

# **County of Albany**

Harold L. Joyce  
Albany County Office Building  
112 State Street - Albany, NY 12207



## **Meeting Agenda**

**Tuesday, June 29, 2021**

**6:15 PM**

**Harold L. Joyce Albany County Office Building  
Room 730**

### **Conservation, Sustainability and Green Initiatives Committee**

**PREVIOUS BUSINESS:**

1. APPROVING PREVIOUS MEETING MINUTES
2. A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING LOCAL LAW NO. 1 FOR 2001, AS AMENDED, TO PROVIDE THAT PESTICIDE APPLICATION SIGNS MADE AVAILABLE AT THE POINT OF SALE BE AVAILABLE IN MULTIPLE LANGUAGES AS REQUIRED BY ENVIRONMENTAL CONSERVATION LAW SECTION 33-1005(1)

**CURRENT BUSINESS:**

3. ADOPTING THE PROPOSED MODIFICATIONS TO ALBANY COUNTY AGRICULTURAL DISTRICT NOS. 1 AND 3
4. DECLARING ALBANY COUNTY AS LEAD AGENCY FOR THE PURPOSE OF STATE ENVIRONMENTAL QUALITY REVIEW FOR THE SOLAR INSTALLATION AT 897 WATERVLIET-SHAKER ROAD (THE RADAR TOWER)

# County of Albany

*Harold L. Joyce*  
*Albany County Office Building*  
*112 State Street - Albany, NY 12207*



## Meeting Minutes

Tuesday, May 25, 2021

6:15 PM

Held Remotely

**Conservation, Sustainability and Green Initiatives**  
**Committee**

**PREVIOUS BUSINESS:**

**Present:** William Reinhardt, Beroro T. Efekoro, Matthew J. Miller, Merton D. Simpson, Victoria Plotsky, Samuel I. Fein, Patrice Lockart, Peter B. Tunny and Frank J. Commisso

**1. APPROVING PREVIOUS MEETING MINUTES**

A motion was made that the previous meeting minutes be approved. The motion carried by a unanimous vote.

**2. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "F" FOR 2021: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING LOCAL LAW NO. 1 FOR 2001, AS AMENDED, TO PROVIDE THAT PESTICIDE APPLICATION SIGNS MADE AVAILABLE AT THE POINT OF SALE BE AVAILABLE IN MULTIPLE LANGUAGES AS REQUIRED BY ENVIRONMENTAL CONSERVATION LAW SECTION 33-1005(1)**

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.

**3. A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING LOCAL LAW NO. 1 FOR 2001, AS AMENDED, TO PROVIDE THAT PESTICIDE APPLICATION SIGNS MADE AVAILABLE AT THE POINT OF SALE BE AVAILABLE IN MULTIPLE LANGUAGES AS REQUIRED BY ENVIRONMENTAL CONSERVATION LAW SECTION 33-1005(1)**

This Local Law was tabled at the request of the Sponsor.



**LOCAL LAW NO. "F"**

**A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING LOCAL LAW NO. 1 FOR 2001, AS AMENDED, TO PROVIDE THAT PESTICIDE APPLICATION SIGNS MADE AVAILABLE AT THE POINT OF SALE BE AVAILABLE IN MULTIPLE LANGUAGES AS REQUIRED BY ENVIRONMENTAL CONSERVATION LAW SECTION 33-1005(1)**

Introduced: 5/10/21

By Messrs. Domalewicz and A. Joyce:

BE IT ENACTED, by the Legislature of the County of Albany as follows:

**SECTION 1.**

Section 3(c)(i) of Local Law 1 for 2001 is amended to read as follows:

c.(i) All persons, including, but not limited to, commercial entities and property owners, performing residential lawn applications treating an area more than one hundred square feet shall affix markers to be placed within or along the perimeter of the area where pesticides will be applied. Markers are to be placed so as to be clearly visible to persons outside the perimeter of such property. Such markers shall be posted at least twelve inches above the ground and shall be at least four inches by five inches in size. Such markers shall be in both the English and Spanish languages, and any other languages as the Commissioner of the New York State Department of Environmental Conservation deems it necessary pursuant to rules and regulations.

**SECTION 2.**

This Local Law shall take effect immediately filing with the Secretary of State.

*Referred to Conservation, Sustainability and Green Initiatives and Law Committees – 5/10/21*

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

7

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
DEC 04 2001

County

~~City~~

of ALBANY

~~Town~~

~~Village~~

Local Law No. 5 of the year 2001.

MISCELLANEOUS  
& STATE RECORDS

A local law OF THE COUNTY OF ALBANY, NEW YORK ADOPTING COUNTY WIDE  
*(Insert Title)*

NOTIFICATION REQUIREMENTS FOR COMMERCIAL AND

RESIDENTIAL LAWN PESTICIDE APPLICATIONS

Be it enacted by the COUNTY LEGISLATURE of the  
*(Name of Legislative Body)*

County

~~City~~

of ALBANY

~~Town~~

~~Village~~

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**LOCAL LAW NO. 5 FOR 2001**

**A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ADOPTING  
COUNTYWIDE NOTIFICATION REQUIREMENTS FOR COMMERCIAL  
AND RESIDENTIAL LAWN PESTICIDE APPLICATIONS**

Introduced: 10/9/01

By Messrs. Richardson, Reilly, Mss. Wiley, McKnight, Messrs. Maikels,  
Monjeau, Messercola, Ms. Willingham and Mr. Domalewicz:

BE IT ENACTED AS FOLLOWS:

**SECTION 1: Legislative Intent.**

This Legislature finds that individuals and their personal property are, or can be, unwittingly exposed to pesticides applied on their neighbor's property. This Legislature further finds and declares that pesticides may pose serious health and safety risks to people, particularly children, pregnant women, the elderly and infirm, and that citizens have the right to know about pesticides to which they may be exposed from applications to neighboring properties so that they can take steps to minimize such exposure to themselves, their families, pets, crops, livestock, backyard wildlife and property.

Recognizing the increasing public awareness and concern about pesticide exposure hazards, the State Legislature recently amended the New York Environmental Conservation Law to allow counties to adopt certain advance notification requirements for commercial and residential lawn pesticide applications. This Legislature declares that the people of Albany County deserve the greatest protection allowable by law. Therefore, this Legislature hereby adopts the special requirements for commercial and residential lawn applications as set forth in Section 33-1004 of the New York Environmental Conservation Law.

**SECTION 2: Definitions.**

All terms used herein shall be as defined in Section 33-0101 of the Environmental Conservation Law as amended.

**SECTION 3: Special Requirements for Commercial and Residential Lawn Applications.**

a. All retail establishments that sell general use pesticides for commercial or residential lawn application shall display a sign meeting standards, established by the Commissioner of Environmental Conservation pursuant to subdivision 1 of Section 33-1005 of the Environmental Conservation Law, in a conspicuous place, and such sign shall be placed as close as possible to the place where such pesticides are displayed.

b. (i) At least forty-eight hours prior to any commercial lawn application of a pesticide, the person or business making such application shall supply written notice, as defined in subdivision 3 of Section 33-1005 of the Environmental Conservation Law, to occupants of all dwellings, as defined in paragraph d of subdivision 5 of Section 33-0905 of the Environmental Conservation Law, on abutting property with a boundary that is within one hundred fifty feet of the site of such application; and to owners, owners' agents, or other persons in a position of authority for all other types of premises, as defined in paragraph d of subdivision 5 of Section 33-0905 of the Environmental Conservation Law, that are on abutting property with a boundary that is within one hundred fifty feet of the site of such application. Owners or owners' agents of multiple family dwellings shall supply such written notice to the occupants of such multiple family dwellings and for all other types of premises, owners, owners' agents or other persons in a position of authority shall post such written notice in a manner specified by the State Commissioner of Environmental Conservation.

