



P.O. Box 99 • Ray Brook, New York 12977 • (518) 891-

APA Project Order and Findings: 2012-128

Date Issued: **DATE**

In the Matter of the Application of

ESSEX COUNTY, NEW YORK STATE POLICE, AND NEW YORK STATE ELECTRIC AND GAS

for a order and permit pursuant to §§814 and 809
of the Adirondack Park Agency Act.

To the County Clerk: This permit must be recorded on or before **DATE**. Please index this permit in the grantor index under the following names:

- 1. Essex County**
- 2. New York State Police**
- 3. New York State Electric and Gas**

SUMMARY AND AUTHORIZATION

This document constitutes the Order and Findings for Adirondack Park Agency Project 2012-128 (the Order) for a new public safety communications system and shared microwave network. Essex County, New York State Electric and Gas (NYSEG), and the New York State Police (NYSP) shall be granted permits and orders for individual portions of the project as described herein. This project includes major public utility uses and structures over 40 feet in height on private lands classified Hamlet, Low Intensity Use, Rural Use, Resource Management, and Industrial Use and public lands classified Intensive Use, State Administrative and Wild Forest by the Official Adirondack Park Land Use and Development Plan Map in the Towns of Peru (Clinton County); Lewis, Moriah, North Elba, St. Armand, Ticonderoga, Westport, and Wilmington (Essex County); Tupper Lake (Franklin County); Indian Lake (Hamilton County); Johnsbury (Warren County); and Dresden (Washington County).

No portion of this project may be undertaken until this Order is recorded at the Clinton, Essex, Franklin, Hamilton, Warren and Washington County Clerk's Offices and the individual permit and/or order for the respective site is recorded in the respective County Clerk's office. This Order shall expire unless so recorded on or before **DATE** in the names of all persons listed on the first page hereof and in the names of all owners of record of any portion of the project site on the recordation date.

This 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 microwave system component of the emergency communications system has been installed as proposed.

Nothing contained in this Order or the individual permit and/or order for each respective site shall be construed to satisfy any legal obligations of the applicant to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

AGENCY JURISDICTION

The project involves the construction of communications infrastructure at 14 sites in the Adirondack Park. Development includes the construction of two new towers (one of which is a replacement of a nearby tower), the replacement and extension of two existing towers, and the co-location of infrastructure at 12 existing locations.

The project primarily involves a major public utility use and structures over 40 feet in height, a Class A regional project requiring an Agency permit pursuant to Sections 809 and 810 of the APA Act. Specifically, the project is subject to Agency jurisdiction as follows: at Belfry Mountain: §810(1)(d)(5), §810(1)(d)(18), and §810(2)(c)(2)(b); at Saddle Hill: §810(1)(c)(17) and §810(2)(b)(2)(b); at Wells Hill: §810(1)(f)(4); at Mount Pisgah: §810(1)(a)(4); at Mount Morris: §810(1)(e)(16); at Terry Mountain and Ainger Hill: §810(1)(d)(5), §810(1)(d)(18); at the Lewis Public Service Building: §810(1)(d)(1)(18); at Blue Mountain: §810(1)(e)(8), §810(1)(e)(16), and at Mount Defiance: §810(1)(e)(16).

Finally, a portion of the project is also subject to an Agency order pursuant to APA Act section 814 because the project is also a State Agency Project involving new land use and development on state and private lands.

PROJECT SITES

Site Name Road Town & County Land Use Area	Tax Parcel Number Acreage Property Owner of Record Deed Cite	Tower/Structure Size Tower/Structure Owner Permit Authorizing Tower/Structure Misc Info.
New Tower Sites:		
Belfry Mountain County Rte 70 Moriah, Essex Rural Use	86.3-1-10 38.7± Acres Estate of Sheldon Sternbach Liber 574/Page 22	Raw Land Site (No Communications Infrastructure exists at this Site). The site is adjacent to an existing 180± foot tall tower which is owned by Essex County and located on a separate tax parcel and not under common ownership with the project site. The tower replaced a pre-existing tower (see Agency permit 78-133).

Saddle Hill Off County Rte 12 Lewis, Essex Low Intensity	47.2-1-63.110 106± Acres Iola C. Thew (n/k/a) Iola Collinson Liber 419/Page 347	Raw Land Site (No Communications Infrastructure exists at this Site)
Replacement Tower Sites:		
Mount Morris Mountain Summit Tupper Lake, Franklin Resource Management	521-1-2 188± Acres John A. Deming and Erling Svendsen Liber 592/Page 118	This NYSEG tower is inventoried in Agency Permit 80-208.
Wells Hill Seventy Lane Lewis, Essex Industrial Use	37-2-44.1 207± Acres NYCO Minerals, Inc. Liber 1000/Page 6	Agency Permit 2002-227 authorized the 40 foot tall tower.
Co-location on Existing Infrastructure:		
Terry Mountain Peasleeville Road Peru, Clinton Rural Use	276-2-2 13.4± Acres Essex County Inst# 2011-00240902	Pre-existing Tower. 890± foot tall guyed lattice tower is owned by Essex County
Mount Pisgah Ski Area Summit St. Armand, Essex Hamlet	32.29-1-26 3.7± Acres Harris Corporation Doc# 2009-00002345	100± foot tall self supporting lattice tower owned by New York State Police Pre-existing Tower.
Mount Defiance Off Defiance Street Ticonderoga, Essex Resource Management	151.3-1-1 271 Acres Fort Ticonderoga Association, Inc. Liber 652/Page 98	Agency Permit 78-131 (project 78-35A) authorized the 25± foot tall, 15 by 30 foot telecommunications building.
Ainger Hill Halds Road Westport*, Essex Rural Use	57.4-2-15.2 24.9 Acres Steven W. Schmidt et al. Liber 1653/Page 209 See Liber 667/Page 293 for 1.88± acre tower lease area.	Agency Permit 78-131 (project 78-35B) authorized the 100± foot tall self supporting lattice tower. Tower is owned by Independent Towers and Wireless, LLC.
Essex County Public Safety Building County Rte 12 Lewis, Essex Rural Use	47.02-1-30.11 12.4± Acres Essex County Liber 1446/Page 118	Essex County Municipal building Agency Permit 2004-252 authorized the municipal building.
Blue Mountain Off New York State Route 28N/30 Indian Lake*, Hamilton Resource Management	39-1-1.111 4,045± Acres Upper Hudson Woodlands, ATP, LP Liber 252/Page 113 (correction deed Liber 246/Page 789)	195± foot tall guyed tower NYSEG owns the tower and maintains a lease on the 0.11± acre tower site. Agency Permit 95-169 authorized the replacement of a 50 foot tower with a 195 foot tall tower.
State Land Sites:		
Little Whiteface Mountain Wilmington, Essex Intensive Use	25-1-15 State of New York	The ski patrol shack was constructed in the early 1970's and is inventoried in the 1995 Whiteface Mountain Unit Management Plan.
Gore Mountain Johnsburg*, Warren Intensive Use	82-1-17 State of New York	Pre-existing Fire Tower is inventoried in the 1995 Unit Management Plan Update and Amendment for Gore Mountain.
Black Mountain	33-1-7	In 1986 the Black Mountain Section

