

 <p>Adirondack parkagency P.O. Box 99 • Ray Brook, New York 12977 (518) 891-4050 www.apa.ny.gov</p>	<p>APA Project Permit 2013-128</p>
<p>In the Matter of the Application of CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS, and THOMAS E. JENKIN & MARY JOAN JENKIN for a permit pursuant to §809 of the Adirondack Park Agency Act</p>	<p>Date Issued: July 3, 2014</p> <p>To the County Clerk: This permit must be recorded on or before September 1, 2014. Please index this permit in the grantor index under the following names:</p> <ol style="list-style-type: none">1. Celco Partnership d/b/a Verizon Wireless2. Thomas E. Jenkin3. Mary Joan Jenkin

SUMMARY AND AUTHORIZATION

Cellco Partnership d/b/a Verizon Wireless, Thomas E. Jenkin, and Mary Joan Jenkin are granted a permit, on conditions, authorizing a subdivision into sites by lease, a new telecommunications tower in excess of 40 feet in height, and a major public utility use in an area classified Rural Use by the Official Adirondack Park Land Use and Development Plan Map in the Town of Putnam, Washington County.

This project may not be undertaken, and no transfer deed shall be recorded, until this permit is recorded in the Washington County Clerk's Office. This permit shall expire unless so recorded on or before September 1, 2014 in the names of all persons listed on the first page hereof and in the names of all owners of record of any portion of the project site on the recordation date.

This project shall not be undertaken or continued unless the project authorized herein is in existence within four years from the date the permit is recorded. The Agency will consider the project in existence when the lease agreement has been executed, the tower constructed, and utility lines have been extended to the site.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the permittee to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

AGENCY JURISDICTION

The project consists of a new structure in excess of 40 feet in height, a major public utility use, and a subdivision by lease creating a non-shoreline lot less than 320,000 square feet. The project is both a Class A and Class B regional project requiring an Agency permit pursuant to §§810(1)(d)(5) and (18) and §810(2)(c)(2)(b) of the Adirondack Park Agency Act.

PROJECT SITE

The project site is a 11± acre parcel of land located off of Gull Bay Road in the Town of Putnam, Washington County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. It is identified on Town of Putnam Tax Map as Section 14, Block 1 as Parcel 1. The project site is described in a deed from Edward Kexel and Ernestine Kexel to Thomas E. Jenkin and Mary Joan Jenkin dated January 15, 1975 and recorded January 23, 1975 in the Washington County Clerk's Office in Liber 447 of Deeds at Page 713.

PROJECT DESCRIPTION AS PROPOSED

The project as proposed is summarized as follows: The applicants are seeking approval for a subdivision into sites and major public utility use involving the lease of a 100-foot by 100-foot parcel for construction of a new 85-foot (above existing ground level - AGL) telecommunications tower to be concealed as a simulated pine tree. The total height of the simulated tree will be 95 feet (including crown and concealment branching). Within the equipment compound, Verizon Wireless is proposing to install a total of twelve panel antennas (at a centerline height of 81 feet AGL) on the tower array and construct a 12± foot x 30± foot equipment shelter. Access to the facility will originate from Gull Bay Road (a Town-owned road) along an existing gravel access driveway, and a new 225± foot long gravel drive from the existing access driveway will be constructed to accommodate construction and service vehicles. Utilities will be extended underground along the existing access driveway and the new access drive within the access and utility easement. A vegetative "no cutting" easement will protect trees in the vicinity of the proposed tower.

The project is shown on a set of ten final plan sheets received at the Agency on June 27, 2014 titled "Spruce Mountain, Location Code 182107, Project #2007248961, Gull Bay Road/12861" prepared by Costich Engineering, P.C., dated June 23, 2010, with a final revision date of June 24, 2014, on sheets CA100, CA110, CA150 and CA502. All plan sheets received at the Agency on June 27, 2014 are stamped "Final Plans, Adirondack Park Agency; P2013-128". Reduced-scale copies of

plan sheets CA-100 Zoning Site Plan and CA-110 Zoning Detailed Site and Elevation Plan are attached as part of this permit for easy reference. The original, full-scale maps and plans referenced above are the official plans for the project.