(ii) The prior notification provisions of this paragraph shall not apply to the following:

A. the application of anti-microbial pesticides and anti-microbial products as defined by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) in 7 U.S.C. Section 136 (mm) and 136 q (h) (2);

B. the use of an aerosol product with a directed spray, in containers of eighteen fluid ounces or less, when used to protect individuals from an imminent threat from stinging and biting insects, including venomous spiders, bees, wasps and hornets. This section shall not exempt from notification the use of any fogger product or aerosol product that discharges to a wide area;

C. the use of non-volatile insect or rodent bait in a tamper resistant container;

D. the application of a pesticide classified by the United States Environmental Protection Agency as an exempt material under 40 CFR Part 152.25;

E. the application of a pesticide which the United States Environmental Protection Agency has determined satisfies its reduced risk criteria, including a biopesticide;

F. the use of boric acid and disodium octaborate tetrahydrate;

G. the use of horticultural soap and oils that do not contain synthetic pesticides or synergists;

H. the application of a granular pesticide, where granular pesticide means any ground applied solid pesticide that is not a dust or powder;

I. the application of a pesticide by direct injection into a plant or the ground;

J. the spot application of a pesticide, where spot application means the application of pesticide in a manually pressurized or non-pressurized container of thirty-two fluid ounces or less to an area of ground less than nine square feet;

K. the application of a pesticide to the ground or turf of any cemetery; and

L. an emergency application of a pesticide when necessary to protect against an imminent threat to human health, provided, however, that prior to any such emergency application, the person providing such application shall make a good faith effort to supply the written notice required pursuant to this local law. Upon making an emergency application, the person making such application shall notify the State Commissioner of Health, using a form developed by such commissioner for such purposes that shall include minimally the name of the person making such application, the pesticide business registration number or certified applicator number of the person making such application, the location of such application, the date of such application, the product name and United States Environmental Protection Agency registration number of the pesticide applied and the reason for such application.

c. (i) All persons performing residential lawn applications treating an area more than one hundred square feet shall affix markers to be placed within or along the perimeter of the area where pesticides will be applied. Markers are to be placed so as to be clearly visible to persons immediately outside the perimeter of such property. Such markers shall be posted at least twelve inches above the ground and shall be at least four inches by five inches in size.

(ii) The markers required pursuant to this paragraph shall be in place on the day during which the pesticide is being applied and shall instruct persons not to enter the property and not to remove the signs for a period of at least twenty-four hours. Such instruction shall be printed boldly in letters at least three-eighths of an inch in height.

#### SECTION 4: Enforcement.

The County Department of Health and the New York State Department of Environmental Conservation shall have concurrent authority to enforce this law pursuant to subdivision 2 of Section 33-1004 of the Environmental Conservation Law. All sanctions, which shall be assessed after providing a hearing and an opportunity to be heard, shall be as specified in Section 71-2907 of the Environmental Conservation Law.

#### SECTION 5: Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be

invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 6: Effective Date.

This local law shall take effect January 1, 2002.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ 5 \_\_\_\_\_ of 20<sup>01</sup> of the (County)(City)(Town)(Village) of ALBANY was duly passed by the LEGISLATURE on 1.1/1.3/01. ~~20~~, and was (approved)(not approved)(repassed after disapproval) by the COUNTY EXECUTIVE and was deemed duly adopted on 1.2/3 20.01, in accordance with the applicable provisions of law.  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Elective Chief Executive Officer\*)*

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

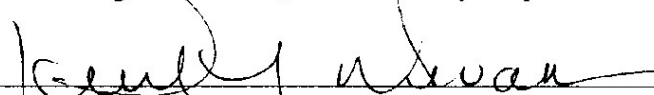
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ 2\_\_\_\_, above.

  
\_\_\_\_\_  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

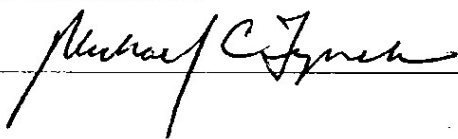
(Seal)

Date: December 3, 2001

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF ALBANY

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

  
\_\_\_\_\_  
Signature  
COUNTY ATTORNEY  
\_\_\_\_\_  
Title

County \_\_\_\_\_  
~~City~~ of ALBANY  
~~Town~~  
~~Village~~

Date: December 3, 2001



# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

of ALBANY

FILED  
STATE RECORDS

OCT 26 2017

DEPARTMENT OF STATE

Local Law No. 9 of the year 2017

A local law Amending Local Law No. 1 for 2001 Entitled "A Local Law of the County of Albany, NY  
(Insert Title)  
Adopting Countywide Notification Requirments for Commercial & Residential Lawn Pesti-  
cide Applications" to Provide that the Signs Giving Notice of Pesticide Applications required  
by Environmental Conservation Law Section 33-1005(1) made available at the point of sale

Be it enacted by the ALBANY COUNTY LEGISLATURE of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of ALBANY

as follows:

PLEASE SEE ATTACHED PAGE 1

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. 9 \_\_\_\_\_ of 20<sup>17</sup> of the (County)(City)(Town)(Village) of ALBANY was duly passed by the ALBANY COUNTY LEGISLATURE on NOVEMBER 14 20<sup>16</sup>, and was (approved)(not approved) ~~(repassed after disapproval)~~ by the COUNTY EXECUTIVE \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on DECEMBER 14 20<sup>16</sup>, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) ~~(repassed after disapproval)~~ by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) ~~(repassed after disapproval)~~ by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means, or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

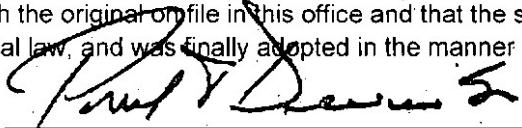
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2\_\_\_\_ above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 10/19/17

(Seal)



LOCAL LAW NO. 9 FOR 2017

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING LOCAL LAW NO. 1 FOR 2001 ENTITLED "A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ADOPTING COUNTYWIDE NOTIFICATION REQUIREMENTS FOR COMMERCIAL AND RESIDENTIAL LAWN PESTICIDE APPLICATIONS" TO PROVIDE THAT THE SIGNS GIVING NOTICE OF PESTICIDE APPLICATIONS REQUIRED BY ENVIRONMENTAL CONSERVATION LAW SECTION 33-1005(1) MADE AVAILABLE AT THE POINT OF SALE

Introduced: 07/11/16

By Messrs. Domalewicz, Beston, Bullock, Ms. Chapman, Messrs. Clenahan, Comisso, Ms. Cunningham, Messrs. Ethier, Fein, Ms. Lekakis, Mr. Mackey, Ms. McKnight, Messrs. Signoracci, Simpson, Touchette, Ms. Willingham, Messrs. Feeney, Reinhardt, Clay, Crouse, Dawson, Drake, Higgins, Hogan, A. Joyce, Ms. Lockart, Mr. Mauriello, Ms. McLean Lane, Messrs. Mendick, Miller, Stevens and Tunny;

BE IT ENACTED, by the Legislature of the County of Albany as follows:

SECTION 1.

Section 3(a) of Local Law 1 for 2001 is amended to read as follows:

a. All retail establishments that sell general use pesticides for commercial and residential lawn application shall display a sign meeting standards established by the Commissioner of Environmental Conservation pursuant to subdivision 1 of Section 33-1005 of the Environmental Conservation Law, in a conspicuous place, and such sign shall be placed as close as possible to the place where such pesticides are displayed. The signs by required by Section 3 giving notice of such pesticide application shall be made available at the point of sale to the purchasers of general use pesticides at the retail establishments which sell such general use pesticides for commercial and residential lawn application and shall be placed as close as possible to the place where such pesticides are displayed for sale.

SECTION 2.

Section 3(c)(i) of Local Law 1 for 2001 is amended to read as follows:

c.(i) All persons, including, but not limited to, commercial entities and property owners, performing residential lawn applications treating an area more than one hundred square feet shall affix markers to be placed within or along the perimeter of the area where pesticides will be applied. Markers are to be placed so as to be clearly visible to persons outside the perimeter of such property. Such markers shall be posted at least twelve inches above the ground and shall be at least four inches by five inches in size.

SECTION 3.

This Local Law shall take effect immediately filing with the Secretary of State

State of New York

County of Albany

This is to certify that I, the undersigned, Clerk of the Albany County Legislature, have compared the foregoing copy of the resolution and/or local law with the original resolution and/or local law now on file in the office, and which was passed by the Legislature of said County on the 14<sup>th</sup> day of November, 2016, a majority of all members elected to the Legislature voting in favor thereof, and that the same is a correct and true transcript of such original resolution and/or local law and the whole thereof.



IN WITNESS THEREOF, I have hereunto set my hand and the official seal of the County Legislature this 15<sup>th</sup> day of November, 2016.

A handwritten signature in cursive script, appearing to read "Paul V. Deane", is written over a horizontal line.

Clerk, Albany County Legislature

Showing differences between versions effective February 9, 2011 to December 21, 2020 and December 22, 2020 [current]

**Key:** ~~deleted text~~ **added text**

1 deletion · 3 additions

McKinney's ECL § 33-1004

§ 33-1004. Lawn applications; certain municipalities

1. Notwithstanding any other provision of law to the contrary, any county not contained entirely within a city, and any city with a population of one million or more, may, after public hearing, adopt a local law comprised of the following provisions in their entirety and without exception including all applicable definitions as provided in this article:

a. All retail establishments that sell general use pesticides for commercial or residential lawn application shall display a sign meeting standards, established by the commissioner pursuant to subdivision one of section 33-1005 of this article, in a conspicuous place, and such sign shall be placed as close as possible to the place where such pesticides are displayed.

b. (i) At least forty-eight hours prior to any commercial lawn application of a pesticide, the person or business making such application shall supply written notice, as defined in subdivision three of section 33-1005 of this article to:

A. occupants of all dwellings, as defined in paragraph d of subdivision five of section 33-0905 of this article, on abutting property with a boundary that is within one hundred fifty feet of the site of such application; and to owners, owners' agents, or other persons in a position of authority for all other types of premises, as defined in paragraph d of subdivision five of section 33-0905 of this article, that are on abutting property with a boundary that is within one hundred fifty feet of the site of such application. Owners or owners' agents of multiple family dwellings shall supply such written notice to the occupants of such multiple family dwellings and for all other types of premises, owners, owners' agents or other persons in a position of authority shall post such written notice in a manner specified by the commissioner; and

B. owners, owners' agents or other persons in positions of authority for multiple family dwellings, the property of which is the site of such application. Owners, or owners' agents of multiple family dwellings shall supply such written notice to the occupants of such multiple family dwellings in a manner specified by the commissioner.