Dresden, Washington Wild Forest	State of New York	Unit Management Plan (within the Lake George Wild Forest) approved the 39 foot tower.
Ray Brook State Office Complex NYS Rte 86 North Elba, Essex State Admin	32.4-1-22 State of New York	State Project Order 77-4 authorized the tower.
Sites Not subject to Agency review**:		
Blue Mountain Off NYS 28N/30 Indian Lake*,Hamilton Wild Forest	47-2-3 1,042± Acres State of New York	Tower is inventoried in the 1995 Unit Management Plan for the Blue Mountain Wild Forest
Whiteface Mountain Summit Wilmington, Essex Intensive Use	25-1-16 State of New York	The castle is a pre-existing structure.

*Approved Town

**By letter dated August 2, 2011 the Agency's Deputy Director of Regulatory Programs determined that the replacement antennas proposed on the tower located in the Blue Mountain Wild Forest and within the castle located on the summit of Whiteface Mountain were *de minimis* in nature and no Unit Management Plan amendment or Agency Order would be required. As such, these locations are not subject to the terms and conditions of this order and permit.

PROJECT DESCRIPTION AS PROPOSED

The project involves a comprehensive emergency communication system, a part of which will be shared by Essex County, the NYSP, and NYSEG. The system includes a microwave loop and paging and land mobile radio (LMR) antennas. Additional infrastructure proposed by other entities are also proposed as part of the system.

Detailed summary of the development:

Site Location	Proposal, Site Users, Site Uses
Belfry Mountain Raw Land Site Adjacent to Existing Tower Site	Essex County will replace the existing 180± foot tall guyed tower located on adjoining tax parcel 86.3-1-12 (approved by Agency Permit 78-133) with a 195± foot tall self-supporting lattice tower on tax parcel 86.3-1-10. The new tower, which will also be owned by Essex County, will be constructed on a 0.5 acre portion of tax parcel 10; this lot will be owned by the County. The existing tower located on tax parcel 86.3-1-12 will be removed within one year of completion of the new tower. Infrastructure owned, used and maintained by Essex County: <ol style="list-style-type: none"> 1. One (1) 19.8 foot LMR whip antenna mounted at a tip elevation of 98 feet above ground level (AGL); 2. One (1) 10 foot long dipole paging antenna mounted at a tip elevation of 165 feet AGL; and 3. One (1) 19.8 foot LMR whip antenna mounted at a tip elevation of 199 feet AGL. Essex County is also proposing the following ground infrastructure within a new 50 foot by 60 foot fenced compound: <ol style="list-style-type: none"> 1. A 12 foot by 24 foot equipment shelter to house Essex County, NYSP, and New York State Department of Transportation, National Grid, and John Deming infrastructure; and 2. A back-up generator and fuel storage. The generator will be used by all tenants.

Infrastructure owned by the NYSP and, unless otherwise noted, used by Essex County, NYSEG, and the NYSP:

1. One (1) eight-foot microwave dish antenna with radome installed at a centerline elevation of 120± feet AGL;
2. One (1) six-foot microwave dish antenna with radome installed at a centerline elevation of 120± feet AGL;
3. One (1) six-foot microwave dish antenna with radome installed at a centerline elevation of 130± feet AGL;
4. One (1) eight-foot microwave dish antenna with radome installed at a centerline elevation of 160± feet AGL;
5. One (1) ten-foot microwave dish antenna with radome installed at a centerline elevation of 160± feet AGL;
6. One (1) 20 foot dipole LMR antenna installed at a tip elevation of 141± feet AGL and used by NYSP only; and
7. One (1) 10 foot long interoperability whip antenna mounted at a tip elevation of 118± feet AGL. This antenna will owned by the NYSP and used by Essex County.

Additional infrastructure proposed by Essex County:

1. Amateur Civil Emergency Service antenna infrastructure which consists of yagi and whip antennas will be installed at the tip elevations of 108± feet AGL (whip antenna, Warren County), 141± feet AGL (whip antenna, Essex County), and 65± feet (yagi antenna, Clinton County); and
2. A 13 foot long whip antenna at a tip elevation of 115± feet AGL to support the Department of Public Works, a 10 foot dipole antenna at a tip elevation of 53± feet to support the county's Highway Department, and a 10 foot long dipole antenna will be installed at a tip elevation of 106± feet to serve the Essex County hospital.

The following infrastructure is also proposed on the new tower:

1. AT&T Wireless will install nine (9) eight foot panel antennas at a centerline elevation of 173± feet AGL. A 12 by 20 foot equipment shelter will be installed within Essex County's fenced compound;
2. John Deming will install a yagi antenna at a centerline elevation of 65± feet AGL. Mr. Deming will also install a 20 foot whip antenna at a tip elevation of 100± feet AGL;
3. New York State Department of Transportation will install a 13 foot long whip antenna at a tip elevation of 100 feet AGL;
4. The National Weather Service will install a 4.5 foot long J-pole antenna at a tip elevation of 56 feet AGL; and
5. National Grid (a/k/a Niagara Mohawk Power Corporation) will install a 9.5 foot long dipole antenna at a tip elevation of 116± feet AGL.

