


THIS IS A TWO-SIDED DOCUMENT

 <p><b>Adirondack Park Agency</b></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 <b>2023-0193</b></p>
<p>In the Matter of the Application of</p> <p><b>NEW YORK RSA 2 CELLULAR PARTNERSHIP d/b/a VERIZON WIRELESS, ERIK C. MESUNAS, and NOELLE A. MESUNAS</b></p> <p><b>Permittees</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: <b>June 13, 2025</b></p> <p>To the County Clerk: Please index this permit in the grantor index under the following name(s):</p> <ol style="list-style-type: none"><li><b>1. New York RSA 2 Cellular Partnership d/b/a Verizon Wireless</b></li><li><b>2. Erik C. Mesunas</b></li><li><b>3. Noelle A. Mesunas</b></li></ol>

**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 Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Ellenburg, Clinton County.

This authorization shall expire unless recorded in the Clinton 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 Clinton County Clerk's Office. The Agency will consider the project in existence when the tower 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 42.9±-acre parcel of land located south of Smith Road (County Route 6) and west of Plank Road (County Route 8) in the Town of Ellenburg, Clinton County and a 76.6±-acre parcel of land located east of Plank Road (County Route 8) in the Town of Altona, Clinton County. The combined 119.5± acres are in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 130, Block 1, Parcel 3 (42.9 acres) and as Tax Map Section 130, Block 2, Parcel 5.1 (76.6 acres), and is described in a deed from Cleveland Varin and Ruth Varin to Erik C. Mesunas and Noelle A. Mesunas, dated July 9, 1992, and recorded the same day in the Clinton County Clerk's Office in Book 856 at Page 262.

The project site contains wetlands along the south side of Smith Road. Wetland 2 and Wetland 3, though depicted as separate areas on Sheet C-1A of the Project Plans referenced below, are in fact connected on the south side of Smith Road. 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 by 100 feet in size and construction of a new telecommunications tower. The tower will be 120 feet in height and located 483± feet south of Smith Road. Nine panel antennas and six remote radio heads will be installed on the tower at a centerline height of 115 feet above ground level.

The tower will be located within a 50-foot by 50-foot fenced-in equipment compound that will also contain an equipment cabinet, battery cabinet, and backup generator on concrete pads. Access to the facility will involve construction of a 700-foot-long 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 17 sheets of plans titled "New York RSA2 Cellular Partnership, d/b/a Verizon Wireless, Site Name: Alder Bend, FUZE ID# 17021950, MDG# 5000349920, prepare by Tectonic Engineering Consultants, Geologists & Land Surveyors, DPC, last dated February 27, 2025, and received by the Agency March 4, 2025 (Project Plans).

A visual analysis of the tower and related development was submitted with the application for this permit, titled "Visual Resource Evaluation, Proposed 120' Tall Telecommunications Structures, Site Name: Alder Bend, 851 Plank Road, Town of Ellenburg, Clinton County, New York, 12935," prepared by Tectonic, dated September 8, 2023, and received by the Agency October 10, 2023 (Visual Resource Evaluation).

A reduced-scale copy of Sheet C-1A (Overall Site Plan) and Sheet C-3 (Elevation & Orientation Plan) of the Project Plans is attached as a part of this permit for 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 or the establishment of a major public utility use on Resource Management 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 in a Resource Management land use area, including subdivision by lease, 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 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, Project Plans, and Visual Resource Evaluation 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 2023-0193, issued June 13, 2025, 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 a two-lot subdivision (by lease) to create a parcel 100 by 100 feet in size centered on the tower site. Any other subdivision of the project site shall require a new or amended permit.
6. This permit authorizes the construction of an access road, tower, antennas, and equipment compound in the location shown and as depicted on the Project Plans. The tower shall not exceed 120 feet in height and the antennas shall be located on the tower as shown on the Project Plans, with the top of the antennas no higher than 119 feet above ground level (centerline elevation 115 feet).

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**

7. The authorized tower and antennas shall be painted dark charcoal grey or black with a non-reflective flat or matte finish.

### **Lighting**

8. Installation of any lighting on the tower authorized herein shall require prior written Agency authorization. Any other exterior lights on the leased parcel shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward Smith Road, Plank Road, or adjoining property.

### **Signs**

9. 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**

10. On the project site and 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 or other vegetation within 200 feet of the tower on the project site, 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.

### **Invasive Species Prevention**

11. 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.

**Stormwater Management/Erosion Control**

12. The project shall be undertaken in compliance with the erosion control and stormwater management features depicted and described on the Project Plans.

