

**PERMIT WRITING FORM – P2021-0296**

Assigned EPS: **DFK**  
a date.

Reviewed by: [Click or tap here to enter text.](#) Date: [Click or tap to enter](#)

**APPLICANT**

Project Sponsor(s): **Pivot Energy**

Landowner(s): **Bruce R. Crammond**

Authorized Representative: **Andrew Mavian, Environmental Research & Design**

**PROJECT SITE**

Town/Village: **Ticonderoga** County: **Essex**

Road and/or Water Body: **Old Chilson Road**

Tax Map #(s): **150.2-1-2.110 and 150.2-1-18**

Deed Ref: **Book 661, Page 137**

Land Use Area(s): H MIU LIU RU RM IU

Project Site Size: **95±** 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): **n/a**

Lawfully Created? Y N

Pre-existing subdivision: **n/a**

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

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

**PROJECT DESCRIPTION**

The project involves the construction of a 5-megawatt solar generation facility consisting of approximately 11,050 photovoltaic panels mounted on a single-axis tracking system installed on an approximately 24-acre lease parcel. The project includes the improvement of an existing access road to extend from Old Chilson Road where the facility will interconnect with an existing 13.2-kV overhead distribution line.

**JURISDICTION (including legal citation)**

810(1)(d)(18) – Major Public Utility Use in a Rural Use land use area;

810(1)(d)(1)(b) and 9 NYCRR Part 578(n)(1)(iii) – Deposition of fill within a regulated wetland; and

810(1)(d)(1)(b) and 9 NYCRR Part 578(n)(3)(i) – Subdivision involving wetlands.

**PRIOR PERMITS / SETTLEMENT AGREEMENTS BEING SUPERSEDED**

**None**

**FINDINGS OF FACT – ENVIRONMENTAL SETTING**

**Lakes, Ponds, Navigable Rivers and Streams**

**Check if none**

Water Body Name: **n/a**

Length of Existing Shoreline (feet): *n/a* MHWL determ: Y N  
 Minimum Lot Width: *n/a* Meets standard: Y N  
 Structure Setback (APA Act): *n/a* Meets standard: Y N  
 Structure Setback (River Regs): *n/a* Meets standard: Y N  
Y N Cutting proposed within 6 ft of MHWL? If Yes, < 30% vegetation? Y N  
Y N Cutting proposed within 35 ft of MHWL? 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

Permanent Stream Intermittent Stream Classified? Y N  
[DEC Environmental Resource Mapper](#) stream classification: *The project site contains portions of an intermittent stream and two permanent streams, Chilson Brook and Trout Brook, both classified (C) by the New York State Department of Environmental Conservation.*

**Wetlands**

Y N Jurisdictional wetland on property, or  
Y N Wetlands are a basis of development jurisdiction  *If Yes, RASS biologist consulted*  
 → If Y, covertype: *shrub swamp/emergent marsh*  
 → If Y, value rating: *2*  
Y N Draining, dredging, excavation of wetland associated with establishing E+S controls  
 Area of wetland loss: *570 SF* Permanent? Y N  
Y N Fill/structure in wetlands  
 Fill/structure area: *414 SF*  
Y N Shading of wetland  
 Area of shading: *n/a*  
Y N Clearcutting >3 acres of wetland *\*RASS forester consulted*  
 Clearcut area: *n/a*  
Y N Untreated stormwater discharge into wetland  
Y N Pollution discharge into wetland  
 Pollution type: *n/a*  
Y N Pesticide/Herbicide application in wetland  
 Pollution type: *n/a*

**Ecological / Wildlife**

Y N Natural Heritage Sites/listed species or habitat present, including bat  
Y N Forest management plan existing or proposed  *If Yes, RASS forestry analyst consulted*  
Y N Biological Survey required by RASS Biologist 2 or Supervisor  *If Yes, completed*

**Special Districts**

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 – 15%* Building area(s) if authorizing development: *< 10%*

**Soils**

Y N Deep-hole test pit completed? (Necessary for every building lot) Check if N/A   
 If Yes, soil data information determined or approved by RASS soil analyst?  
NRCS Mapped Soil Series or Other Comments: Vergennes silty clay loam

**Stormwater**

Y N Greater than 1 acre disturbance, or  
Y N Proposed ground disturbance < 100 feet from wetlands  
 If Yes, stormwater management reviewed and approved by RASS engineer  
Setback to wetlands: 0 - >100 feet

**Character of Area**

Nearby (include all): Residential Commercial Industrial Agricultural Forested  
Adjoining Land Uses / State Land: Private  
Is nearby development visible from road? Y N  
→ If Y, name road and describe visible development: Residential, Commercial and Agricultural uses and structures are visible from NYS 74, Old Chilson Road, Racetrack Road and NYS 9N.

