

**SEQR RESOLUTION
SCHLUTER SYSTEMS L.P. PROJECT**

A regular meeting of County of Clinton Industrial Development Agency (the "Agency") was convened in public session in the Clinton County Government Center located at 137 Margaret Street, Suite 209 in the City of Plattsburgh, Clinton County, New York on June 17, 2024 at 12:00 o'clock p.m., local time.

The meeting was called to order by the (Vice) Chairperson of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT:

Trent Trahan	Chairperson
David Hoover	Vice Chairperson
Michael E. Zurlo	Secretary
Keith Defayette	Treasurer and Chief Financial Officer
John VanNatten	Member
Joey Trombley	Member

ABSENT:

Mark Leta	Assistant Secretary
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AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Molly Ryan	Executive Director
Toni Moffat	Executive Assistant
Dorothy Brunell	Administrative Assistant
Christopher C. Canada, Esq.	Agency Counsel
Shannon E. Wagner, Esq.	Agency Counsel

The following resolution was offered by M. Zurlo, seconded by D. Hoover, to wit:

Resolution No. 06-24-03

**RESOLUTION CONCURRING IN THE DETERMINATION BY THE TOWN OF
PLATTSBURGH PLANNING BOARD, AS LEAD AGENCY FOR THE
ENVIRONMENTAL REVIEW OF THE SCHLUTER SYSTEMS L.P. PROPOSED
PROJECT.**

WHEREAS, County of Clinton Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 225 of the 1971 Laws of New York, as amended, constituting Section 895-f of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of

the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct and install one or more “projects” (as defined in the Act) or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, Schluter Systems L.P., a New York limited partnership (the “Company”) submitted an application (the “Application”) to the Agency, a copy of which Application is on file at the office of the Agency, which Application requested that the Agency consider undertaking a project (the “Project”) for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of a leasehold interest in an approximately 43.3 acre parcel of land located at 26 Irish Settlement Road (tax map no.: 232.-3-18) in the Town of Plattsburgh, Clinton County, New York (the “Land”), (2) the construction on the Land of an approximately 433,800 square foot manufacturing and warehousing facility (the “Facility”) and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (collectively, the “Equipment”) all of the foregoing to be owned and operated by the Company as a manufacturing and warehousing facility and other directly and indirectly related activities; (B) the granting of certain other “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, by resolution adopted by the members of the Agency on May 13, 2024 (the “Public Hearing Resolution”), the Agency authorized a public hearing to be held pursuant to Section 859-a of the Act with respect to the Project; and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the Executive Director of the Agency (A) caused notice of a public hearing of the Agency (the “Public Hearing”) pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the financial assistance being contemplated by the Agency with respect to the Project, to be mailed on May 20, 2024 to the chief executive officers of the county and of each city, town, village and school district in which the Project is or is to be located, (B) caused notice of the Public Hearing to be posted on May 22, 2024 on a public bulletin board located at the Town of Plattsburgh Town Hall located at 151 Banker Road in the Town of Plattsburgh, Clinton County, New York and on May 20, 2024 on the Agency’s website, (C) caused notice of the Public Hearing to be published on May 22, 2024 in the Press Republican, a newspaper of general circulation available to the residents of Clinton County, New York, (D) conducted the Public Hearing on June 4, 2024 at 10:00 o’clock a.m., local time at the Town of Plattsburgh Town Hall located at 151 Banker Road in the Town of Plattsburgh, Clinton County, New York, (E) prepared a report of the Public Hearing (the “Public Hearing Report”) fairly summarizing the views presented at such Public Hearing and caused copies of said Public Hearing Report to be made available to the members of the Agency and (F) caused a copy of the certified Public Hearing Resolution to be sent via certified mail return, receipt requested on May 14, 2024 to the chief executive officers of the County and of each city, town, village and school district in which the Project Facility is to be located to comply with the requirements of Section 859-a of the Act; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations (the “Regulations”) adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, “SEQRA”), the Agency has been informed that (1) the Town of

Plattsburgh Planning Board (the “Planning Board”) was designated to act as “lead agency” with respect to the Project and (2) the Planning Board issued a Determination of Non-Significance on December 6, 2023 (the “Negative Declaration”), attached hereto as Exhibit A, determining that the acquisition, construction and installation of the Project Facility will not have “significant adverse environmental impacts”; and

