



PERMIT WRITING FORM – P#2019-0207

Assigned EPS: **ADL** Reviewed by: CCP Date: 2/2/21

APPLICANT

Project Sponsor(s): **New York RSA 2 Cellular Partnership d/b/a Verizon Wireless**
 Landowner(s): **Saint Anthony of Padua Parish**
 Authorized Representative: **Jared C. Lusk, Esq., Nixon Peabody LLP**

PROJECT SITE

Town/Village: **Inlet**
 County: **Hamilton**
 Road and/or Water Body: **State Route 28**
 Tax Map #(s): **56.016-4-1.1**
 Deed Ref: **1927 Deed (61/440), 1958 Deed 109/299, 1997 Deed (216/498)**
 Land Use Area/s: **H MIU LIU RU RM IU**
 Project Site Size: **10.6± 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? **Y** Pre-existing subdivision: **No**
 River Area: **N** If Yes: Wild - Scenic - Recreational Name of River:
 CEAs (include all): **None** [Wetland - Fed Hwy - State Hwy - State Land - Elevation - Study River]

PROJECT DESCRIPTION

Installation of a 120-foot-tall self-supporting monopole tower, concealed as a 125-foot-tall simulated tree, to support cellular antennas at the 116-foot centerline height. An equipment cabinet and generator are also proposed at the tower's base. An access drive 387± feet in length will be constructed to reach the tower location.

JURISDICTION (including legal citation)

APA Act 810(1)(a)(4) Structure in excess of 40 feet in height in Hamlet land use area

PRIOR PERMITS / SETTLEMENT AGREEMENTS BEING SUPERSEDED

None

FINDINGS OF FACT – ENVIRONMENTAL SETTING

Lakes, Ponds, Navigable Rivers and Streams

Water Body Name:		Check if none <input checked="" type="checkbox"/>	
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

N 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

N Rare/threatened/endangered species [] If Yes, RASS ecologist consulted
N R/T/E or other unique species habitat [] If Yes, RASS ecologist consulted
N Northern Long-Eared Bat occurrences in Town [] If Yes, RASS ecologist consulted
N Forest management plan existing or proposed [] If Yes, RASS forestry analyst consulted
N Biological Survey required by RASS ecologist [] If Yes, completed

Ecological / Special Districts

N Natural Heritage Sites [] If Yes, RASS ecologist consulted
N Aquifer [] If Yes, RASS engineer consulted
N Agricultural District

Slopes [X] RASS engineer consulted if structure proposed on >15%, driveway on >12%, or wwts on >8/15%
Existing slope range: 1 – 40 % Building area(s) if authorizing development: 8 – 25 %

Soils

N 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, commercial, community services (church), and forested
Is nearby development visible from road? Y
→ If Y, name road and describe visible development: residential, commercial, and community services development is visible on both sides of State Route 28 in the vicinity of the project site

Additional Existing Development (ex: dam on site, etc.): Church, accessory structures, driveway, parking area on site

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

FINDINGS OF FACT – COORDINATED REVIEW

N	Archeologically Sensitive Area, according to OPRHP	[]	<i>If Yes, APA APO consulted</i>
Y*	Structures > 50 years old on or visible from site	[X]	<i>If Yes, APA AHPO consulted</i>
N	Within Lake George Park	[]	<i>If Yes, LGPC consulted / application submitted</i>
N	Greater than 1 acre disturbance / SWPPP required	[]	<i>If Yes, DEC application submitted</i>
N	Public water supply	[]	<i>If Yes, DEC / DOH application submitted</i>
N	Greater than 1,000 gpd wastewater	[]	<i>If Yes, DEC application submitted</i>
N	Disturbing bed or bank of water body	[]	<i>If Yes, DEC application submitted</i>
N	Creating 5 or more lots less than 5 acres each	[]	<i>If Yes, DOH application submitted</i>
N	Army Corps involvement	[]	<i>If Yes, ACOE consulted</i>
N	Agency-approved Local Land Use Program	[]	<i>If Yes, Town/Village consulted</i>

*APA APO consulted due to age of nearby structures.

Received Section 106 Notification of SHPO/THPO Concurrence for direct effect (i.e., no historic properties in area of potential effects) and visual effect (i.e., no adverse effect on historic properties in area of potential effects).

*At its October 7, 2020 meeting, the Town of Inlet Zoning Board of Appeals approved the requested Use Variance to build a wireless communication tower. It requires construction activities to occur only after Labor Day and before Memorial Day.