In addition to the removal of the existing guyed lattice tower and associated telecommunications infrastructure located on adjoining tax parcel 86.3-1-12, a 10 foot diameter microwave dish antenna will be removed from the NYSDEC's fire tower located on Belfry Mountain (tax parcel 86.3-1-11, Hammond Pond Wild Forest).

Verizon Wireless telecommunications infrastructure was also initially proposed to be located on the tower and all photosimulations and site plans include the infrastructure. However, by letter dated October 4, 2012 the Agency was advised that Verizon Wireless is not pursuing their proposal at this time.

<p>Saddle Hill Raw Land Site</p>	<p>Essex County will undertake a subdivision into sites by lease and develop this raw land site with a 35 foot tall telecommunications tower upon which an 8 foot by 10 foot microwave reflector panel will be constructed. The structure's overall height will be 39 feet AGL. The reflector will require the construction of an access road (along an existing woods road) from Christmas Tree Lane. The reflector will be used by Essex County and the New York State Police. The tower and reflector will be owned by the New York State Police; Essex County will assume maintenance of the site.</p>
<p>Mount Morris Existing Tower Farm Site</p>	<p>NYSEG will replace the existing 20± foot tall guyed lattice tower with a 30 foot tall guyed lattice tower. The tower, which will still be owned by NYSEG, will be installed in the same immediate location (but not the same footprint) as the existing tower. In addition, infrastructure owned, used and maintained by NYSEG:</p> <ol style="list-style-type: none"> 1. One (1) 19.8 foot LMR whip antenna mounted at a tip elevation of 34.8± feet AGL; and 2. One (1) 60± inch tall LMR corner reflector transmitter mounted at a centerline elevation of 29± feet AGL. <p>Infrastructure owned by the NYSP and, unless otherwise noted, used by Essex County, NYSEG, and/or the NYSP:</p> <ol style="list-style-type: none"> 1. One (1) six-foot microwave dish antenna with radome installed at a centerline elevation of 21± feet AGL; 2. One (1) six-foot microwave dish antenna with radome installed at a centerline elevation of 27± feet AGL; and 3. One (1) three foot long whip antenna mounted at a tip elevation of 33± feet AGL. This antenna will be owned and exclusively used by the NYSP.
<p>Wells Hill Existing Tower Site</p>	<p>Essex County will replace the existing 20± foot tall guyed tower approved by Agency Permit 2002-227 and owned by Essex County with a 50± foot tall self supporting tower. The new tower will be installed in the same immediate location (but not the same footprint) as the existing tower.</p> <p>In addition, infrastructure owned, used and/or maintained by Essex County or NYSEG:</p> <ol style="list-style-type: none"> 1. One (1) 10 foot long NYSEG whip antenna mounted at a tip elevation of 35± feet AGL; 2. One (1) five foot long Essex County paging whip antenna mounted at a tip elevation of 25± feet AGL. This antenna will be owned by Contact Paging, Inc.; 3. Two (2) 15 inch yagi antenna at a tip elevation of 20± feet AGL to serve the Essex County's LMR communications. <p>The antennae listed above will be relocated from the existing tower. Infrastructure which will be owned by the NYSP and used by Essex County and the NYSP:</p> <ol style="list-style-type: none"> 1. One (1) six-foot microwave high performance dish antenna installed at a centerline elevation of 47± feet AGL. This antenna will be owned by the NYSP and used by Essex County and the NYSP; and 2. One (1) six-foot high performance microwave dish antenna installed at a centerline elevation of 50± feet. This antenna will be owned by the NYSP and used by Essex County and the NYSP. <p>In addition to the above, Essex County will install a 12 by 22 foot equipment shelter and a chain link fence to enclose the tower and shelter.</p>
<p>Terry Mountain Existing Tower Farm Site</p>	<p>Infrastructure owned, used and maintained NYSEG include:</p> <ol style="list-style-type: none"> 1. One (1) six-foot microwave dish antenna with radome installed at a centerline elevation of 275± feet AGL; 2. One (1) four foot tall LMR Corner reflector mounted at a tip elevation of 72± feet AGL; and 3. One (1) four foot tall LMR Corner reflector mounted at a tip

	<p>elevation of 52± feet AGL.</p> <p>Infrastructure which will be owned by the NYSP and used by Essex County, NYSEG, and the NYSP include:</p> <ol style="list-style-type: none"> 1. One (1) eight-foot high performance microwave dish antenna installed at a centerline elevation of 226± feet above ground level; 2. One (1) ten-foot high performance microwave dish antenna installed at a centerline elevation of 650± feet above ground level to create a shared microwave; 3. One (1) eight-foot high performance microwave dish antenna installed at a centerline elevation of 620± feet above ground level; and 4. One (1) six-foot microwave dish antenna with radome installed at a centerline elevation of 43± feet above ground level. This antenna will be used by Essex County and NYSP only. <p>The project also involves the installation of a new 10 by 16 foot equipment shelter at the base of the tower and the replacement of an existing backup generator and fuel storage with a new propane generator and fuel storage tanks. The shelter and generator infrastructure will be owned by Essex County.</p> <p>An existing NYSEG six-foot microwave dish antenna located at a centerline elevation of 250± feet AGL will be removed from the tower. To reduce structural loading on the tower Essex County will also be reducing the overall height of the existing tower from 890± feet to 690± feet.</p>
<p>Mount Pisgah Existing Tower Farm Site</p>	<p>Infrastructure owned, used and maintained by Essex County:</p> <ol style="list-style-type: none"> 1. One (1) 19.8 foot long LMR receiver whip antenna mounted at a tip elevation of 100± feet AGL; 2. One (1) 60 inch tall LMR corner reflector transmitter mounted at a tip elevation of 10± feet AGL; and 3. One (1) 10.0 foot long paging whip antenna to be mounted at a tip elevation of 38± feet AGL. <p>Infrastructure which will be owned by the NYSP and, unless otherwise noted, used by Essex County, NYSEG, and the NYSP:</p> <ol style="list-style-type: none"> 1. One (1) six-foot microwave dish antenna with radome installed at a centerline elevation of 86± feet AGL; 2. One (1) eight-foot high performance microwave dish antenna installed at a centerline elevation of 72± feet AGL; 3. One (1) six-foot microwave dish antenna with radome installed at a centerline elevation of 77± feet AGL. This antenna will be used exclusively by the NYSP; and 4. A 12 by 28 foot equipment shelter with integral generator room; this infrastructure will be owned by Essex County. <p>NYSP infrastructure which is presently installed on the tower and which will be removed include:</p> <ol style="list-style-type: none"> 1. One (1) six-foot microwave dish antenna located at a centerline elevation of 100± feet AGL; 2. One (1) four-foot microwave dish antenna located at a centerline elevation of 98± feet AGL; and 3. One (1) four-foot microwave dish antenna located at a centerline elevation of 89± feet AGL.
<p>Mount Defiance Existing Tower Farm Site</p>	<p>Infrastructure owned, used and maintained by Essex County:</p> <ol style="list-style-type: none"> 1. One (1) 19.8 foot long LMR receiver whip antenna to be mounted on the roof of the building with the tip elevation of 39.8 feet AGL; 2. One (1) 60 inch LMR Corner reflector transmitter wall mounted at a tip elevation of 12.0 feet AGL; 3. One (1) 12.0 foot long paging whip antenna wall mounted at a tip elevation of 20 feet AGL; and 4. One (1) six foot long Essex County LMR communications dipole

