

**TOWN OF DRYDEN  
TOWN BOARD MEETING  
July 18, 2019**

Present: Deputy Supervisor Cl Daniel Lamb, Cl Linda Lavine, Cl Kathrin Servoss,  
Cl Alice Green

Absent: Supervisor Jason Leifer

Elected Officials: Bambi L. Avery, Town Clerk  
Rick Young, Highway Superintendent

Other Town Staff: Ray Burger, Director of Planning  
Khandi Sokoni, Town Attorney

Cl Lamb opened the meeting at 6:05 p.m. Board members and the audience recited the Pledge of Allegiance.

**RESOLUTION #111 (2019) – APPROVE MINUTES**

Deputy Supervisor Lamb offered the following resolution and asked for its adoption:

RESOLVED, that this Town Board hereby approves the meeting minutes of June 13 and June 20, 2019.  
2<sup>nd</sup> Cl Green

Roll Call Vote:	Cl Lavine	Yes
	Cl Green	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes

The public hearings will begin at 7:05 because of misprint in the advertisement.

**CITIZENS PRIVILEGE**

None

**SEWER AGREEMENT RENEWALS**

Cl Servoss said she has reviewed the proposed agreements and they are basically the same as the expiring ones. The only changes made were in the rates, which increased slightly. Under #8, the previous agreement was five years and these agreements are for three years. #10 states that the parties acknowledge that the Town of Dryden has paid past charges due through June 30, 2014 and it should be 2019? B Avery explained that the Town of Dryden did not pay anything for some period of time and prior Supervisor Mary Ann Sumner negotiated an agreement with the Town of Ithaca for payment of some past amount. It was agreed that #10 should be removed from both agreements. The agreement for the Peregrine Hollow Sewer District is the same except the rate is slightly different and #14 in this agreement is about the 2014 bills. Cl Servoss recommended approving the agreements but mentioning to them that the items discussed should be removed.

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

**RESOLUTION #112 (2019) AUTHORIZING DEPUTY SUPERVISOR LAMB TO SIGN SEWER AGREEMENTS**

RESOLVED, that this Town Board authorizes Deputy Supervisor Lamb to sign the sewer agreements with the Town of Ithaca and the Town of Dryden on behalf of the Peregrine Hollow Sewer District and Sewer District No. 1 as presented.

2<sup>nd</sup> Cl Green

Roll Call Vote	Cl Lavine	Yes
	Cl Green	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes

**LED STREETLIGHTS**

Cl Green forwarded board members a proposed resolution this afternoon. There was a full discussion at last week’s agenda meeting comparing the proposals to replace our current streetlights with LED lights. There are 90 lights in the Town. Based on that discussion and the comparison of the offers from NYSEG and NYPA, she prepared a resolution authorizing the Supervisor to proceed with the agreement with New York Power Authority.

Deputy Supv Lamb stated they had a thorough review of the options at our last meeting. NYPA is a non-profit business and won’t extract additional revenue from town taxpayers. It is a good recommendation, and we are glad the Highway Superintendent is behind it. We are also working with our Villages that have already signed on to this, so there is consistency for NYPA to work with the same vendor.

Cl Green stated the next step is to request a price from NYSEG to buy back the current fixtures. We need to do that soon, because there have been indications that NYSEG is moving slowly in getting back to municipalities with costs.

**RESOLUTION #113 (2019) TO AUTHORIZE A TURNKEY STREET LIGHTING PROJECT FOR REPLACEMENT OF THE TOWN OF DRYDEN’S STREETLIGHTS WITH LED FIXTURES**

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

WHEREAS, the Town of Dryden wishes to replace its 90 incandescent streetlights with more energy efficient LED fixtures, and

WHEREAS, the Town has received proposals from NYSE&G and the New York Power Authority (NYPA) offering different options for that replacement, and

WHEREAS, several municipalities in Tompkins County, including the Villages of Freeville and Dryden, have chosen to join a consortium to aggregate their buying power for materials through the NYPA option

WHEREAS, the Town Board reviewed the two options with the assistance of a Cornell Cooperative Extension Energy Manager, and

WHEREAS, Town Highway Superintendent Rick Young recommends the NYPA option to facilitate local control of maintenance and save the Town future costs, now

