

Intro. Res. No. 1738-2014  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 7/29/2014

**RESOLUTION NO. 687 -2014 AUTHORIZING A LEASE  
AGREEMENT WITH SUNEDISON, LLC FOR USE OF  
PROPERTY AT FRANCIS S. GABRESKI AIRPORT**

**WHEREAS**, Suffolk County owns and, through its Department of Economic Development and Planning, operates and maintains Francis S. Gabreski Airport in Westhampton; and

**WHEREAS**, SunEdison, LLC successfully partnered with Suffolk County in an application to participate in the LIPA Clean Solar Initiative II Feed-in-Tariff, and was selected to generate 6.8 Megawatts (DC) for LIPA under the Tariff (hereinafter, the "Project"); and

**WHEREAS**, SunEdison, LLC has submitted an application to lease 26.2 acres of property for the purpose of installing two ground mount solar (pv) arrays to generate the electrical power to sell to LIPA under the Tariff; and

**WHEREAS**, the Project, which is subject to Federal Aviation Administration site plan approval, is in compliance with the adopted 1990 Airport Master Plan Update, the 2008 Airport Master Plan Draft Update, the 1995 Central Pine Barrens Comprehensive Land Use Plan, the 1992 Long Island Comprehensive Special Groundwater Protection Area Plan, the 1999 Town of Southampton Comprehensive Update Implementation Strategies Plan and the Town of Southampton Aquifer Protection Overlay District requirements; and

**WHEREAS**, the Gabreski Airport Conservation and Assessment Committee, a community based group established pursuant to § A34-2 of the Suffolk County Administrative Code to review lease and license applications at Gabreski Airport and issue advisory recommendations, has reviewed the proposed use of property and recommends that the lease be approved as noted in the Panel's written recommendations attached as Exhibit "A"; and

**WHEREAS**, the lease agreement, proposed for a term of 20 years, subject to approval of the Federal Aviation Administration, at an annual lease rate of \$315,000, is submitted for legislative consideration; and

**WHEREAS**, as part of the Project, LIPA/PSEGLINY will require utility easements on portions of the property where the solar energy facilities will be situated in order to facilitate utility interconnections with LIPA/PSEGLI's equipment; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that Suffolk County, as SEQRA Lead Agency, hereby classifies the proposed Project as an Type I Action under the provisions of Title 6 NYCRR Part 617.4(b)(6)(i) and Chapter 450 of the Suffolk County Code; and be it further

**2<sup>nd</sup>** **RESOLVED**, that Suffolk County, as SEQRA Lead Agency, hereby finds and determines that the proposed Project, pursuant to Title 6 NYCRR Part 617 and Chapter 450 of the Suffolk County Code, will not have significant adverse impacts on the environment for the following reasons:

1. the proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;
2. the proposed action is in conformance with the Francis S. Gabreski Airport's adopted 1990 Airport Master Plan Update and the 2008 Airport Master Plan Draft Update;
3. the parcels do not appear to suffer from any severe environmental development constraints (limiting soil properties, a high groundwater table, and/or unmanageable slopes);
4. the Project sponsor will confirm that there are no endangered species located in the proposed construction area and that the project is in conformance with NYSDEC's Endangered and Threatened Species Regulations;
5. all Project stormwater runoff will be retained on site;
6. any Project plantings will be limited to native grasses;
7. this Project will result in the generation of renewable electricity and be in support of the New York State's Regional Portfolio Standards (RPS) policy which seeks to increase the proportion of renewable energy used by its residents;
8. this Project will enable the production of electricity without the use of fossil fuels or the emission of air pollutants; and be it further

**3<sup>rd</sup>** **RESOLVED**, that Suffolk County hereby adopts a determination of non-significance (negative declaration) and the Council of Environmental Quality is hereby directed to circulate and file all necessary notices in accordance with this resolution; and be it further

**4<sup>th</sup>** **RESOLVED**, that the County Executive or his designee, is authorized to execute a lease agreement for the use of the above described property between SunEdison, LLC and the County of Suffolk, in substantial accordance with the agreement annexed as Exhibit "B"; and be it further

**5<sup>th</sup>** **RESOLVED**, that the grant of the necessary non-exclusive Utility Easements be and are hereby authorized to be granted to LIPA/PSEGLINY, and its successors and assigns, as may be necessary to facilitate the interconnection of the subject solar energy facilities located on County property to LIPA/PSEGLINY's equipment; and be it further

**6<sup>th</sup>** **RESOLVED**, that the Commissioner of Economic Development and Planning is hereby authorized to execute such Utility Easements in a form in substantial compliance with the Model Utility Easement annexed hereto as "Exhibit C".

DATED: September 9, 2014

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: September 24, 2014

**RESOLUTION NO. 1171 -2014, AMENDING RESOLUTION NO. 687-2014, AUTHORIZING A LEASE AGREEMENT WITH SUNEDISON, LLC FOR USE OF PROPERTY AT FRANCIS S. GABRESKI AIRPORT**

**WHEREAS**, Suffolk County owns and, through its Department of Economic Development and Planning, operates and maintains Francis S. Gabreski airport in Westhampton; and

**WHEREAS**, SunEdison, LLC successfully partnered with Suffolk County in an application to participate in the LIPA Clean Solar Initiative II Feed-in-Tariff, and was selected to generate 6.8 Megawatts (DC) for LIPA under the Tariff (hereinafter the "Project"); and

**WHEREAS**, Resolution No. 687-2014 authorized the County Executive or his designee to execute a lease agreement with SunEdison, LLC for the use of 26.2 acres at Francis S. Gabreski airport for the purpose of two ground mount solar (pv) arrays to generate electrical power to sell to LIPA pursuant to the Project; and

**WHEREAS**, within Resolution No. 687-2014, the Legislature approved the execution of a lease agreement in substantially the same form as contained within Exhibit "B" therein and at an annual lease rate of \$315,000; and

**WHEREAS**, PSE&G-LI, as the successor to LIPA, has changed material aspects of the Project, namely, reducing the size of the Project at the airport by 41 percent resulting in a significant reduction of the Megawatts (from approximately 6.8 Megawatts (DC) to 4.24 Megawatts (DC)) to be produced; and

**WHEREAS**, as a result of PSE&G-LI's reduction in Megawatts, the size of the Project, including, potentially, the amount of property needed for the Project, has changed necessitating that material portions of the Lease must be adjusted, including a pro-rata reduction of the annual lease rate from \$315,000 per year to approximately \$186,000 per year; and

**WHEREAS**, even with the changes as required by PSE&G-LI, proceeding with the Project remains in the best interest of the County, in so far as it generates renewable electricity and allows for enhancements at the airport; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the 4<sup>th</sup> Resolved Clause of Resolution 687-2014 is hereby repealed in its entirety and replaced as follows:

**4<sup>th</sup>** **RESOLVED**, that the County Executive or his designee, is authorized to execute a lease agreement with SunEdison, LLC for the use of the Francis S. Gabreski airport for the Project, in a form substantially similar to the draft as attached hereto as Exhibit "B", and upon such other terms as may be required due to any further changes to the Project by PSE&G-LI or as required by the FAA.

and be it further

**2<sup>nd</sup>**                    **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) AND WITHIN THE MEANING OF Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management, and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: December 15, 2014

APPROVED BY:

/s/Dennis M. Cohen  
Chief Deputy County Executive of Suffolk County

Date: December 18, 2014