



NIXON PEABODY LLP  
ATTORNEYS AT LAW

NIXONPEABODY.COM  
@NIXONPEABODYLLP

Robert W. Burgdorf  
*Partner*  
T 585-263-1333  
rburgdorf@nixonpeabody.com

1300 Clinton Square  
Rochester, NY 14604-1792  
585-263-1000

April 29, 2016

**RECEIVED**

**MAY - 2 2016**

**DRYDEN TOWN CLERK**

**VIA FEDERAL EXPRESS**

Town of Dryden Town Board  
Town Hall  
93 East Main Street  
Dryden, New York 13053

**RE: Upstate Cellular Network d/b/a Verizon Wireless' ("Verizon Wireless")  
Application for Local Zoning Approvals to Construct and Operate a  
Wireless Communications Facility in the Town of Dryden, New York  
("Irish Settlement" Cell)**

Dear Members of the Town Board:

By application dated February 2, 2016, Upstate Cellular Network d/b/a Verizon Wireless ("Verizon Wireless") applied to the Town of Dryden (the "Town") for the necessary zoning approvals to construct and operate the above-referenced Project in the Town (the "Initial Application").

Following the submission of the Initial Application, Verizon Wireless received a request from the Town of Dryden to submit certain additional information and certain required information (and payments of fees) ("Additional Information").

Accordingly, this booklet shall serve as Verizon Wireless' formal response to the request for Additional Information (together with the required fees) and is intended to supplement Verizon Wireless' Initial Application.

To that end, enclosed are the following exhibits/enclosures in response to the Town's request for Additional Information (lettered to follow Exhibits A-Q submitted previously):

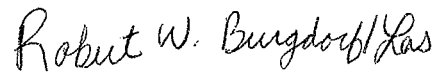
- Exhibit R: Completed Town-Supplied Notice of Ground Disturbance Form;
- Exhibit S: Proof of compliance with the Town's special use permit standards; and
- Exhibit T: Landowner consent letter.

- Checks made payable to the Town for the following fees (as discussed with Mr. Burger):
  1. \$2,500 Escrow Deposit.
  2. \$250 Sketch Plan Review fee.
  3. \$200 Ground Disturbance Form Application fee.
  4. \$5,000 Tower Special Permit fee

We believe this information fully responds to the request for Additional Information. Should the Town require anything further, please do not hesitate to contact us.

Thank you.

Very truly yours,



Robert W. Burgdorf

RWB/las  
Enclosures

cc: Brett Morgan



## Notice of Ground Disturbance / Area Tally Form

Please complete this form and submit to the Town of Dryden **Stormwater Management Officer, David Sprout**. "Land Development Activity" resulting in Ground Disturbance is defined as all areas where soil will be disturbed as a result of clearing, grubbing, grading, excavating, stockpiling, placement of fill, paving, installation of utilities, and construction of buildings or structures. This form will enable Town of Dryden staff to assist applicants in meeting local stormwater standards, and it is helpful to submit this form prior to finalizing your SWPPP.

Owner's Name: Scott Pinney

Date: 4/28/16

Phone # N/A Mailing Address: 6 Otti Drive, Lansing, NY 14882

Project Site Address: 2150 Dryden Road, Dryden, NY 13068 Tax Parcel # 38-1-3.1

Project Sponsor Name (If Different than Owner): Upstate Cellular Network, a New York Partnership, d/b/a Verizon Wireless, Attn: Kathy Pomponio

Phone: 585-321-5435 Address: 1275 John Street, Suite 100, West Henrietta, NY 14586

### Brief Description of the Project:

Upstate Cellular Network, a New York Partnership, d/b/a Verizon Wireless ("Verizon Wireless" or the "Applicant") proposes the installation of an unmanned wireless communications facility located in the south-eastern portion of the existing property. Said property being located north-west of the intersection of Dryden Road (New York State Route 13) and Irish Settlement Road (County Route 162A). Access to the proposed facility will originate from Dryden Road utilizing the existing gravel access road.