(ii) The prior notification provisions of this paragraph shall not apply to the following:

A. the application of anti-microbial pesticides and anti-microbial products as defined by FIFRA in 7 U.S.C. Section 136 (mm) and 136 q (h) (2);

B. the use of an aerosol product with a directed spray, in containers of eighteen fluid ounces or less, when used to protect individuals from an imminent threat from stinging and biting insects, including venomous spiders, bees, wasps and hornets. This section shall not exempt from notification the use of any fogger product or aerosol product that discharges to a wide area;

C. the use of non-volatile insect or rodent bait in a tamper resistant container;

D. the application of a pesticide classified by the United States Environmental Protection Agency as an exempt material under 40 CFR Part 152.25;

E. the application of a pesticide which the United States Environmental Protection Agency has determined satisfies its reduced risk criteria, including a biopesticide;

- F. the use of boric acid and disodium octaborate tetrahydrate;
- G. the use of horticultural soap and oils that do not contain synthetic pesticides or synergists;
- H. the application of a granular pesticide, where granular pesticide means any ground applied solid pesticide that is not a dust or powder;
- I. the application of a pesticide by direct injection into a plant or the ground;
- J. the spot application of a pesticide, where spot application means the application of pesticide in a manually pressurized or non-pressurized container of thirty-two fluid ounces or less to an area of ground less than nine square feet;
- K. the application of a pesticide to the ground or turf of any cemetery; and
- L. an emergency application of a pesticide when necessary to protect against an imminent threat to human health, provided, however, that prior to any such emergency application, the person providing such application shall make a good faith effort to supply the written notice required pursuant to this title. Upon making an emergency application, the person making such application shall notify the commissioner of health, using a form developed by such commissioner for such purposes that shall include minimally the name of the person making such application, the pesticide business registration number or certified applicator number of the person making such application, the location of such application, the date of such application, the product name and United States Environmental Protection Agency registration number of the pesticide applied and the reason for such application.

c. (i) All persons performing residential lawn applications treating an area more than one hundred square feet shall affix markers to be placed within or along the perimeter of the area where pesticides will be applied. Markers are to be placed so as to be clearly visible to persons immediately outside the perimeter of such property. ~~Such markers~~ **Markers** shall be posted at least twelve inches above the ground and shall be at least four inches by five inches in size. **Such markers shall be in both the English and Spanish languages, and any other languages if the commissioner deems it necessary pursuant to rules and regulations.**

(ii) The markers required pursuant to this paragraph shall be in place on the day during which the pesticide is being applied and shall instruct persons not to enter the property and not to remove the signs for a period of at least twenty-four hours. Such instruction shall be printed boldly in letters at least three-eighths of an inch in height.

2. Any county not contained entirely within a city or any city with a population of one million or more that adopts a local law pursuant to the provisions of this section, shall, in addition to any authority otherwise conferred in this chapter, have concurrent authority to enforce such local law administratively, provided however that all sanctions, which shall be assessed after providing a hearing or opportunity to be heard, shall be as specified in section 71-2907 of this chapter and shall be payable to and deposited with the enforcing municipality.

2-a. Within twenty days after the adoption of a local law pursuant to this section, the clerk or other officer designated by the legislative body shall forward one certified copy thereof to the commissioner and one to the attorney general.

2-b. Any local law adopted pursuant to this section shall take effect on the first day of January after it shall have been adopted.

3. The commissioner of health shall review any emergency form submitted pursuant to this section to ensure that the circumstance did warrant such emergency application. Such forms shall be kept on file at the department of health for three years from the date of application and shall be made available to any person upon request.

**Credits**

(Added L.2000, c. 285, § 3, eff. March 1, 2001. Amended L.2010, c. 324, § 1, eff. Feb. 9, 2011 ; **L.2020, c. 145, § 1, eff. Dec. 22, 2020** .)

McKinney's E. C. L. § 33-1004, NY ENVIR CONSER § 33-1004

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End of Document

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Showing differences between versions effective February 9, 2011 to December 21, 2020 and December 22, 2020 [current]

**Key:** ~~deleted text~~ **added text**

0 deletions · 4 additions

McKinney's ECL § 33-1005

§ 33-1005. Commissioner's regulations

<[As added by L.2000, c. 285. Another Environmental Conservation Law § 33-1005 was added by another act.]>

For purposes of implementing section 33-1004 of this article in any county not contained entirely within a city or any city with a population of one million or more that has adopted a local law pursuant to such section:

1. The commissioner shall promulgate rules and regulations establishing uniform standards for a consumer pesticide use information sign which shall be placed in retail establishments that sell general use pesticides for commercial or residential lawn application. This sign shall **be in both the English and Spanish languages, and any other languages if the commissioner deems it necessary pursuant to rules and regulations, and shall** contain the following information:

a. a warning notice directing consumers to follow directions on labels;

b. a provision to inform the customer of the posting requirements set forth in paragraph c of subdivision one of section 33-1004 of this article; and

c. a recommendation that the customer notify neighbors prior to the application of pesticides so that such neighbors may take precautions to avoid pesticide exposure.

2. The commissioner shall prepare and publish, in consultation with the commissioner of health, educational materials **, in both the English and Spanish languages and any other languages if the commissioner deems it necessary,** explaining the requirements of paragraphs b and c of subdivision one of section 33-1004 of this article and section three hundred ninety-c of the social services law and the human and environmental health effects of lawn care pesticides.

3. a. The commissioner shall promulgate rules and regulations specifying the following: the content and form of the written notice required in paragraph b of subdivision one of section 33-1004 of this article, with the content consisting minimally of the following:

(i) the address of the premises where application is to be done;

(ii) the name and telephone number and pesticide business registration number or certified applicator number of the person providing the application;

(iii) the specific date of each pesticide application and two alternative dates to the proposed date of application when, due to weather conditions, the pesticide application on the proposed date is precluded;

(iv) the product name or names and the United States Environmental Protection Agency registration number or numbers of the pesticide or pesticides to be applied;

(v) a prominent statement that reads: “This notice is to inform you of a pending pesticide application to: 1. a neighboring property; or 2. this premise. You may wish to take precautions to minimize pesticide exposure to yourself, family members, pets or family possessions. Further information about the product or products being applied, including any warnings that appear on the labels of such pesticide or pesticides that are pertinent to the protection of humans, animals or the environment, can be obtained by calling the National Pesticides Telecommunications Network at 1-800-858-7378 or the New York State Department of Health Center for Environmental Health Info line at 1-800-458-1158”.

b. The commissioner shall review and revise as necessary the phone numbers required to appear in notices pursuant to this section and pursuant to section four hundred nine-h of the education law and section three hundred ninety-c of the social services law. Notwithstanding the provisions of the state administrative procedure act, such phone numbers shall be established as a rule by publication in the environmental notice bulletin.

**c. The written notice required by paragraph b of subdivision one of section 33-1004 of this article shall be in both the English and Spanish languages, and any other languages if the commissioner deems it necessary pursuant to rules and regulations.**

4. The commissioner shall promulgate rules and regulations specifying: the manner in which persons providing commercial lawn application shall supply written notice as required under paragraph b of subdivision one of section 33-1004 of this article including, but not limited to, mailing, or leaving with a responsible adult or in a conspicuous location on the premises or abutting property; the manner in which the owner or owner's agent of multiple family dwellings covered under paragraph b of subdivision one of section 33-1004 of this article shall supply such written notice to the occupants of such multiple family dwellings; and for all other premises covered under paragraph b of subdivision one of section 33-1004 of this article, the manner in which the owner, owner's agent or other person in a position of authority shall supply such written notice. Such rules and regulations shall specify a manner in which persons providing commercial lawn applications may provide an option to occupants of dwellings to decline further notices.

5. The commissioner is hereby authorized to promulgate rules and regulations, not inconsistent with any other provisions of law, specifying procedures for the department's investigation and processing of alleged violations of paragraph c of subdivision one of section 33-1004 of this article that pertain to persons performing residential lawn applications. Such uniform procedures may require complaints to be in the form of a sworn statement containing the facts upon which an alleged violation is based and may provide that the department is not required to perform any testing or sampling in relation to the investigation of any such alleged violations.

