


**THIS IS A TWO-SIDED DOCUMENT**

 <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 Fax: (518) 891-3938 www.apa.ny.gov</p>	<p><b>APA Project Permit 2017-0066-1</b></p>
<p>In the Matter of the Application of</p> <p><b>HAMILTON COUNTY Permittee</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: August 11, 2017</p> <p>To the County Clerk: This permit must be recorded on or before October 10, 2017. Please index this permit in the grantor index under the following names:</p> <ol style="list-style-type: none"><li><b>1. Lyme Adirondack Timberlands II, LLC</b></li><li><b>2. Hamilton County</b></li></ol>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a subdivision by lease, the construction of an emergency communications tower 65 feet in height, and associated infrastructure in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map in the Village of Speculator, Hamilton County.

This permit shall expire unless recorded in the Hamilton County Clerk's Office on or before October 10, 2017, 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 four years from the date the permit is recorded. The Agency will consider the project in existence when the tower has been constructed.

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 11,783±-acre parcel of land identified on Village of Speculator Tax Map Section 105.000, Block 1, as Parcel 1.111. The project site is described in a deed from SP Forests, LLC to Lyme Adirondack Timberlands II, LLC, dated August 16, 2006, and recorded September 1, 2006 in the Hamilton County Clerk's Office in Book 237 at Page 832. The tower will be located on a 6,000-square-foot leased portion of the project site in the Village of Speculator, Hamilton County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves the subdivision by lease of a 100-foot x 60-foot parcel (the "leased parcel") and the construction of a 65-foot-tall self-supporting lattice tower within the leased parcel at 2,738± feet above mean sea level on the summit of East Mountain as part of Hamilton County's public safety radio system. Five antennas, for emergency communications, will be mounted to the tower: three 20-foot-tall high-band VHF exposed silver dipole antennas mounted on 6-foot side arms at the 63-foot tower elevation (extending above the tower to an overall height of 83 feet above ground level) and two 6-foot-diameter white microwave dish antennas with radome mounted on the tower legs at 55-foot and 61-foot tower elevations. A lightning rod at the top of the tower will bring the total height to 84 feet above ground level. The tower will be a self-supporting lattice tower constructed of galvanized steel, grey in color, and measuring 12 feet wide on each of its three faces and tapering to 6 feet in width at its top. The base of the tower will be surrounded by an 18-foot x 16-foot chain link security fence. A 10-foot x 10-foot utility building, 14 feet 2 inches tall, with green siding and roof will be constructed at the tower's base on a 10-foot x 14-foot concrete pad with a backup generator. Immediately south of the utility building, 30 photovoltaic panels, in total, will be installed on four solar arrays standing 15 feet 4 inches tall. All of this infrastructure will be within the 6,000-square-foot leased parcel, as shown on Sheet C130 of the Project Plans. No utilities, including landline telephone, exist at or are proposed to be extended to the leased parcel.

Access to the leased parcel will be along a 30-foot-wide area extending 7,053± feet (1.3± miles) from the nearest public right-of-way (Elm Lake Road) to the tower site, as shown on Sheet C120 of the Project Plans. The first 623± feet of the access drive consists of an existing access road providing access from Elm Lake Road to an existing camp. No land disturbance is anticipated for this section. The next 3,877± feet of the access drive consists of an existing "skidder road" once used for logging. No land disturbance is anticipated for this section except at proposed culvert locations, runoff diversions, and waterbars. The next 2,553± feet of the access drive consists of forested land upon which an 8-foot-wide area will be cleared to facilitate construction and maintenance of the tower site. The access drive will be designed for use by all-terrain vehicles, a track hoe, a bull dozer, and a drill rig, with only all-terrain vehicles required after the tower and related infrastructure is constructed.

**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 Hamilton 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 tower remains on the site. Copies of this permit and the Project Plans and Solar 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 2017-0066-1, issued August 11, 2017, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

**Development**

**Construction Location and Size**

5. Subject to the conditions stated herein, this permit authorizes the construction of the 65-foot-tall self-supporting lattice tower, the installation of five antennas on the tower, and the utility building in the location shown and as depicted on the Project Plans and Solar Plans. Any change to the location, dimensions, or other aspect of the tower, including the addition of any new antennas, parabolic dishes, utilities, telephone lines, fiber optic lines, or other equipment, shall require a new or amended permit. Maintenance and/or replacement of the tower, antennas, and other supporting structures and equipment, as authorized by this permit, may occur pursuant to the conditions herein without a new or amended permit.
6. Subject to the conditions stated herein, this permit authorizes the installation of 30 solar panels in the location shown and as depicted on the Solar Plans. Any change to the location, dimensions, or other aspect of the solar panels shall require a new or amended permit. Maintenance and/or replacement of the solar panels, and other supporting structures and equipment, as authorized by this permit, may occur pursuant to the conditions herein without a new or amended permit.

