


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 2022-0006</p>
<p>In the Matter of the Application of</p> <p>CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS, JENNIFER SUE HARRINGTON, and NIAGARA MOHAWK POWER CORPORATION Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: July 2, 2024</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. Cellco Partnership d/b/a Verizon Wireless2. Jennifer Sue Harrington3. Niagara Mohawk Power Corporation

This permit supersedes un-recorded Permit 2022-0006, issued by the Agency on June 27, 2024.

SUMMARY AND AUTHORIZATION

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

This authorization shall expire unless recorded in the Warren 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 Warren County Clerk's Office. The Agency will consider the project in existence when the telecommunications tower authorized herein 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 431.71±-acre parcel of land located on US Route 9 in the Town of Warrensburg, Warren County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as the following: Tax Map Section 183, Block 1, Parcel 7, 183, Block 1, Parcel 9, Tax Map Section 183.4, Block 1, Parcel 13, Tax Map Section 183.4, Block 1, Parcel 14, and Tax Map Section 183.4, Block 1, Parcel 15 described in a deed from Marguerite Warner to Edward Harrington, Jr. and Jennifer Sue Harrington dated February 11, 1992 and recorded March 4, 1992 in the Warren County Clerk's Office in Book 846 of Deeds at Page 307; and Tax Map Section 183.4, Block 1, Parcel 1 described in a deed from Joseph L. Starowicz to Niagara Mohawk Power Corporation dated December 21, 1987 and recorded April 5, 1988 in the Warren County Clerk's Office in Book 704 of Deeds at Page 160.

Wetlands are present in the southwestern corner and mid-central portion of the project site. Additional wetlands not described herein or depicted on the Project Plans may be located on or adjacent to the project site.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a subdivision by lease to create a parcel 100 feet by 100 feet in size and construction of a new monopole telecommunications tower. The tower will be 90 feet in height plus an additional 4-foot-tall lightning rod and will be located approximately 2900± feet east of US Route 9. Antennas, remote radio heads, and related infrastructure will be installed on the tower at a centerline mounting height of 86 feet above ground level.

The tower will be located within a 50-foot by 50-foot fenced-in equipment compound that will also contain a battery cabinet, equipment cabinet, and backup generator. Access to the facility includes improvements/construction of an existing/proposed 4250±-foot-long, 12-foot-wide gravel access road to accommodate construction and service vehicles. Underground utilities will be located along the access road and within a 30-foot-wide access and utility easement.

The project will involve the temporary loss of 215± square feet of wetlands and the permanent loss of 1,451± square feet of wetlands. A new wetland area 2,968± square feet in size will be created as mitigation for this loss, as referenced in the Compensatory Mitigation Report described below.

The project is shown on the following:

- A 15-sheet set of plans (Project Plans) titled "Cellco Partnership d/b/a Verizon, Site Name: Warrensburg North," prepared by Tectonic Engineering Consultants, Geologists & Land Surveyors, D.P.C., dated October 15, 2021, last revised March 27, 2024, and received by the Agency on April 11, 2024;

- A 24-page report (Compensatory Mitigation Report) titled “Warrensburg North Tower: Compensatory Mitigation Report,” prepared by SWCA Environmental Consultants, dated February 2024, updated April 2024, and received by the Agency on April 11, 2024;
- A 624-page report (SWPPP) titled “Warrensburg North, Telecommunications Facility, Stormwater Pollution Prevention Plan,” prepared by Mark Privette, P.E. dated July 27, 2022, and received by the Agency on September 21, 2022; and
- A 35-sheet set of plans (SWPPP Plans) titled “Verizon, Site Name: Warrensburg North, Access Drive & Storm Water Plans,” prepared by Tectonic Engineering Consultants, Geologists and Land Surveyors, D.P.C., dated July 15, 2022, and received by the Agency on September 21, 2022.

Reduced-scale copies of Sheet C-1 (Overall Site Plan) and Sheet C-4 (Elevation, Orientation Plan & RF Info) of the Project Plans are attached as a part of this permit for easy reference.

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 subdivision of Rural use lands, including subdivision by lease, creating a non-shoreline lot less than 320,000 square feet (7.35 acres) in the Adirondack Park.

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act and Adirondack Park Agency regulations at 9 NYCRR Part 578, a permit is required from the Adirondack Park Agency prior to any deposit of fill in/excavation of a wetland 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 Warren 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 the Project Plans, Compensatory Mitigation Report, SWPPP, and SWPPP Plans 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 2022-0006, issued July 2, 2024, 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, telecommunications tower, antennas, and equipment compound in the location shown and as depicted on the Project Plans referenced herein. The tower shall not exceed 94 feet in height, including all portions of the lightning rod, and the antennas shall be located on the tower as shown on the Project Plans referenced herein, with the top of the antennas no higher than 90 feet above ground level (centerline mounting height of 86 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.

