


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 2018-0021A</p>
<p>In the Matter of the Application of</p> <p>HERKIMER COUNTY OFFICE OF EMERGENCY SERVICES, HAMILTON COUNTY OFFICE OF EMERGENCY SERVICES, and TOWN OF WEBB Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: December 7, 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. Herkimer County Office of Emergency Services2. Hamilton County Office of Emergency Services3. Town of Webb

SUMMARY AND AUTHORIZATION

This permit authorizes after-the-fact installation of one microwave dish and prospective installation of one microwave dish on an existing telecommunications tower in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Webb, Herkimer County.

This authorization shall expire unless recorded in the Herkimer 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 Agency will consider the project in existence when the permit has been recorded.

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 located east of Bisby Road and on both sides of McCauley Road in the Town of Webb, Herkimer County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The project site is the approximately 694-acre Rural Use portion of two contiguous tax parcels in the Town of Webb, identified as Section 41, Block 1, Parcels 59.1 (1,006± acres) and 59.2 (92.5± acres) and including the summits of McCauley Mountain and Little Moose Mountain. The portion of these tax parcels classified Low Intensity Use is not part of the project site.

The project site is described in two deeds: one deed dated January 6, 1939 from Gray Lake Inc. to the Town of Webb, and recorded at the Herkimer County Clerk's Office on February 14, 1939 in Liber 331 of Deeds at page 297; and a second deed dated February 29, 1960 from Douglas N. Rice, Sr. as trustee for Douglas N. Rice, Jr., Fred Williams, and A. Richard Cohen as Trustee for Sarah Cohen and Linda Cohen to the Town of Webb and recorded at the Herkimer County Clerk's Office on March 11, 1960 in Liber 539 of Deeds at Page 430.

PROJECT DESCRIPTION

The project as conditionally approved herein involves installation of one 6-foot-diameter microwave dish antenna with radome to be mounted at the 67-foot tower elevation for Hamilton County's public safety radio system, on an existing 90-foot-tall self-supporting lattice tower on McCauley Mountain.

Agency Permit 2018-0021 authorized construction of the 90-foot-tall (above existing ground level - AGL) self-supporting lattice tower and installation of four antennas for emergency communications on the tower, including one 6.23-foot-diameter microwave dish antenna with radome to be mounted at the 40-foot tower elevation for Herkimer County's public safety radio system.

The Herkimer County microwave dish was instead installed at the 80-foot tower elevation. A review of Agency records indicates that no new or amended permit was obtained for this change. By issuance of this permit, the Herkimer County microwave dish installed at the 80-foot tower elevation shall be recognized as lawful for Agency purposes.

The project is shown on the following maps, plans, and reports:

- Six sheets of plans titled "Contract drawings for the construction of Hamilton County Emergency Communications Project, Site Name: McCauley Mountain," prepared by C&S Companies, and dated June 2 2022 (Project Plans); and
- Two pages titled "Technical Data Sheet PAD6-59BC, TrunkLine Antenna, Standard (FCC 101, Cat A), Single Polarized, 6 ft," prepared by Radio Frequency Systems (RFS), and dated 05 Apr 12 (Antenna Data Sheet).

A reduced-scale copy of Sheet C3 (Tower Elevation) of the Project Plans is 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.

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 Herkimer 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, the Project Plans, and Antenna Data Sheet 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. This Permit amends and supersedes Permit 2018-0021. The terms and conditions of Permit 2018-0021 shall no longer apply to the project site.
5. 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 2018-0021A, issued December 7, 2022, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

Construction

6. Subject to the conditions stated herein, this permit authorizes the after-the-fact installation of one microwave dish (for Herkimer County Emergency Services) and prospective installation of one microwave dish (for Hamilton County Emergency Services) on an existing 90-foot-tall self-supporting lattice tower in the locations shown and as depicted on the Project Plans and Antenna Data Sheet. The existing tower shall not exceed 90 feet in height AGL. All antennas shall be located on the tower as shown on the Project Plans. The top of the antennas shall not exceed 90 feet in height AGL.