THEREFORE, BE IT RESOLVED that the Dryden Town Board selects the NYPA proposal; and authorizes the Town Supervisor to sign an authorization to proceed with the turnkey street light project for Town of Dryden – LED Street Lighting.  
 2<sup>nd</sup> Deputy Supv Lamb

Roll Call Vote	Cl Lavine	Yes
	Cl Green	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes

**BROADBAND SURVEY**

Deputy Supv Lamb gave an update on the Broadband Survey. Hunt Engineers has been working on a feasibility study to provide broadband to the entire town (5,000) households. We needed to reach out to Dryden residents and find out their views on a possible switch. To date, 161 surveys have been completed online and 99% are willing to come in at a \$50 per month fee for this new broadband service. A majority of residents are paying \$70 or more per month for internet service. It’s encouraging to see such overwhelming support for this idea, thus far, at the current price point. We think we can offer a better bang for the buck. Obviously, these numbers are going to go up as the paper surveys come in. There will be a preliminary report to see how it is shaping up. By the end of this month we expect to have a working preliminary report on the feasibility of providing rural broadband for the entire Town of Dryden. If the model works, it could save everyone a lot of money for excellent service.

The town would need about 2,000 households to make it financially feasible. That is fewer than half of the total households in the Town and would make it cost effective. Once any amount borrowed is paid off, it would make a profit for the Town.

**SOLAR FARMS NEW YORK ENROLLMENT**

The Ellis Hollow tract is set to be completed by the end of fall. It is ahead of schedule and will be contributing to the grid by the end of the year. The project at 2150 Dryden Road has cleared all legal hurdles and challenges and will be moving forward. Solar Farms New York has been aggressive in working in the town of Dryden. They have purchased the solar farm on the Carpenter farm. All together they will have about 30 megawatts of solar power in the town.

Earlier this year they extended a special deal for Dryden residents and were giving them a 10% discount and offered a bonus of a \$100 contribution to Dryden non-profits of choice with each sign-up. They expect to have over 250 households signed up. They already have 142 and it’s growing. Over \$14,000 has been committed to our non-profits through this deal. The Ellis Hollow Community Center has seen over \$4,400 and the Varna Community Association has received over \$2,200. New members continue to enroll daily. There is some concern about when the service will be coming online, and people have wondered about whether benefits would be immediately tabulated. Because the Newfield project is online, anyone who signs up now will get the benefits of the Newfield project. This is exciting news and is good for the community.

**HIGHWAY/DPW DEPARTMENT**

R Young – Announced that the winter recovery money was reinstated (about \$60,000). He has been working on a grant application for stabilization of banks with Jennifer Karius. He is also working with the DEC on an issue we have at the Pinckney Road bridge. It washes out at Pinckney Road every year and floods Campbell Meadows.

He met with TG Miller today to get hard numbers on the expense to replace the water lines from the apple orchard PRV to Mount Pleasant Road. We also have sewer issues to deal with and need to get rolling now because the State will be paving Route 366 in 2021 or 2022. Cl Servoss said when we have figures we can start looking at grants. R Young replied as soon as he hears back, he wants to start working and be ahead of it, so we don't have to dig up new blacktop.

Cl Green said we are past the time frame for consolidated funding applications for this year. R Young said he didn't believe applying in the next round would present a problem. He would like to keep moving forward now on certain things because we have an expense in what leaves the pump station and we have leaks and other issues. We need to know capacities, how many gallons are being put out, and that will impact what can and cannot be done in Varna. Things are moving forward that we need to be investigating this to keep ahead of the ball. Cl Green thanked him for bringing this forward in a timely way and for his work on it.

R Young stated we did receive \$125,000 (gross) from the county for work on county roads last year under the snow and ice agreement. A new contract for the next three years was signed for \$144,000 (gross) for each year.

## **PLANNING DEPARTMENT**

Ray Burger - The monthly update has been distributed. The Planning Board will continue the hearing on the Mill Creek Subdivision next week. A Planning Board subcommittee is evaluating responses to the RFP for the comprehensive plan work. They will meet next Tuesday at 1:00 p.m.

The Bluebird Subdivision received a plat amendment last month to accommodate five curb cuts instead of the three originally approved.