Structure Color

6. The authorized tower, antennas, and related infrastructure shall be a dark grey color with a non-reflective or matte finish.

Lighting

7. 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 US Route 9 or adjoining property.

Signs

8. 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

9. Within 200 feet of the tower authorized herein, no existing trees greater than 8 inches in diameter at breast height shall be cut, culled, trimmed, pruned, or otherwise removed on the project site without prior written Agency authorization, except for a) as depicted on 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 within 200 feet of the tower on the project site, other than the "trees to be removed" shown on 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 shelter shall be submitted to the Agency for review and approval. The plan shall be implemented as described in the approved implementation schedule.

Wetlands

10. The undertaking of any activity involving wetlands, beyond that authorized herein, shall require a new or amended permit.
11. The wetland mitigation shall be started and completed in strict compliance with the Project Plans and Compensatory Mitigation Report and implemented concurrently with the gravel access road improvements authorized herein. The mitigation shall be completed no later than 60 days after the authorized wetland fill has been placed for the access road.

An annual report shall be provided to the Agency by December 31st of each year. This report shall include all of the items detailed in the Compensatory Mitigation Report. After review of the monitoring report and a site investigation, if necessary, Agency staff will determine whether the wetland mitigation is successful. If not, corrective action shall be taken as directed by the Agency until the wetland mitigation goals are met. If additional monitoring is determined by the Agency to be necessary, it shall be submitted to the Agency annually until the mitigation is deemed successful.

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 stormwater and erosion control measures shown on the Project Plans and in compliance with the Stormwater Pollution Prevention Plan (SWPPP) and SWPPP Plans.

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 Photo Stations P-2, P-3, and P-4 using the same lens equivalents for which photo-simulations were provided. 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 project meets all statutory and regulatory criteria as set forth in the Adirondack Park Agency Act, the Freshwater Wetlands Act, and Agency regulations at 9 NYCRR Parts 574 and 578.

PERMIT issued this 2nd day
of July, 2024.

ADIRONDACK PARK AGENCY

BY: [Signature]
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 2nd day of July in the year 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, 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.

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

[Signature]
Notary Public



1275 JOHN STREET, SUITE 100
WEST HAVEN, CT 06611



1000 WEST 10TH AVENUE, SUITE 100
DENVER, CO 80202

NO.	DATE	ISSUE	TLS
0	10/16/21	FOR COMMENT	
1	10/22/21	FOR REGULATION	
2	11/05/21	ADD TREE PLAN	
3	07/07/22	PER AIA COMMENTS	
4	10/24/22	PER AIA COMMENTS	
5	12/24/23	PER AIA COMMENTS	
6	02/27/24	PER COMMENTS	
7	10/27/24	PER 3-18-24 AIA COMMENTS	

RELEASED BY: _____ DATE: _____



UNLESS OTHERWISE NOTED, ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS SHALL BE TO THE CENTERLINE OF THE ROAD OR TRAIL EXCEPT WHERE SHOWN OTHERWISE.

