

STAFF DRAFT – NOT APPROVED BY AGENCY
THIS IS A TWO-SIDED DOCUMENT

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Adirondack Park Agency</p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov</p>	<p>DRAFT APA Permit 2021-0296</p>
<p>In the Matter of the Application of</p> <p>PIVOT ENERGY and BRUCE R. CRAMMOND Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: XXXX</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Pivot Energy 2. Bruce R. Crammond</p>

SUMMARY AND AUTHORIZATION

This permit authorizes construction of a solar generation facility and a two-lot subdivision in an area classified Rural Use 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 either the authorized lease area has been conveyed or the solar generation facility has been constructed.

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 an approximately 95-acre parcel of land located on Old Chilson Road in the Town of Ticonderoga, Essex County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as the Rural Use portion of Tax Map Section 150.2, Block 1, Parcels 2.110 and 18, and is described in a deed from Robert J. Crammond, Arnold Crammond and Bruce Crammond to Bruce R. Crammond, dated June 9, 1978, and recorded June 20, 1978 in the Essex County Clerk's Office at Book 661, Page 137.

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. There are shrub swamp/emergent marsh value "2" wetlands associated with all three of the forementioned streams and 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 primarily open agricultural land with some forested areas located in the western portion of the property and along the streams and within the wetlands.

PROJECT DESCRIPTION

The project as conditionally approved herein 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. Access will extend from Old Chilson Road where the facility will interconnect with an existing 13.2-kV overhead distribution line.

The project includes the improvement of an existing access road and associated wetland and stream crossing. Grading and the installation of outlet protection will result in 414 square feet of permanent impacts and 570 square feet of temporary impacts to the wetland complex associated with the intermittent stream.

The project is shown on the following maps and plans (Project Plans):

- "Pivot Solar NY 6," prepared by Environmental Design & Research, last revised March 15, 2022, including Drawing Numbers C-201 and C-602 revised April 12, 2022 (Site Plans);
- A Stormwater Pollution Prevention Plan titled "Pivot Solar NY 6," prepared by Environmental Design & Research, dated February 2022 (SWPPP);
- A visual analysis titled "Pivot Solar NY 6," prepared by Saratoga Associates, received by the Agency April 1, 2022 (Visual Simulations);
- A plan titled "Pivot Solar NY 6 – Maintenance and Vegetation Plan," prepared by Pivot Energy, received by the Agency December 22, 2021 (Maintenance and Vegetation Plan); and
- A plan titled "Pivot Solar NY 6 – Decommissioning Plan," prepared by Pivot Energy, received by the Agency December 22, 2021 (Decommissioning Plan).

A reduced-scale copy of the Key Plan for the project depicting the location and overall site layout, is attached as a part of this permit for reference.

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 construction of any major public utility use on Rural Use lands 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.

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 deposit of fill in or excavation of a wetland 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. Copies of this permit and the Project Plans 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 2021-0296, issued **XXXX**, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
5. Subject to the conditions stated herein, this permit authorizes a two-lot subdivision as depicted by the Contract Limit Line on the Site Plans. Any subdivision of the project site not depicted on the Site Plan shall require prior written Agency authorization.
6. Subject to the conditions stated herein, this permit authorizes the construction of a solar generation facility and associated site development in the location shown and as depicted on the Site Plan and described on in the Project Plans. Any change to the location, dimensions, or other aspect of the solar generation facility, associated site development, or Point of Interconnection with the existing overhead utilities shall require prior written Agency authorization.

7. The project shall be undertaken in compliance with the Stormwater Pollution Prevention Plan.
8. The project shall be undertaken in compliance with the Grading and Erosion and Sediment Control Plan, Details and Notes included on Drawing Numbers G-001, C-201, C-202, and C-601 through C-603 of the Site Plans.
9. 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.
10. Any new free-standing or building-mounted outdoor lights shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward Old Chilson Road or adjoining property.
11. Outside of the Limits of Disturbance shown on the Site Plans and within 50 feet of Old Chilson Road, no trees, shrubs or other woody-stemmed vegetation may be cut or otherwise removed from the project site without prior written Agency authorization, except for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
12. Between April 1 and October 31, no trees shall be removed or disturbed on the project site without prior written Agency authorization.
13. Mowing within the Contract Limit Line shown on the Site Plans shall only occur between November 1 and May 1 of any year.
14. All trees, shrubs and seed mixes depicted on the Planting Plan shall be planted and maintained as described on the Planting Plan, Details and Notes included on Drawing Numbers G-001, C-401 and C-603 of the Site Plans. All planting and soil stabilization shall occur no later than the first spring or fall planting season after final grading related to the construction of the solar generation facility. Trees, shrubs and groundcover species that do not survive shall be replaced annually until established in a healthy growing condition.
15. Other than as described in the Maintenance and Vegetation Management Plan, the application of any pesticides or herbicides within the lease parcel boundaries shall require prior written Agency authorization. Any change to the activities described in the Maintenance and Vegetation Management Plan shall require prior written Agency authorization.
16. The undertaking of any activity involving wetlands not authorized herein shall require a new or amended permit.

17. Prior to construction of the solar generation facility as authorized herein, the Agency shall be provided with a copy of a bond, letter of credit or other confirmation of surety to provide for implementation of the Decommissioning Plan.
18. 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 the off-site Photo Locations 2, 3, 7, 8, and 13 shown in the Visual Simulations. All photographs shall identify the date the picture was taken, the location of the photograph, and the lens size employed.
19. Except pursuant to written approval by the Agency, within one year of the solar generation facility ceasing to produce power, all infrastructure associated with the facility shall be removed and the site shall be restored to pre-development conditions at the owner's and/or operator's expense pursuant to the Decommissioning Plan. Any change to the Decommissioning Plan, including any termination or transfer of bond, letter of credit, or other surety shall require prior written Agency authorization.

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 subdivision 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 Rural Use land use area;
- c. will be consistent with the overall intensity guidelines for the Rural Use 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 , 2022.

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 2022, 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