WHEREAS, the Agency is an “involved agency” with respect to the Project and the Agency now desires to concur in the determination by the Planning Board, as “lead agency” with respect to the Project, to acknowledge receipt of a copy of the Negative Declaration and to indicate whether the Agency has any information to suggest that the Planning Board was incorrect in determining that the Project will not have “significant adverse environmental impacts” pursuant to SEQRA and, therefore, that no environmental impact statement need be prepared with respect to the Project; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF COUNTY OF CLINTON INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. The Agency has received copies of, and has reviewed, the Application, a resolution of the Planning Board, a full environmental assessment form, supplemental information and the Negative Declaration (collectively, the “Reviewed Documents”) and, based upon said Reviewed Documents, the Agency hereby ratifies and concurs in the designation of the Planning Board as “lead agency” with respect to the Project under SEQRA (as such quoted term is defined in SEQRA).

Section 2. The Agency hereby determines that the Agency has no information to suggest that the Planning Board was incorrect in determining that the Project will not have a “significant effect on the environment” pursuant to SEQRA and, therefore, that an environmental impact statement need not be prepared with respect to the Project (as such quoted phrase is used in SEQRA).

Section 3. The members of the Agency are hereby directed to notify the Planning Board of the concurrence by the Agency that the Planning Board shall be the “lead agency” with respect to the Project, and to further indicate to the Planning Board that the Agency has no information to suggest that the Planning Board was incorrect in its determinations contained in the Negative Declaration.

Section 4. This Resolution shall take effect immediately.

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

Trent Trahan	VOTING	Yes
David Hoover	VOTING	Yes
Mark Leta	VOTING	Excused
Keith Defayette	VOTING	Yes
John VanNatten	VOTING	Yes
Joey Trombley	VOTING	Yes
Michael E. Zurlo	VOTING	Yes

The foregoing Resolution was thereupon declared duly adopted.

STATE OF NEW YORK)
) SS.:
COUNTY OF CLINTON)

I, the undersigned (Assistant) Secretary of County of Clinton Industrial Development Agency (the “Agency”), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the resolution contained therein, held on June 17, 2024 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the “Open Meetings Law”), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 17th day of June, 2024.


(Assistant) Secretary

(SEAL)

EXHIBIT A
NEGATIVE DECLARATION
- SEE ATTACHED -

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See the attached Part III EAF Supplement

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information
See materials listed in the attached EAF Part III Supplement

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Town of Plattsburgh as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: UMS Production Facility 2023

Name of Lead Agency: Town of Plattsburgh Planning Board

Name of Responsible Officer in Lead Agency: Timothy Palmer

Title of Responsible Officer: Chairman

Signature of Responsible Officer in Lead Agency: *Tim Palmer* Date: 12 6 23

Signature of Preparer (if different from Responsible Officer) Date: 12/6/2023

For Further Information:
 Contact Person: Trevor Cole, AICP
 Address: 151 Banker Road Plattsburgh, NY 12901
 Telephone Number: (518) 562-6850
 E-mail: trevoro@townofplattsburgh.org

For Type I Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:
 Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
 Other involved agencies (if any)
 Applicant (if any)
 Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PRINT FULL FORM

**TOWN OF PLATTSBURGH
PLANNING BOARD MEETING
DECEMBER 6, 2023**

The Public Hearing is called to order at 5:49 p.m. by the Chairman of the Planning Board for the purpose of hearing all persons interested in, or wanting to comment:

UMS PROPERTIES LLC PRODUCTION FACILITY SITE PLAN 2023- Request to construct a 433,800. sq ft manufacturing facility with material silos, an accessory storage area and a gas tank farm. Located at 26 Irish Settlement Rd. with public water and private sewer: Zoned I; Tax Map Parcel # 232.-3-18; Owner/Applicant UMS Properties LLC; Engineer RMS **SEQRA REVIEW**

PERSONS SPEAKING FOR OR AGAINST

Tom Wood- Town resident/Town Board member- concerned about larger projects not looking at solar or geothermal alternatives. He feels with climate change issues we need to start somewhere.

Frank L. - Whispering Pines resident- says traffic will be an issue and trucks will have problems. Air quality is already a problem-it's worse than the landfill.

Carson Arnold- Whispering Pines resident- says air quality is his main concern. The height of the building is a problem and fumes are a problem.

The hearing was adjourned at: 6:06 p.m.

