

 Adirondack Park Agency P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov	DRAFT APA Permit 2020-0008
In the Matter of the Application of SOLARPARK ENERGY, LLC and PHILLIP A. HUESTIS Permittees for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578	Date Issued: XXXX To the County Clerk: Please index this permit in the grantor index under the following names: 1. SolarPark Energy, LLC 2. Phillip A. Huestis

SUMMARY AND AUTHORIZATION

This permit authorizes a new 5 MW solar generation facility in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Ticonderoga, Essex County.

This authorization shall expire unless recorded in the Essex County Clerk's Office within 60 days of issuance of a signed and notarized permit. The signed and notarized permit shall be recorded in the names of all persons listed above and in the names of all owners of record of any portion of the project site on the recordation date.

The project shall not be undertaken or continued unless the project authorized herein is in existence within five years of the date the permit is recorded in the County Clerk's Office. The Agency will consider the project in existence when the permit has been recorded.

The project shall be undertaken in compliance with all conditions stated herein. Failure to comply with this permit is a violation and may subject the permittee, successors, and assigns to civil penalties and other legal proceedings.

This permit does not convey any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project, nor does it authorize the impairment of any easement, right, title or interest in real or personal property.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the permittee to comply with all applicable laws and regulations or to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

PROJECT SITE

The project site is a 105.43±-acre parcel of land located on the east side of NYS Route 9N in the Town of Ticonderoga, Essex County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Parcels 139.15-3-5.110 and 139.4-1-20.000, and is described in a deed from Phillip A. Huestis and Justina R. Huestis to Phillip M. Huestis, dated May 25, 2010, and recorded June 30, 2010 in the Essex County Clerk's Office in Book 1641 at Page 125 as Instrument Number 2010-00002594.

That portion of the project site located within 300 feet of the edge of the right-of-way of NYS Route 9N is a Statutory Critical Environmental Area (CEA). With the exception of a 300±-foot long portion of the access road and two utility poles, all new land use and development will be located outside of the highway CEA. The project site also contains a 2.12±-acre wetland ("Wetland A" on the Project Plans) located west of the proposed solar generation facility and east of proposed tree planting. It is an emergent marsh wetland with a value rating of "2." Additional wetlands not described herein or depicted on the Project Plans may be located on or adjacent to the project site.

The project site is improved by a dairy barn constructed in 1934, as well as other agricultural structures constructed prior to 1973 (e.g., barns, silos, sheds, milk house, etc.). There are no existing wastewater treatment systems on the project site.

PROJECT DESCRIPTION

The project as conditionally approved herein 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. The proposal does not require any tree clearing, because the project is located in an agricultural field. No buildings are proposed.

Existing access to the project site is from NYS Route 9N. The project involves construction of a 2,280±-foot long access road with a 20-foot wide impervious gravel driving surface. The first 425± feet of the access drive will be new construction from NYS Route 9N. The balance (1,855± feet) will involve improvement of an existing farm road, including crossing Wetland A without any increase in width. The permittee has applied to the NYS Department of Transportation for a Commercial Access Highway Work Permit.

Two utility poles less than 40 feet in height will be installed on the project site within 30 feet of NYS Route 9N. Power generated by the solar panels will run underground from the solar generation facility to the new utility poles and then overhead to the point of interconnection with existing overhead lines operated by National Grid along NYS Route 9N. Conduit for underground utilities will be directionally bored where they cross wetlands.

The project site constituted a portion of a larger property on the May 22, 1973, enactment date of the Adirondack Park Land Use and Development Plan and was created by subdivision from this larger property in 1996. As this subdivision occurred on

Resource Management lands, an Agency permit was required for its undertaking. Agency records indicate that no permit was obtained. By issuance of this permit, the project site shall be recognized as lawful for Agency purposes.

The project is shown on the following maps, plans, and reports:

- ten sheets of plans titled “SolarPark Energy Ticonderoga Solar Farm,” prepared by Ingalls & Associates, LLP and last revised on the dates noted below (Project Plans):
 - o E1, Cover Sheet, July 23, 2020;
 - o E2, Existing Plan, November 19, 2019;
 - o E3, Site Plan, July 23, 2020;
 - o E4, Erosion & Sediment Control Plan, July 23, 2020;
 - o E5, Vegetation Management Plan, July 23, 2020;
 - o E6, Plan & Profiles 1, July 23, 2020;
 - o E7, Plan & Profiles 2, July 23, 2020;
 - o E8, Site Details, February 12, 2020;
 - o D1, Existing Drainage Plan, July 23, 2020; and
 - o D2, Proposed Drainage Plan, July 23, 2020.
- a “Stormwater Pollution Prevention Plan,” prepared by Ingalls & Associates, LLP on January 6, 2020, and revised January 30, 2020 (SWPPP):
 - o Water Quality Volume calculations (4 pages) were revised March 10, 2020 and received by the Agency on March 12, 2020;
- a “Visual Impact Analysis Narrative,” prepared by Ingalls & Associates, LLP and dated July 27, 2020, including photographs and renderings (Visual Impact Analysis);
- a “Mitigation Contingency Plan for Directional Drilling,” prepared for SolarPark Energy 17, LLC Ticonderoga Solar Farm and received by the Agency February 18, 2020 (Fraction Mitigation Plan);
- a “SolarPark Operations and Maintenance Manual” prepared for SolarPark Energy 17 Solar Farm and received by the Agency February 18, 2020 (Operations and Maintenance Manual); and
- a “Decommissioning Plan,” prepared by Ingalls & Associates, LLP and dated December 4, 2019 (Decommissioning Plan).