Cl Lamb asked about code enforcement and some junk cars on Route 366. R Burger advised code enforcement is looking into that. The town's local law only allows one unregistered vehicle on your property at any time (unless they are in an enclosed building). The Planning Department is looking into why the cars are there.

Cl Green inquired whether there was anything new on Trinitas. R Burger replied no, they are awaiting information on infrastructure needs. TG Miller may send a report to Trinitas engineers as early as tomorrow. R Burger wants the SEQR to look at the impact of the project on the rest of the infrastructure in the hamlet. We won't have a complete application until some decisions are made on that.

Cl Lamb asked about the 23-acre parcel to be conveyed to the Town from the Mill Creek Subdivision and what the town would do with that property. R Burger explained it is part of a UNA and he doesn't see any active recreational opportunities on that piece. There could be fields (active recreation) on the 3.5-acre parcel to be donated on Wood Road. Cl Green said the Recreation Dept is looking at what they can do with that parcel and expects the DRYC will discuss options.

There will be a presentation next month on the housing conditions study recently conducted by Thoma Development.

## ADVISORY BOARD UPDATES

**Planning Board** – John Kiefer reported they had a hearing on the Mill Creek Subdivision. There were some concerned neighbors present and the hearing was left open and will be continued July 25.

**Conservation Board** – Craig Schutt reported there was a discussion of invasive species, particularly wild parsnip, and discussed thoughts about what can be done about that. There was a suggestion to put signs on the trail regarding the wild parsnip. He was asked if the Conservation Board will make recommendations on deer population control? Maybe, they will continue to discuss the matter.

**Dryden Recreation and Youth Commission** – The June meeting was cancelled. They will meet again next Wednesday. They still have vacancies to be filled. If someone is interested in recreation and youth services, it is a wonderful way to get involved in the community.

**Agricultural Advisory Committee** – There was no meeting this month.

**Rail Trail Task Force** – C1 Green reported that she's been working with Dryden's Project Lead Program teens who have been working on clearing a section that is not yet open. Our Dryden Rural Youth Services worker, Jeff Panek, is great. Ten young people worked in a very cooperative way clearing about 500' of the Etna trail. Jeff fostered an atmosphere of great communication and terrific work among them. Today they moved to the Schug section of the trail and installed a new story walk between Agway and Weber Street. The book theme depicted on 18 posts is a children's fantasy book about railroads being operated by animals. This is a cooperative effort with Family Reading Partnership, Cornell Cooperative Extension who supervises the manager for Dryden's Project Lead summer employment program and our Recreation Dept head, Marty Conger, who made the story boards. It is good to talk about a project that is really a collaborative and gives an opportunity for our young people to do something for the community that will be a delight for families for a long time to come. The stories will switch out occasionally.

**Safety & Preparedness Committee** – Katie Quinn-Jacobs reported they are moving forward with two preparedness pieces. The first is a group through the health department who are looking at preparedness for people with disabilities. 10-15% of Dryden people are disabled (based on census data from FEMA). Those people have more disadvantages in case of an emergency and can't respond as quickly. This ties in with the work of the Citizens Emergency Response Team because if there is a disaster, it would be great to know where the disabled people are. A list of people in the community of who are disabled would be valuable. There was some discussion about possible ways to collect that information.

There are two preparedness opportunities for the public to get involved in: a one-day program for citizen preparedness in September (need to confirm date and place). They are also getting instructors and equipment for CERT training in place and expect to offer that in the fall. They received not-for-profit status this month and are working out bookkeeping details. Having that status helps when applying for grants. They will have expenses and will need a place to store equipment.

**TCCOG** – no report. B Avery stated that TCCOG has an education component and works with TC3 for classes. While the classes are useful, she has suggested a local government conference and classes geared toward the many areas of local government function. She has been working with Carrie Whitmore at TC3 and they've come up with an outline. We can probably do this without any cost to the municipalities, because TC3 will donate their space and we should be able to bring speakers in from the State and other organizations at no cost. She wants to be able to offer classes that benefit staff and volunteer boards such as what

should be in the minutes when the Comptrollers Office comes to do an audit, what to expect from an audit, ethics and oaths of offices, some planning type of training, and something for the clerks, bookkeepers, and HR staff. Retirement reporting for elected and appointed officials is often confusing. We thought we could open this training up to both Cortland and Tompkins counties, possibly in October. The hope is that every municipality will find something that applies. She asked that our representatives at TCCOG support this initiative when it comes up at a meeting.

