

# Project Summary Sheet

CPP I & II

September 2019

## Project Description

Due to persistent maintenance issues with the existing turbines, which are no longer manufactured, applicant proposes to replace the existing nacelle, rotor, hub, and blades for each turbine with new equipment from a different manufacturer without changing the existing tower, foundation, and electrical equipment. The replacement project will extend the facilities useful life by at least 20 years. Without agency assistance the life of the project will be shortened resulting in a significant tax revenue reduction for the community.

**Total Project Investment** \$102,000,000

**Jobs Retained** 9

**Job Created** 0

**Benefit to Cost Ratio** 4:1 (see comments)

**Estimated PILOT Benefit** \$23.7M

**Estimated Mortgage Tax Savings** \$0

**Estimated Sales Tax Savings** \$160,000

**Total Savings** \$23,860,000

**Comments:** The current cost benefit model shows that the benefit to cost benefit assumes a 50% depreciation in the existing asset. It also does not account for the fact that if the investment is not made then turbines will continue to fail and the project benefit to the community will reduce by an additional \$50,000 a year per turbine, over the course of the benefit period this would total \$1M a turbine.

**Estimated Project Start Date** September 2019

**Estimated Project Completion Date** December 2021

## Evaluation Criteria for Energy Production

1. Private Sector Investment – The proposed project will induce an additional \$102M private sector investment
2. Wage Rates Above the Area Median Wage – The Median household wage for Steuben County is \$48,823 well below the average wage of \$80,000 which will be paid to the 9 employees being retained.
3. Advances the State Energy Policy – This project continues to advance the recently adopted NY Clean Energy Standard of 50% renewable energy production by 2030.

Application To

**STEBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY/  
STEBEN AREA ECONOMIC DEVELOPMENT CORPORATION**

For

**FINANCIAL ASSISTANCE\*\***

IN THE FORM OF MODIFICATION OF THE EXISTING STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY RELATIONSHIP, LEASE, AND PAYMENT IN LIEU OF TAXES AGREEMENT WITH APPLICANT

**Section I: Applicant Information**

Please answer all questions. Use "None" or "Not Applicable" where necessary.

**A) Applicant Information-company receiving benefit:**

Applicant Name: Canandaigua Power Partners, LLC ("CPP"), a wholly owned subsidiary of TerraForm Power

Applicant Address: 10535 Rynders Road, Cohocton, New York 14826

Phone: 585-384-9550 Fax: \_\_\_\_\_

Website: www.terraform.com E-mail: bwolcott@terraform.com

Federal ID#: 55-0835471 NAICS: 221115

Will a Real Estate Holding Company be utilized to own the Project property/facility?  Yes or  No

What is the name of the Real Estate Holding Company: N/A

Federal ID#: N/A

**B) Authorized Signatory:**

Name: Whitney Wilson

Title: Authorized Representative

Address: 200 Liberty Street, 14th Floor, New York, NY 10281

Phone: 646-992-2448 Fax: \_\_\_\_\_

E-Mail: wwilson@terraform.com

**C) Corporate Contact (if different from individual completing application):**

Name: Benjamin Wolcott

Title: Director, Operations Project Management

Address: 10535 Rynders Road, Cohocton, New York 14826

Phone: 585-384-9550 Fax: \_\_\_\_\_

E-Mail: bwolcott@terraform.com

**D) Company Counsel:**

Name of Attorney: Kevin McAuliffe, Esq.

Firm Name: Barclay Damon LLP

Address: Barclay Damon Tower, 125 East Jefferson Street, Syracuse, New York 13084

Phone: 315-425-2875 Fax: \_\_\_\_\_

E-mail: kmcauliffe@barclaydamon.com

**E) Identify the assistance being requested of the Agency (select all that apply):**

- 1. Exemption from Sales Tax  Yes or  No
- 2. Exemption from Mortgage Tax  Yes or  No
- 3. Exemption from Real Property Tax  Yes or  No
- 4. Tax Exempt Financing \*  Yes or  No

\* (typically for not-for-profits & small qualified manufacturers)

**F) Business Organization (check appropriate category):**

Corporation  Partnership

Public Corporation  Joint Venture

Sole Proprietorship  Limited Liability Company

Other (please specify) \_\_\_\_\_

Year Established: 2003

State in which Organization is established: Delaware

**G) List all stockholders, members, or partners with % of ownership greater than 20%:**

<u>Name</u>	<u>% of ownership</u>
<u>New York Wind, LLC</u>	<u>100%</u>
_____	_____
_____	_____

**H) Applicant Business Description:**

Describe in detail company background, products, customers, goods and services. Description is critical in determining eligibility: CPP ("Applicant") is the owner and operator of the existing Cohocton wind facility (the "Facility") located in the Town of Cohocton. Applicant proposes to extend the useful life of the Facility by engaging in a replacement project that would replace equipment and in turn retain jobs and continue investment in the local community. Applicant sells renewable renewable energy into the New York ISO market and employs local workers.

Estimated % of sales within County/City/Town/Village: 100%

Estimated % of sales outside County/City/Town/Village, but within New York State: \_\_\_\_\_

Estimated % of sales outside New York State but within the U.S.: \_\_\_\_\_

Estimated % of sales outside the U.S. \_\_\_\_\_

(\*Percentage to equal 100%)

**D) What percentage of your total annual supplies, raw materials and vendor services are purchased from firms in County/City/Town Village.** 60% (note that local supplies, material, and vendor services will be used where applicable, but that specialty equipment required to replace the turbine parts must be provided by certain manufacturers located outside the Local Labor Area).

**Section II: Project Description & Details**

**A) Project Location:**

Municipality or Municipalities of current operations: Town of Cohocton

Provide the property address of the Proposed Project:

Multiple. See attached Exhibit A, which provides a list of project parcels and addresses.

**Will the Project result in the abandonment of one or more plants or facilities of the Project occupant located within the state?**

Yes or  No

If Yes, explain how, notwithstanding the aforementioned closing or activity reduction, the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry: \_\_\_\_\_

N/A

What are the current real estate taxes on the proposed Project Site? Per the existing PILOT agreement with the Agency, total taxes are \$553,788. Special assessments are \$194,505/year for both Applicant and Canandaigua Power Partners II, LLC (owner and operator of the Dutch Hill wind facility).

If amount of current taxes is not available, provide assessed value for each:

Land: \$ \_\_\_\_\_ Buildings(s): \$ \_\_\_\_\_

Are Real Property Taxes current?  Yes or  No. If no, please explain \_\_\_\_\_

Town/City/Village: Town of Cohocton Wayland-Cohocton Central School District  
Town of Avoca School District: Naples Central School District

Does the Applicant or any related entity currently hold fee title to the Project site?  Yes or  No

If No, indicate name of present owner of the Project Site: Applicant has a series of leases with the fee owners of the respective parcels, all of which have been sublet to the Steuben County Industrial Development Agency.

Does Applicant or related entity have an option/contract to purchase the Project site?  Yes or  No

Describe the present use of the proposed Project site: Wind Energy Conversion System (will not change).

**B) Please provide narrative of project and the purpose of the project (new build, renovations, and/or equipment purchases). Identify specific uses occurring within the project. Describe any and all tenants and any/all end users: (This information is critical in determining project eligibility): \_\_\_\_\_**

Due to persistent maintenance issues with the existing turbines, which are no longer manufactured, Applicant proposes to replace the existing nacelle, rotor, hub, and blades for each turbine with new equipment from a different manufacturer without changing the existing tower, foundation, and electrical equipment (the "Replacement Project"). The Replacement Project will extend the Facility's useful life by at least 20 years and continue to provide a source of revenue and employment.

