



PERMIT WRITING FORM – P2020-0224

Assigned EPS: VY Reviewed by: Click or tap to enter a date. Date: Click or tap to enter a date.

APPLICANT

Project Sponsor(s): New Cingular Wireless PCS, LLC
Landowner(s): Roger Q. Scott
Authorized Representative: Kimberly Revak, Centerline Communications

PROJECT SITE

Town/Village: Edinburg County: Saratoga
Road and/or Water Body: Military Road
Tax Map #(s): Section 54, Block 1, Parcels 2.1 & 4
Deed Ref: a deed from Roger Scott (also known as Roger Q. Scott) to Roger Q. Scott, dated May 7, 2007, and recorded May 22, 2007 in the Saratoga County Clerk's Office under Instrument Number 2007020147; and in a deed from Burnette Brooker to Roger Q. Scott, dated March 7, 2002, and recorded March 19, 2002 in the Saratoga County Clerk's Office in Liber of Deeds Book 1607 at Page 304.

Land Use Area(s): H MIU LIU RU RM IU
Project Site Size: 86.32± acres
Same as Tax Map #(s) identified above
Only the H MIU LIU RU RM IU portion of the Tax Map #(s) identified above
Other (describe):---

Lawfully Created? Y N Pre-existing subdivision: ---
River Area: Y N If Yes: Wild - Scenic - Recreational Name of River: ---
CEAs (include all): None Wetland - Fed Hwy - State Hwy - State Land - Elevation - Study River

PROJECT DESCRIPTION

Construction of a new 101-foot-tall monopine telecommunications tower, concealed as a 106-foot-tall, simulated tree, to support cellular antennas at a centerline mounting height of 97 feet above ground level. An equipment platform and generator are also proposed at the tower's base. The tower is located approximately 250 feet from an existing Agency authorized tower and will be served by the existing access road and a new 122-foot-long access drive to the tower site.

JURISDICTION (including legal citation)

APA Act § 810(1)(c)(17) major public utility use
APA Act § 810(1)(c)(5) structure over 40 feet in height
APA Act § 810(2)(c)(2)(b) lease parcel is substandard in size (< 7.35 acres)

PRIOR PERMITS / SETTLEMENT AGREEMENTS BEING SUPERSEDED

FINDINGS OF FACT – ENVIRONMENTAL SETTING

Lakes, Ponds, Navigable Rivers and Streams Check if none
Water Body Name: ---

Length of Existing Shoreline (feet): ---

Minimum Lot Width: ---

Structure Setback (APA Act):---

Structure Setback (River Regs): ---

Y N Cutting proposed within 6 ft of MHWM?

Y N Cutting proposed within 35 ft of MHWM?

Y N Cutting proposed within 100 ft of river area? (If Yes, include under jurisdiction)

MHWM determ: Y N

Meets standard: Y N

Meets standard: Y N

Meets standard: Y N

If Yes, < 30% vegetation? Y N

If Yes, < 30% trees 6" dbh? Y N

Non-Navigable Streams in proximity to development

Check if none

Permanent Stream

Intermittent Stream

Classified? Y

N

[DEC Environmental Resource Mapper](#) stream classification: ---

Wetlands

Y N Jurisdictional wetland within 200 feet of proposed development

If Y: ---

If Yes, RASS biologist consulted

→ Covertypes: ---

→ Located < 200 feet from proposed development or along shoreline Y N

→ If Y, value rating: ---

Wildlife

Y N Rare/threatened/endangered species

If Yes, RASS ecologist consulted

Y N R/T/E or other unique species habitat

If Yes, RASS ecologist consulted

Y N Northern Long-Eared Bat occurrences in Town

If Yes, RASS ecologist consulted

Y N Forest management plan existing or proposed

If Yes, RASS forestry analyst consulted

Y N Biological Survey required by RASS ecologist

If Yes, completed

Ecological / Special Districts

Y N Natural Heritage Sites

If Yes, RASS ecologist consulted

Y N Aquifer

If Yes, RASS engineer consulted

Y N Agricultural District

Slopes

RASS engineer consulted if structure proposed on >15%, driveway on >12%, or wwts on >8/15%

Existing slope range: 0 – >15% Building area(s) if authorizing development: ~3 to 11%

Soils

Y N Deep-hole test pit completed? (Necessary for every building lot)

Check if N/A

If Yes, soil data information determined or approved by RASS soil analyst

NRCS Mapped Soil Series or Other Comments: ---

Character of Area

Nearby (include all): Residential Commercial Industrial Agricultural Forested

Adjoining Land Uses / State Land: residential, private forestland

Is nearby development visible from road? Y N

→ If Y, name road and describe visible development: A visual analysis of the tower and related development was submitted with the application for this permit, titled "Edinburg North FA#10146651"

Visual Analysis & Impact Assessment,” prepared by Costich Engineering, and dated August 2021 (Visual Analysis Report). Subsequent to that report, the photo-simulations for Photos 116 and 117 were revised and received by the Agency on September 29, 2021.

