

ST. LAWRENCE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
Resolution No. 11-10-38
October 27, 2011

RESOLUTION SETTING TYPE II DETERMINATION UNDER SEQRA

WHEREAS, the St. Lawrence County Industrial Development Agency (the “Agency”), is a project partner proposing to construct a railroad spur to serve multiple parcels within the Massena Industrial Park, and

WHEREAS, the Agency must evaluate all proposed actions submitted for its consideration that may affect the environment in light of the State Environmental Quality Review Act (SEQRA) and the regulations promulgated thereunder, and

WHEREAS, the interested or involved agencies [as the terms are defined in 6(A-2) NYCRR 617.2(s) and (t)] include the Business Development Corporation for a Greater Massena, Village of Massena, Town of Massena, Town of Norfolk, and the New York State Department of Transportation, and the required environmental review will be conducted concurrently by the Agency, and

WHEREAS, the Agency has notified said interested or involved agencies of its intent to serve and act as the lead agency for the purposes of SEQR, and

WHEREAS, 17 NYCRR 15.14 (Title 17 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQRA) provides that certain actions identified in subdivision (e) of that section are not subject to environmental review under the Environmental Conservation Law,

NOW, THEREFORE, BE IT RESOLVED that the St. Lawrence County Industrial Development Agency hereby determines that the proposed Massena Industrial Park Rail Spur project is a “Type II action” (as said quoted term is defined in SEQRA) in accordance with 17 NYCRR 15.14(d) and 17 NYCRR 15.14(e)(51) as the project does not result in:

- (1) The acquisition of any occupied dwelling units or principal structures of business;
- (2) Significant changes in passenger or vehicle traffic volume, vehicle mix, local travel patterns or access (other than changes that would occur without the project);
- (3) More than minor social, economic or environmental effects upon occupied dwelling units, businesses, abutting properties or other established human activities;
- (4) Significant inconsistency with current plans or goals that have been adopted by local governmental bodies;
- (5) Physical alternation of more than 2.5 acres of publicly owned or operated parkland, recreation area or designated open space;
- (6) An effect on any historic district, site, building, structure or object that is listed, or may be eligible for listing, on the National Register of Historic Places, or any historic building, structure, site or prehistoric site that has been proposed by the Committee on the Registers for consideration by the New York State Board of Historic Preservation for a recommendation to the State Historic Preservation Officer for nomination for inclusion in said National Register;

- (7) More than minor alteration of, or adverse effect upon, any property, protected area, or natural or man-made resource of national, State or local significance, including but not limited to:
 - (i) Freshwater or tidal wetlands and associated areas;
 - (ii) Floodplain areas;
 - (iii) Prime or unique agricultural land;
 - (iv) Agricultural districts so designated pursuant to article 25, section 203, when more than one acre of such district may be affected;
 - (v) Water resources, including lakes, reservoirs, rivers, streams;
 - (vi) Water supply sources;
 - (vii) Designated wild, scenic and recreational rivers;
 - (viii) Unique ecological, natural wooded or scenic areas;
 - (ix) Rare, endangered or threatened species formally designated as such pursuant to Federal law; and
 - (x) Any area officially designated as a critical environmental area pursuant to 6 NYCRR Part 617; and
- (8) The requirement for an indirect air source quality permit, pursuant to 6 NYCRR Part 203, and

Is therefore not subject to review under 17 NYCRR Part 15; and

BE IT FURTHER RESOLVED that the Agency shall cause the Business Development Corporation for a Greater Massena, Village of Massena, Town of Massena, Town of Norfolk, and New York State Department of Transportation as the interested or involved agencies to be notified of this resolution, and

BE IT FURTHER RESOLVED that a copy of this resolution, together with the appropriate documentation, shall be placed on file in the office of the Agency where the same shall be available for public inspection during business hours, and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

Move:	McMahon			
Second:	Weekes			
VOTE	AYE	NAY	ABSTAIN	ABSENT
Blevins	X			
Hall	X			
LaBaff	X			
McMahon	X			
Peck	X			
Staples				x
Weekes	X			

I HEREBY CERTIFY that I have compared this copy of this Resolution with the original record in this office, and that the same is a correct transcript thereof and of the whole of said original record.

/s/

Natalie A. Sweatland
10/27/2011