#### Credits

(Added L.2000, c. 285, § 4, eff. March 1, 2001. Amended L.2010, c. 324, § 2, eff. Feb. 9, 2011 ; **L.2020, c. 145, §§ 2 to 4, eff. Dec. 22, 2020** .)

McKinney's E. C. L. § 33-1005, NY ENVIR CONSER § 33-1005

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DANIEL P. MCCOY  
COUNTY EXECUTIVE



COUNTY OF ALBANY  
DEPARTMENT OF ECONOMIC DEVELOPMENT CONSERVATION AND PLANNING  
112 STATE STREET – ROOM 1310  
ALBANY, NEW YORK 12207-2021  
(518) 447-5670

May 26, 2021

Hon. Andrew Joyce  
Albany County Legislature  
112 State St., Rm. 710  
Albany, NY 12207

Dear Chairman Joyce:

Please find enclosed a Request for Legislative Action to be considered at the June Conservation, Sustainability and Green Initiatives Committee meeting.

In accordance with NYS Agriculture and Markets Law, following the public hearing held on May 25, 2021, the proposed additions to Albany County Agricultural Districts must be approved by the County Legislature. If you have any questions, please feel free to contact me at 447-5670.

Sincerely,

Laura DeGaetano  
Sr. Natural Resource Planner

cc: Dennis Feeney, Majority Leader  
Frank Mauriello, Minority Leader  
Rebekah Kennedy, Majority Counsel  
Arnis Zilgme, Minority Counsel



# County of Albany

Harold L. Joyce  
Albany County Office  
Building  
112 State Street - Albany,  
NY 12207

## Legislation Text

**File #:** TMP-2510, **Version:** 1

### REQUEST FOR LEGISLATIVE ACTION

**Description (e.g., Contract Authorization for Information Services):**

Approval of modifications to Agricultural Districts - Annual review

Date:	May 27, 2021
Submitted By:	Laura DeGaetano
Department:	Economic Development, Conservation and Planning
Title:	Sr. Natural Resource Planner
Phone:	518-447-5670
Department Rep.	
Attending Meeting:	Laura DeGaetano

**Purpose of Request:**

- Adopting of Local Law
- Amendment of Prior Legislation
- Approval/Adoption of Plan/Procedure
- Bond Approval
- Budget Amendment
- Contract Authorization
- Countywide Services
- Environmental Impact/SEQR
- Home Rule Request
- Property Conveyance
- Other: (state if not listed) Click or tap here to enter text.

**CONCERNING BUDGET AMENDMENTS**

**Increase/decrease category (choose all that apply):**

- Contractual
- Equipment
- Fringe
- Personnel
- Personnel Non-Individual

Revenue

Increase Account/Line No.: Click or tap here to enter text.  
Source of Funds: Click or tap here to enter text.  
Title Change: Click or tap here to enter text.

**CONCERNING CONTRACT AUTHORIZATIONS**

**Type of Contract:**

- Change Order/Contract Amendment
- Purchase (Equipment/Supplies)
- Lease (Equipment/Supplies)
- Requirements
- Professional Services
- Education/Training
- Grant

Choose an item.

Submission Date Deadline Click or tap to enter a date.

- Settlement of a Claim
- Release of Liability
- Other: (state if not listed) Click or tap here to enter text.

**Contract Terms/Conditions:**

Party (Name/address):  
Click or tap here to enter text.

Additional Parties (Names/addresses):  
Click or tap here to enter text.

Amount/Raise Schedule/Fee: Click or tap here to enter text.  
Scope of Services: Click or tap here to enter text.

Bond Res. No.: Click or tap here to enter text.  
Date of Adoption: Click or tap here to enter text.

**CONCERNING ALL REQUESTS**

Mandated Program/Service: Yes  No   
If Mandated Cite Authority: NYS Department of Agriculture and Markets 25AA

Is there a Fiscal Impact: Yes  No   
Anticipated in Current Budget: Yes  No

County Budget Accounts:

Revenue Account and Line: Click or tap here to enter text.  
Revenue Amount: Click or tap here to enter text.

Appropriation Account and Line: Click or tap here to enter text.  
Appropriation Amount: Click or tap here to enter text.

Source of Funding - (Percentages)

Federal: Click or tap here to enter text.  
State: Click or tap here to enter text.  
County: Click or tap here to enter text.  
Local: Click or tap here to enter text.

Term

Term: (Start and end date) Click or tap here to enter text.  
Length of Contract: Click or tap here to enter text.

Impact on Pending Litigation Yes  No   
If yes, explain: Click or tap here to enter text.

Previous requests for Identical or Similar Action:

Resolution/Law Number: 283  
Date of Adoption: 9/14/20

**Justification:** (state briefly why legislative action is requested)

In accordance with NYS Agriculture and Markets Law, following the public hearing held May 25, 2021, the proposed additions to the Agricultural Districts must be approved by the County Legislature.

**RESOLUTION NO. 283**

**ADOPTING THE PROPOSED MODIFICATIONS TO ALBANY COUNTY AGRICULTURAL DISTRICT NOS. 1, 2 AND 3**

Introduced: 9/14/20

By Conservation, Sustainability, and Green Initiatives Committee:

WHEREAS, Section 303-b of the Agriculture and Markets Law mandates the annual review of agricultural districts, and

WHEREAS, In connection with such review, a proposal for the modification of Agricultural District Nos. 1, 2 and 3 has been submitted by the Agricultural and Farmland Protection Board, and

WHEREAS, The recommendations include adding 188.26 acres of actively viable farm land in the Towns of Berne, Bethlehem, Guilderland, New Scotland, and Westerlo, and

WHEREAS, In conducting such review, Section 303-b of the Agriculture and Markets Law requires this Honorable Body to hold a public hearing, which public hearing was held remotely with participation instructions available on the Albany County website at 7:15 p.m. on Tuesday, July 28, 2020 for the purpose of receiving the comments of any interested persons regarding the proposed modifications, now, therefore be it

RESOLVED, By the Albany County Legislature that the following proposed modifications to the Albany County Agricultural Districts submitted by the Agricultural and Farmland Protection Board and filed with the Albany County Clerk are hereby approved and adopted:

<b>Town</b>	<b>Tax Map No.</b>	<b>Acres</b>	<b>Ag District</b>
Berne	113.-1-4.310	42.5	1
Bethlehem	97.11-1-6	.72	3
	94.-1-47.14	11.3	3
Guilderland	36.00-1-12.1	26.7	3
New Scotland	93.-1-1.12	13.43	3
	93.-1-1.11	11.6	3
	93.-1-1.22	15.01	3
Westerlo	116.-3-37	67	2

and, be it further

RESOLVED, That a copy of the modifications shall be submitted to the New York State Commissioner of Agriculture and Markets along with a certified copy of this resolution, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.





# Albany County Agricultural and Farmland Protection Board

## Recommendations of the Albany County Agricultural and Farmland Protection Board Annual Agricultural District Review 2021

*Prepared by Laura DeGaetano – Albany County Department of Economic Development, Conservation and Planning March 2021*

Pursuant to Article 25-AA section 303-b of NYS Agricultural and Markets Law, the Albany County Legislature established an annual review period beginning on February 1 during which property owners may apply to add land to any of the County’s three Agricultural Districts. On behalf of the County Legislature, the County Office of Natural Resource Conservation conducted a review of all landowner applications for inclusion in a District. The findings of this review, which relied on information provided by the landowner, analysis of aerial photos, and in some cases, a field assessment of the subject parcels, have been reviewed by the Agricultural and Farmland Protection Board. Based on this review, the following report and recommendations are submitted for consideration by the County Legislature.

A total of four (4) parcels were submitted for consideration to be included in Albany County Agricultural Districts during the 30-day annual review period beginning February 1, 2021. Of the parcels submitted, all were found to be consistent with the intent of agricultural districting and are recommended for inclusion in the appropriate Agricultural District.