**Describe the reasons why the Agency's Financial Assistance is necessary, and the effect the Project will have on the Applicant's business or operations. Focus on competitiveness issues, project shortfalls, etc... Your eligibility determination will be based in part on your answer (attach additional pages if necessary):** Unless the Replacement Project is approved and receives the Agency's Financial Assistance,

Applicant will not be able to complete the Replacement Project and will be faced with an extremely short useful life for the existing equipment, which will result in the Facility having a much shorter life than anticipated. This will reduce Applicant's revenues, but also decrease the amount of renewable energy in New York State and result in a significant tax revenue reduction for the local community and loss of local jobs.

**Please confirm by checking the box, below, if there is likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency?**

Yes or  No

If the Project could be undertaken without Financial Assistance provided by the Agency, then provide a statement in the space provided below indicating why the Project should be undertaken by the Agency: N/A

---

---

---

---

If the Applicant is unable to obtain Financial Assistance for the Project, what will be the impact on the Applicant and County/City/Town/Village? The Facility will slowly be decommissioned with a much shorter than anticipated useful life, resulting in significantly reduced local tax revenue and loss of local jobs, as well as reduced renewable energy generated locally and in New York State.

C) Will Project include leasing any equipment  Yes or  No

If Yes, please describe: N/A

---

D) Site Characteristics:

Describe the present zoning/land use: Agricultural.

Will the Project meet zoning/land use requirements at the proposed location?  Yes or  No

If not, please describe required zoning/land use: N/A

---

If a change in zoning/land use is required, please provide details/status of any request for change of zoning/land use requirements: \_\_\_\_\_

N/A

---

Is the proposed project located on a site where the known or potential presence of contaminants is complicating the development/use of the property? If yes, please explain: N/A

---

---

E) Provide any additional site information or details that may be applicable to the proposed project:

The site is already being used for the existing Facility. The Replacement Project will not change the use or the towers, foundation, and other equipment at the site, just the electric generating equipment at the top of each tower.

F) Select Project Type for all end users at project site (you may check more than one):

Industrial	<input type="checkbox"/>	Back Office	<input type="checkbox"/>
Acquisition of Existing Facility	<input type="checkbox"/>	Retail	<input type="checkbox"/>
Housing	<input type="checkbox"/>	Mixed Use	<input type="checkbox"/>
Equipment Purchase	<input type="checkbox"/>	Facility for Aging	<input type="checkbox"/>
Multi-Tenant	<input type="checkbox"/>	Civic Facility (not for profit)	<input type="checkbox"/>
Commercial	<input checked="" type="checkbox"/>	Other _____	<input type="checkbox"/>

Will customers personally visit the Project site for either of the following economic activities? If yes with respect to either economic activity indicated below, complete the Retail Questionnaire contained in Section III of the Application.

Retail Sales\*:  Yes or  No

Services\*:  Yes or  No

\*For purposes of this question, the term "retail sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law), or (ii) sales of a service to customers who personally visit the Project.

G) Project Information:

**Estimated costs in connection with Project:**

1. Land and/or Building Acquisition: \$ \_\_\_\_\_  
     \_\_\_\_\_ acres \_\_\_\_\_ square feet
2. New Building Construction: \_\_\_\_\_ square feet \$ \_\_\_\_\_
3. New Building Addition(s): \_\_\_\_\_ square feet \$ \_\_\_\_\_
4. Reconstruction/Renovation: \_\_\_\_\_ square feet \$ 70,000,000
5. Infrastructure Work: \$ \_\_\_\_\_
6. Manufacturing Equipment: \$ \_\_\_\_\_
7. Non-Manufacturing Equipment (furniture, fixtures, etc.): \$ \_\_\_\_\_
8. Soft Costs: (professional services, etc.): \$ 1,000,000
9. Other, Specify: \_\_\_\_\_ \$ \_\_\_\_\_

TOTAL Capital Costs: \$ 71,000,000

**Project refinancing; estimated amount**  
**(for refinancing of existing debt only)**

\$ N/A

**Sources of Funds for Project Costs:**

- 1. Bank Financing: \$ \_\_\_\_\_
- 2. Equity (excluding equity that is attributed to grants/tax credits): \$ 71,000,000
- 3. Tax Exempt Bond Issuance (if applicable): \$ \_\_\_\_\_
- 4. Taxable Bond Issuance (if applicable): \$ \_\_\_\_\_
- 5. Public Sources (Include sum total of all state and federal grants and tax credits): \$ \_\_\_\_\_

Identify each state and federal grant/credit:

\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_

Total Sources of Funds for Project Costs: \$ 71,000,000

Have any of the above costs been paid or incurred as of the date of this Application?  Yes or  No

If Yes, describe particulars: Legal and other professional fees, fees for studies, and application fees.

**Mortgage Recording Tax Exemption Benefit:** Amount of mortgage that would be subject to mortgage recording tax:

Mortgage Amount (include sum total of construction/permanent): \$ N/A

Estimated Mortgage Recording Tax Exemption Benefit (product of Mortgage Amount as indicated above multiplied by 1.25%): \$ N/A

**Sales and Use Tax:** Gross amount of costs for goods and services that are subject to State and local Sales and Use Tax - said amount to benefit from the Agency's Sales and Use Tax exemption benefit:

\$ 0

Estimated State and local Sales and Use Tax Benefit (product of 8% multiplied by the figure above):

\$ 0



*\*\* Note that the estimate provided above will be provided to the New York State Department of Taxation and Finance. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to undertake the total amount of investment as proposed within this Application, and that the estimate, above, represents the maximum amount of sales and use tax benefit that the Agency may authorize with respect to this Application. The Agency may utilize the estimate, above, as well as the proposed total Project Costs as contained within this Application, to determine the Financial Assistance that will be offered.*

**Real Property Tax Benefit:**

**IDA PILOT Benefit:** Agency staff will indicate the amount of PILOT Benefit based on estimated Project Costs as contained herein and anticipated tax rates and assessed valuation, including the annual PILOT Benefit abatement amount for each year of the PILOT benefit year and the sum total of PILOT Benefit abatement amount for the term of the PILOT as depicted in Section IV of the Application.

**Percentage of Project Costs financed from Public Sector sources:** Agency staff will calculate the percentage of Project Costs financed from Public Sector sources based upon Sources of Funds for Project Costs as depicted above in Section II(G) of the Application.

H) What is your Project timetable (provide dates):

1. Start date – acquisition of equipment or construction of facilities: September 1, 2019
2. Estimated completion date of Project: December 31, 2021
3. Project occupancy – estimated starting date of operations: December 31, 2021
4. Have construction contracts been signed?  Yes or  No
5. Has financing been finalized?  Yes or  No

I) Have site plans been submitted to the appropriate planning department?

Yes or  No

If yes, has the Project received site plan approval from the planning department?

Yes or  No.

If yes, please provide the Agency with a copy of the related State Environmental Quality Review Act (“SEQRA”) determination that may have been required to be submitted along with a copy of the approved site plans.

Applicant will provide the Agency with a copy of the applicable SEQRA determination once available.

Please provide the Agency with the status of any required planning department or other approval: \_\_\_\_\_  
 The Town of Cohocton Planning Board ("Board"), which is the SEQRA lead agency, held a public hearing for Special  
 Use Permit amendment on July 25, 2019. The Board held another meeting August 8, 2019 and the Board is holding a  
 special meeting related to the project on August 22, 2019.