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. Maintenance and/or replacement of the tower, antennas, and other supporting structures and equipment, as authorized by this permit, may occur pursuant to the conditions herein without a new or amended permit.

Structure Color

7. The lattice tower shall have a neutral galvanized steel finish (resulting in a neutral matte gray color) or be painted dark charcoal gray or black with a non-reflective flat or matte finish. The exterior colors of the equipment shed, including roof and siding, shall be a dark shade of green, gray, or brown.

Lighting

8. There shall be no exterior lights installed as part of this project, either on the tower or on the equipment shed, and no lights shall illuminate the tower.

Signs

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

Vegetation

10. Within 200 feet of the tower authorized herein, no trees shall be cut, culled, trimmed, pruned or otherwise removed without prior written Agency authorization, except for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
11. If a natural cause such as blow-down, ice storm, fire, disease or another event beyond the control of the operator of the tower and/or the antennas authorized herein results in the complete or partial loss of the vegetation within 200 feet of the tower that provides the screening and/or backdrop for the tower, its antennas, and equipment shelter, a plan shall be submitted to the Agency within six months, for review and approval to achieve compliance with the Agency's "Policy on Agency Review of Proposals for New Telecommunications Towers and Other Tall Structures in the Adirondack Park." The plan shall describe a program of re-vegetation and/or re-design intended to achieve compliance within 10 years, or re-location to an alternate compliant site within two years. Approval of the plan may be in the form of a letter of permit compliance, or a new or amended permit.

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.

Documentation of Construction

13. The Agency shall be provided with color photographs showing the completed antennas within 30 days of project completion. Photographs shall be taken at the tower site and from Photo Location 11 (Town Park/Beach), Photo Location 15 (overlooking First Lake), and from Photo Location NL7 (North Basin of Nick's Lake). At the tower site, photographs showing the entire completed project shall be provided. From all Photo Locations, film equivalent 55mm and 85mm lenses shall be employed. All photographs must clearly 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.

Governmental Emergency Communications

14. The tower and associated infrastructure shall only be used for governmental emergency communications. Other co-locations on the tower shall be prohibited.

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 be consistent with the land use and development plan;
- b. will be compatible with the character description and purposes, policies, and objectives of the Rural Use land use area;
- c. will be consistent with the overall intensity guidelines for the Rural Use land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act; and
- e. 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 7th 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 7th 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

Stephanie L. Petith
Notary Public, State of New York
Reg. No 01PE6279890
Qualified in Franklin County
Commission Expires April 15, 2025

C&S COMPANIES
C&S Engineers, Inc.
 489 Cullman Blvd.
 Syracuse, New York 13212
 Phone: 315-486-6000
 Fax: 315-486-6001
 www.cscsa.com

