

TOWN OF CLARKSON
SPECIAL TOWN BOARD MEETING
December 2, 2019

The Town Board of the Town of Clarkson held a special meeting on Monday, December 2, 2019 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 6:00 PM.

PRESENT:

Christa Filipowicz	Supervisor
Allan Hoy	Councilperson
Patrick Didas	Councilperson
Jackie Smith	Councilperson
Leslie Zink	Councilperson
Sharon S. Mattison	Town Clerk
Richard Olson	Attorney
J.P. Schepp, P.E.	MRB Group, Engineer for Town

Supervisor Filipowicz opened the meeting and led all those present in the Pledge of Allegiance. A moment of silence was observed for those serving in the military and our First Responders.

The purpose of this special meeting was to discuss the Borrego Solar Project at 2668 Redman Road. J.P. Schepp, P.E. reviewed SEQR Part 1, filling in answers where appropriate. He pointed out that the owner has not yet signed the verification on page 13. R. Olson said he had a signed copy. The Town Board has been named lead agency; therefore, he went ahead and completed Part 2. He reviewed line items in that document and after discussion, answers were filled in where appropriate. Town Board members were in agreement with Parts 1 and 2. The next step is to complete Part 3 which is *Determination of Significance*. The project was determined to be a negative declaration. J.P. Schepp then presented a suggested resolution, which was read aloud to the group (see below), which was approved by the group.

RESOLUTION #255
ADOPTING NEGATIVE DECLARATION

Introduced by Councilperson Hoy
Seconded by Councilperson Smith

WHEREAS, the Town of Clarkson Town Board is considering the Establishment of a Solar Energy System Overlay District on two parcels of land (Tax Map Nos. 28.03-1-21 and 28.04-1-18) that will make development of a 6.5 mW Large Scale Solar Energy System (the current application); and

WHEREAS, the Board determines that said proposed application is classified as Type 1 Action under the SEQR Regulations; and

WHEREAS, the Board completed a coordinated review in accordance with Section 617.6(b)(3); and

WHEREAS, the Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in the Full Environmental Assessment Form Part 1; and

WHEREAS, the Board has completed Part 2 and Part 3 of the Full Environmental Assessment Form; and

BE IT FURTHER RESOLVED that the Board has reasonably concluded the following impacts are expected to result from the proposed Action, when compared against the criteria in Section 617.7 (c):

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(i) there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;

(ii) there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed Action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed Action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site;

(iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed Action;

(iv) the overall density of the site is consistent with the Town's Comprehensive Plan land use recommendations;

(v) there are no known important historical, archeological, architectural, or aesthetic resources on the site according to the State Office of Parks, Recreation and Historic Preservation (SHPO), or will the proposed Action impair the existing community or neighborhood character;

(vi) there will not be an increase in the use of either the quantity or type of energy resulting from the proposed Action;

(vii) there will not be any hazard created to human health;

(viii) there will not be an irreversible change in the use of active agricultural lands that receive an agricultural use tax exemption or that will ultimately result in the loss of acres of such productive farmland;

(ix) there will not be a larger number of persons attracted to the site for more than a few days when compared to the number of persons who would come to the site absent the Action;

(x) there will not be created a material demand for other Actions that would result in one of the above consequences;

(xi) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and

(xii) there are not two or more related Actions which would have a significant impact on the environment.

BE IT FURTHER RESOLVED, based upon the information and analysis above and the supporting documentation referenced above, the proposed Action **WILL NOT** result in any significant adverse environmental impacts.

BE IT FINALLY RESOLVED that the Board does hereby make a Determination of non-significance on the proposed development, and the Supervisor of the Board is hereby directed to sign the Full Environmental Assessment Form Part 3 and issue the Negative Declaration as evidence of the Town Board's determination.

VOTE OF THE BOARD

AYES: Supervisor Filipowicz, Councilpersons Hoy, Didas, Smith and Zink

NAYS: None

12.02.19

RESOLUTION #256
RESOLUTION AND FINAL ORDER APPROVING APPLICATION OF THE
SOLAR ENERGY SYSTEMS OVERLAY DISTRICT REGULATIONS

Introduced by: Councilperson Zink
 Seconded by: Councilperson Hoy

WHEREAS, Borrego Solar Systems, Inc. has made application to the Town Board of the Town of Clarkson for approval and authorization for the application of the Solar Energy Systems Overlay District Regulations to parcels of land located within the Town of Clarkson, Monroe County, New York which they wish to develop for installation of solar energy systems; and

