

PERMIT WRITING FORM – P2020-0277

Assigned EPS: **Matt Brown** Reviewed by: **/s/JMB** Date: **3/24/2021**

APPLICANT

Project Sponsor(s): **Gordon Woodcock, Pivot Energy**
Landowner(s): **Bruce R Crammond and Karren Crammond**
Authorized Representative: **Jacob Runner, Project Manager, EDR**

PROJECT SITE

Town/Village: Ticonderoga County: **Essex**
Road and/or Water Body: **33 Commerce Drive**
Tax Map #(s): **150.2-10-2.000, 150.2-10-1.000, and 139.4-1-55.100**
Deed Ref: **Book/Page 1220/126, 661/137, 1200/241**
Land Use Area(s): H MIU LIU RU RM IU
Project Site Size: **50.47± 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): **NA**

Lawfully Created? Y N Pre-existing subdivision: **NA**

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

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

PROJECT DESCRIPTION

The action involves the construction of a 5 MW photo voltaic 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 from Commerce Drive. The project will involve the loss of 197 square feet of jurisdictional wetlands.

JURISDICTION (including legal citation)

810(1)(b)(15) – Major public utility use in Moderate Intensity Use
810(1)(b)(1)(b) – Development involving wetlands in Moderate Intensity Use
578 – Wetlands

PRIOR PERMITS / SETTLEMENT AGREEMENTS BEING SUPERSEDED

P95-60 – Commercial and Industrial uses within the Ticonderoga Commerce Park
P93-189 – Conceptual review of the Ticonderoga Commerce Park
P2008-310 – Two lot subdivision that created TMP 139.4-1-55.100

FINDINGS OF FACT – ENVIRONMENTAL SETTING

Lakes, Ponds, Navigable Rivers and Streams

Check if none

Water Body Name: NA

Length of Existing Shoreline (feet): NA

Minimum Lot Width: NA

Structure Setback (APA Act): NA

Structure Setback (River Regs): NA

Y NA Cutting proposed within 6 ft of MHWM?

Y NA Cutting proposed within 35 ft of MHWM?

Y NA Cutting proposed within 100 ft of river area? (If Yes, include under jurisdiction)

MHWM determ: Y N

Meets standard: Y N

Meets standard: Y N

Meets standard: Y N

If Yes, < 30% vegetation? Y N

If Yes, < 30% trees 6" dbh? Y N

Non-Navigable Streams in proximity to development

Check if none

Permanent Stream

Intermittent Stream

Classified? Y

N

[DEC Environmental Resource Mapper](#) stream classification: C(t)

Comment: The permanent stream is located in the wooded area along the eastern border of TMP # 150.2-10-2.000 and the western border of TMP # 139.4-1-55.100.

Wetlands

Y N Jurisdictional wetland on property

If Y: A portion of the proposed access road will impact 179 square feet of jurisdictional wetlands

If Yes, RASS biologist consulted

→ Covertypes: emergent marsh

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

→ If Y, value rating: 3

Wildlife

Y N Rare/threatened/endangered species

Y N R/T/E or other unique species habitat

Y N Northern Long-Eared Bat occurrences in Town

Y N Forest management plan existing or proposed

Y N Biological Survey required by RASS ecologist

RASS ecologist consulted

RASS ecologist consulted

If Yes, RASS ecologist consulted

If Yes, RASS forestry analyst consulted

If Yes, completed

Ecological / Special Districts

Y N Natural Heritage Sites

Y N Aquifer

Y N Agricultural District

RASS ecologist consulted

RASS engineer consulted

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: 1-10%

Soils

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

Character of Area

Nearby (include all): Residential Commercial Industrial Agricultural Forested
 Adjoining Land Uses / State Land: Private Commercial, light industry, residential, forested, and agricultural lands adjoin the project site. A portion of the Lake George Wild Forest and Pharoah Lake Wilderness are located within 3 miles of the project site.

Is nearby development visible from road? Y N
 → If Y, name road and describe visible development: commercial and residential structures visible from NYS Route 74 and 9N

Additional Existing Development (ex: dam on site, etc.): There are existing farm roads on the project site including 3 culverts that provide access from Commerce Rd. across drainage ditches located at the southeast corner of TMP # 150.2-10-2.000 and across a permanent stream located on the southwest corner of TMP # 139.4-1-55.100

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)?
3 Culverts		Yes		Yes

Comment: Existing culvert located on the southeast corner of TMP # 139.4-1-55.100 is a replacement installed in consultation with Essex County Soil and Water Conservation District for a pre-existing culvert to facilitate a farm access road.

Proposed Development

Check if portions or all below are NJ

PRINCIPAL BUILDINGS

Check if proposed as a non-building lot:

Structure	Footprint	Height	# Bedrooms	Slopes
None				

Have necessary density? Y N
 # remaining potential principal buildings = 39 from survey or estimate

ACCESSORY STRUCTURES

Structure	Footprint	Height	Slopes
3 Construction Staging Areas	totaling 37,800 square feet	NA	0-10%
14,000 to 18,000 PV panels	37 acres	maximum 16 feet	0-10%
Fencing	about 6,900 feet of fencing	8 feet	0-10%
4 utility poles	NA	40 feet	0-10%

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

Driveway is existing /proposed Length: 1,500 ft. Width: 20 feet
 Sight distance evaluated? Y N Slopes: 0-10%
 Need Clearing/Grading? Y N Comments: Improving an existing access road from Commerce Drive creating a gravel road across the project site to the proposed solar array fields. (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) NYS Route 74 and 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 NA

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

WATER SUPPLY NA

Individual on-site Municipal
Y NA 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

FINDINGS OF FACT – COORDINATED REVIEW

Y N Archeologically Sensitive Area, according to OPRHP If Yes, APA APO consulted
Y N Structures > 50 years old on or visible from site If Yes, APA AHPO consulted
Y N Within Lake George Park If Yes, LGPC consulted / application submitted
Y N Greater than 1 acre disturbance / SWPPP required If Yes, DEC 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 checked="" type="checkbox"/> Town/Village consulted |

PERMIT CONDITIONS AND IMPACT ANALYSIS

Merger

Justification if merger required: **NA, no subdivisions or lot conveyance proposed**

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: **NA**

Easement

Easement proposed or required? Y N

If Y, consult with Legal for conditions. Justification: **Easement not required.**

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: Structure height limit and justification: **40 foot limit for utility poles, 8 feet for fencing and 16 feet for solar arrays as proposed on the Project Plans**

Structure footprint limit and justification: **37 acre solar array fields as proposed on the Project Plans**

→ If N:

→ Acceptable development sites identified for all subdivision lots with PB allocation? Y NA

→ Review of future development required? Y N

→ If Y, justification: **Ensure protection of wetlands and impacts to adjoining land uses**

Guest Cottages (if authorizing a dwelling) NA

Proposed and reviewed? Y N

If N, guest cottages potentially allowed? Y N

→ Justification for any conditions: **NA, no principle buildings proposed**

Boathouses (if project site contains shoreline) NA

Proposed and reviewed? Y N

If N, boathouses potentially allowed? Y N

→ If N, justification: **NA, no navigable water on site**

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

→ If Y, justification: **NA**

Docks (if project site contains shoreline) NA

Proposed and reviewed? Y N
If N, docks potentially allowed? Y N
→ If N, justification: **NA, no navigable water on site**
→ If Y, review required (beyond definition limits)? Y N
→ If Y, justification: **NA**

Outdoor Lighting (if authorizing development)

Plan proposed and reviewed? Y N

Building Color (if authorizing development) NA

If color condition required, justification: **NA, no buildings proposed**

Tree Cutting / Vegetation Removal

Town with Northern Long-Eared Bat occurrences? Y N
If Y, consult with RASS for conditions. Justification: **NA**

Vegetative cutting restrictions required? Y N
If Y, restrictions required (choose all that apply):
on entire site outside limits of disturbance

Extent of cutting restriction necessary within the area noted above:

Cutting of all vegetation prohibited
Justification: **To minimize visual impacts from proposed development and to minimize impacts to wetlands.**

Plantings

Plan proposed and reviewed? Y N
If N, plantings required? Y N
→ If Y, species, number, location, and time of year: **As shown and described on the site plan**
Justification: **to minimize visual impacts from development to off-site locations, stabilize disturbance and provide potential habitat and forage for pollinators**

Wetlands

Consult with RASS for conditions. Justification: **Standard wetlands condition requiring review of any land use or development that may impact wetlands**

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: **None**

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

Extinguishing PBs? Y N If Y, number: **39**

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

- 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: Stormwater control measures shall be constructed as shown and described in the SWPPP to ensure potential stormwater impacts resulting from the development are minimized.

Erosion and Sediment Control (if authorizing development)

Consult with RASS for conditions. Justification: Erosion and sediment control measures shall be installed as shown and described in the SWPPP to ensure impacts from disturbance resulting from development and post-construction run-off is mitigated.

Infrastructure Construction (if authorizing development)

Construction necessary before lot conveyance: No
Justification: NA, no lot conveyances proposed

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

Explain why no condition is needed: Building color condition not required because planting condition will minimize visual impacts to off-site locations

Additional Site / Project-Specific Concerns / Conditions Needed

Invasive species condition, discontinuance of use condition and utilities condition

Justification: minimize the spread of non-native, invasive species, to ensure the authorized solar structures are removed when they become inoperable or abandoned, and to ensure the point of interconnection will not impact wetlands or other resources.

- Y N **Public comments received** If Yes, #: 1
- Y N **Applicant submitted response (notes, if any)** One comment letter from the Adirondack Council in support of the project