	<p>antenna with reflector wall mounted at a tip elevation of 12 feet AGL.</p> <p>Infrastructure which will be owned by the NYSP and used by Essex County, NYSEG, and the NYSP:</p> <ol style="list-style-type: none"> 1. One (1) six-foot microwave dish antenna with radome to be installed on a pipe mount at a centerline elevation of 18± feet AGL; and 2. One (1) six-foot microwave dish antenna with radome to be installed on a new wall stabilized lattice structure at a centerline of 26± feet AGL, <p>The project involves the replacement of an existing backup generator and fuel storage with a new propane generator and fuel storage tanks; this infrastructure will be owned by Essex County.</p>
Ainger Hill Existing Tower Site	<p>Infrastructure which will be owned, maintained, and used exclusively by Essex County:</p> <ol style="list-style-type: none"> 1. One (1) 19.8 foot long LMR receiver whip antenna to be mounted on the existing tower at a tip antenna elevation of 120± feet AGL; 2. One (1) 60 inch tall LMR Corner reflector transmitter mounted at a tip elevation of 50± feet AGL; and 3. One (1) 12 foot long paging whip antenna mounted at a tip elevation of 65± feet AGL. <p>Infrastructure owned by the NYSP and used exclusively by Essex County:</p> <ol style="list-style-type: none"> 1. One (1) six-foot microwave dish antenna with radome installed at a centerline elevation of 86± feet AGL.
Essex Co. Municipal Building	<p>Infrastructure owned, used and maintained by Essex County:</p> <ol style="list-style-type: none"> 1. One (1) 5.5 foot long LMR whip antenna mounted on the roof of the building with the tip elevation of 37.5± feet AGL.
Site with existing antennas on structure	<p>Infrastructure owned by the NYSP and used by Essex County and the NYSP:</p> <ol style="list-style-type: none"> 1. One (1) six-foot high performance microwave dish antenna installed on the roof of the building at a centerline elevation of 30.5 feet AGL.
Blue Mountain (Resource Management) Existing Tower Site	<p>Infrastructure owned, used and maintained by Essex County or NYSEG:</p> <ol style="list-style-type: none"> 1. One (1) 12 foot long Essex County paging whip antenna mounted at a tip elevation of 60± feet AGL; and 2. Two (2) 20 foot long NYSEG dipole whip antennas mounted at tip elevations of 125± and 165± feet AGL. <p>Infrastructure owned by the NYSP and used by Essex County, NYSEG, and the NYSP:</p> <ol style="list-style-type: none"> 1. One (1) six-foot microwave dish antenna with radome installed at a centerline elevation of 36± feet AGL; 2. One (1) six-foot microwave dish antenna with radome installed at a centerline elevation of 180± feet AGL; and 3. One (1) two-foot microwave dish antenna with radome installed at a centerline elevation of 70± feet AGL. This antenna will be used by NYSP only. <p>NYSEG infrastructure which has been permitted but will no longer be installed at this site include a six-foot microwave dish antenna at the 44± foot AGL level and two dipole antennas at elevations of 120± and 160± feet AGL. This infrastructure includes all infrastructure permitted by Agency Permit 2008-158. NYSEG infrastructure which is currently installed on the tower and which will be removed as part of this project include a six foot microwave dish antenna with radome located at an elevation of 60± feet AGL.</p>
State Land Sites:	
Gore Mountain Existing	<p>Infrastructure owned, used and maintained by Essex County:</p> <ol style="list-style-type: none"> 1. One (1) 19.8 foot long LMR receiver whip antenna mounted at a tip elevation of 60± feet AGL; 2. One (1) five foot tall LMR corner reflector transmitter mounted

