

**RESOLUTION CONFIRMING SEQR DETERMINATION  
NY PLATTSBURGH I, LLC PROJECT**

A regular meeting of County of Clinton Industrial Development Agency (the "Agency") was convened in public session in the offices of the Agency located at 137 Margaret Street, Suite 208 in the City of Plattsburgh, Clinton County, New York on September 9, 2019 at 12:00 o'clock p.m., local time.

The meeting was called to order by the (Vice) Chairperson of the Agency and, upon roll being called, the following members of the Agency were:

**PRESENT:**

Trent Trahan	Chairperson
Michael E. Zurlo	Secretary
Kim Murray	Assistant Secretary
Keith Defayette	Treasurer
Mark Leta	Member
John VanNatten	Member

**ABSENT:**

David Hoover	Vice Chairperson
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**AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:**

Renee McFarlin	Executive Director
Toni Moffat	Executive Assistant
Christopher C. Canada, Esq.	Agency Counsel
George W. Cregg, Jr., Esp.	Agency Counsel

The following resolution was offered by K. Defayette, seconded by J. Van Natten, to wit:

Resolution No. 09-19-04

**RESOLUTION CONCURRING IN THE DETERMINATION BY THE TOWN OF  
PLATTSBURGH PLANNING BOARD, AS LEAD AGENCY FOR THE  
ENVIRONMENTAL REVIEW OF THE NY PLATTSBURGH I, LLC PROPOSED  
PROJECT.**

WHEREAS, County of Clinton Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 225 of the 1971 Laws of New York, as amended, constituting Section 895-f of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more “projects” (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, in August, 2019, NY Plattsburgh I, LLC, a New York State limited liability company (the “Company”), presented an application (the “Application”) to the Agency, a copy of which Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the “Project”) for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in an approximately 24 acre portion of an approximately 182 acre parcel of land located on 6106 Route 22 (currently being a portion of tax map no. 193.-2-6) and 6195 Route 22 (currently being a portion of tax map no. 193.-1-14.1) in the Town of Plattsburgh, Clinton County, New York (collectively, the “Land”), (2) the construction on the Land of an up to 5 MWAC solar photovoltaic facility to include an interconnection line (collectively, the “Facility”) and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (collectively, the “Equipment”) (the Land, the Facility, and the Equipment hereinafter collectively referred to as the “Project Facility”), all of the foregoing to constitute a solar farm and other directly and indirectly related activities; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real property transfer taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations (the “Regulations”) adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, “SEQRA”), the Agency has been informed that (1) the Town of Plattsburgh Planning Board (the “Planning Board”) was designated to act as “lead agency” with respect to the Project, and (2) the Planning Board issued a Determination of Non Significance on July 16, 2019 (the “Negative Declaration”), attached hereto as Exhibit A, determining that the acquisition, construction and installation of the Project Facility will not have a “significant effect on the environment”; and

WHEREAS, the Agency is an “involved agency” with respect to the Project and the Agency now desires to concur in the determination by the Planning Board, as “lead agency” with respect to the Project, to acknowledge receipt of a copy of the Negative Declaration and to indicate whether the Agency has any information to suggest that the Planning Board was incorrect in determining that the Project will not have a “significant effect on the environment” pursuant to SEQRA and, therefore, that no environmental impact statement need be prepared with respect to the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF COUNTY OF CLINTON INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. The Agency has received copies of, and has reviewed, the Application, an environmental assessment form (the “EAF”) prepared by the Company and the Negative Declaration (collectively, the “Reviewed Documents”) and, based upon said Reviewed Documents, the Agency hereby ratifies and concurs in the designation of the Planning Board as “lead agency” with respect to the Project under SEQRA (as such quoted term is defined in SEQRA).

Section 2. The Agency hereby determines that the Agency has no information to suggest that the Planning Board was incorrect in determining that the Project will not have a “significant effect on

the environment” pursuant to the SEQRA and, therefore, that environmental impact statement need not be prepared with respect to the Project (as such quoted phrase is used in SEQRA).

Section 3. The members of the Agency are hereby directed to notify the Planning Board of the concurrence by the Agency that the Planning Board shall be the “lead agency” with respect to the Project, and to further indicate to the Planning Board that the Agency has no information to suggest that the Planning Board was incorrect in its determinations contained in the Negative Declaration.

