on you know the Board will determine any additional, this is from section E, the Board will determine any additional information requirement site plan within 10 days of the sketch plan conference. The Board shall provide in writing a detailed list of the necessary components of the other things that they need.

Brad Will, so unless it's already practiced, it would probably be a good idea just to have the applicant go through the checklist and actually check all the items that they've prepared and are submitting. And then the staff can look at it and say, OK, they checked all these, maybe they didn't check one or two or three and you could ask, is there a reason you didn't? You don't have to get into it, but then as long as it's common practice to give them that notification that you know it's in your interest to complete everything to smooth the path, as T. Salerno said, as long as that's standard practice, then I think that's good coverage right there.

D. Shults, Yeah, it will be and yeah, I'm happy, I think last time I did, the little wasn't a checklist, but it just went through those five requirements, and I said submitted. So, I think I'll do that for now.

J. Wilson, the only question that still leaves open is whether a rule of thumb that we get stuff by Sunday before or not is going to be.

T. Salerno, actually, I'm saying it should be the Friday before. So, things should go out no later than the Friday before the meeting. That's the general rule of thumb. And if somebody comes in at the last minute, and says I want this at the next Planning Board meeting, I think the standard answer probably should be no, unless there's some, you know, really extenuating circumstance.

B. Will, is there any requirement that every planning board meeting needs to be publicized and what's there is and the number of days beforehand that something has to be submitted.

T. Salerno, the agenda has to be out and the agenda which can be revised, but generally the agenda has to go out. The agenda lists any of these projects that we're reviewing because again, if somebody like, a neighbor or somebody else wants to say something about a project, it needs to be published a little bit ahead of time. So, I'm perfectly fine saying that if they don't submit things until the last minute that we put it off till the next month.

B. Will, my experience has been that the standard submittal date due date is typically 10 to 14 days before the Planning Board meeting. And if someone doesn't get it in on time, they're not going to be on the agenda.

T. Salerno, and I think that's the requirement for the applicant because the staff needs some time to put it together and get it out.

J. Wilson, it's interesting that Caroline, I brought up this extreme example late in the meeting or maybe even afterwards, just and I'm not advocating it, but Caroline literally has in their statute a deadline for submission. It's not a rule of thumb. It's not a rule of practice. It's not what we count on the staff to do. They literally have in their law that they cannot consider something unless it's X number of days before the meeting date.

T. Salerno, yeah, currently in our code it's there, as I understand, it's there for special use permit reviews, but not for general site plans or sketch plans. So, it's actually in the code there was a deadline in the code for special use permit applications. But that's it. So, I think we just need to do it as a rule of thumb and as long as the staff is willing to cooperate with that, I think we're in good shape.

Note from D. Shults – Sorry I may have given ambiguous information at the meeting.... There is a deadline for providing notice for public hearings...we have to provide notice to neighbors and put notice in the paper 10 days prior to any hearing (variance requests, special use permits, etc.). Not necessarily a deadline to submit but it must be submitted with enough time for us to review and provide feedback to the applicant (sometimes requesting additional information), draft a memo etc.) and then post notice prior to 10 days before a hearing. Anyone can feel free to incorporate this into the minutes if it's fitting.

C. Anderson, make a note that it should probably be changed in the new zoning.

T. Salerno, and we can make a note of it to possibly look at in the new zoning code.

T. Salerno, well, when I look at the 12/28 minutes, the only comment about the 10/26 minutes is that there are no changes to the approved minutes, but I think there should be some minor changes to those. And we should note them in here. And I think what I'll do, J. Foster, is I don't have them right in front of me. I had them written up like it would take me a few minutes to get them up. I'm going to push off the December minutes again and I'll get those changes out to everyone and then we can vote on this one the next time so they can stay under the draft form, the 12/28. Ones can stay in draft form until this time I don't see any other issues with the 12/28 minutes, does anybody else have any comments on the 12/28 minutes.

C. Anderson, I have one addition. It's on the second paragraph, that's where we started the applicant and owner Nick Bellisario at the very end, there's three to four spaces for parking in front of the office. Never has needed anything more. I asked him about accessibility, parking and access. It should be put on record that we talked about accessibility, parking. And he said he does have accessibility parking as part of that. I don't know if it was 3 or 4 + 1. I don't know that one, but just to add to the record.

