

<p align="center"><b>TOWN OF WALLKILL PLANNING BOARD RESOLUTION GRANTING SPECIAL USE PERMIT &amp; CONDITIONAL FINAL SITE PLAN</b></p>	<p align="center"><b>290 Ballard Road Tax Map Id. SBL 60-1-120.2 Town File No 14-66</b></p>
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**WHEREAS**, an application (“Application”) was made by President Container Group II, LLC (“Applicant”) to the Town of Wallkill Planning Board for Site Plan and Special Use Permit Approval to erect and operate a 488,130 +/- SF accessory electrical power generation system that would generate electrical power via solar panels on a portion of the 45 +/- acre parcel of land located 290 Ballard Rd., and identified on the Town of Wallkill Tax Map as Section 60, Block 1, Lots 120.2 (“Site”);

**WHEREAS**, the solar power electrical generation system is designed and intended for the generation of electrical power to be used at Applicant’s manufacturing facility, which facility is located on the Site, and it is the understanding that the system is connected to the “grid” and electrical power may, from time-to-time, be transferred to the “grid,” the primary purpose of the system is not for the generation of electricity to be sold and/or used off the Site; and

**WHEREAS**, the applicant submitted a site plan to the Planning Board and its consultants for review and consideration, and

**WHEREAS**, the Planning Board and its consultants required certain revisions and alterations to be made to the proposed site plan, which revisions and/or alterations were made by the applicant; and

**WHEREAS**, on **January 21, 2015**, the Planning Board conducted a duly noticed public hearing to consider comments from the public; and

**WHEREAS**, the Planning Board conducted its own Environmental Review, which included Environmental Assessment Review under SEQRA; and

**WHEREAS**, on January 21, 2015, the Town of Wallkill Planning Board adopted a SEQR Negative Declaration (EAF Part 3) determining that there will be no significant environmental impacts from the proposed use, because such use conforms to the existing zoning and uses of the site; and

**WHEREAS**, the Planning Board took into consideration the public health, safety and general welfare and the comfort and convenience of the public in general and the residents of the immediate neighborhood in particular; and

**WHEREAS**, the Planning Board required and the Applicant agreed to the conditions and safeguards, as are shown on its Site Plan last revised 1/8/15 (hereinafter "Site Plan"), as well as the comments of the Town Engineer and its other consultants, which conditions and safeguards, to the maximum extent practicable, further the express intent of Section 249-40 and accomplish of the following objectives:

1. **Traffic access.** That all proposed traffic accesses are adequate but not excessive in number; adequate in width, grade, alignment and visibility; not located too near street intersections or other places of public assembly; and other similar safety considerations.
2. **Circulation and parking.** That adequate off-street parking and loading spaces are provided to prevent parking in public streets of vehicles of any person connected within or visiting the use; also that the interior circulation system is adequate to provide safe accessibility into and within the site.
3. **Landscaping and screening.** That all parking and service areas are reasonably screened during all seasons of the year from the view of adjacent residential lots and streets; also that the general landscaping of the site is in harmony with that generally existing in the neighborhood.
4. **Existing Trees:** Existing trees, over twelve (12) inches in diameter measured three (3) feet above the base of the trunk, shall be retained to the maximum extent possible.

**WHEREAS**, the procedure/requirements and provisions of Sections 249-38<sup>a</sup> & 249-40 of the Town of Wallkill Zoning Law relating to the review and approval of Site Plans have been

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<sup>a</sup> The procedural requirements of 249-38 relating to Special Use Permit approvals are applicable to review and approvals of site plans in this particular zoning district. ‘

followed and met; and

**WHEREAS**, during the site plan review process, the Applicant agreed to planting and maintaining certain landscaping, as will be shown on its Site Plan, with such landscaping to be approximately 5' to 8' in height along the portion of the solar field that borders Interstate 84; and

**WHEREAS**, the solar panels that will be used shall be coated with an anti-glare / reflective coating, the effectiveness of such coating shall be maintained; and

**WHEREAS**, the Planning Board required the Applicant to incorporate safeguards and conditions to further the intent of the zoning regulations, including those mitigation measures set forth in the aforementioned Negative Declaration; and

