


**THIS IS A TWO-SIDED DOCUMENT
STAFF DRAFT – AUGUST 3, 2017 – NOT APPROVED BY AGENCY**

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Adirondack Park Agency</p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 Fax: (518) 891-3938 www.apa.ny.gov</p>	<p style="text-align: center;">APA Project Permit 2017-0066-2</p>
<p>In the Matter of the Application of</p> <p>HAMILTON COUNTY Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued:</p> <p>To the County Clerk: This permit must be recorded on or before _____. Please index this permit in the grantor index under the following names: 1. County of Hamilton</p>

SUMMARY AND AUTHORIZATION

This permit authorizes the construction of an emergency communications tower 80 feet in height and the installation of eight antennas on the tower, in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map in the Town of Lake Pleasant, Hamilton County.

This permit shall expire unless recorded in the Hamilton County Clerk's Office on or before _____, in the names of all persons listed above and in the names of all owners of record of any portion of the project site on the recordation date.

The 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 tower has been constructed.

The project shall be undertaken in compliance with all conditions stated herein. Failure to comply with this permit is a violation and may subject the permittee, successors, and assigns to civil penalties and other legal proceedings.

This permit does not convey any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project, nor does it authorize the impairment of any easement, right, title or interest in real or personal property. Nothing contained in this permit shall be construed to satisfy any legal obligations of the permittee to comply with all applicable laws and regulations or to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

PROJECT SITE

The project site is a 47.1±-acre parcel of land located on the west side of South Shore Road and south side of State Route 8 in the Town of Lake Pleasant, Hamilton County, in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map. The site is identified on Town of Lake Pleasant Tax Map Section 120.008, Block 1 as Parcels 25.110 and 32.200. The tower will be located on Parcel 25.110, with access to the tower across Parcel 32.200. The site is described in a deed from Jack Schlein to County of Hamilton, dated May 28, 1984, and recorded June 15, 1984 in the Hamilton County Clerk's Office in Book 86 at Page 295.

PROJECT DESCRIPTION

The project as conditionally approved herein involves construction of an 80-foot-tall self-supporting lattice tower at 1,800.5 feet above mean sea level and adjacent to Hamilton County Municipal Buildings as part of Hamilton County's public safety radio system. Eight antennas, for emergency communications, will be mounted to the tower: six 20-foot-tall VHF – high band dipole antennas extending above the tower to an overall height of 98 feet above ground level, and one 6-foot diameter white microwave dish antenna with radome mounted at the 72-foot tower elevation, and one 3-foot diameter white microwave dish antenna with radome mounted at the 45-foot tower elevation. The tower will be a self-supporting lattice tower constructed of galvanized steel, grey in color, and measuring 12 feet wide on each of its three faces and tapering to 6 feet in width at its top. The base of the tower will be surrounded by a 14' x 14' chain link security fence. No new access or utility buildings are proposed. The site requires no clearing and limited grading. Upon completion of the project, two existing towers (65 feet and 75 feet tall) will be removed from the project site.

The project is shown on the following five sheets of plans titled "Hamilton County Site Name: Lake Pleasant 102 County View Town of Lake Pleasant Hamilton County, New York," prepared by The Chazen Companies ("Project Plans"):

- G001, Title Sheet, last revised November 4, 2016;
- SV1, Map of Existing Conditions, last revised June 20, 2016;
- C130, Site & Erosion & Sediment Control Plan, last revised November 4, 2016;
- C530, Details, last revised November 4, 2016; and
- C550, Erosion & Sediment Control Details & Notes, last revised November 4, 2016.

A reduced-scale copy of the Sheets C130 (Site & Erosion & Sediment Control Plan) and C530 (Details) of the Project Plans is attached as a part of this permit for easy reference. The original, full-scale maps and plans described in this paragraph are the official plans for the project, with copies available upon request from Adirondack Park Agency headquarters in Ray Brook, New York.

AGENCY JURISDICTION

The project requires an Agency permit pursuant to §§ 809(2)(a) and 810(1)(a)(4) of the Adirondack Park Agency Act [Executive Law, Article 27], because it is a structure in excess of 40 feet in height on Hamlet lands.