J) Is the Project necessary to retain existing employment:  Yes or  No

Is the Project necessary to expand employment:  Yes or  No

**K) Employment Plan (Specific to the proposed Project location):**

	Current # of jobs at proposed project location or to be relocated to project location	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of jobs to be RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of jobs to be CREATED after project completion			Estimate number of residents of the Labor Market Area in which the Project is located that will fill the jobs to be created after project completion*		
			12 months	24 months	36 months	12 months	24 months	36 months
Full Time	9	9	0	0	0	0	0	0
Part Time	0	0	0	0	0	0	0	0
Total FTE	9	9	0	0	0	0	0	0

\*For purposes of this question, please estimate the number of FT and PT jobs that will be filled, as indicated in the third column, by residents of the Labor Marker Area, in the fourth column. The Labor Marker Area includes Steuben, Schuyler, Chemung, Yates, Allegany, and Livingston Counties.

Note: All employees that would be retained work at a single operations center that serves both the Project (owned and operated by Applicant) and the Dutch Hill project (owned and operated by Canandaigua Power Partners II, LLC) and cannot be split between the projects.

**Salary and Fringe Benefits for Jobs to be Retained and/or Created:**

Category of Jobs to be Retained and Created	Average Salary for Jobs Created	Average Fringe Benefits for Jobs Created	Average Salary for Jobs Retained	Average Fringe Benefits for Jobs Retained
Management			\$100,000	25% (\$25,000)
Professional			\$65,000	25% (\$16,250)
Administrative				
Production				
Independent Contractor				
Other				

Employment at other locations in the state: (provide address and number of employees at each location):

	Address	Address	Address
Full time	N/A		
Part Time	N/A		
Total FTEs	N/A		

*Please note: The Agency may utilize the foregoing employment projections, among other items, to determine the Financial Assistance that will be offered by the Agency to the Applicant. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to retain the number of jobs and create the number of jobs with respect to the Project as set forth in this Application.*

### Section III Retail Questionnaire

**To ensure compliance with Section 862 of the New York General Municipal Law, the Agency requires additional information if the proposed Project is one where customers personally visit the Project site to undertake either a retail sale transaction or to purchase services.**

**Please answer the following:**

- A.** Will any portion of the project (including that portion of the cost to be financed from equity or other sources) consist of facilities or property that are or will be primarily used in making sales of goods or services to customers who personally visit the project site?

Yes or  No. If the answer is yes, please continue. If no, proceed to section IV.

For purposes of Question A, the term “retail sales” means (i) sales by a registered vendor under Article 28 of the Tax Law of the State of New York (the “Tax Law”) primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law), or (ii) sales of a service to customers who personally visit the Project.

- B.** What percentage of the cost of the Project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project? \_\_\_\_\_ % **If the answer is less than 33% do not complete the remainder of the retail determination and proceed to section IV.**

If the answer to A is Yes AND the answer to Question B is greater than 33.33%, please answer the questions below:

1. Will the project be operated by a not-for-profit corporation  Yes or  No.
2. Is the Project location or facility likely to attract a significant number of visitors from outside the economic development region in which the project will be located?

Yes or  No

If yes, please provide a third-party market analysis or other documentation supporting your response.

3. Is the predominant purpose of the project to make available goods or services which would not, but for the project, be reasonably accessible to the residents of the municipality within which the proposed project would be located because of a lack of reasonably accessible retail trade facilities offering such goods or services?

Yes or  No

If yes, please provide a third party market analysis or other documentation supporting your response.

4. Will the project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York?

Yes or  No.

If yes, explain \_\_\_\_\_

5. Is the project located in a Highly Distressed Area, as defined by the US Census Bureau?

Yes or  No

**Section IV: Estimate of Real Property Tax Abatement Benefits and Percentage of Project Costs financed from Public Sector sources**

**Section IV of this Application will be: (i) completed by IDA Staff based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of this completed Application.**

**Estimates provided are based on current property tax rates and assessed values.**

Applicant has provided a proposed PILOT schedule accompanying this applicant.

**PILOT Estimate Table**

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property*	County Tax Rate/1,000	Local (town/village/city) Tax Rate/1,000	School Tax Rate/1,000

\*Apply equalization rate to value

Abatement Year	Current Taxes	New Without PILOT	Total Tax Liability	Proposed PILOT New	Total PILOT New + Existing	PILOT Savings
<b>Total</b>						

## Section V Representations, Certifications and Indemnification

**This Section of the Application can only be completed upon the Applicant receiving, and must be completed after the Applicant receives, IDA Staff confirmation that Section I through Section IV of the Application are complete.**

Whitney Wilson (name of CEO or other authorized representative of Applicant) confirms and says that he/she is the Authorized Representative(title) of Canandaigua Power Partners, LLC\*\*(name of corporation or other entity) named in the attached Application (the "Applicant"), that he/she has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the Agency and as follows:

**\*\*a wholly owned subsidiary of TerraForm Power**

- A. Job Listings: In accordance with Section 858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA") in which the Project is located.
- B. First Consideration for Employment: In accordance with Section 858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.
- C. Annual Sales Tax Filings: In accordance with Section 874(8) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant. Copies of all filings shall be provided to the Agency.
- D. Employment Reports: The Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the Agency, at least annually or as otherwise required by the Agency, reports regarding the number of people employed at the project site, salary levels, contractor utilization and such other information (collectively, "Employment Reports") that may be required from time to time on such appropriate forms as designated by the Agency. Failure to provide Employment Reports within 30 days of an Agency request shall be an Event of Default under the PILOT Agreement between the Agency and Applicant and, if applicable, an Event of Default under the Agent Agreement between the Agency and Applicant. In addition, a Notice of Failure to provide the Agency with an Employment Report may be reported to Agency board members, said report being an agenda item subject to the Open Meetings Law.

- E. The Applicant acknowledges that certain environmental representations will be required at closing. The Applicant shall provide with this Representation, Certification and Indemnification Form copies of any known environmental reports, including any existing Phase I Environmental Site Assessment Report(s) and/or Phase II Environmental Investigations. The Agency may require the Company and/or owner of the premises to prepare and submit an environmental assessment and audit report, including but not necessarily limited to, a Phase I Environmental Site Assessment Report and a Phase II Environmental Investigation, with respect to the Premises at the sole cost and expense of the owner and/or the Applicant. All environmental assessment and audit reports shall be completed in accordance with ASTM Standard Practice E1527-05, and shall be conformed over to the Agency so that the Agency is authorized to use and rely on the reports. The Agency, however, does not adopt, ratify, confirm or assume any representation made within reports required herein.
- F. The Applicant and/or the owner, and their successors and assigns, hereby release, defend and indemnify the Agency from any and all suits, causes of action, litigations, damages, losses, liabilities, obligations, penalties, claims, demands, judgments, costs, disbursements, fees or expenses of any kind or nature whatsoever (including, without limitation, attorneys', consultants' and experts' fees) which may at any time be imposed upon, incurred by or asserted or awarded against the Agency, resulting from or arising out of any inquiries and/or environmental assessments, investigations and audits performed on behalf of the Applicant and/or the owner pursuant hereto, including the scope, level of detail, contents or accuracy of any environmental assessment, audit, inspection or investigation report completed hereunder and/or the selection of the environmental consultant, engineer or other qualified person to perform such assessments, investigations, and audits.
- G. Hold Harmless Provision: The Applicant acknowledges and agrees that the Applicant shall be and is responsible for all costs of the Agency incurred in connection with any actions required to be taken by the Agency in furtherance of the Application including the Agency's costs of general counsel and/or the Agency's bond/transaction counsel whether or not the Application, the proposed Project it describes, the attendant negotiations, or the issue of bonds or other transaction or agreement are ultimately ever carried to successful conclusion and agrees that the Agency shall not be liable for and agrees to indemnify, defend, and hold the Agency harmless from and against any and all liability arising from or expense incurred by: (i) the Agency's examination and processing of, and action pursuant to or upon, the Application, regardless of whether or not the Application or the proposed Project described herein or the tax exemptions and other assistance requested herein are favorably acted upon by the Agency; (ii) the Agency's acquisition, construction and/or installation of the proposed Project described herein; and (iii) any further action taken by the Agency with respect to the proposed Project including, without limiting the generality of the foregoing, all causes of action and attorney's fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law and the policies of the Agency that any New York State and local sales and use tax exemption claimed by the Applicant and approved by the Agency, any mortgage recording tax exemption claimed by the Applicant and approved by the Agency, and/or any real property tax abatement claimed by the Applicant and approved by the Agency, in connection with the Project, may be subject to recapture and/or termination by the Agency under such terms and conditions as will be established by the Agency and set forth in transaction documents to be entered into by and between the Agency and the Applicant. The Applicant further represents and warrants that the information contained in this Application, including without limitation information regarding the amount of the New York State and local sales and use tax exemption benefit, the amount of the mortgage recording