**WHEREAS**, those safeguards and conditions are set forth on the Site Plan, the Negative Declaration, and set forth in the conditions listed below.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Wallkill Planning Board finds that the applicant has submitted all applicable materials, and met all applicable requirements as set forth in the Zoning Code and Regulations of the Town of Wallkill and hereby grants Site Plan and Special Use Permit approval (conditional) to the Applicant of the Site Plan, to erect, operate and use the electrical power generation system (solar panels), which approval is subject to the conditions set forth in this resolution, as follows:

1. The Planning Board finds that the site plan submitted by the applicant conforms to the requirements set forth in the applicable provisions of the Town Code, including 249-26.2 and 249-40, for the development and construction of the site, as depicted on the Site Plan.
2. The Application for a Special Permit Use is granted for the operation of operate and use the electrical power generation system (solar panels). There shall be no outdoor storage, accessory structures, devices, except as shown on the Site Plan. The electrical power generation system shall be constructed, configured, and maintained in conformity with the Site Plan. No other uses are permitted to be operated in

conjunction with this approved special use, or such other as of right or special uses, if any, previously approved by the Planning Board for this Site, which special uses are and continue to be subject to the conditions of any prior approvals / permits.

3. That the site shall be configured, built and used in conformity with the Site Plan.
3. A certificate of occupancy shall not be issued until the Building Inspector of the Town of Wallkill confirms, amongst any other applicable requirement, that the site has been developed in accordance with the Site Plan.
4. The elements, plantings (including trees and bushes) and vegetation shall be rendered in accordance with the Landscape Plans that were made part of the Site Plan and/or to be provided to the Town Engineer for approval, and all such plantings (including trees and bushes) and vegetation shall be properly cared for so as they continue to remain in a healthy and vigorous state. Any such plantings that become diseased, die, or damaged shall promptly be replaced.
5. Before signing by the Chairman of the Planning Board, the Applicant shall incorporate into its Site Plan such revisions and modifications as are reasonably called for by the Town Engineer to fully reflect the terms and conditions stated herein, the minutes of the proceedings before the Planning Board on January 21, 2015, and in the Engineering Comments dated **14 January 2015** issued by the Town Engineer – Richard McGoe, including:
  - a. The Board discussed the removal of the guard shack, which the Applicant agreed would be removed during the Spring 2015.
  - b. As to any areas from Westbound Route 84 that the solar panels are visible, the Applicant shall plant landscaping 5' to 8' in height, which landscaping will be shown on its Site Plan, and be of a nature and type approved by the Town Engineer.
  - c. SWPPP plan to be approved and a 5 acre waiver granted prior to the signature of Site Plan.
  - d. A stormwater management agreement to be entered into the signature of maps.

- e. Applicant to address comments from the Mechanicstown Fire Department dated 7 January 2015.
  - f. A revised Site Plan incorporating any conditions / modifications set forth herein to be submitted to the Town Engineer for review and his approval prior to signing of the Site Plan by the Planning Board chairman.
6. Subject to the foregoing limitations and restrictions, the Planning Board finds that pursuant to Section 249-39 of the Town of Wallkill Zoning Law concerning Special Permit Uses that the proposed use:
- a. Will be properly located in regard to transportation, water supply, waste disposal, fire protection, police protection or other facilities.
  - b. Will not create undue traffic or congestion or traffic hazards.
  - c. Will not adversely affect the value of property, character of the neighborhood or the pattern of development.
  - d. Will encourage appropriate use of land consistent with the needs of the Town of Wallkill.
  - e. Will not impair the public health, safety and general welfare.
  - f. Meets all applicable requirements of this chapter.
7. As a condition of the approval of the within Site Plan, the owner of the property depicted in with within site plan irrevocably gives permission to the Town of Wallkill to perform such inspections and/or patrols as the Town of Wallkill deems, in its sole discretion to be reasonably necessary, of the public areas of the above-referenced property. Said inspections and/or patrols of the public areas can be performed without notice or pre-conditions as the Town of Wallkill considers appropriate under the circumstances. Said inspections and/or patrols can be performed by any authorized person acting for the Town of Wallkill, including its police officers, code enforcement personnel, and/or its parking enforcement patrol personnel. The permission granted hereby is in addition to any other right the Town of Wallkill has to inspect the property, and it is not in limitation thereof. This permission shall not be revoked so

long as the property is used and operated in the Town of Wallkill that is open to the public and/or pursuant to an approved site plan or special use permit.

