



**PERMIT WRITING FORM – P2021-0207**

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

**APPLICANT**

Project Sponsor(s): Tarpon Towers II, LLC, T-Mobile Northeast, LLC, New Cingular Wireless PCS, LLC d/b/a AT&T, Herkimer County, Hamilton County, and the Town of Inlet  
Landowner(s): Hidden Peak, LLC, Harold Sauer, and Cynthia Sauer  
Authorized Representative: Jacqueline Phillips Murray, Esq (The Murray Law Firm)

**PROJECT SITE**

Town/Village: Inlet County: Hamilton  
Road and/or Water Body: Limekiln Road  
Tax Map #(s): 59.000-3-4.112 (Hidden Peak, LLC) and 59.020-3-1.111, 59.020-3-15.100, and 59.020-3-13.1 (Harold and Cynthia Sauer)  
Deed Ref: Instrument Number 2021-370 (TM# 59.000-3-4.112), Book 228 / Page 55 (TM# 59.020-3-1.111 and 59.020-3-15.100), and Instrument Number 2015-885 (TM# 59.020-3-13.1)  
Land Use Area(s): H MIU LIU RU RM IU  
Project Site Size: 227.3± 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): Wetland - Fed Hwy - State Hwy - State Land - Elevation - Study River

**PROJECT DESCRIPTION**

The project as conditionally approved herein involves a subdivision by lease to create a 3,985±-square-foot (0.09±-acre) lease area and construction of two new telecommunications towers. Tower 1 will be 95 feet in height and will be located 3,400± feet northwest of Limekiln Road. The top of the tower will be concealed as a simulated pine tree, for a total height of 100 feet. Antennas for T-Mobile Northeast, LLC, Herkimer County, Hamilton County, and the Town of Inlet will be installed on the tower at base heights of 60 feet to 95 feet above ground level (AGL). A 20-foot-tall antenna mounted at a base height of 95 feet AGL, at the top of the tower, will extend 15 feet beyond the crown branching, to a height of 115 feet AGL. Tower 2 will be 90 feet in height and will be located 60± feet northwest of Tower 1. The top of the tower will be concealed as a simulated pine tree, for a total height of 95 feet. Antennas for New Cingular Wireless PCS, LLC d/b/a AT&T, the Town of Inlet, and other permittees, will be installed on the tower at heights of 54 feet (antenna base) to 85 feet (antenna centerline). No antennas will extend beyond the height of the tower. The towers will be located within a fenced-in equipment compound that will contain three separate equipment shelters/pads and emergency back-up generators at the base of the towers. Access to the facility will involve construction of a 1,130±-foot-long gravel access drive from Limekiln Road, that will connect with an existing 3,010±-foot-long access drive, and then connect with an additional 830± feet of

existing access drive (to be widened from 8 feet to 12 feet), for a total of 4,970± feet/0.94± miles to reach the tower site. Underground utilities will be located along the access road and within a 25- to 30-foot-wide access and utility easement.

**JURISDICTION (including legal citation)**

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

**PRIOR PERMITS / SETTLEMENT AGREEMENTS BEING SUPERSEDED**

None

**FINDINGS OF FACT – ENVIRONMENTAL SETTING**

**Lakes, Ponds, Navigable Rivers and Streams**

Check if none

Water Body Name: ---

Length of Existing Shoreline (feet): ---

MHWM determ: Y N

Minimum Lot Width: ---

Meets standard: Y N

Structure Setback (APA Act):---

Meets standard: Y N

Structure Setback (River Regs): ---

Meets standard: Y N

Y N Cutting proposed within 6 ft of MHWM?

If Yes, < 30% vegetation? Y N

Y N Cutting proposed within 35 ft of MHWM?

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

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

**Non-Navigable Streams in proximity to development**

Check if none

Permanent Stream

Intermittent Stream

Classified? Y

N

[DEC Environmental Resource Mapper](#) stream classification: There is an existing crossing of Bottle Brook, classified C(T), which will be used as part of the access drive.

**Wetlands**

There are shrub swamp, deciduous swamp and emergent marsh covertype wetlands associated with Bottle Brook. According to Agency Permit 2007-0006, they have a value of "2" pursuant to 9 NYCRR Part 578.

