



Adirondack Park Agency

ANDREW M. CUOMO
Governor

TERRY MARTINO
Executive Director

PERMIT WRITING FORM – P2019-0104

Reviewed by: _____ Date: _____

APPLICANT

Project Sponsor(s): Vertical Bridge Holdings, LLC
Landowner(s): John M. Chesnut and Cheryl G. Chesnut
Authorized Representative: Benjamin M. Botelho, Esq. (The Murray Law Firm, PLLC)

PROJECT SITE

Town/Village: Elizabethtown
County: Essex
Road and/or Water Body: Mohawk Way
Tax Map #(s): 64.2-1-27
Deed Ref: Recorded February 4, 2008 in Book 1565 at Page 85
Land Use Area/s: Rural Use
Project Site Size: 13± acres
 Same as Tax Map #(s) identified above
 Only the H / MIU / LIU / RU / RM / IU portion of the Tax Map #(s) identified above
 Other (describe):
Lawfully Created? Yes Pre-existing subdivision:
River Area: No If Yes: Wild - Scenic - Recreational Name of River:
CEAs (include all): None

PROJECT DESCRIPTION

Installation of a 90-foot-tall self-supporting monopole tower, concealed as a 95-foot-tall simulated tree, to support cellular antennas at the 86-foot centerline height. An equipment platform at the tower's base is also proposed. An existing access drive will be extended by 100± feet in length to access the tower location.

JURISDICTION (including legal citation)

810(1)(d)(18) major public utility use
810(1)(d)(5) structure over 40 feet in height
810(2)(c)(2)(b) lease parcel is substandard in size (< 7.35 acres)

PRIOR PERMITS / SETTLEMENT AGREEMENTS BEING SUPERSEDED

none

FINDINGS OF FACT – ENVIRONMENTAL SETTING

Lakes, Ponds, Navigable Rivers and Streams

Check if none

Water Body Name:

Length of Existing Shoreline (feet):

MHWM determ: Y N

Minimum Lot Width:	Meets standard:	Y	N
Structure Setback (APA Act):	Meets standard:	Y	N
Structure Setback (River Regs):	Meets standard:	Y	N
Y N Cutting proposed within 6 ft of MHWM? If Yes, < 30% vegetation?		Y	N
Y N Cutting proposed within 35 ft of MHWM? If Yes, < 30% trees 6" dbh?		Y	N
Y N Cutting proposed within 100 ft of river area? (If Yes, include under jurisdiction)			

Non-Navigable Streams in proximity to development **Check if none [X]**
 Permanent Stream Intermittent Stream Classified? Y N
 DEC Environmental Resource Mapper stream classification:

Wetlands

No Jurisdictional wetland on property
 If Y: If Yes, RASS biologist consulted
 → Covertypes:
 → Located < 200 ft from proposed development or along shoreline Y N
 → If Y, value rating:

Wildlife

No Rare/threatened/endangered species If Yes, RASS ecologist consulted
No R/T/E or other unique species habitat If Yes, RASS ecologist consulted
Yes Northern Long-Eared Bat occurrences in Town **[X]** If Yes, RASS ecologist consulted
No Forest management plan existing or proposed If Yes, RASS forestry analyst consulted
No Biological Survey required by RASS ecologist If Yes, completed

Ecological / Special Districts

No Natural Heritage Sites If Yes, RASS ecologist consulted
No Aquifer If Yes, RASS engineer consulted
No Agricultural District

Slopes RASS engineer consulted if structure proposed on >15%, driveway on >12%, or wwts on >8/15%
 Existing slope range: **3-15%** Building area(s) if authorizing development: **12± %**

Soils

No Deep-hole test pit completed? (Necessary for every building lot) **[X]** Check if N/A
 If Yes, soil data information determined or approved by RASS soil analyst
 NRCS Mapped Soil Series or Other Comments:

Character of Area

Nearby (include all): **Residential** – ~~Commercial~~ – ~~Industrial~~ – ~~Agricultural~~ – **Forested**
 Adjoining Land Uses / State Land: **private land – residential and forested**
 Is nearby development visible from road? **n/a**
 → If Y, name road and describe visible development:

Additional Existing Development (ex: dam on site, etc.): **no**

***** Attach Individual Lot Development Worksheet (if a subdivision, attach one for each lot)**

FINDINGS OF FACT – COORDINATED REVIEW

- No Archeologically Sensitive Area, according to OPRHP [] *If Yes, APA APO consulted**
- No Structures > 50 years old on or visible from site [] *If Yes, APA AHPO consulted*
- No Within Lake George Park [] *If Yes, LGPC consulted / application submitted*
- No Greater than 1 acre disturbance / SWPPP required [] *If Yes, DEC application submitted*
- No Public water supply [] *If Yes, DEC / DOH application submitted*
- No Greater than 1,000 gpd wastewater [] *If Yes, DEC application submitted*
- No Disturbing bed or bank of water body [] *If Yes, DEC application submitted*
- No Creating 5 or more lots less than 5 acres each [] *If Yes, DOH application submitted*
- No Army Corps involvement [] *If Yes, ACOE consulted*
- No Agency-approved Local Land Use Program [] *If Yes, Town/Village consulted*

