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# TOWN OF AURORA

575 OAKWOOD AVENUE, EAST AURORA, NY 14052  
BUILDING DEPARTMENT  
(716) 652-7591

## MEMO

TO: Supervisor Snyder and Town Board Members

FROM: Elizabeth Cassidy, Code Enforcement Officer

DATE: February 14, 2024

VB BTS II, LLC and Verizon Wireless, as agents for the property owner Murray Bros. Nurseries Inc, have submitted a Telecommunications Special Use Permit and Site Plan applications for a proposed monopole telecommunications tower at 4399 Transit Rd. Both applications should be referred to the Planning Board for their review and recommendation.

In accordance with New York State General Municipal Law §239-m, the applications shall be sent to Erie County Department of Environment and Planning for their review and recommendation, due to proximity of a 500' of a municipal boundary and a state highway (20A).

Both the Telecommunications Special Use and the Site Plan applications are Unlisted actions for purposes of SEQRA.

Thank you,  
liz

February 9, 2024

**APPLICATION FOR A SPECIAL USE PERMIT AND SITE PLAN APPROVAL  
TO INSTALL A WIRELESS TELECOMMUNICATIONS FACILITY AT  
4399 TRANSIT ROAD, TOWN OF AURORA, NY**

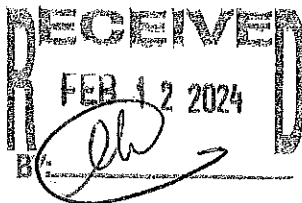
**--Applicants--**

**VB BTS II, LLC**  
750 Park of Commerce Drive  
Boca Raton, FL 33487

**BELL ATLANTIC MOBILE SYSTEMS, LLC D/B/A VERIZON WIRELESS**  
1275 John Street, Suite 100  
West Henrietta, NY 14586

**Submitted to:**

**TOWN OF AURORA TOWN BOARD  
& TOWN OF AURORA PLANNING BOARD**  
575 Oakwood Avenue  
East Aurora, New York 14052



## EXHIBITS

- Exhibit A: Special Use Permit Application Form
- Exhibit B: Site Plan Review Application Form
- Exhibit C: Full Environmental Assessment Form ("EAF") Part 1 with Appendix B  
Visual EAF Addendum
- Exhibit D: Site Plan and Facility Drawings
- Exhibit E: Landowner's Consent
- Exhibit F: Memorandum of Lease Agreement
- Exhibit G: Radio Frequency Analysis (including before and after propagation studies  
and "search ring")
- Exhibit H: Site Selection Analysis (including search ring)
- Exhibit I: Structural Safety Letter
- Exhibit J: Vertical Bridge's Collocation Policy
- Exhibit K: Copies of Verizon Wireless' FCC Licenses
- Exhibit L: Visual Resource Evaluation
- Exhibit M: Agricultural District and GML-239 M/N review letter
- Exhibit N: Agricultural Data Statement
- Exhibit O: RF-Electromagnetic Energy Compliance Report

## **I. EXECUTIVE SUMMARY**

This Application is respectfully submitted by VB BTS II, LLC (“Vertical Bridge”) and VERIZON WIRELESS (“Applicants”) to the Town of Aurora (“Town”) Town Board and Planning Board for a Special Use Permit and Site Plan Approval to construct a 135-foot monopole (“Facility”) on a portion of property owned by Murray Bros. Nurseries, Inc. located at 4399 Transit Road (“Site”) to support wireless telecommunications antennas and ground equipment of co-applicant Verizon Wireless, and future collocation by additional users.

Vertical Bridge is a national wireless telecommunications infrastructure developer and owner that constructs and owns infrastructure to support the Federal Communications Commission (“FCC”)-licensed wireless carriers’ needs. Vertical Bridge will own the proposed Facility and lease space on it to Verizon Wireless to support its antennas and related equipment. The Facility will also be capable of supporting future collocation of additional wireless telecommunications antennas and related equipment.

Verizon Wireless is licensed by the FCC (See Exhibit K) to provide commercial wireless telecommunications services and is a public utility for zoning purposes under New York law (see Cellular Tel. Co. v. Rosenberg, 82 NY2d 364 [1993]). Verizon Wireless is a provider of “personal wireless services” under the federal Telecommunications Act of 1996 (“Federal Act”, codified at 47 USC §332[c][7]) and the proposed Facility will support Verizon Wireless’s provision of such services. Therefore, all approvals requested in this Application for the proposed Facility must be acted upon within 150 days of the Town’s receipt of this Application pursuant to the Federal Act and the related FCC Declaratory Ruling and Third Report and Order adopted September 26, 2019 (WT Docket Nos. 17-79 and 17-84). While the Federal Act preserves local zoning authority over the placement, construction and modification of personal wireless service facilities, such as the proposed Facility, it also requires that exercise of such authority shall not prohibit or have the effect of prohibiting the provision of personal wireless services and that siting decisions shall not be based on the environmental effects of radio frequency (“RF”) emissions to the extent that such facilities comply with FCC regulations concerning such emissions.