Section 4. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Trent Trahan	VOTING	<u>YES</u>
David Hoover	EXCUSED	<u>EXCUSED</u>
Michael E. Zurlo	VOTING	<u>EXCUSED</u>
Kim Murray	VOTING	<u>YES</u>
Keith Defayette	VOTING	<u>YES</u>
Mark Leta	VOTING	<u>YES</u>
John VanNatten	VOTING	<u>YES</u>

The foregoing Resolution was thereupon declared duly adopted.

STATE OF NEW YORK                    )  
  ) SS.:  
COUNTY OF CLINTON                 )

I, the undersigned (Assistant) Secretary of County of Clinton Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on September 9, 2019 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 9<sup>th</sup> day of September, 2019.

  
(Assistant) Secretary

(SEAL)

EXHIBIT A  
NEGATIVE DECLARATION

-SEE ATTACHED-

**TOWN OF PLATTSBURGH  
PLANNING BOARD MEETING  
JULY 16, 2019**

Resolution No. 19-49

Motioned by:

WHEREAS, the Town of Plattsburgh's Planning Board has before it a project known as the;

**GIROUX SUBDIVISION 2019-** Request for a 2 lot split/merge subdivision separating 2.14 acres of land from tax map parcel #193.2-2-6 and remaining lands to be merged with tax map parcel #193.1-14.1. Located on Route 22 with private water and private sewer; Zoned R2; Tax Map Parcel #193.1-14.1 & 193.2-2-6; Owner/Applicant: George Giroux & Marcel Giroux; Engineer: RMS SEQRA DETERMINATION and;

**DELAWARE RIVER SOLAR SITE PLAN & SPECIAL USE PERMIT 2019-** Request to develop a 28 acre community solar farm that will generate up to 5 megawatts of power. **SUBJECT TO TOWN OF PLATTSBURGH SOLAR LOCAL LAW.** Located on Route 22 with private water and private sewer; Zoned R2; Tax Map Parcel #193.1-14.1 & 193.-2-6; Owner/Applicant: Delaware River Solar; Engineer: RMS SEQRA DETERMINATION and;

WHEREAS, Part 617 of the Environmental Conservation Law - "State Environmental Quality Review Act", provides for the review of any "ACTION" to determine the effect of the action on the environment, along with any related administrative procedures for the implementation, authorization or approval of the action; and

WHEREAS, said Part 617 of the Environmental Conservation Law provides for an involved agency to review any action for the purpose of determining the effect of the action on the environment; and

WHEREAS, public comment opportunity was provided in consideration of this Project on July 16, 2019; and

WHEREAS, the Town's Planning Board received, considered, and placed on file the Site Plan/Subdivision applications, Project Summary, Solar Local Law, Maps, Plans, Storm Water Management Report, Decommissioning Plan; and

WHEREAS, the Town's Planning Board reviewed the information filed with the application for the Project, including but not limited to the EAF Part 1 and additional information provided to supplement and clarify the same; and

WHEREAS, the Town's Planning Board conducted a detailed and comprehensive environmental review of the Project to determine whether there was a significant impact which would require the preparation of a Draft Environmental Impact Statement (DEIS); now, therefore be it

RESOLVED, that the Town's Planning Board does hereby determine that the Giroux Subdivision 2019 (DRS) & Delaware River Solar Site Plan & Special Use Permit 2019 does constitute a "TYPE I ACTION" in accordance with said Environmental Review procedures and a coordinated review has been conducted; and, be it further

RESOLVED, that the Town's Planning Board acting as the "Lead Agency" in a SEQRA Review does hereby receive and place on file the   X   Subdivision and/or   X   Site Plan applications, maps, plans, completed EAF and other related material submitted; and, be it further.

RESOLVED, that the Town Planning Board has reviewed the Planning & Community Development Department's recommendations and findings herein and does determine that:

- a) The overall scope of the Project development is less than the scope of the development permitted by the town's zoning regulations; and
- b) The Project Summary and Decommissioning Plan were reviewed by the Town Planning Board and found acceptable; and
- c) The proposed impervious area in the Project Plan is significant, but will be mitigated with stormwater controls in accordance with the Town's Zoning Ordinance and NYSDEC regulations; and
- d) The erosion and sedimentation from the development and water quality during such development will be properly controlled as proposed by the storm water management plan submitted and accepted by the Town Planning & Community Development Department, and it is further

RESOLVED, that the Project does not:

- a) involve a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, solid waste production, potential for erosion, flooding or drainage problems;
- b) involve the removal or destruction of large quantities of vegetation or the interference with plant or animal life or impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of plant or animal, or the habitat area of such species, or other significant adverse impacts to natural resources,
- c) conflict with the Town's current plans or goals for the area where the project is located