**APA APO consulted due to proximity of archeological sensitive areas.
 Received Section 106 Notification of SHPO/THPO Concurrence: no historic properties in area of potential effects.*

PERMIT CONDITIONS AND IMPACT ANALYSIS

Merger

Justification if merger required: *n/a*

Deed Covenant

Non-building lot being created? **Yes**
 If yes and lot is not being merged by condition, no PBs? Or no structures at all? Justification: **No PBs on lease parcel, too small**

Easement

Easement proposed or required? **Yes**
 If Y, consult with Legal for conditions. Justification: **The proposal includes a 30-foot-wide access and utility easement and a 200-foot-diameter vegetative easement. No easement condition necessary.**

Construction Location and Size (may be different for each subdivision lot)

Is new development (other than oswts) being authorized without further Agency review? **Yes**
 → If Y: Structure height limit and justification: **95-foot-tall simulated tree tower, height limited to limit visual impact and comply with Agency’s Towers Policy**

Structure footprint limit and justification: **size of equipment platform as proposed**

→ If N: *n/a*

- Acceptable development sites identified for all subdivision lots with PB allocation? **Y N**
- Review of future development required? **Y N**
- If Y, justification:

Guest Cottages (if authorizing a dwelling) *n/a*

Proposed and reviewed? **Y N**
 If N, guest cottages potentially allowed? **Y N**
 → Justification for any conditions:

Boathouses (if project site contains shoreline) n/a

Proposed and reviewed? Y N
If N, boathouses potentially allowed? Y N
→ If N, justification:
→ If Y, review required (beyond definition limits)? Y N
→ If Y, justification:

Docks (if project site contains shoreline) n/a

Proposed and reviewed? Y N
If N, docks potentially allowed? Y N
→ If N, justification:
→ If Y, review required (beyond definition limits)? Y N
→ If Y, justification:

Outdoor Lighting (if authorizing development)

Plan proposed and reviewed? No

Building Color (if authorizing development)

If color condition required, justification: tower to be concealed as simulated white pine tree

Tree Cutting / Vegetation Removal

Town with Northern Long-Eared Bat occurrences? Yes
If Y, consult with RASS for conditions. Justification: site is within 5 miles of a known hibernaculum, therefore cannot remove trees between April 1 and October 31

Vegetative cutting restrictions required? Yes

If Y, restrictions required (choose all that apply):

[] within feet of limits of clearing

[] within feet of road

[] within feet of river/lake/etc

[X] Other: 200 feet of tower

OR [] on entire site outside limits of clearing

Extent of cutting restriction necessary within the area noted above:

[] Cutting of all vegetation prohibited

[X] Cutting of trees greater than 8 inches diameter at breast height (dbh) prohibited

[] Other:

Justification: retain trees within 200 feet of tower to provide natural visual screening, except those trees proposed to be removed on project plans

Plantings

Plan proposed and reviewed? No

If N, plantings required? No

→ If Y, species, number, location, and time of year:

Justification:

Wetlands

Consult with RASS for conditions. Justification: n/a

Density (may be different for each subdivision lot)

Located in Town with ALLUP? **No** (If Y, stop. Town oversees density.)

Authorizing PB on substandard-sized lot created pre-2000 with no permit? **No**

If N and N, list existing PBs, including whether they are pre-existing/year built: **single family dwelling constructed 2006**

Mathematically available # of new PBs (in addition to existing or replacement): **1 (not based on survey)**

Extinguishing PBs? **No** If Y, number:

Wastewater (if authorizing construction of a new PB without further review) n/a

Municipal system connection approved? Y N

Community system connection approved by RASS? Y N

Proposed on-site system designed by engineer and approved by RASS? Y N

If N, has RASS field-verified location for conventional standard trench system? Y N

If N, has RASS field-verified location for conventional shallow trench system? Y N

Suitable 100% replacement area confirmed for existing / proposed system? Y N

Consult with RASS for additional conditions.

Stormwater Management (if authorizing development)

Consult with RASS for conditions. Justification: **n/a**

Erosion and Sediment Control (if authorizing development)

Consult with RASS for conditions. Justification: **protection of soils and surface water**

Infrastructure Construction (if authorizing development)

Construction necessary before lot conveyance: **n/a**

Justification:

For permits that will not include conditions related to Building Color, Vegetation Removal, or Plantings

Explain why no condition is needed: **n/a**

Additional Site / Project-Specific Concerns / Conditions Needed

If constructed as shown on the project plans (i.e., location, dimensions, concealment as a simulated tree), the tower and antennas meet the substantial invisibility standard of Agency's "Policy on Agency Review of Proposals for New Telecommunications Towers and Other Tall Structures in the Adirondack Park." Any change to the dimensions or appearance of the tower could defeat the concealment elements of the approved tower. The applicant states that neither Vertical Bridge nor AT&T intend to increase the height of the tower. The applicant has a co-location policy which is to "customarily allow co-location by any FCC-licensed wireless telecommunications provider, without discrimination and at fair market rates."

The tower does not require registration with the Federal Aviation Administration.

By letter dated June 28, 2019, the New York Air National Guard determined that the tower will have no adverse effect to any current or proposed Military Training Routes (MTR) or Military Operations Areas (MOA) and therefore the USAF will not contest the application.

Public Comment

Yes Public comments received If yes, #: 2
No Applicant submitted response