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

**APA Project Order and
Permit 2012-128-9 Terry**

Date Issued: December 18, 2012

In the Matter of the Application of

**ESSEX COUNTY,
NEW YORK STATE ELECTRIC AND GAS,
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. York State Electric and Gas**
- 3. New York State Police**

SUMMARY AND AUTHORIZATION

Essex County and New York State Electric and Gas (NYSEG) are 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 2012-128.

The infrastructure approved herein is located in a Rural Use land use area, off Peasleeville Road and on Terry Mountain, in the Town of Peru, Clinton County. The project site is identified on Town of Peru Tax Map Section 276, Block 2 as Parcel 2.

The project as proposed and authorized:

Infrastructure owned, used and maintained NYSEG include:

1. One (1) six-foot microwave dish antenna with radome to be installed at a centerline elevation of 275± feet above ground level (AGL);
2. One (1) four foot tall land mobile radio (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 elevation of 52± feet AGL.

Antennas which will be owned by the NYSP and used by Essex County, NYSEG, and the NYSP include:

1. One (1) eight-foot high performance microwave dish antenna to be installed at a centerline elevation of 226± feet above ground level;
2. One (1) ten-foot high performance microwave dish antenna to be 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 to be installed at a centerline elevation of 620± feet above ground level; and
4. One (1) six-foot microwave dish antenna with radome to be installed at a centerline elevation of 43± feet above ground level.
Note: this antenna will be used by Essex County and NYSP only.

The project also involves the installation of a new 12 by 16 foot equipment shelter at the base of the tower of an existing backup generator and fuel storage with a new propane generator and fuel storage tanks. This shelter will be owned by Essex County.

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.

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 2012-128-9 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 dishes and radomes) 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 the project site.

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 to 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 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