


STAFF DRAFT - NOT APPROVED BY AGENCY

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Adirondack Park Agency</p> <p>PO Box 99 · 1133 NYS Route 86 Ray Brook, NY 12977 Tel: (518) 891-4050 www.apa.ny.gov</p>	Order	Date Issued:
	In the Matter of the Issuance of General Permit 2023G-1 for Certain Modifications of Existing Wireless Towers or Base Stations (Eligible Facilities Requests)	

WHEREAS:

1. This document constitutes an Order approving the issuance of General Permit 2023G-1;
2. Section 809.13(e) of the Adirondack Park Agency Act (APA Act) states that the Agency shall have authority, in connection with its project review jurisdiction, “to issue a general permit for any class of projects concerning which the agency determines it may make the requisite statutory findings on a general basis;”
3. Pursuant to Section 572.23(b) of Agency regulations, on **October 12, 2023**, the Agency proposed to issue General Permit 2023G-1 “Certain Modifications of Existing Wireless Towers or Base Stations (Eligible Facilities Requests)” specifying the applicable geographic area, time period, basis of jurisdiction, activity and probable frequency, other relevant findings of fact, mitigating conditions and conclusions of law, and procedures for issuance of a certificate;
4. General Permit 2023G-1 “Certain Modifications of Existing Wireless Towers or Base Stations (Eligible Facilities Requests)” will:
 - a. be available for use throughout the Adirondack Park;
 - b. be effective from the date of issuance unless otherwise modified or revoked by the Agency;
 - c. authorize jurisdictional activities pursuant to §§ 809(2)(a) and 810(1) of the APA Act, and 9 NYCRR §§ 572 and 574;
 - d. allow for certain modifications of existing wireless towers or base stations that do not substantially change the physical dimensions of such towers or base stations and involves co-location, removal, or replacement of transmission equipment. These modifications may only occur on any existing wireless towers or base stations and are frequently undertaken by telecommunications and tower companies;
 - e. include relevant mitigating conditions and conclusions of law, as specified in the general permit; and
 - f. include procedures for the issuance of a certificate pursuant to the general permit, as specified in the general permit.
5. Pursuant to sections 572.23(c) and (e) of Agency regulations, General Permit 2023G-1 was publicly noticed and was provided for public review and comment, and the minimum 30-day public comment period has expired;
6. The Agency has considered the public comment received and incorporated appropriate changes to the proposed General Permit 2023G-1; and

7. Pursuant to 6 NYCRR 617.5(c)(26), issuance of General Permit 2023G-1 “Certain Modifications of Existing Wireless Towers or Base Stations (Eligible Facilities Requests)” is a Type 1 action for purposes of the State Environmental Quality Review Act (SEQRA), the Agency has conducted a coordinated SEQRA review ~~with any identified “Involved Agencies”~~ as defined by SEQRA and has determined that ~~the proposed action will not result in a significant adverse environmental impact.~~

NOW, THEREFORE, IT IS ORDERED THAT:

- I. The Agency, having considered the foregoing and General Permit 2023G-1 “Certain Modifications of Existing Wireless Towers or Base Stations (Eligible Facilities Requests)” finds that General Permit 2023G-1 meets the statutory and regulatory criteria set forth in APA Act § 809.13(e), ECL Article 24, and 9 NYCRR § 572.23 on a general basis;
- II. General Permit 2023G-1 “Certain Modifications of Existing Wireless Towers or Base Stations (Eligible Facilities Requests)” is hereby issued; and
- III. The Deputy Director of Regulatory Programs shall record General Permit 2023G-1 in the county clerk’s office of all counties situated wholly or partly within the Adirondack Park, shall provide notice of the approval of General Permit 2023G-1 in accordance with the requirements of 9 NYCRR 572.23(c); and shall complete the filing and distribution of documents in accordance with the requirements of 6 NYCRR 617.12 of SEQRA.