



PERMIT WRITING FORM – P2025-0287

Assigned EPS: D. Korn Reviewed by: DRAFT Date: Click or tap to enter a date.

APPLICANT

Project Sponsor(s): AC Power 47, LLC
Landowner(s): Town of Queensbury
Authorized Representative: Brian Kearns, Tetra Tech, Inc.

PROJECT SITE

Town/Village: Queensbury County: Warren
Road and/or Water Body: NYS 9L and Jenkinville Road
Tax Map #(s): 279-1-14.100 and 279-1-14.200
Deed Ref: Town of Queensbury: Book 670, Page 1041, Recorded May 20, 1985
Land Use Area(s): [] H [x] MIU [] LIU [] RU [] RM [] IU
Project Site Size: 51± acres
[] Same as Tax Map #(s) identified above
[] Only the [] H [] MIU [] LIU [] RU [] RM [] IU portion of the Tax Map #(s) identified above
[] Other (describe): n/a
Lawfully Created? [x] Y [] N [] Pre-existing subdivision: n/a
River Area: [] Y [x] N If Yes: [] Wild - [] Scenic - [] Recreational Name of River: n/a
CEAs (include all): [] Wetland - [] Fed Hwy - [] State Hwy - [] State Land - [] Elevation - [] Study River

PROJECT DESCRIPTION

Construction and operation of an approximately 5 megawatt alternating current commercial solar generation facility on the site of the closed Town of Queensbury Landfill. Access and interconnection to be located at the existing transfer station, with additional access off Jenkinville Rd. Panels are fixed-tilt arrays constructed on concrete ballasts.

JURISDICTION (including legal citation)

810(1)(b)(15) – Major Public Utility Use in Moderate Intensity Use land use area

PRIOR PERMITS / SETTLEMENT AGREEMENTS BEING SUPERSEDED

None

FINDINGS OF FACT – ENVIRONMENTAL SETTING

LAKES, PONDS, NAVIGABLE RIVERS & STREAMS

Check if none [x]

Table with 4 columns: Field Name, Value, and two checkboxes. Rows include Water Body Name, Length of Existing Shoreline, Minimum Lot Width, Structure Setback (APA Act), Structure Setback (River Regs), and two cutting proposed within MHWMs.

Y N Cutting proposed within 100 ft of river area? (If Yes, include under jurisdiction)

Non-Navigable Streams in proximity to development

Check if none

Permanent Stream Intermittent Stream Classified? Y N

[DEC Environmental Resource Mapper](#) stream classification: n/a

Wetlands

- Y N Jurisdictional wetland on property, or
- Y N Wetlands are a basis of development jurisdiction If Yes, RASS biologist consulted
 - If Y, covertime: n/a
 - If Y, value rating: n/a
- Y N Draining, dredging, excavation of wetland
 - Area of wetland loss: n/a Permanent? Y N
- Y N Fill/structure in wetlands
 - Fill/structure area: n/a
- Y N Shading of wetland
 - Area of shading: n/a
- Y N Clearcutting >3 acres of wetland *RASS forester consulted
 - Clearcut area: n/a
- Y N Untreated stormwater discharge into wetland
- Y N Pollution discharge into wetland
 - Pollution type: n/a
- Y N Pesticide/Herbicide application in wetland
 - Pollution type: n/a
- Y N OSWTS within 100 feet of a wetland
 - Distance to Wetland: n/a

Ecological / Wildlife

- Y N Natural Heritage Sites/listed species or habitat present, including bat
- Y N Forest management plan existing or proposed If Yes, RASS forestry analyst consulted
- Y N Biological Survey required by RASS Biologist 2 or Supervisor If Yes, completed

Special Districts

Y N Agricultural District

Slopes

RASS engineer consulted if structure proposed on >15%, driveway on >12%, or wwts on >8/15%

Existing slope range: 0 - >25% Building area(s) if authorizing development: Less than or equal to 10

Soils

Y N Deep-hole test pit completed? (Necessary for every building lot) Check if N/A

If Yes, soil data information determined or approved by RASS soil analyst?

NRCS Mapped Soil Series or Other Comments: Udorthents: Records show that the landfill cap consists of 12-inch sand barrier protection layer with a minimum permeability of 5x10⁻³ centimeters per second (cm/s) and, a geomembrane liner, and topsoil cover ranging from 6 to 9 inches.