In general, the installation will consist of the following: a 165'± tall self-supporting tower (170'± including 5' lightning rod), twelve (12) antennas and related equipment to be mounted to the self-supporting tower at a center-line height of 161'±, an 11'-6" x 16'-0" accessory equipment platform, and all related coaxial cabling and utility services (power and telephone). All equipment is to be located inside a 75'x75' fenced enclosure within a 100'x100' lease area.

(Attach additional sheets of paper as necessary and include a project sketch)

### Project and Site Characteristics (Check yes or no as appropriate)

1. Will the project involve multiple phases? NO If YES, how many phases? N/A
2. What is the shortest distance from the project area of disturbance to the edge of any stream, pond, lake, or wetland in the vicinity of the project? 100 feet
3. Does the site show any field or map indicators of potential wetland presence? YES  
Check all that are applicable:  
 Mapped NWI Wetlands     Mapped DEC Wetlands     Mapped Hydric Soils  
 Field indicators of Hydric Soils     Vegetation indicative of wetlands  
**X Wetland Delineation**
4. Please describe the slope on site (e.g. steep or flat areas, stream banks, gullies, bluffs etc.).  
100% of the proposed action site will have 0-10% slopes (flat areas)
5. Will the project include a linear excavation that is more than 500 feet long and 3 feet wide?  
NO
6. Will the project involve excavation or fill resulting in the movement of more than 250 cubic yards of soil, sand, or similar material? YES
7. Does the project require any state or federal environmental permits? NO

Permit(s): \_\_\_\_\_

8. Do connected Impervious Areas exceed 1/2 acre. NO  
(If YES a Full SWPPP is required)

**Town of Dryden Notice of Ground Disturbance / Area Tally Form**

**9. Area Tally**

9A) Fill in the approximate area to be disturbed by the following, in square feet, as applicable. If it has been determined that a Full SWPPP is necessary from the Notice of Ground Disturbance, then please present this information when the final draft is complete.

Driveway 1800SF  
Parking Area 3000SF  
House / Main Building \_\_\_\_\_  
Other Buildings \_\_\_\_\_  
Septic System \_\_\_\_\_  
Other Grading / Clearing / Lawn 6700SF (TOWER COMPOUND)  
Wells and Ditches \_\_\_\_\_  
Drainage Structures \_\_\_\_\_  
Utility Laying 1500SF  
Additional Area \_\_\_\_\_ (for construction access, stockpiling, etc.)

Total (do not total overlapping areas): 13000SF (0.3 ACRES)

9B) For subdivisions only:

Total from Above: \_\_\_\_\_ x \_\_\_\_\_ (# of lots) + \_\_\_\_\_ (road area) = \_\_\_\_\_

9C) As estimated above, the total Area of Disturbance is: 0.30 acres

10. Is more than half of the project site area over soils in Hydrologic Soil Group A, B, or C according to the Tompkins County Soil Survey? NO

11. Is the project redevelopment, as defined by Chapter 9 of the DEC's design manual? NO

12. Total Parcel Acreage: 157.9 acres

13. Area of existing impervious surface prior to development: 14.06 acres

14. Total Impervious Area expected after project completion: 14.10 acres

Signature: \_\_\_\_\_

Date: 4/28/16

STEVEN MATTHEWS, PE  
TECTONIC ENGINEERING



# General Permit Application Worksheet - Special Use Permit

Below or on a separate sheet, or in a letter of application, please provide the information required in the list below. All Special Use Permits require Site Plan Review, and applications must proceed beyond Sketch Plan Review in that procedure in order to be approved. The Town Board may waive further Site Plan Review based upon the Sketch Plan (see Site Plan Review Worksheet)

As you can see from the requested information, Special Use Permits are allowed uses so long as they are not disruptive to neighboring properties. The actual performance of the site with regard to traffic, lighting etc. is addressed in the Site Plan Review process. The Town Board may, and likely will, condition any approval to ensure this compatibility (letter E. below). These conditions often have to do with hours of operation, lighting, signs, and outdoor storage that will also have to be shown on the approved Sketch Plan, or Site Plan (if required).

