

THIS IS A TWO-SIDED DOCUMENT

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Adirondack Park Agency</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>APA Permit 2018-0211</p>
<p>In the Matter of the Application of</p> <p>VERTICAL BRIDGE HOLDINGS, LLC, NEW CINGULAR WIRELESS PCS, LLC, T-MOBILE NORTHEAST, LLC, DEAN POHL, and DONNA H. POHL Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: February 18, 2020</p>
	<p>To the County Clerk: This permit must be recorded on or before April 20, 2020. Please index this permit in the grantor index under the following names:</p> <ol style="list-style-type: none">1. Vertical Bridge Holdings, LLC2. New Cingular Wireless PCS, LLC3. T-Mobile Northeast, LLC4. Dean Pohl5. Donna H. Pohl

SUMMARY AND AUTHORIZATION

This permit authorizes two new monopine telecommunications towers with an associated infrastructure and equipment compound in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map in the Town of Long Lake, Hamilton County.

This permit shall expire unless recorded in the Hamilton County Clerk's Office on or before April 20, 2020, 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 April 20, 2024. The Agency will consider the project in existence when one of the towers 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 a 1.5±-acre parcel of land located on Antlers Road in the Town of Long Lake, Hamilton County, in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 52.006, Block 1, Parcel 19.1, and is described in a deed from Dean Pohl to Dean Pohl and Donna H. Pohl, dated November 15, 1972, and recorded November 17, 1972 in the Hamilton County Clerk's Office at Book 158 of Deeds, at Page 130.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a subdivision by lease, creating a 7,000 square foot irregularly shaped parcel for the construction of two new telecommunications towers with related ancillary equipment as follows:

Tower 1: The tower will be 90 feet in height and will be located 178± feet east of Antlers Road. The top of the tower will be concealed as a simulated pine tree, for a total height of 95 feet (including 5-foot tall crown branching and a 4-foot-tall lightning rod). Six, 8-foot-tall panel antennas will be installed on the tower at a centerline mounting height of 88 feet above ground level (AGL), along with 15 Remote Radio Heads (RRHs)/Remote Radio Units (RRUs) (15.0 – 18.1 inches tall) and four DC6 squid surge suppressors (27 inches tall).

Tower 2: The tower will be 85 feet in height and will be located 190± feet east of Antlers Road. The top of the tower will be concealed as a simulated pine tree, for a total height of 90 feet (including 5-foot tall crown branching and a 4-foot tall lightning rod). Three, 8-foot-tall and three 5-foot-tall panel antennas will be installed on the tower at a centerline mounting height of 83 feet above ground level (AGL), along with six Remote Radio Heads (RRHs)/Remote Radio Units (RRUs) (14.9 – 17.91 inches tall).

The towers will be located within a 4,800 square foot fenced-in equipment compound area which will accommodate a 12.5-foot by 20-foot equipment platform for Tower 1 and a 12-foot by 20-foot equipment shelter for Tower 2. Access to the facility, for construction and service vehicles, will follow an existing residential driveway (no changes proposed) that will be extended by constructing an additional 40±-foot-long gravel access drive to reach the tower site. Underground utilities will be located along the access road and within a 30-foot-wide access and utility easement.

The project is shown on 30 sheets of plans titled “Vertical Bridge Raquette Lake US-NY-7002; 254 Antlers Road Raquette Lake, 13436 85’ & 90’ Monopine Tower,” prepared by Infinigy Engineering, PLLC, last revised and stamped on October 9, 2019 (Project Plans):

- T1 – Title Sheet;
- C1 – General Notes and Legend;
- C2 – Overall Site Layout;
- C2A – Vegetative Easement
- C3 – Enlarged Site Layout;
- C4 – Compound Elevation;
- C5 – Grading & Erosion Control Notes;
- C6 & C7 – Details;
- C8 – Utility Rack Detail;

- C9 – Ice Bridge Details;
- C10 – Platform Details;
- EC1 – Grading Plan;
- TS1 & TS2 – Tree Survey;
- E1 – Site Utility Layout;
- E2 – Compound Grounding Layout;
- E3 – Grounding Notes;
- E4 – Grounding Details;
- A1 through A6 AT&T Enlarged Equipment Plan, Elevation & Orientation Plan, Equipment Details, Equipment Platform Details, Utility Plan, and Equipment Grounding Layout; and
- B1 through B6 T-Mobile Enlarged Equipment Plan, Elevation & Orientation Plan, Equipment Details, Equipment Platform Details, Utility Plan, and Equipment Grounding Layout.

A visual analysis of the towers and related development was submitted with the application for this permit, titled “Visual Assessment Report, Proposed 85-Foot Twin Monopine Towers, Raquette Lake,” prepared for Vertical Bridge, prepared by Infinigy, last dated July 2, 2019 (Visual Assessment Report). Subsequent to that report, photo-simulations were received by the Agency on September 11, 2019, November 8, 2019, and December 13, 2019. The photo-simulations received on November 8, 2019 and December 13, 2019 depict the project as authorized herein.

