


THIS IS A TWO-SIDED DOCUMENT

 <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 2023-0244</p>
<p>In the Matter of the Application of</p> <p>FOREFRONT POWER, LLC, WILLIAM HAY and JAMES SPRAGUE Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: November 26, 2024</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. Forefront Power, LLC2. William Hay3. James Sprague

SUMMARY AND AUTHORIZATION

This permit authorizes construction of a solar generation facility in an area classified Hamlet and Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Moriah, 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 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 contains frontage on South Moriah Road (C.R. 7) and Tarbell Hill Road (C.R. 42) in the Town of Moriah, Essex County, in an area classified Hamlet and Low Intensity Use on the Adirondack Park Land Use and Development Plan Map.

The site includes the following parcels:

- 76± acres of land with existing access from Tarbell Hill Road identified as tax map parcel 96.20-4-16.110 and described in a deed from Paul Lacey and Kathryn Lacy to William Hay, dated August 21, 1987, and recorded September 18, 1987 in the Essex County Clerk's Office at Book 893, Page 15 (Parcel 16.110); and
- 69± acres of land with existing access from South Moriah Road identified as tax map parcel 96.20-4-17.000 and described in a deed from William I. Hay to James Sprague, dated August 18, 2016, and recorded August 19, 2016 in the Essex County Clerk's Office under Instrument Number 2016-3246 (Parcel 17.000).

The project site contains wetlands throughout both parcels. The northern portion of Parcel 16.110 contains a value "3" wetland, and the other wetlands on the property are value "2", including the wetland associated with the existing crossing on Parcel 17.000. Additional wetlands not described herein or depicted on the Project Plans may be located on or adjacent to the project site.

Parcel 16.110 is vacant, characterized by abandoned agricultural land, and was logged approximately 15 years ago. The regenerating forest consists of small diameter to pole sized hardwood species. The forested wetland areas of the parcel were harvested more selectively, and includes areas of more mature forest.

Parcel 17.000 is characterized by a mix of pasture and woodlands.

Parcel 16.110 was created by subdivision as authorized by Agency Permits 86-249 and 92-21.

PROJECT DESCRIPTION

The project as conditionally approved herein involves construction of a 4.7 MW photovoltaic solar generation facility on the southern portion of Parcel 16.110 comprised of solar panel arrays within four separately fenced-in areas on approximately 20.5± acres. Existing access to the site will be used from South Moriah Road over adjoining Parcel 17.000. The point of interconnection with existing overhead electrical distribution infrastructure will be located on Tarbell Hill Road and will connect to the project through underground on-site infrastructure.

The existing access over Parcel 17.000 includes a wetland crossing constructed of fill. The project includes a re-construction of this crossing that reduces the amount of permanent fill within the wetland and improves the hydrology and function of the associated wetlands.

The project is shown on the following Project Plans:

- 20 sheets of plans titled, "Tarbell Hill Solar Farm," prepared by Colliers Engineering & Design, last revised September 20, 2024 (Site Plans);

- “Stormwater Pollution Prevention Plan for Tarbell – Hill Solar Farm,” prepared by Daniel Farnan, P.E., dated November 14, 2023 and revised July 8, 2024 (SWPPP);
- Tabell Hill Solar – Vegetative Management Plan,” prepared by Colliers Engineering & Design, dated August 29, 2024 (Vegetative Maintenance Plan);
- “Visibility and Visual Impact Assessment, Tarbell Hill Solar Farm,” prepared by The LA Group, dated July 5, 2024 (Visual Impact Assessment); and
- “Decommissioning Plan for Tarbell Hill Solar Farm,” prepared by prepared by Daniel Farnan, P.E., dated July 8, 2024 (Decommissioning Plan).

A reduced-scale copy of the Overall Site Plan for the project, shown on Sheet No. C-101 of the Site 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 construction of any major public utility use on Low Intensity 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 deposit of fill in or excavation of a wetland 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. 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. This permit amends and supersedes Agency Permits 86-249 and 92-21 in relation to Parcel 16.110. The terms and conditions of Agency Permits 86-249 and 92-21 shall no longer apply to Parcel 16.110.
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 2023-0244, issued November 26, 2024, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees.”

6. Any deed of conveyance for Parcel 17.000 shall contain an easement providing access to Parcel 16.110 over the Proposed Access Road shown and described on the Overall Site Plan.
7. Subject to the conditions stated herein, this permit authorizes the construction of a solar generation facility and associated site development on Parcel 16.110 in the location shown and as depicted on the Project 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 overhead utilities shall require prior written Agency authorization.
8. Except as authorized herein, any new land use or development on Parcel 16.110 shall require prior written Agency authorization.
9. Prior to undertaking any activities authorized herein on Parcel 16.110, the wetland crossing on Parcel 17.000 shall be repaired, remediated and constructed according to the Sheets C-106 and C-112 the Site Plans. The Agency shall be provided with color photographs showing the completed wetland crossing within 30 days of project completion. Any change to the location, dimensions, or other aspect of the wetland crossing shall require prior written Agency authorization.
10. Except as authorized herein, the undertaking of any activity involving wetlands shall require a new or amended permit.
11. The project shall be undertaken in compliance with the Stormwater Pollution Prevention Plan (SWPPP) and the Erosion and Sediment Control Plan and as described and depicted on Sheets C-003 and C-502 of the Site 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 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.
13. Any new outdoor lights associated with the authorized development shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or off-site toward adjoining property.
14. Except as depicted and described on the Project Plans, no trees, shrubs or other woody-stemmed vegetation may be cut or otherwise removed on Parcel 16.110 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.
15. Between April 1 and October 31, no trees shall be removed or disturbed on the project site without prior written Agency authorization.