C1 Servoss made an announcement that the Dryden Lake festival is Saturday, July 27 from 12-5. They are having horse drawn wagon rides, tug-of-war, sack races, a kid zone, and great entertainment. The cub scouts will do their annual rain guard regatta.

## **COUNTY BRIEFING**

Martha Robertson said she likes the idea of a local government conference. Training is one of the shared services initiatives that TCCOG did a few years ago. She thinks there would be interest in any programs or classes that might be beneficial. A class on SEQOR would be helpful.

There is another round of the shared services requirement from the State. Jason Molino has been holding meetings and a couple of public hearings have been held on this. Unfortunately, a lot of the low hanging fruit has already been done. Smaller towns may benefit from county-wide code enforcement.

M Robertson has been working with folks in Lansing and NYSEG to try to find ways to support a non-pipe alternative so the Dryden gas pipeline can be avoided permanently. At the mandate of the Public Service Commission, NYSEG has put out a pipeline alternative. There is a public hearing on August 14<sup>th</sup> at 1:00 p.m. at the Borg Warner room in the library. It is about NYSEG's rate case. The non-pipe alternative is part of that, but mostly it is about the basic electric and gas rates. Their proposal is that rates go up about 20%. That may be only on the delivery charge and less on the supply. The local group has been trying to say to the Public Service Commission that NYSEG is not necessarily doing all they should. There are problems with power quality and lots of outages. M Robertson got a database from them and there more than 525 outages across the county in one year. This is a public information session and people should try to come. This is a key chance to make the Public Service Commission understand what we are dealing with here. In terms of development, it is sometimes quite a process to get electricity to a project.

The county is finishing a revision of the prior energy strategy and that will be presented to the legislature next month and voted on. They are also working on a review and update of their comprehensive plan.

Tompkins County will be getting a third County Judge after lobbying the State for some time. The Governor has signed that and there will be an election in November. The County will need a new court room by January. Scott Miller will be running for the democratic nomination. Having this third will help move things more fairly and quickly through the system. Tompkins County currently has the highest backlog of any county in upstate New York.

## **PUBLIC HEARING SPECIAL USE PERMIT APPLICATION VERIZON TOWER**

R Burger explained that the original permit, issued over a year ago, has lapsed and they have come back for a re-approval of the original special use permit. There is a new application

that incorporates a lot of the old application. They have redone some of the visual analysis. There are a few matters to go through tonight. Jared Lusk of Nixon Peabody last month requested a reduction of the \$5,000 fee. R Burger confirmed it is a reduced workload this time around and the board agreed to reduce the fee.

**RESOLUTION #114 (2019) – Special Use Permit Application Fee Reduction for Telecommunications Facility at 2150 Dryden Road, Tax Parcel 38.-1-3.15**

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

WHEREAS,

- A. Bell Atlantic Mobile Systems of Allentown, Inc., d/b/a Verizon Wireless has applied for a Special Use Permit (SUP) to construct and operate a wireless telecommunications facility at 2150 Dryden Road, Tax Parcel 38.-1-3.15; and
- B. This represents a minor revision of a SUP application that was originally made in February 2, 2016, approved by the Dryden Town Board on April 20, 2017 and which permit has since lapsed; and
- C. The Town’s Telecommunications Tower Siting Law (TTS) establishes a fee of \$5000 for a “new Telecommunications Tower”, and
- D. Section 29 of the TTS sets forth provisions allowing the Town Board to grant relief from any requirement of this law, and
- E. At the June 20, 2019 Town Board meeting the applicant requested that the fee be reduced to \$1000 since the burden of review of this current application is much reduced as it proposes nearly the same as was approved on April 20, 2017, and
- F. The Town Planning Department agrees that the review for the current application has taken less than 20% of the time of the original review.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1. The Town Board approves the reduction in application fee from \$5000 to \$1000 for the current application for a telecommunications facility at 2150 Dryden Road.