The project is shown on the following seven sheets of plans titled "Hamilton County Site Name: East Mountain Elm Lake Road Town of Speculator Hamilton County, New York," prepared by The Chazen Companies ("Project Plans"):

- G100, Title Sheet, last revised November 18, 2016;
- SP1, Existing Conditions Plan, last revised May 3, 2016;
- C120, Overall Site Plan, last revised November 18, 2016;
- C130, Site Plan & Erosion & Sediment Control Plan, last revised July 25, 2017;
- C530, Details, last revised August 8, 2017;
- C550, Erosion & Sediment Control Details, last revised November 18, 2016; and
- C551, Erosion & Sediment Control Details, last revised November 4, 2016.

The project is also shown on the following 12 sheets of plans titled "East Mountain Solar, Wolf Hill Road, Speculator, NY 12164, Solar Array Installation," prepared by Infinigy, and last revised August 7, 2017 ("Solar Plans"):

- T1, Title Sheet;
- N1, General Notes;
- C1, Overall Site Plan;
- C2, Enlarged Site Layout;
- C3, Shelter Details;
- C3A, Shelter Foundation Details;
- C4, Civil Details;
- C5, Generator Details;
- C6, Equipment Details;
- C7, Equipment Details;
- C8, Solar Array Foundation Details; and
- C9, Solar Array Details.

A reduced-scale copy of Sheets C120 (Overall Site Plan), C130 (Site Plan), and C530 (Details) of the Project Plans is attached as a part of this permit for easy reference. The original, full-scale maps and plans described in this paragraph are the official plans for the project, with copies available upon request from Adirondack Park Agency headquarters in Ray Brook, New York.

#### **AGENCY JURISDICTION**

The project requires an Agency permit pursuant to §§ 809(2)(a) and 810(1)(e)(1)(c), 810(1)(e)(3), and 810(1)(e)(8) of the Adirondack Park Agency Act [Executive Law, Article 27], because it consists of land use and development and subdivision of land located at elevations of 2,500 feet or more, a subdivision of land (by lease) involving two or more lots, parcels or site, and a structure in excess of 40 feet in height on Resource Management lands.

7. Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, the undertaking of any new land use or development not authorized herein on the project site and above 2,500 feet in elevation will require a new or amended permit.

### **Tower and Antenna Height**

8. The tower shall not exceed 65 feet in height above ground level (AGL). The antennas shall be located as depicted on Sheet C530 of the Project Plans. The top of the antennas shall not exceed 83 feet in height AGL. The top of the lightning rod shall not exceed 84 feet in height AGL.

### **Structure Color**

9. The lattice tower and cable ladder shall have a neutral galvanized steel finish (resulting in a neutral matte gray color) or be painted dark charcoal grey or black with a non-reflective flat or matte finish. The exterior colors of the utility building, including roof and siding, shall be a dark shade of green, grey, or brown.

### **Outdoor Lighting**

10. The utility building includes an exterior motion-sensor light that may be activated via an internal light switch when personnel are present at the lease parcel. It shall be de-activated when personnel are not present at the lease parcel. There shall be no other exterior lighting on the leased parcel or on the 30-foot-wide access area without prior written Agency approval.

### **Tree Cutting/Vegetation Removal**

11. Within 200 feet of the tower authorized herein, no trees shall be cut, culled, trimmed, pruned or otherwise removed without prior written Agency authorization, except for (a) those 18 trees greater than 8 inches dbh proposed to be removed on Sheet C130 of the Project Plans, (b) trees within the 43-foot by 20-foot "additional clearing zone" as shown on Sheet C130 of the Project Plans, (c) trees within the 30-foot-wide access area and necessary to create an 8-foot-wide access drive, and (d) the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
12. If a natural cause such as blow-down, ice storm, fire, disease or another event beyond the control of the operator of the tower and/or the antennas authorized herein results in the complete or partial loss of the vegetation within 200 feet of the tower that provides the screening and/or backdrop for the tower, its antennas, and equipment shelter, then Hamilton County, or its successors and assigns, shall within six months, present a plan for Agency approval intended to achieve compliance with the Agency's "Policy on Agency Review of Proposals for New Telecommunications Towers and Other Tall Structures in the Adirondack Park." The plan shall describe a program of re-vegetation and/or re-design intended to achieve compliance within 10 years, or re-location to an alternate compliant site within two years. Approval of the plan may be in the form of a letter of permit compliance, or a new or amended permit.

### **Silt Fence**

13. Prior to undertaking any earthwork related to installation of the tower or its foundation, the utility building, or the solar panels, silt fence shall be properly installed in the location shown on Sheet 130 of the Project Plans. The silt fence shall be installed in accordance with the details and notes included on Sheets C550 and C551 of the Project Plans.

### **Access Road**

14. The access drive shall be installed as described in the Project Description, in the location shown on Sheet C120 of the Project Plans, and in accordance with the details shown on Sheets C550 and C551 of the Project Plans. Any changes to these plans shall require prior Agency review and approval in the form of a new or amended permit.

