

Planning Board of the Town of Wawayanda, New York

RESOLUTION, Completion of Draft Environmental Impact Statement and Scheduling of Public Hearing, Application of CPV Valley, LLC

Whereas, CPV Valley, LLC (hereinafter, “the Applicant”) has applied to the Planning Board of the Town of Wawayanda (“Board”) for a special use permit and site plan approval pursuant to the Town of Wawayanda Zoning Code;

Whereas, the Applicant proposes to construct and operate a 630 MW combined cycle electric generating station consisting of two F Class combustion turbine generator sets with heat recovery steam generators, a 345kV electric transmission interconnection, and related equipment, buildings and structures on an approximate 30 acre portion of a 122-acre site bounded by Route 84 to the South; Route 17M to the East, and Route 6 to the North and West in the Town of Wawayanda, County of Orange, State of New York (hereinafter, “the Action”);

Whereas, the Action is a Type 1 action for purposes of the State Environmental Quality Review Act (“SEQRA”), ECL Article 8 and 6 NYCRR 617, et seq.;

Whereas, the Board thereafter transmitted its Notice of Intent to conduct a coordinated review of the Action as SEQRA lead agency, as well as Part 1 of the full EAF prepared by the Applicant, to involved local, state and federal agencies;

Whereas, no involved agency objected to the Board acting as lead agency for purposes of review of the Action within the time period allowed under 6 NYCRR section 617.6 (b)(3);

Whereas, on June 11, 2008, the Board established itself as the SEQRA lead agency;

Whereas, on June 25, 2008, the Board determined that the Project may include the potential for at least one significant adverse environmental impact, and required the Applicant to prepare a Draft Environmental Impact Statement (“DEIS”);

Whereas, the Board thereafter published its Positive Declaration, Notice of Intent to Prepare a Draft EIS”, and distributed such notice, as required by SEQRA; and

Whereas, the Board conducted a public scoping process, which culminated in the approval by the Board of a Final Scope for the DEIS on October 14, 2008;

Whereas, on November 18, 2008, the Applicant submitted a proposed DEIS to the Board, for review and acceptance; and

Whereas, the Board, its consultants, McGoey, Hauser and Edsall Consulting Engineers P.C., Greenplan, Inc. and Allegiance Resources Corporation, and their subcontractors (collectively, the “Consultants”), reviewed the proposed DEIS;

Whereas, the Board, on January 14, 2009, upon its independent examination and consultation with the Consultants and its legal consultant, determined the proposed DEIS to be incomplete for purposes of commencing public review;

Whereas, the Applicant subsequently revised the proposed DEIS to address the comments received from the Board and its consultants, and submitted a revised proposed DEIS to the Board; and

Whereas, the Board and the Consultants reviewed the revised proposed DEIS and, the Board, upon its independent examination and consultation with the Consultants and its legal consultant, has concluded that, as resubmitted, the proposed DEIS substantially complies with the Final Scope and meets the requirements of 6 NYCRR section 617.9 (a)(2).

NOW THEREFORE, be it resolved that:

1. The Board hereby determines that the DEIS for the Project is complete and accepted as adequate with respect to its scope and content for the purpose of commencing public review, pursuant to 6 NYCRR §617.9 (a)(2); and
2. Pursuant to 6 NYCRR §617.9(a)(3), written comments on the DEIS will be accepted until APRIL 22, 2009; and
3. Pursuant to 6 NYCRR § 617.9(a)(4), a public hearing will be conducted on the DEIS on APRIL 8, 2009 at 7:30 P.M. at the Town Hall 80 Ridgebury Hill Rd, Slate Hill N.Y. 10973; and
4. The Secretary of the Planning Board is hereby directed to file a Notice of Completion of DEIS and Notice of Public Hearing with the involved and interested agencies and publish the same in accordance with the requirements of 6 NYCRR § 617.12; and
5. The Applicant is directed to post the DEIS and its Appendices, along with the Notice of Completion of DEIS and Notice of Public Hearing on its website;
6. The Secretary is directed to file, publish and distribute the DEIS as required by law.

The vote was as follows:

Aye - All present
Nay - None

Dated: February 23, 2009