T. Salerno, you're right. He did say that he does have accessible parking.

B. Will, so that will require signage.

C. Anderson, It's not up to us. It's up to Code Enforcement.

T. Salerno, Other comments on the 12/28 minutes.

B. Will, I have a comment, just very minor on the I guess first paragraph on the second page. **Town Attorney VanWhy** said a second use would be allowed. I think it should say, just insert an “if” the second use would be allowed, it would need site plan review.

T. Salerno, I think he said a second use would be allowed, it would need a site plan review.

B. Will, there is a comma missing or an if missing. Just repair the sentence please.

B. Will, the next one was the last or the 2nd to last sentence. It will remain a mine site, and are requesting to have a contractor yard, and I was thinking have, should be (add) instead of have. And then in the next paragraph daylight hours 7:00 AM to 5:30. I think it should say daylight hours of operation. You could just say hours of operation. OK, that's it.

T. Salerno, we're still on 12/28 minutes, the only reason I'm asking this is because I'm going to take these changes plus the other piece that I'm going to add to it and then send it out to everybody again for next month's approval, OK, we're done with 12/28. We're not going to vote on that one now.

T. Salerno, minutes from 1/25. Any comments on those?

C. Andeson, I do have a couple, we talked about it before. We talked about it before using first names. Need to be consistent with names. Discussion ensues regarding consistency.

Dan Lamb, what do you want? Full name each time, last names? So first initial last name. First time you refer to one of us, maybe the full name and then from there on its first initial last name.

T. Salerno, OK. Any other comments on the January minutes. Other than fixing the names. Anybody want to move to approve them? C. Anderson moves.

Motion: C. Anderson

Second: B. Will

All in favor - yes - F. Parish abstains.

T. Salerno, onto the Zoning RFP, subcommittee recommendations and discussion.

Chris Morrissey, do we need to go into executive session for this?

T. Salerno, we talked about that at our meeting, and I don't think we're going to be doing anything in this that really requires executive session. If we or anybody feels we should go into executive session at any point, we can try to do that.

John Kiefer, Yeah, I would add as far as talking about rationale for picking one contractor over another, that's fine to be public record in fact you know, hopefully they look at the record and get feedback that we need to fix. So, you know, I think it's perfectly fine for us to have an honest, open discussion about what we're proposing to do and why we're proposing to do it.

D. Lamb, I would add that we had three very strong candidates and they all had positive attributes. It's a matter of which one had the most positive. So, we really don't have any negatives to report on.

T. Salerno, actually, we had six really good candidates, I was hoping that we would be able to eliminate some really quickly just by, you know, looking at them and going No. But that didn't really happen. We actually had to really review all of them. So, I'll just give you a summary of where we are. The subcommittee did meet, we ranked them. And we made a decision to interview three and the three that we interviewed were CPEA, which is Community Planning and Environmental Associates. We interviewed Fisher. And we interviewed ZoneCo. In reviewing the applications, we decided pretty early on not to interview EDR because we were very familiar with them and there had been some concerns raised about working with them again based on experience from the Comprehensive Plan. And so, because those concerns were raised and because we had some really strong applications and because we already put this out for RFP and brought it and put it back out because EDR was the only respondent in the first round we decided not to interview EDR.

B. Will, I'm sorry can you repeat the three names and I'm curious did you interview them in person or virtually?

T. Salerno, Zoom and it was CPEA, Fisher and ZoneCo. MRB we had interviewed originally as part of the Comprehensive Plan update. So, we were a little bit familiar with them, and Dunn & Sgromo, the two of them were strong. I mean, they had really strong proposals that were good. But you know those seem to be more engineering firms than planning firms. And so, you know, anyway, we ended up with, like I said, the three CPEA, Fisher and ZoneCo. We interviewed all three. All three did very well in the interview, although one issue that came up after the interviews with ZoneCo was that the person that they had listed as being the primary person working on this project left the company. So, if we were thinking of going with them, they would have to come back with, you know, information on the person that would be doing the bulk of the work. One of the things that happened in the interview is this person was somebody who was very familiar with New York. She's actually lived in Ithaca for a period of time and so, and she'd done some projects in New York. The company ZoneCo is actually based in Cincinnati. But at least the person working on it had some familiarity with the area. We don't know who that replacement person would be, but so that came up after the fact. Ultimately, I'll just cut to the chase. Ultimately, our recommendation tonight is going to be that we go with CPEA. And one of the reasons for that and it's actually one of the reasons I had a concern about them initially was, the dollar amount, the dollar amount was way low. Did we get a revised dollar amount from her because we were having to add extra interviews. So, I think it's going to be a little bit higher than the dollar amount that's \$11,000 that's in here. But she did say that she did put a range on in her RFP response and she did say if we wanted to do these extra interviews that there would, you know, would be at the higher end of that range. So, we do have that range. I'm going to stop talking right now and let the other Members that were on the subcommittee talk give their thoughts.