## **II. PROJECT DESCRIPTION**

A. Existing Conditions: The Facility Site is located on a 32-acre parcel owned by Murray Bros. Nurseries Inc. (Tax Map Parcel No. 174.00-1-1.1) (“Property”). The Property is in the Town’s Rural - Residential (RR) and Agricultural (A) zoning districts, where wireless telecommunications facilities are a specially permitted use. Vertical Bridge has leased a 100-foot by 100-foot portion of the Property, together with a 20-foot wide access and utility easement that runs contiguous with the existing gravel access driveway from Transit Road to the Site.

As the Property is partially in an agricultural zoning district, Tectonic Engineering Consultants, Geologists & Land Surveyors, D.P.C. (“Tectonic”) was engaged to provide an agricultural district and GML-239 M review letter (See Exhibit M). Tectonic determined that a GML-239 referral to Erie County is required. Attached as Exhibit N is the Agricultural Data Statement which should be included in the Town’s referral to Erie County pursuant to NYS General Municipal Law section 239-m.

B. Proposed Development: The Facility will consist of the following:

- Construction of a 135-foot tall self-supporting monopole (with a 4-foot lightning rod at its top for an overall height of 139 feet).
- Installation of nine (9) panel antennas (three (3) per each of three (3) mounting sectors) to be owned and operated by Verizon Wireless at the centerline level of 126 feet, together with nine (9) remote radio heads (“RRH”) to be mounted behind each antenna, and coaxial cables routed down the interior of the monopole and over an ice bridge to Verizon Wireless’s ground equipment placed on concrete pads.
- Installation of a chain link fence to create a 50-foot by 50-foot fenced area to secure the Facility.
- Underground routing of power and telephone/fiber service to the Facility from the existing utility pole located along the existing gravel access driveway.

Verizon Wireless’s equipment will be unmanned and visited only for routine monthly inspection and maintenance or emergency reasons. No water or sewer supply is required for the Facility. A 200-amp, 120/240 single-phase electrical supply will power the equipment. The Facility will have physical space and structural capacity to support future antenna collocations on the monopole and equipment in the fenced area.

### **III. APPLICATION FOR SPECIAL USE PERMIT AND SITE PLAN APPROVAL**

In furtherance of its Application for a Special Use Permit to construct the telecommunications facility, Vertical Bridge and Verizon Wireless submit the following in compliance with the Chapter 116 of the Town Zoning Code. For ease of review, the Town’s requirements are in bold italicized type, followed by the Applicants’ responses in regular type.

#### **Article III, Section 116-44: Standards:**

*The Town Board may issue a special use permit only upon a finding that each and all of the following conditions are met:*

*A. Uses permitted will be in general harmony with and promote the general purposes and intent of the most recent Comprehensive Plan of the Town, the most recent Open Space Plan and the Zoning Ordinance.*

The Town Zoning Ordinance classifies a telecommunications facility, including the proposed Facility, as a special permitted use, which is “tantamount to a legislative finding that [it] is in harmony with the general zoning plan and will not adversely affect the neighborhood” (see Matter of Twin County Recycling Corp. v Yevoli, 90 NY2d 1000, 1002 [1997], quoting Matter of North Shore Steak House v Board of Appeals of Inc. Vil. of Thomaston, 30 NY2d 238, 243 [1972]). As such, the Town has already determined that the Project is consistent with the Town’s

Comprehensive Plan subject to complying with the criteria prescribed by the applicable sections of the Town Zoning Ordinance. As set forth herein, the proposed Facility satisfies such criteria. Moreover, telecommunications facilities, including the proposed Facility, are legally defined as public utilities for zoning purposes in that they are required to provide essential services to the general public for basic and emergency communications. As such, the proposed Facility will promote the health, safety and general welfare of the community.

***B. Impact on district. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located.***

The proposed Facility is the minimum height required to provide the necessary service coverage and meets all required setbacks and the proposed Facility is a special permitted use which therefore, is in harmony with the appropriate and orderly development of the applicable zoning districts.

***C. Adjacent properties. The location, nature and height of buildings, walls and fences and the nature and extent of the landscaping of the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.***

The proposed Facility meets all required setbacks and its use will not hinder or discourage the development and use of adjacent land and buildings. The existing landscaping of the site will help screen the proposed monopole and minimize its visibility and potential for visual impact on the surrounding area.