Additional Existing Development (ex: dam on site, etc.): Agency authorized cell tower (P2006-0220) on site, ~250 feet from proposed new tower

***** Attach Individual Lot Development Worksheet (if a subdivision, attach one for each lot)**

FINDINGS OF FACT – COORDINATED REVIEW

- Y N* Archeologically Sensitive Area, according to OPRHP If Yes, APA APO consulted
- Y N Structures > 50 years old on or visible from site If Yes, APA AHPO consulted
- Y N Within Lake George Park If Yes, LGPC consulted / application submitted
- Y N Greater than 1 acre disturbance / SWPPP required If Yes, DEC application submitted
- Y N Public water supply If Yes, DEC / DOH application submitted
- Y N Greater than 1,000 gpd wastewater If Yes, DEC application submitted
- Y N Disturbing bed or bank of water body If Yes, DEC application submitted
- Y N Creating 5 or more lots less than 5 acres each If Yes, DOH application submitted
- Y N Army Corps involvement If Yes, ACOE consulted
- Y N Agency-approved Local Land Use Program If Yes, Town/Village consulted

*Received Section 106 Notification of SHPO/THPO Concurrence for direct effect (i.e., no historic properties in area of potential effects) and visual effect (i.e., no adverse effect on historic properties in area of potential effects).

PERMIT CONDITIONS AND IMPACT ANALYSIS

Merger

Justification if merger required: NA

Deed Covenant

Non-building lot being created? Y N

If Yes and lot is not being merged by condition, no PBs? Or no structures at all? Justification: ---

Easement

Easement proposed or required? Y N

If Y, consult with Legal for conditions. Justification: The Project Plans, Sheet C-4, include a 200-foot-radius restricted tree clearing zone, required for visual screening and to maintain natural trees in proximity to the proposed simulated tree. The Project Plans provide for a 30-foot-wide access and utility easement from Military Road to the leased area, as well as a 10-foot-wide utility easement from existing utilities to the leased area. The existing portion of the access road shown on the plans was improved and constructed in part by Saratoga County pursuant to Permit # P2006-0220 and is located wholly on lands owned by applicant Roger Q. Scott.

Construction Location and Size (may be different for each subdivision lot)

Is new development (other than oswts) being authorized without further Agency review? Y N

→ If Y: Structure height limit and justification: 106-foot-tall, simulated tree tower, height limited to limit visual impact and comply with Agency's Towers Policy

Structure footprint limit and justification: size of equipment platform as proposed

→ If N: NA

→ Acceptable development sites identified for all subdivision lots with PB allocation? Y N

→ Review of future development required? Y N

→ If Y, justification: ---

Guest Cottages (if authorizing a dwelling) NA

Proposed and reviewed? Y N

If N, guest cottages potentially allowed? Y N

→ Justification for any conditions: ---

Boathouses (if project site contains shoreline) NA

Proposed and reviewed? Y N

If N, boathouses potentially allowed? Y N

→ If N, justification: ---

→ If Y, review required (beyond definition limits)? Y N

→ If Y, justification: ---

Docks (if project site contains shoreline) NA

Proposed and reviewed? Y N

If N, docks potentially allowed? Y N

→ If N, justification: ---

→ If Y, review required (beyond definition limits)? Y N

→ If Y, justification: ---

Outdoor Lighting (if authorizing development)

Plan proposed and reviewed? Y N

Building Color (if authorizing development)

If color condition required, justification: tower to be concealed as a simulated eastern white pine tree

Tree Cutting / Vegetation Removal

Town with Northern Long-Eared Bat occurrences? Y N

If Y, consult with RASS for conditions. Justification: ---

Vegetative cutting restrictions required? Y N

If Y, restrictions required (choose all that apply):

within --- feet of limits of clearing

within --- feet of road

within --- feet of river/lake/etc

Other: on project site and within 200 feet of tower as shown on Project Plans

OR on entire site outside limits of clearing

Extent of cutting restriction necessary within the area noted above:

- Cutting of all vegetation prohibited
- Cutting of trees of **greater than 6 inches** diameter dbh prohibited
- Other: ---

Justification: **retain trees on project site and within 200 feet of tower to provide natural visual screening, except those trees proposed to be removed on Project Plans**

Plantings

Plan proposed and reviewed? Y N

If N, plantings required? Y N

→ If Y, species, number, location, and time of year: ---

Justification: ---

Wetlands **NA**

Consult with RASS for conditions. Justification: ---

Density (may be different for each subdivision lot)

Located in Town with ALLUP? Y N (If Y, STOP, Town oversees density.)

