



## DEPARTMENT OF CODE ENFORCEMENT

118 Broadway, P.O. Box 345, Fort Edward, N.Y. 12828

Phone (518) 502-4146 Fax (518) 684-2242

[code@villageoffortedward.com](mailto:code@villageoffortedward.com)

July 18, 2023

To: Aaron Ovios  
11 MacDonough St.  
Plattsburgh, NY 12901

Location State Route 197  
Tax Map No. 171.11-1-3.3  
Zone R1, Residential

RE: Proposed Solar Farm

This letter is this office's zoning determination relative to the above referenced project. The property is located in the **above referenced** zoning district in the Village of Fort Edward Zoning Law found at Chapter 350 of the Code of the Village of Fort Edward. In reviewing the proposed project under Chapter 350, I find the following:

\_\_\_\_\_ The proposed is in violation of the following section of village code:

☒ The project is not a permitted use in the zone in which it is located:

*The property is zoned R1, Residential, which is reserved for Single Family Homes. Therefore, a Use Variance is needed to construct a Solar Farm..*

\_\_\_\_\_ The project does not meet the area/density requirements required by the Village of Fort Edward Zoning Law as follows:

\_\_\_\_\_ does not meet the setback requirements of \_\_\_\_\_ feet;

\_\_\_\_\_ Does not meet the area/density requirements as follows: \_\_\_\_\_

\_\_\_\_\_ Other: \_\_\_\_\_

☒ The project requires site plan review from the zoning board:

\_\_\_\_\_ The division of the parcel requires subdivision review from the zoning board.

\_\_\_\_\_ The project requires a special use permit from the zoning board.

Please note that if you disagree with this zoning determination as to allowed uses and/or density requirements, you have the right to appeal this determination to the Zoning Board of Appeals within 60 days of the date of this determination. In the event of an area and/or use denial, you also have the right to appeal to the Zoning Board of Appeals for a variance as applicable. These options have legal implications and we cannot provide you legal advice.


Thank you.

David J. Armando  
Code Enforcement Officer



green space buffer, maximum lot coverage by buildings, maximum height of buildings and size or height of signs.

- B. In making its determination the Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community. In making such determination the Board shall also consider:
- (1) Whether an undesirable change in the character of the neighborhood will be produced or a detriment to nearby properties will be created by the granting of the area variance.
  - (2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
  - (3) Whether the requested variance is substantial.
  - (4) Whether the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood.
  - (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the Board of Appeals but shall not necessarily preclude the granting of the area variance.
- C. The ZBA shall only grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.



#### §350-7-4. Requirements for use variances.

- A. A use variance may be granted to allow land to be used for a purpose which is otherwise not permitted by this chapter.
- B. No such use variance shall be granted by the Board of Appeals without a showing by the applicant that the zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals all of the following:
- (1) That for each and every permitted use or special permitted use within the zone where the property is located the applicant cannot realize a reasonable return, provided that lack of return is substantial and is established by competent financial evidence.
  - (2) That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.
  - (3) That the requested use variance, if granted, will not alter the essential character of the neighborhood.
  - (4) That the alleged hardship has not been self-created.



- C. The ZBA shall only grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

**§350-7-5. Approval of variances with conditions.**

In the granting of variances the Board of Appeals shall have the authority to impose such reasonable conditions as are related to the use of the property and/or the period of time the variance shall be in effect. Such conditions shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

**§350-7-6. Appeals.**

Any appeal from a decision of the Code Enforcement Officer shall be made within 60 days after the Code Enforcement Officer makes and files said decision.

**§350-7-7. Stay upon appeal.**

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Code Enforcement Officer certifies to the Board of Appeals that, by reason in the facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings may not be stayed otherwise than by restraining order which may be granted by the Board of Appeals or by a court of record.

**§350-7-8. Procedural steps.**

Applications to the Board of Appeals shall be processed in the following steps. The Board of Appeals shall comply with all of the requirements of §§ 7-712-a and 7-712-b of the Village Law.