***D. Impacts on neighboring properties. Operation in connection with the special use shall not cause more severe impacts to nearby properties by reason of noise, fumes, odors, vibrations, flashing lights or other operational characteristics than would the operations of any permitted use not requiring a special use permit.***

The proposed Facility will not generate noise, fumes, odors, vibrations, flashing lights or any other operational characteristics that could impact neighboring properties.

***E. Impact on surrounding properties. The nature, duration, and intensity of the operations which are involved in connection with the proposed use will be in harmony with nearby uses and will not alter the essential character of the neighborhood or be detrimental to the residents thereof. The proposed special use provides sufficient landscaping and/or other forms of buffering to protect surrounding land uses.***

The proposed Facility involves the installation of a monopole, together with the other wireless telecommunications equipment and is consistent in appearance and use with other similar public utility infrastructure in the Town. It will not alter the essential character of the neighborhood or be detrimental to its residents. The existing landscaping on the property will help screen the proposed monopole and minimize its visual impact to the surrounding area.

**F. Traffic. *The use shall not cause undue traffic congestion or create a traffic hazard.***

The Proposed Facility will not cause traffic congestion or a traffic hazard. Only one (1) to two (2) motor vehicle trips per month to/from the Project Site for inspection and/or routine maintenance will occur.

**G. Parking. *Parking areas shall be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.***

A single parking space is required for monthly maintenance. See Exhibit D (Site Plan and Facility Drawings).

**H. Services. *The use shall be appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities.***

Service coverage from the proposed Facility will benefit the local fire and police departments and the community at large. The Project will not generate/use water or waste.

**I. SEQRA. *All requirements of SEQRA shall be met.***

A Full Environmental Assessment Form ("EAF") Part 1 with Appendix B Visual EAF Addendum is provided at Exhibit C in furtherance of meeting all requirements of SEQRA in respect to the proposed Facility.

**J. Special uses shall also be subject to any and all applicable local, state or federal laws, codes, rules or regulations.**

The proposed Facility has been designed to comply and shall be constructed and operated in compliance with applicable federal, state and local laws, rules and regulations.

**K. Additional standards or requirements that the Town Board may reasonably request.**

- (1) The proposed use must be compatible with any of the other zoning laws of the Town of Aurora.***

The proposed Facility is in compliance with all applicable zoning regulations, subject to securing the waivers from the Town Board regarding the dimensional fencing requirement and additional landscaping requested herein.

- (2) The proposed use must not destroy or adversely impact significant historic and/or cultural resource sites.***

The proposed Facility will have no impact on significant historical or cultural resource sites. To the extent that the Site is located in an area identified as archaeologically sensitive, the Applicant will complete consultation with the applicable State and Tribal Historic Preservation Officers to

confirm no effect on archaeological resources and provide the Town with confirmation once such consultation is complete.

***Section 116-78 Tower permit application materials:***

***A. All applicants for a tower permit shall make a written application to the Town Board, which should initially be delivered to the office of the Town Clerk, which application shall include:***

***1. Town supplied tower special use permit application form to be used as a tower permit application form.***

See Exhibit A.

***2. Town-supplied site plan review application form.***

See Exhibit B.

***3. Town-supplied Environmental assessment form.***

See Exhibit C.

***4. A site plan ("site plan") in form and content acceptable to the Town, prepared to scale and in sufficient detailed and accuracy, showing at a minimum:***

***a. The exact location of the proposed tower and/or antenna together with guy wires and guy anchors.***

See Exhibit D, (Sheet SB-1). A self-supporting monopole is proposed so there are no guy wires or guy anchors.

***b. The maximum height of the proposed tower and/or antenna.***

The Applicant proposes a 135' monopole with a 4' lighting rod. See Exhibit D, (Sheet C-3).

***c. A detail of tower type (monopole, guyed, freestanding or other):***

The Applicant proposes a monopole. See Exhibit D, (Sheet C-3).

***d. The color or colors of the tower.***

The proposed monopole will have a galvanized steel finish. See Exhibit D, (Sheet C-3)

***e. The location, type and intensity of any lighting on the tower and antenna.***



At the monopole's proposed overall height of 139' (including 4' lighting rod), the Federal Communication Commission does not require the monopole to be lit.

- f. The property's boundaries of the property on which the tower and/or antenna is proposed to be constructed (the "property"); a copy of the property survey must also be provided.*

See Exhibit D (Sheet SB-1). A survey is in process and will be provided upon its completion.

- g. Proof of the landowner's consent if the applicant will not own the property. (A copy of a lease agreement must also be provided if the applicant will not own the property.)*

A copy of the landowner's consent is attached as Exhibit E. A copy of the memorandum of lease agreement between the Vertical Bridge and the landowner is attached as Exhibit F.

- h. The location of all structures on the property and all structures on any adjacent property within 50 feet of the property lines, together with the distance of these structures to the tower and the distance of the tower from all property lines and public roads or rights-of-way.*

See Exhibit D, (Sheet SB-1).

