


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 2020-0277</p>
<p>In the Matter of the Application of</p> <p>PIVOT ENERGY BRUCE CRAMMOND and KAREN 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:</p> <ol style="list-style-type: none">1. Pivot Energy2. Bruce R. Crammond3. Karen Crammond

SUMMARY AND AUTHORIZATION

This permit authorizes a solar generation facility in an area classified Moderate Intensity 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 and entities 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 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 50.43± acres of land identified as Tax Map Section 150.2, Block 10, Parcel 1.000 and 2.000 and Section 139.4, Block 1, Parcel 55.100 located on Commerce Drive in the Town of Ticonderoga, Essex County, in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map. The project site contains 0.55± acres of emergent marsh wetlands with a value rating of “3” in the locations labeled W002 and W011 on the Project Plans. Additional wetlands not described herein or depicted on the Project Plans may be located adjacent to the project site.

Parcel 150.2-10-1.000 is a 4.0±-acre vacant parcel described in a deed from Bruce R. Crammond to Bruce R. Crammond and Karen A. Crammond, dated October 29, 1999, and recorded November 1, 1999 in the Essex County Clerk’s Office at Book 1229, Page 126.

Parcel 150.2-10-2.000 is a 32.54±-acre vacant parcel 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.

Parcel 139.4-1-55.100 is a 13.89±-acre vacant parcel described in a deed from Bruce R. Crammond to Bruce Crammond and Karen Crammond dated October 29, 1999, and recorded November 1, 1999, in the Essex County Clerk's Office at Book 1220, Page 126.

Parcels 1.000 and 2.000 were authorized for industrial and commercial uses as part of the Ticonderoga Commerce Park by Agency Permit 1995-0060. Parcel 55.100 was created as “Lot 2” in a two-lot subdivision as authorized by Agency Permit 2008-0310.

PROJECT DESCRIPTION

The project as conditionally approved herein involves the construction of a 5 MW photovoltaic energy system (solar generation facility) on 43± acres. The solar generation facility involves installation of solar panel arrays and related infrastructure including a new access road, fencing, landscaping, and utility connections.

Existing access to the project site is over Commerce Drive, a municipal road extending from NYS Route 74. The project includes improvements to 1,500± feet of existing farm access roads. The first 50± feet of the access road from Commerce Drive will be 24 feet wide and constructed with a surface of NYSDOT #4 and #5 stone or a concrete equivalent. The remainder of the access road will be 20 feet wide with a gravel surface and will cross Wetlands W002 and W007. Construction of the access road through Wetland W002 will result in the loss of 197 square feet of wetland.

Power generated by the facility will run underground on the project site to four new utility poles and then overhead to the point of interconnection with existing overhead lines operated by National Grid. The utility poles will be installed adjacent to Commerce Drive and have an overall height of less than 40 feet.

The project is shown on the following Plans and Reports:

- Ten sheets of plans prepared by Environmental Design & Research, dated January 15, 2021 (Project Plans,) and further described as:
 - Drawing number “G-002,” general notes and legends;
 - Drawing number “C-001,” existing conditions;
 - Drawing number “C-101,” site layout plan (Site Layout Plan);
 - Drawing number “C-201,” grading plan;
 - Drawing number “C-202,” stormwater management and erosion and control plan;
 - Drawing number “C-401,” vegetative screening plan;
 - Drawing number “C-402,” vegetative screening plan enlargements; and
 - Drawing number “C-601” and “C-602” project details.
- A plan labelled as drawing number “C-602,” prepared by Environmental Design & Research, and last revised January 15, 2021 (Fence Details);
- Three sheets of plans labelled as drawing numbers “G100,” “E300” and “E301,” prepared by Pure Power Engineering, and dated April 2, 2020 (Interconnection Details);
- A 34-page report prepared by Environmental Design & Research, last revised January 14, 2021 (Visual Analysis,) and further described as:
 - Figure 3. Viewpoint Location Map;
 - Figure 3 - Viewpoint Photolog;
 - Figure 4. Viewshed Analysis PV Panel Visibility Based on Topography, Vegetation, and Structures;
 - Figure 5. State Route Project Visibility;
 - Figure 6 - Models of Project Components;
 - Figure 7 – Visual Simulations Methodology; and
 - Figure 8 – Visual Simulations.
- A 153-page report titled “Stormwater Pollution Prevention Plan (SWPPP),” prepared by Environmental Design & Research, and dated September 2020 (SWPPP);
- A two page report titled “Pivot Solar NY 1 - Maintenance and Vegetation Plan” (Maintenance and Vegetation Plan); and
- A three page narrative titled “Decommissioning Plan,” prepared by Environmental Design & Research (Decommissioning Plan).

A reduced-scale copy of the Site Layout Plan for the project is attached as a part of this permit for easy reference. The original, full-scale plans and narratives 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 Moderate Intensity 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 excavation or deposit of fill in a wetland in the Adirondack Park.

This permit amends and supersedes permits 1995-0060 and 2008-0310.

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. Copies of this permit, Project Plans, Fence Details, Visual Analysis, SWPPP, Maintenance and Vegetation Plan, 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. This Permit amends and supersedes permits 1995-0060 and 2008-0310 in relation to the project site. The terms and conditions of permits 1995-0060 and 2008-0310 shall no longer apply to the project site.
5. 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 2020-0277, 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

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

Outdoor Lighting

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

Signage

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

Tree Cutting/Vegetation Removal

9. Outside of the Limits of Disturbance shown on Drawing Number C-201 of the Project Plans, no trees, shrubs, or other woody stemmed vegetation shall be cut, culled, trimmed, pruned, or otherwise removed or disturbed on 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.

Plantings

10. All trees and other vegetation depicted on the Project Plans shall be planted as shown and described on Drawing Numbers C-401 and C-402 of the Project Plans no later than the first spring of fall planting season after final grading related to the construction of the solar generation facility on the project site. Trees and other vegetation that do not survive shall be replaced annually until established in a healthy growing condition.
11. Vegetation within the Limits of Disturbance shown on Drawing Number C-201 of the Project Plans shall be maintained as described in the Maintenance and Vegetation Plan. Any seed mix used to re-vegetate the project site shall require prior written Agency authorization.
12. Mowing within the Limits of Disturbance shown on the Project Plans shall only occur between October 1 and May 1 of any year.

Wetlands

13. The undertaking of any activity involving wetlands not depicted on the Project Plans shall require a new or amended permit.
14. The application of any herbicides within 100 feet of wetlands shall require prior written Agency authorization.

Project Operations

Invasive Species Control/Sanitizing Equipment

15. 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

16. The project shall be undertaken in compliance with the Stormwater Pollution Prevention Plan (SWPPP).

Utilities

17. Any change to the Point of Interconnection with National Grid as shown on the Interconnection Details shall require prior written authorization.

Documentation of Construction

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 along NYS Route 74 at Viewpoints 2 and 3 and from NYS Route 9N at Viewpoint 4. 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.

Discontinuance of Use

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.

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 Moderate Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Moderate Intensity 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 , 2021.

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 2021, 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

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