J. Kiefer, well, for starters, I wanted to commend the group for convincing me that indeed we should put this back on the street. If you recall, last fall, I was ready to just do the best we could with EDR and we met with them and folks here in the committee said no, let's put it back on the street. Oh boy, did we get good results. We got six really good proposals from people, and I think we learned a lot reading the proposals and from the interview process and I think we found a really perfect company to work with so good work guys. I learned some things in the interview process. For starters, the approach that we put in the RFP, which is an examination of our code, our zoning code against our Comprehensive Plan and also based on feedback from the Board to do that first and produce a list of things where the zoning is different from what's called for on the Comp Plan and places where it just doesn't make sense or you know it needs to be clarified. We heard from the consultants that this also is their preferred approach. Which was good. We also heard that it was appropriate to take a fairly incremental approach to the update on that pick the most important things first, the low hanging fruit, get them done and sort of get some experience doing zoning updates. There was support for that. There's a lot going on right now in land use regulation that there's a lot of churn. As T. Salerno mentioned, the one person I think was only there for six months, but we saw that from a couple people. Fisher, I think it's just trying to stand up specifically around land use regulation, recognizing this is an up-and-coming thing that municipalities want to investigate zoning reform. The bigger multidisciplinary companies were focused mostly on cities with higher population areas. One of the things that I was very much attracted to CPEA is that they're exclusively she's exclusively land use regulation for small rural communities, since what she's been doing for her entire career. And she really impressed me. Her proposal was sort of generic, but when we pressed her on that at the interview to talk specifically about best practices and zoning to talk about zoning reform, to talk about, you know, increasing the diversity of use types that were allowed and stuff like that, she was all over that. And gave examples of where she had to make that a go, she did caution this and said that where she's tried this in some places there's been a big push back from folks who wanted to preserve their single-family homes on one acre lot and didn't want any rentals nearby. But anyway, I was most impressed. For me, it was an easy decision.

Chris Morrissey, all three candidates were very strong that we interviewed and ultimately the decision came right down to cost. Because the two others were on the very maximum side and, as John spoke to, she was very good in her interview and proposal, was working with the rural small communities. She also worked in Caroline, and we asked some very detailed questions about what she would recommend doing better given the big pushback that they had there and she was very clear with us on things that she thought they could have done better. And based on the references we got and samples of work in similar sized communities, very well done, very detailed recommendations line by line in the zoning and things that need to be modernized. She's done this work for many different communities, so it was ultimately a very easy decision. But the other two were strong proposals, but ultimately, they mainly work with bigger cities. So, there's some concern that they would cookie cutter our kind of land-use and they were four times the cost.

D. Lamb, so we wanted some contrast in the three that we invited them to present to us and we wanted to see what a New York company would do, and we want to compare large and small. So,

we have a smaller firm CPEA and then we had a larger firm, Fisher out of Rochester, and we had ZoneCo out of Cincinnati and the latter 2 are fairly big and they're used to coming in and doing rewrite or from the ground up right for zoning. But we're curious what that approach was, because let's just have, you know particularly with ZoneCo, a company that just did zoning, they don't do Comp Plans and all those other things. So, I thought we had a pretty good contrast. They all were very professional and at one point, you know, we thought we could go with any of these. And particularly after the first one that we all remarked that this is going to be hard, this is not going to be easy because the first one did really well. Then the second one and the third one went well so then we had to drill down a little further, you know to like the next level of things. What particularly stuck out to us about the individual presentations and particularly with CPEA there was this real kind of hands-on approach. This is very personal. Her presentation seemed very intimate to us. She's a small shop. She's a busy shop. But you know there's that saying about busy people are the people who get things done and she was willing to take us on. So, I think, you know, she has a reputation, and the reputation is very strong. I'll get to that in a moment. But I don't mind the fact that she's a small shop at the level of attention that she gave us. She talked about our comp plan already. She talked about, you know, incrementalism as John mentioned and they all did but you know, she said that that could very well be a better approach than throwing out your complete code and starting over, which I think is the direction we're hedging on is, incrementalism to our zoning code, not a completely new system, we're moving redundancies, removing inconsistencies or contrary points that are in her swing vote. She seemed to really get that, see, besides confronting NIMBYism in a way that made me happy. The statement zoning should not be about keeping things out. You know, it should be, these are the things you can do in our town, as opposed to setting a tone, this is what we won't let you do. And I just thought that was a nuanced but important thing that she mentioned and. She seemed to really get, you know, the need for zoning to complement our efforts to address affordable housing. She could tell that was an issue that mattered to us and to me in particular. She, rather than candor, just said, you know, zoning is not going to solve your housing problem. It can help but don't look to zoning. You know, just because you do a zoning rewrite that doesn't mean your affordable housing is just going to go away. And I just thought the frankness, the directness, was kind of something, of value. So I checked some references. I know two people who know her and her business in particular, Mark Whitmer Town supervisor for Caroline had nothing but good things to say about her and the experience and the friendliness, the responsiveness and, you know, that wasn't an easy job in Caroline. And another is a colleague that heads the work with Congressman Niche who's now the city manager for Beacon down in the Hudson Valley and he had good things to say about her as well.

