

THIS IS A TWO-SIDED DOCUMENT

 <p><b>NEW YORK</b> STATE OF OPPORTUNITY.</p> <p><b>Adirondack Park Agency</b></p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov</p>	<p>APA Permit <b>2024-0057</b></p>
<p>In the Matter of the Application of</p> <p><b>NEW YORK STATE ELECTRIC and GAS CORPORATION (NYSEG)</b> <b>Permittee</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: May 29, 2024</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <ol style="list-style-type: none"><li><b>1. New York State Electric &amp; Gas Corporation</b></li><li><b>2. NYSEG</b></li></ol>

**SUMMARY AND AUTHORIZATION**

This permit authorizes structures in excess of 40 feet in height in areas classified Hamlet, and Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Jay, Essex County.

This authorization shall expire unless recorded in the Essex County Clerk's Office within 60 days of issuance of a signed and notarized permit. The signed and notarized permit shall be recorded in the names of all persons listed above and in the names of all owners of record of any portion of the project site on the recordation date.

The project shall not be undertaken or continued unless the project authorized herein is in existence within five years of the date the permit is recorded in the County Clerk's Office. The Agency will consider the project in existence when an authorized structure has been installed.

The project shall be undertaken in compliance with all conditions stated herein. Failure to comply with this permit is a violation and may subject the permittee, successors, and assigns to civil penalties and other legal proceedings.

This permit does not convey any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project, nor does it authorize the impairment of any easement, right, title or interest in real or personal property.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the permittee to comply with all applicable laws and regulations or to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional, or local.

## **PROJECT SITE**

The project site is an approximately 5-mile portion of existing utility right-of-way located along Stickney Bridge Road, Randy's Way and Glen Road in the Town of Jay, Essex County, in areas classified Rural Use, Moderate Intensity Use and Hamlet on the Adirondack Park Land Use and Development Plan Map.

A portion of the project site is located within the designated East Branch AuSable River Recreational River area. The existing utility traverses permanent and intermittent streams and within 100 feet of wetlands. Additional wetlands not described herein or depicted on the Project Plans may be located on or adjacent to the project site.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves utility infrastructure upgrades including installation of six new utility pole structures and replacement of 34 existing utility pole structures to accommodate broadband facilities attachment along approximately 5 miles of an existing electrical utility line within the existing transportation and utility right-of-way. New and replacement poles will range in height above grade from 38.5 to 56.5 feet.

The project is shown on the following Project Plans: 12 sheets of plans titled "Aerial Site Location, Figure 3," prepared by LaBella, and dated December 2023; and a document titled "Table 1. Stickney Bridge Project Existing and Proposed Pole Heights," provided as Attachment D of the application and stamped Final by the Adirondack Park Agency.

## **AGENCY JURISDICTION**

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to the construction of any structure in excess of 40 feet in height on Hamlet, and Rural Use lands in the Adirondack Park.

## **CONDITIONS**

### **THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The project shall not be undertaken until this permit has been recorded in the Essex County Clerk's Office.
2. This permit is binding on the permittee, all present and future owners or lessees of the project site, and all persons undertaking all or a portion of the project, for as long as the authorized structures remain on the site. Copies of this permit and Project Plans shall be furnished by the permittee to all subsequent owners or lessees of the project site prior to sale or lease, and by the permittee and/or any subsequent owner or lessee to all persons undertaking any development activities authorized herein.
3. In addition to complying with all terms and conditions of this permit, all future activities on the project site shall be undertaken in compliance with the requirements of New York State's Adirondack Park Agency Act, Freshwater Wetlands Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].

4. All deeds conveying all or a portion of the lands subject to this permit shall contain references to this permit as follows: "The lands conveyed are subject to Adirondack Park Agency Permit 2024-0057, issued May 29, 2024, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
5. This permit authorizes the installation of new and replacement utility poles in excess of 40 feet in height in the locations shown and as depicted and described on the Project Plans. Any change to the location, dimensions, or other aspect of the authorized structures shall require prior written Agency authorization.
6. Pursuant to 9 NYCRR §577.4, the undertaking of any new land use or development on Rural Use lands within one-quarter mile of the East Branch AuSable River will require a new or amended permit. The undertaking of any activity involving wetlands also requires a new or amended permit.
7. Any new lighting associated with the utility poles in excess of 40 feet in height shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward adjoining property.

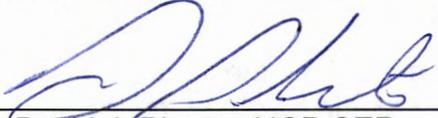
#### **CONCLUSIONS OF LAW**

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act and 9 NYCRR Part 574. The Agency hereby finds that the project authorized as conditioned herein:

- a. will be consistent with the land use and development plan;
- b. will be compatible with the character description and purposes, policies, and objectives of the Hamlet and Rural Use land use areas;
- c. will be consistent with the overall intensity guidelines for the Hamlet and Rural Use land use areas;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act; and
- e. will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project.

PERMIT issued this 29<sup>th</sup> day  
of May, 2024.

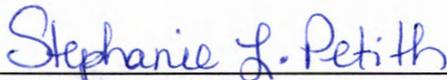
ADIRONDACK PARK AGENCY

BY:   
David J. Plante, AICP CEP  
Deputy Director, Regulatory Programs

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 29<sup>th</sup> day of May in the year 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, personally known to me or proved 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 they executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Stephanie L. Petith  
Notary Public, State of New York  
Reg. No 01PE6279890  
Qualified in Franklin County  
Commission Expires April 15, 2025

  
Notary Public