


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

 <p><b>NEW YORK</b> STATE OF OPPORTUNITY.</p> <p><b>Adirondack Park Agency</b></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><b>DRAFT</b> APA Permit <b>2021-0084</b></p>
<p>In the Matter of the Application of</p> <p><b>YELLOW 10, LLC and BERT BARBER</b> <b>Permittees</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: <b>XXXX</b></p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: <b>1. Bert Barber</b></p>

**SUMMARY AND AUTHORIZATION**

This permit authorizes construction of a solar generation facility and a two-lot subdivision by lease in an area classified Rural Use and Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Crown Point, 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 a 16.3-acre parcel of land located on NYS Route 9N/22 and Lake Road in the Town of Crown Point, Essex County, in an area classified Rural Use and Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 117.19, Block 2, Parcel 1, and is described in a deed from 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.

The project site is improved by a single family dwelling and associated residential development served by existing overhead utility infrastructure. Access to the project site is from both NYS Route 9N/22 and Lake Road.

The project site contains wetlands at the southeastern property corner. The wetland is part of a large complex with a value of 1 that is comprised of more than 20 acres within the mean high water mark of Putnam Creek and Lake Champlain. Putnam Creek is classified C(T) by the NYS Department of Conservation.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a subdivision by lease to create an approximately 7-acre 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 utility infrastructure will be developed on the project site extending from NYS Route 9N/22. All soil disturbance resulting from the project will be stabilized and a Forest Management Plan will also be implemented on the site.

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

- A 12-sheet set of plans titled, "Development Plans for Proposed Crown Point Solar Project," prepared by Bergmann, P.C., last revised March 4, 2022 (Development Plans);
- A Stormwater Pollution Prevention Plan titled, "Crown Point Solar Project," prepared by Bergmann, P.C., dated March 23, 2021 and revised June 16, 2021 (Stormwater Plan);
- A five-page Visual Analysis titled, "Yellow 4, LLC Crown Point Solar Project Visual Renderings," prepared by Bergmann, P.C. and dated September 1, 2021 (Visual Analysis);
- A plan titled, "Forestry Management Plan, For Yellow 10, LLC, Property of Bert Barber," prepared by Newman Forest & Wildlife Management, LLC, dated March 14, 2022 (Forest Management Plan); and
- A 10-page document titled, "Solar Farm Decommissioning Plan," prepared by Cipriani Energy Group, dated April 5, 2021 (Decommissioning Plan).

A reduced-scale copy of the Site Plan for the project shown on Drawing Number C005 of the Development Plans (Site Plan) 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 any subdivision in a Resource Management land use area or in a Rural use land use area within 150 feet of the edge of right-of-way of a state highway in the Adirondack Park.

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 or Resource Management lands 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, for as long as the solar generation facility remains on the site. Copies of this permit and 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].
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 2021-0084, issued **XXXX**, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. Subject to the conditions stated herein, this permit authorizes a subdivision by lease as depicted on the Site Plan for the project shown on Drawing Number C005 of the Development Plans. Any subdivision of the project site not depicted or described in the Project Plans shall require prior written Agency authorization.
7. This permit authorizes the construction of a solar generation facility and associated site development in the location shown and as depicted on the Development 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 utilities shall require prior written Agency authorization.

8. The undertaking of any new land use or development not authorized herein on the project site within 150 feet of the right of way of NYS Route 9N/22 shall require a new or amended permit. The undertaking of any activity involving wetlands shall also require a new or amended permit.
9. The construction of any dwelling or other principal building on the project site shall require prior written Agency authorization. The construction of any structure on the project site within 150 feet of the right of way of NYS Route 9N/22 or on slopes greater than 15% shall require prior written Agency authorization. There shall be no structures located within the 100-foot wetland buffer shown on the Site Plan.
10. The project shall be undertaken in compliance with the Stormwater Plan.
11. The project shall be undertaken in compliance with the Grading & Erosion Control Plan shown on Drawing Number C006 of the Development Plans.
12. 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 to construct the authorized solar generation facility 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.
13. Any new free-standing or building-mounted outdoor lights associated with the authorized solar generation facility on the project site shall require prior written Agency authorization.
14. All signs associated with the authorized solar generation facility on the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3].
15. Outside of the Proposed Treeline shown on the Site Plan, between the authorized development and the public roadways, and within the 100-foot wetland buffer shown on the Site Plan, no trees, shrubs, or other woody stemmed vegetation shall be cut or otherwise removed on the project site without prior written Agency authorization, except for cutting pursuant to the Forest Management Plan or the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard. Any change to the Forest Management Plan shall require prior written Agency Authorization.
16. Between April 1 and October 31, no trees shall be removed or disturbed on the project site without prior written Agency authorization.
17. All seed mixes and soil stabilization depicted on the Development Plans shall be planted and undertaken as shown and maintained as described in the Details Drawing Number C010 of the Development Plans. All vegetation shall be 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. Vegetation that does not survive shall be replaced annually until established in a healthy growing condition.

18. Mowing within the lease parcel boundaries shown on the Site Plan shall only occur between November 1 and May 1 of any year.
19. The application of any pesticides or herbicides within the lease parcel boundaries shall require prior written Agency authorization.
20. 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 9N/22 at the access road and from the bridge over Putnam Creek. All photographs shall identify the date the picture was taken, the location of the photograph, and the lens size employed.
21. 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 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 Rural Use and Resource Management land use areas;
- c. will be consistent with the overall intensity guidelines for the Rural Use and Resource Management land use areas;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act; and
- 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.

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