<b>TOWN</b>	<b>PARCEL</b>	<b># OF ACRES</b>	<b>AG DISTRICT</b>	<b>Recommendation Of AFPB</b>	<b>Principal Enterprise</b>
Guilderland	62.00-2-65.1 62.00-2-65.2	4.10 7.80	3	ADD	Vegetables
New Scotland	84.-1-15.2	5	3	ADD	Vegetables/ Greenhouse
Knox	35.-2-7	3.9	1	ADD	Garlic/vegetables
<b>Total Acres Added</b>		<b>20.8</b>			

**NEW YORK STATE  
DEPARTMENT OF AGRICULTURE AND MARKETS**

**State Environmental Quality Review  
SHORT ENVIRONMENTAL ASSESSMENT FORM  
For UNLISTED ACTIONS Only**

**PART I – PROJECT INFORMATION**

1. The proposed action is located in the County of Albany  
and the Town(s) of Knox, Guilderland, New Scotland
2. The agency responsible for preparing this Short Environmental Assessment Form and determining environmental significance is the County Legislative Body of Albany County.
3. The name and address for the Clerk of the above named County is Hon. Bruce A. Hidley – Albany County Court House Room 128, 16 Eagle Street, Albany NY 12207-1077
4. Is this an application to modify an existing agricultural district? Yes No
  - If yes, what is the total number of acres comprising the district as it exists prior to modification?  
N/A acres
5. If this application involves a modification, will such modification result in a change in the size of the district?  Yes  No
  - If yes, how many acres are involved in the change? **20.8** acres
  - Does this represent an  increase or  decrease?
6. Zoning and Planning Information
  - Does the agricultural district correspond with a town(s) zoning district(s)?  
**X** Yes    No
  - If Yes, please cite the applicable zoning district(s):  
Guilderland – Residential/Agriculture (RA 3)  
New Scotland – Commercial  
Knox- Agricultural District
  - Is/are the zoned district(s) within the modified agricultural district compatible with the goals and objectives of the Agricultural Districts Law, as set forth in Article 25-AA of the Agriculture and Markets Law?  Yes    No
  - If Yes, please cite the applicable language: Agriculture allowed by right.
7. What is present land use in the vicinity of the proposed modification?  
 Residential    Industrial    Commercial  Agriculture  Park/Forest/Open Space  Other

Describe: \_\_\_\_\_  
\_\_\_\_\_

8. Is there a public controversy related to this district proposal?  Yes  No If yes, describe below:

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(Attach additional sheets if necessary.)

9. Attach any additional information as may be needed to clarify the proposed action.

I CERTIFY THAT THE INFORMATION PROVIDED  
ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Authorized signature: \_\_\_\_\_

Date: \_\_\_\_\_

## PART II- ENVIRONMENTAL ASSESSMENT

### General Information

In providing responses to each of the questions, the reviewer should keep in mind that the action proposed is the modification or termination of an agricultural district or districts. The action is not the land use or activity which will, or may, take place in the district(s). For example, it is not appropriate to consider the effects of management action that may be taken by individual operators in conducting farming. Agricultural farm management practices, including construction, maintenance and repair of farm buildings, and land use changes consistent with generally accepted principles of farming are listed as Type II actions in 6 NYCRR §617.5(c)(3), and these actions have been determined not to have a significant impact on the environment.

A. Does action exceed any Type I threshold in 6 NYCRR, Part 617.4 ?  Yes  No

If Yes, coordinate the review process and use the FULL EAF.

B. Will action receive coordinated review as provided for Unlisted actions in 6 NYCRR, Part 617.5 ?

Yes  No

If No, a negative declaration may be superseded by another involved agency.

C. Could action result in any adverse effects associated with the following:

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems?

Explain briefly:

NO \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C2. Aesthetic, agricultural, archaeological, historic or other natural or cultural resources; or community or neighborhood character? Explain briefly:

NO \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:  
NO \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:  
NO \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:  
NO \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:  
NO \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:  
NO \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D. Will the project have an impact on the environmental characteristics that caused the establishment of a CEA?  Yes  No

E. Is there, or is there likely to be, controversy related to potential adverse environmental impacts?  
 Yes  No If Yes, explain briefly:  
\_\_\_\_\_  
\_\_\_\_\_

**PART III– DESIGNATION OF LEAD AGENCY**

Please indicate desire for lead agency status by checking the appropriate box below:

Since the proposed action will be undertaken by this County Legislative Body and since any adverse environmental impacts will be primarily of local significance, it is hereby recommended that this County Legislative Body serve as lead agency to ensure compliance with the requirements of the State Environmental Quality Review Act. It has been determined that the only other agency required to undertake an action in this case is the Department of Agriculture and Markets.

The County Legislative Body does not choose to nominate itself to serve as lead agency.

**PART IV - DETERMINATION OF SIGNIFICANCE**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e., urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination and significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- 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 **AND** provide on attachments as necessary, the reasons supporting this determination:

Albany County Legislature

Name of Lead Agency

Hon. Andrew Joyce

Print or Type Name of Responsible Officer in Lead Agency

Chairman

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from Responsible Officer)

Date



DANIEL P. MCCOY  
COUNTY EXECUTIVE

COUNTY OF ALBANY  
OFFICE OF THE EXECUTIVE  
112 STATE STREET, ROOM 1200  
ALBANY, NEW YORK 12207-2021  
(518) 447-7040 - FAX (518) 447-5589  
WWW.ALBANYCOUNTY.COM

DANIEL C. LYNCH, ESQ.  
DEPUTY COUNTY EXECUTIVE

June 8, 2021

Honorable Andrew Joyce, Chairman  
Albany County Legislature  
112 State Street, Room 710  
Albany, New York 12207

Dear Chairman Joyce:

The Office of the County Executive is requesting the Legislature's authorization to designate Albany County as lead agency for State Environmental Quality Review (SEQR) for the proposed solar installation at 897 Watervliet-Shaker Road (The Radar Tower Site). The finding made on March 2, 2021 show that this project should be listed as a SEQR Type 1 and the attached Lead Agency letter was sent to involved and interested parties.

All responding parties concurred that Albany County should be lead agency. Given that there has been no objection, the County will proceed with the necessary environmental assessment as Lead Agency and make a determination as to the environmental impact of the project.

If you should have any questions, please do not hesitate to contact me.

Sincerely

Daniel P. McCoy  
Albany County Executive

cc: Hon. Dennis Feeney, Majority Leader  
Hon. Frank Mauriello, Minority Leader  
Rebekah Kennedy, Majority Counsel  
Arnis Zilgme, Minority Counsel



# County of Albany

Harold L. Joyce  
Albany County Office  
Building  
112 State Street - Albany,  
NY 12207

## Legislation Text

**File #:** TMP-2533, **Version:** 1

### REQUEST FOR LEGISLATIVE ACTION

**Description (e.g., Contract Authorization for Information Services):**

Approval to Designate Albany County SEQR Lead Agency for Solar Project

Date:	6/8/2021
Submitted By:	Lucas Rogers
Department:	CEO
Title:	Senior Policy Analyst
Phone:	518-447-5566
Department Rep.	
Attending Meeting:	Lucas Rogers

**Purpose of Request:**

- Adopting of Local Law
- Amendment of Prior Legislation
- Approval/Adoption of Plan/Procedure
- Bond Approval
- Budget Amendment
- Contract Authorization
- Countywide Services
- Environmental Impact/SEQR
- Home Rule Request
- Property Conveyance
- Other: (state if not listed) Click or tap here to enter text.

**CONCERNING BUDGET AMENDMENTS**

**Increase/decrease category (choose all that apply):**

- Contractual
- Equipment
- Fringe
- Personnel
- Personnel Non-Individual

Revenue

Increase Account/Line No.: Click or tap here to enter text.  
Source of Funds: Click or tap here to enter text.  
Title Change: Click or tap here to enter text.

**CONCERNING CONTRACT AUTHORIZATIONS**

**Type of Contract:**

- Change Order/Contract Amendment
- Purchase (Equipment/Supplies)
- Lease (Equipment/Supplies)
- Requirements
- Professional Services
- Education/Training
- Grant

Choose an item.

Submission Date Deadline Click or tap to enter a date.

- Settlement of a Claim
- Release of Liability
- Other: (state if not listed) Click or tap here to enter text.

**Contract Terms/Conditions:**

Party (Name/address):  
Click or tap here to enter text.

Additional Parties (Names/addresses):  
Click or tap here to enter text.

Amount/Raise Schedule/Fee: Click or tap here to enter text.  
Scope of Services: Click or tap here to enter text.

Bond Res. No.: Click or tap here to enter text.  
Date of Adoption: Click or tap here to enter text.

**CONCERNING ALL REQUESTS**

Mandated Program/Service: Yes  No   
If Mandated Cite Authority: Click or tap here to enter text.

Is there a Fiscal Impact: Yes  No   
Anticipated in Current Budget: Yes  No

**County Budget Accounts:**



Revenue Account and Line: Click or tap here to enter text.  
Revenue Amount: Click or tap here to enter text.

Appropriation Account and Line: Click or tap here to enter text.  
Appropriation Amount: Click or tap here to enter text.

Source of Funding - (Percentages)

Federal: Click or tap here to enter text.  
State: Click or tap here to enter text.  
County: Click or tap here to enter text.  
Local: Click or tap here to enter text.

Term

Term: (Start and end date) Click or tap here to enter text.  
Length of Contract: Click or tap here to enter text.

Impact on Pending Litigation Yes  No   
If yes, explain: Click or tap here to enter text.

Previous requests for Identical or Similar Action:

Resolution/Law Number: Click or tap here to enter text.  
Date of Adoption: Click or tap here to enter text.

