


THIS IS A TWO-SIDED DOCUMENT

 <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 2023-0116</p>
<p>In the Matter of the Application of</p> <p>ASD SPARTAN NY2 SOLAR, LLC and FINCH PAPER, LLC Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: October 19, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. ASD Spartan NY2 Solar, LLC 2. Finch Paper, LLC</p>

SUMMARY AND AUTHORIZATION

This permit authorizes construction of a solar generation facility in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Queensbury, Warren County.

This authorization shall expire unless recorded in the Warren 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 Warren 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 an approximately 80-acre parcel of land located on NYS Route 149 in the Town of Queensbury, Warren County, in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 279, Block 1, Parcel 6.1, and the northern portion of Parcel 6.2 located within the Adirondack Park. The project site is described in a deed from Finch, Pruyn & Company, Incorporated to Finch Paper, LLC, dated June 18, 2007, and recorded June 21, 2007 in the Warren County Clerk's Office under Instrument Number 2007-00006214.

The project site contains wetlands in the south western portion of tax parcel 279-1-6.2. 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 access road that extends from NYS Route 149 through tax parcel 279-1-6.1 to an active commercial sand and gravel extraction on an adjacent property to the east. A portion of the project site is a closed and capped solid waste landfill. The project site is also adjacent to active commercial sand and gravel extraction to the west and an additional closed and capped solid waste landfill.

PROJECT DESCRIPTION

The project as conditionally approved herein involves construction of a 5 megawatt AC, Solar Generation Facility on the closed and capped landfill. Ballasted, fixed tilt racking supporting 16,874 solar panels with the average power of 540 W will be installed on the landfill cap. The 38.5-acre project includes two inverter/transformer stations located adjacent to the landfill cap for a total energy storage system size of 5 MW/15MWh.

The Town of Queensbury granted an area variance for the project on January 18, 2023, as described in a Variance Referral to APA, dated January 26, 2023.

The project is shown on the following Project Plans:

- "ASD NY2 Spartan Solar Project," prepared by Tetra Tech, dated August 21, 2023 (Site Plans);
- Preliminary Stormwater Pollution Prevention Plan, "ASD NY2 Spartan Solar Project," prepared by Tetra Tech, Inc., dated August 2023;
- Visual Impact Analysis, "ASD Spartan NY2 Solar Project," prepared by Tetra Tech, Inc., dated March 2023;
- "ASD Allegiance NY Solar LLC, Photovoltaic Facility Operations and Maintenance Plan," prepared by ASD Allegiance NY Solar LLC, dated December 2022 (Operation and Maintenance Plan); and
- "ASD Spartan NY2 Solar LLC Solar Photovoltaic Facility Decommissioning Plan," prepared by ASD Allegiance NY Solar LLC, dated August 2023 (Decommissioning Plan).

A reduced-scale copy of the Site Plan for the project, shown on Sheet C-201.A and 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 construction of any major public utility use on Moderate Intensity Use 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 Warren 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. 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].
4. 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 2023-0116, issued October 19, 2023, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
5. Subject to the conditions stated herein, This permit authorizes the construction of a solar generation facility and associated site development in the location shown and as depicted and described in the Project Plans referenced herein. Any change to the location, dimensions, or other aspect of the solar generation facility, associated site development, or Point of Interconnection with the existing overhead utilities shall require prior written Agency authorization.
6. The project shall be undertaken in compliance with the Stormwater Pollution Prevention Plan.
7. The project shall be undertaken in compliance with the Erosion and Sediment Control Plan shown on Sheet C-203 of the Site Plans.
8. 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.

9. Outside the limits of disturbance shown on Sheet C-203 of the Site Plans and between the project area and NYS Route 149, no trees, shrubs or other woody-stemmed vegetation may be cut or otherwise disturbed on the project site without prior written Agency authorization, except for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
10. Mowing within the array area shown on the Site Plans shall only occur between November 1 and May 1 of any year.
11. The application of any pesticides or herbicides associated with the solar generation facility authorized herein shall require prior written Agency authorization.
12. 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 the locations provided in the Visual Impact Analysis. All photographs shall identify the date the picture was taken, the location of the photograph, and the lens size employed.
13. 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 subdivision authorized as conditioned herein:

- a. will meet all of the pertinent requirements and conditions of the approved local land use program of the Town of Queensbury; and
- b. 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 19th day
of October, 2023.

