**TOWN OF PLATTSBURGH**

**TOWN BOARD SEMI MONTHLY MEETING**

**November 18, 2021**

**Resolution No. 021-204 TOWN OF PLATTSBURGH**

**RESOLUTION CLASSIFYING A CERTAIN ACTION AS AN UNLISTED ACTION PURSUANT TO THE STATE ENVIRONMENTAL QUALIFTY REVIEW ACT (SEQRA), DECLARING THE TOWN LEAD AGENCY FOR PURPOSES OF AN UNCOORDINATED REVIEW THEREUNDER AND DETERMINING THAT THE ACTION WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT**

**WHEREAS**, in furtherance of that certain Plattsburgh Compact between the City of Plattsburgh (the “City) and the Town of Plattsburgh (the “Town”) and Settlement Agreement between the City and the Town, the City and Town have reviewed and considered the proposed annexation of certain lands owned by the County of Clinton, New York (the “County”) located on LeMay Drive and situated within the City, into the Town (the “LeMay Avenue Annexation”); and

**WHEREAS**, via Resolution passed on September 8, 2021 (No. 622), the County expressed its approval of the LeMay Annexation and authorized to initiate such annexation via petition to the City and the Town; and

**WHEREAS**, on September 13, 2021, the Town received a Petition for Annexation, together with exhibits thereto (the “Petition”), proposing the annexation of approximately 18.05+/- acres of real property located at 15/27 LeMay Drive in the City, identified by County Tax Parcel No. 233.6‑1‑2.1 (the “Property”) from the City to the Town; and

**WHEREAS**, as the Property is uninhabited and wholly owned by the County; and

**WHEREAS,** pursuant to SEQRA, the Town is required to make a determination with respect to the environmental impact of any "action" (as defined SEQRA) to be taken by the Town and the determination on the request for the LeMay Avenue Annexation constitutes such an action; and

**WHEREAS,** to aid the Town in determining whether the action described above may have a significant adverse impact upon the environment, Part I of a Full Environmental Assessment Form (the ***"EAF")*** was prepared by the County, a copy of which is on file at the office of the Town; and

**WHEREAS,** the Town has examined and reviewed the EAF in order to classify the action and make a determination as to the potential significance of the action pursuant to SEQRA; and

NOW THEREFORE BE IT RESOLVED THAT the Town adopts the following resolution with regard to consideration of the potential significant adverse environmental impacts of the LeMay Avenue Annexation pursuant to SEQRA:

(1) Based upon an examination of the materials provided by the County in furtherance of the LeMay Avenue Annexation, the representations of the County therein, the criteria contained in 6 NYCRR §617.7(c), the Town’s knowledge of the area surrounding the area to be annexed and such further investigation of the LeMay Avenue Annexation and its environmental effects as the Town has deemed appropriate, the Town makes the following findings and determinations pursuant to SEQRA:

1. The action constitutes an "Unlisted Action" (as said quoted term is defined in SEQRA);
2. The Town declares itself "Lead Agency" (as said quoted term is defined in SEQRA) with respect to an uncoordinated review pursuant to SEQRA;
3. The action will not have a significant adverse effect on the environment, and the Town and hereby issues a negative declaration pursuant to SEQRA, attached hereto as **Exhibit "A",** which shall be filed in the office of the Town in a file that is readily accessible to the public.
4. A copy of this Resolution, together with the attachments hereto, shall be placed on file in the office of the Town where the same shall be available for public inspection during business hours.
5. This Resolution shall take effect immediately. The Town Clerk is hereby authorized and directed to distribute copies of this Resolution and do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.
6. The Town hereby authorizes Town representatives to take all further actions deemed necessary and appropriate to fulfill the Town’s responsibilities under SEQRA.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Yea** | **Nay** | **Absent** | **Abstain** |
| Michael S. Cashman | [ ] | [ ] | [ ] | [ ] |
| Barbara E. Hebert | [ ] | [ ] | [ ] | [ ] |
| Charles A. Kostyk | [ ] | [ ] | [ ] | [ ] |
| Meg LeFevre | [ ] | [ ] | [ ] | [ ] |
| Tom Wood | [ ] | [ ] | [ ] | [ ] |

The Resolution was thereupon duly adopted this \_\_\_\_\_ day of November, 2021.