


**THIS PERMIT AMENDS PERMIT 2022-0266, ISSUED FEBRUARY 14, 2023  
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 style="text-align: center;">APA Project Permit <b>2022-0266A</b></p>
<p>In the Matter of the Application of</p> <p><b>NY 789 TARBELL HILL, LLC, PETER ZELINSKI, KATHRYN ZELINSKI and JUDSON ZELINSKI</b> Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: May 9, 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"><li><b>1. NY 789 Tarbell Hill, LLC</b></li><li><b>2. Peter P. Zelinski</b></li><li><b>3. Kathryn M. Zelinski</b></li><li><b>4. Judson P. Zelinski</b></li></ol>

**SUMMARY AND AUTHORIZATION**

Adirondack Park Agency Permit 2022-0266 authorized a subdivision by lease and construction of a solar generation facility. This permit amends Permit 2022-0266A, as conditioned below, to allow changes to the project design and layout.

The amendment authorized herein is shown on the following Project Plans:

- Twenty-four sheets of plans titled “Site Plan Documents, for Moriah Solar,” prepared by Kimley Horn Engineering and Landscape Architecture, dated April 22, 2024 and revised April 30, 2024 (Site Plans);
- A report titled “Stormwater Pollution Prevention Plan (SWPPP),” prepared by Ashley Harkness, P.E., dated March 19th, 2024; and
- One sheet titled “Clearing Limit Exhibit,” prepared by Kimley Horn Engineering and Landscape Architecture, dated March 13, 2024.

Reduced-scale copies of Site & Utility Plans – 1 & 2 shown on sheets C-3.1 and C-3.2 the Site Plans are attached as a part of this permit for easy reference. The original, full-scale maps and plans described in this paragraph are the official plans for the project, with copies available upon request from Adirondack Park Agency headquarters in Ray Brook, New York.

This permit amendment 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 amendment 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 100± acres of land in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map and identified as Tax Map Section 97.13, Block 1, Parcel 25.100. The site is located on the north side of Tarbell Hill Road (County Route 42) and the west side Dugway Road (County Route 4) in the Town of Moriah, Essex County. The project site is owned by Peter P. Zelinski, Kathryn M. Zelinski, and Judson P. Zelinski, as described in a deed recorded October 1, 2020, in the Essex County Clerk's Office under Instrument Number 2020-3974.

The project site contains approximately 9 acres of deciduous swamp and emergent marsh value "2" wetlands associated with Stony Brook within the vicinity of the area to be leased for development. Stony Brook is a permanent stream classified Class C(T) by the NYS Department of Environmental Conservation. Additional wetlands not described herein or depicted on the Project Plans may be located adjacent to the project site.

### **CONDITIONS**

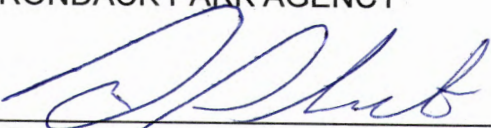
1. Conditions 7 and 18 of Permit 2022-0266 are hereby amended to authorize the construction of a solar generation facility in the location shown and as depicted on the Project Plans. Any change to the location, dimensions, or other aspect of construction of the solar generation facility shall require prior written Agency authorization.

All other terms and conditions in Permit 2022-0266 remain in full force and effect.

2. This permit amendment shall be recorded in the Essex County Clerk's Office within 60 days of the date of its issuance.
3. All deeds conveying all or a portion of the lands subject to this permit shall contain references to this permit amendment as follows: "The lands conveyed are subject to Adirondack Park Agency Permit 2022-0266A, issued May 9, 2024, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

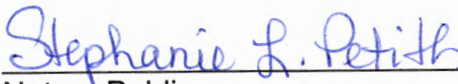
Permit Amendment issued this 9<sup>th</sup> day  
of May, 2024.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 9<sup>th</sup> day of May 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

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