T. Salerno, and adding to that, I'll say that I also contacted two other people that have worked with CPEA. One was the chair of the Planning Board for the town of Woodford I believe it was. Let me get this in front of me so I can make sure I'm saying things correctly. One was Waterford, this one was Town of Woodstock, I knew they were both W's sorry. The second one was from the town of Woodstock and that person was Deborah Duane. Who is not sure what her role was at the time. Let's see she was not on the Planning Board, but she was involved with this project anyway. Anyway, she responded. We asked some questions, you know, some of the questions we asked are, you know, what kind of work did they do? How satisfied were you with it? You know,

how would you rate their expertise, any issues with timeliness? Were they flexible in their interview styles? Did they resolve conflicts issues well? Any hesitations, and would you contract with them again? I won't read everything she said, but I'll just say it was glowing. I mean, she said that you know, when it came to rating expertise, you know she found CPEA to be extremely knowledgeable, thorough, professional throughout. They helped in the case of Woodstock; they helped draft update to our zoning and subdivision code. That she describes as masterful. And when asked, would you contract with them again? She said absolutely. The other one was the town of Waterford and that was David Wooden. Who is the chair of the Planning Board. Sorry, that's the other one. He's also listed as the Planning Director and an alternate ZBA member. So, he has some various roles, apparently. And his responses were very similar to what Dan heard from the people he talked to and from Deborahs responses on timeliness. He said not on CPEA's part because CPEA's part because they were doing their project in the middle of COVID. And so, there were some delays that happened, but it wasn't CPEA's fault it was because of how they were doing things and when they were doing them. He did you know, express that, you know, their CPEA is busy, and you know, so but they didn't have any issues with them despite the workload, and when asked, would you contract with them again? He said definitely, CPEA has provided the Town of Waterford with municipal planning services for about 8 years now. And we have a year-to-year contract. So, they've been renewing the contract over and over for eight years.

Discussion on the recommendation from the RFP:

J. Wilson, my discussion is actually in the form of a question what I saw in the proposal was two staff members. And I wonder if there were any questions directed to them or to the references. That would get to the issue of, yes, they're busy, but there only appears to be two people.

T. Salerno, we asked them about timeliness because that was a concern because it is a small shop, as we said before, it is a small shop. So, we did ask questions about, you know, are there issues with that because they are such, you know, they are a small shop, essentially the two people, mostly the one principal right, and so yes, we did ask those questions and all of the references we talked to. All said, there were no problems, that it was fine, and even we even brought it up in the interviews, you know, are you going to, you know, do you have the bandwidth to do this? And, you know, she was confident that they did.

J. Wilson, any concern that when push comes to shove, the work could be passed on to somebody that we know nothing about.

D. Lamb, no, there's no one there to pass it to.

T. Salerno, I think there's a greater risk of that happening with some of these big companies that they that we interviewed because you know, they listed a person that was a principal, but you know, with some of these companies, how do you know that's the person actually doing the work? You know, they're passing it off to who knows, interns and whatever. I think actually in this case we have a much greater chance of her actually doing the work than with some of these other companies.

D. Lamb, I think because she's such a lean shop, her overhead is less. You know, I can't say it's not about money, because this is our taxpayer money going towards this and her proposal is, you know, 20% of what the other ones were. You know, we could pay for a few more bells and whistles if we want and still do not make half of what the other ones.