**A. Review.**

- (1) The Board of Appeals shall undertake a preliminary review of an application at its first regularly scheduled monthly meeting after the application is submitted. At the preliminary review the Board shall determine whether the application is complete. If the application is deemed to be incomplete, then the applicant shall be notified, in writing, of what further information is required. If the application is considered to be complete, then the Board shall proceed to schedule a public hearing.
- (2) The Board of Appeals shall follow the application requirements of the New York State Environmental Quality Review Act (SEQRA).
- (3) The Board shall schedule a public hearing within 62 days of receipt of a complete application and shall provide notice of such hearing by publication in a newspaper of general circulation in the Village at least five days prior to the date thereof.



June 11, 2023

Dave Armando  
Code Enforcement Officer  
Village of Fort Edward  
P.O. Box 345  
118 Broadway  
Fort Edward, New York 12828

USE  
VARIANCE

**Re: Solar Power Network Site Plan 2023  
Proposed Solar Farm  
NYS Route 197, (V) Fort Edward**

Dear Mr. Cole:

Solar Power Network, LLC proposes developing a Community Solar Farm on a portion of Tax Map Parcel 171.11-1-3.3 located on Argyle Street (NYS – 197), approximately 1,600 feet from the intersection of Baldwin Avenue in the Village of Fort Edward, NY. The parcel is owned by Rourke Enterprises, Inc consisting mainly of sparse trees in the north to wooded areas in the south. Solar Power Network has entered into a purchase agreement to buy the property in question and develop and own the proposed solar farm.

A search of the New York State Department of Environmental Conservation database has revealed historical or archeological sensitive areas on or around the Project Site; we will provide a more detailed response from the NYS Office of Parks, Recreation & Historic Places under separate cover. Our search also identified state and federal wetlands on the property; currently, no improvements are proposed within these areas. Lastly, our investigation revealed that an active remediation site for hazardous waste is located within 500 feet of the project site.

The proposed solar farm will generate up to 4.11 megawatts of power fed back into the local NYSEG grid. Panels will be supported by a light steel frame with steel pile anchors; This type of installation results in little to no site disturbance. Each panel will be interconnected within each row and tied together via an underground service. The solar facility will connect directly to the existing NYSEG transmission lines along Banker Road.

A 15 ft wide gravel access road is proposed off of NYS 197. It will run parallel to the neighboring property boundary common with Tax Map Parcel: 171.11-1-3.1 to the proposed equipment rack and transformers



servicing the solar farm. No permanent office or habitable structure will be constructed; only temporary construction trailers and a staging yard will be utilized and removed after construction is complete. The project does not require any water or sanitary sewer service.

We ask that the project be placed on the next regular meeting agenda of the Zoning Board of Appeals for Use Variance consideration. To further assist in your review of this project, we have enclosed eight copies of the Sketch Plan, short Form EAF, Use Variance Application, Affidavits, and application fees.

Respectfully Submitted,

A handwritten signature in black ink, consisting of a large, sweeping loop followed by a smaller, more complex loop and a trailing line.

Aaron J. Ovios, P.E.

***Robert M. Sutherland P.C.***



## VILLAGE OF FORT EDWARD USE VARIANCE INSTRUCTIONS & APPLICATION

### ALL APPLICATIONS:

- Please complete the enclosed application for **use variance** with as much detail as possible.
- Make sure to answer all relevant questions. **Do not leave any blanks** unless the question is not applicable (please place N/A if not applicable).
- All applications must be accompanied by detailed diagrams showing lot size, adjoining roads, driveways, the location and dimensions of all buildings including building heights and the distance of all buildings from all lot boundaries.
- It is the sole responsibility of the applicant to provide the Zoning Board of Appeals (ZBA) with **one original and seven (7) copies** of the application and all necessary information and documentation concerning this application.
- The ZBA will make its determination solely on the basis of the information and material that it is provided; therefore, the burden of proof is on the applicant to prove the necessity of the request.
- There is **\$65.00** filing fee with the submission of each application. This fee is not refundable once presented to the ZBA and shall not be used to cover any other fee, permit, etc.
- Unless otherwise specified by the ZBA Board, a decision on any variance shall expire if the applicant fails to obtain any necessary permit or comply with the conditions of such permit or fails to file an extension request within 1 year from the date of authorization thereof.

