

THIS IS A TWO-SIDED DOCUMENT

 P.O. Box 99 • Ray Brook, New York 12977 (518) 891-4050 <a href="http://www.apa.ny.gov">www.apa.ny.gov</a>	<b>General Permit 2005G-3R Certificate</b>	Project #: 2012-158
	<b>Certificate for Replacement of or Installation of Certain New Telecommunications Antennas On Existing Towers or Other Tall Structures</b>	
	To the County Clerk: This permit must be recorded on or before January 21, 2013. Please index this permit in the grantor index under the following names: <b>1. New Cingular Wireless, PCS, LLC (“AT&amp;T”)</b> <b>2. Lake Placid Vacation Corporation</b>	

**AUTHORIZATION**

This certificate under General Permit 2005G-3R is granted to New Cingular Wireless, PCS, LLC (“AT&T”) and the Lake Placid Vacation Corporation authorizing replacement of certain new telecommunications antennas in an application for such certification and as shown on the attached Site Plan Map and Elevation Plan in an area classified Hamlet by the Official Adirondack Park Land and Development Plan Map in the Town of North Elba, Essex County.

Specifically, this certificate authorizes the removal of two existing omni-directional antennas, and a supporting 5.5-foot block, currently mounted on the roof of the Lake Placid Crowne Plaza Resort & Golf Club and their replacement with a nine-panel antenna array (three sectors of three panels each) concealed behind roof gables designed to blend with the building façade. The panel antennas will each be 8 feet tall. Six GSM/UMTS panel antennas will be installed initially and three Long Term Evolution panel antennas will be installed in the future. The two antennas to be removed each reach a height of 49.5 feet above the first floor (AFF). The panel antennas to be installed reach a height of 48 feet AFF behind the roof gables. The four gables to be constructed will each reach a height of 47 feet 10 inches AFF at their peak and will be built of radio-frequency transparent materials. Equipment associated with the antennas will continue to be located within an equipment room within the hotel.

The project is shown on the plans referenced herein. A reduced-scale copy of the “Detailed Roof Plan” (Sheet CC101) and “Elevation Plan and Notes” (Sheet CC103), both prepared by Costich Engineering, and the “Assembly Details” (Sheet S1), prepared by Stealth Concealment Solutions, Inc., are attached as part of this certificate.

This project may not be undertaken until this certificate is recorded in the Essex County Clerk's Office. This certificate shall expire unless so recorded on or before January 21, 2013 in the names of all Project Sponsors referenced herein and in the names of all owners of record of any portion of the project site on the recordation date.

This project shall not be undertaken or continued unless the project authorized herein is in existence within four years from the date the certificate is recorded. The Agency will consider the project in existence when the structure authorized has been completed.

Nothing contained in this certificate shall be construed to satisfy any legal obligations of the applicant to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

### **PRIOR AGENCY CONTACT/SITE HISTORY**

This project site was subject to the following Agency Actions:

- The following Agency determinations pertained to various expansions and renovations of the Lake Placid Crowne Plaza Resort & Golf Club and its associated structures and infrastructure: Jurisdictional Determination J84-85 and Project Permits P86-14, P86-14A, P86-14B, P90-500, P2005-52, P2005-52A, and P2007-315.
- The following Agency determinations pertained to communications structures on the roof of the resort: Jurisdictional Determinations J94-418, J95-119, J95-589, and J2001-289.
- Agency Permit 2002-43, issued to Independent Wireless One Leased Realty Corporation on July 28, 2002, authorized the installation of an antenna array, GPS antenna, and equipment cabinets on the resort roof.
- Agency Permit 2004-239, issued to Nextel Partners, Inc. on January 18, 2005, authorized the installation of three flat panel antennas and the placement of an equipment shelter with attached GPS antenna on the resort roof.
- Agency Permit 2010-154, issued to New York RSA No.2 Cellular Partnership (d/b/a Verizon Wireless) on March 21, 2011, authorized the replacement of two existing omni-directional antennas with the installation of a 12-panel antenna array to be concealed behind four radio-frequency transparent roof gables to be installed prior to or within 30 days that the stub tower, support poles, and antennas are installed. The final engineering and architectural plans for this project were approved by the Agency on September 20, 2011, but the project has not been undertaken.
- As stated in Agency Permits 2002-43, 2004-239, and P2010-154, the circumstances surrounding the placement of communications equipment on the roof of the Crowne Plaza Resort, some placed after the May 22, 1973 enactment date of the Adirondack Park Agency Act, were reviewed by the Agency's Associate Counsel and Assistant Director of Regulatory Programs. Pursuant to staff's delegated authority, the Agency's Associate Counsel and Assistant Director determined that the Agency would not pursue, with the Lake Placid Vacation Corporation, any violations for existing communications equipment placed on the roof of the Crowne Plaza Resort after the date of the Act.