**TOWN OF PLATTSBURGH
PLANNING BOARD MEETING
DECEMBER 6, 2023**

Resolution No. 23-66

Motioned by: Terry Senecal

UMS PROPERTIES LLC PRODUCTION FACILITY SITE PLAN 2023- Request to construct a 433,800 sq ft manufacturing facility with material silos, an accessory storage area and a gas tank farm. Located at 26 Irish Settlement Rd, with public water and private sewer; Zoned I; Tax Map Parcel # 232.-3-18; Owner/Applicant UMS Properties LLC; Engineer RMS **SEQRA REVIEW**; and

WHEREAS, Part 617 of the Environmental Conservation Law - "State Environmental Quality Review Act" (SEQRA), provides for the review of any "ACTION" to determine the effect of the action on the environment, along with any related administrative procedures for the implementation, authorization or approval of the action; and

WHEREAS, said Part 617 of the Environmental Conservation Law provides for an involved agency to review any action for the purpose of determining the effect of the action on the environment; and

WHEREAS, public comment opportunity was provided in consideration of this Project on October 17, 2023, November 21, 2023, and December 6, 2023; and

WHEREAS, the Town's Planning & Community Development Department received and the Site Plan application, maps, plans, and SEQRA EAF Part 1 Long Form, Visual EAF, Traffic Analysis, photo simulations, wetland delineation, stormwater report and other materials as listed in the EAF Part 3 supplement; and

WHEREAS, the Planning Board reviewed, considered, and deliberated upon project-related information including but not limited to: Site Plan application, maps, plans, and SEQRA EAF Part 1 Long Form, Visual EAF, Traffic Analysis, photo simulations, wetland delineation, stormwater report and other materials as listed in the EAF Part 3 Supplement; and

WHEREAS, the project is subject to NYS GML 239m for referral to Clinton County Planning Board for action within 500 feet of a Municipal Boundary and on October 4, 2023 the action was approved by an 7-0 vote of the Clinton County Planning Board; and

WHEREAS, the Town's Planning Board conducted a detailed, coordinated, and comprehensive environmental review of the Project to determine whether there was a significant impact which would require the preparation of a Draft Environmental Impact Statement (DEIS);

Now, therefore, be it

RESOLVED, that the Town's Planning Board does hereby determine that the action does constitute a "TYPE I ACTION," in accordance with said Environmental Review procedures and a coordinated review has been conducted; and, be it further

RESOLVED, that the Town's Planning Board acting as the "Lead Agency" in a SEQRA Review does hereby receive and place on file the _____ Subdivision _____ x _____ Site Plan applications, maps, plans, completed EAF and other related material submitted; and, be it further

RESOLVED, that the Town Planning Board has reviewed the Planning & Community Development Department's recommendations and supplemental documents referenced above and does hereby find and determine the following based upon the conclusions of the Part III EAF:

- a) The access and traffic proposed in the Project were reviewed by the Town Planning Board and found acceptable, subject to improvements being made to Whispering Pines Road as deemed necessary by the Town Highway Superintendent and the staggering of shifts as necessary to reduce impacts to the Irish Settlement Road/NY22 intersection; and
- b) The proposed impervious area in the project plan is significant but will be managed in accordance with NYSDEC and Town regulations; and
- c) The lot coverage and density comply with local zoning regulations or will comply with associated variance conditions; and
- d) The erosion and sedimentation from the development and water quality during such development will be properly controlled by the existing storm water facilities; and it is further

RESOLVED, that the Project will not:

- a) create a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, solid waste production, potential for erosion, flooding or drainage problems so long as it complies with all State and or Federal air quality and stormwater regulations and permit conditions as applicable;
- b) involve the removal or destruction of large quantities of vegetation or the interference with plant or animal life or impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of plant or animal, or the habitat area of such species, or other significant adverse impacts to natural resources.
- c) conflict with the Town's current plans or goals for the area where the project is located

- d) impair the character or quality of the neighborhood;
- e) represent a major change in the use of energy which cannot be supported by the infrastructure;
- f) create any hazards to human health;
- g) represent a substantial change in the use of the land;
- h) significantly increase the number of people who would come to the site absent such development in a manner that cannot be supported by the transportation system; or
- i) impair the environmental characteristics of the area; and, *be it further*