**Additional Existing Development** (ex: dam on site, etc.): Agricultural use roads, structures and fencing are located on the project site.

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

**FINDINGS OF FACT – COORDINATED REVIEW**

|                                       |                                       |  |   |
|---------------------------------------|---------------------------------------|--|---|
| <input checked="" type="checkbox"/> Y | <input type="checkbox"/> N            | Archeologically Sensitive Area, according to OPRHP | <input checked="" type="checkbox"/> If Yes, OPRHP consulted             |
| <input checked="" type="checkbox"/> Y | <input type="checkbox"/> N            | Structures > 50 years old on or visible from site  | <input checked="" type="checkbox"/> If Yes, OPRHP consulted             |
| <input type="checkbox"/> Y            | <input checked="" type="checkbox"/> N | Within Lake George Park                            | <input type="checkbox"/> If Yes, LGPC consulted / application submitted |
| <input type="checkbox"/> Y            | <input checked="" type="checkbox"/> N | Public water supply                                | <input type="checkbox"/> If Yes, DEC / DOH application submitted        |
| <input type="checkbox"/> Y            | <input checked="" type="checkbox"/> N | Greater than 1,000 gpd wastewater                  | <input type="checkbox"/> If Yes, DEC application submitted              |
| <input type="checkbox"/> Y            | <input checked="" type="checkbox"/> N | Disturbing bed or bank of water body               | <input type="checkbox"/> If Yes, DEC application submitted              |
| <input type="checkbox"/> Y            | <input checked="" type="checkbox"/> N | Creating 5 or more lots less than 5 acres each     | <input type="checkbox"/> If Yes, DOH application submitted              |
| <input type="checkbox"/> Y            | <input checked="" type="checkbox"/> N | Army Corps involvement                             | <input type="checkbox"/> If Yes, ACOE consulted                         |
| <input type="checkbox"/> Y            | <input checked="" type="checkbox"/> N | Agency-approved Local Land Use Program             | <input type="checkbox"/> If Yes, Town/Village consulted                 |
| <input checked="" type="checkbox"/> Y | <input type="checkbox"/> N            | Local Land Use Program                             | <input checked="" type="checkbox"/> If Yes, Town/Village consulted      |

**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: n/a

**Easement**

Easement proposed or required? Y N  
If Y, consult with Legal for conditions. Justification: n/a

**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: 5-MW Solar Generation Facility and associated development including access road improvements, approximately 11,050 photovoltaic panels mounted on a single-axis tracking system, 4,600 LF of 8-foot-tall woven wire fence, two equipment pads and underground and overhead utility installations including five utility poles less than 40 feet in overall height.

Structure footprint limit and justification: As proposed and reviewed to ensure effective stormwater management and minimize impacts to resources located on and off the project site.

→ 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: n/a

**Guest Cottages (if authorizing a dwelling)**

Proposed and reviewed? Y N

If N, guest cottages potentially allowed? Y N

→ Justification for any conditions: n/a

**Boathouses (if project site contains shoreline)**

Proposed and reviewed? Y N

If N, boathouses potentially allowed? Y N

→ If N, justification: n/a

→ If Y, review required (beyond definition limits)? Y N

→ If Y, justification: n/a

**Docks (if project site contains shoreline)**

Proposed and reviewed? Y N

If N, docks potentially allowed? Y N

→ If N, justification: n/a

→ If Y, review required (beyond definition limits)? Y N

→ If Y, justification: n/a

**Outdoor Lighting (if authorizing development)**

Plan proposed and reviewed? Y N

**Building Color (if authorizing development)**

If color condition required, justification: n/a

**Tree Cutting / Vegetation Removal**

Town with Northern Long-Eared Bat occurrences? Y N

Indiana Bat habitat indicated on Lookup? Y N

Vegetative cutting restrictions required? Y N

If Y, restrictions required (choose all that apply):

on entire site outside limits of clearing

- within n/a feet of limits of clearing
- within 50 feet of road
- within n/a feet of river/lake/etc
- within n/a feet of wetlands
- Other: n/a

Extent of cutting restriction necessary within the area noted above:

- Cutting of all vegetation prohibited
- Cutting of trees of n/a diameter dbh prohibited
- Other: trees, shrubs or other woody-stemmed vegetation

Justification: Minimize impacts to nearby and adjoining land uses, Old Chilson Road, wetlands and surface water resources.

### Plantings

Plan proposed and reviewed?  Y  N

If N, plantings required?  Y  N

→ If Y, species, number, location, and time of year: 6 Red Maple (1" cal.); 6 Sugar Maple (1" cal.); 7 Common Witch Hazel (6' ht.); 16 Eastern Red Cedar (5" ht.); 16 White Pine (6' ht.); and 56 Gray Dogwood (3" ht.). DISTURBED AREAS TO BE SEEDED WITH MIX SUITABLE FOR SHEEP GRAZING AND CONTAINING NATIVE SPECIES BENEFICIAL TO POLLINATORS. Planting to occur no later than the first spring or fall planting season after final grading and plants that do not survive shall be replaced annually until established in a healthy growing condition.