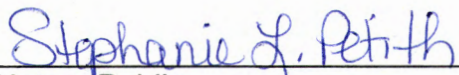
ADIRONDACK PARK AGENCY

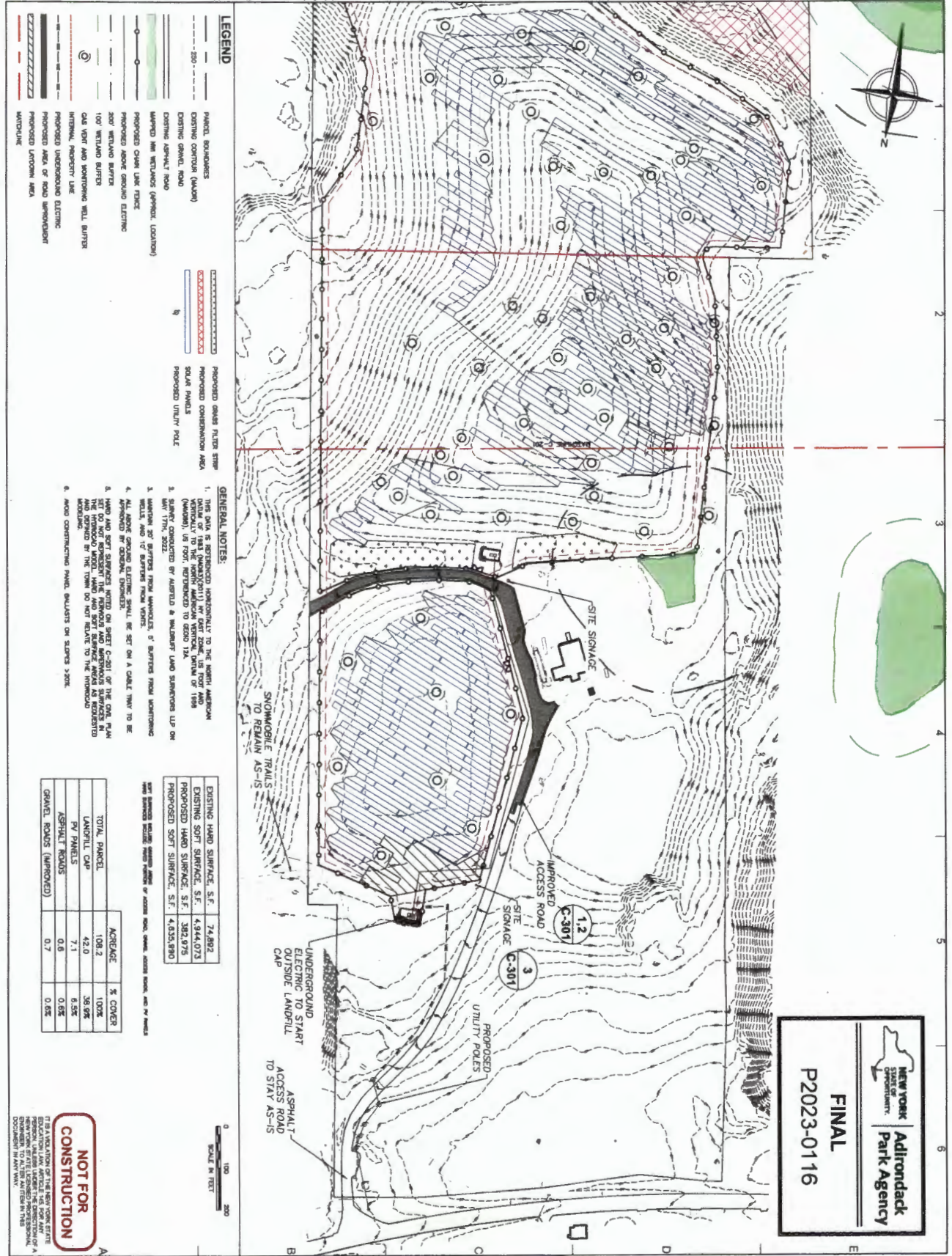
BY: 
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 19th day of October in the year 2023, 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.