Y N Jurisdictional wetland on property, or

Y N Wetlands are a basis of development jurisdiction  If Yes, RASS biologist consulted

→ If Y, covertype: ---

→ If Y, value rating: ---

Y N Draining, dredging, excavation of wetland

Area of wetland loss: --- Permanent? Y N

Y N Fill/structure in wetlands

Fill/structure area: ---

Y N Shading of wetland

Area of shading: ---

Y N Clearcutting >3 acres of wetland \*RASS forester consulted

Clearcut area: ---

Y N Untreated stormwater discharge into wetland

Y N Pollution discharge into wetland

Pollution type: ---

Y N Pesticide/Herbicide application in wetland

Pollution type: ---

**Ecological / Wildlife**

Y N Natural Heritage Sites/listed species or habitat present, including bat

Y N Forest management plan existing or proposed  If Yes, RASS forestry analyst consulted

Y N Biological Survey required by RASS Biologist 2 or Supervisor  If Yes, completed

**Special Districts**

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 to > 40% Building area(s) if authorizing development: ~8% in area for towers

**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: ---

**Stormwater**

Y N Greater than 1 acre disturbance, or

Y N Proposed ground disturbance < 100 feet from wetlands

If Yes, stormwater management reviewed and approved by RASS engineer

Setback to wetlands: Existing access drive that crosses Bottle Brook (and its associated wetlands) will not be widened.

**Character of Area**

Nearby (include all): Residential Commercial Industrial Agricultural Forested

Adjoining Land Uses / State Land: NYS Wild Forest, Residential, Commercial, Private Forestland

Is nearby development visible from road? Y N

→ If Y, name road and describe visible development: Commercial and residential development visible from Limekiln Road

**Additional Existing Development** (ex: dam on site, etc.): See Individual Lot Development Forms

**\*\*\* 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 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

In May 2021, 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).

At its July 13, 2021 meeting, the Town of Inlet declared the project immune from local zoning. Town of Inlet Resolution #21.35 made November 9, 2021 reaffirmed that the project is immune from local zoning.

## **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: **Require prior written Agency authorization for any new land use or development on the 3,985±-square-foot leased parcel beyond what was proposed and is authorized by the permit.**

### **Easement**

Easement proposed or required?  Y  N

If Y, consult with Legal for conditions. Justification: **The proposal includes a 300-foot-radius vegetative easement from the towers, required for visual screening and to maintain natural trees in proximity to the proposed simulated tree. The Project Plans provide for a 25-foot-wide and a 30-foot wide access and utility easement from Limekiln Road to the leased area.**

### **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: **100-foot-tall and 95-foot-tall simulated tree towers, height limited to limit visual impact and comply with Agency's Towers Policy**

Structure footprint limit and justification: **size of equipment shelters/pads 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: towers to be concealed as simulated white pine trees

### Tree Cutting / Vegetation Removal

Town with Northern Long-Eared Bat occurrences?  Y  N  
Indiana Bat habitat indicated on Lookup?  Y  N

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
  - within --- feet of wetlands
  - Other: on project site and within 300 feet of towers 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 8 inches dbh prohibited
- Other: ---

Justification: retain trees on project site and within 300 feet of towers 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: ---

### 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

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. Condition required if authorizing development within 100 feet of wetlands or greater than 1 acre disturbance; condition possibly required in other circumstances too. Justification: ---

**Erosion and Sediment Control (if authorizing development)**

Consult with RASS for conditions. Condition required if authorizing development within 100 feet of wetlands or greater than 1 acre disturbance; condition possibly required in other circumstances too. 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 towers 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 towers could defeat the concealment elements of the approved towers. The applicant does not intend to increase the height of the tower.

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

By letter dated April 29, 2021, the New York Air National Guard determined that the tower will 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, #: 3 – all in support of the project
- Y N **Applicant submitted response (notes, if any)** [Last updated April 5 @ 8:30 am]

In addition, one comment letter was received in August 2020 for P2019-0147, a previous permit application for a single tower on the same property. The letter was in support of improved telecommunications in the Inlet area.

