

TOWN OF SHELBY TOWN BOARD RESOLUTION
SHELBY WIND 1, LLC & SHELBY WIND 2, LLC – GRAVEL ROAD WIND PROJECT
4362 AND 4324 SOUTH GRAVEL ROAD
OVERLAY DISTRICT AND SPECIAL USE PERMIT APPLICATION

SEQR – DETERMINATION OF SIGNIFICANCE RESOLUTION

WHEREAS, the Town of Shelby Town Board (hereinafter referred to as Town Board), is also considering a Wind Energy Overlay District (WEOD) & Special Use Permit approval for the applications from Borrego Solar, Inc. for the construction and operation of two wind energy turbines, totaling 10-megawatt (MW) on a portion of the properties at 4362 South Gravel Road (parcel tax ID 90.-1-35.12, southern parcel) and 4324 South Gravel Road (parcel tax ID 90.-1-35.11, northern parcel) in the Town of Shelby, Orleans County NY 14103; described in the Site Plans last revised March 14, 2022 and all other relevant information submitted as of August 8, 2022 (the current application); and

WHEREAS, the Town Board has determined the above referenced Action to be a Type 1 Action pursuant to Part 617 of the State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Town Board determined that said Action to be subject to a coordinated review and approval by other involved agencies under SEQR Regulations; and

WHEREAS, the Town Board has been designated the lead agency, under the provisions of Part 617.6 (3) and (4) of article 8 of the State Environmental Conservation Law; and

WHEREAS, the Town Board has considered the comments provided by the involved agencies and interested agencies at tonight’s meeting; and

WHEREAS, the Town Board has completed its review of Parts 2 and 3 of the Full Environmental Assessment Form (EAF); and

WHEREAS, the Town Board has considered the criteria for determining significance as set forth in Section 617.7 (c) of the SEQR Regulations and the information contained in Parts 1, 2 and 3 of the Full EAF.

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby accept the findings contained in Parts 2 and 3 of the Full EAF.

NOW, THEREFORE, BE IT RESOLVED that the Town 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):

- (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) the site is will not negatively impact an identified archaeological sensitive area;

- (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 a change in the use of active agricultural lands that receive an agricultural use tax exemption or that will ultimately result in the loss of ten 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 Town Board does hereby make a Determination of Non-Significance on the proposed development, and the Town Board Chairman 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.

FURTHER RESOLVED that this Resolution shall take effect immediately.