

Planning Department

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May 11, 2017

Edward C. Marx, AICP, Commissioner of Planning
Old Court House Building
121 East Court Street
Ithaca, NY 14850

SUP - Telecommunications: **Upstate Cellular Network (Verizon) 2150 Dryden Road**

Dear Commissioner Marx:

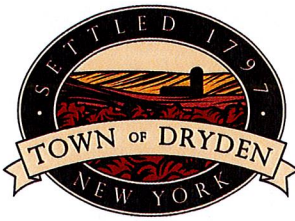
Please find enclosed a copy of the Notice of Decision for the Telecommunications Special Use Permit for Upstate Cellular Network's 'Irish Settlement' telecommunication tower to be located at 2150 Dryden Road. At the conclusion of the required public hearing conducted on 10-20-2016 the Town Board granted approval.

This Notice of Decision should permit the Tompkins County Planning Department to close the project file for your participation pursuant to Section 239 L&M of the New York State General Municipal Law.

Very truly yours,

David Sprout
Code Enforcement Officer

Distribution of Notice:
Town Board
File



VIA E-MAIL & HARD COPY

May 11, 2017

Mr. Jared Lusk
Nixon Peabody LLP
1300 Clifton Square
Rochester, NY 14604-1792

Re: Conditions of Approval, Telecommunications Special Use Permit – 2150 Dryden Road, Town of Dryden

Dear Mr. Lusk,

Please find attached Verizon's Special Use Permit Approval package. You'll observe, there are several documents attached and include:

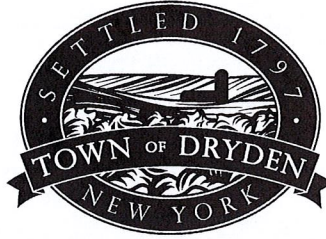
- a. Dryden Town **Resolution # 61(2017) Negative SEQR Declaration**
- b. Dryden Town **Resolution # 62(2017) Telecommunications Special Use Permit 2150 Dryden Road, Tax Parcel 38.-1-3.1**
- c. Dryden Town Standard Condition of Approval effective **8-14-2008**
- d. Dryden Town **Telecommunications Special Use Permit Placard: TSUP 042017**
- e. Agency and Town project related reports and correspondences

Please retain this approval package as you are responsible to conform with all approval conditions and it is your authorization for **Upstate Cellular Network (Verizon) Special Use Permit and Site Plan Approval for a 165' telecommunications tower and appurtenances at 2150 Dryden Road** Town of Dryden.

Very truly yours,

David W. Sprout
Code Enforcement Officer

cc: Dryden Town Supervisor
Edward Marx, Tompkins County Commissioner of Planning
Town Clerk
Telecommunications SUP file



Town of Dryden Standard

Conditions of Approval

Adopted January 13th, 1998 by the Town Board, Resolution #68
Amended September 8th, 1998 by the Town Board, Resolution #196
Amended July 12th, 2000 by the Town Board, Resolution #190
Amended January 9th, 2008 by the Town Board, Resolution #40
Amended August 14th, 2008 by the Town Board Resolution #140

These following standard conditions of approval shall apply to the project

Applicant: Upstate Cellular Network (Verizon)

Board Action Date: 4-20-2017

Project: Telecommunications SUP

Site: 2150 Dryden Road

1. The Environmental Assessment Form prepared in connection with the project is approved and accepted based upon the fact that the project will have no adverse environmental impact.
2. The project shall be constructed according to the plans submitted by the applicant and approved and filed with the Town of Dryden.
3. That the project during and following construction shall comply with all applicable Town, County, State and Federal laws, statues, codes, ordinances, approvals and rules and regulations.
4. That the project during construction and upon completion shall not constitute a public or private nuisance.
5. When municipal water or municipal sewer is available to the site the applicant shall connect to the same upon notice to do so from the Town.
6. If applicable, the project shall comply with Dryden Town Local Law #4 of 2007 establishing the Town of Dryden Stormwater Management, Erosion and Sediment Control Law.
7. If a buffer is required to be planted, then it shall be maintained by the applicant.
8. No permits shall be issued until all fees and current reimbursable expenses are paid by the applicant and no Certificate of Occupancy or Temporary Certificate of Occupancy or Certificate of Compliance shall be issued until all outstanding reimbursable expenses are paid by the applicant.
9. In the event of a sale, transfer or discontinuous of the permitted use of the property, the applicant or permittee shall notify the Code Enforcement Officer of such sale, transfer or discontinuance.