2<sup>nd</sup> Cl Servoss

Roll Call Vote	Cl Lavine	Yes
	Cl Green	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes

Cl Lamb opened the public hearing at 7:21 p.m. Nate Vander Wal of Nixon Peabody and Brent Morgan, Site Acquisition Specialist, Airosmith Development, Inc., were present on behalf of Verizon Wireless. They are requesting to renew the application for a special use permit originally approved in April 2017. It did lapse and Verizon is now ready to proceed with the project. There are a few changes. Due to changes in technology, Verizon was able to reduce the number of antennas on the tower from 12 to 6. The booms to support the antennas have been reduced from 12’ to 6’ and that will reduce the visual impact of tower. The remainder of the project is the same. It is the same compound at the base and the landscaping mitigating the visual impact at the base of tower remains the same. They understand that as part of the solar project that is approved and will be developed at the site, there are a set of trees to the east of the compound that will be removed to allow sufficient

sunlight for the panels. In the approval that was issued, there is a row of significant trees a little further to the east which will somewhat serve to counteract the visual impact. The RF engineers have reviewed and confirmed that the 161' centerline remains the height that is needed to meet the RF objectives and correct the deficiencies of the network. Verizon will use the minimum height necessary to meet the objectives of a project. An updated EAF was submitted and the county review concludes no negative inter-community, or county-wide impacts.

#### Public Comment

**Joe Osmeloski**, 2180 Dryden Road, said his property and the cemetery will be affected the most. Screening obviously is a big issue. When the original Special Use Permit was approved, Verizon's cell tower was the protection for the trees he is concerned about. Now the SUP has lapsed, and Distributed Sun can now cut the trees. The only thing protecting them now is the northern long-eared bat. He said he hates to be a conspiracy theorist, and Verizon has been much better than the solar companies, but perhaps Distributed Sun asked Verizon to let the SUP lapse in order to be able to cut those trees down. Where does that leave the neighbors who thought they had protection?

He is sure that no one wants to go through litigation again, and he doesn't want to sue the town, but he and his wife own six acres and have only the town board to help them. If they don't get any help from the town board, they will take it outside. His wife has proven that. He proposes that the two or three trees that screen the tower from his property be left in place. He suggested that Verizon go to Distributed Sun or Solar Farms NY and give an agreement in writing that those few trees will not be removed. The tower will shade the panels to some degree. Leave those trees, give it to them in writing and no one will end up in court. Don't leave the trees and the town will see them in court.

**Sarah Osmeloski** said she basically agrees with Joe. They have been put in a difficult spot. In the last SUP approved for Verizon they had screening. The SUP in front of the board today removes the screening. To say maybe it will be left and maybe it won't is not acceptable. She wants it in writing tonight as a condition that there will be screening at least to the east of the tower. If there is no screening in a condition tonight, Article 78 will be in the proceedings in the future. She has no problem with the tower but is asking that a significant portion of the tower have some form of vegetative screening.

She agrees with Joe that we could leave a couple of the big willows along the stream that would screen the tower. Verizon would have to lease a bit more land from Mr Pinney in order to control those trees. But another solution that she's come up with has to do with all the little trees that will be planted along the perimeter of the compound. Maybe instead of planting 6' tall arborvitaes you could plant some fast-growing hybrid poplars. The vegetative screening provided by the solar farm is pathetic. She has seen what they've done in Ellis Hollow. It is choked out by weeds and will not be sufficient to screen what needs to be screened. They are putting in little plants that are being choked out by the weeds. If that is what will be presented here, we'll need to go back to court and discuss it more. She's sorry it got to this point, but they had screening in the first SUP, and you are taking it away in the second SUP. It's not acceptable. This board is her elected officials representing her in this deal and needs to stick up a little bit for her. If she gets a little bit of screening from this project, she will shut up and go away.

C1 Lavine said she agrees that what has been planted in the Ellis Tract is mediocre and substandard.

Nate Vander Wal – The proposal and the plan to remove the trees in question is related to the solar project. He can't speak to why that was the proposal in the solar project. It

doesn't relate to the application before the board now. Verizon was not involved with the solar plans. The screening at the base of the compound of the tower, what was proposed and approved last time, has not changed and is not altered in the current application.

The arborvitae is the norm in this region and climate. The screening proposed is sufficient and was reviewed and approved at the last meeting. He recognizes that certain trees will be removed as result of the solar project. He also understands a row of 16' trees are proposed along the eastern edge of the border and they will now have the benefit of supplemental plantings. There is no way to mask a 165' tower. Verizon is willing to take reasonable measures to mitigate. It is Verizon's position that the screening proposed is reasonable and appropriate for their project. With the combination of the additional plantings on the solar project, it mitigates the row of trees that will be removed.