A reduced-scale copy of Sheet C2 (Overall Site Layout) and Sheet C4 (Tower Elevation) of the Project Plans are attached to 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. This permit is supported by findings documented and maintained in the Agency file.

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 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 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 either one or both telecommunications towers 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 2018-0211, issued February 18, 2020, the conditions of which are binding upon the heirs, successors, and assigns of the grantors and all subsequent grantees."

Subdivision and Construction

5. Subject to the conditions stated herein, this permit authorizes the construction of two new telecommunications towers, an access road, and an equipment compound in the location depicted on the Project Plans and Visual Assessment Report as updated with December 2019 photo-simulations referenced herein. Tower 1 shall not exceed 95 feet in height, including all portions of the simulated tree and lightning rod; Tower 2 shall not exceed 90 feet in height, including all portions of the simulated tree and lightning rod. The antennas located on each tower shall be located as depicted on the plans referenced herein, with the top of the antennas no higher than: 92 feet above ground level (centerline elevation of 88 feet above ground level) for Tower 1 and 87 feet above ground level (centerline elevation of 83 feet above ground level) for Tower 2.

Any change to the location, dimensions, or other aspect of the development authorized herein, including the construction of any new towers or the addition of any new antenna or other equipment to the authorized towers or project site, shall require prior written Agency authorization. Any other new land use or development on the 7,000 square foot leased parcel shall require prior written Agency authorization. Maintenance and/or "in-kind" replacement of the towers, antennas, simulated branching, equipment platform/shelter and other appurtenant facilities authorized herein is allowed without a new or amended permit.

Concealment

6. The simulated tree portion of each tower shall mimic the branching structure, needle pattern, and coloration of a mature, fully-formed eastern white pine tree, as depicted in the December 2019 photo-simulations. Under current site conditions, any co-location that increases the height or width of either tower or renders either tower not substantially invisible will defeat the concealment elements of the simulated tree towers approved herein.
7. In the event that any simulated branches break or fall off, they shall be repaired or replaced within eight months to restore the substantial invisibility of the simulated trees. Photos of the repair or replacement shall be provided to the Agency within two weeks of completion.

Structure Color

8. Except for the portions that will be concealed as simulated trees, the authorized towers and antennas shall be painted dark charcoal grey or black with a non-reflective flat or matte finish or the towers may be clad in artificial bark designed to mimic a mature eastern white pine tree.

Lighting

9. Installation of any lighting on the towers authorized herein shall require prior written Agency authorization. Any other exterior lights on the 7,000-square-foot leased parcel shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward adjoining properties, Antlers Road, Back Road, or Raquette Lake. Any lights on the equipment platform or equipment shelter shall be either switched off when not in use or motion-controlled lights.

Signs

10. All signs associated with the telecommunications towers on the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3].

Vegetation

11. On the project site and within 200 feet of the towers authorized herein, no existing trees greater than 8 inches diameter at breast height shall be cut, culled, trimmed, pruned, or otherwise removed without prior written Agency authorization, except for a) the "trees to be removed" shown on the Project Plans or b) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

Within 30 days of removal or loss of any trees or other vegetation on the project site and within 200 feet of the tower, other than the "trees to be removed" shown on the Project Plans, a plan and implementation schedule for re-vegetation and/or re-design and/or re-location to maintain the substantial invisibility of the towers, antennas, and equipment shelter shall be submitted to the Agency for review and approval. The plan shall be implemented as described in the approved implementation schedule.

Invasive Species Prevention

12. When brought from off-site, all equipment, including but not limited to trucks, excavators, tractors, etc., and hand excavation tools such as shovels, rakes, and picks, to be used on the project site 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.

Stormwater Management/Erosion Control

13. The project shall be undertaken in compliance with the "Grading & Erosion Control Notes" contained within the Project Plans.

Documentation of Construction

14. The Agency shall be provided with color photographs showing the completed towers, antennas, and equipment compounds within 30 days of project completion. Photographs shall be taken at the project site and from the same viewpoints and using the same lens equivalents for which photo-simulations were provided in the application (i.e., Brown's Tract Inlet, Raquette Lake, and County Road 2). At the tower site, photographs showing the entire completed project shall be provided. All photographs must clearly identify the date the picture was taken, the location of the photograph, and the lens size employed. Photographs shall be taken on a clear day with little cloud cover.

Discontinuance of Use

15. Either tower shall be removed from the project site within two years of discontinuance of use of that tower for telecommunications purposes. Antennas shall be removed from either of the towers within one year of discontinuance of use for telecommunications purposes.

CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Freshwater Wetlands Act and 9 NYCRR Part 578, the Wild, Scenic and Recreational Rivers System Act and 9 NYCRR Part 577, 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 land use area;
- c. will be consistent with the overall intensity guidelines for the Hamlet 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 day
of , 2020.

ADIRONDACK PARK AGENCY

BY: _____
Robert J. Lore
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the day of in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert J. Lore, 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.

Notary Public