- i. The names and mailing addresses of all of adjacent landowners.*

See Exhibit D, (Sheet AD-1).

- j. The location nature and extent of any proposed fencing and landscaping or screening to be constructed around or in conjunction with the tower and/or any telecommunications facilities applicable to the tower.*

See Exhibit D (Sheets SB-1 and C-2).

- k. The location and nature of any utility easements and access roads proposed or existing in connection with the tower or applicable telecommunications facilities.*

See Exhibit D (Sheets SB-1 and C-1A).

- l. Building elevations of accessory structures and/or immediately adjacent buildings to the proposed tower and related telecommunication facilities.*

See Exhibit D (Sheets C-4A, C-4B and C-5).

- m. The location and nature of any power generators existing or to be constructed in connection with a proposed tower and/or related telecommunications facilities.*

There will not be any power generators at the proposed Facility.

- 5. "Before" and "after" propagation studies prepared by a qualified radio engineer demonstrating existing signal coverage, contrasted with the proposed signal coverage resulting from the proposed telecommunications facility.*

See Exhibit G, Pages 11 through 18.

- 6. A "search ring" prepared by a qualified radio frequency engineer and overlaid on an appropriate background map demonstrating the area within which the telecommunications facility needs to be located in order to provide proper signal strength and coverage to the target cell. The applicant must be prepared to explain to the Town Board why it selected the proposed site, discuss the availability (or lack of availability) of a suitable structure within the search ring which would have allowed for co-located antennas(s) and to what extent the applicant explored locating the proposed tower in a more-intensive use district or other available sites which are more consistent with the site preferences set forth in §116-78.*

See Exhibit G, Page 10 and Exhibit H.

- 7. The Town Board, upon reviewing the application, may request reasonable additional information, including but not limited to any visual and aesthetic information it deems appropriate on a case-by-case basis. Such additional information may include, among other things, enhanced landscaping plans, line-of-sight drawings and/or visual simulations from viewpoints selected by the Town Board or its designated agents (including the Town's Engineer) or representatives.*

Attached as Exhibit K is a Visual Resource Evaluation containing, among other things, balloon test photographs at the proposed Facility height and visual simulations from some viewpoints.

*Section 116-79 Communication Facility Permit Standards.*

*A. Siting preferences. The Town Board may express a preference that the proposed telecommunications facility be located in a higher-intensity use district or on higher-intensity use property, provided that there is a technologically feasible and available location. A guideline for the Town Board's preference, from most favorable to least favorable districts/property, is as follows:*

- (1) Property with an existing structure suitable for co-location.*
- (2) Municipal or government-owned property.*
- (3) Property located in a C3 Zoning District.*
- (4) Property located in a C1 or C2 Zoning District.*
- (5) Property located in an A Zoning District.*
- (6) Property located in a residential zoning district.*

The Facility is proposed to be located on property zoned A-Agricultural Zoning District and RR-Rural Residential Zoning District. For the reasons stated in Exhibit H (Site Selection Analysis) the Applicant is unable to locate the Facility in any of the other specified zoning districts.

*B. Aesthetics. Telecommunications facilities shall be located and buffered to the maximum extent which is practical and technologically feasible to help ensure compatibility with surrounding land uses. In order to minimize any adverse aesthetic effect on neighboring residences or properties to the extent possible, the Town Board may impose reasonable conditions on the applicant, including but not limited to the following:*

- (1) The Town Board may require a monopole or guyed tower (if sufficient land is available to the applicant) instead of a freestanding tower. Monopoles are a preferred design.*

The Town's preferred design, a monopole, is proposed.

- (2) The Town Board may require reasonable landscaping consisting of trees or shrubs to screen the base of the tower and/or to screen the tower to the extent possible from adjacent property. Existing on-site trees and vegetation shall be preserved to the maximum extent possible. Additionally, landscaping shall include two lines of spruce trees having a minimum height of six feet, each planted 10 feet apart, the first such line to be located 10 feet outside any required fence around a permitted tower and the second to be located 25 feet outside any required fence around a permitted tower planted between the trees planted in the first line of such trees so that such trees will appear from a distance to be five feet apart.*

The existing trees and vegetation surrounding the proposed monopole will be preserved and will provide enough screening so that additional landscaping should not be required. The Applicant respectfully requests a waiver from adding landscaping.

- (3) The Town Board may require the applicant to show that it has made good-faith efforts to co-locate on existing towers or other available and appropriate co-located structures and/or to construct new towers near existing towers in an effort to*

*consolidate visual disturbances. However, such request shall not unreasonably delay the application.*

The Applicant has made good-faith efforts to collocate on existing towers and structures but is unable to do so either because the property owner was not interested, or the property/structure did not meet Verizon Wireless' RF requirements. Therefore, collocation on an existing tower or structure is not possible in this instance.