Discussion/comments:

- Substituting fast-growing poplars makes sense; they would have to go around the compound. Poplar is a deciduous tree that will drop its' leaves in the fall, leaving the compound unscreened.
- The tower will be visible from the Osmeloski property when the willows are removed.
- The willows are outside of the area leased by Verizon and so beyond their control.
- When the solar farm made their proposal, they said they would work with Verizon to come up with screening.
- The solar project and the Verizon project should be integrated because they are on the same piece of property.
- Verizon's purpose is to screen their fence line, not the tower.
- Some of the trees on the south and east side of the compound could be substituted with faster growing trees.
- Those trees could be placed outside the fence (75' x 75'), but within the 100' x 100' leased site.

Item #5 will be amended to provide that the present landscaping plan be amended by substituting ten of the trees shown on the plan with six taller, faster growing tree species on the south and east sides of the compound.

### **SEQR – VERIZON TOWER**

R Burger explained that with the new application they submitted a revised EAF with the following changes:

- Applicant information is changed.
- Number and size of antennas is reduced.
- Now on a smaller 29-acre parcel, but the siting is the same.
- Now expect the willow trees along the stream corridor to be cut.
- Everything else still applies.

He said the parts 2 and 3 evaluation that the town went through on the last application is the same and he believes the evaluation and analysis still applies.

The board reviewed the EAF document and considered the proposed resolution and agreed that the Part 2 and 3 analysis is still a valid analysis of the present proposal.

### **RESOLUTION #115 (2019) - NEG SEQR DEC - APPLICATION of BELL ATLANTIC MOBILE SYSTEMS OF ALLENTOWN, d/b/a VERIZON WIRELESS FOR A SPECIAL USE PERMIT AND SITE PLAN APPROVAL FOR A 165 FOOT**

**TELECOMMUNICATIONS TOWER ON PREMISES IDENTIFIED AS 2150 DRYDEN ROAD,  
TAX PARCEL 38.-1-3.15**

Cl Lamb offered the following resolution:

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 currently known as 2150 Dryden Road, tax parcel 38.-1-3.15

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),

D. The Town Board previously made a negative declaration of environmental impact of this project in connection with the original review of a Special Use Permit. During its April 20, 2017 meeting, the Town Board determined the proposed telecommunication facility would have no significant adverse environmental impact (Resolution # 61- Neg SEQR Dec), approved the Site Plan, and granted special permit #4-2017-TSUP (Resolution # 62).

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 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.

2<sup>nd</sup> Cl Green

Roll Call Vote	Cl Lavine	Yes
	Cl Green	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes

The public hearing was closed at 8:00 p.m.

**RESOLUTION #116 - (2019) - ADOPT FINDINGS, DETERMINATION AND CONDITIONS OF APPROVAL FOR APPLICATION OF BELL ATLANTIC MOBILE SYSTEMS OF ALLENTOWN, 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, TAX PARCEL 38.-1-3.15**

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

- A. RESOLVED, that this Town Board hereby adopt 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 identified as 2150 Dryden Road, now tax parcel 38.-1-3.15
- B.

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, Tax Parcel 38.-1-3.15

FINDINGS, DETERMINATION AND CONDITIONS OF APPROVAL

BACKGROUND

Verizon Wireless (herein Verizon) filed an application dated February 2, 2016, for a Telecommunications Special Use Permit (TSUP) and Site Plan Review (SPR) 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).

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 countywide impacts.

During its April 20, 2017 meeting, the Town Board determined the proposed telecommunication facility would have no significant adverse environmental impact

(Resolution # 61- Neg SEQR Dec), approved the Site Plan, and granted special permit #4-2017-TSUP (Resolution # 62).

In July 2017, the Town Board granted Sun8 PDC LLC a Special Use Permit for five (5) large-scale solar energy systems at 2150 Dryden Road, conditioned on Town Planning Board approval of a five (5) lot subdivision of the parcel (Resolution#110-2017).

