

STAFF DRAFT – NOT APPROVED BY AGENCY
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>DRAFT APA Permit 2020-0224</p>
<p>In the Matter of the Application of</p> <p>NEW CINGULAR WIRELESS PCS, LLC and ROGER Q. SCOTT Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: XXXX</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. New Cingular Wireless PCS, LLC 2. Roger Q. Scott</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a new telecommunications tower, equipment compound, access road, and a subdivision by lease in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Edinburg, Saratoga County.

This authorization shall expire unless recorded in the Saratoga 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 five years of the date the permit is recorded in the County Clerk's Office. 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 86.32±-acre parcel located on Military Road in the Town of Edinburg, Saratoga County in a Rural Use land use area on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 54, Block 1, Parcels 2.1 & 4, and is described in two deeds; a deed from Roger Scott also known as Roger Q. Scott to Roger Q. Scott, dated May 7, 2007, and recorded May 22, 2007 in the Saratoga County Clerk's Office under Instrument Number 2007020147; and in a deed from Burnette Brooker to Roger Q. Scott, dated March 7, 2002, and recorded March 19, 2002 in the Saratoga County Clerk's Office in Liber of Deeds Book 1607 at Page 304.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a subdivision by lease of Parcel 54-1-4 to create a parcel 80 feet by 80 feet in size and construction of a new monopine telecommunications tower. The tower will be 101 feet in height and will be located 250± feet southwest of an existing telecommunications tower (as authorized in Agency Permit 2006-0220) and 3650± feet east of Military Road. The top of the tower will be concealed as a simulated pine tree, for a total height of 106 feet. A total of six 8-foot-tall panel antennas, three surge suppressors (SQUID units), and a total of 15 remote radio head units (five per sector) will be installed on the tower at a centerline mounting height of 97 feet above ground level.

The tower will be located within a 26-foot by 40-foot fenced-in equipment compound that will also contain a 7±-foot by 14±-foot equipment shelter and a backup generator. Access to the facility will follow an existing gravel drive originating from Military Road on Parcel 54-1-2.1 and a new 122±-foot-long, 12-foot-wide gravel road on Parcels 54-1-4. Underground utilities will be located along the access road and within a 30-foot-wide access and utility easement.

The project is shown on the following 12 plan sheets titled "at&t Zoning Drawings; Site Name: Edinburg North; Site Number 10146651; Address 402 Military Road; Northville; NY; Pace Project #: MRUNY011339," prepared by Costich Engineering, and dated September 22, 2020 with a final revision date of October 22, 2021 (Project Plans) as follows:

Sheet T-1	Title Sheet
Sheet GN-1	General Notes
Sheet VC-1	Schematic Total Holdings
Sheet VC-2	Survey Notes
Sheet C-1	Overall Site Plan
Sheet C-2	Compound Plan
Sheet C-3	Grading & Erosion Control Plan
Sheet C-4	Tree Preservation Plan
Sheet C-5	Tree Preservation Notes
Sheet C-6	Elevation, Orientation Plan, & RF Info
Sheet C-7	Equipment Platform & Details
Sheet C-8	Site Details

A visual analysis of the tower and related development was submitted with the application for this permit, titled "Edinburg North FA#10146651 Visual Analysis & Impact Assessment," prepared by Costich Engineering, and dated August 2021 (Visual Analysis Report). Subsequent to that report, the photo-simulations for Photos 116 and 117 were revised and received by the Agency on September 29, 2021.

Reduced-scale copies of Sheet C-1 (Overall Site Plan) and Sheet C-6 (Elevation, Orientation Plan, & RF Info) 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 and the establishment of a major public utility use on Rural Use lands in the Adirondack Park.

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to any subdivision of Rural Use lands, including subdivision by lease, that results in the creation of a non-shoreline lot smaller than 7.35 acres in size 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 Saratoga 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 telecommunications tower remains on the site. Copies of this permit, Project Plans and Visual Analysis & Impact Assessment 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 2020-0224, issued **XXXX**, 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 subdivision by lease and construction of an access road, tower, antennas, and equipment compound in the location shown and as depicted on the plans referenced herein. The tower shall not exceed 106 feet in height, including all portions of the simulated tree and lightning rod, and the antennas shall be located on the tower as shown on the plans referenced herein, with the top of the antennas no higher than 101 feet above ground level (centerline elevation of 97 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.

Blasting

6. Prior to any blasting on the project site related to construction of the tower, access drive, or equipment compound, a blasting plan shall be submitted to the Agency and written approval obtained. All blasting shall comply with the approved blasting plan.

Concealment

7. The simulated tree portion of the tower shall mimic the branching structure, needle pattern, and coloration of a mature, fully formed eastern white pine tree, as depicted in the Project Plans and the Visual Analysis & Impact Assessment, received August 17, 2021 and September 29, 2021. Under current site conditions, any co-location that increases the height or width of the tower or renders the tower not substantially invisible will defeat the concealment elements of the simulated tree tower approved herein.
8. Any simulated branches that break or fall off shall be repaired or replaced within eight months. Photos of the repair or replacement shall be provided to the Agency within two weeks of completion.

Structure Color

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

Lighting

10. Installation of any lighting on the tower authorized herein shall require prior written Agency authorization. Any other exterior lights on the 80-foot by 80-foot leased parcel shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky, toward Military Road, Great Sacandaga Lake or adjoining property. Any lights within the lease area shall be either switched off when not in use or controlled by motion sensors.

Signs

11. 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

12. On the project site and within 200 feet of the tower authorized herein, no existing trees greater than 6 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 and b) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
13. 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 tower, its antennas, and equipment compound 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

14. 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.

Erosion Control

15. The project shall be undertaken in compliance with the Erosion and Sediment Control Plan contained within the Project Plans.

Documentation of Construction

16. The Agency shall be provided with color photographs showing the completed tower, antennas, and equipment compound within 30 days of project completion. Photographs shall be taken at the project site and from Photo Stations 116, 117, 119 (South Shore Road), and Photo Station 121 (Roberts Lane). 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

- 17. 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 Edinburg; 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 , 2022.

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 2022, 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