



## Adirondack Park Agency

ANDREW M. CUOMO  
Governor

TERRY MARTINO  
Executive Director

### PERMIT WRITING FORM – P2018-0211

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

#### APPLICANT

Project Sponsor(s): Vertical Bridge Holdings, LLC; New Cingular Wireless PCS, LLC, and T-Mobile Northeast, LLC

Landowner(s): Dean and Donna H. Pohl

Authorized Representative: Benjamin M. Botelho, Esq. (The Murray Law Firm, PLLC)

#### PROJECT SITE

Town/Village: Raquette Lake

County: Hamilton

Road and/or Water Body: Antlers Road, Raquette Lake

Tax Map #(s): 52.006-1-19.1

Deed Ref: Recorded November 17, 1972 in Book 158 at Page 130

Land Use Area/s: Hamlet

Project Site Size: 1.5± acres

☒ Same as Tax Map #(s) identified above

☐ Only the H / MIU / LIU / RU / RM / IU portion of the Tax Map #(s) identified above

☐ Other (describe):

Lawfully Created? Yes ☐ Pre-existing subdivision:

River Area: No If Yes: Wild - Scenic - Recreational Name of River:

CEAs (include all): None

#### PROJECT DESCRIPTION

Installation of two self-supporting monopole towers, one to be concealed as a 95-foot-tall simulated tree to support cellular antennas at the 88-foot centerline height, and one to be concealed as a 90-foot-tall simulated tree, to support cellular antennas at the 83-foot centerline height. One equipment platform and one equipment shelter at the base of the towers are also proposed. An existing access drive will be extended by 40± feet in length to access the tower location.

#### JURISDICTION (including legal citation)

810(1)(a)(4) structure over 40 feet in height

#### PRIOR PERMITS / SETTLEMENT AGREEMENTS BEING SUPERSEDED

none

#### FINDINGS OF FACT – ENVIRONMENTAL SETTING

##### Lakes, Ponds, Navigable Rivers and Streams

Check if none ☒

Water Body Name:

Length of Existing Shoreline (feet):

MHWM determ: Y N

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\*\*\* Attach Individual Lot Development Worksheet (if a subdivision, attach one for each lot)

### **FINDINGS OF FACT – COORDINATED REVIEW**

|     |  |       |  |
|-----|--|-------|--|
| No  | Archeologically Sensitive Area, according to OPRHP | [ ]   | If Yes, APA APO consulted*                     |
| Yes | Structures > 50 years old on or visible from site  | [ X ] | SHPO consulted                                 |
| No  | Within Lake George Park                            | [ ]   | If Yes, LGPC consulted / application submitted |
| No  | Greater than 1 acre disturbance / SWPPP required   | [ ]   | If Yes, DEC application submitted              |
| No  | Public water supply                                | [ ]   | If Yes, DEC / DOH application submitted        |
| No  | Greater than 1,000 gpd wastewater                  | [ ]   | If Yes, DEC application submitted              |
| No  | Disturbing bed or bank of water body               | [ ]   | If Yes, DEC application submitted              |
| No  | Creating 5 or more lots less than 5 acres each     | [ ]   | If Yes, DOH application submitted              |
| No  | Army Corps involvement                             | [ ]   | If Yes, ACOE consulted                         |
| No  | Agency-approved Local Land Use Program             | [ ]   | If Yes, Town/Village consulted                 |

Received Section 106 Notification of SHPO/THPO Concurrence: no historic properties in area of potential effects.

### **PERMIT CONDITIONS AND IMPACT ANALYSIS**

#### **Merger**

Justification if merger required: n/a

#### **Deed Covenant**

Non-building lot being created? Yes

If yes and lot is not being merged by condition, no PBs? Or no structures at all? Justification: No PBs on lease parcel.

#### **Easement**

Easement proposed or required? Yes

If Y, consult with Legal for conditions. Justification: The proposal includes a 30-foot-wide access and utility easement and a 200-foot-diameter vegetative easement. No easement condition necessary.