*(4) Towers should be designed and sited so as to avoid, whenever possible, application of Federal Aviation Administration (FAA) lighting and painting requirements. Towers shall not be artificially lighted except as provided herein or as required by the FAA. Towers shall be a galvanized finish or painted matte gray unless otherwise required by the FAA or the ZBA. Any lighting which may be required by the FAA shall not consist of strobe lights, unless specifically mandated by the FAA. Notwithstanding any of the above, applicable tower permits or building permits will require a red blinking light on the top of any approved tower and/or antenna and solid nonblinking red lights every 50 feet of the tower's and/or antenna's height, installed in a manner which will make such lighting visible from all four sides of any particular tower or antenna.*

The proposed monopole does not require any marking or lighting by the FAA and will have a galvanized finish that will weather to a matte gray.

*(5) No tower shall contain any signs or advertising devices.*

The proposed monopole does not contain any signs or advertising other than identifying and RF safety signage as required by Federal law.

*(6) The applicant must submit a copy of its policy regarding co-location on the proposed tower with other potential future applicants. Such policy shall not be changed without the written consent of the Town Board and shall be applicable to any assignee or transferee of the applicant and shall require the applicant to allow co-location if the new antenna(s) and equipment do not exceed structural loading requirements, interfere with tower space used or to be used by the applicant nor pose any technical or radio frequency interference with existing equipment; the party desiring to co-locate pays the applicant an appropriate and reasonable sum to co-locate; and the party desiring to co-locate has or is willing to adopt a similar policy of co-location for the applicant.*

A copy of Vertical Bridge's colocation policy is attached as Exhibit J. The proposed monopole is designed to have structural capacity to support future collocation of additional wireless service providers.

*C. Radio frequency effect. The Town Board may impose a condition on the applicant that any approved antennas be operated only at Federal Communications Commission (FCC) designated frequencies and power levels and/or Environmental Protection Agency technical exposure limits and that the applicant provide competent documentation to support that*

*maximum allowable frequencies, power levels and exposure limits for radiation will not be exceeded.*

Verizon Wireless and any future carriers will only operate at FCC designated frequencies and at power levels that will comply with all exposure limits prescribed by the FCC as confirmed in the RF-Electromagnetic Energy Compliance Report at Exhibit "O".

**D. Traffic, access and safety.**

*(1) A road turnaround and at least one parking space shall be provided to assure adequate emergency and service access to all telecommunications facilities. Maximum use of existing roads, public or private, shall be made. The use of public roadways or road rights-of-way for the siting of a tower or antenna(s) or accessory structures is prohibited. All such roads shall be maintained and kept free of snow to assure appropriate access at all times.*

See Sheet C-1A of the proposed Site Plan (Exhibit D). The Applicant will only require one parking space for maintenance visits.

*(2) All towers and accessory structures, including guy anchors, if applicable, shall be enclosed by a chain-link-type fence eight feet in height or otherwise sufficiently protecting such facilities from trespassing or vandalism. The height limitations and material limitations applicable to such fences contained elsewhere in this chapter are exempt as they affect this section. Fencing shall be a minimum of 100 feet by 100 feet and be constructed at least 50 feet from the base of the tower.*

The proposed fence is an eight (8) foot tall chain link fence. However, the Applicant requests a waiver of the 100 foot by 100 foot fencing requirement and proposes a 50 foot by 50 foot fenced area with the fencing constructed 25 feet from the center of the base of the monopole insofar this space is typically sufficient to support the equipment of Verizon Wireless and three additional future collocators. See Sheets C-2 and C-4A on the proposed Site Plan (Exhibit D).

*(3) No tower, including any antenna annexed thereto, or antenna, whether freestanding or constructed on an existing structure or facility, shall exceed 250 feet in height (including the height of any structure or facility upon which such a tower and/or antenna is constructed) unless the applicant can demonstrate the existence of a necessary and/or special need to construct a higher tower and/or antenna in order to obtain a reasonable level of performance.*

The proposed monopole is 135' in height plus a 4' lightning rod for a total height of 139'.

*(4) The applicant must comply with all applicable state and federal regulations, including but not limited to FAA and FCC regulations.*

The Facility is designed to and shall comply with all federal and state regulations.

*(5) The Town Board may require that towers and antenna(s) be set back a sufficient distance from adjacent property lines and/or structures to safeguard the general public and/or adjacent property from damage in the event of tower failure or falling debris such as ice, which distance shall take into account the fall-down zone of any tower and/or antenna. In all instances, towers and/or antennas shall be located no closer than 800 feet from any public road or right-of-way and 500 feet from any existing residences. The fall down zone should be equal to the height of the tower and any antenna annexed thereto from any adjacent property line. Notwithstanding the limitations contained herein, the Town Board can set a different fall-down zone upon receipt of information from the applicant or adjoining property owners which demonstrates the safety of the general public or adjacent property is protected.*

The proposed monopole is located 874 feet from the nearest public right-of-way and 504 feet from the nearest residence. The proposed monopole, including all antennae and 4 foot lightning rod, meets the fall down zone requirements in all directions. See Sheet SB-1 of the proposed Site Plan (Exhibit D).