Stormwater

- Y N Greater than 1 acre disturbance
 If Yes, stormwater management reviewed and approved by RASS engineer
 Area of disturbance: 19.88 acres
- Y N Proposed ground disturbance < 100 feet from wetlands
 If Yes, stormwater management reviewed and approved by RASS engineer
 Setback to wetlands: n/a

Character of Area

Nearby (include all): Residential Commercial Industrial Agricultural Forested
 Adjoining Land Uses / State Land: Private Commercial Sand & Gravel, Landfill
 Is nearby development visible from road? Y N
 → If Y, name road and describe visible development: Commercial, residential and industrial uses are visible from NYS 9L and Jenkinsville Road

Additional Existing Development (ex: dam on site, etc.): Town of Queensbury Transfer Station

Existing Development

PRINCIPAL BUILDINGS

| Structure | Pre-existing (Y/N)? | Lawfully constructed (Y/N)? |
|-----------|---------------------|-----------------------------|
| None | n/a | n/a |

ACCESSORY STRUCTURES

| Structure | Pre-existing (Y/N)? | Lawfully constructed (Y/N)? |
|---|---------------------|-----------------------------|
| Various (Office Trailer, Storage Sheds, etc.) | No | Yes |

Proposed Development

PRINCIPAL BUILDINGS

| Structure | Footprint | Height | # Bedrooms | Slopes |
|-----------|-----------|--------|------------|--------|
| None | n/a | n/a | n/a | n/a |

Check if portions or all below are NJ
 Check if proposed as a non-building lot:

Have necessary density? Y N N/A - Town has ALLUP and regulates density
 # remaining potential principal buildings = n/a from survey or estimate

ACCESSORY STRUCTURES

| Structure | Footprint | Height | # Bedrooms | Slopes |
|------------------------------------|------------|---------|------------|--------|
| Solar Array (Ballasted) | < 20 acres | < 12 FT | n/a | n/a |
| Utility Poles (5) | < 5 SF | < 40 FT | n/a | 0% |
| Electrical Equipment Pad | < 1,000 SF | | | 0% |
| 1,380 LFT of 7 FT Chain-link Fence | | | | < 25% |

ACCESS

*Consult RASS engineer for driveway > 12% slope / *consult RASS ecologist for driveway > ¼ mile

| | | |
|---|--------------------|--------------|
| Driveway is <input checked="" type="checkbox"/> existing / <input checked="" type="checkbox"/> proposed | Length: enter text | Width: 20 FT |
| Sight distance evaluated? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N | Slopes: < 3% | |

| | | | |
|-------------------------|---------------------------------------|---------------------------------------|---|
| Need clearing/grading? | <input checked="" type="checkbox"/> Y | <input type="checkbox"/> N | Comments: Gravel (Note if HOA or shared maintenance involved) |
| Need hwy access permit? | <input type="checkbox"/> Y | <input checked="" type="checkbox"/> N | |
| Need easement? | <input type="checkbox"/> Y | <input checked="" type="checkbox"/> N | |
| Need signs? | <input type="checkbox"/> Y | <input checked="" type="checkbox"/> N | |

VISUAL / AESTHETIC

- N/A – no proposed/authorized development
- Y N Proposed development visible from public areas
If Y, list public viewpoints: **NYS Route 9L and Jenknsville Road**
- Y N Existing topography / vegetation will screen, if retained
- Y N Planting plan proposed If Yes, RASS forestry analyst consulted

WASTEWATER TREATMENT (WWTS) *Consult RASS engineer for engineered plans

- Individual on-site Municipal Community N/A - no proposed/authorized development
- Y N Slope suitable for WWTS (i.e., ≤8% shallow, ≤15% conventional)?
- Y N Soil suitable for WWTS (i.e., depth to SHGW and bedrock)?
- Y N All water bodies or streams > 100 feet WWTS? (If No, needs variance – from Town if ALLUP)
- Y N If fast perc (1-3 min/in), water > 200 feet WWTS? (If No, amended soils required)
- Y N All jurisdictional wetlands > 100 feet WWTS? (If No, counts as permit jurisdiction)
- Y N Suitable 100% replacement area identified?
- Existing WWTS proposed to remain (needs suitable 100% replacement area)

WATER SUPPLY

- Individual on-site Municipal N/A – no proposed/authorized development
- Y N All water supplies, on-site and off-site, > 100 feet WWTS? (If No, need DOH waiver)

STORMWATER / EROSION & SEDIMENT CONTROL *Consult RASS engineer

- N/A – no proposed/authorized development
- Y N Does proposed development maintain existing drainage patterns?
- Y N < 1 acre disturbance proposed (May need E&S Control Plan if water/slope/soil resources at risk)
- Y N > 1 acre disturbance proposed (SWPPP required, which includes E&S Control Plan)

UTILITIES

- Available on site? Y N Overhead Underground
- Available at road? Y N Overhead Underground
- Proposed for site? Y N Overhead Underground

FINDINGS OF FACT – COORDINATED REVIEW

- Y N Archeologically Sensitive Area, according to OPRHP If Yes, APA APO / OPRHP consulted
- Y N Structures > 50 years old on or visible from site If Yes, APA AHPO / OPRHP consulted

