

PERMIT WRITING FORM – P2021-0247

Assigned EPS: Devan Korn Reviewed by: DRAFT Date: DRAFT

APPLICANT

Project Sponsor(s): Pivot Energy
Landowner(s): Rigoberto Feliciano and Gail Feliciano
Authorized Representative: Environmental Design & Research

PROJECT SITE

Town/Village: Ticonderoga County: Essex
Road and/or Water Body: Delano Road (C.R. 49) and Shore-Airport Road (C.R. 43)
Tax Map #(s): 139.2-3-6.200
Deed Ref: Henry Lawton IV, Donna Lawton, Bruce Crammond and Karren Crammond to Rigoberto Feliciano and Gail Feliciano, dated November 2, 1995, and recorded in the Essex County Clerk's Office at Book1093, Page 238
Land Use Area(s): H MIU LIU RU RM IU
Project Site Size: 35.63± 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 (P95-256) 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

A subdivision by lease to create an approximately 16.73 acre parcel comprised of inactive agricultural land for the construction of a 2.5 megawatt solar generation facility. A series of solar arrays consisting of approximately 6,500 photovoltaic panels mounted on a single-axis tracking system with no permanent concrete foundations or footings and will be installed within a 12.61 acre fenced area surrounded by 8-foot woven-wire fencing. Existing access to the project area is from Delano Road. Improved site access and supporting overhead utility infrastructure will be developed along Delano Road on the project site.

JURISDICTION (including legal citation)

810(1)(e)(3) - Subdivision in a Resource Management land use area.

810(1)(e)(16) – Major Public Utility Use in Resource Management.

PRIOR PERMITS / SETTLEMENT AGREEMENTS BEING SUPERSEDED

Agency permit 95-256 in relation to the lease area – Agency permit 95-256 authorized the project site and construction of the existing single family dwelling and remains in full force and effect in relation to the lands outside of the lease area.

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*

MHWM 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 MHWM?

If Yes, < 30% vegetation? Y N

Y N Cutting proposed within 35 ft of MHWM?

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: *NYSDEC staff determined the stream at the location of the proposed access road is intermittent and would not support trout and confirmed that the tributary shown on the Water Classification Layer is incorrectly mapped.*

Wetlands

Y N Jurisdictional wetland on property, or

Y N Wetlands are a basis of development jurisdiction *RASS biologist consulted*

→ If Y, covertime: *n/a*

→ If Y, value rating: *n/a*

Y N Draining, dredging, excavation of wetland

Area of wetland loss: *n/a* Permanent? Y N

Y N Fill/structure in wetlands

Fill/structure area: *n/a*

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*

Comments: *United States Department of the Interior, Fish and Wildlife Service, confirmed that Indiana Bat (Myotis sodalis) and Northern Long-eared Bat (Myotis septentrionalis) may occur within the boundary of the proposed project and/or may be affected by the proposed project. NYSDEC have confirmed that these species have been documented at multiple locations within 2.5 miles of the project site. Individual animals may travel 2.5 miles from documented locations. The impact of concern is the cutting or removal of potential roost trees.*

Special Districts

Y N Agricultural District

Comments: *Previous agricultural use on the project site included an apple orchard. Soils testing on the site submitted as part of Agency project and permit P95-256 found no detectible levels of arsenic and less than 300 ug/g (90.5) of lead in the soil.*

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: < 8%

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. The natural drainage class is moderately well drained.*

Stormwater

Y N Greater than 1 acre disturbance, or

Y N Proposed ground disturbance < 100 feet from wetlands

stormwater management reviewed and approved by RASS engineer

Setback to wetlands: +/- 200 feet

Character of Area

Nearby (include all): Residential Commercial Industrial Agricultural Forested

Adjoining Land Uses / State Land: *Private residential and Agricultural*

Is nearby development visible from road? Y N

→ If Y, name road and describe visible development: *Residential and Agricultural uses are visible from Delano Road and Shore-Airport Road*

Additional Existing Development (ex: dam on site, etc.): *None*

*** 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"/> OPRHP consulted |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Structures > 50 years old on or visible from site | <input type="checkbox"/> If Yes, APA AHPO 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 | Other Local Land Use Program | <input checked="" type="checkbox"/> If Yes, Town/Village consulted |

Comments: *OPRHP confirmed in a letter dated August 20, 2021, that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project. The siter is located within the Town of Ticonderoga's Rural Residential zoning district and the project as proposed requires a special use permit, site plan review and a building permit.*

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: Structure height limit and justification: *Less than 40' - As proposed and reviewed.*

Structure footprint limit and justification: *n/a*

→ 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):

- within *n/a* feet of limits of clearing
- within *n/a* feet of road
- within *n/a* feet of river/lake/etc
- within *n/a* feet of wetlands
- Other: *Between April 1 and October 31*
- AND on entire site outside limits of clearing

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 potential impacts to adjoining land uses, intermittent stream and wildlife habitat.*

Plantings

Plan proposed and reviewed? Y N

If N, plantings required? Y N

→ If Y, species, number, location, and time of year: *No later than the first spring or fall planting season after final grading - TREES: 10 Service Berry, 15 Red Maple, 6 Sugar Maple and 19 Eastern White Pine; SHRUBS: 47 Red Osier Dogwood; and disturbed areas shall be seeded with mix beneficial to pollinators and grazing.*

Justification: *Reduce off-site visual impacts and provide soils stabilization.*

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: **Single Family Dwelling Constructed in 1998 pursuant to Agency Permit 95-256**

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

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: **Minimize impacts to ground and surface water quality during and after development.**

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: **Reduce the potential for soil erosion, stormwater runoff and siltation of nearby surface water resources during site development.**

Infrastructure Construction (if authorizing development)

Construction necessary before lot conveyance: *n/a*

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 are proposed or authorized. Existing vegetation and proposed planting plan will minimize visual impacts to off-site receptors.**

Additional Site / Project-Specific Concerns / Conditions Needed

Invasive Species Management, Signage and Reporting

Justification: **Minimize potential spread of invasive species on and within the project area. Ensure that any necessary signage does not result in undue visual impacts to the public roadway and other off-site locations. Reporting on construction and decommissioning to ensure permit compliance.**

Y N **Public comments received** If Yes, #: *n/a*

Y N **Applicant submitted response (notes, if any)** *n/a*

INDIVIDUAL LOT DEVELOPMENT REVIEW – P#2021-0247

If a subdivision: Lot # **Lease Parcel** (16.73± acres)

Assigned EPS: **Devan Korn** Reviewed by: **Click or tap here to enter text.** Date: **Click or tap to enter a date.**

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
None				

Have necessary density? Y N

remaining potential principal buildings = n/a from survey or estimate

ACCESSORY STRUCTURES

Structure	Footprint	Height	Slopes
6,500 photovoltaic panels	+/- 12 Ac.	< 12'	< 8%
Utility Poles (12)	< 2 SF	< 40'	< 8%
Woven Wire Fence	+/- 1,600 LF	8 Feet	< 8%

ACCESS

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

Driveway is existing / proposed Length: 670 Feet Width: 16 Feet

Sight distance evaluated? Y N Slopes: < 8 %

Need Clearing/Grading? Y N Comments: Gravel drive from Delano Road into the array area and a gravel pull-off along Delano Road for maintenance access to overhead utilities extending to the point of interconnection with existing transmission line along Shore-Airport Road. Delano Road is Essex County Route 49. (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) **Solar arrays, access drive and fencing may be partially visible from Delano Drive depending on season and traveling speed.**

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

None proposed 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

None proposed 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#P2021-0247

If a subdivision: **Lot #Remaining Lands** (18.9± acres)

Assigned EPS: **Devan Korn** Reviewed by: [Click or tap here to enter text.](#) Date: [Click or tap to enter a date.](#)

Existing Development

PRINCIPAL BUILDINGS

Structure	-	Pre-existing (Y/N)?	-	Lawfully constructed (Y/N)?
Single Family Dwelling		No (1998)		Yes (P95-256)

ACCESSORY STRUCTURES

Structure	-	Pre-existing (Y/N)?	-	Lawfully constructed (Y/N)?
Attached Garage		No (1998)		Yes (P95-256)
Detached Garage		No		Yes

Proposed Development

PRINCIPAL BUILDINGS

Structure	Footprint	Height	# Bedrooms	Slopes
None				

Check if portions or all below are NJ

Check if proposed as a non-building lot:

Have necessary density? Y N

remaining potential principal buildings = Zero 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: 12' Width: 250'

Sight distance evaluated? Y N Slopes: < 3%

Need Clearing/Grading? Y N Comments: **Constructed as authorized by P95-256**(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)

Existing and proposed to remain

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