

RECEIVED

**RESOLUTION OF THE PLANNING COMMISSION
OF THE
CITY OF RENSSELAER**

AUG 28 2018

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AUGUST 27, 2018

RENSSELAER CITY CLERK

**RESOLUTION OF THE PLANNING COMMISSION GRANTING FINAL SITE PLAN
APPROVAL PURSUANT TO SECTION 179-76 OF THE CITY CODE, SUBJECT TO
CONDITIONS FOR THE RENSSELAER ENGINEERED FUELS PROJECT**

A special meeting of the City of Rensselaer Planning Commission (the "Planning Commission") was convened in public session at City Hall, 62 Washington Street, City of Rensselaer, New York on August 27, 2018 at 6:30 p.m., local time.

WHEREAS, on or about March 12, 2018, the Rensselaer Resource Recovery LLC (the "Company") submitted an application to the Planning Commission for site plan approval and a special use permit for a project known as the Rensselaer Engineered Fuels Project that is to be located on the property known as 36 Riverside Avenue, City of Rensselaer, New York (the "Property"), upon which proposes to acquire the land rights and construct and install a fully enclosed solid waste management facility that has been engineered to process 150,000 tons of municipal solid waste into a solid recovered fuel (the "Project");

WHEREAS, on or about April 11, 2018 the Planning Commission did cause a notice of its Declaration of Intent to be the Lead Agency (as such term is defined in the State Environmental Quality Review Act ("SEQRA") and regulations promulgated thereunder (collectively hereinafter called the "SEQR Act")) to be mailed to all of the potentially involved agencies that had been noticed by the Planning Commission;

WHEREAS, on or about May 14, 2018, the Planning Commission received a presentation on the Project from the Company and the City's engineering consultant John Montagne of Greenman-Pedersen, Inc. ("GPI") and Paul J. Goldman, Esq. At the May 14, 2018 public hearing, the Planning Commission did receive the following presentations with respect to the Project and the proposed site plan:

- 1) Dennis Soriano of the Company;
- 2) Steve Hart of Hart Engineering on the traffic, stormwater, flood plain, odor and impact on the neighborhood;
- 3) Andrew Millspaugh of Sterling Environmental Engineering, P.C. on the noise impacts from the Project; and
- 4) John Montagne of GPI; and

WHEREAS, the Planning Commission did permit and receive additional public comment on the Project at its May 14, 2018 meeting;

WHEREAS, on May 14, 2018, the Planning Commission referred the Project to the County of Rensselaer Planning Board for its required project review pursuant to General Municipal Law §239-m review;

WHEREAS, at the April 9, 2018 public hearing and the May 14, 2018 regular meeting, the Planning Commission invited any interested persons to submit written comments on the Project, and in response to that invitation no written comments were submitted to the Planning Commission;

WHEREAS, in connection with the Project, the County of Rensselaer Planning Board did conduct its required project review pursuant to General Municipal Law §239-m and determined to defer to local determination.

WHEREAS, on or about July 16, 2018, GPI did provide a comment letter on the Project on various aspects of the Company's submittals, including the site plan drawings (the "GPI Letter").

WHEREAS, on or about August 14, 2018 and in response to the GPI Letter, the Company did submit the following documents to the Planning Commission, City Planning Staff, the City Engineer and GPI for its consideration in connection with the Project:

- 1) Amended Full Environmental Assessment Form dated August 8, 2018;
- 2) Amended Environmental Assessment Form Narrative dated August 8, 2018;
- 3) Coastal Assessment Form dated August 8, 2018;
- 4) Site Plan Drawing (13 Sheets) revised August 9, 2018;
- 5) Stormwater Pollution Prevention Plan dated July 2018;
- 6) Traffic Evaluation Report dated August 9, 2018;
- 7) Flood Assessment dated August 10, 2018 (collectively, Items 1 through 7 the "Documents");

WHEREAS, the Documents were made available to the members of the Planning Commission for their review and comments;

WHEREAS, GPI did review the Documents and provide comment and a recommendation on the Project by letter dated August 24, 2018.

WHEREAS, the City Engineer did review the Documents and thereafter provide a recommendation on the Project by letter dated August 24, 2018.

WHEREAS, prior to the consideration of this Resolution, the Planning Commission, as lead agency for the Project, did review the environmental impacts of the Project and complete Part II and Part III of the environmental assessment form and did thereafter determine that the Project would not have a significant impact on the environment and approve a Negative Declaration under the SEQRA Act.