**Justification:** (state briefly why legislative action is requested)

The Office of the County Executive is requesting the Legislature’s authorization to designate Albany County as lead agency for State Environmental Quality Review (SEQR) for the proposed solar installation at 897 Watervliet-Shaker Road (The Radar Tower Site). The finding made on March 2, 2021 show that this project should be listed as a SEQR Type 1 and the attached Lead Agency letter was sent to involved and interested parties.

All responding parties concurred that Albany County should be lead agency. Given that there has been no objection, the County will proceed with the necessary environmental assessment as Lead Agency and make a determination as to the environmental impact of the project.

**RESOLUTION NO. 112****AUTHORIZING THE PLANNING DEPARTMENT TO TAKE ACTION TO COORDINATE AND DETERMINE SEQR LEAD AGENCY STATUS FOR THE SOLAR INSTALLATION PROJECT (RADAR TOWER SITE)**

Introduced: 4/12/21

By Conservation, Sustainability and Green Initiatives Committee:

WHEREAS, The County Executive has indicated that the Albany County Department of Economic Development, Conservation and Planning ("Planning Department") has evaluated the Solar Installation Project at 897 Watervliet-Shaker Rd. (The Radar Tower Site) pursuant to the State Environmental Quality Review Act (SEQRA) guidelines and has determined that the project is properly classified as a Type I action under SEQRA, and

WHEREAS, The proposed development of the project is subject to the requirements of SEQRA and a lead agency must be established prior to a determination of significance, and

WHEREAS, This Honorable Body seeks the assistance of the Planning Department to make certain that all appropriate steps are taken regarding this proposal, now, therefore be it

RESOLVED, By the Albany County Legislature that the Planning Department is requested to take action to determine lead agency status regarding the proposed Solar Installation Project at 897 Watervliet-Shaker Rd. (The Radar Tower Site), and, be it further

RESOLVED, During said review, the Planning Department is requested to submit a copy of all correspondence to and from the other involved agencies to the Clerk of the Legislature, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

*Adopted by unanimous vote - 4/12/21*

State of New York  
County of Albany

This is to certify that I, the undersigned, Clerk of the Albany County Legislature, have compared the foregoing copy of the resolution and/or local law with the original resolution and/or local law now on file in the office, and which was passed by the Legislature of said County on the 12<sup>th</sup> day of April, 2021, a majority of all members elected to the Legislature voting in favor thereof, and that the same is a correct and true transcript of such original resolution and/or local law and the whole thereof.



**IN WITNESS THEREOF**, I have hereunto set my hand and the official seal of the County Legislature this 14<sup>th</sup> day of April, 2021.

A handwritten signature in cursive script, reading "Neale Chambers", is written over a horizontal line.

Clerk, Albany County Legislature

**Full Environmental Assessment Form  
Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: Albany County Solar Installation - Radar Site		
Project Location (describe, and attach a general location map): 897 Watervliet Shaker Rd. in the Town of Colonie, NY		
Brief Description of Proposed Action (include purpose or need): Design and installation of a 3.21 megawatt solar farm on county-owned property at 897 Watervliet Shaker Rd. in the Town of Colonie.		
Name of Applicant/Sponsor: Albany County - Lucas Rogers		Telephone: 518-447-7040
		E-Mail: lucas.rogers@albanycountyny.gov
Address: 112 State St. Room 1200		
City/PO: Albany	State: NY	Zip Code: 12207
Project Contact (if not same as sponsor; give name and title/role): Lucas Rogers		Telephone: 518-447-7040
		E-Mail:
Address: 112 State St. Room 1200		
City/PO: Albany	State: NY	Zip Code: 12207
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals**

**B. Government Approvals, Funding, or Sponsorship.** (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission		
c. City, Town or <input type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	County Legislature Funding	
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	DEC Construction Activity Permit, OPRHP SHPO Consultation	
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

**C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? YesNo

- **If Yes**, complete sections C, F and G.
- **If No**, proceed to question C.2 and complete all remaining sections and questions in Part 1

**C.2. Adopted land use plans.**

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? YesNo

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? YesNo

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) YesNo

If Yes, identify the plan(s):

Mohawk Valley Heritage Corridor  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? YesNo

If Yes, identify the plan(s):

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**C.3. Zoning**

- a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
If Yes, what is the zoning classification(s) including any applicable overlay district?  
Commercial Office (CO), Historic Overlay
- b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No
- c. Is a zoning change requested as part of the proposed action?  Yes  No  
If Yes,  
i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

- a. In what school district is the project site located? South Colonie School District
- b. What police or other public protection forces serve the project site?  
Town of Colonie Police and Albany County Sheriff
- c. Which fire protection and emergency medical services serve the project site?  
Verdoy Fire District, Colonie EMS
- d. What parks serve the project site?  
Ann Lee Pond Nature and Historic Preserve

**D. Project Details**

**D.1. Proposed and Potential Development**

- a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?  
Commercial
- b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ 13.73 acres  
b. Total acreage to be physically disturbed? \_\_\_\_\_ 11.63 acres  
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ 13.73 acres
- c. Is the proposed action an expansion of an existing project or use?  Yes  No  
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_
- d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
If Yes,  
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) \_\_\_\_\_  
ii. Is a cluster/conservation layout proposed?  Yes  No  
iii. Number of lots proposed? \_\_\_\_\_  
iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_
- e. Will the proposed action be constructed in multiple phases?  Yes  No  
i. If No, anticipated period of construction: \_\_\_\_\_ months  
ii. If Yes:  
• Total number of phases anticipated \_\_\_\_\_  
• Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year  
• Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year  
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

f. Does the project include new residential uses?  Yes  No

If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No

If Yes,

i. Total number of structures \_\_\_\_\_

ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length

iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No

If Yes,

i. Purpose of the impoundment: \_\_\_\_\_

ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_

iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_

iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres

v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  Yes  No

If Yes:

i. What is the purpose of the excavation or dredging? \_\_\_\_\_

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): \_\_\_\_\_
- Over what duration of time? \_\_\_\_\_

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_

iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No

If yes, describe. \_\_\_\_\_

v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres

vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres

vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet

viii. Will the excavation require blasting?  Yes  No

ix. Summarize site reclamation goals and plan: \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

iii. Will the proposed action cause or result in disturbance to bottom sediments?  Yes  No  
 If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No  
 If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

\_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?  Yes  No  
 If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No  
 If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No  
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No  
 If, Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

\_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?  Yes  No  
 If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

\_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No  
 If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No



• Do existing sewer lines serve the project site?  Yes  No  
 • Will a line extension within an existing district be necessary to serve the project?  Yes  No  
 If Yes:  
 • Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:  
 • Applicant/sponsor for new district: \_\_\_\_\_  
 • Date application submitted or anticipated: \_\_\_\_\_  
 • What is the receiving water for the wastewater discharge? \_\_\_\_\_

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No  
 If Yes:  
 i. How much impervious surface will the project create in relation to total size of project parcel?  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ <1 acres (impervious surface)  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ 33.9 acres (parcel size)  
 ii. Describe types of new point sources. N/A

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  
on-site management  
 \_\_\_\_\_  
 \_\_\_\_\_

• If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

• Will stormwater runoff flow to adjacent properties?  Yes  No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

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f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No  
 If Yes, identify:  
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)  
 \_\_\_\_\_  
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
 \_\_\_\_\_  
 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
 \_\_\_\_\_

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g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No  
 If Yes:  
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No  
 ii. In addition to emissions as calculated in the application, the project will generate:  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)  
 • \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

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i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

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j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

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k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):  
Photo \_\_\_\_\_

iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

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l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 8:00-5:00 _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 24hrs _____</li> <li>• Saturday: _____ 24hrs _____</li> <li>• Sunday: _____ 24hrs _____</li> <li>• Holidays: _____ 24hrs _____</li> </ul>
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m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No  
 If yes:  
 i. Provide details including sources, time of day and duration:  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_  
 \_\_\_\_\_

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n. Will the proposed action have outdoor lighting?  Yes  No  
 If yes:  
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_  
 \_\_\_\_\_

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o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No  
 If Yes:  
 i. Product(s) to be stored \_\_\_\_\_  
 ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)  
 iii. Generally, describe the proposed storage facilities: \_\_\_\_\_  
 \_\_\_\_\_

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q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No  
 If Yes:  
 i. Describe proposed treatment(s):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

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r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No  
 If Yes:  
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:  
 • Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 • Operation : \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:  
 • Construction: \_\_\_\_\_  
 \_\_\_\_\_  
 • Operation: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Proposed disposal methods/facilities for solid waste generated on-site:  
 • Construction: \_\_\_\_\_  
 \_\_\_\_\_  
 • Operation: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

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t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

