


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

 <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>APA Permit 2024-0046</p>
	<p>Date Issued: XXXX</p>
<p>In the Matter of the Application of</p> <p>VINEYARD SOLAR 1, LLC and VINEYARD SOLAR 2, LLC c/o SOL SOURCE POWER, LLC, and RAFFERTY FAMILY REVOCABLE TRUST c/o JOYCE L. RAFFERTY Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</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. Rafferty Family Revocable Trust2. Joyce L. Rafferty3. Vineyard Solar 1, LLC4. Vineyard Solar 2, LLC5. Sol Source Power, LLC

SUMMARY AND AUTHORIZATION

This permit authorizes a new major public utility use (i.e., solar generation facility) in an area classified Low Intensity Use and Rural Use 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 Essex 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 a 98.85±-acre parcel of land located on both sides of Vineyard Road (County Route 7) and the south side of Pearl Street (County Route 47) in the Town of Crown Point, Essex County, in an area classified Low Intensity Use and Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 128.1, Block 4, Parcel 23.111, and is described in a deed from Margaret A. Rafferty and Joyce Rafferty to Joyce L. Rafferty, Trustee of the Rafferty Family Revocable Trust, dated September 9, 2019, and recorded September 13, 2019 in the Essex County Clerk's Office in Book 1963, at Page 238, as Instrument Number 2019-3378.

The project site contains portions of two wetlands as depicted on the Project Plans, located east of Vineyard Road along the southern property line (Wetland A) and located west of Vineyard Road in the southwest corner of the project site (Wetland B). Additional wetlands not described herein or depicted on the Project Plans may be located on or adjacent to the project site.

The project site is improved by an existing commercial sand and gravel extraction and agricultural fields (currently hay).

PROJECT DESCRIPTION

The project as conditionally approved herein involves development of a 10MW-AC community solar generation facility to include a fixed-tilt, ground-mounted solar array within two separately fenced areas: 5 MW ac on the west side of Vineyard Road (approx. limits of disturbance 18.0 acres) and 5 MW ac on the east side of Vineyard Road and the south side of Pearl Street (approx. limits of disturbance 15.1 acres). The project will interconnect to the electric power grid via the existing overhead utility distribution line on Vineyard Road. No changes are proposed to an existing commercial sand and gravel extraction located on the project site. No development is proposed north of Pearl Street.

The project includes a two-lot subdivision by lease in a Low Intensity Use land use area, creating a 15.8±-acre lease parcel for solar development (to be leased by Vineyard Solar 2, LLC) and a 33.8±-acre parcel of remaining land. The two-lot subdivision by lease in a Rural Use land use area, creating an 18±-acre lease parcel for solar development (to be leased by Vineyard Solar 1, LLC and consisting of 8.1 acres and 9.9 acres separated by the access road) and a 31.2±-acre parcel of remaining land, does not require an Agency permit.

Existing access to the project site is from Vineyard Road and will be improved for access to the solar generation facility.

The project is shown on the following maps, plans, and reports:

- two sheets of plans titled “ALTA/NSPS Land Title Survey of as prepared for Vineyard Solar,” prepared by Environmental Design Partnership, LLP, and received by the Agency May 15, 2024 (Subdivision Plan);
- 19 sheets of plans titled “Municipal Approval Site Plans for Vineyards 1 and Vineyards 2 Solar, Applicant/Owner: Sol Source Power, 757 Vineyard Road, Town Crown Point, Essex County, New York,” prepared by Environmental Design Partnership, LLP and last dated May 15, 2024 (Project Plans);
- a 31-page report titled “Vineyard Road Solar, Visual Impact Assessment,” prepared by Environmental Design Partnership, LLP, and dated April 4, 2024 (Visual Impact Assessment);
- a 33-page report titled “Vineyard Solar 1, LLC & Vineyard Solar 2, LLC Owner’s Manual,” received by the Agency on April 12, 2024 (Owner’s Manual); and
- a 415-page report titled “Vineyards 1 & Vineyards 2 Solar Project, Town of Crown Point, SWPPP,” prepared by Environmental Design Partnership, LLP, dated February 2024, and revised March 2024 (SWPPP); and
- a 13-page report titled “Decommissioning Plan,” prepared by Sol Source Power, and received by the Agency on February 22, 2024 (Decommissioning Plan).