**INDIVIDUAL LOT DEVELOPMENT REVIEW – P#2021-0207**

If a subdivision: **Lot #TM # 59.000-3-4.112** owned by Hidden Peak, LLC  
(Rural Use portion of 172.40± acres)

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**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)?
Shed-machine		N (2005)		Y
Util Shed, Res		N (2019)		Y

**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 buildings proposed				

Have necessary density? Y N

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

**ACCESSORY STRUCTURES**

Structure	Footprint	Height	Slopes
No accessory structures proposed			

**ACCESS**

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

Driveway is existing / proposed Length: ~3540 ft Width: 12 ft

Sight distance evaluated? Y N Slopes: no change to existing access drive slopes

Need Clearing/Grading? Y N Comments: Access drive will be within 30-foot-wide access and utility easement, no change to ~2710 ft length of access drive, final ~830 ft of access drive (to tower site) will be widened from 8 ft to 12 ft, gravel surface (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**
- Y  N Existing topography / vegetation will screen, if retained
- Y  N Planting plan proposed  If Yes, RASS forestry analyst consulted

**WASTEWATER TREATMENT (WWTS) NA** \*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 NA**

- 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)

Proposed limits of disturbance = 0.917± acres (for entire project site)

**UTILITIES**

- Available on site?  Y  N  Overhead  Underground
- Available at road?  Y  N  Overhead  Underground
- Proposed for site?  Y  N  Overhead  Underground



**INDIVIDUAL LOT DEVELOPMENT REVIEW – P#2021-0207**

If a subdivision: Lot # **Lease Area** (3,985± sq ft / 0.09± acres)

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**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**

Check if portions or all below are NJ

**PRINCIPAL BUILDINGS**

Check if proposed as a non-building lot:

Structure	Footprint	Height	# Bedrooms	Slopes
No principal buildings proposed				

Have necessary density?  Y  N

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

**TELECOMMUNICATIONS TOWERS**

Structure	Footprint	Height	Slopes
Telecommunications tower #1	NA	100 ft to top of branching	~8%
Telecommunications tower #2	NA	95 ft to top of branching	~8%
Multiple antennas (see Project Plans)			

**ACCESSORY STRUCTURES**

Structure	Footprint	Height	Slopes
Equipment pad (T-Mobile)	240 sq ft	< 15 ft	~8%
Equipment platform (AT&T)	300 sq ft	< 15 ft	~8%
Equipment shelter (County/Town)	240 sq ft	< 15 ft	~8%
Chain link fence	perimeter of lease area	7 ft (6 ft fence + barbed wire)	~8%

**ACCESS**

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

Driveway is existing /proposed Length: --- Width: ---

Sight distance evaluated? Y N Slopes: ---

Need Clearing/Grading? Y N Comments: **access drive is on Hidden Peak LLC and Sauer parcels; parking and turn-around are on lease parcel**(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

Y N Planting plan proposed  If Yes, RASS forestry analyst consulted

**\*simulated branching on monopoles will conceal towers as monopines (i.e., simulated trees)**

**WASTEWATER TREATMENT (WWTS) NA** *\*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 NA**

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)

**Proposed limits of disturbance = 0.917± acres (for entire project site)**

**UTILITIES**

Available on site? Y N  Overhead  Underground

Available at road? Y N  Overhead  Underground

Proposed for site? Y N  Overhead  Underground

**INDIVIDUAL LOT DEVELOPMENT REVIEW – P#2021-0207**

If a subdivision: Lot #TM# 59.020-3-1.111, 59.020-3-15.100, and 59.020-3-13.1 owned by Harold and Cynthia Sauer (Rural Use portion of 57.9± acres)

Assigned EPS:ADL 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)?  
5432 SF structure built 1985

**ACCESSORY STRUCTURES**

Structure                      -                      Pre-existing (Y/N)?                      -                      Lawfully constructed (Y/N)?  
Boat shelter 4,080 SF built 1983  
Boat shelter 2,640 SF built 1983  
Canopy-roof 482 SF built 1983

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

**ACCESSORY STRUCTURES**

Structure                      Footprint                      Height                      Slopes                       
No accessory structures proposed

**ACCESS**

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

Driveway is existing / proposed Length: 1130 ft (proposed) + ~300 ft (existing) Width: 12 ft  
Sight distance evaluated? Y N Slopes: maximum 15%  
Need Clearing/Grading? Y N Comments: Access drive to be constructed within 25- to 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; entrance will be visible from Limekiln Road, among existing development**

Y N Existing topography / vegetation will screen, if retained

Y N Planting plan proposed  If Yes, RASS forestry analyst consulted

**WASTEWATER TREATMENT (WWTS) NA** \*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 NA**

- 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)
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**Proposed limits of disturbance = 0.917± acres (for entire project site)**

**UTILITIES**

- Available on site? Y N  Overhead  Underground
- Available at road? Y N  Overhead  Underground
- Proposed for site? Y N  Overhead  Underground