T. Salerno, and still have a fair chunk of the budget leftover to do the next phase. Right? Because remember, this is just phase one. This is just the review and recommendations. This isn't actually drafting the code, right. So, there's another phase to come after this that we're going to have to pay for.

C. Morrissey, well, J. Wilson, also to your point, we do, we're deliverables, we got some examples from other similar sized places and those spoke from themselves. They were very well done, very well detailed. And we could forward those out to everybody if they wanted them to see them.

C. Anderson, what timetable did she give you for that?

T. Salerno, the initial timetable says mid-February to August, now that that assumed the RFP being awarded in February. So, I think that we need to push it back up a month at least because the timeline that she stated was the RFP initially said that the contract would be awarded in mid-February. In the interviews, we told them all that we weren't going to do that because we had to have this meeting on the 22nd and then it goes to the Town Board. So, really the contract isn't going to be awarded until mid-March, really instead of mid-February. I know she said August, but we should probably think more about September you know, she's starting up a month later.

J. Kiefer, I would add to that too. I actually think this will be many phases. I think that she'll have recommendations and a big list of them. I think there will be kind of two kinds. One will be structural issues with the existing zoning definitions that are out of date different topics which are covered in different places in the code in different ways that need to be clarified. So, lots of stuff like that which are more about clarifications and improvements. And then there's also the next piece is OK, how is it consistent or not with the Comp Plan. And I'm guessing that she's going to outline a whole laundry list of things that we can go after. But then suggests to us that we pick a subset of that and go after that first, and then, you know, one at a time, take them on. So, it could well be that as that one reference, T. Salerno, you mentioned that they had an 8-year contract, it won't take that long but I think there's going to be a multi-phase thing.

T. Salerno, any other discussion?

D. Shults, did she indicate she'd be willing to work on future phases of the project.

T. Salerno, she qualified it, because again, she's a small shop. She's busy and it basically what she said was yes, she'd be willing to do it, assuming that our timeline and her availability could line up, right. So, you know, yeah. But yes, we did ask that question.

J. Kiefer, my sense is that if we turn out to be a good client for her, she'll be a good service provider for us if we run her around and create confusion, well.

F. Parish, I have two process questions. One if we did do a future phase, then another RFP with her would it add service to her.

T. Salerno, do we have to put out another RFP? So, if we wanted to do additional phases, let's say we wanted her to rewrite part of the zoning code, just as an example. Is that something that would have to go back out to another RFP or could we just decide to do it. Depending on the scope of the work, it likely would need to go out, I'm not a lawyer, but I believe if it's additional work that's within the scope of the original contract, you could probably extend the contract.

J. Kiefer, if you look at the town's purchasing guidelines and requirements for professional services, I think the town can sole source professional service providers.

D. Lamb, Yeah, we've done that, and you know maybe in the resolution to clarify that you can just add that language. Add whereas it's in our resolves, you know further resolved that the contract, maybe honored for additional work.

F. Parish, and so the one other question, so for the Board, I mean if the Town Board approves that then is there another time between then and when the actual contract is going to be signed, right? So that's an additional duration of time that you could start, I'm guessing? Because there's approval. I'm just trying to figure it out.

T. Salerno, So, the Town Board would vote on it at the March 14th meeting and then of course there would be some time to sort of talk back and forth. So yes, but what I'm saying is that I don't think we can try to hold her to the August date. Because we're actually going to be starting later than what we had said we were going to be starting right.

The Planning Board has a discussion on the DRAFTING of the RESOLUTION to the Town Board, (see DRAFT RESOLUTION next.)

Planning Board Resolution # of 2024 – Selection of Consultant to Review and Recommend Updates to the Town Zoning Laws

WHEREAS, the Town Board requested that the Planning Board manage and execute a general update to the town zoning laws, subdivision laws and design guidelines via Resolution #73 (2023) adopted March 16, 2023; and

WHEREAS, resolution #73 (2023) further requests that the Planning Board engage the services of a consultant to prepare the update, and to complete and deliver the draft update to the Town Board; and

WHEREAS, a Request For Proposal (RFP) for review and update recommendations to the Town Zone Laws was issued on November 6, 2023 with a deadline of January 16, 2024; and

WHEREAS, six proposals were received and evaluated by the Planning Board; and

WHEREAS, a Planning Board subcommittee met to interview the top three selected firms and presented their findings to the entire board; and

WHEREAS, in a meeting on February 22, 2024 the Planning Board voted to approve a recommendation that the Town of Dryden engage the firm Community Planning and Environmental Associates (CPEA) to be the planning consultant for this work.

