


THIS IS A TWO-SIDED DOCUMENT

 <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 www.apa.ny.gov</p>	<p>APA Permit 2016-0231</p>
<p>In the Matter of the Application of</p> <p>NEW YORK RSA 2 CELLULAR PARTNERSHIP d/b/a VERIZON WIRELESS, and PACIFIC PREMIER TRUST FBO LESLYE TOMNEY IRA Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: December 29, 2022</p>
	<p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <ol style="list-style-type: none">1. NY RSA 2 Cellular Partnership d/b/a Verizon Wireless2. Pacific Premier Trust FBO Leslye Tomney IRA

SUMMARY AND AUTHORIZATION

This permit authorizes a new telecommunications tower and equipment compound, an access road, and a subdivision by lease in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Indian Lake, Hamilton County.

This authorization shall expire unless recorded in the Hamilton County Clerk's Office within 60 days of issuance of a signed and notarized permit. The signed and notarized permit shall be recorded 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 five years of the date the permit is recorded in the County Clerk's Office. 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 79.6±-acre parcel of land located on NYS Routes 28 & 30 in the Town of Indian Lake, Hamilton County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 47, Block 1, Parcel 15, and is described in a deed from Pensco Trust Company FBO David K. Tomney IRA to Pacific Premier Trust FBO Leslye Tomney IRA dated August 27, 2021, and recorded September 15, 2021 in the Hamilton County Clerk's Office under Instrument Number 2021-1350.

The project site is partially located within 1/8 mile of lands in the Blue Ridge Wilderness area and within 150 feet of the edge of the right-of-way of NYS Routes 28 & 30.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a subdivision by lease to create a parcel 100 feet by 100 feet in size (0.23± acres) and construction of a new telecommunications tower. The tower will be 85 feet in height and will be located 1550± feet southwest of NYS Routes 28 & 30. The top of the tower will be concealed as a simulated pine tree, for a total height of 90 feet. Eight, 8-foot-tall panel antennas will be installed on the tower at a centerline mounting height of 81 feet above ground level.

The tower will be located within a 48-foot by 54-foot fenced-in equipment compound that will include a 16-foot by 22.5-foot equipment area containing a wireless generator and equipment cabinets. Access to the facility will involve construction of a 1900±-foot-long gravel access road to accommodate construction and service vehicles. Underground utilities will be located along the access road and within a 50-foot-wide access and utility easement.

The project is shown on twenty-two sheets of plans titled "New York RSA 2 Cellular Partnership d/b/a Verizon Wireless; Project Number 20161495739; Location Code 266905; Site Name: Rock Lake Zoning Drawings," prepared by Costich Engineering, dated November 24, 2014, and last revised July 22, 2022 (Project Plans):

- Sheet GA001 – Title Sheet;
- Sheet GA002 – Land Use and River Buffer Map;
- Sheet GA003 – Schematic Total Holdings Map;
- Sheet CA100 – Site Plan;
- Sheet CA110 – Detailed Site Plan & Notes;
- Sheet CA130 through CA134 – Grading & Erosion Control Plans;
- Sheet CA135 – Tree Preservation Plan;
- Sheet CA136 – Tree Preservation Table, Notes, and Details;
- Sheet CA300 and CA301 – Access Drive Profile;
- Sheet CA500 – Tower Elevation, Details, and Notes;
- Sheet CA501 – Details and Notes;
- Sheet CA502 – Equipment Platform Details and Notes;
- Sheet CA503 – Equipment Slab and Pier Details;
- Sheet CA504 – Generator Slab Details;
- Sheet CA505 – Erosion Control Details and Notes;

- Sheet CA506 – Erosion Control Details; and
- Sheet CA507 – Bioretention Facility Details.

A visual analysis of the tower and related development was submitted with the application for this permit, titled “Rock Lake Project #: 20161495739; Visual Analysis and Impact Assessment” prepared by Costich Engineering, dated May 2022, and revised September 2022 (Visual Analysis Report).