<p>Tower Farm Site</p>	<p>at a tip elevation of 40± feet AGL; and</p> <ol style="list-style-type: none"> 3. One (1) 12 foot long paging whip antenna to be mounted at a tip elevation of 74± feet AGL. <p>Unless otherwise noted, infrastructure which will be owned by the NYSP and used by Essex County, NYSEG, and the NYSP include:</p> <ol style="list-style-type: none"> 1. Installation of one (1) eight-foot high performance microwave dish antenna on the existing tower at a centerline elevation of 57± feet AGL; 2. Installation of one (1) eight-foot high performance microwave dish antenna on the existing tower at a centerline elevation of 40± feet AGL; and 3. Installation of one (1) six-foot microwave dish antenna with radome on the existing tower at a centerline elevation of 57± feet AGL. <p>The project also involves the removal of two NYSP six-foot microwave dish antennas (located at 57± feet AGL) and a dipole antenna located at a tip elevation of 47± feet AGL. The existing NYSP equipment shelter will be replaced with a new 10 by 24 foot shelter. Small diagonal brackets will also be added to the tower to add structural capacity. Finally, two small Essex County antennas of unknown size will be removed from an existing tower located on the adjoining Barton Mines property.</p>
<p>Black Mountain Existing Tower Site</p>	<p>Infrastructure owned and exclusively used by the NYSP:</p> <ol style="list-style-type: none"> 1. Installation of one (1) six-foot microwave dish antenna with radome installed on the existing tower at a centerline elevation of 22± feet AGL. <p>The project also involves the removal of an existing six-foot microwave dish antenna located at an elevation of 37± feet AGL.</p>
<p>Ray Brook State Office Complex Existing Tower Site</p>	<p>Infrastructure owned, used exclusively used by NYSP:</p> <ol style="list-style-type: none"> 1. One (1) six-foot microwave dish antenna with radome installed on the existing tower at a centerline elevation of 132± feet AGL. <p>The project also involves the removal of an existing four-foot microwave dish antenna located at an elevation of 134± AGL.</p>
<p>Little Whiteface Mountain Existing Ski Area Infrastructure</p>	<p>Replacement of the existing 17± foot tall, 654± square foot (structure footprint, not including entrance) ski patrol building with a 1,380± square foot, 34± foot tall (when measured from the lowest point to the highest point on the structure) ski patrol dispatch building and emergency communication infrastructure building. The new structure will also include three decks/staircases which total approximately 450 square feet in footprint. It will be located on the same footprint as the existing structure. The new structure will be owned by New York State.</p> <p>Essex County infrastructure proposed to be housed in and on the new structure:</p> <ol style="list-style-type: none"> 1. One (1) 19.8 foot long LMR whip antenna to be mounted on the main roof ridge; 2. One (1) five foot tall LMR corner reflector installed within the cupola; and 3. One (1) 12 foot long paging whip antenna to be mounted on the main roof ridge. <p>Infrastructure owned and/or used by NYSP:</p> <ol style="list-style-type: none"> 1. One (1) two-foot microwave dish antenna installed within the cupola; and

	2. One (1) six-foot microwave dish antenna installed within the cupola.
Sites not subject to Agency review:	
Whiteface Mountain Summit	NYSP will replace an existing two-foot microwave dish antenna located inside the summit observatory with a new two-foot microwave dish antenna inside the observatory but in a different location.
Blue Mountain Tower (Wild Forest)	NYSP will change the angle of an existing four-foot microwave dish antenna located at a centerline elevation of 69± feet AGL and will remove a six-foot microwave dish antenna located at 62± feet AGL and an ice shield located at 66± feet AGL.

*Note: This project involves critical infrastructure the details of which, if disclosed, could jeopardize the capacity of an agency or entity that has shared information with an agency to guarantee the security of its information technology assets including infrastructure, and could endanger the life or safety of any person. The records of this infrastructure were compiled for law enforcement investigations or judicial proceedings. For these reasons, the site plans described above remain confidential under the New York State Public Officers Law §§87(e), 87(f), and 87(i). The Agency has however, reviewed the site plans and other critical infrastructure information.

For all sites, all abandoned and/or obsolete infrastructure of Essex County, the New York State Police, and NYSEG will be removed upon activation of the new public safety communications system and shared microwave network.

CONDITIONS

BASED UPON THE FINDINGS BELOW, THE PROJECT IS APPROVED WITH THE FOLLOWING CONDITIONS:

1. The project shall be undertaken as described in the completed application, the Project Description as Proposed and Conditions herein. In the case of conflict, the Conditions control. Failure to comply with the permit is a violation and may subject the applicant, successors and assigns to civil penalties and other legal proceedings, including modification, suspension or revocation of the permit.
2. This Order is binding on Essex County, the NYSP, and NYSEG, and all contractors undertaking all or a portion of the project. Copies of this Order and Findings and all the approved maps and plans referred to herein shall be furnished to all contractors prior to undertaking the project, and to all subsequent owners or lessees of the project site prior to sale or lease. All deeds, leases or easements for all or a portion of the lands subject to this Order and Findings shall contain references to this permit as follows: "The lands conveyed are subject to Adirondack Park Agency Order and Findings P2012-128 issued **DATE**, the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
3. The Agency may conduct such on-site investigations, examinations, tests and evaluations as it deems necessary to ensure compliance

with the terms and conditions hereof. Such activities shall take place at reasonable times and upon advance notice where possible.

Authorized Infrastructure

4. The towers, antennas, and associated infrastructure authorized herein shall be constructed in the locations and at the elevations shown on the final plans provided for each site and approved herein.

Review of Future Development

5. Any future new land use and development on any project site involving the emergency communication system approved herein, shall require prior Agency review and approval in the form of a new or amended permit. Maintenance and/or "in kind" replacement of the tower, antennas, equipment buildings and other appurtenant facilities authorized herein is allowed without a new or amended permit.
6. No subdivision or land use and development shall occur on any project site without first obtaining a jurisdictional determination and, if necessary, a permit from the Agency.

Removal of Existing Infrastructure and Discontinuance of Use

7. For all sites, all abandoned and/or obsolete infrastructure of Essex County, NYSP and/or NYSEG shall be removed upon activation of the new public safety communications system and shared microwave network.

If future circumstances result in the discontinuance of use of any of the infrastructure approved herein, that infrastructure which is no longer used shall be removed within two years of discontinuance, unless it can be demonstrated that a change in use is appropriate and can meet the standards of Executive Law Article 27 for a new use, and an Agency permit is issued within that two year period. The approval of the emergency communication system does not establish any presumption of the appropriateness of these sites for any other, non-emergency use.

Outdoor Lighting / Tower Striping

8. Except for Terry Mountain and Ray Brook, no tower shall be lighted or striped in any way without prior Agency review and approval in the form of a new or amended permit. If lighting is necessary at any of the equipment compounds then lights shall be employ full cut off fixtures that are fully shielded to direct light downward and not into the sky. Any lights shall only be employed to assist in the maintenance and repair of the facility infrastructure and, if used for security purposes, shall employ timed fixtures which are activated by motion or heat sensors.

Bicknell's Thrush

9. This condition applies to Gore Mountain, Blue Mountain, Little Whiteface Mountain, and Mount Morris (those project sites which are at an elevation exceeding 2,800 feet): Unless an independent environmental specialist approved in advance by the Agency in consultation with DEC concludes in a written report that activities proposed will not have an impact on the Bicknell Thrush's breeding and/or nesting season, the use of heavy machinery, gas powered generators, air compressors, and pneumatic tools shall be prohibited from May 15 until August 1.