CONDITIONS

BASED UPON THE FINDINGS BELOW, THE PROJECT IS APPROVED WITH THE FOLLOWING CONDITIONS:

1. 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 permittees, successors and assigns to civil penalties and other legal proceedings, including modification, suspension or revocation of the permit.
2. This permit is binding on the permittees, all present and future owners of the project site and all contractors undertaking all or a portion of the project. Copies of this permit and the site plan maps and plans referred to herein shall be furnished by the permittees to all subsequent owners or lessees of the project site prior to sale or lease, and by the permittees or any subsequent owner or lessee undertaking construction to any contractors undertaking any portion of this project. 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 Permit 2013-128 issued July 3, 2014, the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
3. The Agency may conduct such on-site investigations, examinations, tests and evaluations as it deems necessary to ensure compliance with the terms and conditions hereof. Such activities shall take place at reasonable times and upon advance notice where possible.

Proposed Development

4. The proposed project shall be undertaken as authorized herein and as shown on the project plans incorporated herein by reference. The simulated tree tower shall not exceed 95 feet in overall height and the antennas shall be located on the tower as shown, at a centerline mounting height elevation of 81 feet above ground level for the antennas and array authorized herein. All clearing and grading for the proposed access drive, tower, and equipment compound shall also be undertaken as shown on the project plans, including all stormwater management and erosion control measures.

Review of Future Development

5. Any future new land use and development on the 100 foot by 100 foot lease area portion of the project site and new access road to the tower site involving the construction of any new communications towers or the addition of any new antennas, parabolic dishes, or other equipment to the authorized tower, shall require prior Agency review and approval in the form of a new or amended permit. Maintenance and/or "in-kind" replacement of the tower, antennas, simulated branching, equipment building and other appurtenant facilities authorized herein is allowed without a new or amended permit.
6. No principal building shall be constructed on the lease area parcel measuring 0.23± acres in area and leased by Verizon Wireless, absent an Agency permit that ensures conformance with Executive Law §809(10), including but not limited to conformance with the overall intensity guidelines. Any deed conveying this 0.23± acre parcel and associated access road shall contain the preceding sentence pertaining to the prohibition of principal buildings.

Visual/Open Space Impacts

7. In order to minimize the visual appearance of the authorized tower, antennas, and support poles, they shall be painted dark charcoal grey or black with a non-reflective flat or matte finish or the tower may be clad in artificial bark designed to mimic a mature eastern white pine tree.
8. On the project site and within 200 feet of the tower authorized herein, except for those lands on adjoining tax map parcel 14-1-17.3 (lands of Merrow) within 200 feet of the proposed tower, no existing trees shall be cut, culled, trimmed, pruned, or otherwise removed from the project site without prior Agency review and approval in the form of a new or amended permit or letter or permit compliance, except for the removal of those trees necessary to undertake the project as shown on the tree inventory associated with the project plans. Maintenance trimming of the existing vegetation bordering the existing common access driveway may continue within the 200 foot no-cut vegetation easement. This condition shall not be deemed to prevent the removal of dead or downed trees within the parcel leased by Verizon Wireless, provided there is two weeks prior written notice to the Agency of the proposed cutting that includes verification by a forester or landscape architect of the condition of the tree(s) to be removed.

9. If a natural cause such as blow-down, ice storm, fire, disease or another event beyond the control of the operator of the tower and/or the antennas authorized herein results in the complete or partial loss of the vegetation that provides the screening and/or backdrop for the tower and/or its antennas, then Verizon Wireless, or their successors and assigns, shall within six months, present a plan for Agency approval intended to achieve "substantial invisibility" as set out in the Agency's "Policy on Agency Review of Proposals for New Telecommunications Towers and Other Tall Structures in the Adirondack Park". Landowners of the site shall negotiate in good faith to allow for implementation of any plan approved by the Agency. The plan shall describe a program of re-vegetation and/or re-design intended to achieve substantial invisibility within 10 years, or relocation to an alternate substantially invisible site within two years. The plan shall also provide for substantially the same wireless service existing prior to the loss of vegetation. Approval of the plan may be in the form of a letter of permit compliance, or a new or amended permit.
10. Prior to undertaking the project, Verizon Wireless shall obtain from the Agency written approval of a planting plan, including a planting schedule and maintenance provisions, for screening the equipment compound.
11. Verizon Wireless shall repair any damage caused by the company or its agents to the common access driveway.
12. The tower shall not contain any lighting without prior Agency review and approval in the form of a new or amended Agency permit.