### **Density**

15. No principal building shall be constructed on the leased parcel without an Agency permit. Any deed conveying this 6,000-square-foot parcel shall contain a prohibition on the construction of any principal building without an Agency permit.

### **Project Operations**

#### **Documentation of Construction**

16. The Agency shall be provided with color photographs (both in print and digital form) showing the completed tower, antennas, utility building, and solar panels within 30 days of project completion. Photographs shall be taken at the lease parcel and from Photo Location 1 (canoe launch), Photo Location 3 (Elm Lake Road), and from Photo Location 3969 on Elm Lake (approximately 2.5 miles from the tower). At the lease parcel, photographs showing the entire completed project shall be provided. From all Photo Locations, digital equivalent 55mm and 85mm lenses shall be employed. All photographs must clearly identify the date the picture was taken, the location of the photograph, and the lens size employed. Compliance photographs shall be taken on a clear day with little cloud cover.

Within 30 days of receipt of the photos, the Agency shall provide written confirmation of permit compliance or, if the Agency finds the project is not in compliance, it shall specifically state the reason(s) for non-compliance. In the event of non-compliance, the permittees shall within 45 days submit a plan and schedule to modify the structure and achieve compliance for Agency review and approval.

### **Invasive Species Control/Sanitizing Equipment**

17. When brought from off-site, all equipment, including but not limited to all-terrain vehicles, excavators, tractors, etc., and hand excavation tools such as shovels, rakes, and picks, to be used on the lease parcel or access area shall be clean and free of soil, mud, or other similar material. If washed on the project site, equipment shall be washed in one location to prevent the distribution of propagules among different wash sites.

### **Reports**

18. At the request of the Agency, the permittee or the permittee's successor shall report in writing the status of the project, including details of compliance with any terms and conditions of this permit.

### **Governmental Emergency Communications**

19. The tower and associated infrastructure shall only be used for governmental emergency communications. Other co-locations on the tower shall be prohibited.

### **Discontinuance of Use**

20. The tower and associated infrastructure authorized herein shall be removed within one year following complete discontinuance of the tower's use for a full year. Any authorized antenna shall be removed within six months following any discontinuance of its use for six months. Replacement of the tower or any antennas removed as required by this condition shall require a new or amended Agency permit.

## **FINDINGS OF FACT**

### **Background/Prior History**

#### **Conservation Easement**

1. The project site is subject to a Sustainable Forestry Conservation Easement from SP Forest, LLC and International Paper Company to the People of the State of New York/Environmental Conservation dated December 21, 2005 and recorded December 29, 2005 in the Hamilton County Clerk's Office in Book 235 of Deeds at Page 601 ("CE"). The CE applies to Lyme Timberlands property in multiple counties and on multiple tracts. The CE on the project site is known as the Speculator Tree Farm Conservation Easement. Section 5.5(D)(2) of the CE pertains to new telecommunications towers, specifically allowing up to six telecommunications towers to be located on the CE lands. The tower authorized herein would be the second telecommunications tower to be located on Lyme's real property subject to the CE. As required by the CE, Lyme Adirondack Timberlands II, LLC wrote to the NYS Department of Environmental Conservation (DEC) on May 10, 2017 to provide notice of the tower installation. The CE allows for tree cutting within 200 feet of the tower.



## **Communications System**

2. The tower authorized herein is one site in a four-site system proposed by Hamilton County to replace its antiquated public safety radio system with a state-of-the-art public safety radio system that meets the current suite of digital radio communications standards, known as Project 25 or "P25." By upgrading to a P25 system, Hamilton County will become interoperable with other local, State, and federal public safety agencies. The new public safety radio system also includes a digital microwave system to backhaul the County's radio communications without the need for traditional landline telephone service, enabling the County to maintain basic and emergency communications even when landline telephone service fails.
3. Hamilton County's public safety radio system employs two technological components: a high-band VHF digital radio communications system and a digital microwave system to backhaul such radio communications. The digital radio communications system requires installation of high-band VHF antennas at elevations and locations that avoid obstructions to coverage within and around the County and that can transmit to and from the County's dispatch center located at the County's Municipal Center. Similarly, the microwave system requires installation of microwave dish antennas at locations and elevations that "see" each other to create an un-obstructed microwave path between each antenna.
4. The four sites in Hamilton County's new public safety radio system, of which this permit is a part, are the following:
  - a. East Mountain, Village of Speculator, Hamilton County (P2017-0066-1);
  - b. County Municipal Center, Town of Lake Pleasant, Hamilton County (P2017-0066-2);
  - c. Oak Mountain, Village of Speculator, Hamilton County (P2017-0066-3); and
  - d. Blue Mountain, Town of Indian Lake, Hamilton County (P2017-0066-4).
5. The East Mountain site is functionally dependent on the Lake Pleasant site because the East Mountain site will not have its own landline telephone service allowing for independent operation of the County's high-band VHF digital radio communications antennas to be installed on the East Mountain tower. A microwave antenna is proposed to be installed on the East Mountain tower to backhaul the County's communications over its high-band VHF digital radio communications antenna on the East Mountain tower via a microwave link to a microwave antenna to be installed on the Lake Pleasant tower (Agency Permit P2017-0066-2) and, ultimately, to the County's emergency dispatch center at the County's Lake Pleasant Municipal Center building.

