

THIS IS A TWO-SIDED DOCUMENT

 <p>Adirondack Park Agency</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 2019-0197</p>
<p>In the Matter of the Application of</p> <p>NEW CINGULAR WIRELESS PCS, LLC d/b/a AT&T and THE TOWN OF NEWCOMB WINEBROOK HILLS WATER DISTRICT Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: July 21, 2020</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">1. New Cingular Wireless PCS, LLC d/b/a AT&T2. Town of Newcomb Winebrook Hills Water District

SUMMARY AND AUTHORIZATION

This permit authorizes a new telecommunications tower, equipment compound, and associated infrastructure in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map in the Town of Newcomb, 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 four years from the date the permit is recorded. The Agency will consider the project in existence when the authorized structure 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 34-foot by 60-foot (2040 square feet) leased portion of a 0.30±-acre parcel of land identified on Town of Newcomb Tax Map as Section 110.18, Block 5, Parcel 7, as well as an existing gravel access driveway located on Sanford Lane in the Town of Newcomb, Essex County, in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map. The 0.30±-acre parcel is described in a deed from National Lead Company to Winebrook Hills Water District, an improvement district in the Town of Newcomb, dated December 12, 1963, and recorded in the Essex County Clerk's Office in Liber 416 of Deeds at Page 569. The lease area is defined by an Option and Lease Agreement between the Town of Newcomb Winebrook Hills Water District and New Cingular Wireless PCS, LLC, dated July 31, 2019.

PROJECT DESCRIPTION

The project as conditionally approved herein involves installation of a new 150-foot-tall monopole telecommunications tower to be located 60 feet north of a pre-existing 135±-foot-tall water storage tank. Six, 8-foot-tall panel antennas (two per sector) will be installed on the three-sided tower array at a centerline mounting height of 146 feet above ground level. Fifteen Remote Radio Heads (5 per sector), three SQUID/surge suppression units (one per sector), and related cable/wiring infrastructure are to be installed.

The tower will be sited within a 34-foot by 60-foot lease area and will be contained within a fenced-in equipment compound. The tower will be served by a 6.7±-foot by 13.8±-foot equipment platform, which will include a standalone walk-in cabinet and a separate diesel generator. The facility will be accessed by 150± feet of an existing gravel driveway. Underground utilities will be located adjacent to the existing parking area/driveway within a 10-foot-wide access and utility easement.

The project is shown on the following maps and plans (Project Plans):

- Eight sheets of plans titled, "AT&T Zoning Drawings, Site Name: Newcomb, FA Number 13084115," prepared by Costich Engineering, and dated October 22, 2019, with a final revision date of January 20, 2020. These plans include:
 - Sheet T-1 Title Sheet;
 - Sheets GN-1&2 General Notes;
 - Sheet C-1 Overall Site Plan;
 - Sheet C-2 Compound Plan;
 - Sheet C-3 Elevation, Orientation & RF Info;
 - Sheet C-4 Antenna & RRU Details;
 - Sheet C-5 Equipment Platform and Details;
 - Sheet C-6 Tree Preservation Plan; and
 - Sheet C-7 Tree Preservation Notes.
- A map titled "Photo Location Map, Newcomb, RE: FA# 13084115," prepared by Costich Engineering, and received by the Agency on November 5, 2019 (the Photo Location Map).

Reduced-scale copies of Sheets C-1 and C-3 of the Project Plans are 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

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. 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 telecommunications tower remains on the site. Copies of this permit and the 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.
2. 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].
3. 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 2019-0197, issued July 21, 2020, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

Construction

4. Subject to the conditions stated herein, this permit authorizes the construction of a monopole telecommunications tower with a three-sided, six panel antenna array, and equipment platform in the locations shown and as depicted on the plans referenced herein. The tower shall not exceed 150 feet in height. The antennas shall be located as shown on the plans referenced herein, with the top of the antennas no higher than 150 feet above ground level (centerline mounting elevation of 146 feet above ground level).

Any change to the location, dimensions, or other aspect of the development authorized herein, including the construction of any new tower or the addition to the authorized tower of any new antenna or other equipment, shall require prior written Agency authorization.

Structure Color

5. The authorized tower and antennas shall be painted dark charcoal grey or black with a non-reflective flat or matte finish.

Lighting

6. Installation of any lighting on the tower authorized herein shall require prior written Agency authorization. Any other exterior lights on the 34-foot by 60-foot leased parcel or access road shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward adjoining property.

Signs

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

Vegetation

8. No vegetation on the project site shall be removed, except that dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard may be removed at any time.

Invasive Species Prevention

9. 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 and Sediment Control

10. Silt fence shall be installed and maintained at the limits of disturbance depicted on the Project Plans. The silt fence shall be installed in accordance with current version of the New York State Standards and Specifications for Erosion and Sediment Control. Silt fence shall be removed as soon as the disturbed area has achieved final stabilization.

Documentation of Construction

11. The Agency shall be provided with color photographs showing the completed tower, equipment compound, and related infrastructure within 30 days of project completion. Photograph shall be taken at the tower site and from Photo Stations 2, 420, 422, 423, and 427, as depicted on the Photo Location Map. At the tower site, photographs showing the entire completed project shall be provided. All photographs shall 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

- 12. The tower shall be removed from the project site within two years of discontinuance of use for telecommunications purposes. Antennas shall be removed from the tower 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 and 9 NYCRR Part 574. The Agency hereby finds that the project authorized as conditioned herein:

- a. will meet all of the pertinent requirements and conditions of the approved local land use program of the Town of Newcomb; and
- b. 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