



Board of Directors

August 8, 2017

Charles Clusen
Chair

Sherman Craig
Chair, NYS Adirondack Park Agency
PO Box 99
Ray Brook, NY 12977

Marilyn DuBois
Sidney Harring
Michael Wilson
Vice-Chairs

RE: Public Comment on APA Project 2017-0066, Tower on East Mountain for Hamilton County Emergency Communications

James McMartin Long
Secretary

Dear Chairman Craig,

David Quinn
Treasurer

Under the Adirondack Park Agency's (APA) public comment policy we submit the following comments on the proposed draft permit for the emergency communications tower on East Mountain sponsored by Hamilton County, APA Project 2017-0066. Protect the Adirondacks finds that this projects violates APA Policy-4 "Policy on Agency Review of Proposals for New Telecommunications Towers and Other Tall Structures in the Adirondack Park." This policy was adopted with significant public discussion, review, input and deliberation by the APA in 2002.

Nancy Bernstein
John Caffry
Andy Coney
Dean Cook
Lorraine Duvall
Robert Glennon
Roger Gray
Evelyn Greene
Peter Hornbeck
Dale Jeffers
Mark Lawton
Peter O'Shea
Barbara Rottier
Philip Terrie

East Mountain Communications Tower Project Violates APA Towers Policy

For a variety of reasons, the East Mountain tower violates the APA Towers Policy. First, the APA Towers Policy is explicit that governmental emergency telecommunications towers are not somehow exempt from its requirements, nor are they to receive any special treatment, fast-tracking or special favors. They are to be evaluated like any other project according to the standards of the Towers Policy.

Peter Bauer
Executive Director

The key standard of the Towers Policy is the requirement that new towers be substantially invisible:

New telecommunications towers located within the Adirondack Park will be located to avoid undue adverse impacts in such a manner as to be substantially invisible and in the vicinity of existing settlements or those portions of highway corridors where existing telephone and electric power is accessible to the proposed facility. Facilities must also be designed and sited to avoid or minimize impact to nearby land uses. Co-location of facilities is preferred so long as substantial invisibility is achieved. Governmental emergency telecommuni-

Protect the Adirondacks

PO Box 769, Lake George, NY 12845 518.685.3088

www.protectadks.org info@protectadks.org

Like Us on Facebook Follow us on Twitter @ProtectAdkPark

cation towers will be handled in the same manner, with consideration given to the health and safety needs of the public. (p 3)

The Towers Policy also states on page 4 that a project should avoid “mountaintops and ridgelines.”

The APA Towers Policy sets out standards for what “substantially invisible” means. It sets out a series of four tests for determining if the “substantially invisible” requirement has been met. The East Mountain project fails all four tests.

First, the Towers policy states that in order to be substantially invisible a new tower “will not be readily apparent as to size, composition, or color and the structure(s) will, to the maximum extent practicable, blend with the background vegetation, other structures or other landscape features as seen from all significant potential public viewing points and as documented by simulation and other visual analysis methods. Potential public viewing points include public roads, navigable waters and other public places.” (p 3-4)

There are two factors here to consider. The first is that the tower “not be readily apparent.” The intended tower design for East Mountain is a highly visible one. The tower plans to have two 6-foot diameter white microwave dishes attached at 55 feet and 61 feet in elevation. This tower will be readily apparent and does not seem to conform with the Towers Policy.

The second test is that of visibility from other areas, including specifically public lands. The East Mountain location is a wild and largely undeveloped area, which is highly visible from public Forest Preserve lands, including from extensive sections of the Kunjamuk River and from the put-in/staging area for the Kunjamuk River. Paddling trips on the Kunjamuk River are widely promoted, even by Hamilton County.

The third test concerns location. The Tower Policy states that the test for substantial invisibility is different in a developed area than it is in a wild and undeveloped area. The Towers Policy makes this point clear: “Substantial invisibility is considerably different in developed areas with the less restrictive Hamlet land use area classification when compared to areas classified Rural Use and Resource Management in light of the differing statutory purposes and policies for these areas set forth in the Land Use and Development Plan.” The East Mountain project site is classified as Resource Management. Because it is located in a Resource Management area with a greater visual impact it will be held to a higher standard of review. In this way the standard for the tower on East Mountain is much greater than that of the 80-foot tower (the second permit) at the Hamilton County Municipal Center in Lake Pleasant.

Fourth, when a tower cannot meet the substantial invisibility tests, it must then pass a camouflage test. “When none of the above preferred methods achieve substantial invisibility, camouflage in scale with the surroundings may be proposed in order to blend the facility with the visual setting.” The applicant ruled out a giant fake tree as too large for the tree line, but did not provide

any visual simulations for this. Giant fake trees, even those that are higher than the tree line, have been used in a number of projects, including for emergency communications systems in Saratoga County.

The Towers Policy states that “Applicants will be required to provide the best available data and visual representations in order to maximize Agency and public understanding of the proposed project.” (p 3) The failure to fully test fake tree options shows that the applicant did not meet this standard.

Permit Should be Revised or Public Hearing Held

The APA now has to make a decision to approve the project as is, send it to a public hearing, or revise the permit to change conditions. Protect the Adirondacks urges the APA to work with the applicant to request that they stay the regulatory clock and investigate a fake tree option for the tower. If this cannot be done, then the APA should send the project to an adjudicatory public hearing to determine better locations.

Conclusion

The Towers Policy has worked well for 15 years. In this time dozens of new towers, for both public and private projects, have been approved and constructed across the Adirondacks. The APA approves towers projects on a regular basis. The East Mountain project clearly violates the substantially invisible test that is the hallmark of the Towers Policy. Approval of the East Mountain project as is would represent a stark departure from a highly successful public policy and would change the way in which all future towers projects are evaluated. If the East Mountain project is approved as is, every tower project applicant from here on in will want the same deal that Hamilton County got. To paraphrase a great poet – the APA is at a fork in the road and the choice it makes will make all the difference. Protect the Adirondacks urges the APA to uphold this successful policy, which was not only adopted with considerable public input, but has withstood the test of time, and not carelessly tear it up.

On behalf of the Board of Directors of Protect the Adirondacks, please let me express our gratitude for the opportunity to submit these public comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Bauer". The signature is fluid and cursive, with a large initial "P" and "B".

Peter Bauer
Executive Director