

STAFF DRAFT APRIL 5, 2016 – NOT APPROVED BY THE AGENCY

THIS CERTIFICATE AMENDS AND SUPERSEDES GENERAL PERMIT
CERTIFICATE 2012-158, ISSUED NOVEMBER 21, 2012
THIS IS A TWO-SIDED DOCUMENT

 P.O. Box 99 • Ray Brook, New York 12977 (518) 891-4050 www.apa.ny.gov	General Permit 2005G-3R Certificate	Project #: 2012-158A
	Certificate for Replacement of or Installation of Certain New Telecommunications Antennas On Existing Towers or Other Tall Structures	
	To the County Clerk: This permit must be recorded on or before _____. Please index this permit in the grantor index under the following names: 1. New Cingular Wireless, PCS, LLC (“AT&T”) 2. Lake Placid Vacation Corporation	

AUTHORIZATION

This Certificate under General Permit 2005G-3R is granted to New Cingular Wireless, PCS, LLC (“AT&T”) and the Lake Placid Vacation Corporation authorizing amendments to and superseding the General Permit Certificate for Project 2012-158 in an area classified Hamlet by the Official Adirondack Park Land and Development Plan Map in the Town of North Elba, Essex County.

General Permit Certificate for Project 2012-158, issued November 21, 2012, authorized the replacement of two omni-directional antennas and a supporting 5.5-foot block with a nine-panel antenna array (three sectors of three panels each) concealed behind gables on the roof of the Lake Placid Crowne Plaza Resort & Golf Club. The panel antennas will each be 8 feet tall. The two requested and authorized amendments are described as follows: (a) the fourth roof gable (facing north, toward Hillcrest Avenue) required by the Certificate for Project 2012-158 is no longer required to be constructed, and (b) exterior lighting (beneath and shielded by the roof gable eaves) is conditionally authorized on the three existing roof gables. Equipment associated with the antennas will continue to be located within an equipment room within the hotel.

The amended project is shown on the plans titled “AT&T Wireless Services, Site Name: RCC Crowne Plaza FA#10133208,” prepared by Costich Engineering of Rochester, NY, dated May 21, 2012 and last revised as dated below, including:

- Sheet GC001, Title Sheet, April 4, 2016;
- Sheet CC100, Survey & Roof Plan, April 4, 2016; *
- Sheet CC101, Detailed Roof Plan 1, April 4, 2016; *
- Sheet CC102, Detailed Roof Plan 2, April 4, 2016; *
- Sheet CC103, Elevation Plan & Notes, April 4, 2016;*
- Sheet SC100, Structural Plan & Details, January 30, 2013;

- Sheet SC500, Structural Details & Notes, January 30, 2013;
- Sheet CC500, Interior Equipment Room Layout, December 10, 2012;
- Sheet EC100, Grounding Plan & Riser, December 10, 2012;
- Sheet EC500, Grounding Details, December 10, 2012; and
- Sheet EC501, Electrical Notes, December 10, 2012.

*The April 4, 2016 revised plan sheets show the three “Existing Stealth Concealment Gable Roof Façade” structures and confirm these structures are, in fact, existing.

A reduced-scale copy of the “Detailed Roof Plan 1” (Sheet CC101) and “Elevation Plan and Notes” (Sheet CC103) are attached as part of this Certificate.

This amended project may not be undertaken until this Certificate is recorded in the County Clerk's Office. This Certificate shall expire unless so recorded on or before ____[60 days]____ in the names of all Project Sponsors referenced herein and in the names of all owners of record of any portion of the project site on the recordation date.

This amended project shall not be undertaken or continued unless the amended project authorized herein is in existence within four years from the date the Certificate is recorded. The Agency will consider the amended project in existence when the two omni-directional antennas and supporting 5.5-foot block have been removed from the project site.

Nothing contained in this Certificate 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.

JURISDICTION

The project, as originally proposed, consisted of a telecommunications antenna array and roof facade in excess of 40 feet in height, a Class A regional project requiring an Agency permit pursuant to §810(1)(a)(4) of the Adirondack Park Agency Act.

PROJECT SITE

The project site is located on Olympic Drive in the Village of Lake Placid and the Town of North Elba, Essex County, in an area classified Hamlet by the Adirondack Park Land Use and Development Plan Map. The 8.94±-acre project site is designated as Tax Map Parcel 42.0GK-1-4.1. The Lake Placid Vacation Corporation owns 12 adjoining tax parcels in the Town of North Elba/Village of Lake Placid on lands classified Hamlet, including the project site, which total 30.55± acres.

This project site was the subject of previous Agency Actions, which are described in the original General Permit Certificate for Project 2012-158.