The East Mountain site will also support a second microwave antenna to create a microwave link with a new microwave antenna to be installed on the existing NYSDEC Blue Mountain tower. The microwave link between Blue Mountain and East Mountain will allow the County's radio communications from its existing antennas at Blue Mountain to be backhauled to East Mountain and then from East Mountain to Lake Pleasant using the microwave link between those sites.



In this regard, the County's existing radio communications antennas and proposed microwave antenna at the existing NYSDEC Blue Mountain tower site are functionally dependent on the East Mountain tower.

The East Mountain site is not functionally dependent on Hamilton County's antennas on an existing tower at Oak Mountain.

6. Hamilton County is one of two counties located entirely within the Adirondack Park. Over 65 percent of its lands are State-owned forest preserve and cannot be developed. Combined with the topography within the County, the land ownership pattern limits the opportunities for development of sites to support the County's emergency communications radio system. These factors also limit the ability of the County's first responders to find a landline phone or use commercial wireless service because such alternate technologies are not present for miles on any given route in the County. The demands of public health, safety and welfare persist notwithstanding the inability of the County's first responders to receive an initial call for help or to communicate en route to summon additional help, support and resources.

### **Towers Policy**

7. On February 15, 2002, the Agency adopted a policy titled "Policy on Agency Review of Proposals for New Telecommunications Towers and Other Tall Structures in the Adirondack Park" ("Towers Policy"). This Agency's Towers Policy is intended to protect aesthetic, open space and other resources, while providing for telecommunications systems consistent with federal law.
8. The 2002 Towers Policy updated a 1978 policy and recognized that "governmental emergency communications are being converted to digital technology, which will require new facilities to provide services to meet the needs for public health, safety, and welfare." Section III-D of the 2002 Towers Policy "recognizes that such factors should be taken into consideration along with other policy guidelines."
9. Section III-B of the Towers Policy provides that preferred methods to reduce tower visibility include "minimizing structure height and bulk" and "using color to blend with surroundings."

### **Project Site**

#### **Water Resources and Wetlands**

10. There are no water bodies, streams, or wetlands within the lease parcel, within 100 feet of the lease parcel, or within 100 feet of the final 2,553± feet of the access drive.

### **Critical Environmental Areas/Other Sensitive Areas**

11. The elevation at the base of the tower is 2,738 feet above mean sea level. The lease parcel for the tower, utility building, and solar panels are located above 2,500 feet in elevation above mean sea level.
12. The Kunjamuk River (including Elm Lake) is a designated scenic river pursuant to the Wild, Scenic and Recreational River System Act. These water bodies are a recognized and utilized paddling route. The lease parcel and tower are not within the designated quarter-mile-wide river corridor.
13. The proposed route of the North Country National Scenic Trail (i.e., the preferred alternative in the NYSDEC's Final Generic Environmental Impact Statement issued in September 2015) follows Elm Lake Road for 6.7 miles through the project site.

### **Vegetation**

14. The summit of East Mountain near the tower site is thinly forested, where 55±-foot-tall dominant trees are birch and 10± to 29±-foot-tall co-dominant trees are birch, balsam, and maple. The trees shown on Sheet C130 of the Project Plans are greater than 8 inches in diameter at breast height (dbh), although not all trees greater than 8 inches dbh were surveyed and mapped. There are approximately 28 trees greater than 8 inches dbh within the lease parcel and 18 of those will be removed as part of this project.
15. A forest management plan prescribes a harvest on East Mountain in the vicinity of the tower site within the next 10 years, but not within 200 feet of the tower location due to terrain limitations.
16. Hamilton County will secure a lease or easement for the 43-foot by 20-foot "additional clearing zone" shown on Sheet C130 of the Project Plans prior to construction of the tower.

### **Soils**

17. Soils within the lease parcel are mapped by the USDA Natural Resource Conservation Service as Hogback-Ricker complex, which are typically very rocky and well-drained with shallow depth (5 to 15 inches) to bedrock.
18. Erosion and sediment controls consist of a stabilized temporary construction entrance, silt fencing, and temporary soil stockpiling, in the locations depicted on Sheet C120 of the Project Plans and of the designs depicted on Sheet C550 of the Project Plans.

### **Slopes**

19. The tower and related infrastructure will be located on the narrow summit ridge of East Mountain where existing slopes are approximately 12 percent or less. The land drops steeply on either side of the summit ridge, where existing slopes exceed 30 and 40 percent and are as steep as 70 percent.
20. The "skidder trail" that will be used as an access drive crosses existing slopes of 33 percent.