PERMIT CONDITIONS AND IMPACT ANALYSIS

Merger

Justification if merger required: *n/a*

Deed Covenant

Non-building lot being created? **N**

If yes and lot is not being merged by condition, no PBs? Or no structures at all? Justification:

Easement

Easement proposed or required? **Y**

If Y, consult with Legal for conditions. Justification: *The proposal includes a 200-foot-radius vegetative easement from the tower, required for visual screening and to maintain natural trees in proximity to the proposed simulated tree.*

The Project Plans provide for a 30-foot wide access easement from State Route 28 to the leased area (Access Easement). The permittees have also agreed to a temporary easement extending 10 feet from each side of the Access Easement for the purpose of clearing any rocks, dirt, brush, trees or other vegetation, grading, excavation and storing materials during construction. The temporary easement will terminate upon construction and installation of the tower and that area will be stabilized with rock spoils.

The Project Plans also provide for a 10-foot wide utility easement from the existing utility pole and point of connection to the 30-foot-wide Access Easement.

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

Is new development (other than oswts) being authorized without further Agency review? **Y**

→ If Y: Structure height limit and justification: *125-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 and generator pads, H-frame, cable bridge, and fencing 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? N

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? N
- If Y, consult with RASS for conditions. Justification:

Vegetative cutting restrictions required? Y

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: on project site and within 200 feet of tower as shown on Sheet L-1 of the Project Plans and Lease executed by Saint Anthony of Padua Parish on November 4, 2019

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 of greater than 8 inches diameter dbh prohibited

[] Other:

Justification: retain trees on project site and 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? N

If N, plantings required? N

→ 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? Y N (If Y, stop. Town oversees density.)

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

If N and N, list existing PBs, including whether they are pre-existing/year built: church constructed 1930, multiple-family dwelling constructed 1930, multiple family dwelling constructed 1965

Mathematically available # of new PBs (in addition to existing or replacement): no maximum in Hamlet

Extinguishing PBs? N 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 comply with the 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 does not intend to increase the height of the tower. The applicant has a co-location policy which states "Verizon Wireless encourages and promotes co-location, both by allowing other providers to locate on its towers, and by attempting to locate its facilities on other providers' towers."

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

By letter dated October 23, 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.

Prior Agency review is required for any on-site blasting, for review of noise impacts and earth disturbance.

Y **Public comments received** **If yes, #: 3**
Y **Applicant submitted response**



ANDREW M. CUOMO Governor

TERRY MARTINO Executive Director

INDIVIDUAL LOT DEVELOPMENT REVIEW – P2019-0207

If a subdivision: 10.6±-acre underlying parcel

Assigned EPS: ADL

Reviewed by: _____

Date: _____

Existing Development

PRINCIPAL BUILDINGS

Structure	Pre-existing (Y/N)?	Lawfully constructed (Y/N)?
Church (4,330± SF, 1 story)	Yes (1930)	Yes
Multi-family dwelling (1,980± SF, 2 stories)	Yes (1930)	Yes
Multi-family dwelling (3,170± SF, 2 stories)	Yes (1965)	Yes

ACCESSORY STRUCTURES

Structure	Pre-existing (Y/N)?	Lawfully constructed (Y/N)?
Garage (840± SF, 1 story)	No (1998)	Yes
Garage (600± SF, 1 story)	No (2006)	Yes

Proposed Development

PRINCIPAL BUILDINGS

Structure	Footprint	Height	# Bedrooms	Slopes
None proposed				

Check if portions or all below is nj []

Check if proposed as a non-building lot: []

Have necessary density? Y N
remaining potential principal buildings = from [] survey or [] estimate

ACCESSORY STRUCTURES

Structure	Footprint	Height	Slopes
None proposed			

ACCESS *Consult RASS engineer for driveway > 12% slope / *consult RASS ecologist for driveway > ¼ mile
 Driveway is [X] existing / [X] proposed Length: 887± ft (0.16± mi) Width: 12 feet, gravel
 Sight distance evaluated? No Slopes: existing driveway <7±%, proposed 20±%
 Need Clearing/Grading? Yes Comments: (Note if HOA or shared maintenance involved)
 Need hwy access permit? No extend existing parking lot/driveway 387± feet further to
 Need easement? Yes access tower; existing and proposed access drive is
 Need signs? No within 30-foot-wide access easement (and related clearing
 and grading is within 10-foot- wide temporary access
 easement on either side)

VISUAL / AESTHETIC

No Proposed development* visible from public areas (list) *access road only
 Yes Existing topography / vegetation will screen, if retained
 No Planting plan proposed [] If Yes, RASS forestry analyst consulted

WASTEWATER TREATMENT (WWTS) *Consult RASS engineer for engineered plans

- Individual on-site Municipal Community
- Y N Slope suitable for WWTS (i.e., ≤8% shallow, ≤15% conventional)?
- Y N Soil suitable for WWTS (i.e., depth to SHGW and bedrock)?
- Y N All water bodies or streams > 100 feet WWTS? (If No, needs variance – from Town if ALLUP)
- Y N If fast perc (1-3 min/in), water > 200 feet WWTS? (If No, amended soils required)
- Y N All jurisdictional wetlands > 100 feet WWTS? (If No, counts as permit jurisdiction)
- Y N Suitable 100% replacement area identified?
- Existing and proposed to remain (needs suitable 100% replacement area)

