

2011 NEG DEC

C. The Town Board of the Town of Dryden, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act (SEQR), (i) thoroughly reviewed the Full Environmental Assessment Form (the "Full EAF"), Part 1, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment by reviewing and completing Part 2 of the Full EAF and the Visual EAF Addendum, including the criteria identified in 6 NYCRR §617.7(c),

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board of the Town of Dryden, based upon (i) its thorough review of the Full EAF, Parts 1 and 2, and the Visual EAF Addendum, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR §617.7(c), hereby makes a negative determination of environmental significance ("Negative Declaration") in accordance with SEQR for the above referenced proposed action, and determines that an Environmental Impact Statement will be required, and

2. The responsible officer of the Town Board of the Town of Dryden is hereby authorized and directed to complete and sign as required the determination of significance, confirming the foregoing Negative Declaration, which fully completed and signed Full EAF and determination of significance are incorporated by reference in this resolution.
2nd CI Makar

Roll Call Vote	CI Solomon	Yes
	Supv Sumner	Yes
	CI Makar	Yes
	CI Leifer	Yes

The board reviewed the findings, determination, and approval and conditions for the Midline Road site. Atty Perkins reminded the board that County Planning had triggered the super-majority requirement for this site. Atty Perkins said there is still a question with respect to site access at this location. C Bartosch said he would like to deal with that as a condition because there is research he needs to do yet. Applicant demonstrated the visibility, or lack of visibility, of the tower from the Berntsson property. Atty Perkins noted the document for approval of this site does not provide for payment of any fees.

RESOLUTION #71 - ADOPT FINDINGS, DETERMINATION AND CONDITIONS OF APPROVAL FOR APPLICATION OF CLARITY CONNECT, INC. FOR A SPECIAL USE PERMIT AND SITE PLAN APPROVAL FOR A 110-FOOT TELECOMMUNICATIONS TOWER ON PREMISES OF PAUL J. LUTWAK AND KATHY A. ZAHLER AT 639 MIDLINE ROAD

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

RESOLVED, that this Town Board hereby adopts the following Findings, Determination and Conditions of Approval for the application of Clarity Connect, Inc. for a special use permit and site plan approval for a 110-foot telecommunications tower on premises of Paul J. Lutwak and Kathy A. Zahler at 639 Midline Road:

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Supv Sumner said if the Board is authorized to offer a waiver based on the amount of public funding and public interest, the amount of public funding is about one-third of the cost of the project, she would be willing to entertain a waiver of one-third of the \$8,000 based on the amount of public funding. The question is how much of the rest does the board feel is a public interest benefit.

C Bartosch said that after the grant was awarded, Supv Sumner prepared a spreadsheet estimating the Town's contribution at \$60,000 in zoning fees waived and \$14,000 in engineering fees waived. Supv Sumner said that was based on twelve towers. C Bartosch said they have no more money to pay fees.

Atty Perkins pointed out that the local law provides that the application for a waiver must be submitted at the time the application is submitted, and a public hearing is required on the waiver request. The local law could be amended to waive the timing of the request. Approvals of the applications today will have conditions attached and this can be addressed in the conditions. Waiver of the fees should have been heard at the same time as the special use permits if the request had been received timely. There can be a condition that no construction permits will be issued until the fees have been paid or waived. C Bartosch said he can have vendors invoice him and that will keep him on schedule. The local law can be amended so that either fees can be refunded on a written request, or so that the board can waive the requirement of when the request is submitted. Atty Perkins suggested the special use permits could be granted today, but no construction permits. Supv Sumner said they can return to this issue at the end of the meeting.

Atty Perkins distributed comments from Tectonic, together with Part 2 of the EAF and Visual EAF Addendum for each site. He met with Jeff Kirby and Chuck Bartosch yesterday and they completed Part 2 and reviewed and revised the visual EAF.

The board reviewed the Part 1 of the EAF for the Midline Road site.