- d) impair the character or quality of the neighborhood;
- e) represent a major change in the use of energy;
- f) create any hazards to human health;
- g) represent a substantial change in the use of the land;
- h) increase the number of people who would come to the site absent such development in an undesirable/unmanaged manner; or
- i) impair the environmental characteristics of the area; and, it is further

RESOLVED, that the Town Planning Board of the Town of Plattsburgh after review of the said X Subdivision and/or X Site Plan application, maps, plan, completed EAF, and related materials does hereby determine as "Lead Agency" for the SEQRA Review process that the "Project" will NOT have a significant effect on the environment. Therefore, the preparation of a DEIS is NOT required; and, be it further

RESOLVED, that the Town Planning Board does hereby declare that the Project and environmental review process considered for the development does adequately and sufficiently satisfy the requirements of the State Environmental Quality Review Act for the Project; and be it further

RESOLVED, that a copy of this resolution be forwarded to other involved agencies who may be reviewing the Project for their records and files, and be it further

RESOLVED, that the Planning Board of the Town of Plattsburgh does hereby authorize and direct the Chairman of the Planning Board to have prepared and to execute a "Notice of No Significant Environmental Impact" (NEGATIVE DECLARATION) for this "Project"; and, be it further

RESOLVED, that the "Notice of No Significant Environmental Impact" (NEGATIVE DECLARATION) shall be disseminated to those involved Agencies and Governmental Units as required by said Environmental Conservation and all related material shall be maintained on file at the Town Hall Offices of the Planning Board and available for Public Inspection.

Seconded By:

Discussion (Not Verbatim):

Yes

No

Roll Call:

Anne Brandell  
 Jeff Wagner  
 Tim Palmer, Chairperson



Terry Besaw  
Terry Senecal  
Maureen Faucher  
Debbie Blake (Alt.)  
James Sherman (Alt.)

Carried:

**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Question 1. - Impact on Land - The project will be constructed on approximately 28 acres of land. The project has received site plan and special permit review under the Town's Solar Energy Local Law and is in compliance with those regulations. Additionally a storm-water management plan has been submitted in compliance with the local law along with visual renderings of the project.

Question 8.- Impact on Agricultural Resources- The project will be located on Agricultural lands that are located within the Clinton County Agricultural District. The impact has been determined minimal because the installation of solar arrays will not permanently alter the soil composition or location. Additionally the project has submitted a decommissioning plan and will submit a financial security with the Town for restoration of the site to original condition should the operator fail to do so upon end of life of the facility.

Question 12. - Impact on Critical Environmental Areas - The project will be constructed adjacent to a large productive wetland. The project site is completely separated from the wetland by railroad tracks and no portion of the facility will impact the adjacent wetlands.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:       Type 1                       Unlisted

Identify portions of EAF completed for this Project:     Part 1             Part 2             Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information  
Stormwater Management Report, Visual Renderings, Decommissioning Plan, Zoning Ordinance Article 9.6 project narrative response, 239 M County Planning Board Referral, Meeting comments & discussions

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Town of Plattsburgh Planning Board as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Delaware River Solar Site Plan & Special Use Permit (Local Law Review) 2019

Name of Lead Agency: Town of Plattsburgh Planning Board

Name of Responsible Officer in Lead Agency: Tim Palmer

Title of Responsible Officer: Chairman

Signature of Responsible Officer in Lead Agency: Tim Palmer

Date: 7-16-19

Signature of Preparer (if different from Responsible Officer) [Signature]

Date: 7/17/2019

**For Further Information:**

Contact Person: Trevor Cole, AICP Sr. Planner

Address: 151 Banker Road Plattsburgh, NY 12901

Telephone Number: (518) 562 6850

E-mail: trevorc@townofplattsburgh.org

**For Type I Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>



**Department of  
Environmental  
Conservation**

## **ENB - Region 5 Notices 8/7/2019**

### **Negative Declaration**

**Clinton County** - The Town of Plattsburgh Planning Board, as lead agency, has determined that the proposed Delaware River Solar Site Plan and Special Use Permit 2019 will not have a significant adverse environmental impact. The action involves a request to develop a 28 acre community solar farm that will generate up to 5 megawatts of power. The project is located NYS Route 22 in the Town of Plattsburgh, New York.

**Contact:** Trevor Cole, Town of Plattsburgh, 151 Banker Road, Plattsburgh, NY 12901, Phone: (518) 562-6850, E-mail: [Trevorc@townofplattsburgh.org](mailto:Trevorc@townofplattsburgh.org).

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