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(518) 891-4050 www.apa.ny.gov

**APA Project Order and
Permit 2012-128-14 Ainger**

Date Issued: December 18, 2012

In the Matter of the Application of

**ESSEX COUNTY, AND
NEW YORK STATE POLICE**

for a permit and order pursuant to Section 810 and 814 of the
Adirondack Park Agency Act and 9 NYCRR 4.150.

To the County Clerk: This permit
must be recorded on or before
February 18, 2013. Please index this
permit in the grantor index under the
following names:

- 1. Essex County**
- 2. New York State Police**
- 3. Steven W. Schmidt**
- 4. Douglas J. Schmidt**
- 5. Edward T. Schmidt**
- 6. Beth Jane Choat**
- 7. Donald J. Schmidt**

SUMMARY AND AUTHORIZATION

Essex County is granted a permit and the New York State Police (NYSP) is granted an order on conditions pursuant to Sections 810 and 814 of the Adirondack Park Agency Act, authorizing the installation of infrastructure associated with the comprehensive emergency communication system approved by Agency Project Order and Findings P2012-128.

The infrastructure approved herein is located in a Rural Use land use area, on Ainger Hill (off Halds Road), in the Town of Westport, Essex County. The project site is identified on the Town of Westport Tax Map Section 57.4, Block 2 as Parcel 15.2.

The project as proposed and authorized:

Infrastructure owned, used and maintained by Essex County:

1. One (1) 19.8 foot long land mobile radio (LMR) receiver whip antenna to be mounted on the existing tower at a tip antenna elevation of 120± feet above ground level (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.

Infrastructure owned by the NYSP and used exclusively by Essex County:

1. One (1) six-foot microwave dish antenna with radome installed at a centerline elevation of 86± feet AGL.

CONDITIONS

Conditions in Order and Findings 2012-128

1. All conditions in Order and Findings 2012-128 remain in full force and effect.

Additional Conditions Specific to this Project Site

2. 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.
3. All deeds conveying all or a portion of the lands subject to this permit shall contain the following reference: "The lands conveyed are subject to Adirondack Park Agency Project Order and Findings 2012-128 issued December 18, 2012 and Permit 2012-128-14 issued December 18, 2012 the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
4. All antennas (including but not limited to the microwave dish and radome) and supporting infrastructure mounted on the tower shall be a non-reflective light grey which blends with the existing tower.
5. In accordance with Condition 12 of the Project Order and Findings, the photolocation for documenting the construction of the infrastructure approved herein shall be from County Route 22J (Halds Road), at the cleared area on tax parcel 57.4-2-14 (located easterly of the tower), which provides an unobstructed view of the topmost portion of the tower point.

Findings of Fact

1. The project description and findings for this project are located in a separate document titled APA Project Order and Findings 2012-128 issued December 18, 2012 which is hereby fully incorporated herein by reference. The Order and Findings document contains the official statement of the project description.
2. Requiring the antennas and antenna mounting infrastructure to be as conditioned above will help to blend the infrastructure with the existing tower and thus reduce the visual impact.

CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval as set forth in Sections 809(10) and 814 of the Adirondack Park Agency Act (Executive Law, Article 27) and 9 NYCRR Parts 574 and 579 and 9 NYCRR Part 4.150. The Agency hereby finds that the project is approvable and complies with the above criteria, provided it is undertaken in compliance with the conditions herein.

NOW THEREFORE, upon all of the foregoing and under authority delegated to the Deputy Director, Regulatory Programs, it is ORDERED, that these findings be duly reported to the New York State Police.

PERMIT issued this day
of , 2012

ADIRONDACK PARK AGENCY

BY: _____
Richard E. Weber III
Deputy Director (Regulatory Programs)

STATE OF NEW YORK)
) ss.:
COUNTY OF ESSEX)

On the day of in the year 2012, 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:LRW:slp