WATER SUPPLY None proposed / no changes

- Individual on-site Municipal
- Y N All water supplies, on-site and off-site, > 100 feet WWTS? (If No, need DOH waiver)

STORMWATER / EROSION & SEDIMENT CONTROL *Consult RASS engineer

- Yes Does proposed development maintain existing drainage patterns?
- Yes < 1 acre disturbance proposed (May need E&S Control Plan if water/slope/soil resources at risk)
- No > 1 acre disturbance proposed (SWPPP required, which includes E&S Control Plan)

UTILITIES

- Available on site? Yes Overhead Underground
- Available at road? Yes Overhead Underground
- Proposed for site? Yes Overhead Underground

A 10-foot-wide utility easement provides access from the existing utility pole and point of connection to the 30-foot-wide access easement.



ANDREW M. CUOMO Governor

TERRY MARTINO Executive Director

INDIVIDUAL LOT DEVELOPMENT REVIEW – P2019-0207

If a subdivision: 100-foot x 100-foot lease parcel (10,000 sq ft)

Assigned EPS: ADL

Reviewed by: _____ Date: _____

**Existing Development
PRINCIPAL BUILDINGS**

Structure Pre-existing (Y/N)? Lawfully constructed (Y/N)?
none

ACCESSORY STRUCTURES

Structure Pre-existing (Y/N)? Lawfully constructed (Y/N)?
none

**Proposed Development
PRINCIPAL BUILDINGS**

Check if portions or all below is nj []
Check if proposed as a non-building lot: []
Structure Footprint Height # Bedrooms Slopes
none

Have necessary density? Y N
remaining potential principal buildings = from [] survey or [] estimate

TELECOMMUNICATIONS TOWER

One 120-foot-tall tall monopole tower concealed as 125-foot-tall simulated tree
Four panel antennas mounted at 116-foot centerline height – each 8 feet tall
Four remote radio heads (RRHs) and one over voltage protection (OVP) unit – each 15 to 29 inches tall

ACCESSORY STRUCTURES

Structure	Footprint	Height	Slopes
Equipment cabinet	on 4' x 7' concrete pad	6.3'	25± %
H-frame	10' x 4.3'	11'11"	25± %
Diesel generator	on 4' x 7' concrete pad	6.5'	25± %
Chain link fence	50' x 25'	7'	

ACCESS *Consult RASS engineer for driveway > 12% slope / *consult RASS ecologist for driveway > ¼ mile

Driveway is [] existing / [] proposed Length: Width:
Sight distance evaluated? Y N Slopes:
Need Clearing/Grading? Y N Comments: (Note if HOA or shared maintenance involved)
Need hwy access permit? Y N access drive is on the 10.6±-acre parent parcel
Need easement? Y N (not this lease parcel)
Need signs? Y N

VISUAL / AESTHETIC

Yes Proposed development visible from public areas (list)

Yes* Existing topography / vegetation will screen, if retained
No Planting plan proposed [] If Yes, RASS forestry analyst consulted

*Existing vegetation will conceal the equipment pad, H-frame, and generator and help to conceal the tower, but the tower needs to be concealed as a simulated tree in order to comply with the Agency's Towers Policy.

WASTEWATER TREATMENT (WWTS) *Consult RASS engineer for engineered plans None proposed

- [] Individual on-site [] Municipal [] Community
- Y N Slope suitable for WWTS (i.e., ≤8% shallow, ≤15% conventional)?
- Y N Soil suitable for WWTS (i.e., depth to SHGW and bedrock)?
- Y N All water bodies or streams > 100 feet WWTS? (If No, needs variance – from Town if ALLUP)
- Y N If fast perc (1-3 min/in), water > 200 feet WWTS? (If No, amended soils required)
- Y N All jurisdictional wetlands > 100 feet WWTS? (If No, counts as permit jurisdiction)
- Y N Suitable 100% replacement area identified?
- [] Existing and proposed to remain (needs suitable 100% replacement area)

WATER SUPPLY None proposed

- [] Individual on-site [] Municipal
- Y N All water supplies, on-site and off-site, > 100 feet WWTS? (If No, need DOH waiver)

STORMWATER / EROSION & SEDIMENT CONTROL *Consult RASS engineer

- Yes Does proposed development maintain existing drainage patterns?
- Yes < 1 acre disturbance proposed (May need E&S Control Plan if water/slope/soil resources at risk)
- No > 1 acre disturbance proposed (SWPPP required, which includes E&S Control Plan)

UTILITIES

- Available on site? Yes [X] Overhead [] Underground
- Available at road? Yes [X] Overhead [] Underground
- Proposed for site? Yes [] Overhead [X] Underground