Before work is started, please obtain a permit from the Code Enforcement Office. Please be advised that construction must comply with all regulations of the Village of Fort Edward Code and the New York State Uniform Fire Prevention and Building Code.

The ZBA meets the **third Wednesday** of every month (barring holidays) and all applications must be submitted, along with the fee, on or before the first business day of that month. Please confirm deadline dates with the Code Enforcement Office. The completed application and fee is submitted to the Village of Fort Edward, Building & Code Enforcement, 118 Broadway, P.O. Box 345, Fort Edward, NY 12828.

Example of items that may be enclosed in support of the application:

- (a) Property card (Assessor's records)
- (b) Tax records
- (c) Appraisal
- (d) Business records (Maintenance costs, tax records/returns, utility bills)
- (e) Renovation documents (*if applicable*)
- (f) Business proposal (*if applicable*)
- (g) Photos
- (h) Survey map of property
- (i) Neighborhood letter of support (*if applicable*)
- (j) Map/photos/layout of neighborhood
- (k) Purchase documents

### 1. USE VARIANCE

A use variance is a variance granted by the ZBA of the prohibitions against certain uses of real property in a zoning district. A variance, if granted, allows the property owner to use the property in a certain way even though the desired use is otherwise prohibited in the zoning district. A use variance may be granted upon a demonstration of unnecessary hardship to the property owner in the use of the land.



## 2. STANDARDS

Please make sure to answer all questions in detail. You must clearly demonstrate that:

- (a) The applicant will be deprived of all economic use or benefit from the property unless it can be used for the purpose requested, which deprivation must be established by competent financial evidence. Competent financial evidence may include records or documents of: the amount paid for the property, the present values of the property, the expenses attributable to the maintenance, the amount of taxes on the property, income from the property; etc.
- (b) The hardship created is unique and does not apply to a substantial portion of the district or neighborhood. To determine whether the conditions that make an applicant's land difficult to use are unique, the ZBA may, for example, consider proximity to a major highway or industry, or physical conditions of the site itself, such as steep slopes or wetlands;
- (c) The requested variance would not alter the essential character of the neighborhood. For example, the establishment of a commercial use that generated a lot of traffic or excessive noise could disrupt a residential neighborhood;
- (d) The hardship is not self-created. An example of a hardship that has been created by the applicant's own actions may be where the applicant purchases a residentially zoned land for a very high price, with the thought of subsequently obtaining a variance to use the land commercially. In this case, the applicant created the hardship by paying an inflated amount for the land and should not be granted a variance;
- (e) The variance is the minimum necessary to grant relief from hardship. The ZBA may grant the least relief, or the smallest variance, necessary to allow the applicant a reasonable return on the property;
- (f) The variance will preserve and protect the character of the neighborhood and the health, safety and welfare of the community. The neighborhood should not be disrupted by the proposed use, even if the applicant proved unnecessary hardship.

In order to qualify for a use variance, the applicant must show by "dollars and cents" proof that the property cannot yield a reasonable return for each and every allowed use in the zoning district, if its use is limited to only those uses permitted in the zoning district. To determine whether the property can yield a reasonable return, the ZBA may consider whether the applicant would lose the practical use of the land if made to conform to the use requirements of the zoning regulations. It may be to the applicant's benefit to have an appraisal performed to support any claims

## 3. SELF-CREATED HARDSHIP

The ZBA may not grant a use variance to relieve a hardship created by the applicant, such as the purchase of land with actual or constructive (should have known-presumed to know the law) knowledge that the desired use is prohibited by the zoning ordinance, even if the landowner does not have actual knowledge of the applicable ordinance prohibiting the desired use.

The applicant should keep in mind that a use variance, if granted, runs with the land; in other words, the variance is granted to benefit the use of the property regardless of who owns the property. The variance is not granted for the personal benefit of the property owner; rather, it will continue to benefit the property for subsequent owners of the property as well.

