

**TOWN OF SCHUYLER ZONING BOARD OF APPEALS
RESOLUTION OF SEQR NEGATIVE DECLARATION IN THE
MATTER OF THE SUNEAST WATKINS ROAD SOLAR PROJECT**

WHEREAS, the Town of Schuyler Zoning Board of Appeals (ZBA) intends to consider approval of the application of SunEast Development, LLC (the Applicant) for the Watkins Road Solar Farm Project (the Action); and

WHEREAS, the Action consists of a proposed 20 MW solar photovoltaic (PV) array farm covering approximately 172 acres in the Towns of Schuyler and Herkimer. The Action will be built on tax parcels, 112.4-1-1.1, 112.4-3-8, and 112.2-3-16.1, commonly known as 188 Sokol Rd., Herkimer, NY 13350 and 358 Watkins Rd., Frankfurt, NY 13340, and owned by Paul Sokol, Julie Todd, and Carolyn Goodhines. Solar arrays consist of 73,629 ground-mounted PV, panels in a tracking configuration. Construction of the system will involve driving posts approximately 6 to 10 feet into the ground, every 12 to 16 feet and mounting panel racks to the posts; and

WHEREAS, the ZBA previously determined, by resolution dated November 19, 2019, that the Action was properly characterized as a Type I action under the NYS Environmental Conservation Law, Article 8 (SEQR), and its intent to act as lead agency, pursuant to 6 NYCRR Part 617.6(b)(3) of the SEQR Regulations. On November 27, 2019, the ZBA circulated its notice of intent to be lead agency to all identified involved and interested agencies, along with Part 1 of the Full Environmental Assessment Form (EAF), prepared by the sponsor. No objections to the ZBA acting as SEQR lead agency have been received, and

WHEREAS, during the course of the ZBA's review it submitted a series of follow-up questions to the Applicant and received responses to all of its questions; and

WHEREAS, during the course of the ZBA's review of the Action, it received and considered technical guidance from an engineer retained by the ZBA and conducted two (2) open public work sessions with the retained engineer; and

WHEREAS, a duly advertised public hearing on the application was held at which the public was given an opportunity to be heard and there were no public comments; and

WHEREAS, the ZBA caused the preparation of Parts 2 and 3 of the Full EAF (attached and incorporated herein), reviewed the completed EAF, which identified any potential environmental impacts of the Action, and considered the criteria specified in the SEQR regulations.

NOW, THEREFORE BE IT RESOLVED ON FEBRUARY 04, 2020, BY THE ZONING BOARD OF APPEALS OF THE TOWN OF SCHUYLER, NEW YORK, AS FOLLOWS:

RESOLVED, the ZBA confirms that the proposed Action is a Type 1 SEQR action and confirms that the ZBA is the lead SEQR agency, with authority to complete and sign the Determination of Significance;

BE IT FURTHER RESOLVED, the ZBA accepts and approves the EAF Part 2 and EAF Part 3;

BE IT FURTHER RESOLVED, the ZBA, based upon (i) its review of the EAF, Part 1 and 2, and any and all other documents prepared and submitted with respect to this Action and future construction activities, and its environmental review, (ii) its review of the potential relevant areas of environmental concern to determine if the Action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR § 617.7(c), and (iii) its review of the EAF, Part 3, including the reasons noted thereon, hereby determines that the proposed Action will not have any significant adverse environmental impacts; and;

BE IT FURTHER RESOLVED, the ZBA determines that an Environmental Impact Statement will not be required and issues a Negative Declaration, pursuant to the SEQR Regulations, for:

Name of Action: SunEast Watkins Road Solar Farm Project.

Location: Town of Schuyler, Herkimer County, New York.

Project Sponsor: SunEast Development, LLC

Lead Agency: Town of Schuyler ZBA
Town of Schuyler Municipal Building
2090 State Rte. 5
Utica, New York 13502

Contact: Ronald Beach
Town of Schuyler Municipal Building
2090 State Rte. 5
Utica, New York 13502

Supporting Determination: See attached EAF Parts 2 and 3;

BE IT FURTHER RESOLVED, the ZBA directs that a notice of this resolution shall be circulated to all identified interested and involved agencies, posted on the Town of Schuyler's website, and filed as required by the SEQR Regulations.

On a motion by Robert Wasyleski, seconded by David Pasick, this resolution was adopted on a vote of 5Ayes, 0 Nays.

STATE OF NEW YORK)
) SS:
TOWN OF SCHUYLER)

**IN WITNESS WHEREOF, I have hereunto
set my hand and the official seal of the
TOWN OF SCHUYLER ZONING BOARD
OF APPEALS, this 4th day of February
2020.**

Ronald J. Beach, Jr. Chair