



P.O. Box 99 • Ray Brook, New York

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General Permit 2005G-3R

Effective Date:
August 12, 2005

In the Matter of the Issuance of a General Permit for:

Replacement of or Installation of Certain New Telecommunications Antennas On Existing Towers or Other Tall Structures

SUMMARY AND AUTHORIZATION

This general permit is issued pursuant to §809(13) of the Adirondack Park Agency Act (Executive Law Article 27) authorizing an expedited Agency approval process for:

- Replacement of existing or installation of new telecommunications antennas on pre-existing towers and towers previously approved by the Agency where there will be no significant adverse change in the overall visibility of the tower as seen from public viewing points.
- New telecommunications antennas on existing structures (e.g., water tanks, buildings) where such antennas are of a design, size, location and color to blend with the existing structures so as to be “substantially invisible.”

The Agency’s Deputy Director (Regulatory Programs) shall determine whether the project as proposed adequately conforms to the eligibility and approval criteria contained herein. Only if it is determined that the project is in conformance with the criteria will use of the general permit be allowed. Otherwise a regular permit application will be required.

The projects authorized by this General Permit shall be undertaken and completed only as shown on approved scaled project site plans and tower/structure elevations prepared by appropriately qualified professional authorized to act in the State (i.e., licensed surveyor, professional engineer, licensed architect, registered landscape architect) and in accordance with the terms and conditions of a separate General Permit Certificate to be obtained for each project from the Agency.

This general permit is in effect from the date of reissuance unless otherwise modified or revoked by the Agency.

PROJECTS AS PROPOSED

The projects authorized by this General Permit meet the Agency’s regulatory definition as a “major public utility use” or as “structure in excess of forty feet in height” and the above three criteria.

ADIRONDACK PARK AGENCY JURISDICTION

The projects eligible for and subject to this general permit are certain types of jurisdictional Class A or Class B regional projects identified in §810 of the Adirondack Park Agency Act as a “major public utility” and/or as a “structure in excess of forty feet in height” and/or “rivers projects” identified in 9 NYCRR Part 577.

PROCEDURES

General Permit Application Review Process:

1. To utilize this APA General Permit 2005G-3R, a Project Sponsor must fill out completely and certify to an application entitled “Application for Replacement of or Installation of Certain New Telecommunication Antennas on Existing Towers or Other Tall Structures.” The application will not be accepted for review unless it is complete, including all of the required attachments. The application must be submitted to:

Adirondack Park Agency
Deputy Director, Regulatory Programs Division
Route 86, P.O. Box 99
Ray Brook, New York 12977

2. By signing the Application, the applicant agrees that the review clocks of §809 of the Adirondack Park Agency Act do not apply to this application. However, within ten business days of receipt of the application, the Agency will review it for completeness, confirm Agency jurisdiction, determine whether the proposed activity meets the eligibility criteria described herein and contact the applicant to arrange a meeting at the project site. The meeting does not have to take place within the ten day period, but will be scheduled at the earliest mutually agreeable time. If the application is incomplete, the Agency will inform the applicant by mail indicating what specific information is missing. Upon receiving all missing information, a new 10 business-day review period begins for determining completeness.
3. Within ten business days after (i) the site visit or (ii) the determination that the application is complete, whichever is later, the Agency will issue a signed APA General Permit 2005G-3R Certificate approving the project provided it meets all eligibility criteria listed below and complies with §809(10) and the Towers Policy.
4. At any point during the review process where an application has been determined to be ineligible for processing under this General Permit, the Agency will send a letter explaining why the project is ineligible and stating that the activity may be reviewed again upon receipt of a new regular major permit application.

5. Approval Criteria:

Upon office and/or field verification, the proposed project must be determined by the APA Deputy Director (Regulatory Programs) to:

- a. be consistent with the information contained in the application;
- b. be in conformance with the Agency's "Policy on Agency Review of Proposals for New Telecommunications Towers and Other Tall Structures in the Adirondack Park" (Towers Policy);
- c. not require additional detailed engineering or environmental studies to more fully demonstrate no undue adverse impacts on important visual resources of the Park;
- d. 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, taking into account the economic and social benefits that might be derived therefrom;
- e. not adversely affect historic or archeological resources or rare, threatened or endangered species; and,
- f. be capable of meeting the conditions contained within this General Permit and as stated in "Permit Conditions" of the Certificate form.

6. By signing the application, a Project Sponsor:

- a. confirms that the information contained in the application is true, accurate and complete;
- b. agrees that if a jurisdictional project has been determined to be ineligible for approval under the APA General Permit Program, the determination may not be appealed and the appropriate regular permit application must be submitted to the Agency and a permit issued before that project can be undertaken;
- c. agrees that the time period for review for completeness of any subsequent application for an regular permit will not begin until the Agency has received the regular permit/order application; and
- d. agrees that there is no default approval of the application for an Agency General Permit if the time periods specified herein are not complied with by the Agency. The Agency will make every effort to provide timely review, but field visits are weather dependent.
- e. agrees to undertake and complete the project in full compliance with the terms and conditions of a General Permit Certificate issued by the Agency.

FINDINGS OF FACT

No Undue Adverse Impacts

1. For the reasons set forth below as described in the Certificate issued for a given project, the projects authorized by and subject to this general permit are those that have been determined to 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, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived therefrom.

Towers Policy

2. The Agency has adopted a policy entitled "Policy on Agency Review of Proposals for New Telecommunications Towers and Other Tall Structures in the Adirondack Park" (Towers Policy). This policy is intended to protect aesthetic, open space and other natural and community resources, while providing for a telecommunications system consistent with federal law. The proposed replacement or new antenna(s) authorized herein will be consistent with the Agency's "Towers Policy" because they are of such a size and will be located on an existing tower, building or structure in such a manner so that the antenna(s) will not be readily apparent as to size, composition or color.

Historic Resources

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 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.

CONCLUSIONS OF LAW

The Agency has considered all the statutory and regulatory criteria for project approval as set forth in Section 809(10) of the Adirondack Park Agency Act (Executive Law, Article 27) and 9 NYCRR Parts 574 and 577. The Agency hereby finds that replacement of existing antennas or installation of new telecommunications antennas described herein are approvable provided they are undertaken in compliance with the approved permit certificate and required attachments and the terms and conditions therein.