- Urban     Industrial     Commercial     Residential (suburban)     Rural (non-farm)  
 Forest     Agriculture     Aquatic     Other (specify): BOCES

ii. If mix of uses, generally describe: \_\_\_\_\_

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0		
• Forested	5.17	0	-5.17
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	7.45	0	-7.45
• Agricultural (includes active orchards, field, greenhouse etc.)	0		
• Surface water features (lakes, ponds, streams, rivers, etc.)	0		
• Wetlands (freshwater or tidal)	0		
• Non-vegetated (bare rock, earth or fill)	0		
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
i. If Yes: explain: \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
If Yes,  
i. Identify Facilities:  
Shaker Place Nursing and Rehabilitation Center  
\_\_\_\_\_

e. Does the project site contain an existing dam?  Yes  No  
If Yes:  
i. Dimensions of the dam and impoundment:  
• Dam height: \_\_\_\_\_ feet  
• Dam length: \_\_\_\_\_ feet  
• Surface area: \_\_\_\_\_ acres  
• Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection:  
\_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
If Yes:  
i. Has the facility been formally closed?  Yes  No  
• If yes, cite sources/documentation: \_\_\_\_\_  
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:  
\_\_\_\_\_  
\_\_\_\_\_  
iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:  
\_\_\_\_\_  
\_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
\_\_\_\_\_  
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
If yes, provide DEC ID number(s): \_\_\_\_\_  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):  
\_\_\_\_\_  
\_\_\_\_\_

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ > 6 feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site:

NuB	_____	50 %
RkA	_____	30 %
ChB	_____	20 %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ 50 % of site  
 Moderately Well Drained: \_\_\_\_\_ 50 % of site  
 Poorly Drained \_\_\_\_\_ % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ 100 % of site  
 10-15%: \_\_\_\_\_ % of site  
 15% or greater: \_\_\_\_\_ % of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_  
 \_\_\_\_\_

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name US Army Corps of Engineers Approximate Size approx 1-acre
- Wetland No. (if regulated by DEC) \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No  
 If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_  
 \_\_\_\_\_

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i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100-year Floodplain?  Yes  No

k. Is the project site in the 500-year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
 If Yes:  
 i. Name of aquifer: Schenectady-Niskayuna Sole Source Aquifer

m. Identify the predominant wildlife species that occupy or use the project site: typical suburban northeast birds and _____ mammals _____	_____ _____ _____
n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes: i. Species and listing (endangered or threatened): _____ _____ _____	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes: i. Species and listing: _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, give a brief description of how the proposed action may affect that use: _____ _____	
<b>E.3. Designated Public Resources On or Near Project Site</b>	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> i. If Yes: acreage(s) on project site? Approximately 10 acres ii. Source(s) of soil rating(s): NRCS _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes: i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:		
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input checked="" type="checkbox"/> Historic Building or District		
<i>ii.</i> Name: <u>Watervliet Shaker Historic District</u>		
<i>iii.</i> Brief description of attributes on which listing is based: <u>Part of the first Shaker settlement in the U.S.</u>		
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:		
<i>i.</i> Describe possible resource(s): _____		
<i>ii.</i> Basis for identification: _____		
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:		
<i>i.</i> Identify resource: _____		
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____		
<i>iii.</i> Distance between project and resource: _____ miles.		
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:		
<i>i.</i> Identify the name of the river and its designation: _____		
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?		<input type="checkbox"/> Yes <input type="checkbox"/> No

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Title \_\_\_\_\_



**Albany County**  
**Department of Economic Development, Conservation and Planning**  
112 State Street, Room 1310  
Albany, NY 12207-2021  
Telephone: (518) 447-5670      Fax: (518) 447-5662  
<http://www.albanycounty.com>

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## **MEMORANDUM**

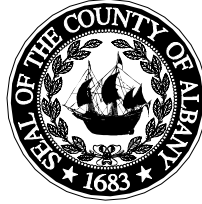
**TO:** Lucas Rogers  
**CC:**  
**FROM:** Laura DeGaetano  
**DATE:** June 3, 2021  
**RE:** Lead Agency Designation  
**SUBJECT:** Albany County Solar Project

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The Department of Economic Development, Conservation and Planning commenced a review under SEQRA to seek Lead Agency status for the Albany County solar project located at 897 Watervliet Shaker Rd. A letter establishing Albany County's intent to seek Lead Agency status and a request for concurrence was sent to involved and interested agencies along with Part I of the SEQRA Full Environmental Assessment Form.

Following the required 30-day period for involved and interested agencies to comment on the county's intent to serve as Lead Agency, no comments were received opposing the proposed Lead Agency Status.

Following the establishment of lead agency status, the County must take all necessary steps to declare lead agency status, conduct a review, and determine the significance of the action in accordance with NYCRR Part 6 section 617.7, and must immediately prepare, file, and publish the determination and provide written notice of its determination of significance to the applicant and all identified involved agencies.



DANIEL P. MCCOY  
COUNTY EXECUTIVE

DANIEL C. LYNCH  
DEPUTY COUNTY EXECUTIVE

COUNTY OF ALBANY  
ECONOMIC DEVELOPMENT, CONSERVATION AND PLANNING  
112 STATE STREET – ROOM 1310  
ALBANY, NEW YORK 12207-2021  
(518) 447-5670

May 4, 2021

Dear Interested/Involved Party:

The purpose of this letter is to initiate the review process in compliance with State Environmental Quality Review (SEQR) for a project to design and install a 3.21 megawatt solar farm on county-owned property at 897 Watervliet Shaker Rd. in the Town of Colonie.

The County has determined that:

- The proposed action is subject to SEQR
- The action is classified as a Type I action pursuant to 6 NYCRR Part 617.4
- The action will involve multiple agencies for permits and approvals

Enclosed please find Part 1 of the Full Environmental Assessment Form for your review and consideration. At this time, we ask that you confirm your jurisdiction in this action and provide any preliminary feedback on issues of concern that you believe should be evaluated.

It is the intent of the Albany County Legislature to assume Lead Agency status under SEQR pursuant to 6 NYCRR Part 617.6. Please note your concurrence with the Lead Agency request by signing below. We ask that you respond by June 4, 2021 (30 days from the date of this letter) in compliance with the SEQR timeline.

Should you have any questions regarding this letter or the project in general, please contact Lucas Rogers at 447-7040.

I concur with the Lead Agency Request

Agency:
Name :
Title:
Signature:

### **Involved Agencies**

Albany County Department of Public Works  
Attn: Lisa Ramundo  
449 New Salem Rd.  
Voorheesville, NY 12186

Albany County Legislature  
112 State St. Room 700  
Albany, NY 12207

NYS Department of Environmental Conservation Region 4  
1130 North Westcott Road  
Schenectady, NY 12306-2014

NYS Office of Parks, Recreation and Historic Preservation  
Attn: Erik Kulleseid  
Peebles Island State Park  
P.O. Box 189  
Waterford, NY 12188

### **Interested Agencies**

Albany County Airport Authority  
Attn: Philp Calderone  
Cc: Steve Iachetta  
Administration Building, Suite 205  
Albany International Airport  
Albany, New York 12212-1057

Albany County Planning Board  
449 New Scotland Rd.  
Voorheesville, NY 12186

Town of Colonie Department of Planning and Economic Development  
Attn: Sean Maguire  
Public Operations Center  
347 Old Niskayuna Road  
Latham, NY 12110

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Division of Environmental Permits, Region 4  
1130 North Westcott Road, Schenectady, NY 12306-2014  
P: (518) 357-2069 | F: (518) 357-2460  
www.dec.ny.gov

Transmitted electronically to: [lucas.rogers@albanycountyny.gov](mailto:lucas.rogers@albanycountyny.gov)

May 28, 2021

Lucas Rogers  
Albany County Economic Development,  
Conservation and Planning  
112 State St., Rm. 1310  
Albany, NY 12207-2021

**Re: Lead Agency Coordination Response**  
Albany County Proposed Solar Farm  
897 Watervliet Shaker Rd  
Town of Colonie, Albany County

Dear Lucas Rogers,

This letter responds to your correspondence received by the Department on May 10, 2021 regarding lead agency coordination for the project referenced herein, under Article 8 (State Environmental Quality Review – SEQR) of the Environmental Conservation Law and 6 NYCRR Part 617. The New York State Department of Environmental Conservation (“DEC” or “Department”) has the following interest in this project:

**Name of Action:** 3.21 MW Solar Farm at 897 Watervliet Shaker Rd  
**DEC Contact:Person:** Trish Gabriel, Environmental Analyst  
**SEQR Classification:**  Type I  Unlisted  Type II

**DEC Position:** Based on the information provided:

- DEC has no objection to your agency assuming lead agency status for this action.
- DEC wishes to assume lead agency status for this action.
- DEC needs additional information in order to respond (see comments).
- DEC cannot be lead agency because it has no jurisdiction in this action.

***\*The Department must be notified immediately if the project/proposed action scope changes, or the EAF is revised.***

**Possible DEC Permitting Requirements:**

A review of NYS protected resources near or within the project site was performed using existing GIS data (see enclosed NYS Resources Map). Please note that jurisdictional maps are meant to provide approximate sizes and locations of resources. Actual field conditions may vary from



those depicted on the maps. The following provides a summary of potential State permitting requirements for the project based on the results of the protected resources review and project information submitted with your correspondence.