Outdoor Lighting

13. Any new free-standing or building-mounted outdoor lights shall employ full cut-off fixtures; that is, they shall be fully shielded to direct light downward and not into the sky. The fixtures shall be oriented so as to not cast light toward Gull Bay Road, Lake George, or to nearby and adjoining properties. Any security lighting placed on the equipment shelter shall use motion detectors to provide temporary lighting.

Co-Location

14. Verizon Wireless, its successors and assigns shall make space available within their leasehold 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 to arbitration pursuant to the guidelines of a nationally recognized dispute resolution organization.

Invasive Species Prevention

15. To reduce the spread of invasive species, any mulching used for the proposed project authorized herein shall use only straw, and not hay.
16. All heavy equipment, including but not limited to trucks, excavators, and tractors to be used on the site for earth moving, grading or excavating, shall be washed with high pressure hoses and hot water either (i) prior to being brought on the project site or (ii) if washed on the project site, equipment shall be washed in one location to prevent the distribution of invasive species among different wash sites. The intent of this condition is to ensure that all equipment utilized for the project is clean and free of all soil, mud, or other similar material that may contain invasive plant materials, seeds, or other propagules.

Documentation of Construction

17. The Agency shall be provided with color photographs (both in print and digital form) showing the completed tower, antennas, and equipment compound within 30 days of project completion. At the tower/equipment shelter portion of the project site, photographs showing the entire completed project shall be provided. The simulated tree tower approved herein shall be constructed such that it appears no taller or broader than depicted in the revised project application plans with revisions dated March 7, 2014. From off-site public viewpoints, the antennas and supporting infrastructure (i.e., antenna mounting cross members, cables, etc.) shall not be readily apparent as to size, composition, or color. The tower shall be constructed as proposed and shall mimic the branching structure, needle pattern, and coloration of a mature, fully-formed eastern white pine tree. The Agency shall be notified (in writing, accompanied by 8 1/2 x 11 inch high resolution color photographs in print and digital copy) within 30 days of completion of the simulated tree tower and associated tower-mounted infrastructure. From all photostations, 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 size employed. Compliance photographs shall be taken on a clear day with little cloud cover.

Within 30 days of receipt of the photos, the Agency shall provide written confirmation of permit compliance or shall specifically state the reason(s) for non-compliance with this condition. In the event of non-compliance with this condition, the permittees shall within 45 days submit a plan for Agency review and approval to modify the structure and achieve compliance. Such plan shall also include a good faith estimate regarding the time necessary to undertake such changes upon final approval by the Agency.

Discontinuance of Use

18. If the use of the tower for the authorized cellular telephone, voice, data or other forms of wireless communications is discontinued for more than one year, Verizon Wireless, its successors and assigns, shall remove the tower from the site within the following year. If the use of the herein authorized antennas for cellular telephone, voice, data or other forms of wireless communications is discontinued for more than six months, then Verizon Wireless, their successors and assigns, shall remove their respective antennas from the tower within the following six months. Once the time frames for removal have expired according to this condition, placement of a new tower on the project site or replacement of the antennas on the tower 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 tower or antenna array pursuant to this condition.

Legal Interests of Others

19. This permit does not convey to the permittees any right to trespass upon the lands or interfere with the rights of others in order to undertake the authorized project. In addition, this permit does not authorize the impairment of any easement, right, title or interest in real or personal property held or vested in any person, nor does the permit grant or expand upon any of these rights, whether obtained through common law or contract.

FINDINGS OF FACT

Background/Prior History

1. On the May 22, 1973 enactment date of the Adirondack Park Land Use and Development Plan, the project site was not part of a larger parcel of land, and has not been the subject of previous Agency action.

2. Verizon Wireless is a public utility and wireless telecommunications company licensed by the Federal Communications Commission (FCC) and is authorized to do business in Washington County, New York.