**Documentation of Construction**

13. 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 Smith Road. 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**

14. 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 Resource Management land use area;
- c. will be consistent with the overall intensity guidelines for the Resource Management 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 13<sup>th</sup> day  
of June, 2025.

ADIRONDACK PARK AGENCY

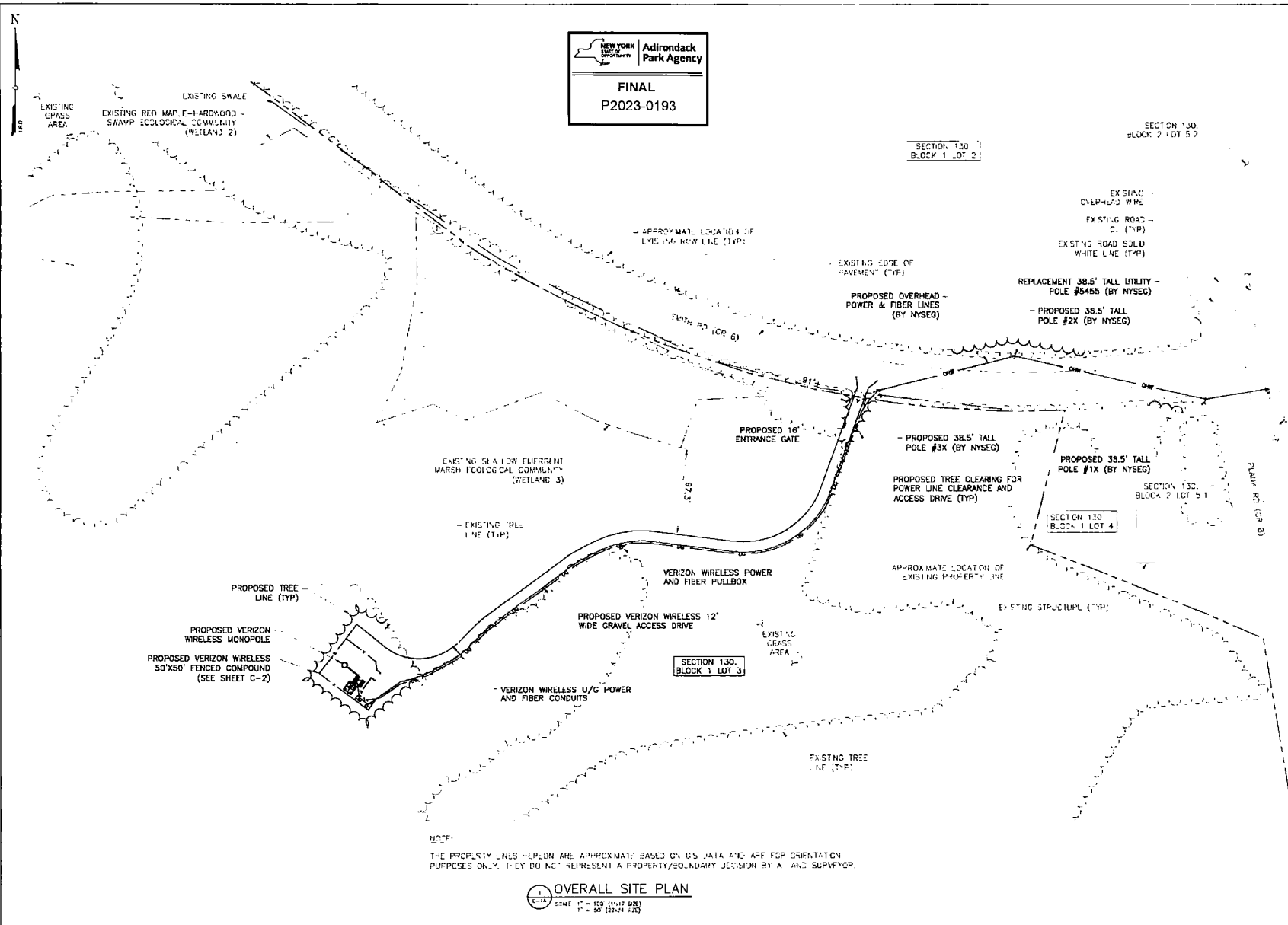
BY: John M. Burth  
John M. Burth  
Deputy Director, Regulatory Programs

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 13<sup>th</sup> day of June in the year 2025, 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.

Stephanie L. Petith  
Notary Public, State of New York  
Reg. No. 01PE6279890  
Qualified in Franklin County  
Commission Expires April 15, 2021

Stephanie L. Petith  
Notary Public



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