Authorizing PB on substandard-sized lot created pre-2000 with no permit? Y N

If N and N, list existing PBs, including whether they are pre-existing/year built: ---

Mathematically available # of new PBs (in addition to existing or replacement): **No change**

Extinguishing PBs? Y N If Y, number: ---

Wastewater (if authorizing construction of a new PB without further review) **NA**

Municipal system connection approved? Y N

Community system connection approved by RASS? Y N

Proposed on-site system designed by engineer and approved by RASS? Y N

If N, has RASS field-verified location for conventional standard trench system? Y N

If N, has RASS field-verified location for conventional shallow trench system? Y N

Suitable 100% replacement area confirmed for existing / proposed system? Y N

Consult with RASS for additional conditions.

Stormwater Management (if authorizing development) **NA**

Consult with RASS for conditions. Justification: ---

Erosion and Sediment Control (if authorizing development)

Consult with RASS for conditions. Justification: **protection of soils and surface water**

Infrastructure Construction (if authorizing development) **NA**

Construction necessary before lot conveyance: ---

Justification: ---

For permits that will not include conditions related to Building Color, Vegetation Removal, or Plantings

Explain why no condition is needed: **NA**

Additional Site / Project-Specific Concerns / Conditions Needed

If constructed as shown on the Project Plans (i.e., location, dimensions, concealment as a simulated tree), the tower and antennas comply with the Agency's "Policy on Agency Review of Proposals for New Telecommunications Towers and Other Tall Structures in the Adirondack Park." Any change to the dimensions or appearance of the tower could defeat the concealment elements of the approved tower. The applicant does not intend to increase the height of the tower. The applicant has a co-location policy which states "AT&T, as the facility owner, will negotiate in good faith with other licensed wireless service providers for future shared use of the structure. All future collocations shall be subject to the involved parties reaching agreement on reasonable terms and conditions, in accordance with all then-applicable agreements, customs and procedures in the wireless industry, and there being adequate structural capacity and to accommodate such shared use."

The tower does not require registration with the Federal Aviation Administration.

By letter dated August 10, 2021, the New York Air National Guard determined that the tower would have no adverse effect to any current or proposed Military Training Routes (MTR) or Military Operations Areas (MOA) and therefore the USAF will not contest the application.

Y N **Public comments received** **If Yes, #:** —total of 5 letters received to date. 3 letters in support of tower—one letter from Adk Council not in support of project and one letter from Saratoga County expressing concerns about interference from AT&T equipment with emergency services equipment.

Y N **Applicant submitted response (notes, if any) ---**

INDIVIDUAL LOT DEVELOPMENT REVIEW – P#2020-0224

If a subdivision: Lot #Lease (~0.15 ± acres = 80 ft x 80 ft)

Assigned EPS:VY Reviewed by: Click or tap to enter a date Date: Click or tap to enter a date.

Existing Development
PRINCIPAL BUILDINGS

Structure	-	Pre-existing (Y/N)?	-	Lawfully constructed (Y/N)?
none				

ACCESSORY STRUCTURES

Structure	-	Pre-existing (Y/N)?	-	Lawfully constructed (Y/N)?
none				

Proposed Development
PRINCIPAL BUILDINGS

 Check if portions or all below are NJ

 Check if proposed as a non-building lot:

Structure	Footprint	Height	# Bedrooms	Slopes
No principal building proposed				

 Have necessary density? Y N Town oversees density

 # remaining potential principal buildings = not calculated from survey or estimate

ACCESSORY STRUCTURES

Structure	Footprint	Height	Slopes
Telecommunications tower	n/a	106 ft to top of branching	~3%
Equipment platform	40 ft x 26 ft	< 15 ft	~3-11%

ACCESS

*Consult RASS engineer for driveway > 12% slope / *consult RASS ecologist for driveway > ¼ mile

 Driveway is existing /proposed Length: 122+/- feet Width: 12 feet

 Sight distance evaluated? Y N Slopes: 0 to 12%

 Need Clearing/Grading? Y N Comments: (Note if HOA or shared maintenance involved)