NOW THEREFORE BE IT RESOLVED THAT

1. Pursuant to Section 179-76 of the City Code and subject to the conditions set forth in Section 2 herein (the "Conditions"), the Planning Commission grants final site plan approval for the Project in accordance with the Site Plan Drawing (13 Sheets) revised August 9, 2018.

2. The conditions set forth in Paragraph 3 of this Site Plan Approval resolution are based upon the limitations and restrictions that have been imposed upon subject property and the impact of such limitations and restrictions on the proposed Project.

3. The final site plan approval for the Project is subject to the satisfaction of the following conditions which must be satisfied by the Company to the satisfaction of the City of Rensselaer Planning Department and the City of Rensselaer Engineer:

- a) No outdoor storage of collected municipal solid waste shall be permitted in any form or fashion, including without limitation any overnight parking of trucks, storage containers and/or receptacles and bins that have unprocessed municipal solid waste.
- b) No outdoor storage of processed solid recovered fuel shall be permitted in any form or fashion, including without limitation any overnight parking of trucks, storage containers and/or receptacles that have processed solid recovered fuel.
- c) The rules and regulations, including all operations and procedures for use of the Project by contracted haulers will be provided to the City Planning Department staff and the City Engineer for comment, review and suggested modification. The review and oversight of the rules and regulations includes any amendments to the approved rules and regulations after the Project has been completed and become operational.
- d) No offsite stacking of trucks and vehicles waiting to enter the subject Project will be allowed.
- e) Trucks on the Project site must comply with New York State Heavy Duty Vehicle Idling Laws restricting idling to no more than 5 minutes at a time.
- f) The Project Operations and Maintenance Plan, required for the New York State Department of Environmental Conservation (the "DEC") Part 360 Solid Waste Permit, must include procedures for conducting site inspections to eliminate loose debris and trash on or about the Project, and the Company will be required to utilize commercially reasonable responsive efforts to eliminate loose debris and trash circulating on or about the Project to prevent complaints from the neighbors.
- g) The Project operations and procedures governing the frequency and method of the cleaning and/or replacement of the biofilters will be provided to the City Planning Department and City Engineer. The Company shall notify the City prior to scheduled replacement of biofilter material and allow City personnel to inspect. The Company will certify to the City that the biofilters have been cleaned and/or replaced in accordance with operations and procedures in the DEC-approved Part 360 permit documents and are operational to eliminate the substantive migration of odors in violation of the Part 360 permit and otherwise result in complaints from the neighbors that the City Planning Staff deems to be substantial and real impediments to the neighboring properties.
- h) The Company's receipt of all required permits and approvals for the Project from the DEC, including without limitation: (i) the SPEDES General Permit for Stormwater Discharges Associated with Industrial Activity; (ii) Part 360 Solid Waste Permit; (iii) Article 19 – Air Permit; and (iv) all permits and approvals

required to construct and install the Project under the Record of Decision for the BASF Facility.

- i) Approval by the City Engineer of the final plans and specifications for the storm water management plans at the Project.
- j) Approval by the City Engineer of the final grading plans for the Project.
- k) Approval by the City Engineer of the final plans for any modifications of the cap that was installed upon the supervision of the DEC pursuant to the Record of Decision for the former BASF manufacturing facility.
- l) The approval by the Common Council of the execution and delivery of a Host Community Benefit Agreement by and between the Company and the City of Rensselaer with respect to the Project.
- m) Bi-annual testing of the noise levels for the Project recorded at the two closest receptors evaluated in the Company's noise impact assessment compared to benchmark ambient noise level recordings established at the time of this approval and approval thereof by the City Engineer. The Company may request a reduction in the frequency of testing which will be reviewed and evaluated by the City Engineer in its sole discretion at the time of the request.
- n) Financial security for the Company's operation of the Project acceptable to the City Engineer. The financial security can be a financial security package required to be provided by the Company under the Part 360 permit with the Department of Environmental Conservation provided that: (i) the financial security package is acceptable to the City Engineer, and (ii) the City of Rensselaer is specifically referenced as a named beneficiary in common with the DEC on such DEC mandated financial security package.
- o) The Company and City of Rensselaer Planning Staff shall have an annual review of the Project to evaluate compliance with the conditions set forth in this Final Site Plan Approval and the Special Use Permit;
- p) The operation of the Project shall not emit any unacceptable nuisance odors which migrates from the Project substantially impact the quality of life of any neighboring properties as determined by the City Engineer in its sole discretion with consideration that the Property is industrially zoned property.
- q) Written Authorization from BASF Corporation approving and authorizing the application by the Company of all required municipal approvals from the City of Rensselaer, including the Final Site Plan Approval, the Special Use Permit, the Flood Work Permits, the Part 360 Permit, the Site Management Plan (SMP) and all other required approvals from the NYSDEC.
- r) No incineration and/or burning of trash on the Property will be permitted.

4. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

Christine VanVorst	Chairwoman	voting	<u>Yes</u>
George F. Farrell	Member	voting	<u>Yes</u>
Robert Campano	Member	voting	<u>Absent</u>
Raymond Stevens	Member	voting	<u>Yes</u>
Ed Schillaci	Member	voting	<u>Yes</u>
Bridget Moore	Member	voting	<u>Yes</u>

The resolution was thereupon declared duly adopted.

STATE OF NEW YORK)
)
COUNTY OF ALBANY) SS.:

I, the undersigned (Assistant) Secretary to the City of Rensselaer Planning Commission, DO HEREBY CERTIFY:

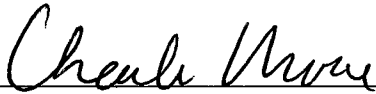
That I have compared the annexed extract of the minutes of the meeting of the City of Rensselaer Planning Commission (the "Commission"), including the resolutions contained therein, held the 27th day of August, 2018, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Commission and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters referred to therein.

I FURTHER CERTIFY that all members of said Commission had due notice of said meeting, that due notice of said meeting was given to the public and news media as required by Article 7 of the Public Officers Law and that the meeting was open to the public and that public notice of the time and place of said meeting was duly given in accordance with Article 7 of the Public Officers Law.

I FURTHER CERTIFY that there was a quorum of the members of the Commission present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached resolution is in full force and effect and has not been amended, modified or repealed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Commission this 28^m day of August, 2018.



(Assistant) Secretary

RECEIVED

RESOLUTION OF THE PLANNING COMMISSION
OF THE
CITY OF RENSSELAER

AUG 28 2018

AUGUST 27, 2018

RENSSELAER CITY CLERK

RESOLUTION OF THE PLANNING COMMISSION AS THE LEAD AGENCY FOR
STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR THE RENSSELAER
ENGINEERED FUELS PROJECT

A special meeting of the City of Rensselaer Planning Commission (the "Planning Commission") was convened in public session at City Hall, 62 Washington Street, City of Rensselaer, New York on August 27, 2018 at 6:30 p.m., local time.

WHEREAS, on or about March 12, 2018, the Rensselaer Resource Recovery LLC (the "Company") submitted an application to the Planning Commission for site plan approval and a special use permit for a project known as the Rensselaer Engineered Fuels Project that is to be located on the property known as 36 Riverside Avenue, City of Rensselaer, New York (the "Property"), upon which proposes to acquire the land rights and construct and install a fully enclosed solid waste management facility that has been engineered to process 150,000 tons of municipal solid waste into a solid recovered fuel (the "Project");

WHEREAS, the Planning Commission received a duly completed Full Environmental Assessment Form for the Project (the "EAF");

WHEREAS, on or about March 12, 2018, the Company did submit certain Floodplain Development Permit Application in connection with the Project;

WHEREAS, the New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations at 6 NYCRR §617 *et seq* (collectively, "SEQRA") require an agency to comply with the provisions of SEQRA before it may undertake, fund or approve any "action" as defined in SEQRA;

WHEREAS, on March 12, 2018, the Company did make an initial presentation to the Planning Commission (**Exhibit "A"**);

WHEREAS, at the April 9, 2018 meeting the Planning Commission did hold a public hearing on the Project, and a copy of the minutes of the meeting is annexed as **Exhibit "B"** attached hereto (the "April 9, 2018 Meeting Minutes");

WHEREAS, as a result of the April 9, 2018, the Planning Commission did seek additional information on truck traffic impacts of the Project, noise created by the Project and the impact on the surrounding properties; odor impacts from the Project; floodplain impacts from the Project, and the access to the Project from Irwin Stewart Highway as opposed to Riverside Avenue;