CONTRACT NO. 2019-2086179

DATE OF THIS DOCUMENT: 10/27/24

SCALE: AS SHOWN

PROJECT: VERIZON WIRELESS 12 WIDE GRAVEL DRIVEWAY

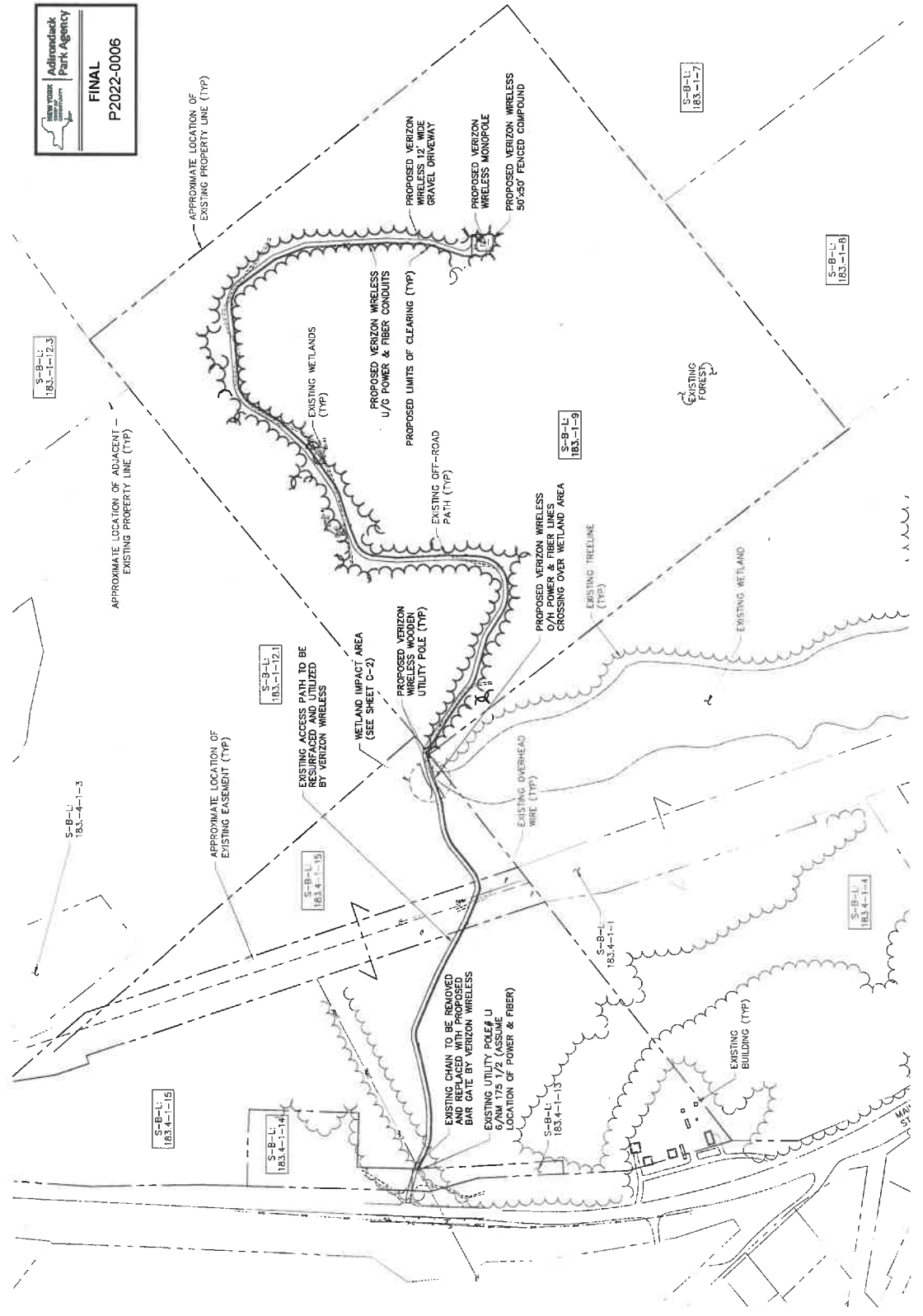
WARRENSBURG NORTH
 RE PN: 20192086179
 LC: 602131

SITE ADDRESS
 OFF ROUTE 9
 TOWN OF WARRENSBURG
 WARREN COUNTY
 NY 12885

SHEET TITLE
 OVERALL SITE PLAN

SHEET NUMBER
 C-1

Adirondack Park Agency
 FINAL
 P2022-0006



1-1 OVERALL SITE PLAN
 SCALE: 1" = 300' (2024 SET)



1775 JOHN STREET, SUITE 100
WEST HENRIETTA, NY 14588



Tectonic
200 West Henrietta Road, Suite 100
Henrietta, NY 14588
Phone: 585-632-1800
Fax: 585-632-1801
www.tectonicny.com

NO.	DATE	ISSUE	DRAWN BY
0	10/15/21	FILE COMMENT	TLS
1	10/28/21	FOR REGULATORY	
2	11/2/21	JOINED THEE PLAN	
3	10/28/22	PER APA COMMENTS	
4	10/28/22	PER COMMENTS	
5	12/4/24	PER 2ND APA	
6	02/27/24	PER COMMENTS	
7	03/27/24	PER 3-19-24 PER COMMENTS	