The project site is located on Olympic Drive in the Village of Lake Placid and the Town of North Elba, Essex County, in an area classified Hamlet by the Adirondack Park Land Use and Development Plan Map. The 8.94±-acre project site is designated as Tax Map Parcel 42.0GK-1-4.1. The Lake Placid Vacation Corporation owns 12 adjoining tax parcels in the Town of North Elba/Village of lake Placid on lands classified Hamlet, including the project site, which total 30.55± acres.

## **CONDITIONS**

### **BASED UPON THE FINDINGS BELOW AND INFORMATION CONTAINED IN THE PROJECT FILE, THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The project shall be undertaken (i) as described in the permit application determined by the Agency to be complete; (ii) as shown on the Site Plan Maps and Elevation Plans; (iii) as described in General Permit 2005G-3R and (iv) in accordance with the Conditions herein. In the case of conflict, the Conditions control. Failure to comply with the certificate and general permit is a violation and may subject the applicant, successors and assigns to civil penalties and other legal proceedings, including modification, suspension or revocation of the permit.

This certificate incorporates, by reference, the plans titled “RCC Crowne Plaza, FA# 10133208, Village of Lake Placid,” prepared by Costich Engineering of Rochester, NY, dated May 21, 2012 and last revised as dated below, including:

- Sheet GC001, Title Sheet, August 28, 2012;
- Sheet CC100, Survey & Roof Plan, August 28, 2012;
- Sheet CC101, Detailed Roof Plan 1, August 28, 2012;
- Sheet CC102, Detailed Roof Plan 2, August 28, 2012;
- Sheet CC103, Elevation Plan & Notes, May 21, 2012;
- Sheet SC100, Structural Plan & Details, May 21, 2012;
- Sheet SC500, Structural Details & Notes, August 28, 2012;
- Sheet EC100, Grounding Plan & Riser, August 28, 2012;
- Sheet EC500, Grounding Details, May 21, 2012; and
- Sheet EC501, Grounding Details, May 21, 2012.

This certificate also incorporates, by reference, the plans titled “Preliminary Engineering, AT&T, Lake Placid, Stealth Job# AT11-01375W-33R0,” prepared by Stealth Concealment Solutions, Inc. of Charleston, SC, dated December 20, 2011, including:

- Sheet T1, Title Sheet;
- Sheets N1 & N2, Notes & Specifications;
- Sheets S1, S2, S3, S4, S5, & S6, Assembly Details; and
- Sheet S7, Steel Dunnage.

2. This certificate is binding on the applicants, all present and future owners of the project site and all contractors undertaking all or a portion of the project. Copies of this certificate and the site plan map referred to herein shall be furnished by the applicants to all subsequent owners or lessees of the project site prior to sale or lease. 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 General Permit 2005G-3R Certificate for Project 2012-158 issued November 21., 2012 the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

3. The Agency may conduct such on-site investigations, examinations, tests and evaluations as it deems necessary to ensure compliance with the terms and conditions hereof. Such activities shall take place at reasonable times and upon advance notice where possible.

#### **Visual/Open Space Impacts**

4. The authorized antennas and support poles shall be concealed behind the four radio-frequency transparent roof gables constructed in the location, of the dimensions, and of the conceptual design shown on the project plans. Any exposed antennas, cables, and appurtenances shall be painted to blend with the building and façade.
5. Prior to installation of the antennas, stub tower, support poles or roof gables, New Cingular Wireless, PCS, LLC ("AT&T"), its successors or assigns, shall submit final design plans and specifications for the roof gables and a plan for construction phasing to the Agency for its prior review and approval in the form of a letter of permit compliance. The final plans shall resolve any inconsistencies (a) between the Agency-approved Vector Engineering plans last revised August 23, 2011<sup>1</sup> and the new Stealth Concealment Solutions plans dated December 20, 2011 (full reference in Condition 1 herein), and (b) between the Agency-approved Costich Engineering plans dated August 24, 2011<sup>2</sup> and the new Costich Engineering Plans last revised August 28, 2012 (full reference in Condition 1 herein). The Agency's review will include consultation with the Town of North Elba/Village of Lake Placid Joint Review Board.
6. The four roof gables shall be installed prior to or within 30 days of the date that the stub tower, support poles, and antennas are installed. The steel base of the tower, equipment shelter, generator, and any cables or ancillary equipment may be installed as soon as this permit is recorded in the Essex County Clerk's Office.
7. There shall be no lighting of the antenna array or the roof gables without prior Agency review and approval in the form of a new or amended Agency permit.
8. If natural causes such as wind, ice, snow, fire, or another event beyond the control of the operator of the antennas authorized herein results in the complete loss or partial damage to the roof gables that conceal the antennas, then New Cingular Wireless, PCS, LLC ("AT&T"), its successors or assigns, shall restore the concealing structures within 6 months. Prior to any modification of the roof gables' location, dimensions, or design, a plan for such modification shall be submitted to the Agency for its prior review and

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<sup>1</sup> From Agency Permit file P2010-154: eight sheets of plans titled "Final Engineering, Verizon (NY2), Stealth Job #: VZ11-00679W-33R0," prepared by Vector Engineering of Sandy, UT and last revised August 23, 2011.