WHEREAS, the Planning Commission did by that certain resolution dated April 9, 2018 declare its intent to be the Lead Agency for purposes of SEQRA (the "Declaration of Intent") and

to undertake coordinated review of the Project for itself and on behalf of the following listed potentially involved agencies:

- (a) The City of Rensselaer;
- (b) The City of Rensselaer Common Council;
- (c) The City of Rensselaer Industrial Development Agency;
- (d) The City of Rensselaer Zoning Board of Appeals;
- (e) The New York State Department of Environmental Conservation (Region 4);
- (f) The New York State Department of Transportation; and
- (g) The Rensselaer County Planning Board (collectively, the entities reflected as (a) – (g) are hereinafter called the “Potentially Involved Agencies”);

WHEREAS, on or about April 11, 2018 the Planning Commission did cause a notice of its Declaration of Intent to be the Lead Agency to be mailed to all of the Potentially Involved Agencies;

WHEREAS, the Planning Commission did not receive an objection from any of the Potentially Involved Agencies to the Planning Commission acting as the Lead Agency undertaking a coordinated review of the Project for the Potentially Involved Agencies for SEQRA Act purposes and the time to interpose an objection to the Planning Commission serving as the Lead Agency expired;

WHEREAS, on or about May 14, 2018, the Planning Commission did receive a presentation on the Project from the Company and the City’s engineering consultant John Montagne of Greenman-Pedersen, Inc. (“GPI”) and Paul J. Goldman, Esq. At the May 14, 2018 public hearing, the Planning Commission did receive the following presentations:

- 1) Dennis Soriano of the Company
- 2) Steve Hart of Hart Engineering on the traffic, stormwater, flood plain, odor and impact on the neighborhood;
- 3) Andrew Millspaugh of Sterling Environmental Engineering, P.C. on the noise impacts from the Project; and
- 4) John Montagne of GPI;

WHEREAS, the Planning Commission did permit and receive additional public comment on the Project and the minutes from the May 14, 2018 meeting are attached hereto as **Exhibit “C”** (the “May 14, 2018 Minutes”);

WHEREAS, following the public comment on the Project at the May 14, 2018 meeting, the Planning Commission by resolution did declare itself to be the Lead Agency for the Project for SEQRA purposes; and

WHEREAS, at the April 9, 2018 public hearing and the May 14, 2018 regular meeting, the Planning Commission invited any interested persons to submit written comments on the Project, and in response to that invitation no written comments were submitted to the Planning Commission;

WHEREAS, on May 14, 2018, the Planning Commission referred the Project to the County of Rensselaer Planning Board for its required project review pursuant to General Municipal Law §239-m review.

WHEREAS, in connection with the Project, the County of Rensselaer Planning Board did conduct its required project review pursuant to General Municipal Law §239-m and determined to defer to local determination (**Exhibit “D”**).

WHEREAS, on or about July 16, 2018, GPI did provide a comment letter on the Project on various aspects of the Company’s submittals on the Project (the “GPI Letter”) (**Exhibit “E”**).

WHEREAS, on or about August 14, 2018, the Company did submit the following documents to the Planning Commission, City Planning Staff, the City Engineer and GPI for its consideration in connection with the Project:

- 1) Amended Full Environmental Assessment Form dated August 8, 2018;
- 2) Amended Environmental Assessment Form Narrative dated August 8, 2018;
- 3) Coastal Assessment Form dated August 8, 2018;
- 4) Site Plan Drawing (13 Sheets) revised August 9, 2018
- 5) Stormwater Pollution Prevention Plan dated July 2018
- 6) Traffic Evaluation Report dated August 9, 2018
- 7) Flood Assessment dated August 10, 2018 (collectively, Items 1 through 7 the “Documents”).

WHEREAS, the Documents were made available to the members of the Planning Commission for their review and comments;

WHEREAS, GPI did review the Documents and provide comment and a recommendation on the Project by letter dated August 24, 2018 (the “GPI Letter”) (**Exhibit “F”**).

WHEREAS, the City Engineer did review the Documents and did provide a recommendation on the Project by letter dated August 24, 2018 (**Exhibit “G”**).

WHEREAS, the Full Environmental Assessment Form dated August 8, 2018 Question D.1(b) confirms 11.2 acres of land will be disturbed in connection with the Project such that the Project is a Type I action under SEQRA regulation 6 NYCRR §617.4(b)(6)(i).