A reduced-scale copy of the Site Plan for the project (sheet E3 of the Project Plans) is attached as a part of this permit for easy reference. The original, full-scale maps and plans described in this paragraph are the official plans for the project, with copies available upon request from Adirondack Park Agency headquarters in Ray Brook, New York.

AGENCY JURISDICTION

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to the establishment of a major public utility use on Resource Management lands the Adirondack Park.

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to any subdivision in a Resource Management land use area in the Adirondack Park.

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to any subdivision of Resource Management lands within 300 feet of the edge of the right-of-way of any state highway in the Adirondack Park.

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act and Adirondack Park Agency regulations at 9 NYCRR Part 578, a permit is required from the Adirondack Park Agency prior to any subdivision involving wetlands in the Adirondack Park.

CONDITIONS

THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The project shall not be undertaken until this permit has been recorded in the Essex County Clerk's Office.
2. This permit is binding on the permittee, all present and future owners or lessees of the project site, and all persons undertaking all or a portion of the project, for as long as the solar generation facility remains on the site or the lease is in effect. Copies of this permit and Project Plans, SWPPP, Visual Impact Analysis, Fraction Mitigation Plan, Operations and Maintenance Manual, and Decommissioning Plan shall be furnished by the permittee to all subsequent owners or lessees of the project site prior to sale or lease, and by the permittee and/or any subsequent owner or lessee to all persons undertaking any development activities authorized herein.
3. In addition to complying with all terms and conditions of this permit, all future activities on the project site shall be undertaken in compliance with the requirements of New York State's Adirondack Park Agency Act, Freshwater Wetlands Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
4. 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 Permit 2020-0008, issued XXXX, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

Development

Construction Location and Size

5. This permit authorizes the subdivision by lease and construction of a solar generation facility and related improvements in the location shown and as depicted on the Project Plans. Any change to the location, dimensions, or other aspect of the solar generation facility shall require prior written Agency authorization.

6. Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, the undertaking of any new land use or development not authorized herein on the project site within 300 feet of the edge of right-of-way of NYS Route 9N (CEA) will require a new or amended permit.
7. Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, the construction of any principal building on the project site shall require a new or amended permit.

Outdoor Lighting

8. Installation of any lighting associated with the solar generation facility shall require prior written Agency authorization.

Signage

9. All signs associated with the solar generation facility on the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3].

Plantings

10. All trees depicted on the Project Plans shall be planted as described on the Vegetation Management Plan (Sheet E5 of the Project Plans) no later than the first spring or fall planting season after final grading related to the construction of the solar generation facility on the project site. Trees that do not survive shall be replaced as specified in the Operations and Maintenance Manual.

Wetlands

11. In the event that fluids are released during directional boring operations, the Fraction Mitigation Plan shall be immediately and fully implemented.
12. There shall be no fill placed in wetlands. Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, the undertaking of any activity involving wetlands requires a new or amended permit.

Project Operations

Invasive Species Control/Sanitizing Equipment

13. When brought from off-site, all equipment, including but not limited to trucks, excavators, tractors, etc., and hand excavation tools such as shovels, rakes, and picks, to be used on the project site shall be clean and free of soil, mud, or other similar material. If washed on the project site, equipment shall be washed in one location to prevent the distribution of propagules among different wash sites. All construction equipment and vehicles operating in areas that may contain existing invasive species shall be thoroughly cleaned prior to moving to other areas.

Infrastructure

Stormwater Management/Erosion Control

14. The project shall be undertaken in compliance with the Stormwater Pollution Prevention Plan and Project Plans.

Utilities

15. The Point of Interconnection (POI) [with National Grid] is shown on the Project Plans. Any change to the POI shall require a new or amended permit.

Documentation of Construction

16. The Agency shall be provided with color photographs showing the completed project within 30 days of project completion. Photographs shall be taken at the project site and from along NYS Route 9N at View 1, EX1 and EX 2. All photographs shall be taken on a clear day with little cloud cover and shall identify the date the picture was taken, the location of the photograph, and the lens size employed. Photographs from NYS Route 9N shall be taken with 35mm equivalent focal lengths of 35mm, 55mm, and 85mm.

Discontinuance of Use

17. If and when the solar generation facility is considered inoperative and abandoned, all infrastructure associated with the facility shall be removed and the project site shall be restored to pre-development conditions at the owner's and/or operator's expense. The owner and/or operator of the solar generation facility shall fully implement the Decommissioning Plan within one year of any of the following: the land lease ends, and/or the system does not produce power for a period of 12 months, and/or or if the system is damaged and will not be repaired or replaced.

CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Freshwater Wetlands Act and 9 NYCRR Part 578, and 9 NYCRR Part 574. The Agency hereby finds that the project authorized as conditioned herein:

- a. will be consistent with the land use and development plan;
- b. will be compatible with the character description and purposes, policies, and objectives of the Resource Management land use area;
- c. will be consistent with the overall intensity guidelines for the Resource Management land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act;
- e. will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project;

- f. will secure the natural benefits of wetlands associated with the project, consistent with the general welfare and beneficial economic, social, and agricultural development of the state; and
- g. will result in minimal degradation or destruction of the wetland or its associated values and is the only alternative which reasonably can accomplish the applicant's objectives.

PERMIT issued this day
of , 2020.

ADIRONDACK PARK AGENCY

BY: _____
Robert J. Lore
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the day of in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert J. Lore, 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.

Notary Public