### **Visual**

21. A visual analysis of the tower and antennas was submitted with the application for this permit, titled "Visual Impact Analysis Hamilton County Public Safety Communications System East Mountain Tower Site," prepared by the Chazen Companies and dated February 24, 2017. This analysis included: computerized mapping showing areas of potential visibility within five miles of the tower site based on topography and vegetation; a site visit to identify the tower location, height, and actual areas of visibility; photographs; and simulations and line-of-sight profiles of the proposed tower. Supplemental photographs and simulations from two viewpoints on Elm Lake were submitted by the applicant on July 14, 2017. All simulations were updated to reflect the removal of trees and the installation of solar panels, as well as all other improvements and clearing at the site.
22. Based on the visual analysis and Agency staff's site visits, the tower and antennas will be visible from the following locations within five miles of the tower site: most of Elm Lake (1.9 to 2.7 miles from the tower), portions of the Kunjamuk River (2.7 to 3.2+ miles from the tower), a canoe launch on the Kunjamuk River (3.2 miles from the tower), and at least one location on Elm Lake Road (0.6 miles from the tower).
23. East Mountain is prominently visible and the tower will be visible and skylit as seen from both the Kunjamuk River and Elm Lake. The lower portion of the tower/antennas, the utility building, and the solar panels will be concealed by trees, leaving at least 40 feet of the tower/antennas visible, depending on the viewpoint.

### **Historic Sites or Structures**

24. There are no structures greater than 50 years old on or visible from the lease parcel or access area, and the lease parcel and access area are not within an archeologically sensitive area as mapped by the Office of Parks, Recreation, and Historic Preservation (OPRHP). On January 30, 2017 the Agency received notification from the OPRHP that the lead SHPO/THPO has concurred with that there are no historic properties in area of potential effects for both direct effects and visual effects.

### **Co-Location**

25. Hamilton County will allow co-location on the tower for governmental emergency communications subject to available physical and structural capacity and proof of non-interference with the County's public safety communications.

### **Nearby Land Uses**

26. The project site is part of a large contiguous tract (28,990.31± acres) owned by Lyme Adirondack Timberlands II, LLC, which is managed for forestry. The Conservation Easement allows for public access to the property for recreation, including hiking, paddling, and snowmobiling.
27. The tower site is 1.9± miles from the nearest private land that is not owned by Lyme Adirondack Timberlands II, LLC, which is land to the west, surrounding Whitaker Lake. The tower site is 1.9± miles from land of the State of New York managed as the Siamese Ponds Wilderness (to the east and north) and 2.3± miles from land of the State of New York managed as the Jessup River Wild Forest. The nearest public road is State Route 30, which is 3.8± miles southwest of the tower site (straight line distance).

### **Alternatives**

28. *Alternative Location:* Hamilton County's goal is to connect its radio communications in the south of the County, from an existing tower at Oak Mountain (a/k/a Oak Hill), to the north of the County, to an existing tower at Blue Mountain.

A May 20, 2015 report titled "Hamilton County Path Profiles – Hamilton County Proposed Radio System," prepared by the County's radio engineering consultant, Blue Wing, Inc., evaluated path profiles as a first pass at determining whether a microwave link between sites is feasible. Specifically, it calculated 16 path profiles from Blue Mountain and 29 path profiles from Oak Mountain to existing transmitter sites within 40 miles of each site, as well as to possible new sites at Dug Mountain and Pine Hill, using assumed antenna heights of 125 feet and assumed tree heights of 110 feet. The report concluded that there are only two un-obstructed paths from Blue Mountain (to McCauley Mountain and Morris) and only four un-obstructed paths from Oak Mountain (to Lake Pleasant, Pillsbury Mountain, Dug Mountain, and Pine Mountain) – with no un-obstructed paths common to both. The report also investigated whether a microwave link from Oak Mountain to Gore Mountain could be established by adding one or more sites along or off of State Route 30, but the only potential site found was approximately a half-mile from Route 30 and on State Land classified Wild Forest. The report also investigated creating a microwave link from Oak Mountain to Dairy Hill (in Herkimer County), requiring either a link via Pillsbury Mountain or a series of new towers along State Route 8.

Based on the results of Blue Wing's analysis, the County then proposed and pursued a system design consisting of two parts – (a) a two-site design connecting existing towers at Blue Mountain and McCauley Mountain (Herkimer County) and (b) a five-site design connecting the existing communications at Oak Mountain and the County Municipal Center to Dairy Hill (in Herkimer County) via construction of two new towers on privately-owned lands in the Towns of Arietta and Morehouse, 150 feet tall and 153 feet tall, respectively. The two-site system in the north would then be connected to the five-site system in the south via a microwave path to be developed by Herkimer County between its Dairy Hill and McCauley Mountain tower sites. The site and path descriptions are contained in a report titled "Microwave System Path Survey Report Hamilton County, NY Oak Mt. – Dairy Hill 5 hops," prepared by microwave system manufacturer Alcatel-Lucent and dated May 2015.

Hamilton County commenced efforts to lease lands for the two new tower sites in the Towns of Arietta and Morehouse and conducted a "balloon test" visual analysis in September 2015, but was later notified from the owners of the Morehouse site that they were un-willing to lease the lands to the County.