CONDITIONS

THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The project shall not be undertaken until this permit has been recorded in the Hamilton County Clerk's Office.
2. This permit is binding on the permittee, all present and future owners or lessees of the project site, and all persons undertaking all or a portion of the project, for as long as the authorized tower remains on the site. Copies of this permit and Project Plans shall be furnished by the permittee to all subsequent owners or lessees of the project site prior to sale or lease, and by the permittee and/or any subsequent owner or lessee to all persons undertaking any development activities authorized herein.
3. In addition to complying with all terms and conditions of this permit, all future activities on the project site shall be undertaken in compliance with the requirements of New York State's Adirondack Park Agency Act, Freshwater Wetlands Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
4. 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 2017-0066-2, issued _____, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

Development

Construction Location and Size

5. The existing 65-foot-tall and 75-foot-tall guyed lattice towers shall be removed within one year of the construction of the self-supporting lattice tower authorized herein.
6. Subject to the conditions stated herein, this permit authorizes the construction of the 80-foot-tall self-supporting lattice tower and the installation of eight antennas on the tower in the location shown and as depicted on the Project Plans. Any change to the location, dimensions, or other aspect of the tower, including the addition of any new antennas, parabolic dishes, or other equipment, shall require a new or amended permit. Maintenance and/or replacement of the tower, antennas, and other supporting structures and equipment, as authorized by this permit, may occur pursuant to the conditions herein without a new or amended permit.

Tower and Antenna Height

7. The tower shall not exceed 80 feet in height above ground level (AGL). The antennas shall be located as depicted on Sheet C530 of the Project Plans. The top of the antennas shall not exceed 98 feet in height AGL. The top of the lightning rod shall not exceed 100 feet in height AGL.

Structure Color

8. The lattice tower and cable ladder shall have a neutral galvanized steel finish (resulting in a neutral matte gray color) or painted dark charcoal grey or black with a non-reflective flat or matte finish.

Outdoor Lighting

9. There shall be no lights on or illuminating the tower without prior written Agency approval.

Silt Fence

10. Prior to undertaking any earthwork related to installation of the tower or its foundation, silt fence shall be properly installed in the location shown on Sheet 130 of the Project Plans. The silt fence shall be embedded into the earth a minimum of six inches. The silt fence shall be maintained throughout construction and shall not be removed until after all disturbed soils are stabilized to prevent siltation. The permittee or their successors in interest shall inspect the fabric at least once a week and after every major storm event to ensure the fabric and supports are intact and to remove accumulated sediments so as to maintain the fence in a functional manner.

Project Operations

Documentation of Construction

11. The Agency shall be provided with color photographs (both in print and digital form) showing the completed tower, antennas, utility building, and solar panels within 30 days of project completion. Photographs shall be taken at the project site, from South Shore Road (immediately east of the project site), and from lake Pleasant (Photo Location 2, 0.9 miles from the tower). At the project site, photographs showing the entire completed project shall be provided. From all Photo Locations, digital equivalent 55mm and 85mm 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, if the Agency finds the project is not in compliance, it shall specifically state the reason(s) for non-compliance. In the event of non-compliance, the permittees shall within 45 days submit a plan and schedule to modify the structure and achieve compliance for Agency review and approval.

Reports

12. At the request of the Agency, the permittee or the permittee's successor shall report in writing the status of the project, including details of compliance with any terms and conditions of this permit.

Discontinuance of Use

13. The tower authorized herein shall be removed within one year following complete discontinuance of its use for a full year. Any authorized antenna shall be removed within six months following any discontinuance of its use for six months. Replacement of the tower or any antennas removed as required by this condition shall require a new or amended Agency permit.

FINDINGS OF FACT

Background/Prior History

Communications System

1. The tower authorized herein is one site in a four-site system proposed by Hamilton County to replace its antiquated public safety radio system with a state-of-the-art public safety radio system that meets the current suite of digital radio communications standards, known as Project 25 or "P25." By upgrading to a P25 system, Hamilton County will become inter-operable with other local, State, and federal public safety agencies. The new public safety radio system also includes a digital microwave system to backhaul the County's radio communications without the need for traditional landline telephone service, enabling the County to maintain basic and emergency communications even when landline telephone service fails.
2. Hamilton County's public safety radio system employs two technological components: a high-band VHF digital radio communications system and a digital microwave system to backhaul such radio communications. The digital radio communications system requires installation of high-band VHF antennas at elevations and locations that avoid obstructions to coverage within and around the County and that can transmit to and from the County's dispatch center located at the County's Municipal Center. Similarly, the microwave system requires installation of microwave dish antennas at locations and elevations that "see" each other to create an unobstructed microwave path between each antenna.
3. The four sites in Hamilton County's new public safety radio system, of which this permit is a part, are the following:
 - a. East Mountain, Village of Speculator, Hamilton County (P2017-0066-1);
 - b. County Municipal Center, Town of Lake Pleasant, Hamilton County (P2017-0066-2);
 - c. Oak Mountain, Town of Indian Lake, Hamilton County (P2017-0066-3);
and
 - d. Blue Mountain, Town of Indian Lake, Hamilton County (P2017-0066-4).
4. The Lake Pleasant site is functionally independent of the other three sites in the system (Blue Mountain, East Mountain, and Oak Mountain) in that, on its own, the Lake Pleasant site's high-band VHF digital radio communications could still function without connectivity to such other sites in the system. However, the Lake Pleasant site depends on the other three sites for the digital microwave system to backhaul radio communications from those sites to enable emergency