- Y N Solar Project > 50 acres requiring ZVI & historic inventory If Yes, APA AHPO consulted
- Y N Within Lake George Park If Yes, LGPC consulted / application submitted
- Y N Public water supply If Yes, DEC / DOH application submitted
- Y N Greater than 1,000 gpd wastewater If Yes, DEC application submitted
- Y N Disturbing bed or bank of classified/navigable water body If Yes, DEC application submitted
- Y N Disturbing 300 LF or more of a stream (temp + perm) If Yes, DEC application submitted
- Y N Disturbing ¼ acre of Corps wetlands (temp + perm) If Yes, DEC application submitted
- Y N Creating 5 or more lots less than 5 acres each If Yes, DOH application submitted
- Y N Army Corps involvement * If Yes, ACOE consulted
- Y N Agency-approved Local Land Use Program If Yes, Town/Village consulted

*- Review the Pre-Construction Notification (PCN) thresholds for the [Buffalo District](#) and the [New York District](#) to help determine if an application (PCN) needs to be submitted to the Corps. Additionally, review the [Section 10 waters list](#) to determine if a Section 10 Navigable Waters permit might be required from the Corps.

PERMIT CONDITIONS AND IMPACT ANALYSIS

Merger

Check if N/A

Justification if merger required: *n/a*

Deed Covenant

Non-building lot being created? Y N

If Yes and lot is not being merged by condition, no PBs? Or no structures at all? Justification: *n/a*

Easement

Easement proposed or required? Y N

If Y, consult with Legal for conditions. Justification: *n/a*

Construction Location and Size (may be different for each subdivision lot)

Is new development (other than oswts) being authorized without further Agency review? Y N

→ If Y: Structure height limit and justification: *< 40 FT; As proposed and reviewed*

Structure footprint limit and justification: *< 20 acres; As proposed and reviewed*

→ If N:

→ Acceptable development sites identified for all subdivision lots with PB allocation? Y N

→ Review of future development required? Y N

→ If Y, justification: *n/a*

Guest Cottages (if authorizing a dwelling)

Check if N/A

Proposed and reviewed? Y N

If N, guest cottages potentially allowed? Y N

→ Justification for any conditions: *n/a*

Boathouses (if project site contains shoreline)

Check if N/A

Proposed and reviewed? Y N

If N, boathouses potentially allowed? Y N

→ If N, justification: *n/a*

→ If Y, review required (beyond definition limits)? Y N
→ If Y, justification: *n/a*

Docks (if project site contains shoreline)

Check if N/A

Proposed and reviewed? Y N

If N, docks potentially allowed? Y N

→ If N, justification: *n/a*

→ If Y, review required (beyond definition limits)? Y N

→ If Y, justification: *n/a*

Outdoor Lighting (if authorizing development)

Check if N/A

Plan proposed and reviewed? Y N

Building Color (if authorizing development)

Check if N/A

If color condition required, justification: *n/a*

Tree Cutting / Vegetation Removal

Town with Northern Long-Eared Bat occurrences? Y N

Indiana Bat habitat indicated on Lookup? Y N

Vegetative cutting restrictions required? Y N

If Y, restrictions required (choose all that apply):

within *n/a* feet of limits of clearing

within *n/a* feet of road

within *n/a* feet of river/lake/etc

within *n/a* feet of wetlands

Other: *As shown on the site plans*

OR on entire site outside limits of clearing

Extent of cutting restriction necessary within the area noted above:

Cutting of all vegetation prohibited

Cutting of trees of *n/a* diameter dbh prohibited

Other: *As shown on the site plans*

Justification: *Ensure the integrity of the landfill cap and stable soils*

Plantings

Plan proposed and reviewed? Y N

If N, plantings required? Y N

→ If Y, species, number, location, and time of year: *TEMPORARY VEGETATIVE COVER (DURING CONSTRUCTION):1. SEED MIX:SPRING OR SUMMER OR EARLY FALL, SEED WITH ANNUAL OR PERENNIAL RYEGRASS AT A RATE OF 30 LBS. PER ACRE (APPROX. 1LB./1,000 SQ. FT).LATE FALL OR EARLY WINTER, SEED WITH "AROOSTOOK" WINTER RYE (CEREAL RYE) AT A RATE OF 100 LBS PER ACRE (APPROX. 2.5LBS/1,000 SQ. FT.)PERMANENT VEGETATIVE COVER (AFTER CONSTRUCTION):1. SEED MIXES:PROVIDE FRESH, CLEAN, NEW-CROP SEED MIXED IN THE PROPORTIONS SPECIFIED FOR SPECIES AND VARIETY, AND CONFORMING TO FEDERAL AND STATE STANDARDS. PROVIDE THE FOLLOWING MIXTURES:ARRAY AREA: ERNMX-610 NORTHEAST SOLAR POLLINATOR BUFFER MIX OR APPROVED EQUIVALENTAMOUNT BY:WEIGHT SPECIES OR VARIETY37.0% LITTLE BLUESTEM, 'CAMPER'36.3% SIDEOATS GRAMA, BUTTE4.0% PARTRIDGE PEA, PA ECOTYPE4.0% LANCELEAF COREOPSIS4.0% PURPLE CONEFLOWER3.3% BLACKEYED SUSAN2.3%*