**Telecommunications SUP
April 20, 2017
Upstate Cellular Network (Verizon)
Telecommunications SUP 2150 Dryden Road**

**RESOLUTION #61 - NEG SEQR DEC - APPLICATION OF UPSTATE CELLULAR NETWORK, a
NEW YORK PARTNERSHIP, d/b/a VERIZON WIRELESS FOR A
SPECIAL USE PERMIT AND SITE PLAN APPROVAL FOR A 165 FOOT
TELECOMMUNICATIONS TOWER ONPREMISES LOCATED AT 2150 DRYDEN ROAD,
PART OF TOWN OF DRYDEN TAX PARCEL 38.-1-3.1**

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

WHEREAS,

A. The proposed action involves consideration of the application of Verizon Wireless for a Special Use Permit and Site Plan Approval for a 165-foot telecommunications tower on premises located at 2150 Dryden Road, part of tax parcel 38.-1-3.1.

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 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 no 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 Cl Lamb

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

RESOLUTION #62 - ADOPT FINDINGS, DETERMINATION AND CONDITIONS OF APPROVAL FOR APPLICATION OF UPSTATE CELLULAR NETWORK a NEW YORK PARTNERSHIP, d/b/a VERIZON WIRELESS FOR A SPECIAL USE PERMIT AND SITE PLAN APPROVAL FOR A 165-FOOT TELECOMMUNICATIONS TOWER ON PREMISES OF SCOTT PINNEY AT 2150 DRYDEN ROAD

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

A. *RESOLVED, that this Town Board hereby adopts the following Findings, Determination and Conditions of Approval for the application of Verizon Wireless for a special use permit and site plan approval for a 165-foot telecommunications tower on premises located at 2150 Dryden Road, part of tax parcel 38.-1-3.1*

TOWN OF DRYDEN TOMPKINS COUNTY STATE OF NEW YORK

In the Matter of the Application of Verizon Wireless for a Special Use Permit and Site Plan Approval for a 165-foot Telecommunications Tower on Premises Located at 2150 Dryden Road, Part of Tax Parcel 38.-1-3.1

FINDINGS, DETERMINATION AND CONDITIONS OF APPROVAL

BACKGROUND

Verizon Wireless (herein Verizon) by application dated February 2, 2016 applied for a special use permit and site plan approval to construct a telecommunications tower, equipment platform and site improvements on property of Scott Pinney, 2150 Dryden Road (Town of Dryden Tax Map No. 38.-1-3.1). No street address for the tower site has yet been designated.

Verizon supplemented its application by a submittal dated February 2, 2016 (Exhibits B through Q.) and July 1, 2016 (revised Full EAF, part 1). Verizon submitted photo-simulations of the proposed tower site taken from three locations on Dryden Road, George Road, the intersection of Yellow Barn Road and Ferguson Road, and Johnson Road.

The application included a Full Environmental Assessments Form and a Visual EAF Addendum. The town board completed Part 2 of the EAF and the Visual EAF Addendum. Town staff reviewed the Verizon submittals and commented on them in correspondence dated June 10, 2016 (Sprout memo).

On behalf of the town, Taitem Engineering, PC reviewed and commented on the Verizon submittals in correspondence dated June 10, 2016. Dende Engineering Structural Consultants also reviewed and commented the Verizon submittals in correspondence dated June 6, 2016.

The Tompkins County Department of Planning pursuant to its role under General Municipal Law 239-1 and 239-m in a letter dated May 18, 2016, commented on the application, determining that the project would have no negative inter-community or county-wide impacts.