Justification: Minimize impacts to nearby and adjoining land uses and provide habitat, forage and cover for area wildlife.

### 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: n/a

Mathematically available # of new PBs (in addition to existing or replacement): **11**

Extinguishing PBs?  Y  N If Y, number: n/a

### Wastewater (if authorizing construction of a new PB without further review)

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. Condition required if authorizing development within 100 feet of wetlands or greater than 1 acre disturbance; condition possibly required in other circumstances too.

Justification: Ensure effective treatment of stormwater.

**Erosion and Sediment Control (if authorizing development)**

Consult with RASS for conditions. Condition required if authorizing development within 100 feet of wetlands or greater than 1 acre disturbance; condition possibly required in other circumstances too. Justification: Minimize potential impacts resulting from soil erosion during and after site development.

**Infrastructure Construction (if authorizing development)**

Construction necessary before lot conveyance: No  
Justification: n/a

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

Explain why no condition is needed: No buildings authorized. Structures authorized as proposed.

**Additional Site / Project-Specific Concerns / Conditions Needed**

Invasive Species Control, Mowing, Maintenance, Notification of Construction and Decommissioning.

Justification: Minimize the spread of invasive species and ensure effective vegetation management associated with the authorized development to minimize impacts to nearby and adjoining land uses, wildlife and ongoing agriculture. Notification of construction and project completion will ensure that the project has been undertaken as authorized. Conditions on decommissioning will ensure that the site is restored to pre-development conditions as necessary.

Y N **Public comments received** If Yes, #: The Agency received one email and one phone call in response to the Notice of Application Received and two emails in response to the Notice of Complete Application.

Y N **Applicant submitted response (notes, if any)** Concerns raised included the sustainability of access and development locations, decommissioning, and potential impacts to wildlife, nearby and adjoining land uses resulting from construction and development.

**INDIVIDUAL LOT DEVELOPMENT REVIEW – P#2021-0296**

If a subdivision: Lot # **Lease Parcel** (24± acres)

Assigned EPS: **DFK**  
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**Existing Development**  
**PRINCIPAL BUILDINGS**

Structure - Pre-existing (Y/N)? - Lawfully constructed (Y/N)?  
**None**

**ACCESSORY STRUCTURES**

Structure - Pre-existing (Y/N)? - Lawfully constructed (Y/N)?  
**None**

**Proposed Development**  
**PRINCIPAL BUILDINGS**

Check if portions or all below are NJ

Check if proposed as a non-building lot:

| Structure   | Footprint | Height | # Bedrooms | Slopes |
|-------------|-----------|--------|------------|--------|
| <b>None</b> |           |        |            |        |

Have necessary density? Y N

# remaining potential principal buildings = **3** from survey or estimate

**ACCESSORY STRUCTURES**

| Structure             | Footprint | Height | Slopes |
|-----------------------|-----------|--------|--------|
| Gate                  | -         | 8'     | 0%     |
| Photovoltaic Panels   | -         | 12'    | < 10%  |
| Two Equipment Pads    | -         | < 12'  | < 8%   |
| Woven Wire Fencing    | 4,600 LF  | 8'     | < 10%  |
| Five OH Utility Poles | -         | < 40'  | < 8%   |

**ACCESS**

*\*Consult RASS engineer for driveway > 12% slope / \*consult RASS ecologist for driveway > ¼ mile*

Driveway is existing / proposed Length: **2,160 feet** Width: **16 feet**

Sight distance evaluated? Y N Slopes: **0 – 15%**

Need Clearing/Grading? Y N Comments: **Existing farm road to be widened and improved with a gravel surface. Existing wetland and stream crossing location will be utilized and expanded. Old Chilson Road is an Essex County Route and the change in use of the access may require review and approval from the Essex County Department of Public Works. (Note if HOA or shared maintenance involved)**

Need hwy access permit? Y N

Need easement? Y N

Need signs?  Y  N

**VISUAL / AESTHETIC**

Y  N Proposed development visible from public areas (list) **Portions of the development will be partially visible from NYS 74, Old Chilson Road, Racetrack Road and NYS 9N.**

Y  N Existing topography / vegetation will screen, if retained

Y  N Planting plan proposed  If Yes, RASS forestry analyst consulted

**WASTEWATER TREATMENT (WWTS) \*Consult RASS engineer for engineered plans**

Individual on-site  Municipal  Community

Y  N Slope suitable for WWTS (i.e., ≤8% shallow, ≤15% conventional)?