<sup>2</sup> From Agency Permit file P2010-154: fourteen sheets of plans titled "Lake Placid, Project #2007267829, 1 Olympic Drive/12946," prepared by Costich Engineering of Rochester, NY and dated August 24, 2011 (no revisions).

approval in the form of a letter of permit compliance, or a new or amended permit. This condition does not apply to regular maintenance or in-kind replacement of the antennas or roof gables, or any appurtenances related thereto, which may occur without prior Agency review and approval, including immediate or temporary replacement of the antennas to ensure continuity of service after the natural disaster.

### **Documentation of Construction**

9. The Agency shall be provided with color photographs (print with a backup electronic copy) showing the completed antenna array, four roof gables, and equipment compound within 30 days of project completion. Photographs shall be taken from the project site, Main Street (Photo Station 2), and Mirror Lake Drive (Photo Station 1). From the project site, photographs showing the entire completed project shall be provided. From the two photo stations, digital equivalent 55 mm and 85 mm lenses shall be employed. All photographs must clearly identify the date the picture was taken, the location of the photograph, and the lens length employed. Compliance photographs shall be taken on a clear day with little cloud cover.

### **Discontinuance of Use**

10. If use of the antennas for the authorized cellular telephone, voice, data or other forms of wireless communications is discontinued for more than six months, New Cingular Wireless, PCS, LLC ("AT&T"), its successors and assigns, shall remove the antennas from the site within the following year. Once the time frames for removal have expired according to this condition, replacement of the antennas on the resort roof for cellular telephone, voice, data or other forms of wireless communications shall be subject to review and approval by the Agency in the form of a new or amended permit. The landowners, their successors and assigns shall allow timely removal of the antenna array pursuant to this condition.

### **Review of Future Development**

11. Any future new land use and development on the 8.94±-acre project site involving the construction of any new radio-frequency transparent roof gables or the addition of any new antennas, parabolic dishes, or other communications equipment to the Crowne Plaza Resort, shall require prior Agency review and approval in the form of a new or amended Agency permit. Maintenance and/or "in kind" replacement of the roof gables, antennas, equipment building and other appurtenant facilities authorized herein may occur without prior Agency review and approval.

### **Co-Location**

12. The Lake Placid Vacation Corporation, its successors and assigns, shall make space available on the project site to other FCC-licensed carriers for their use in creating cellular telephone "cells" and to other entities to the extent that space is available at the then-current market rate customarily charged for such space leases. However, such further use shall require prior review and approval from the Adirondack Park Agency, and will be subject to the environmental impact analysis required by law and the Agency's "Policy on Agency Review of Proposals for New Telecommunications Towers

and Other Tall Structures in the Adirondack Park." Should the carriers and/or owners be unable to agree on the terms of the lease for such co-location; they shall submit the dispute to mediation or arbitration pursuant to the guidelines of a nationally recognized dispute resolution organization.

### PROJECT IMPACT FINDINGS

1. The project, with the conditions herein, will not create any undue adverse impacts to the Adirondack Park's resources taking into account the commercial, industrial, residential, recreational or other benefits that might be derived therefrom.
2. The project, with the conditions herein, will not have an impact on wetlands since no new land use or development is proposed in the wetlands, and all proposed development will be located more than one hundred feet from the jurisdictional wetlands.
3. Pursuant to a Nationwide Programmatic Agreement for the Co-location of Wireless Antennas (NPA), executed by the Federal Communications Commission, the National Conference of State Historic Preservation Officers and the Advisory Council on Historic Preservation, an antenna may be mounted on an existing tower constructed on or before March 16, 2001 without such co-location being reviewed under the relevant historic preservation laws and regulations unless the antenna will result in a substantial increase in the size of the tower. There will be no substantial increase in the size of the tower; therefore, the project will not cause any change in the quality of "registered," "eligible," or "inventoried" property as those terms are defined in 9 NYCRR 426.2 for the purposes of implementing §14.09 of the New York State Historic Preservation Act of 1980.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Richard E. Weber, III  
Deputy Director, Regulatory Programs

STATE OF NEW YORK)  
) ss.:  
COUNTY OF ESSEX )

On the     day of             in the year 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared Richard E. Weber, III 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.

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Notary Public

REW:ADL:MJG:mlr  
8/2010