tax exemption benefit, and the amount of the real property tax abatement, if and as applicable, to the best of the Applicant's knowledge, is true, accurate and complete.

- H. This obligation includes an obligation to submit an Agency Fee Payment to the Agency in accordance with the Agency Fee policy effective as of the date of this Application
- I. By executing and submitting this Application, the Applicant covenants and agrees to pay the following fees to the Agency and the Agency's general counsel and/or the Agency's bond/transaction counsel, the same to be paid at the times indicated:
  - (i) a non-refundable \$750 application and publication fee (the "Application Fee");
  - (ii) an amount equal to one percent (1%) of the total project costs, unless otherwise agreed to by the Agency; and
  - (iii) all fees, costs and expenses incurred by the Agency for (1) legal services, including but not limited to those provided by the Agency's general counsel and/or the Agency's bond/transaction counsel, thus note that the Applicant is entitled to receive a written estimate of fees and costs of the Agency's general counsel and the Agency's bond/transaction counsel; and (2) other consultants retained by the Agency in connection with the proposed project, with all such charges to be paid by the Applicant at the closing.
- J. If the Applicant fails to conclude or consummate the necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable proper or requested action, or withdraws, abandons, cancels, or neglects the Application, or if the Applicant is unable to find buyers willing to purchase the bond issue requested, or if the Applicant is unable to facilitate the sale/leaseback or lease/leaseback transaction, then, upon the presentation of an invoice, Applicant shall pay to the Agency, its agents, or assigns all actual costs incurred by the Agency in furtherance of the Application, up to that date and time, including but not necessarily limited to, fees of the Agency's general counsel and/or the Agency's bond/transaction counsel.
- K. The Applicant acknowledges and agrees that all payment liabilities to the Agency and the Agency's general counsel and/or the Agency's bond and/or transaction counsel as expressed in Sections H and I are obligations that are not dependent on final documentation of the transaction contemplated by this Application.
- L. The cost incurred by the Agency and paid by the Applicant, the Agency's general counsel and/or bond/transaction counsel fees and the processing fees, may be considered as a cost of the Project and included in the financing of costs of the proposed Project, except as limited by the applicable provisions of the Internal Revenue Code with respect to tax-exempt bond financing.
- M. The Applicant acknowledges that the Agency is subject to New York State's Freedom of Information Law (FOIL). **Applicant understands that all Project information and records related to this application are potentially subject to disclosure under FOIL subject to limited statutory exclusions.**
- N. The Applicant acknowledges that it has been provided with a copy of the Agency's Policy for Termination of Agency Benefits and Recapture of Agency Benefits Previously Granted (the "Termination and Recapture Policy"). The Applicant covenants and agrees that it fully understands that the Termination and Recapture Policy is applicable to the Project that is the



subject of this Application, and that the Agency will implement the Termination and Recapture Policy if and when it is so required to do so. The Applicant further covenants and agrees that its Project is potentially subject to termination of Agency financial assistance and/or recapture of Agency financial assistance so provided and/or previously granted.

- O. The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:

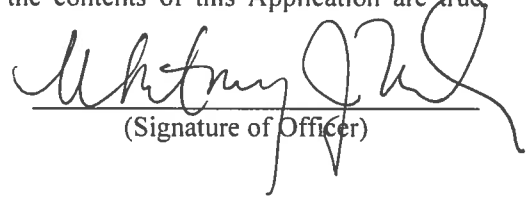
§ 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

- P. The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- Q. The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- R. The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.
- S. The Applicant and the individual executing this Application on behalf of Applicant acknowledge that the Agency and its counsel will rely on the representations and covenants made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

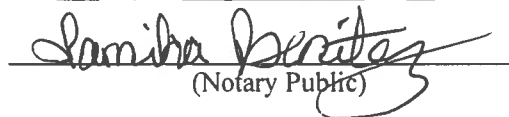
STATE OF NEW YORK )  
COUNTY OF ) ss.:

Whitney Wilson, being first duly sworn, deposes and says:

1. That I am the Authorized Representative (Corporate Office) of Canandaigua Power Partners, LLC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.

  
(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury  
this 17<sup>th</sup> day of September, 2019

  
(Notary Public)

**TAMIKA BENITEZ**  
Notary Public - State of New York  
No. 01BE6380422  
Qualified in New York County  
My Commission Expires Sept. 04, 2022

Application To

**STEBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY/  
STEBEN AREA ECONOMIC DEVELOPMENT CORPORATION**

For

**FINANCIAL ASSISTANCE\*\***

IN THE FORM OF MODIFICATION OF THE EXISTING STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY RELATIONSHIP, LEASE, AND PAYMENT IN LIEU OF TAXES AGREEMENT WITH APPLICANT

**Section I: Applicant Information**

Please answer all questions. Use "None" or "Not Applicable" where necessary.

**A) Applicant Information-company receiving benefit:**

Applicant Name: Canandaigua Power Partners II, LLC ("CPP II"), a wholly owned subsidiary of TerraForm Power

Applicant Address: 10535 Rynders Road, Cohocton, New York 14826

Phone: 585-384-9550 Fax: \_\_\_\_\_

Website: www.terraform.com E-mail: bwolcott@terraform.com

Federal ID#: 20-4528228 NAICS: 221115

Will a Real Estate Holding Company be utilized to own the Project property/facility?  Yes or  No

What is the name of the Real Estate Holding Company: N/A

Federal ID#: N/A

**B) Authorized Signatory:**

Name: Whitney Wilson

Title: Authorized Representative

Address: 200 Liberty Street, 14th Floor, New York, New York 10281

Phone: 646-992-2448 Fax: \_\_\_\_\_

E-Mail: wwilson@terraform.com

**C) Corporate Contact (if different from individual completing application):**

Name: Benjamin Wolcott

Title: Director, Operations Project Management

Address: 10535 Rynders Road, Cohocton, New York 14826

Phone: 585-384-9550 Fax: \_\_\_\_\_

E-Mail: bwolcott@terraform.com

**D) Company Counsel:**

Name of Attorney: Kevin McAuliffe, Esq.