Wetlands

10. No "regulated activity" as defined in the Agency's Freshwater Wetland Regulations (9 NYCRR Part 578) shall occur on the project site without prior Agency approval. Such activities include, but are not limited to, new land use or development in, subdivision of, clearcutting more than three acres within, or dredging or filling of a wetland, or any other activity, whether or not occurring within the wetland, which pollutes it or substantially impairs its functions, benefits or values.

Site Specific Conditions

11. Site specific conditions regarding the color of each tower and/or antenna infrastructure color, limits of clearing (if any), documentation of construction, and other generally minor conditions will be addressed in each individual permit/order.

Documentation of Construction

12. Within 90 days of completion of the public safety communications system and shared microwave network the Agency shall be provided with a construction compliance report. The report shall include photo documentation of the development from specific photostation(s) identified in each individual permit/order. The report shall also include an overview of the status of the removal of abandoned and/or obsolete infrastructure and an estimate regarding when any remaining infrastructure will be removed. This documentation shall be provided in a single written report with electronic back up. All electronic as built photographs must be submitted in a high resolution format.

FINDINGS OF FACT

Deeds/Ownership

1. The Project Site description includes information regarding property ownership and deed references as well as tower/structure ownership information.

Background/Prior History

2. The applicants have requested that portions of the application be withheld from public disclosure, pursuant to Public Officers Law § 89(5), by letter dated September 7, 2012. The requested exemptions to the Freedom of information Law are based on Public Officers Law §§ 87(2) (e), 87(2)(f), and 87(2)(i). The Agency granted the applicants' request and has held portions of the application and project involving critical infrastructure ("Critical Infrastructure"), the details of which if disclosed could jeopardize the capacity of an agency or an entity that has shared information with an agency to guarantee the security of its information technology assets including infrastructure, and could endanger the life or safety of any person. The records of this infrastructure were also compiled for law enforcement purposes which if disclosed would interfere with law enforcement investigations or judicial proceedings. For these reasons, the details of the Critical Infrastructure remain confidential under the New York State Public Officers Law §§ 87(e), 87(f) and 87(i). The background and prior history of the project is part of the Critical Infrastructure information and is on file with the Agency. The Agency has however, reviewed the Critical Infrastructure information.

Public Notice and Comment

3. The Agency notified all adjoining landowners and those parties as statutorily required by §809 of the Adirondack Park Agency Act and published a Notice of Complete Permit Application in the Environmental Notice Bulletin. No public comment was received.

Other Regulatory Permits and Approvals

4. No permits or approvals are required from the municipalities for the system approved herein.
5. The FCC has issued all licenses necessary for the public safety communications system and shared microwave network.

6. By letters dated October 19, 2011, January 30, 2012, April 26, 2012 and September 19, 2012, the Federal Aviation Administration advised that the new and/or replacement towers at Mount Morris, Saddle Hill, Wells Hill, and Belfry Mountain (respectively) would not pose a threat to air safety.

Public/Economic/Fiscal Factors

7. The information in the application relating to public, economic and fiscal factors is part of the Critical Infrastructure information not subject to public disclosure and is on file with the Agency.

Activities Determined to Not Require Agency Review and Approval

8. By letter dated August 2, 2011 the Agency advised Essex County that the proposed repainting of the Terry Mountain tower, as well as the addition of a climber's safety cable, the relocation of lights, the repair and replacement of cables, to be routine maintenance and de minimus in nature. The Agency advised the County that it had no review authority over their proposal to remove obsolete antennas (including but not limited to those permitted by Agency Permit 96-14) or reduce the tower's overall height from 977.5± feet to 690± feet.
9. By letter dated August 2, 2011 the Agency advised Essex County that no Unit Management Plan Amendments would be required prior to undertaking planned infrastructure modifications at the Whiteface Mountain Summit Observatory (Intensive Use) or at Blue Mountain (Wild Forest). For each of these locations, the equipment should be included in the inventory in the respective UMP when adopted or next amended. The proposal at the observatory included the replace a two foot diameter microwave dish antenna located inside the observatory with a new two foot diameter microwave dish antenna placed in a different location within the observatory. The proposal for the New York State Department of Environmental Conservation's tower included changing the angle of an existing four-foot diameter microwave dish antenna located at 69 feet AGL (no change in elevation would occur), the removal of a six foot diameter microwave dish antenna located at 62 feet AGL, and the removal of an ice shield located at 66 feet AGL.

PROJECT IMPACTS

10. The entire public safety communications system and shared microwave network employs 17 locations, 16 of which are within the Adirondack Park and of the 16 sites, two have been determined to be non-jurisdictional (see Finding of Fact 9). Of the

remaining 14, five (Gore Mountain, Terry Mountain, Mount Morris, Mount Pisgah, and Mount Defiance) are tower farms where more than one tower is situated. Saddle Hill and Belfry Mountain are the only raw land sites while Wells Hill and Mount Morris are the only replacement tower sites.

Visual Impacts

11. The Agency's "Policy on Telecommunications Towers and Other Tall Structures" (Towers Policy) is a critical component for maintaining the long-term undeveloped open space character of the Park. The Policy provides that new telecommunications towers located within the Adirondack Park will be located to avoid undue adverse impacts in such a manner as to be substantially invisible and in the vicinity of existing settlements or those portions of highway corridors where existing telephone and electric power is accessible to the proposed facility. Facilities must also be designed and sited to avoid or minimize impact to nearby land uses. Co-location of facilities is preferred so long as substantial invisibility is achieved. The policy also states "Governmental emergency telecommunication towers will be handled in the same manner, with consideration given to the health and safety needs of the public". The overall system approved herein complies with the Towers Policy for the following reasons:
 - a. It is an upgrade of governmental emergency communications facilities to meet the demands of public health, safety and welfare. The public safety communications system and shared microwave network for Essex County and NYSP as well as a communication system for NYSEG (a public utility, provides a critical public service);
 - b. The system takes advantage of 12 existing telecommunications sites and only two new tower sites (Saddle Hill and Belfry Mountain) are required to complete the comprehensive shared system. And of these two sites, the Belfry Mountain site is located on a parcel of land located immediately adjacent to an existing tower which will be removed within one year of the construction of the new tower;
 - c. The system also involves the sharing of the microwave loop thus obviating the need for multiple systems to be located on the each site or at other or new sites within the park; and
 - d. Infrastructure approved herein will obviate the need for infrastructure which was either permitted previously by the Agency or permitted but not yet installed.

In addition, at each site the project complies with the Agency's Tower's Policy for the following reasons:

Belfry Mountain: The Belfry Mountain tower will result in the removal of an existing 180± foot tall tower which is

located immediately adjacent to the tower approved herein. And, due to intervening vegetation and relocating the tower further away from the summit of Belfry Mountain, the new tower will be seen from fewer viewpoints than the existing tower. The existing tower is seen from 11 locations within two miles with the dominant views from the developed areas of Witherbee (0.5 to 1.0 miles distant). The new tower will be seen from five fewer locations.

Several balloon studies were performed during the tower site selection process for Belfry Mountain. These studies resulted in the identification of five representative photostations (3, 4, 5, 10, and 12) for the developed area of Witherbee and six photostations outside the developed area but within 2 miles of the tower.

For those six photostation locations (1, 6, 7, 8, 9, and 11) located outside the developed area of Witherbee, the new tower was only found to be discernable from Photostation 1 (the fire tower located on unclassified lands owned by the state of New York; a view point which is approximately 250 feet from the existing guyed tower). And while the fire tower is located within a few hundred yards of the tower approved herein, the new tower will be further from the fire tower and will also be at a lower base elevation. Due to these two factors, the new tower will be less visually obtrusive than the existing tower even though the new structure is taller in overall height (195± feet vs. 180± feet) and broader in width (the tower approved herein is a self-supported lattice tower while the existing tower is a guyed lattice structure). For Photostations 6, 7, 8, 9 and 11 the existing tower is skylit and discernable while the tower approved herein is either not visible or, if visible only the topmost portion is seen within the top of the tree canopy during leaf off conditions.

The five photostations selected (3, 4, 5, 10, and 12) to be evaluated within the developed area of Witherbee were chosen because they were found to be most impacted by the new tower or, in the case of Photostation 3, the existing tower is visible but the approved tower will not be seen. Areas immediately adjacent to these specific locations were found to either have no view of the tower or, if seen, had a view which is had no greater impact than that seen at the representative photostation. Within this developed area only Photostation 5 resulted in a greater visual impact. At this location the topmost 30-40 feet of the tower will be seen for a distance of approximately 400 feet by travelers heading northwesterly. At this location the land use area classification changes from Hamlet to Rural Use. At Photostation 4, the topmost 100± feet of the existing tower is seen while only the topmost 30± feet of the approved

tower is visible. With regards to Photostations 10 and 12, the approved tower is seen as a structure which is approximately 1/2 to 1/3 as tall but approximately twice as wide as the existing tower.

Saddle Hill: Based upon a balloon study on August 24, 2010, Agency staff determined that the proposed new tower and panel array will not be seen from off-site locations except that the tree clearing necessary for the tower might result in brief glimpses of the tower from the Northway's southbound Exit 32 ramp, the entrance ramp to the Northway's southbound rest area, a parking area at the Essex County Public Service Building, Hyde Road (at the Northway overpass), and County Route 12. At all viewpoints the tower would be seen from a distance of less than 0.7 miles; however, at all locations the view would be a portion of the reflector panel only and when seen either completely back dropped by topography or vegetation or, if skylit, completely below the dominant tree canopy height.

Mount Morris: The replacement tower will only be seen from the same off-site locations as the existing tower to be removed. However, except as noted below, the tower will not be readily discernable as public viewpoints are at least 2.9 miles from the tower. A portion of the tower might be visible from the Big Tupper ski center's trails and base lodge area. If visible from the base lodge area, the structure would only be visible within the context of the existing tree line.

Wells Hill: Based upon a balloon study on August 24, 2010, Agency staff determined that the proposed replacement tower will not be seen from off site locations except that the tower might be viewed from rock outcrops on and along the ridge between Ausable No. 3 and Bald Peak (Jay Mountain Wilderness area). However, this area is located 1.1± miles to the west and is not accessible by a public trail. Furthermore, if the tower were viewed from this site, it would be seen from a superior position (1,500± feet higher in elevation and thus the tower will not be skylit) and in the context of a 65± acre commercial mineral extraction operation. A public trail is proposed for Mt. Fay, a small mountain 0.9± miles located to the north (the area is within the Taylor Ponds Wild Forest area). The tower will likely be visible from the summit but, as with the viewpoints in the Jay Mountain Wilderness area, will be seen from a superior position (800± feet higher in elevation) and in the context of the existing mineral extraction operation.

Terry Mountain: To address structural deficiency issues, the existing 978± foot tall tower's height will be reduced

by 287± feet (see Finding of Fact 8). Furthermore, while the project involves, in part, the installation of a 10 foot diameter microwave dish at an elevation of 650 feet and an 8 foot microwave dish at an elevation of 620 feet, each leg of the tower is 7± feet across and these antennas will not increase the bulk of the tower. Thus, at this location the project will reduce the overall visual impact of this pre-existing tower farm site.

Mount Pisgah: Two (2) four-foot diameter and one six-foot diameter microwave dish antennas are proposed to be removed from the existing tower. In their place, two six-foot and one eight-foot diameter microwave dish antennas will be installed. The new infrastructure will be lower on the tower and, while the infrastructure will have slightly more bulk, the overall area of visibility will not change. Furthermore, the infrastructure is located in a Hamlet land use area and will primarily be seen from Hamlet land use areas (the village of Saranac Lake) and within the context of an existing tower farm. Brief glimpses of the new antennas are also possible from the westbound lane of New York State Route 3 east of Saranac Lake and the southbound lane of Route 86, north of Saranac Lake. From these viewpoints the tower will again be seen in the context of an existing tower farm, when visible.

Mount Defiance: The microwave dish antennas will be mounted on top of an Agency approved telecommunications building and in the vicinity of the existing 80± foot tall telecommunications tower. From the summit the telecommunications building is approximately 135 feet west from the viewing pavilion for Fort Ticonderoga. The infrastructure will be seen in the context of an existing tower farm. However, the pavilion's purpose and focus is of the historic view toward the east (Lake Champlain) and northeast (Fort Ticonderoga). The microwave antennas will also be seen for a short distance along New York State Route 22, southerly of Mount Defiance and from the hamlet of Ticonderoga. At these locations the infrastructure will be seen in the context of the existing tower farm. The infrastructure does not change the visual character of the site.