#### **Construction Location and Size (may be different for each subdivision lot)**

Is new development (other than oswts) being authorized without further Agency review? Yes

→ If Y: Structure height limit and justification: 95-foot-tall and 90-foot tall simulated tree towers, heights limited to limit visual impact and comply with Agency's Towers Policy

Structure footprint limit and justification: size of equipment platform and equipment shelter as proposed

→ If N: n/a

|  |   |   |
|--|---|---|
| → Acceptable development sites identified for all subdivision lots with PB allocation? | Y | N |
| → Review of future development required?   | Y | N |
| → If Y, justification:   |   |   |

#### **Guest Cottages (if authorizing a dwelling) n/a**

Proposed and reviewed? Y N

If N, guest cottages potentially allowed? Y N

→ Justification for any conditions:

**Boathouses (if project site contains shoreline) n/a**

|   |   |   |
|---|---|---|
| Proposed and reviewed?                              | Y | N |
| If N, boathouses potentially allowed?               | Y | N |
| → If N, justification:                              |   |   |
| → If Y, review required (beyond definition limits)? | Y | N |
| → If Y, justification:                              |   |   |

**Docks (if project site contains shoreline) n/a**

|   |   |   |
|---|---|---|
| Proposed and reviewed?                              | Y | N |
| If N, docks potentially allowed?                    | Y | N |
| → If N, justification:                              |   |   |
| → If Y, review required (beyond definition limits)? | Y | N |
| → If Y, justification:                              |   |   |

**Outdoor Lighting (if authorizing development)**

|                             |    |
|-----------------------------|----|
| Plan proposed and reviewed? | No |
|-----------------------------|----|

**Building Color (if authorizing development)**

If color condition required, justification: **towers are to be concealed as simulated white pine trees to reduce visual impact**

**Tree Cutting / Vegetation Removal**

|  |    |
|--|----|
| Town with Northern Long-Eared Bat occurrences?         | No |
| If Y, consult with RASS for conditions. Justification: |    |

|   |     |
|---|-----|
| Vegetative cutting restrictions required? | Yes |
|---|-----|

If Y, restrictions required (choose all that apply):

☐ within                feet of limits of clearing

☐ within                feet of road

☐ within                feet of river/lake/etc

☒ Other:                **200 feet of tower**

OR ☐ on entire site outside limits of clearing

Extent of cutting restriction necessary within the area noted above:

☐ Cutting of all vegetation prohibited

☒ Cutting of trees greater than 8 inches diameter at breast height (dbh) prohibited

☐ Other:

Justification: **retain trees within 200 feet of tower to provide natural visual screening, except those trees proposed to be removed on project plans**

**Plantings**

|                             |    |
|-----------------------------|----|
| Plan proposed and reviewed? | No |
|-----------------------------|----|

|                           |    |
|---------------------------|----|
| If N, plantings required? | No |
|---------------------------|----|

→ If Y, species, number, location, and time of year:

Justification:

## Wetlands

Consult with RASS for conditions. Justification: **n/a**

## Density (may be different for each subdivision lot)

Located in Town with ALLUP? **No** (If Y, stop. Town oversees density.)

Authorizing PB on substandard-sized lot created pre-2000 with no permit? **No**

If N and N, list existing PBs, including whether they are pre-existing/year built: **single family dwelling constructed pre-1973**

Mathematically available # of new PBs (in addition to existing or replacement): **n/a**

Extinguishing PBs? **No** If Y, number:

## Wastewater (if authorizing construction of a new PB without further review) **n/a**

Municipal system connection approved? Y N

Community system connection approved by RASS? Y N

Proposed on-site system designed by engineer and approved by RASS? Y N

If N, has RASS field-verified location for conventional standard trench system? Y N

If N, has RASS field-verified location for conventional shallow trench system? Y N

Suitable 100% replacement area confirmed for existing / proposed system? Y N

Consult with RASS for additional conditions.

## Stormwater Management (if authorizing development)

Consult with RASS for conditions. Justification: **n/a**

## Erosion and Sediment Control (if authorizing development)

Consult with RASS for conditions. Justification: **protection of soils and surface water**

## Infrastructure Construction (if authorizing development)

Construction necessary before lot conveyance: **n/a**

Justification:

## For permits that will not include conditions related to Building Color, Vegetation Removal, or Plantings

Explain why no condition is needed: **n/a**

## Additional Site / Project-Specific Concerns / Conditions Needed

**If constructed as shown on the project plans (i.e., location, dimensions, concealment as a simulated tree towers), the towers and antennas meet the substantial invisibility standard of Agency's "Policy on Agency Review of Proposals for New Telecommunications Towers and Other Tall Structures in the Adirondack Park." Any change to the dimensions or appearance of the towers could defeat the concealment elements of the approved tower. The applicant states that neither Vertical Bridge, AT&T, nor T-Mobile intend to increase the height of the tower. The applicant has a co-location policy which is to "customarily allow co-location by any FCC-licensed wireless telecommunications provider, without discrimination and at fair market rates."**

**The tower does not require registration with the Federal Aviation Administration.**

The tower is not located within any current or proposed Military Training Routes (MTR) or Military Operations Areas (MOA) associated with the New York Air National Guard.

**Public Comment**

|    |                              |            |
|----|------------------------------|------------|
| No | Public comments received     | If yes, #: |
| No | Applicant submitted response |            |