

RESOLUTION

Adoption of Conditioned Negative Declaration

CITY OF RENSSELAER PLANNING COMMISSION

NEW CASTLE ASPHALT, LLC

June 30, 2011

WHEREAS, New Castle Asphalt, LLC (the “Applicant”), filed an application for site plan review and special use permit approval, together with Part I of a full Environmental Assessment Form (“EAF”) and other relevant information; and

WHEREAS, the Applicant proposes to develop, at a site in the Port of Rensselaer, a blacktop manufacturing facility (the “Project”); and

WHEREAS, the City of Rensselaer Planning Commission (the “Planning Commission”) indicated to other potentially involved agencies its intention to act as lead agency for the environmental review of the Project as an “unlisted action” pursuant to the State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617, collectively, “SEQRA”); and

WHEREAS, the other potentially involved agencies concurred with the Planning Commission serving as SEQRA lead agency; and

WHEREAS, the Planning Commission and its consultants have reviewed the application and related materials, completed Parts II and III of the EAF, and reviewed the requirements of SEQRA and other information in the record with respect to the Project.

NOW, THEREFORE, BE IT

RESOLVED, that the Planning Commission hereby declares itself SEQRA lead agency for the review of the Project; and be it further

RESOLVED, that the Planning Commission hereby determines that the Project, with the imposition of the conditions set forth in the SEQRA Conditioned Negative Declaration, annexed hereto and made a part hereof, will not have a significant adverse environmental impact requiring the preparation of a Draft Environmental Impact Statement (“DEIS”); and be it further

RESOLVED, that the Planning Commission hereby adopts the annexed SEQRA Conditioned Negative Declaration and directs that it be filed and distributed in accordance with applicable provisions of law; and be it further

RESOLVED, that, pursuant to SEQRA, a public comment period on the Conditioned Negative Declaration is hereby established, to run through the close of business on August 15, 2011, and notice thereof shall be published and filed in accordance with applicable provisions of law.