



PERMIT WRITING FORM – P#2020-0197

Assigned EPS: ___V Yamrick_____ Reviewed by: _____ Date: _____

APPLICANT

Project Sponsor(s): **New Cingular Wireless, PCS, LLC d/b/a AT&T**

Landowner(s): **Winebrook Hills Water District/Town of Newcomb**

Authorized Representative: **Sara Colman – Airosmith Development**

PROJECT SITE

Town/Village: **Newcomb**

County: **Essex**

Road and/or Water Body: **Sanford Lane**

Tax Map #(s): **110.18-5-7**

Deed Ref: **deed dated December 12, 1963 and recorded in the Essex County Clerk's Office December 30, 1963 in Liber 416 of Deeds at page 569.**

Land Use Area/s: **H** MIU LIU RU RM IU

Project Site Size: **0.30 ± 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): **34' x 60' lease area**

Lawfully Created? **Y** **N** ☐ Pre-existing subdivision:

River Area: **Y** **N** If Yes: Wild - Scenic - Recreational Name of River:

CEAs (include all): Wetland - Fed Hwy - State Hwy - State Land - Elevation - Study River

PROJECT DESCRIPTION

Installation of a 150-foot-tall self-supporting monopole tower to support cellular antennas at the 146-foot centerline mounting height. An equipment platform at the tower's base is also proposed. An existing 150-foot access drive will provide access to the proposed tower compound.

JURISDICTION (including legal citation):

§809 2(a) and 810 (1)(a)(4) structure over 40 feet in height

PRIOR PERMITS / SETTLEMENT AGREEMENTS BEING SUPERSEDED

2012-132 GP for Verizon Wireless to co-locate on top of existing water tower

FINDINGS OF FACT – ENVIRONMENTAL SETTING

Lakes, Ponds, Navigable Rivers and Streams

Water Body Name:

Length of Existing Shoreline (feet):

Minimum Lot Width:

Structure Setback (APA Act):

Check if none **[X]**

MHWM determ: Y N

Meets standard: Y N

Meets standard: Y N

Structure Setback (River Regs): Meets standard: Y N
 Y N Cutting proposed within 6 ft of MHWM? If Yes, < 30% vegetation? Y N
 Y N Cutting proposed within 35 ft of MHWM? If Yes, < 30% trees 6" dbh? Y N
 Y N Cutting proposed within 100 ft of river area? (If Yes, include under jurisdiction)

Non-Navigable Streams in proximity to development

Check if none **[X]**

☐ Permanent Stream ☐ Intermittent Stream Classified? Y N
 DEC Environmental Resource Mapper stream classification:

Wetlands

Y **N** Jurisdictional wetland on property

If Y: ☐ If Yes, RASS biologist consulted

→ Coverttype:

→ Located < 200 ft from proposed development or along shoreline Y N

→ If Y, value rating:

Wildlife

Y **N** Rare/threatened/endangered species ☐ If Yes, RASS ecologist consulted

Y **N** R/T/E or other unique species habitat ☐ If Yes, RASS ecologist consulted

Y **N** Northern Long-Eared Bat occurrences in Town ☐ If Yes, RASS ecologist consulted

Y **N** Forest management plan existing or proposed ☐ If Yes, RASS forestry analyst consulted

Y **N** Biological Survey required by RASS ecologist ☐ If Yes, completed

Ecological / Special Districts

Y **N** Natural Heritage Sites ☐ If Yes, RASS ecologist consulted

Y **N** Aquifer ☐ If Yes, RASS engineer consulted

Y **N** Agricultural District

Slopes ☐ RASS engineer consulted if structure proposed on >15%, driveway on >12%, or wwts on >8/15%

Existing slope range: **0-3** Building area(s) if authorizing development: **same**

Soils

Y N Deep-hole test pit completed? (Necessary for every building lot) **[X]** Check if N/A

☐ If Yes, soil data information determined or approved by RASS soil analyst

NRCS Mapped Soil Series or Other Comments:

Character of Area

Nearby (include all): **Residential** – ~~Commercial~~ – ~~Industrial~~ – ~~Agricultural~~ – **Forested**

Adjoining Land Uses / State Land: **residential and Wild Forest -Vanderwhacker WF Area**