PUBLIC HEARING/COMMENTS

The town board held a public hearing on the application on June 16, 2016 and remains open.

Undated written comments were received from one member of the public on or about June 22, 2016.

At the public hearing on the project, the town board heard from Jared Lusk, on behalf of the applicant, and from Bruno Schickel, David Moore, Sarah and Joe Osmeloski, and Ray Burger.

FINDINGS

The Town Board hereby finds, based upon its review of the application and the materials supplementing it, including statements and representations made by and on behalf of the applicant, which statements and representations the Town Board relies upon as being true, accurate and complete, in that:

- (a) Verizon provided a photo simulations and viewshed analysis dated December, 17, 2015 which demonstrates the visual impact of the tower will be small in the broader context of the community.
- (b) Only two lights on the equipment platform, within the compound are proposed.
- (c) The tower base and much of the lattice structure will be screened by trees and land features, site is so situated as to minimize the physical impacts to the environment.

No useful information will be gained from the “formal visual impact assessment using industry standard methodology” from such location and the requirements for such an assessment should be waived.

Public Comments

The town board has carefully considered the comments received from the public at the public hearing.

DETERMINATION

Based upon the record before it, the town board concludes and determines as follows:

- (a) *To the maximum extent possible the visual impact on neighboring residences and the public have been mitigated. The no tower alternative is not an option and the proposed lattice type tower is the best option to minimize the visual impact.*
- (b) *Visual simulations of the proposed tower were provided by the applicant.*
- (c) *The proposed tower allows for future co-location.*
- (d) *The proposed tower height is the minimum height (165 feet) necessary to serve the purpose intended.*
- (e) *The Pinney site is a privately-owned, agricultural and wooded area and is neither listed on the Tompkins County Unique Natural Area Inventory nor is it a Critical Environmental Area or near one. The site is partially screened by existing woods and configuration of the access drive.*
- (f) *There are no co-location opportunities within the area designated by Verizon as the search area, and there is no municipally-owned property which would be suitable or available for a tower site.*
- (g) *The Pinney site is the only site available within the search area that could provide the radio frequency coverage objectives.*
- (h) *The search area is within a RA zoning district of the Town and a telecommunications tower is an allowed use subject to the issuance of a special permit and site plan approval.*
- (i) *The Pinney site allows the tower to meet all the setback requirements and provides the most natural screening.*

- (j) Verizon can only place its tower on property that it purchases or leases. When it leases property, it is subject to the requirements of the lessor as to site location.
- (k) Verizon has demonstrated that other sites with a higher priority in the search area are not available.
- (l) The Pinney site is amid an area with a variety of land uses including rural residential, agriculture, and commercial uses.
- (m) No sites, other than those identified by Verizon in the search area, were identified by the town or the public as sites to be evaluated.
- (n) Local law No. 2 of the year 2006 - Telecommunications Tower Siting Law for the Town of Dryden (TTS) has as one of its policy goals the promotion and encouragement of improved telecommunications services.
- (o) Verizon provided propagation studies which supported the need for the type of telecommunications services provided by Verizon in the area. The TTS does not require a showing that a tower is needed.
- (p) The tower does not need to be designed for a possible extension.
- (q) The Town's consultant, Taitem Engineering, P.C., provided a review of Verizon's submittals. In summary, Taitem Engineering found that:
 - (i) The proposed project is consistent with the overall policy and goals of the TTS and the design incorporates most of the recommended features at an appropriate site location.
 - (ii) Verizon adequately justified the need for the Pinney site.
- (r) The Town's consultant, Dende Engineering, provided a review of Verizon's submittal. In summary Dende Engineering found that:
 - (i) It is typical to select tower manufacturer after municipal approval.
 - (ii) Once the tower selection is made, as documents become available, they will be reviewed and approved by Dende engineering prior to the issuance of construction permits.
- (s) The Town's Director of Planning, Ray Burger, reviewed the Verizon application, exhibits thereto and the Taitem Engineering and Dende Engineering reviews on the Verizon submittals and exhibits. In summary, Mr. Burger found that the special use permit could be approved if several conditions were attached to the approval. Before construction permits can be issued there are several requirements to be fulfilled by Verizon which do not pertain to the special permit review or site plan review by the town board (Dente review of June 6, 2016 and Sprout memo of June 10, 2016).