Stephanie L. Petith
Notary Public, State of New York
Reg. No 01PE6279890
Qualified in Franklin County
Commission Expires April 15, 2025


Notary Public



LEGEND

- PANEL BOUNDARIES
- EXISTING CONTOUR (VALUE)
- EXISTING GRAVEL ROAD
- EXISTING ASPHALT ROAD
- MAPPED 100' WETLANDS (APPROX. LOCATION)
- PROPOSED CHAIN LINK FENCE
- PROPOSED ABOVE GROUND ELECTRIC
- 200' WETLAND BUFFER
- 100' WETLAND BUFFER
- ONE WETLAND AND BOWTIE WETLAND BUFFER
- INTERNAL PROPERTY LINE
- PROPOSED UNDERGROUND ELECTRIC
- PROPOSED ROAD OR ROAD IMPROVEMENT
- PROPOSED LOTLINE
- PROPOSED CHAIN LINK FENCE
- PROPOSED CONSERVATION AREA
- SOLAR PANELS
- PROPOSED UTILITY POLE

GENERAL NOTES:

- THE DATA AND INFORMATION SUBMITTED TO THE ADIRONDACK PARK AGENCY IS THE PROPERTY OF THE ADIRONDACK PARK AGENCY AND IS TO BE USED ONLY FOR THE PROJECT AND NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.
- ALL WORK SHALL BE IN ACCORDANCE WITH THE ADIRONDACK PARK AGENCY DESIGN MANUAL AND THE ADIRONDACK PARK AGENCY DESIGN MANUAL SUPPLEMENT.
- ALL ABOVE GROUND ELECTRIC SHALL BE SET ON A CABLE TRAY TO BE APPROVED BY ADIRONDACK PARK AGENCY.
- HAND AND SET SURVEY NOTES ON SHEET C-201 OF THE CIVIL PLAN SHALL BE USED TO LOCATE AND MARK ALL POINTS SHOWN ON THIS PLAN AND SHOWN BY THE TOWN DO NOT BELIEVE TO THE INTENDED ROADLINE.
- ROAD CONSTRUCTION PANEL BULGERS ON STARS >20%.

EXISTING HARD SURFACE, S.F.	74,892
EXISTING SOFT SURFACE, S.F.	4,944,073
PROPOSED HARD SURFACE, S.F.	3,882,975
PROPOSED SOFT SURFACE, S.F.	4,035,980

ACREAGE	% COVER
TOTAL PARCEL	108.2
LANDFILL CAP	42.0
PV PANELS	7.1
ASPHALT ROADS	0.6
GRAVEL ROADS (IMPROVED)	0.7
	0.5%

NOT FOR CONSTRUCTION

IT IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW, ARTICLE 142, SECTION 142.1, FOR ANY PERSON TO REPRODUCE OR TRANSMIT IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, ANY DOCUMENT IN ANY WAY.

ADIRONDACK Park Agency
FINAL
P2023-0116

ASD NY2 SPARTAN SOLAR PROJECT
 1096 NY-149
 QUEENSBURY, NY 12804

TETRA TECH
 TETRA TECH ENGINEERING CORPORATION, P.C.
 100 WEST STREET, SUITE 800
 DENVER, COLORADO 80202
 REGISTERED PROFESSIONAL ENGINEER
 STATE OF NEW YORK
 NO. 10339

STATE OF NEW YORK
 DEPARTMENT OF STATE
 DIVISION OF PROFESSIONAL ENGINEERING
 REGISTERED PROFESSIONAL ENGINEER
 STATE OF NEW YORK
 NO. 10339

PROJECT NUMBERS:
 194-0103-0020

SHEET TITLE:
 SITE PLAN

DATE: 08/22/23
DRAWN BY: MCA
ENGINEER: MCA
APPROVED BY: MCA

PROJECT PHASE: PERMITTING
SCALE: AS SHOWN

SHEET NO.:
C-201.A