Ainger Hill: The proposed infrastructure will be placed on an existing tower which is only visible from a 200± foot long section of County Route 22J (a.k.a. Halds Road). From this viewpoint, the sky-lit tower is perpendicular to the direction of travel and seen from a distance of 625± feet in the context of a small single family dwelling which is in the foreground. Infrastructure associated with this project will be clearly visible from this viewpoint and will be seen in the context of the existing development.

Essex County Public Service Building: The six-foot diameter microwave dish will only be visible from the parking lot located in the back of the building.

Blue Mountain: The infrastructure will be installed on an existing 195 foot tall triangular tower which has a leg width of four feet. The microwave dish antenna located at the elevation of 180 feet above ground level will be clearly discernable from the Blue Mountain fire tower, 800 feet to the south. From the fire tower, the six-foot microwave dish will be seen as will approximately 135 feet of the tower. The antenna infrastructure will not be distinguishable from the tower itself when seen from off-site locations.

Little Whiteface: Line-of-site profile analysis completed by Agency staff indicates that topography alone prevents the new ski patrol building (and associated cupola) from being visible from offsite locations. The 33± foot (base of foundation to the top of the cupola) tall structure will be seen from various locations within the ski area and will be visible from the summit of Whiteface Mountain where the structure will be seen from a superior position (i.e., not skylit). From all viewpoints the structure will be seen in the context of the existing ski gondola facility. The gondola terminus facility has a footprint of 25 feet by 85 feet and is 20 feet tall while the nearby gondola towers range in height from 53 to 62 feet in height. Finally, when seen, the structure will also be seen in the same location of the existing, albeit smaller, ski patrol building.

Gore Mountain: The ground and tower mounted infrastructure will only be partially seen from Gore Mountain's public ski trail (Upper Steilhang) and only when looking down the 30± foot wide entrance drive to the tower farm. From this viewpoint the existing tower is approximately 150 feet away.

Black Mountain: The replacement of the existing sixfoot microwave dish antenna located at an elevation of 37 feet with a sixfoot microwave dish antenna an elevation of 22 feet will reduce the visual impacts of at this site.

Ray Brook: The proposed eight-foot diameter microwave dish antenna will replace an existing six-foot diameter dish in the same location and thus the bulk of the infrastructure on the tower will not appreciably change. Furthermore, the existing tower is only visible from a less than 600 foot long section of New York State Route 86 with only the very top of the tower seen in and out of view for approximately 500 of the 600 foot view distance. At the entrance to the state office complex and for a travel distance of 100 feet, the tower is mostly skylit, perpendicular to the direction of travel, and seen from a

distance of 1,050± feet and in the context of the office complex.

Bicknell's Thrush

12. Restricting the types of development which produces the greatest amount of noise during the Bicknell's Thrushes' breeding and nesting season will ensure protection of this species while still allowing the critically important public safety project to be undertaken. Allowing a site specific assessment to evaluate whether certain additional activities could occur during the breeding and nesting season will also provide, to the greatest extent possible, flexibility to the construction of the project while still protecting the Bicknell's Thrush.

Other Impacts

13. Site which require land clearing include Mount Defiance (microwave path maintenance), Belfry Mountain (access road and tower compound), Mount Pisgah (for the new equipment shelter), and Saddle Hill (clearing for access road, reflector panel tower, and microwave path maintenance).

Alternatives

14. The portion of the application regarding alternatives contains Critical Infrastructure information and is not subject to public disclosure under Public Officers Law §§ 87(e),(f) and (i). The Agency has, however, reviewed this information and it is on file with the Agency.

Agency staff concluded that the alternatives analysis presented was sufficient since the project was in compliance with the Agency's Towers Policy, the project shares infrastructure which reduces impacts to the environment, and the project makes extensive use of existing infrastructure.

Wetlands

15. This project does not involve or impact wetlands.

Compliance with APA Act §§ 814, 816 and the Adirondack Park State Land Master Plan

16. APA Act §816 and the Adirondack Park State Land Master Plan (APSLMP) require that the Department of Environmental Conservation (DEC), in consultation with the Agency develop a Unit Management Plan (UMP) for each unit of state land in the Adirondack Park. Each UMP must conform to the guidelines and criteria set forth in the APSLMP. DEC and the Agency have a Memorandum of Understanding regarding implementation of the

APSLMP. Any state agency which intends to undertake land use or development within the Park other than land use or development by DEC pursuant to the APSLMP, must file a notice of intent under APA Act §814 and the Agency reviews that land use and development pursuant to APA Act §814, APA regulations (9 NYCRR Part 579), and Executive Order 150 (NYCRR 4.150).

Six of the sites are located on state land, including four sites subject to Agency review: Little Whiteface Mountain, Gore Mountain, Black Mountain and the Ray Brook State Office Complex. The Little Whiteface and Gore Mountain sites are located on lands classified as Intensive Use under the jurisdiction of the Department of Environmental Conservation (DEC) and managed by the Olympic Regional Development Authority (ORDA) pursuant to a Memorandum of Understanding between DEC and ORDA.

The orders for Little Whiteface Mountain, Gore Mountain and Black Mountain require that NYSP provide a full accounting of their communications and other facilities prior to amendment of the respective UMPs. There is no UMP for the Ray Brook State Office Complex. The New York State Police, as lead agency for this project under the State Environmental Quality Review Act (SEQRA), prepared an Environmental Assessment Form and a Negative Declaration and provided that documentation to the Agency on October 26, 2012.

Two state land sites, Whiteface Summit and Blue Mountain, only involve maintenance or replacement of existing infrastructure. There is no change in the visual impact at those existing sites and they were found to be non-jurisdictional. The proposed installations at these sites do not require a Section 814 Order or a UMP Amendment under the APSLMP and the MOU between DEC and the Agency.

Historic Sites or Structures

17. The project as proposed and authorized herein will not cause any change in the quality of "registered," "eligible," or "inventoried" property as those terms are defined in 9 NYCRR Section 426.2 for the purposes of implementing §14.09 of the New York State Historic Preservation Act of 1980.