16. Mowing within the Proposed Tree Clearing Limits and the fenced array areas shown on the Site Plans shall only occur between November 1 and May 1 of any year.
17. The application of any pesticides or herbicides associated with the authorized development shall require prior written Agency authorization.
18. All vegetation depicted on the General Landscaping Plan and Landscaping Details shown on Sheets No. C-110 and C-504 shall be planted and maintained as described in the Site Plans and Vegetative Maintenance Plan. Vegetation that does not survive shall be replaced annually until established in a healthy growing condition.
19. 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 Viewpoints 2, 3, and 4 along Tarbell Hill Road shown in the Visibility and Visual Impact Assessment. All photographs shall 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.

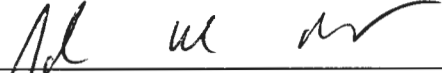
CONCLUSIONS OF LAW

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 subdivision 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 land use area;
- c. will be consistent with the overall intensity guidelines for the Low Intensity Use land use area;
- d. will comply with the shoreline restrictions of § 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 result in minimal degradation or destruction of the wetland or its associated values, and is the only alternative which reasonably can accomplish the applicant's objectives.

PERMIT issued this 26th day
of November, 2024.

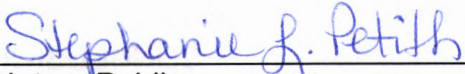
ADIRONDACK PARK AGENCY

BY: 
John M. Burth
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK
COUNTY OF ESSEX

On the 26th day of November in the year 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared John M. Burth, 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

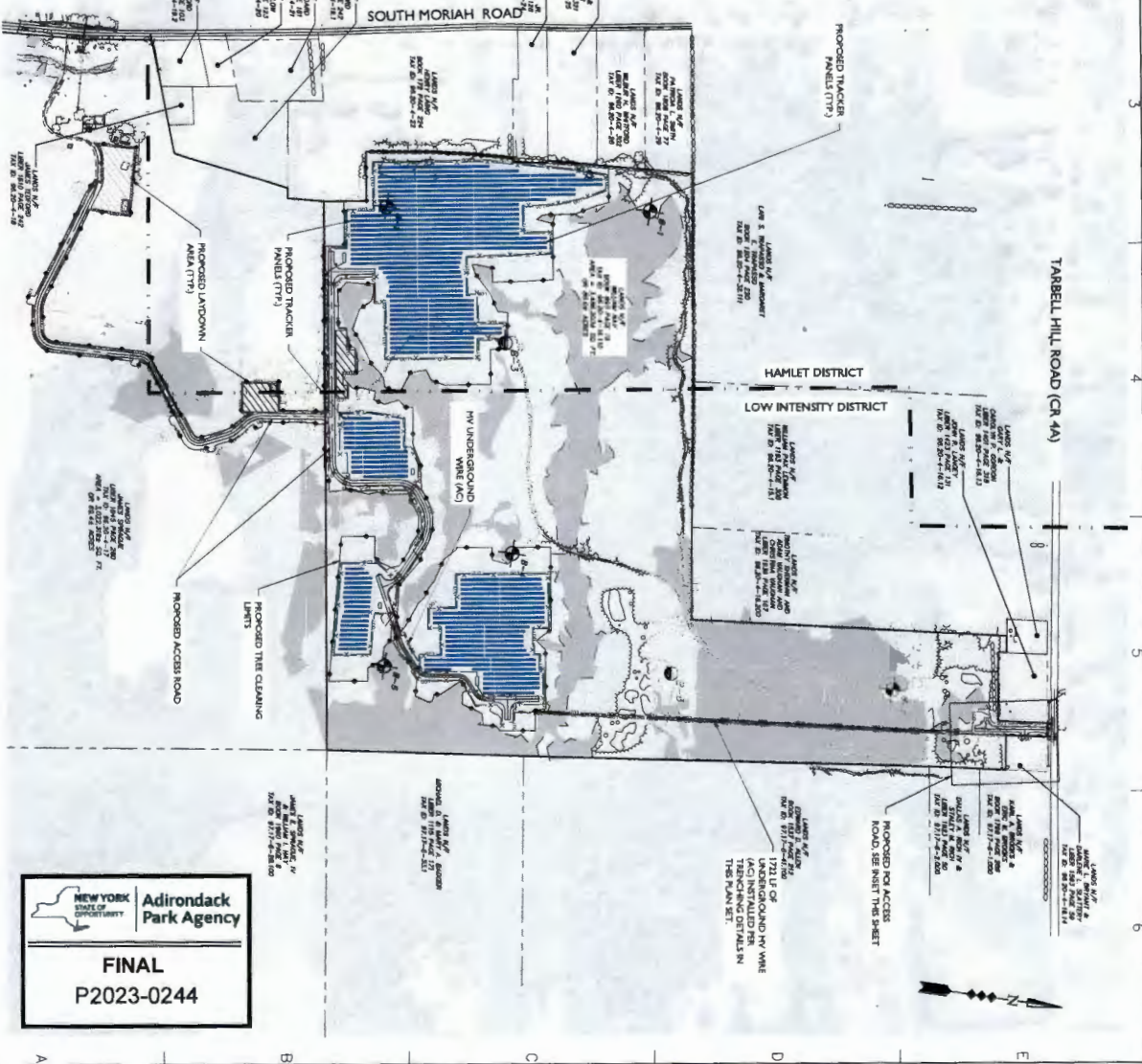
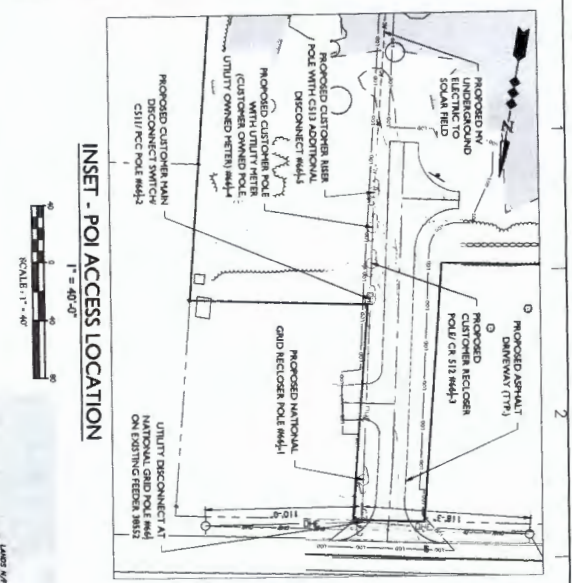
SYSTEM BIRD CODE	SYSTEM	DATE	BY
1	ADDITIONAL WORK	12/27/23	AS
2	REVISION	07/20/24	AS
3	REVISION	07/20/24	AS
4	REVISION	07/20/24	AS
5	REVISION	07/20/24	AS
6	REVISION	07/20/24	AS
7	REVISION	07/20/24	AS
8	REVISION	07/20/24	AS
9	REVISION	07/20/24	AS
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15	REVISION	07/20/24	AS
16	REVISION	07/20/24	AS
17	REVISION	07/20/24	AS
18	REVISION	07/20/24	AS
19	REVISION	07/20/24	AS
20	REVISION	07/20/24	AS