NOW, THEREFORE, BE IT RESOLVED, the planning board recommends that the Town Board engages CPEA to perform the work of reviewing the town's comprehensive plan, zoning laws, subdivision laws and design guidelines for the purpose of developing proposed updates to the Town zone laws according to the terms set out in the RFP and the consultant's proposal, and authorizes the Town Supervisor to execute a contract with CPEA, and that said contract be in a form approved by the Attorney for the Town; and

BE IT FURTHER RESOLVED, that the contract shall require the Consultant complete and deliver the final report detailing their review and proposed changes of zoning laws to the Town Board according to the terms set out in the RFP and the consultant's proposal; and

BE IT FURTHER RESOLVED, that the town board consider extending the contract with CPEA for future work if mutually agreeable.

T. Salerno motions to make a recommendation of the subcommittee is that we draft a resolution to the town board that we hire CPEA to do the work described in the RFP.

Moved: J. Kiefer

Second: C. Morrissey

All in favor – 5-Yes, B. Will abstains.

So, we have 5 yes, B. Will is abstaining. And J. Wilson was no longer on the call. And neither is D. Tessaglia-Hymes. So, there are 0 votes from those 2.

Safe streets for all This is one that Ray Burger sent me that I had to bring up and let me get the details on that. Safe streets for all is a federal grant program that will fund drafting of safety action plans. For most municipalities within Tompkins County. And the coordinated effort is moving forward. So, the city of Ithaca is the major applicant and then we have the other municipalities kind of going along on it as joint applicants. Cambridge Systematics was awarded the contract to do the research and draft the safety action plan. They will be conducting meetings with each municipality sometime in March. Key informants from various town advisory boards and committees will be approached to participate. So, the question is, are there one or two of us from the Planning Board that would like to participate? I have a PowerPoint presentation about the current stage of gathering information and also the Town Board resolution that started this, that I can forward to people. So, is there any interest in joining?

C. Anderson, and these are safe streets, bike paths and sidewalks. Figure out this is the action plan and then once you have that, that's why the County's got in, because there's several areas in the Comp Plan addressing some action items that never got in like Ferguson Rd and Yellow Barn Rd. You know that intersection there was in the Comp Plan to try to do something there. Is that what they're looking for then?

D. Shults, Yeah, I believe they are interested in getting local knowledge to incorporate into the action plan.

C. Anderson, so that's why the Planning Board would be involved.

T. Salerno, really, what they're asking is they want to interview some key people from town advisory boards. Right so, is there anybody from the Planning Board that would be interested in joining?

C. Anderson, no, I was thinking more that we could give advice so that the folks that want to be on the committee. I don't know, anybody want to jump on this.

T. Salerno, tell R. Burger to put me down then you can tell me everything you want me to do.

T. Salerno, Any updates on Ezra Village North St. anything.

C. Anderson, there is a kind of meeting next week, so things are sort of a flux with that one.

T. Salerno to F. Parish, the Ezra Village, North St. update discussion, that's, I don't know if you're familiar, there's a large project. It's actually in the Village proposed by Mr. Lucenti called Ezra Village over behind the Village Taqueria. Back in that big field behind there. So, the large project in there that's under consideration by the Village right now but it has Town impacts because there are Town properties that border it. There are sidewalks that are going to be done that extend into Town properties. And so, the Town has some involvement in it. C. Anderson and C. Morrissey have been involved in some of the discussions and there, was also a study that was done around North St. which is that intersection with North Road and TC3 and by Dietrich, and back towards the Village there's been a lot of discussion about that, and some research done from a class at Cornell called Cornell Design Connect.

So, there have been discussions going on about it, so I'm just that's what this discussion is about. We don't you know we aren't doing site plan reviews or anything like that or special use permit reviews for this project because it's actually in the Village. But we're involved in it because it does have an impact on the Town, on Town services and the Town.

C. Morrissey, there was a Tap Grant that the Village and Town applied for, for sidewalks because there's a couple million worth of sidewalks.