OXEYE SUNFLOWER, PA ECOTYPE1.6% TALL WHITE BEARDTONGUE1.5% BUTTERFLY MILKWEED0.8% MARCH BLAZING STAR0.7% WILD SENNA, VA & WV ECOTYPE0.6% GOLDEN ALEXANDERS0.5% SWAMP MILKWEED, PA ECOTYPE0.5% WHITE AVENS, PA ECOTYPE0.5% WILD BERGAMOT, FORT INDIANTOWN GAP-PA ECOTYPE0.5% NARROWLEAF MOUNTAINMINT0.4% SMOOTH BLUE ASTER, NY ECOTYPE0.4% NEW ENGLAND ASTER, PA ECOTYPE0.3% BLUE FALSE INDIGO, SOUTHERN WV ECOTYPE0.3% NARROWLEAF BLUE EYED GRASS0.2% SUNDROPS0.2% GRAY GOLDENROD, PA ECOTYPE0.1% ZIGZAG ASTER, PA ECOTYPE100%

Justification: Stabilize disturbed soils during and after construction to avoid erosion and ensure effective stormwater absorption. Provide benefit to pollinators.

Density (may be different for each subdivision lot)

Located in Town with ALLUP? Y N (If Y, STOP, Town oversees density.)

Authorizing PB on substandard-sized lot created pre-2000 with no permit? Y N

If N and N, list existing PBs, including whether they are pre-existing/year built: n/a

Mathematically available # of new PBs (in addition to existing or replacement): n/a

Extinguishing PBs? Y N If Y, number: n/a

Wastewater (if authorizing construction of a new PB without further review)

Check if N/A

Municipal system connection approved? Y N

Community system connection approved by RASS? Y N

Proposed on-site system designed by engineer and approved by RASS? Y N

If N, has RASS field-verified location for conventional standard trench system? Y N

If N, has RASS field-verified location for conventional shallow trench system? Y N

Suitable 100% replacement area confirmed for existing / proposed system? Y N

Consult with RASS for additional conditions.

Stormwater Management (if authorizing development)

Check if N/A

Consult with RASS for conditions. Condition required if authorizing development within 100 feet of wetlands or greater than 1 acre disturbance; condition possibly required in other circumstances too.

Justification: Ensure that the proper control measures are selected to minimize the discharge of stormwater and prevent a violation of the water quality standards in accordance with the New York State Standards and Specifications for Erosion and Sediment Control.

Erosion and Sediment Control (if authorizing development)

Check if N/A

Consult with RASS for conditions. Condition required if authorizing development within 100 feet of wetlands or greater than 1 acre disturbance; condition possibly required in other circumstances too.

Justification: Minimize erosion to avoid sedimentation of downslope areas.

Infrastructure Construction (if authorizing development)

Check if N/A

Construction necessary before lot conveyance: n/a

Justification: n/a

For permits that will not include conditions related to Building Color, Vegetation Removal, or Plantings

Explain why no condition is needed: No buildings are proposed or authorized and no distinguishable vegetation removal is necessary for construction. Disturbed soils will be restabilized through seeding and mulching to ensure effective soil stabilization.

Additional Site / Project-Specific Concerns / Conditions Needed

Proof of Decommissioning Bond, Construction Phasing, Invasive Species Control, Photographic Documentation of Construction, Mowing and Vegetation Management, and Decommissioning

Justification: Verify a bond is in place prior to construction to ensure decommissioning in the event of abandonment or financial failure. Phase construction so that effective erosion and sediment control can be implemented. Minimize the spread of invasive species within the project area. Verify the project has been constructed as authorized. Provide the maximum benefit to pollinators within the vicinity of the project area. Guarantee effective decommissioning at the end of the project lifecycle.

Y N **Public comments received** If Yes, #: n/a

Y N **Applicant submitted response (notes, if any)** The Agency notified all adjoining landowners and other parties and published a Notice of Complete Permit Application in the Environmental Notice Bulletin, as required by the Adirondack Park Agency Act. In accordance with standard operating procedure, the Agency also posted notification of the project on its Public Comment Opportunities webpage at completion and made all project related public records available for review through GovQA.