


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 2024-0013</p>
<p>In the Matter of the Application of</p> <p>CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS and Hidden Lake Timber, LLC. Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: July 25, 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. Hidden Lake Timber, 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 Chester, 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 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 86.26-acre parcel of land located on Olmstedville Road and Kohl Road in the Town of Chester, Warren 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 34, Block 1, Parcel 25, and is one of several adjoining properties described in a deed from Hidden Lake, LLC to Hidden Lake Timber, LLC, dated March 1, 2007, and recorded March 1, 2007 in the Warren County Clerk's Office under Instrument Number 2007-00002128.

Wetlands associated with Marshall Brook not further described herein or depicted on the Site Plan may be located on or adjacent to the project site. Any jurisdictional wetlands on the project site are greater than 200 feet from the development authorized herein.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a subdivision by lease to create a parcel 80 feet by 125 feet in size and construction of a new telecommunications tower. The tower will be 144 feet in height and concealed as a simulated pine tree. Concealment branching will begin at an elevation of 90 feet above ground level and continue for a total height of 149 feet to the top of the crown branch. Six 8-foot-tall panel antennas will be installed on the tower at a centerline mounting height of 135 feet above ground level, along with three C-Band antennas, six Remote Radio Heads (RRH's), and one Overvoltage Protection Unit (OVP).

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 a backup generator. The tower will be located 135 ± feet south-east of Kohl Road. Access to the tower site will involve improvement of an existing woods road to create a 120-foot-long by 12-foot-wide gravel access drive originating from Kohl Road to accommodate construction and service vehicles. Underground utilities will be located along the access drive and within a 30-foot-wide access and utility easement.

The project is shown on the following maps, plans, and reports (Project Plans):

- A 14-sheet set of plans titled "Cellco Partnership d/b/a Verizon, Site Name: Marshall Brook, WBS#: VZ-00194307.C.9111, MDG# 5000906512," prepared by Tectonic Engineering Consultants, Geologists & Land Surveyors, D.P.C., and last dated February 2, 2024 (Site Plan); and
- A 26-page report titled "Visual Resource Evaluation, Proposed 140' Tall Telecommunications Structure, Site Name: Marshall Brook, 37 Kohl Road, Town of Chester, Warren County, New York, 12860," prepared by Tectonic Engineering Consultants, Geologists & Land Surveyors, D.P.C., and dated February 2, 2024 (Visual Resource Evaluation).

A reduced-scale copy of Sheet C-1A (Overall Site Plan, Sheet C-2 (Site Detail Plan), and Sheet C-3 (Elevation & Orientation Plan) for the project is 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, that results in the creation of a non-shoreline lot smaller than 7.35 acres in size 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 telecommunications tower remains on the site. Copies of this permit and Project 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 2024-0013, issued July 25, 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, tower, antennas, and equipment compound in the location shown and as depicted on the Project Plans referenced herein. The tower shall not exceed 149 feet in height, including all portions of the simulated tree, 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 139 feet above ground level (centerline elevation of 135 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 or replacement 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 Visual Resource Evaluation. 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 80-foot by 125-foot leased parcel shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward Kohl Road, Olmstedville Road, Hidden Lake 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 6 inches 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 Site Plan 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 not depicted on Site Plan, a plan and implementation schedule for re-vegetation and/or re-design 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 Site Plan.

Documentation of Construction

15. 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 1 (Olmstedville Road) and Photostation 2 (Catamount Hill). 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 Freshwater Wetlands Act and 9 NYCRR Part 578, 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 Chester; 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 25th day
of July, 2024.

