



New York State
Adirondack
Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

DRAFT

**RESOLUTION ADOPTED BY THE ADIRONDACK PARK AGENCY WITH RESPECT
TO THE ISSUANCE OF GENERAL PERMIT 2023G-1 FOR ELIGIBLE FACILITIES
REQUESTS PURSUANT TO SECTION 6409 OF THE SPECTRUM ACT OF 2012**

October 12, 2023

WHEREAS, The Adirondack Park Agency has general jurisdiction over major public utility uses and the construction of structures in excess of 40 feet in height within the Adirondack Park pursuant to §§ 809 and 810 of the Executive Law (the Adirondack Park Agency Act); and

WHEREAS, The Agency's approval criteria, set forth in § 809(10), mandates that a project can be permitted only when it is consistent with the land use and development plan, compatible with the character description and purposes, policies, and objectives of each land use area; and has no undue adverse impact on Park resources, including the natural, scenic, aesthetic, and open space resources; and

WHEREAS, The Adirondack Park Agency is responsible for review of eligible facilities requests within the Adirondack Park pursuant to Section 6409 of the Spectrum Act of 2012; and

WHEREAS, An eligible facilities request, as defined under federal law, is any request for modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station and involves co-location, removal, or replacement of transmission equipment; and

WHEREAS, Eligible facilities request is further defined and clarified in Federal Communications Commission regulations at 47 CFR 1.6100 and various Federal Communications Commission rulings and orders; and

WHEREAS, Pursuant to the State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617, and 9 NYCRR 572.23(d), issuance of a General Permit is classified as a Type I action, and the Adirondack Park Agency has conducted a coordinated SEQRA review as defined by SEQRA and has determined that the proposed action will not result in a significant adverse environmental impact; and

WHEREAS, Pursuant to Adirondack Park Agency regulations 9 NYCRR §572.23(e), the Agency conducted a 30-day public comment period and pertinent public comment has been incorporated into the final General Permit documents presented to the Board; and

WHEREAS, The proposed General Permit 2023G-1 titled “Certain Modifications of Existing Wireless Towers or Base Stations (Eligible Facilities Requests)” will provide a streamlined process for wireless providers to apply for eligible facilities requests within the Adirondack Park and will enable Agency staff to further expedite review of completed eligible facility request applications in order to continually improve cellular service within the Adirondack Park; and

WHEREAS, the Draft Order for General Permit 2023G-1 includes the information required under 9 NYCRR 572.23(b);

NOW, THEREFORE, BE IT RESOLVED, that the Board of the Adirondack Park Agency hereby approves the issuance of General Permit 2023G-1 for Eligible Facilities Requests.

Ayes:

Nays:

Abstentions:

Absent: