



PERMIT WRITING FORM – P2021-0084

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

APPLICANT

Project Sponsor(s): Cipriani Energy Group and Yellow 10, LLC

Landowner(s): Bert Barber

Authorized Representative: Eric Redding, P.E., Bergmann P.C.

PROJECT SITE

Town/Village: Crown Point County: Essex

Road and/or Water Body: NYS Route 9N/22 and Lake Road

Tax Map #(s): 117.19-2-1

Deed Ref: Marianne H. St. Pierre to Bert Barber, dated April 16, 2005, and recorded in the Essex County Clerk's Office as Document Number 2005-00002551 (Additional Deed History as follows: Book/Page - 367/264 > 843/272 > 863/237 > 955/47)

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

Project Site Size: 16.3± 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

A subdivision by lease to create a 7.41-acre lease parcel for the construction of a 1.5-megawatt solar generation facility. Individual post-mounted solar arrays will have a maximum overall height of 9 feet and the array area will be surrounded by a 7-foot-tall perimeter fence. Improved site access and supporting overhead utility infrastructure will be developed on the project site extending from NYS Route 9N/22.

JURISDICTION (including legal citation)

810(1)(d)(1)(e) – Subdivision in Rural Use within 150 feet of state highway ROW

810(1)(e)(3) – Subdivision in Resource Management

810(1)(d)(18) – Major Public Utility Use in Rural Use

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

PRIOR PERMITS / SETTLEMENT AGREEMENTS BEING SUPERSEDED

n/a

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: *n/a*

Wetlands

Y N Jurisdictional wetland on property, or

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

→ If Y, coertype: *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*

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 – 25%* 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: **Rippowam fine sandy loam / Howard very cobbly 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: **> 100 feet**

Character of Area

Nearby (include all): Residential Commercial Industrial Agricultural Forested
Adjoining Land Uses / State Land: **Private / Putts Creek Wildlife Management Area is within ¼ mile east of the project site.**

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 Route 9N/22 and Lake Road.**

Additional Existing Development (ex: dam on site, etc.): **n/a: See attached***

***Individual Lot Development Forms are attached for the Lease Area and Remaining Land**

FINDINGS OF FACT – COORDINATED REVIEW

- | | | |
|--|--|---|
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Archeologically Sensitive Area, according to OPRHP | <input type="checkbox"/> If Yes, APA APO 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 |

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: 5 utility poles < 40 feet in overall height above grade – Minimize off-site visual impacts.

Structure footprint limit and justification: Solar Arrays and Equipment Pad as proposed and reviewed – Ensure adequacy of Stormwater Pollution Prevention Plan

→ 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: Minimize impacts to wetlands, Indiana Bat habitat and nearby land uses.

Ensure compliance with Overall Intensity Guidelines.

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 100 feet of wetlands
- Other: n/a
- OR 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 except for pursuant to the Forest Management Plan and the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
- Justification: Minimize impacts to Indiana Bat habitat and nearby and adjoining land uses.

Plantings

- Plan proposed and reviewed? Y N
- If N, plantings required? Y N
- If Y, species, number, location, and time of year: Seed Mix: Fescues, Kentucky Bluegrass and Bentgrass - planted no later than the first spring or fall planting season after final grading related to the construction of the authorized solar generation facility and associated development on the project site.
- Justification: Ensure soil stabilization and increase pollinator and wildlife benefits.

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 on the Rural Use portion of the Remaining Lands constructed in 2000.

Mathematically available # of new PBs (in addition to existing or replacement): 0 in RU – 0 in RM*

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

*The RM portion of the project site qualifies for a single family dwelling exemption

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 and stormwater runoff 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 intervening topography will minimize visual impacts to off-site receptors.

Additional Site / Project-Specific Concerns / Conditions Needed

Invasive Species Management, Herbicide/Pesticide Application, Signage and Reporting

Justification: Minimize potential spread of invasive species on and within the project area. Protect critical Indiana Bat habitat. 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#2021-0084

If a subdivision: Lot # **Lease Parcel** (7.41 ± acres)

Assigned EPS:DFK 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 = 0 from survey or estimate

ACCESSORY STRUCTURES

Structure	Footprint	Height	Slopes
Chain-link Fence	2,600 LF	7 Ft	< 25%
4,000 +/- Solar Arrays	91,000 SF	9 Ft	< 10%
Equipment Pad	< 300 SF	< 8 Ft	< 8%
Utility Poles (5)	-	< 40 Ft	< 8%

ACCESS

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

Driveway is existing / proposed Length: < 1,000 Feet Width: 20 Feet

Sight distance evaluated? Y N Slopes: < 15%

Need Clearing/Grading? Y N Comments: Gravel Surface with asphalt apron within Highway Right-of-Way (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 project will be visible as viewed directly at the access road extending from NYS Route 9N/22**

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#2021-0084

If a subdivision: Lot #Remaining Land (8.9± acres)

Assigned EPS:DFK 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 (c. 2000)		Yes

ACCESSORY STRUCTURES

Structure	-	Pre-existing (Y/N)?	-	Lawfully constructed (Y/N)?
Shed (14x20)		Yes (c. 1920)		Yes
Shed (12x36)		No (c. 2010)		Yes

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 = None 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: < 250 Feet Width: < 24 Feet

Sight distance evaluated? Y N Slopes: 0%

Need Clearing/Grading? Y N Comments: Existing unimproved surface. (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) Existing development is visible from Lake Road

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