RELEASED BY: _____ DATE: _____

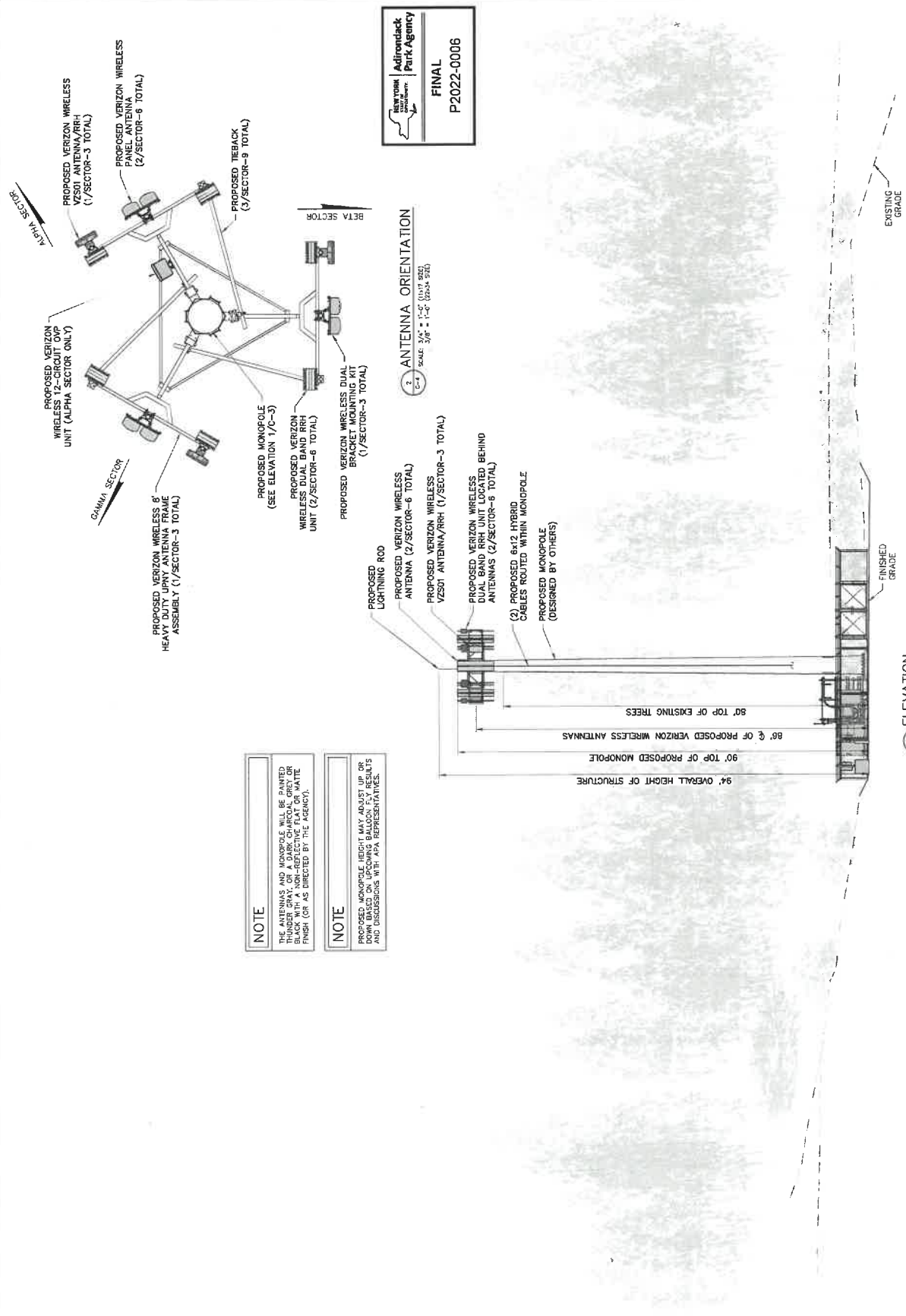


WARRENSBURG NORTH
RE PN: 20192086179
LC: 602131

OFF ROUTE 9
TOWN OF WARRENSBURG
WARREN COUNTY
NY 12885

ELEVATION, ORIENTATION
PLAN, & RF INFO

SHEET NUMBER
C-4



NOTE
THE ANTENNAS AND MONOPOLE WILL BE PAINTED BLACK WITH A NON-REFLECTIVE FLAT OR MATTE FINISH (OR AS DIRECTED BY THE AGENCY).

NOTE
PROPOSED MONOPOLE HEIGHT MAY ADJUST UP OR DOWN BASED ON UPCOMING BALLOON FLY RESULTS AND DISCUSSIONS WITH APA REPRESENTATIVES.

Adirondack Park Agency
FINAL
P2022-0006

ANTENNA ORIENTATION
SCALE: 3/8" = 1'-0" (1/4" = 1'-0")
3/8" = 1'-0" (1/4" = 1'-0")

ELEVATION
SCALE: 1" = 4'-0" (1/4" = 1'-0")
1" = 4'-0" (1/4" = 1'-0")

94' OVERALL HEIGHT OF STRUCTURE
90' TOP OF PROPOSED MONOPOLE
86' TOP OF PROPOSED WIRELESS ANTENNAS
80' TOP OF EXISTING TREES

FINISHED GRADE

EXISTING GRADE

WARRENSBURG NORTH
RE PN: 20192086179
LC: 602131

OFF ROUTE 9
TOWN OF WARRENSBURG
WARREN COUNTY
NY 12885

ELEVATION, ORIENTATION
PLAN, & RF INFO

SHEET NUMBER
C-4