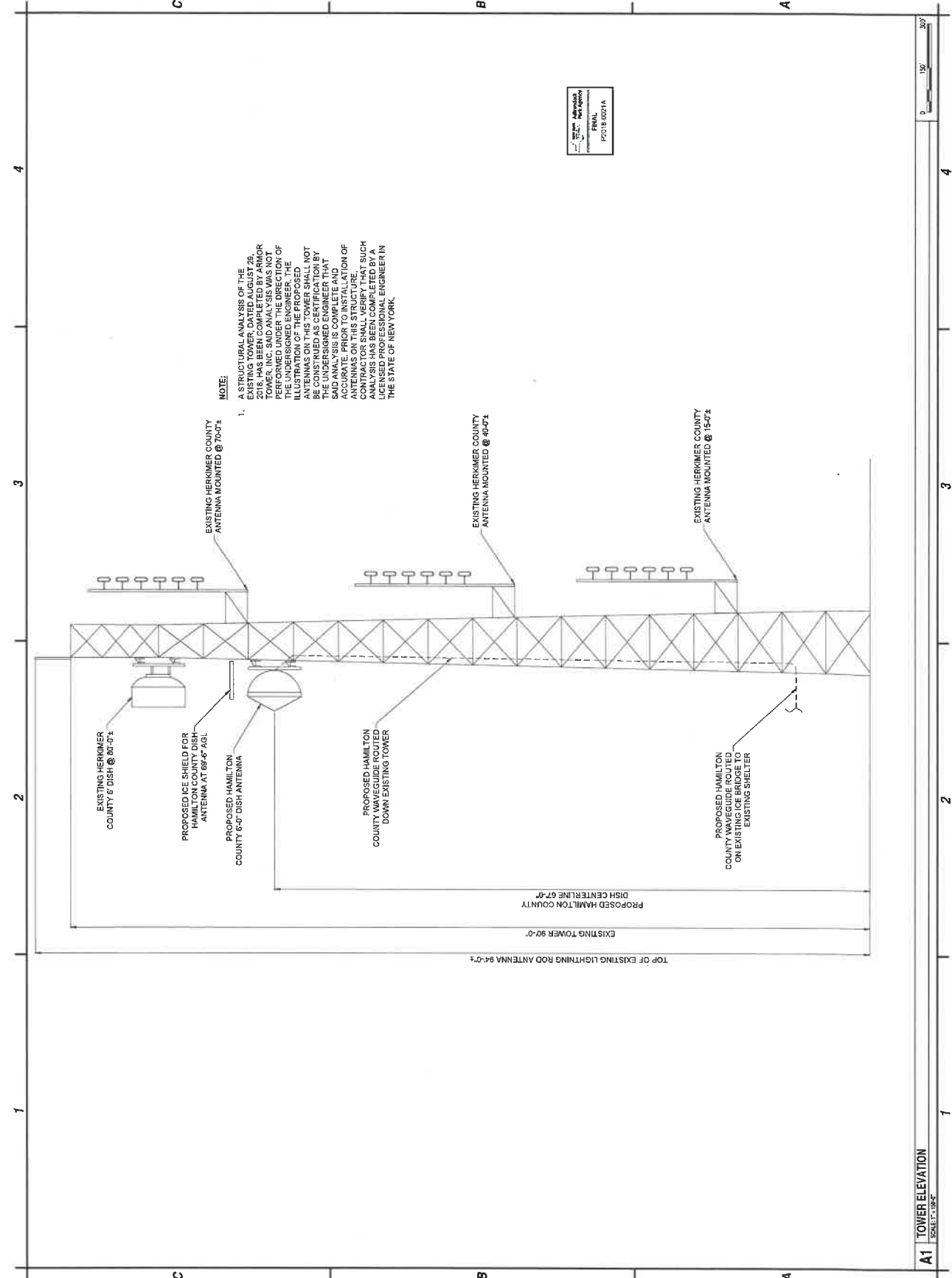


HAMILTON COUNTY
300 MCCAULEY ROAD
OLD FORGE, NY 13420

MARK	DATE	DESCRIPTION	REVISIONS
PROJECT NO.	775004001		
DATE:	JUNE 2022		
DRAWN BY:	J. OSWALD		
CHECKED BY:	E. NIENNA, P.E.		
PROJECT LOCATION: HAMILTON COUNTY 300 MCCAULEY ROAD, OLD FORGE, NY 775004001 SUBMISSION 2 OF THE NEW YORK EDUCATION LAW			

TOWER ELEVATION

C3



NOTE:
 1. A STRUCTURAL ANALYSIS OF THE EXISTING TOWER, DATED AUGUST 26, 2016, HAS BEEN OBTAINED BY ANOTHER PARTY. THIS ANALYSIS WAS NOT PERFORMED UNDER THE DIRECTION OF THE UNDERSIGNED ENGINEER. THE ILLUSTRATION OF THE PROPOSED TOWER AND ITS SUPPORTS IS NOT BEING SUBMITTED FOR REVIEW BY THE UNDERSIGNED ENGINEER THAT SAID ANALYSIS IS COMPLETE AND ACCURATE. PRIOR TO INSTALLATION OF THIS STRUCTURE, THE CONTRACTOR SHALL VERIFY THAT SUCH ANALYSIS HAS BEEN COMPLETED BY A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF NEW YORK.

300 MCCAULEY ROAD
 OLD FORGE, NY 13420
FINAL
 P2018.0071A

A1 TOWER ELEVATION
 SCALE: 1/8"=1'-0"

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