RESOLVED, that the Town Planning Board of the Town of Plattsburgh after review of the said Subdivision x Site Plan application, maps, plan, completed EAF, and related materials does hereby determine as "Lead Agency" for the SEQRA Review process that the "Project" will NOT have a significant effect on the environment. Therefore, the preparation of a DEIS is NOT required; and, *be it further*

RESOLVED, that the Town Planning Board does hereby declare that the Project and environmental review process considered for the development does adequately and sufficiently satisfy the requirements of the State Environmental Quality Review Act for the Project; and *be it further*

RESOLVED, that the Planning Board of the Town of Plattsburgh does hereby authorize and direct the Chairman of the Planning Board to have prepared and to execute a "Notice of No Significant Environmental Impact" (NEGATIVE DECLARATION) for this "Project"; and, *be it further*

RESOLVED, that the "Notice of No Significant Environmental Impact" (NEGATIVE DECLARATION) shall be disseminated to those involved Agencies and Governmental Units as required by said Environmental Conservation and Local Law of the Town of Plattsburgh and all related material shall be maintained on file at the Town Hall Offices of the Planning Board and available for Public Inspection.

Seconded By: Debbie Blake

Discussion (Not Verbatim): Town Senior Planner, Trevor Cole informed the Planning Board that the project had submitted a revised and complete SEQRA Long Form EAF Part I which included the accurate square footage of the facility and additional information regarding Air Quality and Energy. Mr. Cole continued that Staff had completed the Part II and drafted a Part III and Part III Supplement for their review and consideration. The slide deck, staff project overview, and public hearing prompted conversation between the Board and the Applicant with staff providing elaboration on specific materials provided in the file. Project Representative, Aaron Oviros, P.E. described the primary components of the Traffic Analysis with a focus on the Rte 22/Irish Settlement intersection. He stated that the project believes there will be limited degradation to the current level of service

because the study is conservative, assuming all new employees will be required for the project however, 60 of the employees will come from existing staff. The Planning Board and applicant discussed the need for upgrades to Whispering Pines Road, to which the Applicant agreed.

Mitigations to the visual impact were discussed and the Applicant agreed that building colors and lighting were negotiable, especially those facing residences along Whispering Pines. The Planning Board expressed a desire to limit lighting impacts to Whispering Pines.

Extensive conversation ensued between the Board, Applicant, and staff regarding Energy and Air Quality which were related to the heating of the building which is by natural gas. It was determined that the primary source of carbon emissions from the site are from natural gas for heating, though the project engineer stated that the fuel demand and emissions ratios are still comparable to calculations for residential or office heating though, this facility is simply much larger. The project informed the Board that they are working closely with the NYSDEC to obtain the necessary permits for operation and all emissions are being examined, from heating, manufacturing, etc. They also stated that unknowns remain for certain manufacturing procedures because they are still in development however, ANY process or emission for the facility is being evaluated by the NYSDEC and they will be required to conform and comply with all of the State and/or Federal permit conditions before they can operate. Members of the Planning Board emphasized their desire to see a strong effort made to incorporate alternative energy into the final design wherever practicable to reduce emissions and energy consumption. Mr. Oviros stated that they will work with NYSEG to determine if any upgrades are needed to NYSEG infrastructure to serve the project but, there is sufficient capacity in the system to serve the project.

Staff reviewed the SEQRA Part II EAF with the Planning Board, specifically identifying items that were indicated to have the potential for a Moderate to Large Environmental Impact. Mr. Cole then read from the Draft Part III and Part III Supplement, further elaborating on potential impacts, additional environmental information, and proposed controls/mitigations. The Board requested minor revision/inclusions which were made by staff. Mr. Cole requested confirmation that the Planning Board reviewed, understood, and agreed with the Part II & III EAF and to offer any changes if they had any. The Board unanimously affirmed their agreement with the conclusions of the Draft documents. The Planning Board then acted to issue a Negative Declaration of Environmental Significance for the project.

		<u>Yes</u>	<u>No</u>
Roll Call:			
	Anne Brandell		Excused
	Terry Senecal	X	
	Malana Tamer		Excused
	Debbie Blake	X	
	James Sherman		Excused
	Jay White	X	
	Tim Palmer, Chairman	X	
Carried: 4-0			

A handwritten signature, possibly "John Platt", is written over a circular stamp. The stamp contains the text "PLATT ST" and "PLANNING BOARD". Below the signature, the date "12/12/2023" is handwritten.