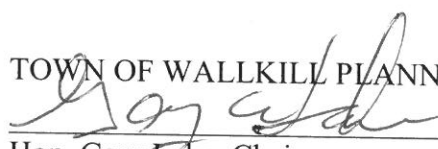
8. It shall be a violation of § 249-7 and § 249-52 of the Town Code of the Town of Wallkill to use and/or occupy the site depicted on the within site plan in any manner inconsistent with the approvals granted therefor by the Town of Wallkill Planning Board. At all times, the site shall be maintained in conformity with the approved site plan. Failure to do so shall be punishable as provided under applicable law, including enforcement action by Town Building Inspector.
9. The within Site Plan Approval does not relieve the applicant from securing any other permits and/or approvals that may be necessary to develop and use the site. The within approval does not constitute an approval of the signage, if any, shown on the Site Plan and/or renderings shown to the Planning Board.
10. That as a condition of the signing of the Site Plan by the Chairman of the Planning Board, all fees due the Town of Wallkill, including any fees due its consultants, such as the Town Engineer and/or the Town Attorney, be paid in full.

**NOW, THEREFORE, BE IT RESOLVED**

On a motion by D. Dulgarian , seconded by C. Najac and carried by a vote of 7 Ayes, 0 Nays, that the Town of Wallkill Planning Board finds that the applicant has submitted all applicable materials, and met all applicable requirements as set forth in the Town Code, including the provisions therein relating to Zoning, and hereby grants conditional site plan approval subject to the conditions set forth in this resolution.

Dated: February 3, 2015

TOWN OF WALLKILL PLANNING BOARD

  
Hon. Gary Lake, Chairman

The original of this resolution was filed with the Town Clerk on 2/5/15, 2015  
A copy of this resolution was mailed to the applicant on 2/5/15, 2015

617.20  
Appendix B  
Short Environmental Assessment Form

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information																		
Name of Action or Project: <b>PRESIDENT CONTAINER SOLAR PANEL SITE PLAN</b>																		
Project Location (describe, and attach a location map): <b>290 BALLARD ROAD, MIDDLEBURY, NY 10940</b>																		
Brief Description of Proposed Action: <b>SITE PLAN APPROVAL FOR <del>200,000</del> 488,130 SQ. FT OF PHOTOVOLTAIC SOLAR ENERGY FIELD.</b>																		
Name of Applicant or Sponsor: <b>PRESIDENT CONTAINER GROUP, LLC</b>		Telephone:																
Address: <b>290 BALLARD ROAD, MIDDLEBURY, NY 10940</b>		E-Mail:																
City/PO: <b>MIDDLEBURY,</b>		State: <b>NY</b>	Zip Code: <b>10940</b>															
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; text-align: center;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>											
NO	YES																	
<input checked="" type="checkbox"/>	<input type="checkbox"/>																	
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; text-align: center;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>											
NO	YES																	
<input type="checkbox"/>	<input checked="" type="checkbox"/>																	
<b>TOWN OF WALLKILL PLANNING BOARD APPROVAL</b>																		
3.a. Total acreage of the site of the proposed action?		<b>45</b> acres																
b. Total acreage to be physically disturbed?		<b>11</b> acres																
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<b>45</b> acres																
4. Check all land uses that occur on, adjoining and near the proposed action.																		
<table style="width: 100%;"> <tr> <td><input type="checkbox"/> Urban</td> <td><input type="checkbox"/> Rural (non-agriculture)</td> <td><input checked="" type="checkbox"/> Industrial</td> <td><input checked="" type="checkbox"/> Commercial</td> <td><input type="checkbox"/> Residential (suburban)</td> </tr> <tr> <td><input type="checkbox"/> Forest</td> <td><input type="checkbox"/> Agriculture</td> <td><input type="checkbox"/> Aquatic</td> <td colspan="2"><input type="checkbox"/> Other (specify): _____</td> </tr> <tr> <td><input type="checkbox"/> Parkland</td> <td colspan="4"></td> </tr> </table>				<input type="checkbox"/> Urban	<input type="checkbox"/> Rural (non-agriculture)	<input checked="" type="checkbox"/> Industrial	<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> Residential (suburban)	<input type="checkbox"/> Forest	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Aquatic	<input type="checkbox"/> Other (specify): _____		<input type="checkbox"/> Parkland				
<input type="checkbox"/> Urban	<input type="checkbox"/> Rural (non-agriculture)	<input checked="" type="checkbox"/> Industrial	<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> Residential (suburban)														
<input type="checkbox"/> Forest	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Aquatic	<input type="checkbox"/> Other (specify): _____															
<input type="checkbox"/> Parkland																		



