TOWN OF MANHEIM

ZONING BOARD OF APPEALS

SPECIAL USE PERMIT

For

ClearPath Energy, LLC

(Tax Parcel No. 108.1-1-4)

APPLICANT: ClearPath Energy, LLC

ISSUED: April , 2021

THIS SPECIAL USE PERMIT is hereby GRANTED to ClearPath Energy, LLC for the construction of a 5-megawatt ground mounted solar energy facility (“Lapp Solar Energy Project”) on 98 acres of the 147-acre parcel of land owned by Amos D. Lapp and Annie S. Lapp (Tax Map Parcel No. 108.1-1-4), situated east of State Route 170a and in the Town of Manheim pursuant to section 301 et seq. and Section 431 of the Town of Manheim Zoning Ordinance, and pursuant to Resolution No. of the Town of Manheim Zoning Board of Appeals (“ZBA”) approved on April\_\_\_, 2021, which determined that the requirements of the Town of Manheim Zoning Law for the issuance of a special use permit had been met and directed the issuance of a Special Use Permit subject to the conditions set forth below.

If the owner or operator of the Solar Energy System changes or the owner of the property changes, the Special Use Permit shall remain in effect, provided that the successor owner or operator of the Solar Energy System assumes in writing all of the obligations of the Special Use Permit, site plan approval, decommissioning plan and other conditions upon which the Special Use Permit was conditioned.

Conditions of Approval:

1. Decommissioning Plan and Bond.

The ZBA adopts the Decommissioning Plan submitted by the Applicant and approved and recommended by the Planning Board and makes the Decommissioning Plan, which includes posting a surety bond as a condition for the issuance of the special use permit. The Applicant shall enter into a Decommissioning Agreement with the Town Board before applying for a Building Permit. Prior to the commencement of construction, the Applicant shall provide a surety bond in the initial the amount of $233,173 and as thereafter required by the Decommissioning Plan. This will provide the Town with financial security in the event the Applicant fails to complete construction of the Project or in the case of Discontinuance of Operations.

1. State Highway Requirements.

The ZBA requires the Applicant to satisfy the State Highway Department’s design standard and to receive the permits required by the Department of Transportation for work in the State Highway right-of-way as a condition for issuance of the building permit.

1. Regulatory Permits Required by DEC.

If required by regulation, DEC, or the Army Corps of Engineers, the ZBA requires the Applicant as a condition for the issuance of the special use permit to comply with such regulations or to apply for and comply with any permits which the DEC or Army Corps of Engineers may deem necessary in connection with the construction and/or operation of the Project. Prior to commencement of construction that will result in soil disturbance of one or more acres of land, the Applicant shall provide a copy of the New York State DEC issued Notice of Intent (NOI) Acknowledgement letter indicating coverage under the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity has been obtained.

1. Site Access Road.

Prior to the issuance of the building permit, the Applicant shall demonstrate that it has revised the plan for the installation of the proposed gravel access road to include nine (9”) inches of gravel that will be underlain by geotextile fabric to stabilize the roadway from the highway entrance to the intermittent stream that bisects the Project site in order to provide more suitable access for emergency vehicles.

Dated: \_\_\_\_\_\_\_\_\_, 2021 MANHEIM ZONING BOARD OF APPEALS

By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Bruce Lyon, Chairman

Adopted:

A copy of ZBA Resolution No. \_\_\_\_of 2021, which approved the adoption and issuance of the above Special Use Permit is attached as Addendum “A.”

A copy of the Solar Operations and Maintenance Plan attached as Addendum “B.”

A copy of the Decommissioning Plan dated January 25, 2021 is attached as Addendum “C.”