

Staff Draft – September 1, 2020 – Not Approved by Agency Board

PERMIT WRITING FORM – P#2020-0008

Assigned EPS: **ADL** Reviewed by: CCP Date: 08/27/2020

APPLICANT

Project Sponsor(s): **SolarPark Energy, LLC**

Landowner(s): **Phillip A. Huestis**

Authorized Representative: **Ingalls & Associates, LLP**

PROJECT SITE

Town/Village: **Ticonderoga**

County: **Essex**

Road and/or Water Body: **NY State Route 9N**

Tax Map #(s): **139.15-3-5.110 and 139.4-1-20.000**

Deed Ref: **Recorded June 30, 2010 in Bk 1641 at Pg 125, Inst No 2010-00002594**

Land Use Area/s: **RM**

Project Site Size: **105.43± 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? **N*** Pre-existing subdivision:

***Resource Management subdivision occurred in 1996 conveying 1 acre from project site**

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

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

PROJECT DESCRIPTION

The project involves (a) a subdivision by lease resulting from the lease of 52± acres of the 105.43±-acre project site and (b) installation of a 5 MW photo voltaic energy system (solar generation facility) on 32± acres of the leased portion of the project site. The solar generation facility involves installation of solar panel arrays and related infrastructure including a new access road, fencing, landscaping, and utility connections.

JURISDICTION (including legal citation)

Major public utility use in Resource Management – 810(1)(e)(16)

Subdivision (by lease) in Resource Management – 810(1)(e)(3)

Subdivision of RM lands within 300 ft of edge of right-of-way of state highway – 810(1)(e)(1)(e)

Subdivision involving wetlands – 810(1)(e)(1)(b) and 578.3(n)(3)(i)

PRIOR PERMITS / SETTLEMENT AGREEMENTS BEING SUPERSEDED

none

FINDINGS OF FACT – ENVIRONMENTAL SETTING

Lakes, Ponds, Navigable Rivers and Streams

Check if none **[X]**

Water Body Name:

Length of Existing Shoreline (feet):

MHWM determ: Y N

Minimum Lot Width:

Meets standard: Y N

Structure Setback (APA Act):

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? **N**

DEC Environmental Resource Mapper stream classification:

Wetlands

Y Jurisdictional wetland on property

If Y: **[X]** *If Yes, RASS biologist consulted*

→ Covertypes: **emergent marsh**

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

→ If Y, value rating: **2**

Wildlife

N Rare/threatened/endangered species **[]** *If Yes, RASS ecologist consulted*

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

Y* Northern Long-Eared Bat occurrences in Town **[X]** *If Yes, RASS ecologist consulted*

N Forest management plan existing or proposed **[]** *If Yes, RASS forestry analyst consulted*

N Biological Survey required by RASS ecologist **[]** *If Yes, completed*

*** The proposal does not require any tree clearing. The project is located in an agricultural field.**

Ecological / Special Districts

N Natural Heritage Sites **[]** *If Yes, RASS ecologist consulted*

Y Aquifer (**not in solar farm location**) **[X]** *If Yes, RASS engineer consulted*

Y Agricultural District

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

Existing slope range: **3 – 8%** Building area(s) if authorizing development: **3 – 8%**

Soils

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 agricultural, utility corridor to east**

Is nearby development visible from road? **Y**

→ If Y, name road and describe visible development: **NY State Route 9N, residential and agricultural structures**

Additional Existing Development (ex: dam on site, etc.): **Town Airport 1.1 miles to east**

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

FINDINGS OF FACT – COORDINATED REVIEW

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

*October 9, 2019 letter from NYS Office of Parks, Recreation and Historic Preservation concluded: “no historic properties, including archaeological and/or historic resources, will be affected by this undertaking.”

^SWPPP provided

PERMIT CONDITIONS AND IMPACT ANALYSIS

Merger

Justification if merger required: **n/a**

Deed Covenant

Non-building lot being created? **N**

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

Easement

Easement proposed or required? **N**

If Y, consult with Legal for conditions. Justification:

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

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

→ If Y: Structure height limit and justification: **solar tracker panels and fence as shown on project plans**

Structure footprint limit and justification: **solar tracker panels as shown on plans**

→ If N:

→ 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? N

Building Color (if authorizing development) n/a

If color condition required, justification:

Tree Cutting / Vegetation Removal

Town with Northern Long-Eared Bat occurrences? Y
If Y, consult with RASS for conditions. Justification: no condition necessary, no trees being removed

Vegetative cutting restrictions required? 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
If N, plantings required? n/a
→ If Y, species, number, location, and time of year: as shown on project plans (13 white pine, 13 white spruce, 26 red maple, 28 American mountain ash, 26 black cherry)
Justification: for screening solar panels as viewed from NY State Route 9N

Wetlands

Consult with RASS for conditions. Justification: protection of wetland functions and values

Density (may be different for each subdivision lot)

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

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

If N and N, list existing PBs, including whether they are pre-existing/year built: existing structures include barn,s, silos, sheds, milk house, etc; no existing PBs

Mathematically available # of new PBs (in addition to existing or replacement): no change

Extinguishing PBs? 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)

Consult with RASS for conditions. Justification: protection of water resources and wetlands

Erosion and Sediment Control (if authorizing development)

Consult with RASS for conditions. Justification: protection of water resources and wetlands

Infrastructure Construction (if authorizing development)

Construction necessary before lot conveyance: no

Justification:

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

Explain why no condition is needed: project does not involve new buildings or tree removal

Additional Site / Project-Specific Concerns / Conditions Needed

Prior Agency review required for any change to the Point of Interconnection [with National Grid].

Justification: Review required to confirm no undue adverse impacts to wetlands or viewshed

Implementation of Decommissioning Plan required when solar use ceases.

Justification: To ensure land can return to agricultural use or other development.

Y Public comments received If yes, #: 2
N Applicant submitted response