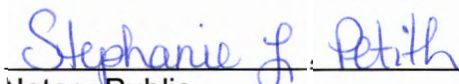
ADIRONDACK PARK AGENCY

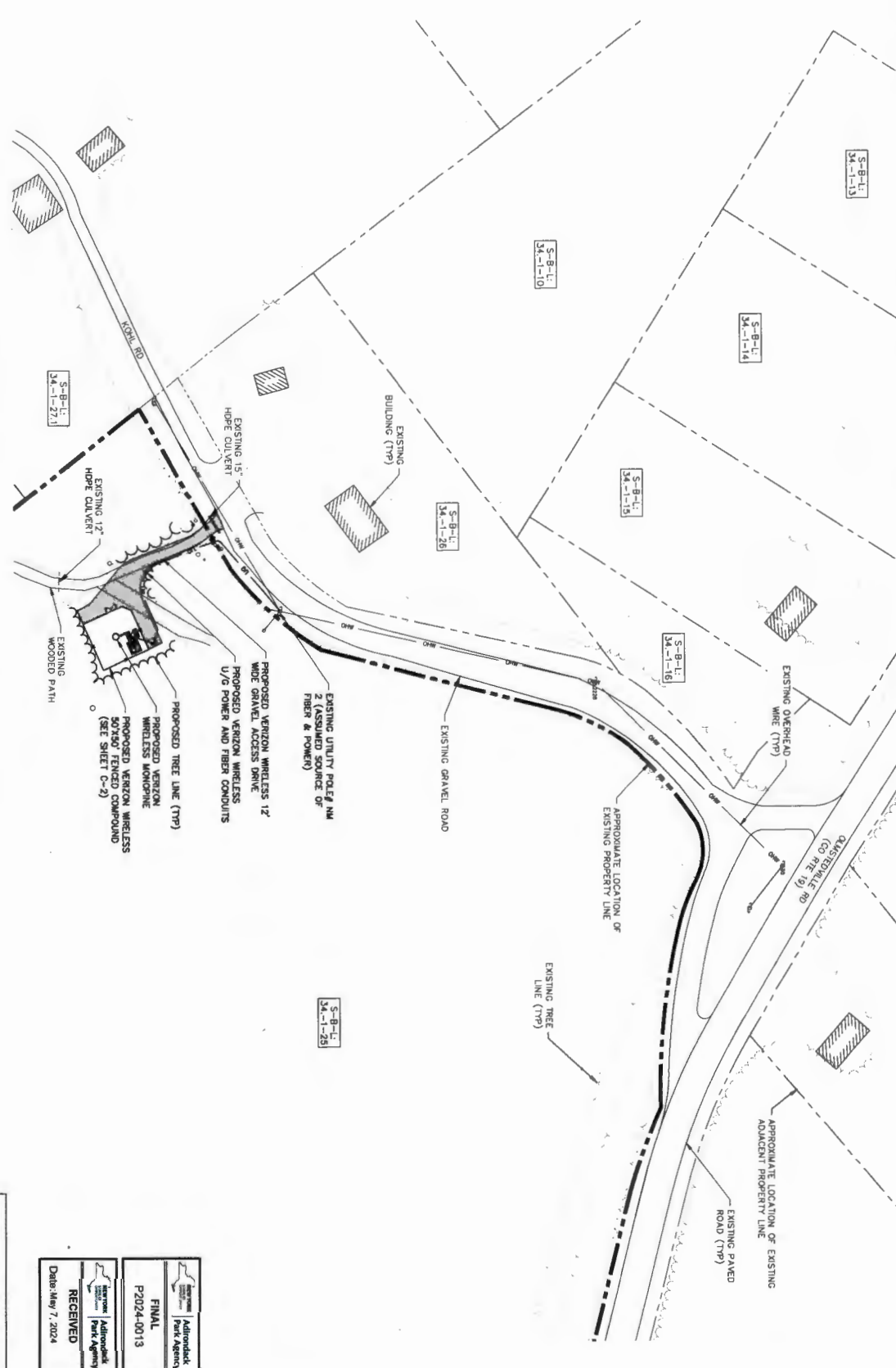
BY: 
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 25th 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



NOTE:
 THE PROPERTY LINES HEREON ARE APPROXIMATE BASED ON GIS DATA AND ARE FOR ORIENTATION PURPOSES ONLY. THEY DO NOT REPRESENT A PROPERTY/BOUNDARY DECISION BY A LAND SURVEYOR.

OVERALL SITE PLAN
 SCALE: 1" = 50' (PLAN VIEW)
 DATE: MAY 7, 2024

Before You Dig, Call Or Bury!

 INTERBOROUGH FACILITIES
 PROTECTIVE ORGANIZATION
 CALL US TOLL FREE 877-674-6829
 1275 GLEN STREET, SUITE 100
 WEST CHESTER, NY 13786
 UDIGNY - NEW YORK