The application also included a 190-page report titled “Stormwater Pollution Prevention Plan for Rock Lake Telecommunications Site; Town of Indian Lake, County of Hamilton, State of New York,” prepared by Costich Engineering, dated February 2017, and last revised August 2022 (SWPPP).

Reduced-scale copies of Sheet CA100 (Site Plan) and Sheet CA500 (Tower Elevation) of the Project Plans are attached as 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

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to the construction of any structure in excess of 40 feet in height and the establishment of a major public utility use on Rural Use lands in the Adirondack Park.

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to any new land use or development within 1/8 mile of lands of the State of New York designated Wilderness in the Adirondack Park.

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 telecommunications tower remains on the site. Copies of this permit and Project Plans, Visual Analysis Report, and SWPPP 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 2016-0231, issued December 29, 2022, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

Subdivision and Construction

5. Subject to the conditions stated herein, this permit authorizes the subdivision by lease and construction of an access road, tower, antennas, and equipment compound in the location shown and as depicted on the Project Plans referenced herein. The tower shall not exceed 90 feet in height, including all portions of the simulated tree/lightning rod, and the antennas shall be located on the tower as shown on the plans referenced herein, with the top of the antennas no higher than 85 feet above ground level (centerline elevation of 81 feet above ground level).

Any change to the location, dimensions, or other aspect of the development authorized herein, including the construction of any new tower or the addition to the authorized tower of any new antenna or other equipment, shall require prior written Agency authorization.

Concealment

6. The simulated tree portion of the tower shall mimic the branching structure, needle pattern, and coloration of a mature, fully formed eastern white pine tree, as depicted in the Project Plans and Visual Analysis Report. Under current site conditions, any co-location that increases the height or width of the tower or renders the tower not substantially invisible will defeat the concealment elements of the simulated tree tower approved herein.
7. In the event that any simulated branches break or fall off, they shall be repaired or replaced within eight months to restore the substantial invisibility of the simulated tree in this location. Photos of the repair or replacement shall be provided to the Agency within two weeks of completion.

Structure Color

8. Except for the portion that will be concealed as a simulated tree, the authorized tower and antennas shall be painted dark charcoal grey or black with a non-reflective flat or matte finish, or the tower may be clad in artificial bark designed to mimic a mature eastern white pine tree.

Lighting

9. Installation of any lighting on the tower authorized herein shall require prior written Agency authorization. Any other exterior lights on the 100-foot by 100-foot leased parcel shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward NYS Routes 28 & 30 or adjoining property.

Signs

10. All signs associated with the telecommunications tower on the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3].

Vegetation

11. On the project site and within 200 feet of the tower authorized herein, no existing trees greater than 8 inches diameter at breast height shall be cut, culled, trimmed, pruned, or otherwise removed without prior written Agency authorization, except for a) the 63 "trees to be removed" shown on Sheet CA135 of the Project Plans and b) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

Within 30 days of removal or loss of any trees or other vegetation on the project site and within 200 feet of the tower, other than the 63 "trees to be removed" shown on Sheet CA135 of the Project Plans, a plan and implementation schedule for re-vegetation and/or re-design and/or re-location to maintain the substantial invisibility of the tower, its antennas, and equipment compound shall be submitted to the Agency for review and approval. The plan shall be implemented as described in the approved implementation schedule.

Invasive Species Prevention

12. When brought from off-site, all equipment, including but not limited to trucks, excavators, tractors, etc., and hand excavation tools such as shovels, rakes, and picks, to be used on the project site shall be clean and free of soil, mud, or other similar material. If washed on the project site, equipment shall be washed in one location to prevent the distribution of propagules among different wash sites. All construction equipment and vehicles operating in areas that may contain existing invasive species shall be thoroughly cleaned prior to moving to other areas.