Firm Name: Barclay Damon LLP

Address: Barclay Damon Tower, 125 East Jefferson Street, Syracuse, New York 13084

Phone: 315-425-2875 Fax: \_\_\_\_\_

E-mail: kmcauliffe@barclaydamon.com

**E) Identify the assistance being requested of the Agency (select all that apply):**

- 1. Exemption from Sales Tax  Yes or  No
- 2. Exemption from Mortgage Tax  Yes or  No
- 3. Exemption from Real Property Tax  Yes or  No
- 4. Tax Exempt Financing \*  Yes or  No

\* (typically for not-for-profits & small qualified manufacturers)

**F) Business Organization (check appropriate category):**

Corporation  Partnership

Public Corporation  Joint Venture

Sole Proprietorship  Limited Liability Company

Other (please specify) \_\_\_\_\_

Year Established: 2006

State in which Organization is established: Delaware

**G) List all stockholders, members, or partners with % of ownership greater than 20%:**

<u>Name</u>	<u>% of ownership</u>
<u>New York Wind, LLC</u>	<u>100%</u>
_____	_____
_____	_____

**H) Applicant Business Description:**

Describe in detail company background, products, customers, goods and services. Description is critical in determining eligibility: CPP II ("Applicant") is the owner and operator of the existing Dutch Hill wind facility (the "Facility") located in the Town of Cohocton. Applicant proposes to extend the useful life of the Facility by engaging in a replacement project that would replace equipment and in turn retain jobs and continue investment in the local community. Applicant sells renewable renewable energy into the New York ISO market and employs local workers.

Estimated % of sales within County/City/Town/Village: 100%

Estimated % of sales outside County/City/Town/Village, but within New York State: \_\_\_\_\_

Estimated % of sales outside New York State but within the U.S.: \_\_\_\_\_

Estimated % of sales outside the U.S. \_\_\_\_\_

(\*Percentage to equal 100%)

D) What percentage of your total annual supplies, raw materials and vendor services are purchased from firms in County/City/Town Village. 60% (note that local supplies, material, and vendor services will be used where applicable, but that specialty equipment required to replace the turbine parts must be provided by certain manufacturers located outside the Local Labor Area).

**Section II: Project Description & Details**

**A) Project Location:**

Municipality or Municipalities of current operations: Town of Cohocton

Provide the property address of the Proposed Project:

Multiple. See attached Exhibit A, which provides a list of project parcels and addresses.

**Will the Project result in the abandonment of one or more plants or facilities of the Project occupant located within the state?**

Yes or  No

If Yes, explain how, notwithstanding the aforementioned closing or activity reduction, the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry: \_\_\_\_\_

N/A

What are the current real estate taxes on the proposed Project Site? Per the existing PILOT agreement with the Agency, total taxes are \$237,338. Special assessments are \$194,505/year for both Applicant and Canandaigua Power Partners, LLC (owner and operator of the Cohocton wind facility).

If amount of current taxes is not available, provide assessed value for each:

Land: \$ \_\_\_\_\_ Buildings(s): \$ \_\_\_\_\_

Are Real Property Taxes current?  Yes or  No. If no, please explain \_\_\_\_\_

Town/City/Village: Town of Cohocton School District: Wayland-Cohocton Central School District

Does the Applicant or any related entity currently hold fee title to the Project site?  Yes or  No

If No, indicate name of present owner of the Project Site: Applicant has a series of leases with the fee owners of the respective parcels, all of which have been sublet to the Steuben County Industrial Development Agency.

Does Applicant or related entity have an option/contract to purchase the Project site?  Yes or  No

Describe the present use of the proposed Project site: Wind Energy Conversion System (will not change).

**B) Please provide narrative of project and the purpose of the project (new build, renovations, and/or equipment purchases). Identify specific uses occurring within the project. Describe any and all tenants and any/all end users: (This information is critical in determining project eligibility): \_\_\_\_\_**

Due to persistent maintenance issues with the existing turbines, which are no longer manufactured, Applicant proposes to replace the existing nacelle, rotor, hub, and blades for each turbine with new equipment from a different manufacturer without changing the existing tower, foundation, and electrical equipment (the "Replacement Project"). The Replacement Project will extend the Facility's useful life by at least 20 years and continue to provide a source of revenue and employment.

**Describe the reasons why the Agency's Financial Assistance is necessary, and the effect the Project will have on the Applicant's business or operations. Focus on competitiveness issues, project shortfalls, etc... Your eligibility determination will be based in part on your answer (attach additional pages if necessary):** Unless the Replacement Project is approved and receives the Agency's Financial Assistance,

Applicant will not be able to complete the Replacement Project and will be faced with an extremely short useful life for the existing equipment, which will result in the Facility having a much shorter life than anticipated. This will reduce Applicant's revenues, but also decrease the amount of renewable energy in New York State and result in a significant tax revenue reduction for the local community and loss of local jobs.

**Please confirm by checking the box, below, if there is likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency?**

Yes or  No

If the Project could be undertaken without Financial Assistance provided by the Agency, then provide a statement in the space provided below indicating why the Project should be undertaken by the Agency: N/A

If the Applicant is unable to obtain Financial Assistance for the Project, what will be the impact on the Applicant and County/City/Town/Village? The Facility will slowly be decommissioned with a much shorter than anticipated useful life, resulting in significantly reduced local tax revenue and loss of local jobs, as well as reduced renewable energy generated locally and in New York State.

C) Will Project include leasing any equipment  Yes or  No

If Yes, please describe: N/A

D) Site Characteristics:

Describe the present zoning/land use: Agricultural.

Will the Project meet zoning/land use requirements at the proposed location?  Yes or  No

If not, please describe required zoning/land use: N/A

If a change in zoning/land use is required, please provide details/status of any request for change of zoning/land use requirements: \_\_\_\_\_

N/A

Is the proposed project located on a site where the known or potential presence of contaminants is complicating the development/use of the property? If yes, please explain: N/A

E) Provide any additional site information or details that may be applicable to the proposed project:

The site is already being used for the existing Facility. The Replacement Project will not change the use or the towers, foundation, and other equipment at the site, just the electric generating equipment at the top of each tower.

F) Select Project Type for all end users at project site (you may check more than one):

Industrial	<input type="checkbox"/>	Back Office	<input type="checkbox"/>
Acquisition of Existing Facility	<input type="checkbox"/>	Retail	<input type="checkbox"/>
Housing	<input type="checkbox"/>	Mixed Use	<input type="checkbox"/>
Equipment Purchase	<input type="checkbox"/>	Facility for Aging	<input type="checkbox"/>
Multi-Tenant	<input type="checkbox"/>	Civic Facility (not for profit)	<input type="checkbox"/>
Commercial	<input checked="" type="checkbox"/>	Other _____	<input type="checkbox"/>

Will customers personally visit the Project site for either of the following economic activities? If yes with respect to either economic activity indicated below, complete the Retail Questionnaire contained in Section III of the Application.

Retail Sales\*:  Yes or  No

Services\*:  Yes or  No

\*For purposes of this question, the term "retail sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law), or (ii) sales of a service to customers who personally visit the Project.