A subsequent report titled "Updated MW Path Designs & Consolidated Survey Information, Hamilton County, NY: 9500MPR," prepared by Nokia (successor to Alcatel-Lucent) and dated March 2017 determined that a single new tower on East Mountain (authorized herein) could achieve an un-obstructed path to Blue Mountain to the north and to the County Municipal Center to the south.

29. ***Minimum Height:*** The controlling features in the microwave path between East Mountain and Blue Mountain are 68-foot-tall trees 0.002 miles to the north and 72-foot-tall trees on a sharp ridge 1.298 miles to the north. Although the trees 0.002 miles to the north could be cleared by the permittee, the trees further from the site at 1.298 miles to its north are not on land within the County's control and, thus, cannot be cleared. As such, the minimum microwave antenna height at East Mountain with an un-obstructed path to Blue Mountain is 61 feet (centerline).

The controlling features in the microwave path between East Mountain and Lake Pleasant are 59-foot-tall trees 0.002 miles to the south and 68-foot-tall trees 0.056 miles to the south. Clearing of these trees could allow the microwave antenna pointed toward Lake Pleasant to be installed immediately below the antenna pointed toward Blue Mountain (at a centerline height of 55 feet), resulting in a tower height of 65 feet.

30. ***Alternative tower number:*** The permittee evaluated the possibility of installing two shorter towers in lieu of the single proposed tower. However, as explained above, the minimum height needed to make an un-obstructed microwave path to Blue Mountain is 61 feet. Installing a separate 65-foot-tall tower for the path to Blue Mountain and a separate 55-foot-tall tower for the path to Lake Pleasant would be of no mitigative value and, rather, would result in greater land disturbance and clearing.

31. *Alternative Design:* The self-supporting lattice tower was chosen to reduce twist and sway (as compared to monopole and guyed towers) in order to increase reliability of point-to-point microwave paths to be achieved with the installation of microwave antennas on this tower.
32. *Concealment:* It is not possible to conceal the East Mountain tower as a believable simulated tree due to its position and height above the ridge line.

The permittee considered camouflaging the East Mountain tower as a fire tower insofar as a fire tower design is technologically feasible and is a structure that may be expected to be present in the viewshed given the presence of fire towers on mountain summits elsewhere in the Adirondack Park. As compared to the proposed tower, which is a three-legged self-supporting lattice structure, the fire tower design would consist of a four-legged self-supporting lattice structure with an observation cabin at its top. As such, a fire tower design could increase structure bulk.

In addition, the permittee was concerned that a fire tower camouflage might attract public recreation visitors to the tower under the misunderstanding that it was a publicly accessible observation cabin, inviting un-authorized access and climbing on the tower and vandalism. These uses could jeopardize the safety of recreational visitors on the property and the public at large to be served by the County's emergency communications system. Fire tower camouflage would also require on-going maintenance and repair that would be difficult given access and utility limitations at the site.

### **Public Notice and Comment**

33. The Agency notified all adjoining landowners and other parties and published a Notice of Complete Permit Application in the Environmental Notice Bulletin, as required by the Adirondack Park Agency Act. The Agency received two comment letters. One letter did not object to the approval of this project, as long as the permit recognizes the public health, safety and welfare aspect of the tower, minimizes the height of the tower, limits future use of the tower to public agency emergency communications, and prohibits lighting on the tower. The other letter lists reasons the commenter believes that this project does not comply with the Towers Policy and suggests that the permittee should conceal the tower as a simulated tree or that an adjudicatory public hearing should be held to determine alternate locations.

### **Other Regulatory Requirements**

34. On February 9, 2017, the Village of Speculator indicated on the Agency's Local Government Notice Form that this project is a "public project immune from local zoning regulations and permitting."
35. The NY Air National Guard Airspace Manager confirmed, in an e-mail dated April 4, 2017, that the tower will not impact the Guard's operations.

36. The antennas authorized herein require licensing from the Federal Communications Commission. The permittee will apply for the license when it has ordered the microwave equipment and has the actual frequencies for the microwave system.
37. Federal Aviation Administration notification is not required for this tower at the authorized height, and lighting and striping are not required.

## **PROJECT IMPACTS**

### **Visual**

38. The authorized tower and antennas will be visible and skylit from a limited but significant portion of the area within 5 miles of the tower (including a designated Scenic River corridor and the proposed North Country National Scenic Trail). However, the tower and antennas will be consistent with the Agency's Towers Policy due to the public safety purpose of the tower and its antennas for emergency communications as part of a governmental emergency communications facility; the absence of viable or less visible alternatives; the minimized height of the tower; the location, size, and shape of the antennas; the neutral grey color of the tower, which will limit visual contrast with the existing forest and sky; and the retention of existing trees within 200 feet of the tower, which will screen the lower portion of the tower and antennas, as well as the entire utility building and solar arrays.
39. Prohibiting exterior lights from the lease parcel and access area, including any on or directed toward the tower, will ensure that the tower is not visible at nighttime and will reduce nighttime light pollution (glare, light trespass and sky glow). However, one exterior motion-sensor light on the utility building may be activated via an internal light switch when personnel are present at the site.