NOW THEREFORE BE IT RESOLVED THAT

1. Pursuant to 6 NYCRR §617.4(b)(6)(i), the Planning Commission hereby declares that the Project is a Type I action under SEQRA:
2. Pursuant to SEQRA, the Planning Commission has completed a careful review of the reasonably anticipated areas of environmental concern raised by the Project and based upon its review of the Documents, the minutes of the respective public hearings, the documents submitted by GPI, the City Engineer and other documentary evidence considered appropriate by the Planning Commission. To

further evaluate potential environmental impacts from the Project, the Planning Commission has completed Part 2 of the Full EAF and Part 3 of the Full EAF. Based upon this review and the knowledge of the Planning Commission of the community and the area surrounding the Project, the Planning Commission has determined that the action will not have a significant impact on the environment, as more fully elaborated in the Negative Declaration attached hereto as **Exhibit "H"**.

3. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

Christine VanVorst	Chairwoman	voting	<u>Yes</u>
George F. Farrell	Member	voting	<u>Yes</u>
Robert Campano	Member	voting	<u>Absent</u>
Raymond Stevens	Member	voting	<u>Yes</u>
Ed Schillaci	Member	voting	<u>Yes</u>
Bridget Moore	Member	voting	<u>Yes</u>

The resolution was thereupon declared duly adopted.

STATE OF NEW YORK)
)
COUNTY OF ALBANY) SS.:

I, the undersigned (Assistant) Secretary to the City of Rensselaer Planning Commission, DO HEREBY CERTIFY:

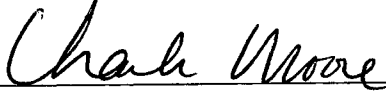
That I have compared the annexed extract of the minutes of the meeting of the City of Rensselaer Planning Commission (the "Commission"), including the resolutions contained therein, held the 27th day of August, 2018, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Commission and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters referred to therein.

I FURTHER CERTIFY that all members of said Commission had due notice of said meeting, that due notice of said meeting was given to the public and news media as required by Article 7 of the Public Officers Law and that the meeting was open to the public and that public notice of the time and place of said meeting was duly given in accordance with Article 7 of the Public Officers Law.

I FURTHER CERTIFY that there was a quorum of the members of the Commission present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached resolution is in full force and effect and has not been amended, modified or repealed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Commission this 28th day of August, 2018.



(Assistant) Secretary

RECEIVED

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RESOLUTION OF THE PLANNING COMMISSION
OF THE
CITY OF RENSSELAER

AUG 28 2018

AUGUST 27, 2018

RENSSELAER CITY CLERK

RESOLUTION OF THE PLANNING COMMISSION
GRANTING A SPECIAL USE PERMIT APPROVAL
PURSUANT TO SECTION 179-24 OF THE CITY CODE,
SUBJECT TO CONDITIONS, FOR THE
RENSSELAER ENGINEERED FUELS PROJECT

A special meeting of the City of Rensselaer Planning Commission (the "Planning Commission") was convened in public session at City Hall, 62 Washington Street, City of Rensselaer, New York on August 27, 2018 at 6:30 p.m., local time.

WHEREAS, on or about March 12, 2018, the Rensselaer Resource Recovery LLC (the "Company") submitted an application to the Planning Commission for site plan approval and a special use permit for a project known as the Rensselaer Engineered Fuels Project that is to be located on the property known as 36 Riverside Avenue, City of Rensselaer, New York (the "Property"), upon which proposes to acquire the land rights and construct and install a fully enclosed solid waste management facility that has been engineered to process 150,000 tons of municipal solid waste into a solid recovered fuel (the "Project");

WHEREAS, on or about April 11, 2018 the Planning Commission did cause a notice of its Declaration of Intent to be the Lead Agency (as such term is defined in the State Environmental Quality Review Act and regulations promulgated thereunder (the "SEQR Act")) to be mailed to all of the potentially involved agencies that had been noticed by the Planning Commission;

WHEREAS, on or about May 14, 2018, the Planning Commission received a presentation on the Project from the Company and the City's engineering consultant John Montagne of Greenman-Pedersen, Inc. ("GPI") and Paul J. Goldman, Esq. At the May 14, 2018 public hearing, the Planning Commission did receive the following presentations with respect to the Project and the proposed site plan:

1. Dennis Soriano of the Company;
2. Dennis Hart of Hart Engineering on the traffic, stormwater, flood plain, odor and impact on the neighborhood;
3. Andrew Millspaugh of Sterling Environmental on the noise impacts from the Project; and
4. John Montagne of GPI;

WHEREAS, the Planning Commission did permit and receive additional public comment on the Project at its May 14, 2018 meeting;

WHEREAS, on May 14, 2018, the Planning Commission referred the Project to the County of Rensselaer Planning Board for its required project review pursuant to General Municipal Law §239-m review;

WHEREAS, at the April 9, 2018 public hearing and the May 14, 2018 regular meeting, the Planning Commission invited any interested persons to submit written comments on the Project, and in response to that invitation no written comments were submitted to the Planning Commission;

WHEREAS, in connection with the Project, the County of Rensselaer Planning Board did conduct its required project review pursuant to General Municipal Law §239-m and determined to defer to local determination;

WHEREAS, on or about July 16, 2018, GPI did provide a comment letter on the Project on various aspects of the Company's submittals, including the site plan drawings (the "GPI Letter");

WHEREAS, on or about August 14, 2018 and in response to the GPI Letter, the Company did submit the following documents to the Planning Commission, City Planning Staff, the City Engineer and GPI for its consideration in connection with the Project:

1. Amended Full Environmental Assessment Form dated August 8, 2018;
2. Amended Environmental Assessment Form Narrative dated August 8, 2018;
3. Coastal Assessment Form dated August 8, 2018;
4. Site Plan Drawing (13 Sheets) revised August 9, 2018;
5. Stormwater Pollution Prevention Plan dated July 2018;
6. Traffic Evaluation Report dated August 9, 2018; and
7. Flood Assessment dated August 10, 2018 (collectively, Items 1 through 7 the "Documents");

WHEREAS, the Documents were made available to the members of the Planning Commission for their review and comments;

WHEREAS, GPI did review the Documents and provide comment and a recommendation on the Project by letter dated August 24, 2018;

WHEREAS, the City Engineer did review the Documents and thereafter provide a recommendation on the Project by letter dated August 24, 2018;

WHEREAS, prior to the consideration of this Resolution, the Planning Commission, as lead agency for the Project, did review the environmental impacts of the Project and complete Part II and Part III of the environmental assessment form and did thereafter determine that the Project would not have a significant impact on the environment and approve a Negative Declaration under the SEQRA Act.

NOW THEREFORE BE IT RESOLVED THAT

1. Pursuant to Section 179-24 of the City Code and subject to the conditions set forth in Section 2 herein (the "Conditions"), the Planning Commission grants a special use permit for the Project.

2. The conditions set forth in Paragraph 3 of this Site Plan Approval resolution are based upon the limitations and restrictions that have been imposed upon subject property and the impact of such limitations and restrictions on the proposed Project.

3. The special use permit for the Project is subject to the satisfaction of the following conditions which must be satisfied by the Company to the satisfaction of the City of Rensselaer Planning Department and the City of Rensselaer Engineer:

(a) No outdoor storage of collected municipal solid waste shall be permitted in any form or fashion, including without limitation any overnight parking of trucks, storage containers and/or receptacles and bins that have unprocessed municipal solid waste.

(b) No outdoor storage of processed solid recovered fuel shall be permitted in any form or fashion, including without limitation any overnight parking of trucks, storage containers and/or receptacles that have processed solid recovered fuel.

(c) The rules and regulations, including all operations and procedures for use of the Project by contracted haulers will be provided to the City Planning Department staff and the City Engineer for comment, review and suggested modification. The review and oversight of the rules and regulations includes any amendments to the approved rules and regulations after the Project has been completed and become operational.

(d) No offsite stacking of trucks and vehicles waiting to enter the subject Project will be allowed.

(e) Trucks on the Project site must comply with New York State Heavy Duty Vehicle Idling Laws restricting idling to no more than 5 minutes at a time.

(f) The Project Operations and Maintenance Plan, required for the New York State Department of Environmental Conservation (the "DEC") Part 360 Solid Waste Permit, must include procedures for conducting site inspections to eliminate loose debris and trash on or about the Project, and the Company will be required to utilize commercially reasonable responsive efforts to eliminate loose debris and trash circulating on or about the Project to prevent complaints from the neighbors.

