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**APA Project Order and
Permit 2012-128-1 Belfry**

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. New York State Electric and Gas**
- 3. New York State Police**
- 4. Estate of Sheldon Sternbach**

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 County Route 70 and on Belfry Mountain, in the Town of Moriah, Essex County. The project site is identified on Town of Moriah Tax Map Section 86.3, Block 1 as Parcel 10.

The project as proposed and authorized:

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 86.3-1-10, (the 0.5 acre lot will be conveyed to 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.

The following infrastructure will be installed on the new tower:
Infrastructure owned, used and maintained by Essex County:

1. One (1) 19.8 foot land mobile radio (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.

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 to be installed at a centerline elevation of 120± feet AGL;
2. One (1) six-foot microwave dish antenna with radome to be installed at a centerline elevation of 120± feet AGL;
3. One (1) six-foot microwave dish antenna with radome to be installed at a centerline elevation of 130± feet AGL;
4. One (1) eight-foot microwave dish antenna with radome to be installed at a centerline elevation of 160± feet AGL;
5. One (1) ten-foot microwave dish antenna with radome to be 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 (This antenna will be 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 be owned by the NYSP and used by Essex County.)

Essex County is also proposing the following communications infrastructure on the tower:

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. Essex County will also install 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 will be installed to serve the Essex County hospital.

Essex County is also proposing the following ground infrastructure within a 50 foot by 60 foot fenced compound:

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.

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).

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 2012-128-1 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. The tower, 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.
5. This permit does not authorize infrastructure proposed by AT&T Wireless, Verizon Wireless, John Deming, the New York State Department of Transportation or National Grid. Individual permits will be issued for this infrastructure.
6. 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 fire tower cabin which is located on the summit of Belfry Mountain.

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 tower, 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.