### **Soils/Surface Waters/Groundwater**

40. The project uses an existing driveway and skidder trail as part of the planned access route to the site, and the balance of planned access consists of an 8-foot-wide un-paved trail to the site, thereby limiting disturbance and obviating the need for new impervious surfaces for access.
41. The project's energy sources are solar with a back-up propane generator, thereby eliminating the need for routing of electric utilities to the site and the clearing and disturbance that would otherwise result therefrom.

### **Invasive Species**

42. Requiring inspection and cleaning of construction vehicles and tools prior to use on the lease parcel or access area or after use in an area with invasive plant species will reduce the likelihood of spreading invasive plants to the project site and adjoining properties.



**Historic Sites or Structures**

43. The project will not cause any change in the quality of "registered," "eligible," or "inventoried" property as those terms are defined in 9 NYCRR § 426.2 for the purposes of implementing § 14.09 of the New York State Historic Preservation Act of 1980.

**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 Resource Management land use area;
- c. will be consistent with the overall intensity guidelines for the Resource Management land use area;
- 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 11<sup>th</sup> day  
of August, 2017.

ADIRONDACK PARK AGENCY

BY: Terry Martino  
Terry Martino, Executive Director

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 11<sup>th</sup> day of August in the year 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared Terry Martino, 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

TM:REW:ADL:slp

STEPHANIE L. PETITH  
Notary Public - State of New York  
Qualified in Franklin County  
No. 01PE6279890  
Commission Expires Apr. 15, 2021

# SITE LEGEND:

17 ADJACENT SURVEY COVER LAC

## SITE PLAN NOTES:

1. THE SITE IS SHOWN WITH THE EXISTING IMPROVEMENTS ONLY. THE EXISTING IMPROVEMENTS ARE SHOWN WITH THE EXISTING IMPROVEMENTS ONLY. THE EXISTING IMPROVEMENTS ARE SHOWN WITH THE EXISTING IMPROVEMENTS ONLY.
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## GENERAL CONSTRUCTION NOTES:

1. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
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## GENERAL DRAINAGE AND EROSION CONTROL NOTES:

1. THE DRAINAGE SYSTEM SHALL BE DESIGNED TO PREVENT EROSION AND MAINTAIN THE STABILITY OF THE SITE. THE DRAINAGE SYSTEM SHALL BE DESIGNED TO PREVENT EROSION AND MAINTAIN THE STABILITY OF THE SITE.
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ADJACENT SURVEY COVER LAC  
FILE # 22-017-0066-1