Stormwater Management/Erosion Control

13. The project shall be undertaken in compliance with the Project Plans and the SWPPP.

Documentation of Construction

14. The Agency shall be provided with color photographs showing the completed tower, antennas, and equipment compound within 30 days of project completion. Photographs shall be taken at the project site and from Photostation 249 and Photostation 252. At the tower site, photographs showing the entire completed project shall be provided. All photographs shall identify the date the picture was taken, the location of the photograph, and the lens size employed. Photographs shall be taken on a clear day with little cloud cover.

Discontinuance of Use

15. The tower shall be removed from the project site within two years of discontinuance of use for telecommunications purposes. Antennas shall be removed from the tower within one year of discontinuance of use for telecommunications purposes.

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 meet all of the pertinent requirements and conditions of the approved local land use program of the Town of Indian Lake; and
- b. 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 ^{29th} day
of December, 2022.

ADIRONDACK PARK AGENCY

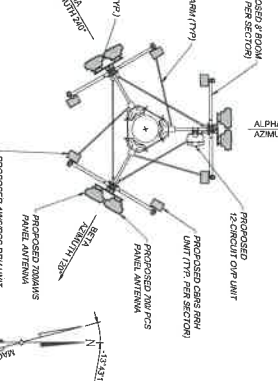
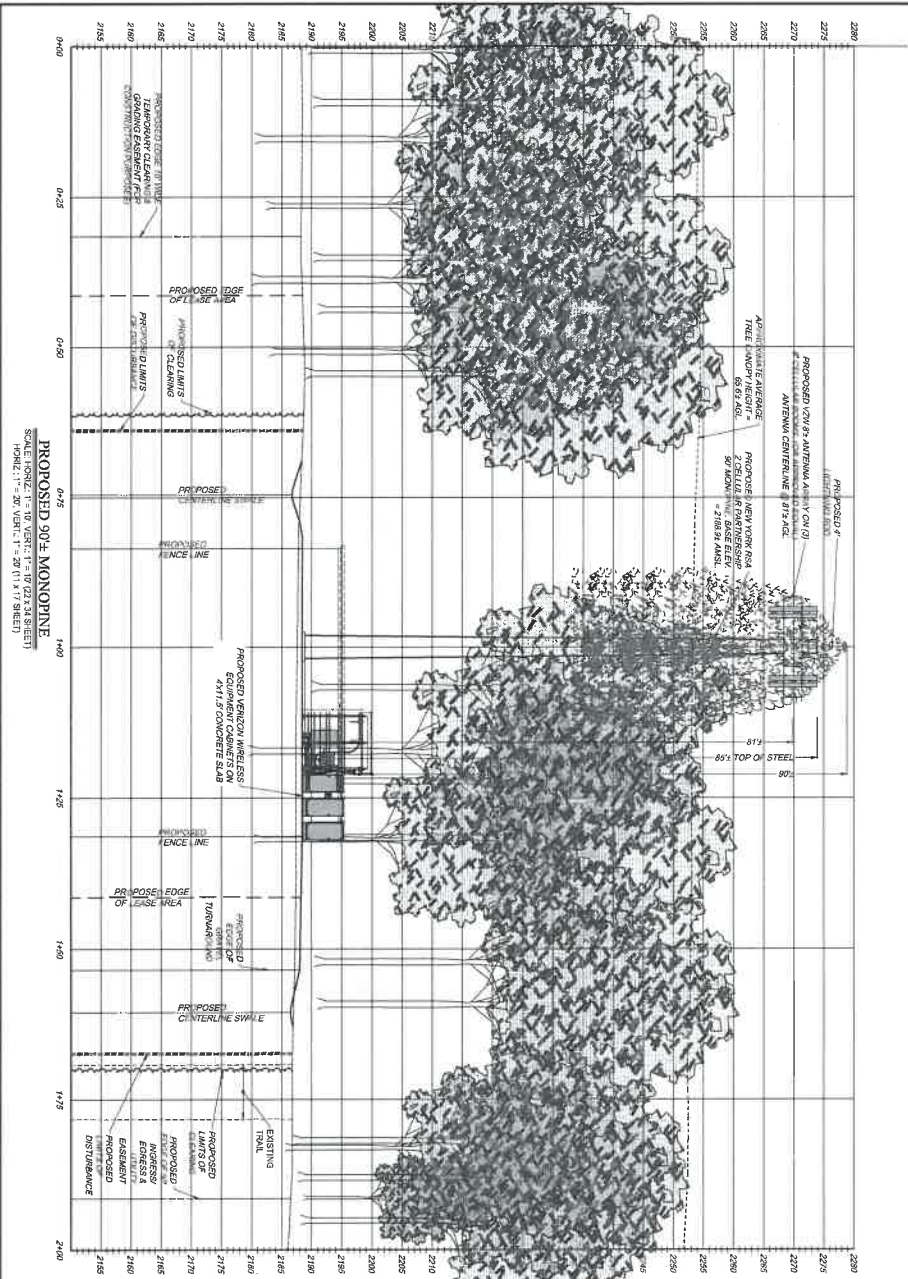
BY: 
John M. Burth
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK
COUNTY OF ESSEX