Existing Environmental Setting

3. The project site is located on the easterly shoreline of Lake George, 7.5± miles south of the Village of Ticonderoga and 2± miles southeast of the Town of Hague, along Gull Bay Road. Smith Bay is approximately 1100± feet southwest of the project site. Lake George is approximately two miles wide in this area. On the westerly shoreline, 2.3 miles southwest of the project site, is the Hamlet of Silver Bay.
4. The 11±-acre project site is improved by one single-family dwelling and a garage/apartment (originally a single-family dwelling) both constructed circa 1910. The dwellings were fully renovated (including foundation improvements) in 1990 and 1996, respectively, at which time the single-family dwelling adjacent to Gull Bay Road was converted into a garage/apartment. Both the dwelling and apartment are served by on-site water supply and on-site wastewater treatment systems.

As shown on the site plan, there is a partial "stone foundation remnants" adjacent to the proposed access road leading to the tower site. When Thomas and Mary Jenkin purchased the property in 1975, the remnants of the stone foundation were in the same state of disrepair as it exists today, with stones from that foundation being used by the landowner and others for small miscellaneous landscaping uses. No new land use or development involving improvement to that stone foundation is proposed as part of this project.

Access to the garage/apartment occurs directly from Gull Bay Road, and access to the Jenkin single-family dwelling occurs from a separate "main" existing gravel access driveway originating from Gull Bay Road. The driveway which serves the Jenkin single-family dwelling on the property also provides access to other separately owned parcels adjacent to the project site.

5. Wetlands are not present on the project site. A permanent stream, which flows in a westerly orientation into Lake George, bisects the southernmost property boundary of the 11± acre project site, and is approximately 450± feet south of the proposed tower site. Mature forested vegetation exists between the tower site and the stream.

6. Slopes on the project site generally range from 8 to 25 percent. Existing slopes in the vicinity of the proposed tower location range between 8 and 20 percent. Slopes on the existing driveway range between 2 and 5 percent for the first 100 feet; and range between 8 and 9 percent for the next 370± feet. The proposed access drive to serve the tower site is approximately 210± feet in length, and the proposed slope is approximately 14.5 percent, with portions of the proposed access road adjacent to the equipment compound ranging from 5 to 12 percent.
7. Soils in the vicinity of the tower as mapped by the USDA Natural Resource Conservation Service's SSURGO program are in as the Hollis-Charlton Soils series. The Hollis soils parent material consists of a thin mantle of loamy till derived mainly from schist, granite, and gneiss. Depth to a root restrictive layer, bedrock, lithic, is 10 to 20 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is very low. This soil component is found on hills and ridges. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 4 percent. This soil does not meet hydric criteria. The Charlton soils parent material consists of an acid loamy till derived mainly from schist, gneiss, or granite. Slopes are 15 to 25 percent, with this component on hills, ridges, and till plains. Depth to a root restrictive layer, bedrock, or lithic, is 40± inches. The natural drainage class is well drained, with water movement in the most restrictive layer moderately high. Available water to a depth of 60 inches is moderate. This soil is not flooded, nor ponded, and there is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 50 percent. This soil does not meet hydric criteria.
8. Overhead utilities are present along Gull Bay Road, and will be run underground within the access road easement to serve the proposed project.
9. The area surrounding the project site can be characterized as containing a mix of seasonal and year-round single-family dwellings on Gull Bay Road, a Town-owned road. The west side of Gull Bay Road contains shoreline lots (generally varying in size from 0.25± to 2± acres on Lake George) in a Moderate Intensity Use land use area. The east side of Gull Bay Road is in a Rural Use land use area, contains much larger lots with mostly either single-family dwellings or large tracts of privately-owned and undeveloped forest lands.

East of the project site and running in a north-south orientation is a mountainous ridgeline ranging 1000± feet above mean sea level (msl) at the northern end of Lake George, and rises to an

elevation of 2000± feet above msl at the southern end of the lake. This ridge line provides an uninterrupted natural forested backdrop for the proposed tower. Pursuant to Appendix Q-2 of the Agency's Rules and Regulations, the mean high water mark of Lake George is designated 320.2 feet above msl. The approximate elevation of the tower site is 439± feet above mean sea level.

10. Vegetation on the project site in the vicinity of the proposed tower consists of a mix of coniferous and deciduous forested vegetation. As shown on Sheets CA-130 (200-foot tree preservation zone) and CA-131 (Tree inventory table), average height of existing vegetation in the vicinity of the proposed tower ranges from 65 feet to 95 feet, with the majority of the trees ranging in height from 75 to 85 feet.

