

Planning Department

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VIA E-MAIL

3-15-2021

Mr. Marko Isakovic
125 S Clark St.
Chicago IL 60603

Re: Conditions of Approval, Special Use Permit – 1622 Dryden Rd, parcel 44.-1-13.416

Dear Mr. Isakovic,

Please find attached a Special Use Permit Approval. You will observe, there are several documents attached and include:

- a. Dryden Town Board minutes for 2-18-21 containing ***Resolution #54 Site Plan and SUP Approval for a Public Utility Facility at 1622 Dryden Rd.***
- b. Dryden Town Standard Condition of Approval effective **8-14-2008**
- c. Special Permit Placard: **SUP-1-2021**

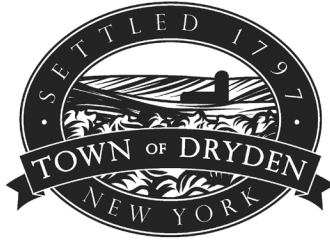
You are advised to retain this approval package as you are responsible to conform with all approval conditions and it is your authorization for a **Public Utility Facility at 1622 Dryden Road** Town of Dryden.

Very truly yours,

Joy Foster

Joy Foster
Administrative Assistant

cc: Dryden Town Supervisor
Scott Doyle, Tompkins County Department of Planning and Sustainability
Dryden Town Clerk



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: NTP Wireless on behalf of First Light Fiber
Project: Public Utility Facility

Board Action Date: 2-18-21
Site: 1622 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, statutes, 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 discontinuance of the permitted use of the property, the applicant or permittee shall notify the Code Enforcement Officer of such sale, transfer or discontinuance.

**Dryden Town Board minutes 2-18-21 regarding
SPECIAL USE PERMIT
NTP Wireless on behalf of First Light Fiber public utility facility
1622 Dryden Road**

PUBLIC HEARING
1622 DRYDEN ROAD
SPECIAL USE PERMIT

Supv Leifer opened the public hearing at 6:35 p.m. R Burger introduced Marko Isakovic with NTP Wireless who is representing the team. This is for a utility shelter near Elemental Pet Vet on Route 13. It will be about a 50' square compound with two 10' by 20' equipment sheds. This is an allowed use by special use permit. It is a Type 2, so there is no need for SEQR. There are no recommendations from the county in their 239 review.

Marko Isakovic explained they are proposing a fiber shelter to provide greater fiber capacity to the area for internet communications. These 2 shelters will be unmanned and do not require onsite personnel. There will be a standby generator on the site. After feedback from the Planning Department, they revised their plan to include shrubs up front and the generator for emergency use will be on the back side. They worked with the landowner and neighboring landowners on a joint driveway. They will use the existing drive until the joint drive is completed. There are pictures of other installations to get an idea of what it will look like.

This fiber will serve residents in the area as well as local businesses and schools. The site was chosen because it is a remote area that works with the zoning code and this seemed to work best. It is in the rural residential zone, with Lowrey Construction to the northeast and Elemental Pet Vet and Second Home Dog Care to the west. All three businesses will use a common driveway (Planning Board recommendations in July). The necessary easement agreement will be signed in the next few weeks. This will be a long-term facility.

The board reviewed the proposed resolution approving site plan and granting the special use permit and the conditions in that resolution. CI Skaley said given the concentration of more commercially oriented properties, the area might be considered for rezoning. This is a Type 2 action so there is no SEQR review.

There were no further questions from the board or public and the public hearing was closed at 6:52 p.m.

RESOLUTION #54 (2021) - Approving Site Plan and Granting Special Use Permit for a Public Utility Facility at 1622 Dryden Road, Tax Parcel 44.-1-13.416

CI Skaley offered the following resolution and asked for its adoption:

WHEREAS,

A. NTP Wireless, on behalf of First Light Fiber, has applied for a Special Use Permit (SUP) to locate a public utility facility at 1622 Dryden Road, Tax Parcel 44.-1-13.416; and

- B. An application, SUP worksheet, equipment details and sketch plan have been submitted, and
- C. The Town Planning Department considers the application complete and in conformance with the requirements of Town Zoning Law §501, §600, §1103 and §1201, and
- D. A public hearing was held on February 18, 2021 with public comments registered in the meeting minutes and considered by this board, and
- E. The Tompkins County Planning Department has reviewed the application pursuant §239 –l, -m, and –n of the New York State General Municipal Law, and
- F. In a letter dated February 16, 2021, the Tompkins County Planning Department determined that they have no recommendations or comments on this proposal, and
- G. The Stormwater Management Officer reviewed the proposal and concluded that the site is already operating under a stormwater pollution prevention plan (SWPPP) filed with the NY Department of Environmental Conservation, and
- H. 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 has, on February 18, 2021, determined that this proposal is exempt from review since it is a Type II action under 6 CRR-NY 617.5 (c) (9), and
- I. The Town Board has reviewed this application relative to the considerations and standards found in Town Zoning Law §1104 for site plan review and §1202 for Special Use Permit.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the sketch plan documents dated December 31, 2020 as site plan for 1622 Dryden Road, conditioned on the following prior to issuance of a Certificate of Occupancy:
 - a. Any generator testing will take place between the weekday hours of 8-5.
 - b. The buildings and fence fabric will be neutral colors.
 - c. The proposed permanent access on the site plan will replace the temporary access within one year.
2. The Town Board hereby finds that the considerations for approval of the requested Special Use Permit listed in Section 1202 of the Town of Dryden Zoning Law have been met, specifically that:
 - a. The proposed use is compatible with the other permitted uses in the Rural Residential district and compatible with the purpose of this district as public utility facilities are a permitted use in this zone and this parcel is located adjacent to the Route 13 right-of-way and other commercial businesses;
 - b. The proposed use is compatible with adjoining properties and with the natural and manmade environment, as this proposal is for two 11 ft by 20 ft equipment shelters to be screened by fabric covered fencing and landscaping;
 - c. Parking, vehicular circulation, and infrastructure for the proposed use is adequate. This facility will share a driveway with adjacent businesses.
 - 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 has been considered and found to be negligible, based on the low volume of traffic associated with this business and that generator noise will be mitigated;

e. Restrictions and/or conditions on design of structures or operation of the use necessary to ensure compatibility with the surrounding uses or to protect the natural or scenic resources of the Town have been incorporated into the site plan;

f. The project complies with the requirements for site plan review and conforms to the Town's Commercial Design Guidelines to the maximum extent practicable in that: the site is screened from residential uses by landscaping and the use of a neutral-colored fabric to cover the fence.

3. The Town Board, finding that the applicant is in compliance with all other provisions of the Town Zoning Law and other applicable ordinances, approves a Special Use Permit for the public utility facility at 1622 Dryden Road with the Town of Dryden Standard Conditions of Approval as amended August 14, 2008.

2nd Cl Sparling

Roll Call Vote

Cl Sparling YES

Cl Vargas-Mendez ABSTAIN

Cl Skaley YES

Cl Lamb YES

Supv Leifer YES