Is nearby development visible from road? Y N

→ If Y, name road and describe visible development: **pre-existing water tower is visible from NYS Rte28 and local roadways**

Additional Existing Development (ex: dam on site, etc.): **135 foot tall pre-existing water tower on site. Verizon is co-located on top of tower with an array – Permit 2012-132**

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

FINDINGS OF FACT – COORDINATED REVIEW

Y	N	Archeologically Sensitive Area, according to OPRHP	[]	If Yes, APA APO consulted
Y	N	Structures > 50 years old on or visible from site	[]	If Yes, APA AHPO consulted
Y	N	Within Lake George Park	[]	If Yes, LGPC consulted / application submitted
Y	N	Greater than 1 acre disturbance / SWPPP required	[]	If Yes, DEC application submitted
Y	N	Public water supply	[]	If Yes, DEC / DOH application submitted
Y	N	Greater than 1,000 gpd wastewater	[]	If Yes, DEC application submitted
Y	N	Disturbing bed or bank of water body	[]	If Yes, DEC application submitted
Y	N	Creating 5 or more lots less than 5 acres each	[]	If Yes, DOH application submitted
Y	N	Army Corps involvement	[]	If Yes, ACOE consulted
Y	N	Agency-approved Local Land Use Program	[X]	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? Y N

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

Easement

Easement proposed or required? Y N

If Y, consult with Legal for conditions. Justification: The proposal includes a 10-foot-wide access and utility 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? Y N

→ If Y: Structure height limit and justification:

Structure footprint limit and justification:

→ 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: N/A

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? Y N

Building Color (if authorizing development)

If color condition required, justification: Charcoal grey - standard color condition for all monopole towers

Tree Cutting / Vegetation Removal

Town with Northern Long-Eared Bat occurrences? Y N
 If Y, consult with RASS for conditions. Justification: no vegetation to be removed on site

Vegetative cutting restrictions required? Y N

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:

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 of diameter dbh prohibited

[] Other:

Justification:

Plantings

Plan proposed and reviewed? Y N

If N, plantings required? Y N

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

Justification:

Wetlands

Consult with RASS for conditions. Justification: no wetlands to be disturbed as part of proposal

Density (may be different for each subdivision lot)

Located in Town with ALLUP? Y N (If Y, stop. Town oversees density.)

Authorizing PB on substandard-sized lot created pre-2000 with no permit? Y N

If N and N, list existing PBs, including whether they are pre-existing/year built:
Town Consultation letter sent on June 17, 2020. - Tower is not a prohibited use
Mathematically available # of new PBs (in addition to existing or replacement):
Extinguishing PBs? Y N 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) N/A

Consult with RASS for conditions. Justification : **less than 1 acre of disturbance**

Erosion and Sediment Control (if authorizing development)

Consult with RASS for conditions. Justification : **silt fence only – 0-3 percent slopes on the site for protection of soils and surface water**

Infrastructure Construction (if authorizing development) N/A

Construction necessary before lot conveyance:

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

A new standalone tower is proposed because the Town of Newcomb installed a porcelain finish on the pre-existing water tower two years ago. The porcelain finish on the water tower (Town's public water supply) would be compromised by installation of a new antenna array attached (welded) to the tower. As a result, AT&T proposed horizontal co-location adjacent to the existing water tower. Agency Permit 2012-132 authorized Verizon to co-locate on top of water tower – this was prior to the porcelain finish being installed on the tower. In a letter to the Agency, the Town of Newcomb Supervisor stated that in order for AT&T to go on the existing water tower, the integrity of the porcelain finish would be compromised, the water tower would have to be drained (primary water supply for the Town), a temporary water supply would have to be implemented - requiring oversight and regulation by the New York State Department of Health. Horizontal co-location of a new tower mitigates the cost and involvement to re-apply the porcelain finish to the pre-existing water tower.

If constructed as shown on the project plans (i.e., location and dimensions), the visual impacts from a new tower and antennas are consolidated with the visual impacts of the existing water tower and 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 tower could increase the visibility of the approved 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.

Y **Public comments received** **If yes, #: 1**
Comment letter received on 6-17-2020 in support of project

N **Applicant submitted response**