5. Is the proposed action,		NO	YES	N/A
a. A permitted use under the zoning regulations?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO		YES
<input type="checkbox"/>		<input type="checkbox"/>		<input checked="" type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		NO		YES
If Yes, identify: _____		<input type="checkbox"/>		<input checked="" type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO		YES
<input type="checkbox"/>		<input checked="" type="checkbox"/>		<input type="checkbox"/>
b. Are public transportation service(s) available at or near the site of the proposed action?		<input checked="" type="checkbox"/>		<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?		<input checked="" type="checkbox"/>		<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements?		NO		YES
If the proposed action will exceed requirements, describe design features and technologies: +/- 508,500 SF OF PHOTOVOLTIC SOLAR ENERGY PANELS		<input type="checkbox"/>		<input checked="" type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply?		NO		YES
If No, describe method for providing potable water: NA		<input checked="" type="checkbox"/>		<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities?		NO		YES
If No, describe method for providing wastewater treatment: NA		<input checked="" type="checkbox"/>		<input type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?		NO		YES
<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input type="checkbox"/>
b. Is the proposed action located in an archeological sensitive area?		<input checked="" type="checkbox"/>		<input type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		NO		YES
<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input type="checkbox"/>
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		<input checked="" type="checkbox"/>		<input type="checkbox"/>
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____		<input checked="" type="checkbox"/>		<input type="checkbox"/>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:				
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban				
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?		NO		YES
<input checked="" type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?		NO		YES
<input checked="" type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?		NO		YES
If Yes, a. Will storm water discharges flow to adjacent properties?		<input checked="" type="checkbox"/>		<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?		<input type="checkbox"/>		<input type="checkbox"/>
If Yes, briefly describe: _____		<input type="checkbox"/>		<input type="checkbox"/>



18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor name: [Signature] Date: 11/24/14

Signature: [Signature]

**Part 2 - Impact Assessment.** The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Part 3 - Determination of significance.** The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Based on the Planning Board's review of the plans, application and supporting materials submitted to the board by the applicant, the Environmental Assessment Form (Parts 1 & 2), technical review comments issued by the Planning Board's consultants, any relevant public comment, the Planning Board's familiarity with the site and surrounding areas, the proposed mitigation measures identified on the plans, and after giving due consideration to the criteria for determining significance set forth in 6NYCRR§ 617.7 (c), the Planning Board determined (a) the Project described herein will not result in any significant adverse impact to the environment, (b) is in harmony with the master plan of the Town of Wallkill, (c) will comply with the applicable Zoning laws of the Town of Wallkill, and (d) there are no significant adverse environmental impacts and, therefore, this Negative Declaration is hereby issued.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<u>Town of Wallkill Planning Board</u> <u>JAN 2015</u> Name of Lead Agency      Date	
<u>GARY LAKE</u> Print or Type Name of Responsible Officer in Lead Agency <u>Chairman</u> Title of Responsible Officer	
<u>[Signature]</u> <u>[Signature]</u> Signature of Responsible Officer in Lead Agency      Signature of Preparer (if different from Responsible Officer)	

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