The project site can be characterized as consisting of logged-over, sparsely distributed second growth woodland of small to medium sized trees. Typical tree species include: sugar maple, white pine, red oak, American beech, gray birch, paper birch, and Eastern hemlock.

Timber Rattlesnakes

11. A report entitled "Timber Rattlesnake Survey - Verizon Cell Tower - APA Project 2013-128 Gull Bay, Town of Putnam, Washington County, New York, Final Report", dated December 9, 2013, prepared by William S. Brown, Ph.D. describes the characteristics of the project site, and notes that the project site is located within the seasonal migratory range of one known rattlesnake den which would be the source of any summer migrants or mating pairs of Timber Rattlesnakes. The project site is 1.5± miles west-northwest of the Putnam Ledges den, and the approximate maximum seasonal migratory range expected for timber rattlesnakes is about 1.5± miles. The report states that intervening habitat encompassing thousands of acres of uninhabited northern hardwoods, provides abundant habitat for timber rattlesnake mating behaviors. A large expanse of undeveloped habitat in the intervening areas will lessen the tendency for most rattlesnakes to travel farther than about 1.5 miles from their den. At this distance, the number of rattlesnakes that may move to the vicinity of the proposed cell tower would be extremely limited. Timber Rattlesnakes are a listed threatened species in NYS.

Public Notice and Comment

12. The Agency notified all adjoining landowners and those parties as statutorily required by §809 of the Adirondack Park Agency Act and published a Notice of Complete Permit Application in the Environmental Notice Bulletin.

A total of 61 letters were received, with six of those letters being additional ongoing correspondence between the adjoining landowner and the Agency. Of the letters received, 37 letters were received in support of the project, with one letter containing 22 signatures (members of the Hague Senior Club) for a total of 58 signatures in support of the project; 18 letters were received in opposition to the proposed project.

Comments presented in the letters of opposition to the project included: visibility of the proposed tower; aesthetics; potential for adverse water quality impacts to Lake George and Smith Bay from improperly or untreated stormwater runoff from the tower site including erosion, siltation, and sedimentation; potential adverse impacts to historic structures on the site; light pollution; potential adverse impacts to rattlesnakes; cell coverage/alternatives/co-location; vegetative cutting; access to adjoining properties during construction of the project; and misrepresentation of the visual analysis performed by the applicants.

Comments presented in the letters of support for the project included: improved cell phone coverage; improved emergency service response time for police, fire, and emergency rescue services - both on land and the lake; and cell phone use for telecommuting for business and consulting businesses.

Local Government Comment

13. Pursuant to the Local Government Notice Form, the proposed project will require municipal approval from the Town of Putnam. On Wednesday May 14, 2014, Verizon Wireless presented their application to the Town and the Town accepted public comments on the project. On June 11, 2014, the Town of Putnam Planning Board unanimously approved the project as proposed herein with the following conditions:

- Town approval is contingent upon APA approval;
- Verizon Wireless is to plant vegetation on the outside of the rattlesnake fencing;
- Verizon Wireless is to repair any damage to the driveway caused by Verizon Wireless during construction or post-construction by Verizon Wireless fuel deliveries;
- Verizon Wireless must provide 14 days' notice prior to the start of construction and 14 days' notice of any work that will temporarily block or substantially impair use of the access drive.

Other Regulatory Permits and Approvals

14. The project site is located within the Lake George Park Commission boundary which administers stormwater management regulations. The proposed project requires a stormwater permit. On September 19, 2013, LGPC issued Permit #5346-27-12 for Stormwater Management.

In a letter to the Agency dated March 28, 2014, the applicants modified their project application (at the request of the Agency) to incorporate concealment branching on the proposed tower, resulting in modification to the project plans. The changes in the project were necessary in order to allow for construction equipment to install and maintain the "monopine" branching. This involved relocating the equipment shelter southeast of its originally proposed location, and resulted in the reduction of approximately 200± square feet of ground disturbance. In correspondence from the LGPC dated May 15, 2014, the Agency was notified that the approved Stormwater Permit may be modified to reflect the abovementioned changes to the project. On June 10, 2014, the LGPC issued a Permit Modification (#5346-27-12) to reflect the updated stormwater management plans.