ENVIRONMENTAL REVIEW

The Town Board has carefully reviewed the Full Environmental Assessment Form, including Part 1 as amended by the applicant, the Visual EAF Addendum completed by the applicant and accompanying exhibits and narratives provided by the applicant and Town Planning Department staff, and has reviewed and completed Parts 2 and 3 of the EAF, and 1) determined that the project would not have any significant adverse environmental impacts, 2) determined that an environmental impact statement would not be required, and 3) made a negative determination of environmental significance (Negative Declaration).

APPROVAL AND CONDITIONS

Based upon the application, the exhibits, the comments received from the applicant, the public, the Town Board's consultant, and town staff, and the findings and determination set forth above, the Town Board of the Town of Dryden hereby approves the application for a special use permit and site plan for the proposed Verizon telecommunications tower on the Pinney property subject to the following conditions:

1. The tower and lightning rod shall not exceed 170 feet in height.
2. The tower shall not be lighted other than the two proposed equipment platform lights.
3. The tower and equipment platform and other improvements shall be constructed and sited according to the application as finally amended.
4. Verizon shall take steps to minimize clearing of the property and avoid unnecessary tree cutting.

5. *Verizon shall adhere to the Landscape plan submitted 7/29/16 (Site Detail Plan, Sheet C-2) to provide additional vegetative screening if necessary.*
6. *Verizon shall submit an Inspection and Maintenance Plan for approval by the town, which plan complies with the requirements of ANSI/TIA-222-G-2005 Section 14 and shall incorporate the relevant provisions of Annex J thereto. Such submittal shall be in all respects satisfactory to the individual charged with reviewing it. Verizon shall inspect and maintain the tower in accordance with such plan.*
7. *Following each periodic inspection, a written report of such inspection, signed by a Professional Engineer licensed in New York State, shall be submitted to the Town. Such report shall detail the inspection process, note any maintenance issues and procedures and timetables to address such issues. The report must be received by the Town within 30 days of such periodic inspection.*
8. *Verizon shall assure compliance with the Migratory Bird Treaty Act (MBTA) and shall furnish a written protocol detailing the steps it will take to assure such compliance. Such submittal shall be in all respects satisfactory to the individual charged with reviewing it.*
9. *Verizon shall provide and maintain a Tower Removal Bond in the amount of \$20,000 naming the Town as obligee. The bond shall be in such form as is acceptable to the town's attorney and with a surety qualified to do business in New York State and listed on the United States Treasury's Listing of Approved Sureties (Department Circular 570). The Town Board reserves the right to annually review the amount of the Tower Removal Bond to assure that the amount of the bond is adequate to assure compliance with the obligations of Verizon under Local Law No. 2 (2006) and the conditions of approval of the special use permit and site plan.*
10. *The Town of Dryden Standard Conditions of Approval (August 14, 2008 Version).*
11. *Prior to the issuance of construction permits Verizon shall submit the items detailed in Dende Engineering's letter of June 6, 2016 to the extent the same have not already been submitted, and such submittals shall be in all respects satisfactory to the individual charged with reviewing them.*
12. *Applicant will meet legal requirements for the collapse zone and the tower will be designed to collapse within 85 feet.*

2nd CI Lamb

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

SPECIAL USE PERMIT

Town Of Dryden, New York

This Certifies a **Telecommunications Special Use Permit #04-2017-TSUP** has been issued to **Upstate Cellular Network (Verizon)** by resolutions # **61, & 62**, of the Town Board on **4-20-17** **approval for a 165' telecommunications tower and appurtenances at 2150 Dryden Road, Town of Dryden, Tompkins County.**

Signed: _____



Zoning Officer