CONDITIONS

BASED UPON THE FINDINGS BELOW AND INFORMATION CONTAINED IN THE PROJECT FILE, THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. Subject to the conditions stated herein, this certificate authorizes the replacement of two omni-directional antennas and a supporting 5.5-foot block with a nine-panel antenna array (three sectors of three panels each) concealed behind gables on the roof of the Lake Placid Crowne Plaza Resort & Golf Club, as depicted and described in the plans cited herein.
2. This Certificate is binding on the applicants, all present and future owners of the project site and all contractors undertaking all or a portion of the project. Copies of this Certificate and the site plan map referred to herein shall be furnished by the applicants to all subsequent owners or lessees of the project site prior to sale or lease. 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 General Permit 2005G-3R Certificate for Project 2012-158A issued _____[DATE]_____ the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

Visual/Open Space Impacts

3. The authorized antennas and support poles shall be concealed behind the three roof gables. Any exposed antennas, cables, and appurtenances shall be painted to blend with the building and façade.
4. There shall be no lighting of the antenna array or the roof gables without prior Agency review and approval in the form of a new or amended Agency permit, except that architectural lighting beneath and shielded by the roof gable eaves is allowed provided it is not directed at and does not illuminate the stub tower and/or antenna array and is not directed into the sky.
5. If natural causes such as wind, ice, snow, fire, or another event beyond the control of the operator of the antennas authorized herein results in the complete loss or partial damage to the roof gables that conceal the antennas, then New Cingular Wireless, PCS, LLC ("AT&T"), its successors or assigns, shall restore the concealing structures within 6 months. Prior to any modification of the roof gables' location, dimensions, or design, a plan for such modification shall be submitted to the Agency for its prior review and approval in the form of a letter of permit compliance, or a new or amended permit. This condition does not apply to regular maintenance or in-kind replacement of the antennas or roof gables, or any appurtenances related thereto, which may occur without prior Agency review and approval.

Documentation of Construction

6. The Agency shall be provided with color photographs (print with a backup electronic copy) showing the completed antenna array, three roof gables, and equipment compound within 30 days of the date that the new stub tower, support poles, and antennas are installed. Photographs shall be taken from the project site, Main Street (Photo Station 2), and Mirror Lake Drive (Photo Station 1). From the project site, photographs showing the entire completed project shall be provided. From the two photo stations, digital equivalent 55 mm and 85 mm lenses shall be employed. All photographs must clearly identify the date the picture was taken, the location of the photograph, and the lens length employed. Compliance photographs shall be taken on a clear day with little cloud cover.

Discontinuance of Use

7. If use of the antennas for the authorized cellular telephone, voice, data or other forms of wireless communications is discontinued for more than six months, New Cingular Wireless, PCS, LLC ("AT&T"), its successors and assigns, shall remove the antennas from the site within the following year. Once the time frames for removal have expired according to this condition, replacement of the antennas on the resort roof for cellular telephone, voice, data or other forms of wireless communications shall be subject to review and approval by the Agency in the form of a new or amended permit. The landowners, their successors and assigns shall allow timely removal of the antenna array pursuant to this condition.

Review of Future Development

8. Any future new land use and development on the 8.94±-acre project site involving the construction of any new radio-frequency transparent roof gables or the addition of any new antennas, parabolic dishes, or other communications equipment to the Crowne Plaza Resort, shall require prior Agency review and approval in the form of a new or amended Agency permit. Maintenance and/or in kind replacement of the roof gables, antennas, equipment building and other appurtenant facilities authorized herein may occur without prior Agency review and approval.

Co-Location

9. The Lake Placid Vacation Corporation, its successors and assigns, shall make space available on the project site to other FCC-licensed carriers for their use in creating cellular telephone "cells" and to other entities to the extent that space is available at the then-current market rate customarily charged for such space leases. However, such further use shall require prior review and approval from the Adirondack Park Agency, and will be subject to the environmental impact analysis required by law and the Agency's "Policy on Agency Review of Proposals for New Telecommunications Towers and Other Tall Structures in the Adirondack Park." Should the carriers and/or owners be unable to agree on the terms of the lease for such co-location; they shall submit the dispute to mediation or arbitration pursuant to the guidelines of a nationally recognized dispute resolution organization.

PROJECT IMPACT FINDINGS

1. The amended project will not create any undue adverse impacts to the Adirondack Park's resources taking into account the commercial, industrial, residential, recreational or other benefits that might be derived therefrom.
2. The amended project will not have an impact on wetlands since no new land use or development is proposed in the wetlands, and all proposed development will be located more than one hundred feet from the jurisdictional wetlands.
3. Pursuant to a Nationwide Programmatic Agreement for the Co-location of Wireless Antennas (NPA), executed by the Federal Communications Commission, the National Conference of State Historic Preservation Officers and the Advisory Council on Historic Preservation, an antenna may be mounted on an existing tower constructed on or before March 16, 2001 without such co-location being reviewed under the relevant historic preservation laws and regulations unless the antenna will result in a substantial increase in the size of the tower. There will be no substantial increase in the size of the tower; therefore, the amended project will not cause any change in the quality of "registered," "eligible," or "inventoried" property as those terms are defined in 9 NYCRR 426.2 for the purposes of implementing §14.09 of the New York State Historic Preservation Act of 1980.
4. A request was made to amend General Permit Certificate for Project 2012-158 by letter dated March 30, 2016 from New Cingular Wireless PCS, LLC ("AT&T") and by letter dated March 11, 2016 from the Lake Placid Vacation Corporation. The requested amendment, authorized herein, does not involve a material change in permit conditions, the applicable law, environmental conditions or technology since the issuance of the General Permit Certificate for Project 2012-158.

By: _____ Date: _____
Richard E. Weber, III
Deputy Director, Regulatory Programs

STATE OF NEW YORK)

) ss.:

COUNTY OF ESSEX)

On the day of in the year 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared Richard E. Weber, III 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

REW:ADL:___