radio communications between those sites and Hamilton County's emergency dispatch center at the County's Lake Pleasant Municipal Center. The Lake Pleasant site has microwave links to the East Mountain site and, via the East Mountain site, to the Blue Mountain site. The Lake Pleasant site also has a microwave link to the Oak Mountain site.

5. The tower will be located at the County Municipal Center to enable the County public safety agencies that operate from the Municipal Center to receive and transmit emergency communications from other sites in the system.
6. Alternate technologies to backhaul Hamilton County's emergency radio communications (specifically, telephone landlines) do not exist at the County's proposed East Mountain site and, therefore, it is necessary to backhaul communications from that site to the County Municipal Center using microwave antennas.

Towers Policy

7. 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 Agency's Towers Policy is intended to protect aesthetic, open space and other resources, while providing for telecommunications systems consistent with federal law.
8. The 2002 Towers Policy updated a 1978 policy and recognized that "governmental emergency communications are being converted to digital technology, which will require new facilities to provide services to meet the needs for public health, safety, and welfare." Section III-D of the 2002 Towers Policy "recognizes that such factors should be taken into consideration along with other policy guidelines."
9. The Towers Policy directs the consideration of the land use area; it states, "substantial invisibility is considerably different in developed areas with the less restrictive Hamlet land use area classification when compared to areas classified Rural Use and Resource Management in light of the differing statutory purposes and policies for these areas set forth in the Land Use and Development Plan."
10. The Towers Policy encourages "consolidation of visual intrusions," which "occurs when equipment is co-located on a single tower or on a new tower immediately adjacent to a lawful pre-existing tower." Although the existing towers will be removed, there is a history of visual intrusions at this developed location.
11. Section III-A of the Towers Policy states, under the heading of General Policy, that "new telecommunications towers located within the Adirondack Park will be located ... in the vicinity of existing settlements or those portions of highway corridors where existing telephone and electric power is accessible to the proposed facility."

Project Site

Water Resources and Wetlands

12. There are no water bodies, streams, or wetlands within 100 feet of the tower.

Vegetation

13. The tower site consists of mowed lawn between the County buildings and existing tennis courts on the site, just west of the existing towers. Within 200 feet of the tower, there are less than 10 deciduous trees. No trees will be removed as part of this project.

Soils

14. Soils in the vicinity of the tower are mapped by the USDA Natural Resource Conservation Service as Becket sandy loam, which is typically very bouldery and well-drained.
15. Erosion and sediment control consists of silt fencing in the location depicted on Sheet C130 of the Project Plans and of the design depicted on Sheet C550 of the Project Plans.

Slopes

16. Existing slopes on the project site are generally less than 15 percent. Existing slopes at the tower location are less than 3 percent.

Visual

17. A visual analysis of the tower and antennas was submitted with the application for this permit, titled "Visual Impact Analysis Hamilton County Public Safety Communications System Lake Pleasant Replacement Tower," prepared by the Chazen Companies and dated February 24, 2017. This analysis included: computerized mapping showing areas of potential visibility within five miles of the tower site based on topography and vegetation; a site visit to identify the tower location, height, and actual areas of visibility; photographs of the existing tower; and simulations and line-of-sight profiles of the proposed tower. A supplemental photograph and simulation from South Shore Road, immediately east of the project site, was submitted by the applicant on July 14, 2017.
18. Based on the visual analysis and Agency staff's site visits, the authorized tower and antennas will be visible from the following locations within five miles of and to the north and east of the tower: South Shore Road adjacent to the project site, a limited portion of State Route 8, most of the water body of Lake Pleasant (0.4 to 3.2 miles from the tower) and the water body of Sacandaga Lake (0.3 to 2.2 miles from the tower), including portions of Moffitt Beach State Campground on Sacandaga Lake (1.4 miles from the tower) and the Sacandaga Lake Boat

Launch on Sacandaga Lake. The tower will not be visible from directions south and west due to intervening terrain and vegetation.