Adirondack Park Agency
 FINAL
 P2024-0013
RECEIVED
 Date: May 7, 2024

SHEET NUMBER
C-1A

SHEET TITLE
OVERALL SITE PLAN

SITE ADDRESS
**37 KOHL ROAD
 TOWN OF CHESTER
 WARREN COUNTY
 NY 12853**

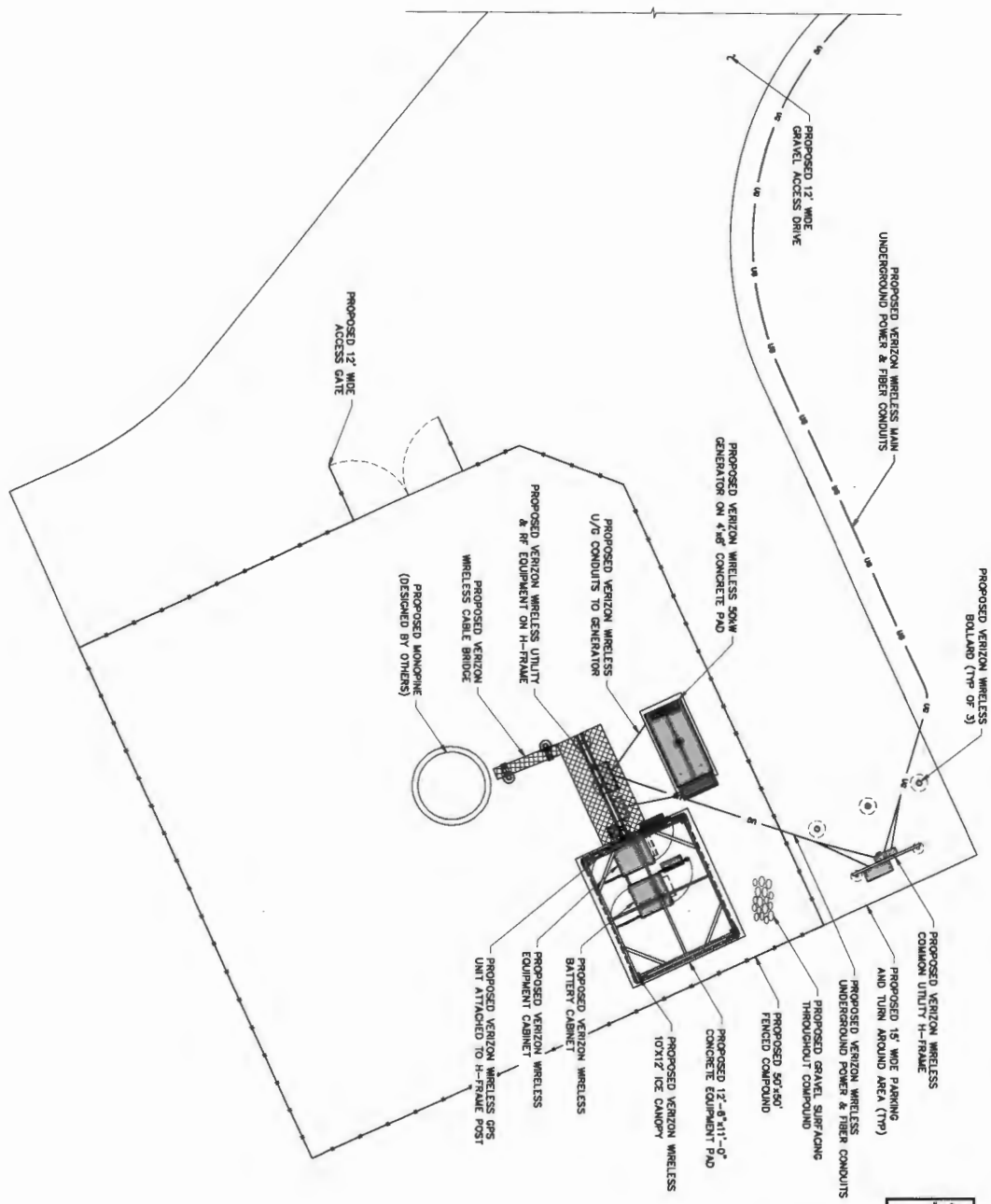
SITE INFORMATION
**MARSHALL BROOK
 WBS#: VZ-00194307.C.9111
 MDP#: 5000906512**



NO.	DATE	DESCRIPTION	BY
1	9/2/23	FOR COMMENT	
2	11/21/23	REVISED TOWER HEIGHT	
3	2/2/24	COMMENT TO ADDITIONAL	

Tectonic
 ENGINEERING, INC.
 11272 021
 11272 021
 11272 021
 11272 021

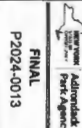
verizon
 1275 GLEN STREET, SUITE 100
 WEST CHESTER, NY 13786





 RECEIVED

 Date: May 7, 2024



 FINAL

 P2024-0013

verizon

 1234 MAIN STREET, SUITE 100

 WEST CHESTER, NY 12853

Tectonic

 1157271041

NO.	DATE	BY	REVISION
1	9/29/23	FOR ZONING	
2	12/15/23	REVISED TOWER HEIGHT	
3	2/27/24	CHANGED TO MONOPINE	

APPROVED BY:	DATE:



MARSHALL BROOK

 WBS#: VZ-00194307.C.91111

 MDC#: 5000906512

37 KOHL ROAD

 TOWN OF CHESTER

 WARREN COUNTY

 NY 12853

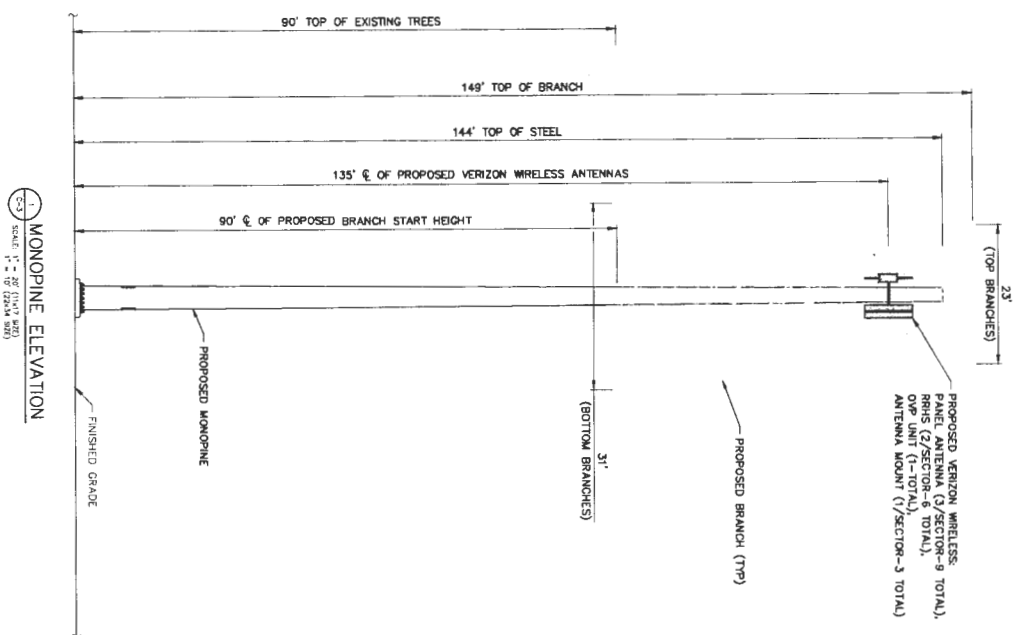
SHEET TITLE:

 SITE DETAIL PLAN

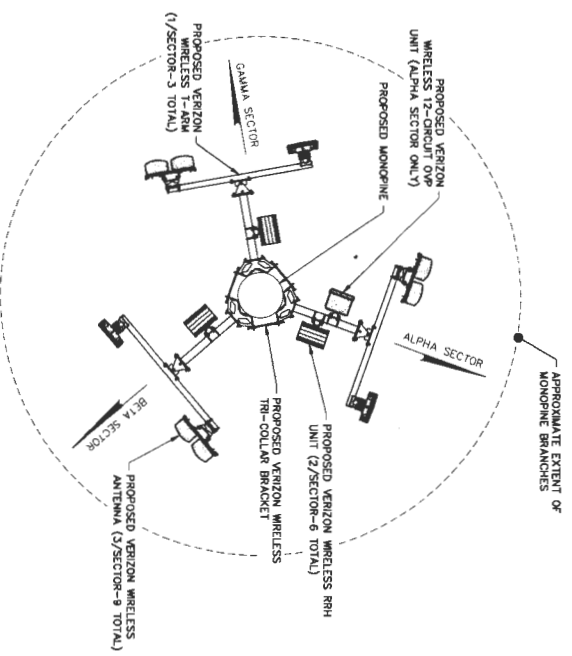
1 SITE DETAIL PLAN

 SCALE: 1" = 30' EXCEPT AS NOTED

C-2



1 MONOPINE ELEVATION
SCALE: 1" = 30' (1:91.44 M)
DATE: 11-18-2024 (S21)



2 ANTENNA ORIENTATION
SCALE: 3/8" = 1'-0" (1:24 M)
DATE: 11-18-2024 (S21)

Adirondack Park Agency
RECEIVED
Date: May 7, 2024

Adirondack Park Agency
FINAL
P2024-0013

verizon

375 50th Street, Suite 100
480 Riverfront, NY 12860

Tectonic
Engineering & Architecture
11727 051
NO. DATE ISSUED
0 9/8/23 FOR CONCEPT
1 9/29/23 FOR DESIGN
2 12/15/23 REVISED TERMS USED
3 2/2/24 CHECKED TO MONOPINE

PROPOSED VERIZON WIRELESS ANTENNA (12-CIRCUIT OVP UNIT (ALPHA SECTOR ONLY))
PROPOSED VERIZON WIRELESS RRH (2/SECTOR-6 TOTAL)
PROPOSED VERIZON WIRELESS OVP UNIT (1-TOTAL)
PROPOSED VERIZON WIRELESS RRH (2/SECTOR-6 TOTAL)
PROPOSED VERIZON WIRELESS ANTENNA (3/SECTOR-9 TOTAL)

APPROXIMATE EXTENT OF MONOPINE BRANCHES

37 KOHL ROAD
TOWN OF CHESTER
WARREN COUNTY
NY 12853

MARSHAL BROOK
WBS#: VZ-00194307.C3111
MDC#: 5000906512

ELEVATION & ORIENTATION PLAN

SHEET NUMBER: C-3