The Village of Fort Edward will meet with the property owner, if desired, to help prepare/explain the application process. Should you require assistance, please contact:

Dave Armando, Code Enforcement Officer  
118 Broadway, P.O. Box 345  
Fort Edward, NY 12828  
(518) 502-4146  
[code@villageoffortedward.com](mailto:code@villageoffortedward.com)



## USE VARIANCE APPLICATION

Date 2023- 07-10  
Applicant (s) SOLAR POWER NETWORK LLC  
Address 69 STATE STREET (13TH FLOOR) 12207 ALBANY NY  
Phone (Mobile) (647)-213-1290 Phone (Home) (647)-213-1290  
Location of property where variance is requested 40 NYS ROUTE 197 (GPS: 43.261097, -73.573075)  
Property Owner \* (if different than applicant) SOLAR POWER NETWORK LLC  
\* If Applicant is not the property owner a Letter of Authorization must be submitted with application.  
Date Property Acquired by Applicant 2023-06-20 Tax Map No. 171.11-1-3.3

Current Use ☐ Residential # of Dwelling Units  
☐ Commercial Type  
☐ Industrial Type  
☐ Accessory Building Describe  
☒ Other Describe Vacant property - mix of forested, low-lying brush and cleared land

Proposed Use Large-scale solar facility

If area variance is granted, will applicant perform the work ☒ Yes ☐ No

If not, provide the name, address & phone of contractor(s).

RMS Engineering - Aaron Ovios P.Eng (Chief Executive Officer) - (518)-561-6145 - 11 MacDonough St, Plattsburgh, NY 12901, United States

Please describe in detail, the changes you plan to make on the premises.

The proposed projects consists of a single solar array on a 11.91-acre parcel on NYS Route 197 in the village of Fort Edward in Washington County, NY (Tax Map #: 171.11-1-3.3). The project will involve the installation of ground-mounted photo-voltaic panels as well as an access road, utility upgrades, inverters and perimeter fencing around the array. Minor tree and brush removal will be required on this site. There is a small section of marked Federal Army Corps wetlands in the northwest corner, SPN will not be installing within this area. No water or sewer service is required by the town for this installation.

Please explain how the variance will affect the character of and the health, safety and welfare of the neighborhood.

When granted, the use variance will allow the property to retain the majority of the existing natural landscape (solar array fully screened by native vegetation), bettering the neighborhood by preventing developers from creating another residential subdivision in the backyards of homeowners on Frederick Dr.

Please explain how the hardship is *not* self-created.

The hardship is not self-created given the fact that the larger lot size and limited frontage create little opportunity for any other use. SPN would be taking advantage of the existing lot characteristics while the town takes advantage of the tax benefits (PILOT Fees).



Please explain how the hardship created is unique and does not apply to a substantial portion of the neighborhood.

The residential parcels along Frederick Dr. and the associated neighborhood have all been severed and zoned such that the only reasonable use is for single-family homes. The 11.91-acre parcel in question has a small amount of frontage along the road and therefore cannot be severed (per the 100ft frontage requirement set in place by the village). Yet, it remains large enough to support additional development or agricultural. Without adding water and sewer service, solar is a viable use to a property that is "awkward" with respect to acreage and zoning within the existing neighborhood.

Please explain why the requested variance will not alter the essential character of the neighborhood.

The existing natural landscape of the property and inherently the surrounding neighborhood will not be altered given the noninvasive nature of the solar racking components. A mix of heavy tree and brush screening will prevent any visibility from all line-of-sight points. Additionally, the granting of a use variance will prevent a residential developer from altering the neighborhood's character for the 30-years in which solar project is in service.

Please explain how the variance is the minimum necessary to grant relief from the hardship.

The granting of a use variance will allow Solar Power Network to proceed with a special use permit as-per the village planning board regulations. This is the minimum that the ZBA can provide in order to allow the project to move forward and to prevent the owner from realizing the value of this parcel for an extended period of time.

Please explain how you will be deprived of *all* economic use or benefit from your property unless it can be used for the purpose you request, which deprivation must be established by competent financial evidence.