G) Project Information:

**Estimated costs in connection with Project:**

1. Land and/or Building Acquisition: \$ \_\_\_\_\_  
\_\_\_\_\_ acres \_\_\_\_\_ square feet
2. New Building Construction: \_\_\_\_\_ square feet \$ \_\_\_\_\_
3. New Building Addition(s): \_\_\_\_\_ square feet \$ \_\_\_\_\_
4. Reconstruction/Renovation: \_\_\_\_\_ square feet \$ 30,000,000
5. Infrastructure Work: \$ \_\_\_\_\_
6. Manufacturing Equipment: \$ \_\_\_\_\_
7. Non-Manufacturing Equipment (furniture, fixtures, etc.): \$ \_\_\_\_\_
8. Soft Costs: (professional services, etc.): \$ 1,000,000
9. Other, Specify: \_\_\_\_\_ \$ \_\_\_\_\_

TOTAL Capital Costs: \$ 31,000,000



**Project refinancing; estimated amount**  
**(for refinancing of existing debt only)**

\$ N/A

**Sources of Funds for Project Costs:**

- 1. Bank Financing: \$ \_\_\_\_\_
- 2. Equity (excluding equity that is attributed to grants/tax credits): \$ 31,000,000
- 3. Tax Exempt Bond Issuance (if applicable): \$ \_\_\_\_\_
- 4. Taxable Bond Issuance (if applicable): \$ \_\_\_\_\_
- 5. Public Sources (Include sum total of all state and federal grants and tax credits): \$ \_\_\_\_\_

Identify each state and federal grant/credit:

\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_

Total Sources of Funds for Project Costs: \$ 31,000,000

Have any of the above costs been paid or incurred as of the date of this Application?  Yes or  No

If Yes, describe particulars: Legal and other professional fees, fees for studies, and application fees.

**Mortgage Recording Tax Exemption Benefit:** Amount of mortgage that would be subject to mortgage recording tax:

Mortgage Amount (include sum total of construction/permanent): \$ N/A

Estimated Mortgage Recording Tax Exemption Benefit (product of Mortgage Amount as indicated above multiplied by 1.25%): \$ N/A

**Sales and Use Tax:** Gross amount of costs for goods and services that are subject to State and local Sales and Use Tax - said amount to benefit from the Agency's Sales and Use Tax exemption benefit:

\$ 0

Estimated State and local Sales and Use Tax Benefit (product of 8% multiplied by the figure above):

\$ 0

*\*\* Note that the estimate provided above will be provided to the New York State Department of Taxation and Finance. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to undertake the total amount of investment as proposed within this Application, and that the estimate, above, represents the maximum amount of sales and use tax benefit that the Agency may authorize with respect to this Application. The Agency may utilize the estimate, above, as well as the proposed total Project Costs as contained within this Application, to determine the Financial Assistance that will be offered.*

**Real Property Tax Benefit:**

**IDA PILOT Benefit:** Agency staff will indicate the amount of PILOT Benefit based on estimated Project Costs as contained herein and anticipated tax rates and assessed valuation, including the annual PILOT Benefit abatement amount for each year of the PILOT benefit year and the sum total of PILOT Benefit abatement amount for the term of the PILOT as depicted in Section IV of the Application.

**Percentage of Project Costs financed from Public Sector sources:** Agency staff will calculate the percentage of Project Costs financed from Public Sector sources based upon Sources of Funds for Project Costs as depicted above in Section II(G) of the Application.

H) What is your Project timetable (provide dates):

1. Start date – acquisition of equipment or construction of facilities: September 1, 2019
2. Estimated completion date of Project: December 31, 2021
3. Project occupancy – estimated starting date of operations: December 31, 2021
4. Have construction contracts been signed?  Yes or  No
5. Has financing been finalized?  Yes or  No

I) Have site plans been submitted to the appropriate planning department?

Yes or  No

If yes, has the Project received site plan approval from the planning department?

Yes or  No.

If yes, please provide the Agency with a copy of the related State Environmental Quality Review Act (“SEQRA”) determination that may have been required to be submitted along with a copy of the approved site plans. Applicant will provide the Agency with a copy of the applicable SEQRA determination once available.

Please provide the Agency with the status of any required planning department or other approval: \_\_\_\_\_  
 The Town of Cohocton Planning Board ("Board"), which is the SEQRA lead agency, held a public hearing for Special  
Use Permit amendment on July 25, 2019. The Board held another meeting August 8, 2019 and the Board is holding a  
 special meeting related to the project on August 22, 2019.

J) Is the Project necessary to retain existing employment:  Yes or  No

Is the Project necessary to expand employment:  Yes or  No

**K) Employment Plan (Specific to the proposed Project location):**

	Current # of jobs at proposed project location or to be relocated to project location	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of jobs to be RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of jobs to be CREATED after project completion			Estimate number of residents of the Labor Market Area in which the Project is located that will fill the jobs to be created after project completion*		
			12 months	24 months	36 months	12 months	24 months	36 months
Full Time	9	9	0	0	0	0	0	0
Part Time	0	0	0	0	0	0	0	0
Total FTE	9	9	0	0	0	0	0	0

\*For purposes of this question, please estimate the number of FT and PT jobs that will be filled, as indicated in the third column, by residents of the Labor Marker Area, in the fourth column. The Labor Marker Area includes Steuben, Schuyler, Chemung, Yates, Allegany, and Livingston Counties.

Note: All employees that would be retained work at a single operations center that serves both the Facility (owned and operated by Applicant) and the Cohocton wind facility (owned and operated by Canandaigua Power Partners, LLC) and cannot be split between the projects.

Salary and Fringe Benefits for Jobs to be Retained and/or Created:

Category of Jobs to be Retained and Created	Average Salary for Jobs Created	Average Fringe Benefits for Jobs Created	Average Salary for Jobs Retained	Average Fringe Benefits for Jobs Retained
Management			\$100,000	25% (\$25,000)
Professional			\$65,000	25% (\$16,250)
Administrative				
Production				
Independent Contractor				
Other				

Employment at other locations in the state: (provide address and number of employees at each location):

	Address	Address	Address
Full time	N/A		
Part Time	N/A		
Total FTEs	N/A		

*Please note: The Agency may utilize the foregoing employment projections, among other items, to determine the Financial Assistance that will be offered by the Agency to the Applicant. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to retain the number of jobs and create the number of jobs with respect to the Project as set forth in this Application.*

### Section III Retail Questionnaire

**To ensure compliance with Section 862 of the New York General Municipal Law, the Agency requires additional information if the proposed Project is one where customers personally visit the Project site to undertake either a retail sale transaction or to purchase services.**

**Please answer the following:**

- A. Will any portion of the project (including that portion of the cost to be financed from equity or other sources) consist of facilities or property that are or will be primarily used in making sales of goods or services to customers who personally visit the project site?

Yes or  No. If the answer is yes, please continue. If no, proceed to section IV.

For purposes of Question A, the term "retail sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law), or (ii) sales of a service to customers who personally visit the Project.

- B. What percentage of the cost of the Project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project? \_\_\_\_\_ %.
- If the answer is less than 33% do not complete the remainder of the retail determination and proceed to section IV.**

If the answer to A is Yes **AND** the answer to Question B is greater than **33.33%**, please answer the questions below:

1. Will the project be operated by a not-for-profit corporation  Yes or  No.
2. Is the Project location or facility likely to attract a significant number of visitors from outside the economic development region in which the project will be located?

Yes or  No

If yes, please provide a third-party market analysis or other documentation supporting your response.

3. Is the predominant purpose of the project to make available goods or services which would not, but for the project, be reasonably accessible to the residents of the municipality within which the proposed project would be located because of a lack of reasonably accessible retail trade facilities offering such goods or services?

Yes or  No

If yes, please provide a third party market analysis or other documentation supporting your response.

4. Will the project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York?

Yes or  No.

If yes, explain \_\_\_\_\_

5. Is the project located in a Highly Distressed Area, as defined by the US Census Bureau?

Yes or  No

**Section IV: Estimate of Real Property Tax Abatement Benefits and Percentage of Project Costs financed from Public Sector sources**

**Section IV of this Application will be: (i) completed by IDA Staff based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of this completed Application.**

**Estimates provided are based on current property tax rates and assessed values.**

Applicant has provided a proposed PILOT schedule accompanying this applicant.