*(6) If the Town Board deems it appropriate, it may require an acceptable security alarm or alarms to be installed in connection with any tower or related telecommunications facilities as a condition to the issuance of a tower permit.*

Verizon Wireless remotely monitors its equipment as part of its security process.

*E. Removal of tower. The applicant shall agree to remove the tower, antenna and/or telecommunications facility if said tower, antenna or telecommunications facility becomes obsolete or ceases to be used for its intended purpose for 12 consecutive months. The Town Board shall require the applicant to provide a demolition bond (the "bond") acceptable to the Town Board and Town Attorney to assure appropriate removal of a telecommunications facility, antenna and/or tower in case the applicant fails to do so as required, in the amount and for the term deemed appropriate by the Town Board. If requested in writing by the Town Board, the amount of said bond will be adjusted, no more frequently than once every five years, to reflect current removal cost. Notwithstanding any other provision of this article to the contrary, the Town Board may waive the requirement for a demolition bond in those instances where a particular tower and/or antenna is co-located on an existing tower and/or antenna, the removal of which is assured by an acceptable existing demolition bond.*

The Applicant will provide a demolition bond in an amount acceptable to the Town Board and Town Attorney as a condition of the requested approvals prior to issuance of a building permit.

*E. Structural safety. Upon written request from the Town Board, either during the application process and/or after construction of the tower and/or antenna, the applicant shall provide a certificate from a qualified licensed engineer certifying that the tower and/or antenna meets applicable structural safety standards. Such requests from the Town Board shall not occur more often than once every five years, unless the Town has reasonable grounds to believe the tower and/or antenna is in an unsafe condition, in which event such a request may be made*

*on a more frequent basis. In any such event, the certificate described herein shall be delivered to the Town Clerk within 30 days of such request, and any repairs recommended in such a certificate shall be commenced, and if possible completed, within 30 days of the date of such certificate.*

A structural safety letter is attached as Exhibit I.

***G. Maintenance of telecommunications facility. Notwithstanding any other provision contained herein, all telecommunications facilities shall be maintained in good order and repair as required by the Code requirements and all applicable state and local statutes and regulations. Failure to make such repairs within 10 days of receipt of a written request to do so from the Town or to maintain an acceptable demolition bond as described in § 116-79E shall constitute a violation of this article and subject the applicant and/or any owner, lessee or operator of such facility or facilities to a fine of up to \$250 per day, with each day thereafter on which such violation continues to exist constituting a separate violation of this article.***

A technician will visit the proposed Facility one (1) to two (2) times per month to perform routine maintenance. Vertical Bridge will maintain the monopole, and Verizon Wireless will maintain its antennas and equipment in good order and repair and in compliance with all federal, state and local laws, rules and regulations.

***H. Lease or sublease of telecommunications facilities.***

***(1) All lessees, sublessees or operators of towers or telecommunications facilities, other than the applicant, who use or operate any approved-of facilities shall, as a condition of said use, agree in writing to be bound by the provisions of any existing tower permit and site plan approval.***

The Applicant and any future tenant shall comply with the provisions of the tower permit and site plan approval.

***(2) No applicant will lease or sublease any approved tower or telecommunications facilities without the Town's written consent, which will not be unreasonably withheld.***

Vertical Bridge will obtain the Town's written consent as required by applicable laws for future collocation on the proposed Facility.

***I. Required landscaping around towers or telecommunications facilities shall be maintained at all times. Dead trees shall be replaced within 150 days with similar-sized trees, regardless of height, if possible. Property shall be mowed regularly to a height of six inches or less twice a month during the growing season.***

Vertical Bridge shall maintain existing landscaping at all times but requests a waiver from adding landscaping as there are sufficient existing trees and vegetation around the proposed Facility to screen and minimize the visibility and potential visual impact of the proposed monopole to the surrounding area. There will be no grass within the proposed fenced compound that will require mowing.

*J. Notice of operation. At all times during which a tower and/or antenna regulated by this article is located or operated within the Town, the owner, lessee and/or operator shall provide the Town Clerk with written notice of the name, address and telephone number of at least two individuals who are located within 50 miles of the Town who can be reached on a twenty-four-hour basis in case emergency maintenance or safety precautions are required at such tower or any telecommunications facilities relating to such tower.*

The Applicant will provide this information to the Town Clerk prior to issuance of a building permit.