The current zoning of the parcel does not allow for large-scale solar development. If the use variance is not granted, the property will continue to sit on the market. It is not large enough for any agricultural use and, given the preexisting drainage issues in the northwest corner, is likely not viable for single-residential use.

Please provide the following information to support how you will suffer a significant injury.

|     |                                                                                                                                                   |                                                                                             |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| (a) | Amount paid for the property in question                                                                                                          | \$37,440                                                                                    |
| (b) | Date of purchase of the property                                                                                                                  | 2023-06-25                                                                                  |
| (c) | Current market value of the property <i>(or any part thereof)</i>                                                                                 | \$92,700                                                                                    |
| (d) | Basis upon which the present market value of the property <i>(from (c) above)</i> was obtained                                                    | Assessed Land Value on the Washington County GIS Mapper                                     |
| (e) | Projected market value of property if variance is/is not granted                                                                                  | \$37,440                                                                                    |
| (f) | Basis upon which the present market value of the property <i>(from (e) above)</i> was obtained                                                    | Current listed price                                                                        |
| (g) | Provide a breakdown of expenses attributable to maintenance since acquiring the property <i>(you may wish to include receipts, if applicable)</i> | Deposit for property purchase agreement and contract - \$1,000.00 owed (no receipt to date) |
| (h) | Assessment & amount of taxes on the property <i>(if applicable)</i>                                                                               | Taxes based on \$92,700 assessed value                                                      |
| (i) | Amount of mortgages & other encumbrances <i>(if applicable)</i>                                                                                   | N/A                                                                                         |
| (j) | Income from the land <i>(if applicable)</i>                                                                                                       | N/A                                                                                         |
| (k) | Any other relevant facts particular to request                                                                                                    | N/A                                                                                         |

Please use an attached sheet of paper if you require further space and clearly indicate the question(s) you are answering.

Remember that it is the sole responsibility of the applicant to provide sufficient information and documentation concerning this application. Because the determination is made solely on the basis of information provided to the ZBA, it is to the applicant's benefit to include as much supporting information as possible.



I/We hereby consent to allow members of the Zoning Board of Appeals, upon reasonable notice to me/us, the right of access to my/our property for the purpose of viewing and inspecting the proposed area variance, which is a subject matter of the proceeding herein before the Zoning Board of Appeals.

I/We certify the information submitted with this application for area variance is true to the best of my/our knowledge and belief.

Signature/Date of Applicant(s)

Signature/Date of Applicant(s) 2023-07-11



State of New York

ss:

County of Albany

Sworn to before me this 11th day of July 2023

Notary Public Signature

**PLEASE READ CAREFULLY**

Please use the attached sheet of paper if you require further space clearly indicating which question you are answering. Remember that it is the sole responsibility of the applicant to provide sufficient information and documentation concerning this application. Because the determination is made solely on the basis of information provided to the ZBA, it is to the applicant's benefit to include as much supporting information as possible.



**Additional Information**



# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.


Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |                                                                    |                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------|--------------------------------------------|
| <b>Part 1 – Project and Sponsor Information</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |                                                                    |                                            |
| Name of Action or Project:<br>40 NYS Route 197 Solar Project                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |                                                                    |                                            |
| Project Location (describe, and attach a location map):<br>40 NYS Route 197 Village of Fort Edward, Washington County (GPS: 43.261097, -73.573075)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |                                                                    |                                            |
| Brief Description of Proposed Action:<br><br>The proposed projects consists of a single solar array on a 11.91-acre parcel on NYS Route 197 in the village of Fort Edward in Washington County, NY (Tax Map #: 171.11-1-3.3). The project will involve the installation of ground-mounted photo-voltaic panels as well as an access road, utility upgrades, inverters and perimeter fencing around the array. Minor tree and brush removal will be required on this site. There is a small section of marked Federal Army Corps wetlands in the northwest corner, SPN will not be installing within this area. No water or sewer service is required by the town for this installation. |  |                                                                    |                                            |
| Name of Applicant or Sponsor:<br><br>Solar Power Network LLC                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  | Telephone: (647)-213-1290<br><br>E-Mail: jack@solarpowernetwork.ca |                                            |
| Address:<br>69 State St. (13th Floor)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |                                                                    |                                            |
| City/PO:<br>Albany                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  | State:<br>New York                                                 | Zip Code:<br>12207                         |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?<br>If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.                                                                                                                                                                                                                                                                                                                                    |  | NO<br><input checked="" type="checkbox"/>                          | YES<br><input type="checkbox"/>            |
| 2. Does the proposed action require a permit, approval or funding from any other government Agency?<br>If Yes, list agency(s) name and permit or approval: Village of Fort Edward NY special use permit issuance and County PILOT fee approval.                                                                                                                                                                                                                                                                                                                                                                                                                                         |  | NO<br><input type="checkbox"/>                                     | YES<br><input checked="" type="checkbox"/> |
| 3. a. Total acreage of the site of the proposed action?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  | 11.91 acres                                                        |                                            |
| b. Total acreage to be physically disturbed?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  | 9.5 acres                                                          |                                            |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  | 11.91 acres                                                        |                                            |
| 4. Check all land uses that occur on, are adjoining or near the proposed action:<br><input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)<br><input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):<br><input type="checkbox"/> Parkland                                                                                                                                                                     |  |                                                                    |                                            |