**PILOT Estimate Table**

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property*	County Tax Rate/1,000	Local (town/village/city) Tax Rate/1,000	School Tax Rate/1,000

\*Apply equalization rate to value

Abatement Year	Current Taxes	New Without PILOT	Total Tax Liability	Proposed PILOT New	Total PILOT New + Existing	PILOT Savings
<b>Total</b>						

## Section V Representations, Certifications and Indemnification

**This Section of the Application can only be completed upon the Applicant receiving, and must be completed after the Applicant receives, IDA Staff confirmation that Section I through Section IV of the Application are complete.**

Whitney Wilson (name of CEO or other authorized representative of Applicant) confirms and says that he/she is the Authorized Representative (title) of Canandaigua Power Partners II, LLC\*\* (name of corporation or other entity) named in the attached Application (the "Applicant"), that he/she has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the Agency and as follows:

**\*\*a wholly owned subsidiary of TerraForm Power**

- A. **Job Listings:** In accordance with Section 858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA") in which the Project is located.
- B. **First Consideration for Employment:** In accordance with Section 858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.
- C. **Annual Sales Tax Filings:** In accordance with Section 874(8) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant. Copies of all filings shall be provided to the Agency.
- D. **Employment Reports:** The Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the Agency, at least annually or as otherwise required by the Agency, reports regarding the number of people employed at the project site, salary levels, contractor utilization and such other information (collectively, "Employment Reports") that may be required from time to time on such appropriate forms as designated by the Agency. Failure to provide Employment Reports within 30 days of an Agency request shall be an Event of Default under the PILOT Agreement between the Agency and Applicant and, if applicable, an Event of Default under the Agent Agreement between the Agency and Applicant. In addition, a Notice of Failure to provide the Agency with an Employment Report may be reported to Agency board members, said report being an agenda item subject to the Open Meetings Law.

- E. The Applicant acknowledges that certain environmental representations will be required at closing. The Applicant shall provide with this Representation, Certification and Indemnification Form copies of any known environmental reports, including any existing Phase I Environmental Site Assessment Report(s) and/or Phase II Environmental Investigations. The Agency may require the Company and/or owner of the premises to prepare and submit an environmental assessment and audit report, including but not necessarily limited to, a Phase I Environmental Site Assessment Report and a Phase II Environmental Investigation, with respect to the Premises at the sole cost and expense of the owner and/or the Applicant. All environmental assessment and audit reports shall be completed in accordance with ASTM Standard Practice E1527-05, and shall be conformed over to the Agency so that the Agency is authorized to use and rely on the reports. The Agency, however, does not adopt, ratify, confirm or assume any representation made within reports required herein.
- F. The Applicant and/or the owner, and their successors and assigns, hereby release, defend and indemnify the Agency from any and all suits, causes of action, litigations, damages, losses, liabilities, obligations, penalties, claims, demands, judgments, costs, disbursements, fees or expenses of any kind or nature whatsoever (including, without limitation, attorneys', consultants' and experts' fees) which may at any time be imposed upon, incurred by or asserted or awarded against the Agency, resulting from or arising out of any inquiries and/or environmental assessments, investigations and audits performed on behalf of the Applicant and/or the owner pursuant hereto, including the scope, level of detail, contents or accuracy of any environmental assessment, audit, inspection or investigation report completed hereunder and/or the selection of the environmental consultant, engineer or other qualified person to perform such assessments, investigations, and audits.
- G. Hold Harmless Provision: The Applicant acknowledges and agrees that the Applicant shall be and is responsible for all costs of the Agency incurred in connection with any actions required to be taken by the Agency in furtherance of the Application including the Agency's costs of general counsel and/or the Agency's bond/transaction counsel whether or not the Application, the proposed Project it describes, the attendant negotiations, or the issue of bonds or other transaction or agreement are ultimately ever carried to successful conclusion and agrees that the Agency shall not be liable for and agrees to indemnify, defend, and hold the Agency harmless from and against any and all liability arising from or expense incurred by: (i) the Agency's examination and processing of, and action pursuant to or upon, the Application, regardless of whether or not the Application or the proposed Project described herein or the tax exemptions and other assistance requested herein are favorably acted upon by the Agency; (ii) the Agency's acquisition, construction and/or installation of the proposed Project described herein; and (iii) any further action taken by the Agency with respect to the proposed Project including, without limiting the generality of the foregoing, all causes of action and attorney's fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law and the policies of the Agency that any New York State and local sales and use tax exemption claimed by the Applicant and approved by the Agency, any mortgage recording tax exemption claimed by the Applicant and approved by the Agency, and/or any real property tax abatement claimed by the Applicant and approved by the Agency, in connection with the Project, may be subject to recapture and/or termination by the Agency under such terms and conditions as will be established by the Agency and set forth in transaction documents to be entered into by and between the Agency and the Applicant. The Applicant further represents and warrants that the information contained in this Application, including without limitation information regarding the amount of the New York State and local sales and use tax exemption benefit, the amount of the mortgage recording



tax exemption benefit, and the amount of the real property tax abatement, if and as applicable, to the best of the Applicant's knowledge, is true, accurate and complete.

- H. This obligation includes an obligation to submit an Agency Fee Payment to the Agency in accordance with the Agency Fee policy effective as of the date of this Application
- I. By executing and submitting this Application, the Applicant covenants and agrees to pay the following fees to the Agency and the Agency's general counsel and/or the Agency's bond/transaction counsel, the same to be paid at the times indicated:
  - (i) a non-refundable \$750 application and publication fee (the "Application Fee");
  - (ii) an amount equal to one percent (1%) of the total project costs, unless otherwise agreed to by the Agency; and
  - (iii) all fees, costs and expenses incurred by the Agency for (1) legal services, including but not limited to those provided by the Agency's general counsel and/or the Agency's bond/transaction counsel, thus note that the Applicant is entitled to receive a written estimate of fees and costs of the Agency's general counsel and the Agency's bond/transaction counsel; and (2) other consultants retained by the Agency in connection with the proposed project, with all such charges to be paid by the Applicant at the closing.
- J. If the Applicant fails to conclude or consummate the necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable proper or requested action, or withdraws, abandons, cancels, or neglects the Application, or if the Applicant is unable to find buyers willing to purchase the bond issue requested, or if the Applicant is unable to facilitate the sale/leaseback or lease/leaseback transaction, then, upon the presentation of an invoice, Applicant shall pay to the Agency, its agents, or assigns all actual costs incurred by the Agency in furtherance of the Application, up to that date and time, including but not necessarily limited to, fees of the Agency's general counsel and/or the Agency's bond/transaction counsel.
- K. The Applicant acknowledges and agrees that all payment liabilities to the Agency and the Agency's general counsel and/or the Agency's bond and/or transaction counsel as expressed in Sections H and I are obligations that are not dependent on final documentation of the transaction contemplated by this Application.
- L. The cost incurred by the Agency and paid by the Applicant, the Agency's general counsel and/or bond/transaction counsel fees and the processing fees, may be considered as a cost of the Project and included in the financing of costs of the proposed Project, except as limited by the applicable provisions of the Internal Revenue Code with respect to tax-exempt bond financing.
- M. The Applicant acknowledges that the Agency is subject to New York State's Freedom of Information Law (FOIL). **Applicant understands that all Project information and records related to this application are potentially subject to disclosure under FOIL subject to limited statutory exclusions.**
- N. The Applicant acknowledges that it has been provided with a copy of the Agency's Policy for Termination of Agency Benefits and Recapture of Agency Benefits Previously Granted (the "Termination and Recapture Policy"). The Applicant covenants and agrees that it fully understands that the Termination and Recapture Policy is applicable to the Project that is the

subject of this Application, and that the Agency will implement the Termination and Recapture Policy if and when it is so required to do so. The Applicant further covenants and agrees that its Project is potentially subject to termination of Agency financial assistance and/or recapture of Agency financial assistance so provided and/or previously granted.

