

Establishing The Ulster County Legislature As Lead Agency Under The State Environmental Quality Review Act (SEQRA) For The Installation Of A Solar Project On The Ulster County Resource Recovery Closed Landfill In The Town Of Ulster – Department Of Planning

Referred to: The Economic Development, Tourism, Housing, Planning and Transit Committee (Chairman Briggs and Legislators Allen, Archer, Bartels, Litts, Maio and Maloney), and The Energy and Environment Committee (Chairman Loughran and Legislators Richard Parete, Rodriguez, Ronk and Wawro)

Chairman of the Economic Development, Tourism, Housing, Planning, and Transit Committee, Thomas J. Briggs, and Deputy Chairman James F. Maloney offer the following:

WHEREAS, this resolution has been submitted by the County Executive on behalf of the Department of Planning; and

WHEREAS, the closed landfill in the Town of Ulster (hereinafter the “Ulster Landfill”) owned by the Ulster County Resource Recovery Agency (hereinafter “UCRRA”) is an appropriate site for the location of a solar energy project as determined by the United States Environmental Protection Agency (hereinafter the “EPA”); and

WHEREAS, Solar City, a vendor for the installation of solar energy projects has been awarded funding to subsidize the cost of solar energy to be sold to Ulster County (hereinafter the “County”) from the New York State Energy Research Development Agency (hereinafter “NYSERDA”) for a solar energy project to be located on the Ulster Landfill; and

WHEREAS, it is necessary for the County, working with UCRRA, to obtain an appropriate property interest in the portion of the Ulster Landfill on which the solar facility is proposed to be sited; and

WHEREAS, the approvals needed to obtain such property interests, as well as those needed to construct the solar facility, are actions as defined under NYCRR Part 617.2(b) [SEQRA], and the County is desirous of establishing itself as a lead agency and conducting a coordinated review as provided for in NYCRR Part 617.6; now, therefore be it

RESOLVED, that pursuant to 6 NYCRR Part 617.6(b) (3) of the Regulations pertaining to Article 8 of the Environmental Conservation Law of New York State (SEQRA), the Ulster County Legislature hereby declares its intent to serve as Lead Agency for the above recited project; and, be it further

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RESOLVED, that the Ulster County Legislature has determined, after review of the criteria contained in 6 NYCRR Parts 617.4 and 617.5, that the project is an Unlisted Action; and, be it further

RESOLVED, that the Ulster County Legislature will conduct a coordinated review and circulate its Notice of Intent to serve as Lead Agency, together with the EAF and accompanying documentation to all interested and involved agencies pursuant to 6 NYCRR Part 617.6(b) (2) (i) and 6 NYCRR Part 617.6(b) (3); and, be it further

RESOLVED, that pursuant to 6 NYCRR Part 617.6(b) (3), at the conclusion of an otherwise unchallenged thirty (30) day period following the date of transmittal of the Notice of Intent, the EAF and documentation aforesaid to the interested agencies, the Legislature shall become the Lead Agency under SEQRA for this project,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 23 NOES: 0

Passed Committee: Economic Development, Tourism, Housing, Planning and Transit on December 1, 2015

Passed Committee: Energy and Environment on December 9, 2015

FINANCIAL IMPACT:
NONE

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 15th Day of December in the year Two Thousand and Fifteen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 16th Day of December in the year Two Thousand and Fifteen.

/s/ Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

Submitted to the County Executive this
16th Day of December, 2015.

Approved by the County Executive this
22nd Day of December, 2015.

/s/ Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

/s/ Michael P. Hein
Michael P. Hein, County Executive