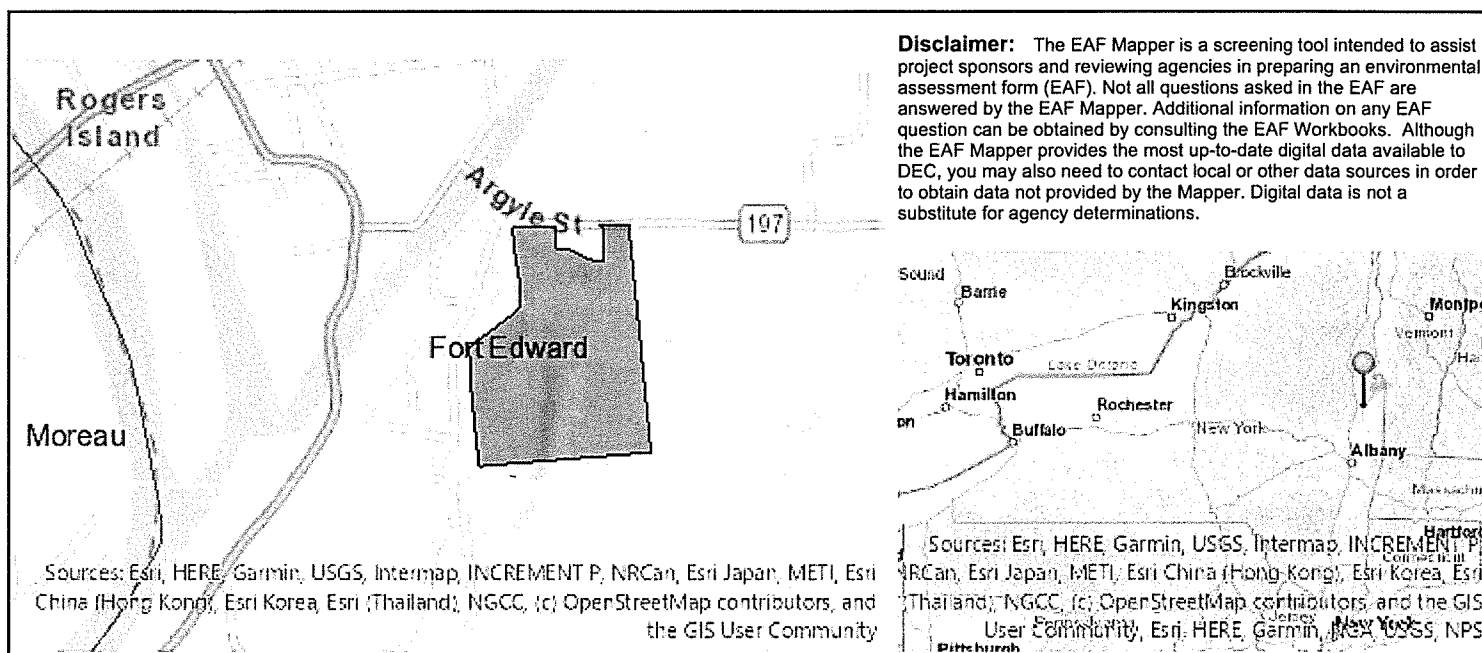


|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                     |                                                                                                     |                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| 5. Is the proposed action,<br>a. A permitted use under the zoning regulations?<br>b. Consistent with the adopted comprehensive plan?                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | NO<br><br><input type="checkbox"/><br><br><input type="checkbox"/>                                                                  | YES<br><br><input checked="" type="checkbox"/><br><br><input checked="" type="checkbox"/>           | N/A<br><br><input type="checkbox"/><br><br><input type="checkbox"/> |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | NO<br><br><input type="checkbox"/>                                                                                                  | YES<br><br><input checked="" type="checkbox"/>                                                      |                                                                     |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?<br>If Yes, identify: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | NO<br><br><input checked="" type="checkbox"/>                                                                                       | YES<br><br><input type="checkbox"/>                                                                 |                                                                     |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels?<br>b. Are public transportation services available at or near the site of the proposed action?<br>c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?                                                                                                                                                                                                                                                                                                 | NO<br><br><input checked="" type="checkbox"/><br><br><input checked="" type="checkbox"/><br><br><input checked="" type="checkbox"/> | YES<br><br><input type="checkbox"/><br><br><input type="checkbox"/><br><br><input type="checkbox"/> |                                                                     |
| 9. Does the proposed action meet or exceed the state energy code requirements?<br>If the proposed action will exceed requirements, describe design features and technologies:<br>_____<br>_____                                                                                                                                                                                                                                                                                                                                                                                                                 | NO<br><br><input type="checkbox"/>                                                                                                  | YES<br><br><input checked="" type="checkbox"/>                                                      |                                                                     |
| 10. Will the proposed action connect to an existing public/private water supply?<br>If No, describe method for providing potable water: _____<br>_____                                                                                                                                                                                                                                                                                                                                                                                                                                                          | NO<br><br><input checked="" type="checkbox"/>                                                                                       | YES<br><br><input type="checkbox"/>                                                                 |                                                                     |
| 11. Will the proposed action connect to existing wastewater utilities?<br>If No, describe method for providing wastewater treatment: _____<br>_____                                                                                                                                                                                                                                                                                                                                                                                                                                                             | NO<br><br><input checked="" type="checkbox"/>                                                                                       | YES<br><br><input type="checkbox"/>                                                                 |                                                                     |
| 12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?<br><br>b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? | NO<br><br><input type="checkbox"/><br><br><input type="checkbox"/>                                                                  | YES<br><br><input checked="" type="checkbox"/><br><br><input checked="" type="checkbox"/>           |                                                                     |
| 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?<br>b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?<br>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____<br>_____<br>_____                                                                                                                                                                                         | NO<br><br><input type="checkbox"/><br><br><input checked="" type="checkbox"/>                                                       | YES<br><br><input checked="" type="checkbox"/><br><br><input type="checkbox"/>                      |                                                                     |