Planning Department updates:

D. Shults, Yeah, we're anticipating 2 large scale solar applications in the near future. Ones at the abandoned Caswell Rd. Landfill and the applicant for that project NYSERDA Build Ready program and that program obtains approvals for solar projects and then awards them to private firms through an RFP process and they typically target like landfill and other brownfield sites. And Ray and I attended a pre application meeting for the project at the end of January, people from the county, build Ready program. And reviewed some draft site plans at that pre-application meeting, so there's they're proposing at that time a 12 MW facility. Yeah. So, it's occupying about 83 acres and 50 of which will actually have arrays. So that should be coming up pretty soon. And then the other source facility is on Morris Rd. and the applicant for that project will be Delaware River Solar. They're proposing a 5 MW facility on about 20 acres and right now I have a pre-application meeting for that in early March. And then otherwise R. Burger and I've been working with NHS under CDBG award, and we just submitted our grant agreements and other required documents to CDBG program managers and we're just waiting for comments. That's all we have.

T. Salerno, so, the 12 MW one is on the County land because it's the old landfill and the five MW one is on private land on Morris Road.

D. Lamb, so that would be closer to the main transmission lines, which makes sense, and the Build Ready is NYSERDA. Basically, subsidizing the transmission to the line that goes along through Peruville Rd. So that that's why that site has never previously been used because NYSERDA we needed an entity to make that \$1,000,000 connection.

T. Salerno, right, it was the location. It was a perfect location because it can't be used for much. but it was pretty far from the lines, yeah.

D. Lamb, right, so to meet the State's goals, to do as much of this like you know, generation as possible, the States underwriting the cost of that - it's the name Build Ready. Well, this is interesting because these will come in with pilot agreements that will generate revenue for us.

T. Salerno, I'll be curious to see the site plan, yeah. Because it's the kind of goes through the woods, Morris Rd. kind of it comes from fields, but then it goes kind of through the woods there are a lot of houses there.

C. Anderson, yeah, in the landfill site, is that what they're going to do a ballast system?

D. Shults, yeah. I think it'll be ballasted on the landfill and then I think there's like some flatter areas where I think it will be I don't think it was screws, I can't remember what he called it, it wasn't the Helical screws. I think there's minimal tree cutting. There is some trees there, they've actually avoided some areas that had trees on them and they're staying mostly out of wetlands. There's actually a mitigation wetland there, right? That they're staying out of and then I think there are some minor wetlands.

T. Salerno, and both of these will be special use permits, right? So, then it'll be essentially we'll be reviewing. To make a recommendation to the Town Board, they're not special use permits.

D. Shults, we have our own large scale solar law, which is basically a special use permit process. And there's a cutoff between large scale and small scale and I think it's some weird number it's like 2000' square feet of solar panels or something.

T. Salerno, there's, the two up here, one is four MW. There's the two that are right next to each other on. Route 13 on the left. One's 4- MW and I think there are two four megawatts there.

D. Shults shows site plan for Morris Rd. to the Board.

J. Kiefer, Is there any storage associated with either of them?

D. Shults, There is storage at Caswell, I cannot recall what the size of storage is. Not sure about Morris.

J. Kiefer, The Town has no ordinance regarding storage.

DAN LAMB

Town Board update: Dan could you please fix what's in yellow, you could not be heard voice was in and out. So, text is what the recording picked up. Not sure what you did after the yellow but you came in loud and clear?

D. Lamb, Thing that we're working on right now that we're really. I've been on 6 municipal program for. 220. \$8 million, that's \$1800. \$10 million. I'm excited about that. Favorably by all office. Demonstrating we can turn into super cooperation. Provide them. They'll only infrastructure gets built that comes in. Running this by all the appropriate entities in the area, including that area of development, economic development. The review versus vertical project. The county does as well, so. It's kind of a big deal. Getting this application. In report March 8th, we hired A coordinator driver for Dryden Fiber. Still seeing this person, executive director. Titles should be allocated for a contract. Bringing another level of expertise. Various vendors that we have are talking to you. Just putting the contracts that we're entering into this project is getting. So it's it's a new phase, so. Any questions for me?

B. Will, winning this grant if it's won, it is grant, right. Will this impact in any way the rollout of Dryden Fiber, and I mean the scheduling and the dates?

D. Lamb, this will impact where the the our next. Because we will be using this. This month to serve underserved or unserved addresses. Community start focusing on those areas. It will have an.

Impact. It will have an impact. You know our plan previously, you know this, this process going to get built with or without granting money, but without the grant money is just going to take a lot longer pay as you go low. Grab money. You can fill up. It's much quicker so we can go with some of the unobserved and unserved areas. Places that are getting less than 20 megabytes per second up or down or nothing, right. Or their only option is. Yeah, their only option is satellite.