(g) The Project operations and procedures governing the frequency and method of the cleaning and/or replacement of the biofilters will be provided to the City Planning Department and City Engineer. The Company shall notify the City prior to scheduled replacement of biofilter material and allow City personnel to inspect. The Company will certify to the City that the biofilters have been cleaned and/or replaced in accordance with operations and procedures in the DEC-approved Part 360 permit documents and are operational to eliminate the substantive migration of odors in violation of the Part 360 permit and otherwise result in complaints from the

neighbors that the City Planning Staff deems to be substantial and real impediments to the neighboring properties.

(h) The Company's receipt of all required permits and approvals for the Project from the DEC, including without limitation; (i) the SPEDES General Permit for Stormwater Discharges Associates with Industrial Activity; (ii) Part 360 Solid Waste Permit; (iii) Article 19 – Air Permit; and (iv) all permits and approvals required to construct and install the Project under the Record of Decision for the BASF Facility.

(i) Approval by the City Engineer of the final plans and specifications for the storm water management plans at the Project.

(j) Approval by the City Engineer of the final grading plans for the Project.

(k) Approval by the City Engineer of the final plans for any modifications of the cap that was installed upon the supervision of the DEC pursuant to the Record of Decision for the former BASF manufacturing facility.

(l) The approval by the Common Council of the execution and delivery of a Host Community Benefit Agreement by and between the Company and the City of Rensselaer with respect to the Project.

(m) Bi-annual testing of the noise levels for the Project recorded at the two closest receptors evaluated in the Company' noise impact assessment compared to benchmark ambient noise level recordings established at the time of this approval and approval thereof by the City Engineer. The Company may request a reduction in the frequency of testing which will be reviewed and evaluated by the City Engineer in its sole discretion at the time of the request.

(n) Financial security for the Company's operation of the Project acceptable to the City Engineer. The financial security can be a financial security package required to be provided by the Company under the Part 360 permit with the Department of Environmental Conservation provided that: (i) the financial security package is acceptable to the City Engineer, and (ii) the City of Rensselaer is specifically referenced as a named beneficiary in common with the DEC on such DEC mandated financial security package.

(o) The Company and City of Rensselaer Planning Staff shall have an annual review of the Project to evaluate compliance with the conditions set forth in this Final Site Plan Approval and the Special Use Permit;

(p) The operation of the Project shall not emit any unacceptable nuisance odors which migrates from the Project substantially impact the quality of life of any neighboring properties as determined by the City Engineer in its sole discretion with consideration that the Property is industrially zoned property.

(q) Written Authorization from BASF Corporation approving and authorizing the application by the Company of all required municipal approvals from the City of Rensselaer, including the Final Site Plan Approval, the Special Use Permit, the Flood Work Permits, the Part 360 Permit, the Site Management Plan (SMP) and all other required approvals from the NYSDEC.

(r) No incineration and/or burning of trash on the Property will be permitted.

4. No outdoor storage of collected municipal solid waste shall be permitted in any

This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

Christine VanVorst	Chairwoman	voting	<u>Yes</u>
George F. Farrell	Member	voting	<u>Yes</u>
Robert Campano	Member	voting	<u>Absent</u>
Raymond Stevens	Member	voting	<u>Yes</u>
Ed Schillaci	Member	voting	<u>Yes</u>
Bridget Moore	Member	voting	<u>Yes</u>

The resolution was thereupon declared duly adopted.

STATE OF NEW YORK)
)
COUNTY OF ALBANY) SS.:

I, the undersigned (Assistant) Secretary to the City of Rensselaer Planning Commission, DO HEREBY CERTIFY:

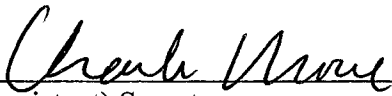
That I have compared the annexed extract of the minutes of the meeting of the City of Rensselaer Planning Commission (the "Commission"), including the resolutions contained therein, held the 27th day of August, 2018, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Commission and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters referred to therein.

I FURTHER CERTIFY that all members of said Commission had due notice of said meeting, that due notice of said meeting was given to the public and news media as required by Article 7 of the Public Officers Law and that the meeting was open to the public and that public notice of the time and place of said meeting was duly given in accordance with Article 7 of the Public Officers Law.

I FURTHER CERTIFY that there was a quorum of the members of the Commission present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached resolution is in full force and effect and has not been amended, modified or repealed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Commission this 28th day of August, 2018.



(Assistant) Secretary