A reduced-scale copy of Sheet 2 (ALTA/NSPS Survey) of the Subdivision Plan and Sheet C-300 (Overall Layout and Materials Plan) of the Project Plans 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 the establishment of any major public utility use on Low Intensity Use or Rural 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 subdivision involving wetlands in the Adirondack Park.

This permit amends Condition 8 of Permit 1993-0358B.

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 Subdivision Map, Project Plans, Visual Impact Assessment, Owner’s Manual, SWPPP, 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. All conditions in Permit 1993-0358B regarding the existing sand and gravel extraction remain in full force and effect.
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 2024-0046, issued **XXXX**, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. This permit authorizes a two-lot subdivision by lease in the Low Intensity Use land use area as depicted on the Subdivision Plan. Any subdivision of the Low Intensity Use land use area portion of the project site not depicted on the Subdivision Plan shall require prior written Agency authorization.
7. Any deed of conveyance for the project site shall contain an easement for the benefit of the Vineyard 1 lease areas over the 0.447±-acre "westerly access easement" area shown and described on the Subdivision Plan and Project Plans.
8. This permit authorizes the construction of a major public utility use (i.e., solar generation facility and associated site development) in the location shown and as depicted on the Project Plans and Visual Impact Assessment. Any change to the location, dimensions, or other aspect of the major public utility use shall require prior written Agency authorization.
9. The project shall be undertaken in compliance with the Stormwater Plan as detailed and depicted in the SWPPP.
10. The project shall be undertaken in compliance with the Erosion and Sediment Control Plan as detailed and depicted on the Project Plans and the SWPPP.
11. 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.
12. Installation of any exterior lighting associated with the major public utility use on the project site shall require prior written Agency authorization.

13. All signs associated with the major public utility use on the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3].
14. On both sides of Vineyard Road and south of Pearl Street, no trees, shrubs, or other woody stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the project site without prior written Agency authorization, except for a) as shown on C-201 (Removals and Tree Clearing Plan) of the Project Plans, b) within the Life of Mine authorized by a separate Agency Permit, and c) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
15. Between April 1 and October 31, no trees shall be removed or disturbed on the project site without prior written Agency authorization.
16. All trees, shrubs, and seed mixes depicted on Sheet L-100 (Landscaping Plan) of the Project Plans shall be planted and maintained as described on that plan. Planting and seeding shall occur no later than the first spring or fall planting season after final grading related to the construction of the solar generation facility on the project site. Any vegetation that does not survive shall be replaced annually for a period of five years, until established in a healthy growing condition.
17. Mowing within the leased areas of the project site shall only occur before May 1, and/or after November 1 of any year.
18. The application of any pesticides or herbicides within the leased area of the project site shall require prior written Agency authorization.
19. The Agency shall be provided with color photographs showing the completed project within 30 days of completion. Photographs shall be taken at the project site and from the locations provided in the Visual Impact Assessment. All photographs shall be taken on a clear day and identify the date the picture was taken, the location of the photograph, and the lens size employed.
20. 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. Any change to the Decommissioning Plan shall require prior written Agency authorization.
21. Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, the construction of any principal building on the Low Intensity Use portion of the project site shall require a new or amended permit.
22. The undertaking of any activity involving wetlands also requires a new or amended permit.

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 Low Intensity Use and Rural Use land use areas;
- c. will be consistent with the overall intensity guidelines for the Low Intensity Use and Rural Use land use areas;
- d. will comply with the shoreline restrictions of Section 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 be compatible with preservation of the entire wetland and will not result in degradation or loss of any part of the wetland or its associated values.

PERMIT issued this day
of , 2024.

ADIRONDACK PARK AGENCY

BY: _____
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the day of in the year 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, 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