- A. Compatibility of the proposed use with the other permitted uses in the district and the purposes of the district set forth in this Ordinance;

*Please refer to the Zoning Ordinance (Section 400) and review the descriptions of the zoning districts. These generally describe the intent of the district. Your application should refer to the proper description and state why your proposed project is compatible with the intent of the zoning district.*

The Project site is located in Rural Agricultural (RA) zoning district. The Project, which proposes the construction and operation of public utility infrastructure on approximately .3 acres on a parcel totaling 157.9 acres, is compatible with the RA zoning district, and is consistent with the permitted uses set forth in § 501 of the Town's Zoning Ordinance. The Project involves the installation of a wireless telecommunications facility necessary for the provision of reliable and adequate service to residents, businesses and emergency responders in the Town of Dryden.

- B. Compatibility of the proposed use with adjoining properties and with the natural and manmade environment;

*This requirement is concerned with compatibility with neighbors, and the environment. This is mainly concerned with the over use of the property, and appearance. Essentially how does the proposal blend in with the existing neighborhood?*

As noted above, the Project involves the installation of a wireless telecommunications facility on approximately .3 acres of a 157.9 acre parcel, and the utilization of an existing gravel access drive on the property. The 100' x 100' lease parcel where the facility is

proposed to be constructed is already of an unpaved gravel surface, and the property is currently surrounded by a mixture of agricultural, commercial and residential uses, thus providing for proper integration of the Project with the existing neighborhood.

- C. Adequacy of parking, vehicular circulation, and infrastructure for the proposed use, and accessibility for fire, police, and emergency vehicles;

*Here, describe how utilities (phone, gas, water, sewer, etc.) will serve the site. And a basic description or reference to the Site Plan Review documents with regard to parking and circulation.*

The Project will utilize an existing gravel drive on the property as part of its 30' wide access easement to the Project site. In the unlikely event that fire, police or emergency vehicles require access to the Project site, they will be able to do via the same gravel drive. As shown on the Project site plan, utilities will be run underground from existing service at the site.

- D. The overall impact on the site and its surroundings considering the environmental, social and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, glare, or any other nuisances;

*The potential environmental impacts, or not, of the project should be described here, along with the ways that these impacts will be lessened, or made better. You may want to supply this on a separate sheet to be included in Part D. of the long Environmental Assessment Form.*

The Project will have no adverse environmental, social or economic impact on surrounding properties. The Project is an inert facility and will be unmanned, with the exception of a service vehicle visiting the site once a week , will not increase traffic in the area. The facility does not create noise (other than the emergency standby generator, which is only used in the event of an emergency and only tested on a weekly basis during daylight hours), dust, odors or release any harmful substances. The tower is proposed to be unlit, so there is no glare or other nuisances to adjacent properties.

- E. Restrictions and/or conditions on design of Structures or operation of the use (including hours of operation) necessary either to ensure compatibility with the surrounding uses or to protect the natural or scenic resources of the Town;

*Here please indicate how the Site Plan and other operational approaches will reduce*



*impacts, or improve, the compatibility with surrounding uses.*

The Project will have little to no adverse impact on the surrounding area. As stated above, the facility is unmanned and its operation does not cause the emission of noise, vibration, smoke, and the like.

- F. Compliance with the requirements for site plan review, including conformity to the Town's Residential and Commercial Design Guidelines.

*Please review the appropriate design guidelines and state how your project reflects the ideas included in the design guidelines such as vegetation along roadway, peaked roof, lighting, parking on side or in the rear of the building etc.*

As detailed in Exhibit E to the Application, the Project fully complies with the site plan review requirements set out in the Town's Telecommunications Facilities ordinance.