In February 2018, the Town of Dryden Planning Board granted final approval for subdivision (PB Resolution #9-2018). The proposed telecommunications tower would be located on 'Lot 5' now tax parcel ID # 38.-1-3.15.

Conditions of approval of Special Use Permit (Resolution #110-2017) included a provision that trees on Lot 5 may only be removed if and when Special Use Permit #4-2017-TSUP lapses, expires, is revoked, or voluntarily surrendered.

Special Use Permit #4-2017-TSUP lapsed and expired April 2018.

At a Town Board meeting held on June 20, 2019, Counsel for Verizon explained that the lapse of the lapse/expiry of the Special Use Permit was inadvertent and unintended, and that Verizon still wished to proceed with the cell tower location that was previously approved.

Verizon, by cover letter dated May 9, 2019 and updated SUP application dated June 20, 2019, requested that the Town Board renew the SUP approval.

Verizon supplemented its renewal request with copies of the previous approvals, revised project plans, a visual resource evaluation, and a revised Full Environmental Assessment, Part 1 (Exhibits 1-4).

Verizon's 2019 documents primarily reflect business and personnel changes (Upstate Cellular d/b/a Verizon was original applicant. Bell Atlantic Mobile d/b/a Verizon is current applicant) and technological advances allowing Verizon to reduce the number of antennas on the tower, from 12 antennas to 6 antennas.

The Tompkins County Department of Planning pursuant to its role under General Municipal Law 239-1 and 239-m in a letter dated June 12, 2019 commented on the application, determining that the project would have no negative inter-community or county-wide impacts.

The Town Board on July 25, 2019, approved a fee waiver of the new application fee for this Special Use Permit, and authorized Verizon to submit the fee required for renewals of a Special Use Permit.

#### DETERMINATION

Based upon the record before it, the town board reaffirms and amends its previous conclusion and determination 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. Existing trees intended to provide screening may or may not be removed.
- (b) The applicant provided new visual simulations of the proposed tower.
- (c) The number of antennas on the tower is reduced from twelve (12) to six (6).
- (d) The proposed tower allows for future co-location.

- (e) 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) Other than those identified by Verizon in the search area, no other sites were identified by the Town or Public, as sites to be evaluated.
- (n) Local law No. 1 of the year 2019 - 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 that 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, PC, 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 (Dende review of June 6, 2016 and Sprout memo of June 10, 2016).

## ENVIRONMENTAL REVIEW

The Town Board carefully reviewed the Full Environmental Assessment Form, including Part I 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) and will provide additional vegetative screening by substituting ten of the trees shown on the plan with six taller, faster growing tree species on the south and east sides of the compound.
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, procedures, and timetables to address such issues. The Town must receive the report 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 review annually 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. 1 (2019) 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, and that to the extent that Verizon has previously submitted such items to the Town, Verizon shall confirm in writing that such submissions remain accurate and current unless specifically noted otherwise .

12. Applicant will meet legal requirements for the collapse zone and the tower shall be designed to collapse within 85 feet.

2<sup>nd</sup> Cl Servoss

Roll Call Vote	Cl Lavine	Yes
	Cl Green	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes

**PUBLIC HEARING  
SPECIAL USE PERMIT  
2141 DRYDEN ROAD**

Cl Lamb opened the public hearing at 8:03 p.m. R Burger explained that this a medical office that went through site plan review and has received approval from the Planning Board. Because the sign will have to be placed in the highway right-of-way, it is considered a billboard and requires special use approval from the town board. The Planning Board did recommend that the Town Board grant approval for this special use permit for the sign.

Gary Bush, engineer for the project, said the reason for this is the sign will need to be placed on property owned by New York State. It meets all the requirements for a commercial sign (less than 32 square feet) and meets commercial design guidelines. They are working with NYS DOT for a permit.

R Burger said if the sign was located on their property, it would be part of the site plan and would have been dealt with by the Planning Board. The town's sign ordinance requires the sign be at least 15' off the pavement and this one is 32' which complies with that aspect of our law.

Public comment:

**J Osmeloski**, 2180 Dryden Road, said he doesn't have a problem with the sign. He does have an issue that they have two signs. Route 13 is a rural corridor and they'd like to keep it rural. If the board approves two signs for this business, why can't the other businesses along there have two signs? You may be opening a Pandora's box. He's just playing devil's advocate. He would like to keep Route 13 as rural as possible.