Two suggested changes were made to Part 1 and accepted and initialed by the applicant:

A5 - slopes were changed to 50% between 0 and 10%, and 50% between 10% and 15%.

B4 - Acres of vegetation removal was changed to .02 acres.

Page 10 was completed and signed by applicant.

The board reviewed the prepared part 2 of the EAF and the Visual Addendum with revisions for the Midline Road site.

RESOLUTION #70 - NEG SEQR DEC - APPLICATION OF CLARITY CONNECT, INC. FOR A SPECIAL USE PERMIT AND SITE PLAN APPROVAL FOR A 110-FOOT TELECOMMUNICATIONS TOWER ON PREMISES OF PAUL J. LUTWAK AND KATHY A. ZAHLER AT 39 MIDLINE ROAD

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

WHEREAS,

A. The proposed action involves consideration of the application of Clarity Connect, Inc., for a Special Use Permit and Site Plan Approval for a 110-foot telecommunications tower on premises of Paul J. Lutwak and Kathy A. Zahler at 639 Midline Road.

B. The proposed action is an Unlisted Action for which the Town Board of the Town of Dryden is the lead agency for the purposes of uncoordinated environmental review in connection with approval by the Town.

Project:	Clarity Amendment Midline Road
Date:	December 15, 2016

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: **Clarity Amendment Midline**
 Date: **December 15, 2016**

**Short Environmental Assessment Form
 Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Clarity Connect was issued a Special Permit and Site Plan Approval in 2011, to erect a telecommunications tower at 639 Midline Road. Part 1 of a Full Environmental Assessment Form was submitted and reviewed by the Dryden Town Board prior to approving the Special Permit. It was determined that the erection of the tower would cause no negative environmental impact. The 'Neg Dec' was issued through Resolution #70 at the March 22, 2011 Town Board hearing.

Clarity Connect has requested that a security fence, which is required under the Town's Telecommunications Siting Law, not be required. In considering Clarity's request to omit the fence, the current Town Board has reviewed the findings of 2011 and determined that those findings are applicable today, that installing a fence would have greater potential to have a negative impact on the environment, and therefore are issuing a 'Neg Dec' for this action.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Town Board of the Town of Dryden	December 15, 2016
Name of Lead Agency	Date
Jason Lelfer	Town Supervisor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

**RESOLUTION # _____ (2016) - NEG SEQR DEC - Clarity Connect, Inc. Special Use Permit
Amendment 639 Midline Road, Tax Parcel ID #64.-1-29**

Cl _____ offered the following resolution and asked for its adoption:

WHEREAS,

A. The proposed action involves consideration of the application of Clarity Connect, Inc., hereafter referred to as Clarity Connect, for an amendment to its Special Use Permit to allow the omission of a security fence around the perimeter of a cell tower on property at 639 Midline Road, tax map parcel #64.-1-29.

B. The proposed action is an Unlisted Action for which the Town Board of the Town of Dryden is the lead agency for the purposes of uncoordinated environmental review in connection with approval by the Town.

C. The Town Board of the Town of Dryden, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act (SEQR), (i) thoroughly reviewed and accepted the March 22, 2011 findings of the 2011 Dryden Town Board regarding Clarity Connect's EAF submission, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR §617.7(c), and (iii) completed the short EAF, Part II;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board of the Town of Dryden, based upon (i) its thorough review of the short EAF, Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR §617.7(c), and (iii) its completion of the short EAF, Part II, including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance ("Negative Declaration") in accordance with SEQR for the above referenced proposed action, and determines that neither a full Environmental Assessment Form, nor an Environmental Impact Statement will be required, and

2. The Responsible Officer of the Town Board of the Town of Dryden is hereby authorized and directed to complete and sign as required the determination of significance, confirming the foregoing Negative Declaration, which fully completed and signed short EAF and determination of significance shall be incorporated by reference in this Resolution.

2nd Cl Lamb

Roll Call Vote

Cl Lavine
Cl Cipolla-Dennis
Cl Servoss
Cl Lamb