WHEREAS, the Town Board of the Town of Clarkson did hold and conduct a public hearing to consider such application, which public hearing was held at the Clarkson Town Hall 3710 Lake Road, Clarkson, New York on the 8th day of October, 2019 at 6:00 p.m. and at which hearing all interested persons were heard concerning the subject matter thereof, due notice of which was given as required by law; and

WHEREAS, the Planning Board of the Town of Clarkson has recommended this application be approved; and

WHEREAS, the Monroe County Planning Board has, pursuant to Section 239 of the General Municipal Law, reviewed the project and has by letter dated October 8, 2019; and

WHEREAS, upon a review of the maps, plans and application and after having heard all interested persons concerning such application and due deliberation having been had, the Town Board of the Town of Clarkson is desirous of approving such application;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Clarkson, Monroe County, New York, as follows:

SECTION 1: That by the adoption of this Resolution and Final Order, the Town Board of the Town of Clarkson does hereby approve the application of the Solar Energy Systems Overlay District Regulations to those parcels of land, as more particularly described in schedule A which is attached hereto and made a part hereof.

SECTION 2. That the Planning Board of the Town of Clarkson shall be entitled to apply such Solar Energy Systems Overlay District Regulations to the application of Borrego Solar Systems, Inc. for site plan approval in accordance with the provisions of such Overlay District, as more particularly described therein.

SECTION 3. That the Town Board of the Town of Clarkson, acting as lead agency for purposes of SEQR Review did review Part I of the full Environmental Assessment Form, as prepared by the applicant, and did, by Negative Declaration dated December 2, 2019 issue its determination and finding that the proposed action will have no significant impact upon the environment and did issue its Negative Declaration with respect to the same.

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SECTION 4. That the Town Clerk shall give due notice of this Resolution and Final Order as required by law.

VOTE OF THE BOARD

AYES: Supervisor Filipowicz, Councilpersons Hoy, Smith and Zink

NAYS: Councilperson Didas

INTRODUCTORY LOCAL LAW #4-2019

Supervisor Filipowicz stated we need to repeal Article V of Chapter 122 of the Clarkson Town Code (Opt Out) and read Introductory Local Law #4-2019 in its entirety.

INTRODUCTORY LOCAL LAW #4-2019

"A LOCAL LAW TO REPEAL ARTICLE V OF CHAPTER 122 OF THE CLARKSON CODE"

Be it enacted by the Town Board of the Town of Clarkson:

SECTION 1. TITLE

This Local Law shall be known as Local Law # 4-2019 "A LOCAL LAW TO REPEAL ARTICLE V OF CHAPTER 122 OF THE CLARKSON CODE"

SECTION 2. CONTENT

Article V of Chapter 122 of the Clarkson Code is repealed in its entirety.

SECTION 3. EFFECTIVE DATE

This Local Law shall take effect immediately upon the filing with the Secretary of State of the State of New York.

RESOLUTION #257
SETTING PUBLIC HEARING
INTRODUCTORY LOCAL LAW #4-2019

Introduced by: Councilperson Hoy

Seconded by: Councilperson Zink

"A LOCAL LAW TO REPEAL ARTICLE V OF CHAPTER 122 OF THE CLARKSON CODE"

WHEREAS, the Town Board has before it a proposed Local Law which, if adopted, will repeal Article V of Chapter 122 of the Code of the Town of Clarkson; and

WHEREAS, by enacting this Local Law, the Town of Clarkson will be able to enter into agreements regarding alternate methods of taxation of renewable energy facilities in the Town of Clarkson; and

WHEREAS, in order to adopt said Local Law, the Town Board of the Town of Clarkson is required to hold and conduct a public hearing thereon;

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. That the Town Board of the Town of Clarkson shall hold and conduct a Public Hearing on the 11th of December, 2019, at 6:00 p.m. at the Town Hall, 3710 Lake Road, Town of Clarkson, New York, 14430 to consider the attached Local Law; at which Public Hearing all interested persons will be heard concerning the subject matter thereof.

SECTION 2. That the Town Clerk shall cause due notice of such public hearing to be published and posted as required by law.

VOTE OF THE BOARD

AYES: Supervisor Filipowicz, Councilpersons Hoy, Smith and Zink

NAYS: Councilperson Didas

12.02.19

RESOLUTION #258
ADJOURNMENT

Introduced by Councilperson Hoy

Seconded by Councilperson Didas

To adjourn the Town Board meeting at 6:35 P.M.

VOTE OF THE BOARD

AYES: Supervisor Filipowicz, Councilpersons Hoy, Didas, Smith and Zink

NAYS: None

Respectfully submitted,

Sharon S. Mattison

Town Clerk

Approved 12-10-19