On the ^{29th} day of DECEMBER in the year 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared John M. Burth, 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

Craig A. Michaels
Notary Public, State of New York
Reg. No. 02MI6413384
Qualified in Essex County
Commission Expires January 25, 2025



- NOTES
1. THE TOWER SHALL BE CONSTRUCTED WITH GALVANIZED STEEL.
 2. NO FAN OBSTRUCTION LIGHTING IS PERMITTED UNLESS IT IS REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION OR THE LOCAL MUNICIPALITY.
 3. ALL REFERENCES TO THE TOWER AND ITS FOUNDATION ARE TO BE DIRECTED TO THE DESIGN AND DETAIL DRAWINGS BY THE TOWER SUPPLIER.
 4. THERE SHALL BE NO PERMANENT CLIMBING PRESSES WITHIN 16' OF THE GROUND OF ANY TOWER.
 5. PROPOSED ANTENNAS SHALL BE INSTALLED IN CONFORMANCE WITH THE SITE ENGINEER'S ANTENNA DESIGN AND SUPPORTS BY THESE SPECIFICATIONS.
 6. THE TOWER, ANTENNAS AND SUPPORTS SHALL BE PAINTED DARK CHARCOAL GREY OR BLACK WITH A NONREFLECTIVE FLAT OR WHITE FINISH.

verizon

1715 JOHN STREET, SUITE #100
 WEST HENSBETTA, NEW YORK 14888

CONSTRUCTION ENGINEERING
 LAND SURVEYING
 PROFESSIONAL ENGINEERING

NO.	DATE	REVISION
1	10/22/2014	EXHIBIT LOCATIONS
2	10/16/2011	VEHICLE ADDRESS
3	09/10/2011	EQUIPMENT PLATFORM
4	03/22/2017	ANTENNA MOUNTING ROOM
5	07/22/2020	ANTENNA DESIGN

DESIGNED BY: D.A.W.
 CHECKED BY: C.J.M.
 DATE: 11/24/2014
 SCALE: AS NOTED



COPYRIGHT 2014
 CONSTI ENGINEERING, P.C.
 1150 WEST 10TH STREET, SUITE 100
 WEST HENSBETTA, NEW YORK 14888
 LICENSE NO. 11242
 STATE OF NEW YORK
 PROFESSIONAL ENGINEER
 ORIGINAL SIZE INCHES
 SHEET NUMBER: 5109
 SHEET NUMBER: CA500

PROJECT #20161495739
 LOCATION CODE: 2669005
 TOWN OF INDIAN LAKE
 COUNTY OF HAMILTON
 STATE OF NEW YORK
 SHEET TITLE:
 TOWER ELEVATION,
 DETAILS & NOTES

C.E. JOB NUMBER: 5109
 SHEET NUMBER: CA500
 SHEET 15 OF 22