


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 2023-0150</p>
<p>In the Matter of the Application of</p> <p>NEW YORK RSA 2 CELLULAR PARTNERSHIP D/B/A VERIZON WIRELESS and TAMARACK RIDGE HOLDINGS, LLC Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 577</p>	<p>Date Issued: July 18, 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. New York RSA 2 Cellular Partnership d/b/a Verizon Wireless 2. Tamarack Ridge Holdings, LLC

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 Hope, 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 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 134.4±-acre parcel of land located on NYS Route 30 and Bennett Road in the Town of Hope, 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 154.008, Block 1, Parcel 10, and is described in a deed from Thomas Schnelly to Tamarack Ridge Holdings, LLC, dated March 25, 2019, and recorded April 5, 2019 in the Hamilton County Clerk's Office under Instrument Number 2019-1717.

The project site is partially located within the designated Main Branch Sacandaga River Recreational River area and is partially located within 150 feet of the edge of right-of-way of NYS Route 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 and construction of a new monopine telecommunications tower. The tower will be 94 feet in height with 5-foot crown branching for a total overall tower height of 99 feet, with installation of an antenna array at a centerline mounting height of 85 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 1500±-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 is shown on the following:

- An 18-sheet set of plans (Project Plans) titled "New York RSA2 Cellular Partnership d/b/a Verizon, Site Name: Hope Valley," prepared by Tectonic Engineering Consultants, Geologists & Land Surveyors, D.P.C., dated November 29, 2022, last revised January 10, 2024, and received by the Agency on July 1, 2024;
- A 302-page report (SWPPP) titled "Hope Valley, Telecommunications Facility, Stormwater Pollution Prevention Plan," prepared by Tectonic Engineering Consultants, Geologists & Land Surveyors, D.P.C., dated June 16, 2023, and received by the Agency on September 1, 2023; and
- A 36-page report (VRE) titled "Visual Resource Evaluation," prepared by Tectonic, dated May 15, 2023, and received by the Agency on August 9, 2023.

Reduced-scale copies of Sheet C-1 (Overall Site Plan) and Sheet C-3 (Elevation, Orientation Plan) of the Project Plans are attached as a 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 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 Adirondack Park Agency regulations at 9 NYCRR Part 577, a permit is required from the Adirondack Park Agency prior to any new land use or development on Rural Use lands within any designated Recreational River area 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 the Project Plans, SWPPP, and VRE 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, Wild, Scenic and Recreational Rivers System 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 2023-0150, issued July 18, 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 99 feet in height, including

all portions of the lightning rod and concealment branching, and the antennas shall be located on the tower as shown on the Project Plans, with the top of the antennas no higher than 89 feet above ground level (centerline mounting height of 85 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 VRE. 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 a dark grey color 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 Bennett Road 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. 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 “existing tree[s] 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

12. The undertaking of any activity involving wetlands shall require a new or amended permit.

Invasive Species Prevention

13. 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

14. 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).

Documentation of Construction

15. The Agency shall be provided with color photographs showing the completed monopine tower, antennas, and equipment compound within 30 days of project completion. Photographs shall be taken at the project site and from Photo Stations S-1, S-3, and S-6 of the VRE. 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

16. 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, the Wild, Scenic and Recreational Rivers System Act and 9 NYCRR Part 577, 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;
- 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
- f. will be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act;
- g. will comply with the restrictions and standards of 9 NYCRR § 577.6; and
- h. will not cause an undue adverse impact upon the natural, scenic, aesthetic, ecological, botanical, fish and wildlife, historic, cultural, archeological, scientific, recreational or open space resources of the river area, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived therefrom.

PERMIT issued this 18th day of July, 2024.

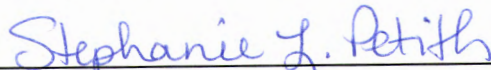
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 18th 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


Notary Public