#### **IV. CONCLUSION**

Vertical Bridge and Verizon Wireless respectfully submit that the proposed Facility satisfies all the requirements of the Town Zoning Code necessary to obtain a Special Permitted Use and Site Plan Approval. Approval of this Application will enable Verizon Wireless to provide safe and adequate personal wireless services to the identified area of the Town of Aurora and surrounding areas, within the confines of technological and land use limitations. Such approval will also be in the public interest in that it will allow Verizon Wireless to provide safe and reliable wireless telecommunications services and support future collocation by additional service providers which, in turn, will reduce the need for and proliferation of additional new tower structures in the area. Accordingly, Vertical Bridge and Verizon Wireless request that the Town grant this Application.



**EXHIBIT A**

**SPECIAL USE PERMIT APPLICATION FORM**



## TELECOMMUNICATIONS SPECIAL USE PERMIT APPLICATION FORM AND INSTRUCTIONS

Please Read Carefully  
(Submit checklist with application)

The Town of Aurora Town Board has the authority to issue special use permits in accordance with Town Code Chapter 116 Zoning Article III and Article VII.

### **Application requirements:**

For review and approval of a Telecommunications Special Use Permit Application, the following items must be submitted to the Town Board:

- \_\_\_\_\_ Completed Application
- \_\_\_\_\_ Application Fee with check made payable to: "Town of Aurora"
- \_\_\_\_\_ Owner Authorization form, if necessary. (If the applicant/petitioner is not the property owner and the owner did not sign the application; an owner authorization form must be submitted.)
- \_\_\_\_\_ Narrative describing all activities proposed for the site.
- \_\_\_\_\_ Survey of the property
- \_\_\_\_\_ Demonstration of Location requirement
- \_\_\_\_\_ Demonstration of Co-Location attempts/analysis
- \_\_\_\_\_ Federal Communications License
- \_\_\_\_\_ Structural/Design Plans (Tower, Antennae, and accessory structures)
- \_\_\_\_\_ Site plan: A Site Plan and/or Site Plan application may be required as part of the Special Use Permit Application. Please consult with the Building Department to determine if a Site Plan Review Application will be required.
- \_\_\_\_\_ Environmental Assessment Form (EAF), with Part 1 completed and signed. (Short or Full EAF - Please visit <http://www.dec.ny.gov/permits/6191.html> for EAF information and forms. If you have questions regarding which EAF to submit, please contact the Building Department.)

**Agency Review:** The Town Board may circulate the Telecommunications Special Use Permit application packet to the following agencies for review and comment, as necessary:

Town: Planning Board, Building Department, Town Attorney

County: Department of Environment and Planning

Fire: East Aurora FD or South Wales FD or West Falls FD

**Town Engineer Review:** Telecommunications Special Use Permit applications may require review by the Town Engineer. If it is determined that such review is necessary, an escrow account will be required to defray the costs of this review. An estimate of the costs will be provided to the applicant and a check must be received prior to further consideration by the Town Board.

**Incomplete applications will not be accepted for review.** Applications submitted by the deadline (14 days prior to the Town Board work session) will be placed on the agenda at the discretion of the Town Board.



Town of Aurora Town Board
575 Oakwood Avenue, East Aurora, New York 14052

Telecommunications Special Use Permit Application Form

I. PROJECT INFORMATION (Applicant/Petitioner):

Business/Project Name: Vertical Bridge-Verizon Wireless / Quaker Road Telecommunications Tower
Business/Project Address: 4399 Transit Road, Orchard Park, NY 14127
Applicant Name: VB BTS II, LLC and Bell Atlantic Mobile Systems LLC, d/b/a Verizon Wireless
Mailing Address: VB BTS II, LLC, 750 Park of Commerce Drive
City Boca Raton State FL ZIP 33487
Phone 518-225-9118 Fax Email AJ.DeSantis@verticalbridge.com
Interest in the property (ex: owner/franchisee/developer) Tenant

II. PROPERTY OWNER INFORMATION (If different from Applicant AND the Owner does not sign below, please submit and original, notarized "Owner Authorization" form - attached):

Property Owner(s) Name(s) Murray Bros. Nurseries, Inc.
If a corporate, please name a responsible party/designated officer: Daniel Murray, President
Address 4735 Orchard Road
City Orchard Park State NY ZIP 14127
Phone 716-662-3860 Fax Email murray2mbn@gmail.com