D. Lamb, yeah, I mean, that's what we do. Anything that's less than 25 by 3, (25up and 3 down), is considered unserved anything that's less than (100 by 200 Up and down) the second is

underserved. Caroline has twice the unserved addresses as we have, so that will strengthen our application for this funding.

T. Salerno, and they have a number of those borders where our build-out would have ended. Because it's that section between 79, a lot of them will sit in that section between 79 and the Dryden Town Hall. Right. So, one of the reasons this kind of makes sense is it's right there, it's just extending the lines out.

D. Lamb, so if we pass by somebody else who has current service and wants to join Dryden Fiber, they're welcome to jump on to the infrastructure that we're building with this. MIP funding municipal and Internet program so. It's this kind of big deal. It's one of our big priorities right now to get this application right and get it in by March 8th.

B. Will, Is there a funding split? Because, like you said, Caroline has much higher. Number of so if you get awarded is there like a split that would go to Caroline vs Dryden.

D. Lamb, I would guess that Caroline would get equal if just a little bit more than I think that Dryden should have. Some benefits as we are having. How do I put this? We're more shovel ready, they're more needy, and then we're going to balance that in our application. You know, we have a infrastructure in place to really oversee building out. They are pretty much building from scratch. So, we think this application could be seen favorably in both ways and that you know, if we got \$10 million so, my thinking is that we probably split it evenly.

C. Morrissey, this is a County RFP so when's that get solved?

D. Lamb, yeah. So that's on another track. This is the County's kind of goodwill RFP. It really doesn't have any declared money attached to it, but the County wants to designate an entity to come in and serve the unserved areas of Tompkins County. And that as I last heard, was something that they're looking to have announced in April. Which does not reflect the timeline set by the State for this MIP program, so that's why we felt it was very important to get letters of support is we've learned that Caroline might want to work with us on this, and we learned the March 8th date. We immediately reached out to the County, and we have letters of support now for this project from the County which I think is essential. I wish they could fast track the RFP process, but they have their own process they have to follow. You know, a lot of moving parts here and this this money, by the way, is separate from the other money that's coming from the Federal Government. This is ARPA money, American Recovery Program Funding. And then there's additional money through the infrastructure law and so there's a whole another round of funding that's coming and will be available as well for us.

C. Anderson, totally different question. Maybe you know it or don't, so I've been asked by a couple of people pointed out there's like orange paint on some houses that are vacant, do you know what those symbols are squares and circles and is that something that the town's going around doing?

D. Lamb, that's the County Health Department. I think that'd be the County Health Department.

C. Anderson, they're painted, almost like you'd see in a hurricane, that's how they were described to me, I haven't driven by any. There's one on Yellow Barn Rd and on a Ferguson Rd. house.

T. Salerno, I have heard about the ones they're like a big square and they have either just a circle or a circle with an X and those mean something to the fire department. Those were put there for the fire department to know whether or not they could go into the building or something. That's what I was told those were for. But you're talking about something different. The town isn't doing it though, right?

D. Lamb, Yeah, just to clarify this at the point, D. Shults and I were just reading about the cut off the threshold. So, I believe any new renewable facility with a nameplate capacity of 25 megawatts or more must obtain a permit through ORES, which is the State Office Renewable Energy Siting. Capacity between 20 and 25 may choose between ORES and local permitting. So, I think anything less than 20 would be local permitting, right. This is just the standing guidebook for local government when it comes to siting.

J. Kiefer, it was mentioned there was an ordinance coming up for storage. My question was is there storage associated with either of these two solar facilities? And I think, D. Shults, you mentioned the one on Caswell Rd probably has storage and, in the Town, currently there's nothing in zoning relative to permitting a battery storage facility. And I don't know if there needs to be some criteria to review this. It's not listed on our Use Table.

J. Kiefer to D. Shults, could you ask the attorney about that, that if we get an application that includes battery storage, how to proceed.

D. Shults, could we view this an accessory use to larger solar facility.

D. Lamb, But if somebody wanted to do battery storage on their individual home residential battery storage, are you saying that would be prohibited?

T. Salerno, no It's part of the house. That would be covered under the Building Code, because you're not selling your well, I suppose somebody could be putting in enough battery storage. The person they're selling it out. But you're not. This is, you know, a solar farm with battery storage. This is utility level battery storage, it's not like what you use in your home. Residential batteries fall under building code.

Anybody have anything else?

Our next meeting is the 28th of March, 6:00 PM here.

Meeting is adjourned 7:55 PM