LEGEND

- PROPOSED UTILITY POLE
- PROJECT PROPERTY LINE
- LIMITS OF SELECTIVE CLEARING
- LIMITS OF SOIL DISTURBANCE
- ESSENTIAL
- PROPOSED TRELISE
- STONEWALL
- ZONING DISTRICT LINE
- WETLANDS
- PROPOSED STEEL FENCE
- PROP. 100 DC ELECTRIC
- PROP. 100 AC ELECTRIC
- ROAD CENTERLINE
- EXISTING WETLAND AREA
- NEW INTERIOR ACCESS
- ROAD
- STAGING AREAS
- SOLAR PANELS
- INFILTRATION TEST LOCATIONS
- SOIL BORING LOCATIONS

TREE CLEARING AND SOIL DISTURBANCE NOTES:

- LIMITS OF SOIL DISTURBANCE IS DESIGNER ON PLANS WITH AN "O" SYMBOL AND NUMBER. REMOVALS AND SEEDS PER SPECIFICATIONS IN THIS PLAN SET. TREE REMOVALS WITHIN THE LOD WILL BE ACCOMPLISHED THROUGH NORMAL MEANS AND METHODS APPROVED FOR USE WITHIN THE APY.
- LIMITS OF SELECTIVE TREE CLEARING OUTSIDE WETLANDS IS DESIGNER WITH A DIAMOND QUANTITY (SEE LEGEND). SELECTIVE TREE CLEARING AREAS WILL FILL AND REMOVE TREES AND WITH RUBBER TIRE TRACTORS AND EQUIPMENT. STUMPING SHALL REMAIN.



NOT FOR CONSTRUCTION

NEW YORK STATE
 Adirondack Park Agency
FINAL
 P2023-0244

<p>FOREFRONT POWER</p> <p>Engineering & Design</p> <p>1175 ROUTE 90 SUITE 101 ALBANY, NY 12207 TEL: 518-869-1111 FAX: 518-869-1112 WWW.FOREFRONTPOWER.COM</p>	<p>PRELIMINARY</p>	<p>PROJECT NUMBER: CED#19003617A FFF#N1-19-0058</p>	<p>TARBELL-HILL SOLAR FARM</p> <p>720 TARBELL-HILL ROAD MORIAH, NY 12960</p>
		<p>SHEET TITLE: OVERALL SITE PLAN</p>	<p>SHEET NO.: C-101</p>