19. When seen from the water bodies of Lake Pleasant and Sacandaga Lake, the tower itself will be hidden by foreground vegetation and only the upper slender whip antennas and lightning rod will be visible. The visible antennas will be backdropped by topography from most lake locations and skylit from a few lake locations. When seen from State Route 8 and South Shore Road, more of the tower itself will be visible, but will be viewed in the context of the County's municipal buildings where two towers (to be removed) are already visible.

Historic Sites or Structures

20. The County Courthouse Complex is listed on the National/State Historic Register (Site 92NR00296) and includes two listed buildings, the courthouse building and the jail building. There are several additional National/State Historic Register sites along State Route 8 northeast of the tower site: the Civilian Conservation Corps Camp (16NR00013), the Old Town Hall, aka Lake Pleasant Museum (05NR05553), and the Grace Methodist Church Complex (14NR06592).
21. By email dated March 2, 2017, the NY State Historic Preservation Office concurred with the recommended finding of No Adverse Effect for the project.

Nearby Land Uses

22. The project site contains the Hamilton County offices, courthouse, jail, and two existing guyed lattice towers that are 65 feet and 75 feet in height. The existing towers are not structurally capable or of sufficient height to support the County's new emergency communications equipment.
23. Land uses in the immediate area of the tower include a golf course, the Town Hall, Post Office, a church, and residential uses. Sacandaga Lake is located north of State Route 8 approximately 0.3 miles from the tower site. Lake Pleasant is located east of South Shore Road approximately 0.4 miles from the tower site. The center of the Village of Speculator is located between 3 and 4 miles from the tower site.
24. State Route 8, which forms the northern property boundary to the site, is a NY State Scenic Byway known as the Southern Adirondack Trail.

Access

25. Existing access to the project site is from South Shore Road (a county road) and across County View Drive (a private road on County-owned land). No new access is necessary or proposed for this project.

Alternatives

26. Detailed microwave path surveys were performed to field-verify the minimum heights for Hamilton County's microwave antennas to make un-obstructed paths to microwave antennas at East Mountain and Oak Mountain. These microwave path surveys allowed Hamilton County to determine the minimum tower height needed at the Municipal Center site to support the microwave antennas it needs to backhaul communications from its emergency radio communications system.

Public Notice and Comment

27. The Agency notified all adjoining landowners and other parties and published a Notice of Complete Permit Application in the Environmental Notice Bulletin, as required by the Adirondack Park Agency Act. The Agency received one comment letter raising concerns about potential health risk, potential radio interference, visual impacts, compatibility with the character of the area, and local zoning. Those concerns that fall within the Agency's jurisdiction (i.e., visual impacts and character of the area) have been addressed by the permittee's proposal and the Agency's review of this project. *[Add / address any additional comments received by August 3rd].*

Other Regulatory Requirements

28. On March 10, 2017, the Town of Lake Pleasant indicated on the Agency's Local Government Notice Form that this project is a "public project immune from local zoning regulations and permitting."
29. The NY Air National Guard Airspace Manager confirmed, in an email dated April 4, 2017, that the tower will not impact the Guard's operations.
30. The antennas authorized herein require licensing from the Federal Communications Commission. The permittee will apply for the license when it has ordered the MW equipment and has the actual frequencies for the MW system.
31. Federal Aviation Administration notification is not required for this tower at the authorized height, and lighting and striping are not required.

PROJECT IMPACTS

Visual

32. The authorized tower and antennas will be visible but consistent with the Agency's Towers Policy due to the public safety purpose of the tower and its antennas for emergency communications as part of a governmental emergency communications facility; the location of the tower in a Hamlet land use area; the availability of existing utilities and access; the presence of existing towers in close proximity to the new tower; the location, size, and shape of the antennas; and the neutral grey color of the tower, which will limit visual contrast with the existing forest and sky.

33. The authorized tower and antennas will fit with the character of the County Municipal Buildings in the Hamlet land use area in which it is located.
34. Limiting the duration of time that both the two existing towers and the new tower authorized herein will be in place and visible to a maximum of one year will prevent the visual impact of the additional tower from becoming an undue adverse impact.
35. Prohibiting exterior lights from the lease parcel and access area, including any on or directed toward the tower, will ensure that the tower is not visible at nighttime and will reduce nighttime light pollution (glare, light trespass and sky glow).

Historic Sites or Structures

36. 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 statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, and 9 NYCRR Part 574. The Agency hereby finds that the project authorized as conditioned herein:

- a. will be consistent with the land use and development plan;
- b. will be compatible with the character description and purposes, policies, and objectives of the Hamlet land use area;
- c. will be consistent with the overall intensity guidelines for the Hamlet land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act; and
- e. will 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.

PERMIT issued this day
of , 2017.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the day of in the year , 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:ADL:slp