ADJACENT SURVEY COVER LAC  
FILE # 22-017-0066-1

CLIENT REVIEW SET - APA APPROVAL ONLY - NOT FOR CONSTRUCTION

BLUE WING - HAMILTON COUNTY PUBLIC SAFETY

## OVERALL SITE PLAN

UNLAWFUL OF SPECTATOR, HAMILTON COUNTY, NEW YORK

DATE: 11/11/2020  
BY: [Signature]  
PROJECT: 22-017-0066-1

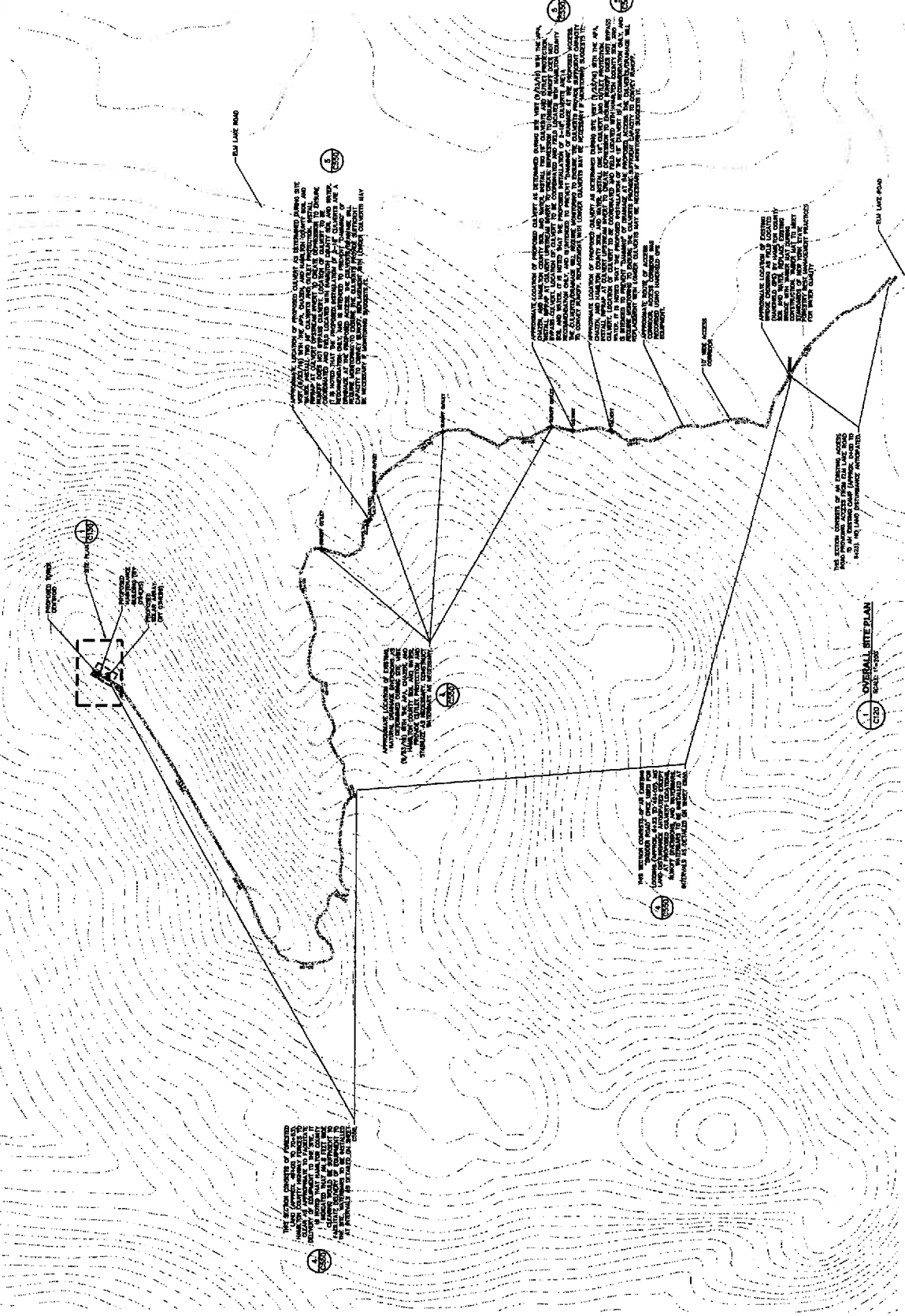
CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C.  
10000 N. 100th Ave., Suite 100  
Eden Prairie, MN 55324  
Phone: 952.935.1234  
Fax: 952.935.1235  
Email: info@chazen.com

THE CHAZEN COMPANIES  
Engineers, Surveyors, Landscape Architects

THIS SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.

Big Rock, New York  
10000 N. 100th Ave., Suite 100  
Eden Prairie, MN 55324  
Phone: 952.935.1234  
Fax: 952.935.1235  
Email: info@chazen.com

CONTRACT SCALE: 1" = 40'



**SITE LEGEND:**

ROAD CENTER LINE  
WORK LIMITS

**SITE PLAN NOTES:**

1. UTILITY LOCATIONS SHOWN ARE CONSIDERED APPROXIMATE ONLY. CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS AND DEPTHS PRIOR TO CONSTRUCTION.
2. EXISTING ADJACENT ROAD SHALL BE MAINTAINED TO THE RIGHT OF RIGHT-OF-WAY.
3. EXISTING ADJACENT ROAD SHALL BE MAINTAINED TO THE RIGHT OF RIGHT-OF-WAY.
4. ALL OTHER FEATURES TO BE DELETED BY CONTRACTOR.

**GENERAL CONSTRUCTION NOTES:**

1. CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES. ALL UTILITIES SHALL BE MAINTAINED AND PROTECTED AT ALL TIMES. CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES.
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ADIRONDACK PARK AGENCY  
FILE # 1000-1  
DATE 06-06-11

ADIRONDACK PARK AGENCY  
DATE 06-06-11

CLIENT REVIEW SET - AFA APPROVAL ONLY - NOT FOR CONSTRUCTION

BLUE WING - HAMILTON COUNTY PUBLIC SAFETY

**SITE PLAN & EROSION & SEDIMENT CONTROL PLAN**

WILLIAM OF BRUNSWICK, HAMILTON COUNTY, NEW YORK

NO.	DATE	DESCRIPTION
1	06-06-11	ISSUED FOR REVIEW
2	06-06-11	ISSUED FOR REVIEW
3	06-06-11	ISSUED FOR REVIEW
4	06-06-11	ISSUED FOR REVIEW
5	06-06-11	ISSUED FOR REVIEW
6	06-06-11	ISSUED FOR REVIEW
7	06-06-11	ISSUED FOR REVIEW
8	06-06-11	ISSUED FOR REVIEW
9	06-06-11	ISSUED FOR REVIEW
10	06-06-11	ISSUED FOR REVIEW

CHAZEN ENGINEERING, LAND SURVEYING

LANDSCAPE ARCHITECTURE CO., D.P.C.

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THE CHAZEN COMPANIES

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11/15/16	AS NOTED
project no.	91523.03
sheet no.	