Cl Lamb said considering the topography of the property, this is a reasonable request to support this business.

G Bush said the reason for the second sign is that because the curve and hill prevent one sign from being visible from both directions they need a second sign. It is a safety issue. DOT has not indicated the sign is any problem.

The public hearing was closed at 8:12 p.m.

The board reviewed Short EAF.

**DRAFT RESOLUTION #117 (2019) - NEG SEQR DEC - APPLICATION FOR A SPECIAL USE PERMIT FOR AN ENTRANCE SIGN LOCATED AT 2141 DRYDEN ROAD, TAX PARCEL 47.-1-1.38**

Cl Lamb offered the following resolution:

WHEREAS,

A. The proposed action involves consideration of the application of Slaterville Springs Real Estate Company LLC for Special Use Permit Approval for an entrance sign located at 2141 Dryden Road, tax parcel 47.-1-1.38; and

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; and

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 SEQRA, (i) thoroughly reviewed the Short Environmental Assessment Form (“EAF”), Part I 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 EAF, Part 2.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board of the Town of Dryden, based upon (i) its thorough review of the 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 EAF, Part 2, including the reasons noted thereon (which reasons 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 an Environmental Impact Statement will not 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 EAF and determination of significance shall be incorporated by reference in this Resolution.

2<sup>nd</sup> Cl Green

Roll Call Vote	Cl Lavine	Yes
	Cl Green	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes

The board reviewed the proposed resolution approving the special use permit.

**RESOLUTION #118 (2019) - Approving Special Use Permit for an Entrance Sign at 2141 Dryden Road, Tax Parcel 47.-1-1.38**

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

WHEREAS,

- A. Slaterville Springs Real Estate Company LLC (“Applicant”) has applied for a Special Use Permit (SUP) for an entrance sign for the medical office at 2141 Dryden Road, Tax Parcel 47.-1-1.38; and
- B. The NYS Department of Transportation (DOT) right-of-way is of such width there that the entrance sign must be located in the ROW in order to be visible to oncoming traffic; and
- C. DOT has given conceptual approval to this sign but has yet to issue the permit; and
- D. A sign not located on the same lot as the business is defined as a billboard and Zoning Law §903 C. 7. applies, and
- E. At its meeting on May 23, 2019 the Town Planning Board reviewed and approved the Site Plan for the medical office at this address with a recommendation to the Town Board that the applicant be granted a SUP for the entrance sign to be located on property owned by the State; and
- F. A public hearing was held on July 18, 2019 with public comments registered in the meeting minutes and considered by this board, and
- G. The Tompkins County Planning Department has reviewed the application pursuant §239 -l, -m, and -n of the New York State General Municipal Law, and
- H. In a letter dated May 1, 2019, the Tompkins County Planning Department concluded that the proposal will have no negative inter-community or county-wide impact, and
- I. Pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations at 6 NYCRR Part 617, the Town Board of the Town of Dryden, acting as Lead Agency has, on July 18, 2019, made a negative determination of environmental significance, after having reviewed and accepted as adequate the Short Environmental Assessment Form Parts 1, 2, and 3, and
- J. The Town Board has reviewed this application relative to the considerations and standards found in Town Zoning Law §903 for signs and §1202 for Special Use Permit.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1. The Town Board hereby finds that the considerations for approval of the requested Special Use Permit listed in §903 and 1202 of the Town of Dryden Zoning Law have been met; and

2. The Town Board, finding that the sign as proposed in the application is in compliance with all other provisions of the Town Zoning Law and other applicable laws and ordinances, approves a Special Use Permit for the entrance sign at 2141 Dryden Road conditioned on (A) DOT issuing its sign permit and (B) compliance by Applicant with the Town of Dryden Standard Conditions of Approval as amended August 14, 2008.

2<sup>nd</sup> Cl Green

Roll Call Vote	Cl Lavine	Yes
	Cl Green	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes

Gary Bush congratulated the board for its work on the rail trail. He and his family use the trail often. Cl Green thanked him for the work he’s done designing the trestles for the rail trail near Game Farm Road.

There being no further business, on motion made, seconded and unanimously carried, the meeting was adjourned at 8:18 p.m.

Respectfully submitted,

Bambi L. Avery  
Town Clerk