


THIS IS A TWO-SIDED DOCUMENT

| | |
|---|--|
|  <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 2024-0068</p> |
| <p>In the Matter of the Application of</p> <p>NEW YORK STATE ELECTRIC and GAS CORPORATION (NYSEG) Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p> | <p>Date Issued: September 23, 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 State Electric & Gas Corporation2. NYSEG |

SUMMARY AND AUTHORIZATION

This permit authorizes structures in excess of 40 feet in height in areas classified Hamlet, Low Intensity Use and Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of AuSable, Clinton County and the Town of Jay, Essex County.

This authorization shall expire unless recorded in the Clinton and Essex County Clerk's Offices 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 Offices. The Agency will consider the project in existence when an authorized structure has been installed.

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 within an existing utility right-of-way as follows;

- An approximately 1.5-mile section located along Dry Bridge Road in the Town of AuSable, Clinton County, in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map; and
- An approximately 3-mile section located along Pleasant Street, Forge Street, College Street, NYS Route 9N and Sheldrake Road in the Town of Jay in areas classified Hamlet, Low Intensity Use and Rural Use on the Adirondack Park Land Use and Development Plan Map.

A portion of the project site is located within the designated East Branch AuSable River Recreational River area. The existing utility traverses permanent and intermittent streams and within 100 feet of wetlands. 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 installation of one new utility pole and replacement of 24 existing utility poles and line improvements along approximately 4.5 miles of existing utility right-of-way. New and replacement poles will range in height from 38.5 feet to 52 feet above grade. The project is part of Avangrid's Joint Use program, which allows third party applicants to attach their facilities to serve broadband customers.

The project is shown on the following Project Plans: nine sheets of plans titled, "Aerial Site Location, Figure 3," prepared by LaBella, dated December 2023; and four sheets of pole details provided as Attachment D of the application.

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 on Hamlet, Low Intensity Use or Rural Use lands 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 activities involving 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 Clinton and Essex County Clerk's Offices.

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 authorized structures remain 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 2024-0068, issued September 23, 2024, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
5. This permit authorizes the installation of one new pole and 21 replacement utility poles in excess of 40 feet in height in the locations shown and as depicted and described on the Project Plans. Any change to the location, dimensions, or other aspect of the authorized structures shall require prior written Agency authorization. Any associated vegetative cutting and maintenance shall comply with all applicable utility laws, regulations, safety requirements, and company specifications.
6. For pole replacements within or adjacent to wetlands:
 - a. Whenever practicable, access through wetlands shall occur on frozen ground and with the use of wide-tracked vehicles.
 - b. All activities shall occur in compliance with the "Best Management Practice for Preventing the Transportation of Invasive Plant Species," published by Environmental Energy Alliance of New York, 4/26/2012.
 - c. No temporary access structure, including bog mats and work pads, shall be located within a wetland for more than 30 days.
 - d. Existing poles to be replaced shall be removed completely from the wetland, including the portion of the pole that was below grade.
 - e. If any hole left after removal of a pole or created for a replacement pole is to be backfilled with gravel or other ballast, the top six inches shall be covered with organic soil and the final elevation shall be the same as the surrounding wetland surface.
 - f. The total area of wetland disturbance shall be limited to that necessary for replacement of the utility poles.

7. Pursuant to 9 NYCRR § 577.4, the undertaking of any new land use or development on Low Intensity Use or Rural Use lands within one-quarter mile of the East Branch AuSable River will require a new or amended permit. The undertaking of any activity involving wetlands also requires a new or amended permit.
8. Any new lighting associated with the utility poles in excess of 40 feet in height shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward adjoining property.

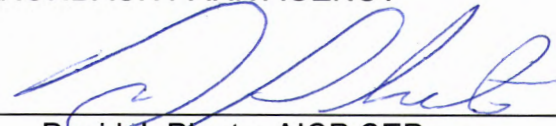
CONCLUSIONS OF LAW

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 be consistent with the land use and development plan;
- b. will be compatible with the character description and purposes, policies, and objectives of the Hamlet, Low Intensity Use and Rural Use land use areas;
- c. will be consistent with the overall intensity guidelines for the Hamlet, Low Intensity Use and Rural Use land use areas;
- 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 secure the natural benefits of wetlands associated with the project, consistent with the general welfare and beneficial economic, social, and agricultural development of the state; and
- g. will result in minimal degradation or destruction of the wetland or its associated values and is the only alternative which reasonably can accomplish the applicant's objectives.

PERMIT issued this 23rd day
of September, 2024.

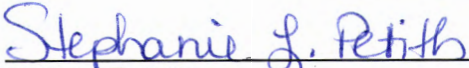
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 23rd day of September 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