 Need hwy access permit? Y N

 Need easement? Y N

 Need signs? Y N

VISUAL / AESTHETIC
Y N Proposed development visible from public areas (list) *

Y N Existing topography / vegetation will screen, if retained – the lower portion of the telecommunications tower will be screened by existing / retained vegetation

- Y N Planting plan proposed If Yes, RASS forestry analyst consulted
 *simulated branching on monopole will conceal tower as monopine (i.e., simulated tree). A visual analysis of the tower and related development was submitted with the application for this permit, titled "Edinburg North FA#10146651 Visual Analysis & Impact Assessment," prepared by Costich Engineering, and dated August 2021 (Visual Analysis Report). Subsequent to that report, the photo-simulations for Photos 116 and 117 were revised and received by the Agency on September 29, 2021.

WASTEWATER TREATMENT (WWTS) none *Consult RASS engineer for engineered plans

- Individual on-site Municipal Community
 Y N Slope suitable for WWTS (i.e., ≤8% shallow, ≤15% conventional)?
 Y N Soil suitable for WWTS (i.e., depth to SHGW and bedrock)?
 Y N All water bodies or streams > 100 feet WWTS? (If No, needs variance – from Town if ALLUP)
 Y N If fast perc (1-3 min/in), water > 200 feet WWTS? (If No, amended soils required)
 Y N All jurisdictional wetlands > 100 feet WWTS? (If No, counts as permit jurisdiction)
 Y N Suitable 100% replacement area identified?
 Existing and proposed to remain (needs suitable 100% replacement area)

WATER SUPPLY none

- Individual on-site Municipal
 Y N All water supplies, on-site and off-site, > 100 feet WWTS? (If No, need DOH waiver)

STORMWATER / EROSION & SEDIMENT CONTROL *Consult RASS engineer

- Y N Does proposed development maintain existing drainage patterns?
 Y N < 1 acre disturbance proposed (May need E&S Control Plan if water/slope/soil resources at risk)
 Y N > 1 acre disturbance proposed (SWPPP required, which includes E&S Control Plan)

UTILITIES

- | | | | | |
|--------------------|---------------------------------------|---------------------------------------|--|---|
| Available on site? | <input type="checkbox"/> Y | <input checked="" type="checkbox"/> N | <input type="checkbox"/> Overhead | <input type="checkbox"/> Underground |
| Available at road? | <input checked="" type="checkbox"/> Y | <input type="checkbox"/> N | <input checked="" type="checkbox"/> Overhead | <input type="checkbox"/> Underground |
| Proposed for site? | <input checked="" type="checkbox"/> Y | <input type="checkbox"/> N | <input type="checkbox"/> Overhead | <input checked="" type="checkbox"/> Underground |

INDIVIDUAL LOT DEVELOPMENT REVIEW – P#2020-0224

If a subdivision: Lot #Parent (85.15± acres)

Assigned EPS: VY Reviewed by: [Click or tap here to enter text.](#) Date: [Click or tap to enter a date.](#)

Existing Development

PRINCIPAL BUILDINGS

Structure	-	Pre-existing (Y/N)?	-	Lawfully constructed (Y/N)?
Single family dwelling		N		Y

ACCESSORY STRUCTURES

Structure	-	Pre-existing (Y/N)?	-	Lawfully constructed (Y/N)?
Telecommunications tower		N		Y (Permit 2006-0220)

Proposed Development

PRINCIPAL BUILDINGS

Structure	Footprint	Height	# Bedrooms	Slopes
None proposed				

Check if portions or all below are NJ

Check if proposed as a non-building lot:

Have necessary density? Y N **Town oversees density**

remaining potential principal buildings = **not calculated** from survey or estimate

ACCESSORY STRUCTURES

Structure	Footprint	Height	Slopes
None proposed			

ACCESS

**Consult RASS engineer for driveway > 12% slope / *consult RASS ecologist for driveway > ¼ mile*

Driveway is existing / proposed Length: ~4725 ft Width: 12 ft

Sight distance evaluated? Y N Slopes: ~0 – >15%

Need Clearing/Grading? Y N Comments: ~122-foot-long extension of existing ~4725-foot-long access drive proposed within 30-foot-wide access and utility easement (Note if HOA or shared maintenance involved)

Need hwy access permit? Y N

Need easement? Y N

Need signs? Y N

VISUAL / AESTHETIC

Y N Proposed development visible from public areas (list) **Only development = access drive**