### ***Water Quality Certification***

It appears that federally-regulated wetlands and/or waterbodies may be located on the subject property. Work within certain wetlands and other waters of the United States may require a permit from the U.S. Army Corps of Engineers (USACE). A Water Quality Certification, pursuant to Section 401 of the Federal Clean Water Act, may be required from the DEC when a USACE permit is issued. The DEC recommends you contact the USACE directly regarding federal wetlands and waters of the U.S. regulatory jurisdictions and permitting requirements. The USACE NY District regulatory program for this area is handled out the USACE Upstate Regulatory Field Office in Watervliet NY. The Regulatory Field Office general phone number is (518) 266-6351 and the general email address is [cenan.rfo@usace.army.mil](mailto:cenan.rfo@usace.army.mil). For more information on Water Quality Certifications, please refer to the following DEC Website link: <https://www.dec.ny.gov/permits/6546.html>.

### ***Stormwater State Pollutant Discharge Eliminations System Permit For Construction Activities***

Any project which results in a disturbance of one acre or more of land, must be in compliance with the State Pollutant Discharge Elimination System (SPDES) Phase II regulations for Stormwater Discharges Associated with Construction Activities. Information regarding the SPDES General Permit for Stormwater Discharges can be found on the Department's website at <https://www.dec.ny.gov/chemical/8468.html>.

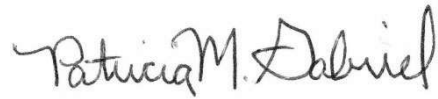
### ***Cultural Resources***

Your project site appears to be located within an area of potential historical or archeological significance. If approvals/permits are ultimately needed from this Department, consultation with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) will likely be required in order to better evaluate this project's impact on these resources. To initiate consultation with OPRHP, please visit their project submission website at <https://cris.parks.ny.gov/>. Please add Trish Gabriel at [trish.gabriel@dec.ny.gov](mailto:trish.gabriel@dec.ny.gov) to the list of contacts for your project.

Please note that construction activities that have the potential to affect historic and/or archeological resources are not eligible for coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001) unless documentation of satisfactory compliance with Section 106 of the National Historic Preservation Act is received from OPRHP for the project site.

Please feel free to contact me by e-mail at [trish.gabriel@dec.ny.gov](mailto:trish.gabriel@dec.ny.gov) or by telephone at (518) 357-2445 if you have any questions.

Sincerely,



Patricia M. Gabriel  
Environmental Analyst

Encl: NYS Resources Map

ecc: Laura DeGaetano, Albany County Planning  
Sean Maguire, Town of Colonie

# NYS RESOURCES MAP

## ALBANY COUNTY PROPOSED SOLAR FARM (RADAR SITE) 897 Watervliet Shaker Road Town of Colonie Albany County

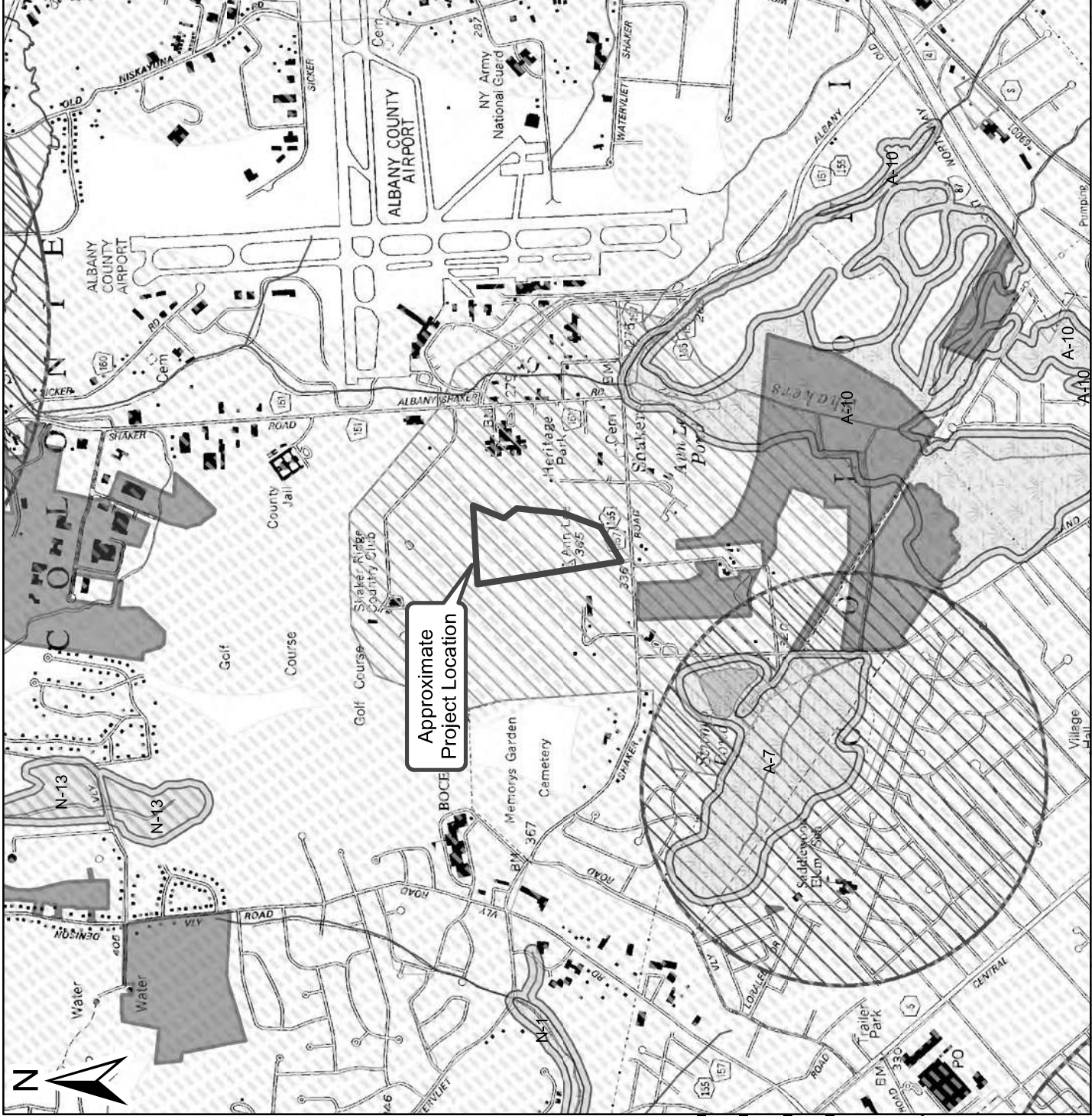
May 19, 2021



1 inch equals 2,000 feet

### Legend

- Regulated Adjacent Area Boundary
- Freshwater Wetland Class 1
- Freshwater Wetland Class 2
- Freshwater Wetland Class 3
- Freshwater Wetland Class 4
- Freshwater Wetland Separation Line
- Freshwater Wetland (linear)
- Deed Restrictions
- Unprotected Streams
- Protected Streams
- Archeological Sensitivity
- National/State Historic Register Site
- Threatened or Endangered Mussels
- S1 or S2 Freshwater Mussels
- Not an EJ area
- Potential EJ area
- All E&T species, except fish
- E&T Freshwater Mussels
- E&T Fish
- Critical Environmental Areas



*Disclaimer: This map was prepared by Region 4 NYSDEC Division of Environmental Permits using the most current data available. It is deemed accurate but is not guaranteed. NYSDEC is not responsible for any inaccuracies in the data and does not necessarily endorse any interpretations or products derived from the data. This map may contain information that is considered sensitive and therefore the distribution of this map is strictly prohibited. Additional resources may be present but not depicted on this map.*

**Department of  
Environmental  
Conservation**





DANIEL P. MCCOY  
COUNTY EXECUTIVE

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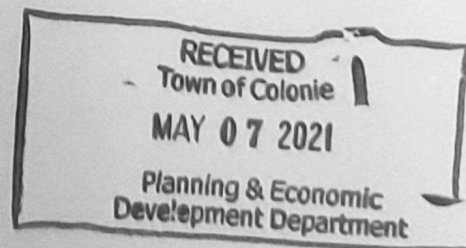
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I concur with the Lead Agency Request

Agency:	COLONIE PEDD
Name:	SEAN MAGUIRE
Title:	DIRECTOR
Signature:	







DANIEL P. MCCOY  
COUNTY EXECUTIVE

DANIEL C. LYNCH  
DEPUTY COUNTY EXECUTIVE

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I concur with the Lead Agency Request

Agency:	ALBANY CO. DPW
Name :	LISA RANUNDO
Title:	COMMISSIONER
Signature:	<i>[Handwritten Signature]</i>