15. Verizon Wireless determined that notification to the Federal Aviation Administration is not required for this project. The project, as proposed, is not within 5 miles of an airport, and would not be a hazard to air navigation.
16. By letter dated June 5, 2014, the New York Air National Guard/U.S. Air Force (NYANG/USAF) determined the project as proposed would not cause any significant negative impact on the military training airspace it underlies. Therefore, NYANG/USAF would not contest the application.
17. The tower authorized herein will require licensing from the Federal Communications Commission (FCC).

PROJECT IMPACTS

Water Quality

18. In a coordinated review between the LGPC and Agency, staff reviewed the proposed development to assess the potential impact of the project on the water quality of Lake George and adjacent water resources including streams and drainages. Agency staff has concluded that the proposed project will not have an adverse impact on the water quality of Lake George and other water resources as permitted by the LGPC.

19. Since there are slopes on the project site that are greater than 15 percent, all stormwater management and erosion and sediment control measures should be implemented as shown on the approved plans. Additionally, provided all measures are installed and maintained in accordance with the project plans, the project will not result in any erosion or sedimentation impacts to surface and groundwater resources of the Park.

Wildlife Resources

20. In order to mitigate the potential for rattlesnakes entering the lease area on the project site, Verizon Wireless has modified the equipment compound perimeter fencing to include a ground-level skirting mesh board on board fencing to prevent snakes from entering the equipment compound. Additionally, signage is to be installed on both the access road gate and the compound access gate to alert individuals for the potential of rattlesnake contact. Implementation of the mesh skirting around the equipment compound fence and installation of the signs will serve to protect the snakes should they enter the project site. Notification to those qualified individuals listed on the signs will also help to document the occurrence of snakes in the vicinity of the project site.

Visual Analysis

21. As part of the application materials submitted on June 11, 2013, a "visibility map" depicting areas of potential visibility for the proposed tower was received by the Agency. A field visual analysis of the proposed tower and antenna array was performed on June 27, 2013, with both Agency staff and Verizon Wireless representatives present. Materials submitted to supplement the analysis included computerized mapping showing areas of potential visibility based on topography, performance of a field balloon test to identify the tower location, height and actual areas of visibility, and photographs and tower simulation photographs of the balloon test. The proposed tower application from Verizon Wireless originally proposed installing a tower with an array, but the project was modified on March 28, 2014 to include installation of a "monopine" to minimize the potential for adverse visual impacts from both on-site and off-site areas.
22. Adverse visual impacts of the proposed tower as seen from Lake George and local roadways will be minimized because the tower will be disguised as a simulated pine tree. Additionally, the tower as seen from Lake George will be backdropped by existing topography and vegetation. As a result of Agency review of the project based upon the pertinent development considerations set forth in Section 805(4) of the Adirondack Park Agency Act and applicable regulations, it has been determined the project will not result in undue adverse impacts on the Park's visual and open

space resources. The proposed tower and antennas will not be readily apparent as viewed from off-site locations, since the tower will be constructed as a monopine tower with branching to provide concealment.

Towers Policy

23. On February 15, 2002, the Agency adopted a policy titled "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 resources, while providing for telecommunications systems consistent with federal law.
24. The proposed tower and antennas are consistent with the Agency's "Towers Policy" because the tower and antennas will be substantially invisible from off-site locations. The proposed simulated tree tower and antennas, including their appurtenant support facilities and access drive, will not be readily apparent as to size, composition, or color and the structure will, to the maximum extent practicable, blend with the background vegetation as seen from all significant potential public viewing points and as documented by simulation and other visual analysis methods.

Historic Sites or Structures

25. The project site contains two single-family dwellings that are greater than 50 years old. Both of the dwellings were fully renovated in 1990 and 1996, respectively. Therefore the project will not cause any change in the quality of "registered," "eligible," or "inventoried" property. Further, the application on record reveals no registered, eligible or inventoried property, as those terms are defined in 9 NYCRR Section 426.2 for the purposes of implementing Section 14.09 of the New York State Historic Preservation Act of 1980, would be materially affected by the proposed project.

CONCLUSIONS OF LAW

The Agency has considered all 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 Part 574. 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.