Y  N Soil suitable for WWTS (i.e., depth to SHGW and bedrock)?

Y  N All water bodies or streams > 100 feet WWTS? (If No, needs variance – from Town if ALLUP)

Y  N If fast perc (1-3 min/in), water > 200 feet WWTS? (If No, amended soils required)

Y  N All jurisdictional wetlands > 100 feet WWTS? (If No, counts as permit jurisdiction)

Y  N Suitable 100% replacement area identified?

Existing and proposed to remain (needs suitable 100% replacement area)

**WATER SUPPLY**

Individual on-site  Municipal

Y  N All water supplies, on-site and off-site, > 100 feet WWTS? (If No, need DOH waiver)

**STORMWATER / EROSION & SEDIMENT CONTROL \*Consult RASS engineer**

Y  N Does proposed development maintain existing drainage patterns?

Y  N < 1 acre disturbance proposed (May need E&S Control Plan if water/slope/soil resources at risk)

Y  N > 1 acre disturbance proposed (SWPPP required, which includes E&S Control Plan)

**UTILITIES**

Available on site?  Y  N  Overhead  Underground

Available at road?  Y  N  Overhead  Underground

Proposed for site?  Y  N  Overhead  Underground

**INDIVIDUAL LOT DEVELOPMENT REVIEW – P#2021-0296**

If a subdivision: Lot # **Remaining Lands** (71± acres)

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**Existing Development**  
**PRINCIPAL BUILDINGS**

Structure - Pre-existing (Y/N)? - Lawfully constructed (Y/N)?  
None

**ACCESSORY STRUCTURES**

Structure - Pre-existing (Y/N)? - Lawfully constructed (Y/N)?  
Agricultural Use Structures Unknown Yes

**Proposed Development**  
**PRINCIPAL BUILDINGS**

Check if portions or all below are NJ

Check if proposed as a non-building lot:

Structure Footprint Height # Bedrooms Slopes  
None

Have necessary density? Y N

# remaining potential principal buildings = 8 from survey or estimate

**ACCESSORY STRUCTURES**

Structure Footprint Height Slopes  
None

**ACCESS**

*\*Consult RASS engineer for driveway > 12% slope / \*consult RASS ecologist for driveway > ¼ mile*

Driveway is existing / proposed Length: 750 feet Width: 12 – 14 feet

Sight distance evaluated? Y N Slopes: 0 – 15%

Need Clearing/Grading? Y N Comments: Existing farm road to provide continued access for agricultural purposes as necessary. (Note if HOA or shared maintenance involved)

Need hwy access permit? Y N

Need easement? Y N

Need signs? Y N

**VISUAL / AESTHETIC**

Y N Proposed development visible from public areas (list) n/a

Y N Existing topography / vegetation will screen, if retained

Y  N Planting plan proposed

If Yes, RASS forestry analyst consulted

**WASTEWATER TREATMENT (WWTS)** \*Consult RASS engineer for engineered plans

- Individual on-site  Municipal  Community
- Y  N Slope suitable for WWTS (i.e., ≤8% shallow, ≤15% conventional)?
- Y  N Soil suitable for WWTS (i.e., depth to SHGW and bedrock)?
- Y  N All water bodies or streams > 100 feet WWTS? (If No, needs variance – from Town if ALLUP)
- Y  N If fast perc (1-3 min/in), water > 200 feet WWTS? (If No, amended soils required)
- Y  N All jurisdictional wetlands > 100 feet WWTS? (If No, counts as permit jurisdiction)
- Y  N Suitable 100% replacement area identified?
- Existing and proposed to remain (needs suitable 100% replacement area)

**WATER SUPPLY**

- Individual on-site  Municipal
- Y  N All water supplies, on-site and off-site, > 100 feet WWTS? (If No, need DOH waiver)

**STORMWATER / EROSION & SEDIMENT CONTROL** \*Consult RASS engineer

- Y  N Does proposed development maintain existing drainage patterns?
- Y  N < 1 acre disturbance proposed (May need E&S Control Plan if water/slope/soil resources at risk)
- Y  N > 1 acre disturbance proposed (SWPPP required, which includes E&S Control Plan)

**UTILITIES**

- |                    |                                       |                            |  |                                      |
|--------------------|---------------------------------------|----------------------------|--|--------------------------------------|
| Available on site? | <input type="checkbox"/> Y            | <input type="checkbox"/> N | <input type="checkbox"/> Overhead            | <input type="checkbox"/> Underground |
| Available at road? | <input checked="" type="checkbox"/> Y | <input type="checkbox"/> N | <input checked="" type="checkbox"/> Overhead | <input type="checkbox"/> Underground |
| Proposed for site? | <input type="checkbox"/> Y            | <input type="checkbox"/> N | <input type="checkbox"/> Overhead            | <input type="checkbox"/> Underground |