

## Request to: Dryden Town Board

We are requesting a waiver on the need for a fence around a tower base located on Paul Lutwak's and Kathy Zahler's property at 635 Midline Road, Dryden.

Dryden's telecommunications law includes a requirement for towers to be surrounded by a fence. As a part of the 2008 State funded grant program to bring high speed Internet service to unserved areas of Dryden, Clarity Connect, Inc. built a tower at the above location. We did not request a variance in the original Special Use Permit process because we didn't expect the issue to arise.

However, this tower is not currently surrounded by a fence. The property owner will not let us put a fence-we're there at the property owner's pleasure in exchange for Internet access (no other rent is paid). Paul Lutwak has previously sent a letter to the Town attesting that he will not allow a fence at the tower location.

I did think this issue had already been addressed, but apparently we'd not previously completed the required process for approval-so we're applying to do so now.

This is an isolated location (nearly in the middle of a 139 acre parcel) in the woods where the tower base is not visible or directly accessible from any neighboring property.



The previous Town Supervisor went to the location with me to look at it during construction (the property owner had already told us at that point that a fence was not going to be allowed). We are requesting a variance that allows us to not put up a fence since the alternative seems to be to be tower removal. This tower was put in place specifically to serve Town of Dryden residents who would otherwise not have high speed Internet service.

Thank you for your consideration,

Chuck Bartosch  
 CEO, Clarity Connect, Inc.