III. SPECIAL USE AND PROPERTY INFORMATION:

Property Address 4399 Transit Road, Orchard Park, NY 14127
SBL# 174.00-1-1.1
Describe Special Use requested (use additional pages if needed): 135' freestanding wireless telecommunications tower with 4' lighting rod for a total height of 139', with associated antennae, RRHs, antenna mounts and OVP on the tower and telecommunication equipment at its base, as shown in the Site Plan.
Property size in acres 32 Property Frontage in feet 1,246.16'
Zoning District A Surrounding Zoning RR
Current Use of Property Garden Center/Nursery
Height of existing telecommunications facility(ies)/towers/poles: N/A
Height of proposed telecommunications facility(ies)/towers/poles: 135' monopole with 4' lighting rod (total height 139')
Size of existing building(s): N/A sf Size of proposed building(s) N/A sf

Present/Prior tenant/use: N/A

Parking spaces: Existing: 50 Proposed additional spaces: 0 Total #: 50

**Upon approval of this application, the applicant intends to apply for:** (Check all that apply)

- a. Building Permit   x
- b. Sign Permit

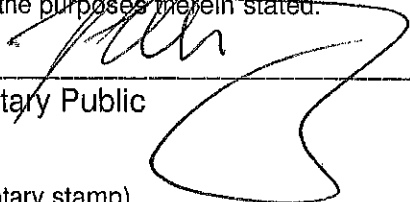
**IV. SIGNATURE** (This application must be signed by the applicant/petitioner. If the applicant is not the owner of the property, a separate owner authorization form must be submitted – see pg. 4 )

  
 \_\_\_\_\_  
 Signature of Applicant/Petitioner

A.J. DeSantis on behalf of VB BTS II, LLC and Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless  
 Print name of Applicant/Petitioner

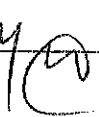
State of New York; County of ~~Eric~~ SARATOGA

On the 1 day of February in the year 2024 before me, the above individual appeared, personally known to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same for the purposes therein stated.

  
 \_\_\_\_\_  
 Notary Public  
 (Notary stamp)

PETER D. MURRAY  
 Notary Public, State of New York  
 No. 02MU6010698  
 Qualified in Albany County  
 Commission Expires July 20, 2026

Office Use Only: Date received: 2/22/2024 Receipt #: 891122

Application reviewed by: E. Cassidy  


\$100.00 CR #7026

Town of Aurora  
575 Oakwood Avenue  
East Aurora, NY 14052  
www.townofaurora.com

**Telecommunication  
Special Use Permit  
Application  
Owner Authorization**

SEE EXHIBIT "E"

The undersigned, who is the owner of the premises know as:

....., identified as Tax Map (SBL)#.....  
(address)

hereby authorizes ..... to bring an application for a  
Telecommunications special use permit before the Town of Aurora Town Board for review and potential  
approval. The undersigned further permits the Town or its authorized representative(s) access to the property  
to review existing site conditions during the review process.

\_\_\_\_\_  
Owner (print)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner (signature)

SEE EXHIBIT "E"

STATE OF NEW YORK     )  
  SS  
COUNTY OF ERIE         )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned, a notary public in and for said state,  
personally appeared \_\_\_\_\_, personally known to me on the basis of  
satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their  
signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted,  
executed the instrument.

\_\_\_\_\_  
Notary Public

**EXHIBIT B**

**SITE PLAN REVIEW APPLICATION FORM**

TOWN OF AURORA  
SITE PLAN REVIEW APPLICATION

Date submitted: \_\_\_\_\_

Applicant name: VB BTS II, LLC and Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless

Applicant Phone/Email: 518-225-9118 / AJ.DeSantis@verticalbridge.com

Applicant address: VB BTS II, LLC, 750 Park of Commerce Drive, Suite 200, Boca Raton, FL 33487

Property owner: Murray Bros. Nurseries, Inc.

Owner's address 4735 Transit Road, Orchard Park, NY 14127

Property address: 4399 Transit Road, Orchard Park, NY 14127

SBL # (s) 174.00-1-1.1

Prior owner Daniel J. Murray

Is site adjacent to or within 500 feet of an 'R' District? No

=====

Proposed Project: Quaker Road Telecommunications Tower

Commercial  Multi family \_\_\_\_\_ Number of dwelling units \_\_\_\_\_

Zone: A Total property Acreage: 32 Acreage covered by bldg 2,500 s.f. fenced gravel compou Not a building.

Square footage of building: N/A Cubic footage of building: N/A

Aggregate square footage of other buildings on property: N/A

**Fees, based on number of improved acres\***

*\*Additional professional services, including but not limited to traffic study and SEQRA review, utilized by the Town during the review process shall be borne by the applicant*

0-1 Acres: \$250      1.01-5Acres: \$500      5.01-10 Acres: \$1,000      >10 Acres: \$1,500

Fee: \$ 250<sup>00</sup> OK #7026  
Receipt: # 89/122

Received by [Signature]  
Town Clerk/Deputy Clerk

SEQOR action:     Type I (Long EAF)     Type II (Long EAF)     Unlisted (Short EAF)