## **Notices and Disclaimers – Signature Required**

### **1.) Right to Farm Law**

#### **Be advised:**

*"This property may border a farm, as defined in Town of Dryden Local Law #1 of the year 1992, a Local Law known as "Right to Farm Law." Residents should be aware that farmers have the right to undertake good or acceptable farm practices which may generate dust, odor, smoke, noise, and vibration."*

Amendment #12, Local Law #1 of 1992, "Right to Farm Law" Adopted by Dryden Town Board July 14, 1992, Resolution #130. Local Law #1 of 1992. Effective July 20, 1992.

## **Enforcement**

The Town of Dryden will strictly enforce all requirements and regulations of both the N.Y.S. Building & Fire Prevention Code and the Town of Dryden Zoning Ordinance. The following is the general policy of the Town of Dryden Planning Department.

- 1) No Building Permits will be issued to any applicant until such time that all other required permits, certificates and documents have been submitted to this office and found to be acceptable and complete.
- 2) No Public Hearings or Town Review will be scheduled for any purpose until this office has reviewed and found that all application and supporting documents are accurate and complete.
- 3) If at any time prior to the issue of an above permit or authority to proceed has been granted, it is found that construction or occupancy has begun or taken place, the violator, and property owner may be prosecuted in a court of law.

- 4) If after permits have been issued a permit holder takes occupancy, opens its doors to the public or uses a permitted device without obtaining a Certificate of Occupancy or Certificate of Compliance, the holder of that permit may be prosecuted in a court of law.
- 5) The Town of Dryden will not tolerate a violation of either the Dryden Town Zoning Ordinance or the New York State Building and Fire Prevention Code. Action will be taken against all violators.
- 6) **Inspections are required** per inspection sheet. A **mandatory final inspection** is required from the Town of Dryden Code Enforcement Officer, to close out permit and to allow use. Permits expire one year from date of issue and will need to be renewed by applicant and a fee of one-half of the permit fee at time of issue will be due. Demolition permits expire six months after issue.

## **Fees**

- 1) FEES MUST BE SUBMITTED WITH THIS APPLICATION
- 2) You are responsible for complying with these terms and conditions.
- 3) All plans that are for Commercial Use or are more than 1500 Sq. Ft. of usable space in single-family construction must be stamped by a N.Y.S. Licensed Architect or Engineer as to code and construction compliance.

**Special Use Permit Fee: \$165**

**Planned Unit Development SUP: \$250**

**Large Scale Retail Development SUP: \$250**

## **Escrow**

**Reimbursable Costs, fees and disbursements.** The reasonable and necessary costs, fees or disbursements incurred by the Town or its officials for consultation or review by professionals including architects, landscape architect, engineers, surveyors, attorneys or others, on any Application for a Zoning Permit, Certificate of Occupancy, Appeal to the Zoning Board of Appeals, Application for Subdivision Approval, Application for a Planned Unit Development or application for a Special Permit or a Special Permit for a mobile home park shall be paid by the applicant.

## **Signature required**

By signing you agree that you have read and understand and will be responsible for issued permits.

Owner or responsible party signature: Robert W. Burgdorf/Las Date: April 29, 2016

Print name: Upstate Cellular Network d/b/a Verizon Wireless, by Nixon Peabody LLP,  
its attorneys, by Robert W. Burgdorf



**Alex Cole Paving, Inc.**  
**390 Peruville Rd.**  
**Freeville, NY 13068**  
**607.533.9274 Fax: 607.533.0203**

---

February 10, 2016

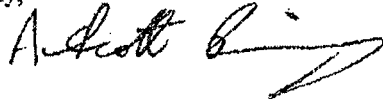
Town of Dryden Town Board  
Town Hall  
93 East Main Street  
Dryden, New York 13053

**RE: Upstate Cellular Network d/b/a Verizon Wireless' ("Verizon Wireless")  
Application for Local Zoning Approvals to Construct and Operate a  
Wireless Communications Facility in the Town of Dryden, New York  
("Irish Settlement" Cell)**

Dear Members of the Town Board and to Whom it may Concern:

I am the landlord for the above-referenced project proposed by Verizon Wireless. As required under the Town's zoning ordinance, this letter serves as proof of my consent to the above application.

Sincerely,



Scott Pinney