|                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                     |                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:<br><input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional<br><input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban |                                     |                                     |
| 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?<br>Short-eared Owl and Northern Harrier                                                                                                                                                                                                                          | NO                                  | YES                                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                         | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 16. Is the project site located in the 100-year flood plan?                                                                                                                                                                                                                                                                                                                                                                             | NO                                  | YES                                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                         | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources?<br>If Yes,                                                                                                                                                                                                                                                                                                                           | NO                                  | YES                                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                         | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| a. Will storm water discharges flow to adjacent properties?                                                                                                                                                                                                                                                                                                                                                                             | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?<br>If Yes, briefly describe:                                                                                                                                                                                                                                                                                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| _____                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                     |                                     |
| _____                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                     |                                     |
| 18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?<br>If Yes, explain the purpose and size of the impoundment:                                                                                                                                                                                             | NO                                  | YES                                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                         | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| _____                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                     |                                     |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?<br>If Yes, describe:                                                                                                                                                                                                                                                                         | NO                                  | YES                                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                         | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| _____                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                     |                                     |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?<br>If Yes, describe:                                                                                                                                                                                                                                                                       | NO                                  | YES                                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                         | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Site Code: 558011 - PCB Contaminated Dredge Material from the Hudson River when the Niagara Mohawk Dam was removed. The site did not qualify for addition to the Registry of Inactive Hazardous Disposal Sites.                                                                                                                                                                                                                         |                                     |                                     |
| <b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>                                                                                                                                                                                                                                                                                                                                   |                                     |                                     |
| Applicant/sponsor/name: <u>Solar Power Network LLC - Jack Goodman</u> Date: <u>2023-07-11</u>                                                                                                                                                                                                                                                                                                                                           |                                     |                                     |
| Signature: <u></u> Title: <u>Project Manager, Distributed Energy Ops</u>                                                                                                                                                                                                                                                                             |                                     |                                     |





|                                                                                               |                                                                                                                                   |
|-----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| Part 1 / Question 7 [Critical Environmental Area]                                             | No                                                                                                                                |
| Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites] | Yes                                                                                                                               |
| Part 1 / Question 12b [Archeological Sites]                                                   | Yes                                                                                                                               |
| Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]                               | Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook. |
| Part 1 / Question 15 [Threatened or Endangered Animal]                                        | Yes                                                                                                                               |
| Part 1 / Question 15 [Threatened or Endangered Animal - Name]                                 | Short-eared Owl, Northern Harrier                                                                                                 |
| Part 1 / Question 16 [100 Year Flood Plain]                                                   | Digital mapping data are not available or are incomplete. Refer to EAF Workbook.                                                  |
| Part 1 / Question 20 [Remediation Site]                                                       | Yes                                                                                                                               |



**APPENDIX J**  
**New York State Standard Site Control Certification Form**

UTILITY COMPANY NAME] NYSEG  
[UTILITY DEPT. NAME AND CONTACT NAME]  
[UTILITY STREET ADDRESS]  
[CITY/TOWN, New York [ZIP CODE]

|                                             |           |                                    |
|---------------------------------------------|-----------|------------------------------------|
| Re:                                         | DEVELOPER | [name] Solar Power Network LLC     |
|                                             |           | [contact information] 416-904-5857 |
|                                             | PROJECT   | [utility ID number] 18993          |
|                                             | PROPERTY  | [street address] 40 NYS Route 197  |
|                                             |           | [municipality/county] Washington   |
| [city/town and zip code] Fort Edward/ 12828 |           |                                    |

Rourke Enterprises Inc (the "Property Owner") is the owner of the above-referenced property (the "Property").

Solar Power Network LLC (the "Developer") is the developer of the project identified above.

The Property Owner and the Developer have entered into an agreement authorizing the Developer to use the Property for the purpose of constructing and operating a distributed generation facility. The type of agreement that is in place is indicated below by a check mark.

|                                     |                                                                                                                                                        |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/>            | Signed option agreement to lease or purchase the Property                                                                                              |
| <input type="checkbox"/>            | Executed lease agreement for the Property                                                                                                              |
| <input checked="" type="checkbox"/> | Executed agreement to purchase the Property                                                                                                            |
| <input type="checkbox"/>            | License or other agreement granting exclusive right to use the Property for purposes of constructing and operating the distributed generation facility |

Property Owner and Developer entered into the agreement on or about \_\_\_\_\_  
(MM/DD/YYYY)

Term of Agreement (including options to extend) \_\_\_\_\_  
(MM/DD/YYYY)

**Property Owner**

DocuSigned by:  
By: Rourke Enterprises Inc  
Printed Name: Rourke Enterprises Inc

**Developer** Authentication

By: Peter Goodman 06/19/23  
Printed Name: Peter Goodman