- O. The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:

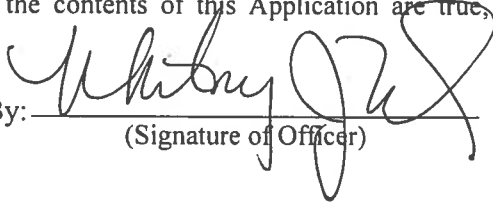
§ 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

- P. The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- Q. The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- R. The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.
- S. The Applicant and the individual executing this Application on behalf of Applicant acknowledge that the Agency and its counsel will rely on the representations and covenants made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

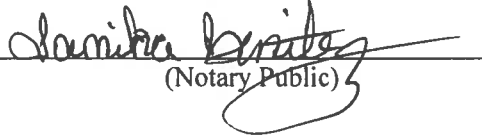
STATE OF NEW YORK )  
COUNTY OF ) ss.:

Whitney Wilson, being first duly sworn, deposes and says:

1. That I am the Authorized Representative (Corporate Office) of Canandaigua Power Partners II, LLC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.

By:   
(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury  
this 17<sup>th</sup> day of September, 2019

  
(Notary Public)

**TAMIKA BENITEZ**  
Notary Public - State of New York  
No. 01BE6380422  
Qualified in New York County  
My Commission Expires Sept. 04, 2022

# Incentives for Canandaigua Power Partners, LLC

T1 TABLE 1

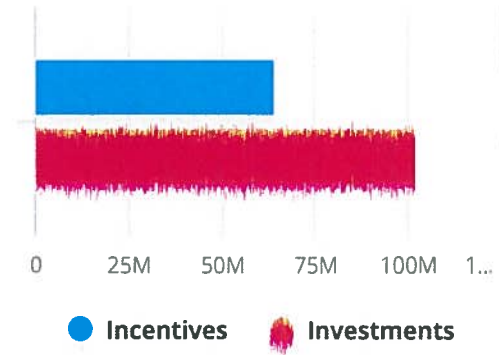
## Estimated Incentives & Fees

Description	Amount
Property Tax Exemption	\$63,841,000
Total Project Incentives	\$63,841,000
Discounted Total (2%)	\$53,239,000

May not sum to total due to rounding.

F1 FIGURE 1

## Incentives & Investments



T2 TABLE 2

## Estimated Property Tax Paid by Year\*

Year	Total
1	\$815,000
2	\$815,000
3	\$815,000
4	\$815,000
5	\$815,000
6	\$815,000
7	\$815,000
8	\$815,000
9	\$815,000
10	\$815,000
11	\$815,000

12	\$815,000
13	\$815,000
14	\$815,000
15	\$815,000
16	\$815,000
17	\$815,000
18	\$815,000
19	\$815,000
20	\$815,000

**May not sum to total due to rounding. \* Figures assume constant property tax rates and are not discounted.**

---

CGR has exercised reasonable professional care and diligence in the the production and design of the InformAnalytics™ tool. However, the data used is provided by users. InformAnalytics does not independently verify, validate or audit the data supplied by users. CGR makes no representations or warranties with respect to the accuracy of the data supplied by users.

# **Cost-Benefit Analysis for Canandaigua Power Partners, LLC**

Prepared by Steuben County IDA using InformAnalytics

# Executive Summary

**INVESTOR**  
Canandaigua Power Partners

**TOTAL INVESTED**  
\$102.0 Million

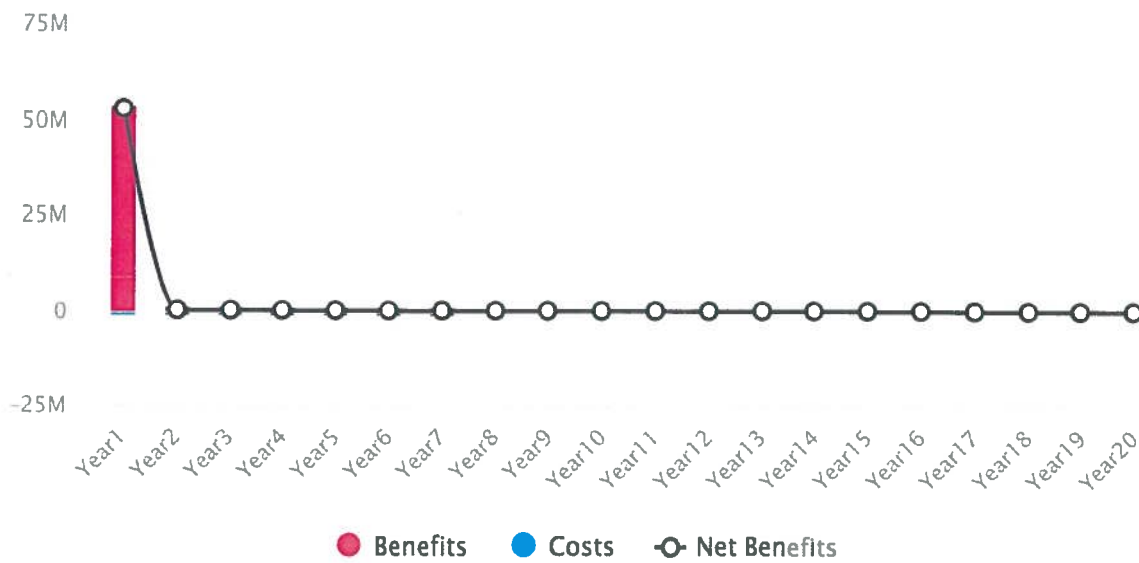
**LOCATION**  
multiple locations in the Town of Cohocton

**TIMELINE**  
20 Years

F1 FIGURE 1

Discounted\* Net Benefits for Canandaigua Power Partners, LLC by Year

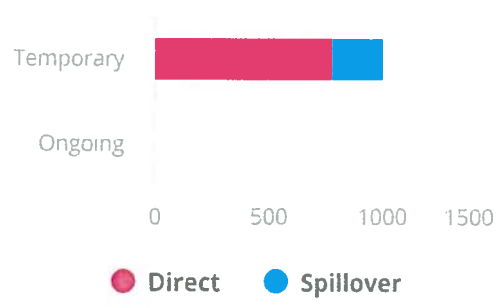
Total Net Benefits: \$52,813,000



Discounted at 2%

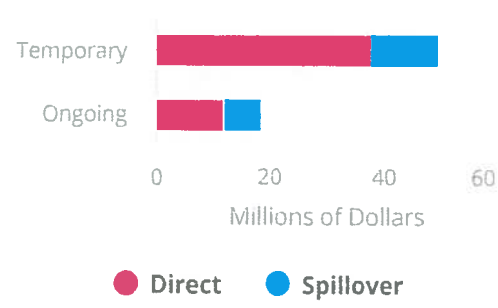
F2 FIGURE 2

Total Jobs



F3 FIGURE 3

Total Payroll



# Proposed Investment

Canandaigua Power Partners proposes to invest \$102.0 million at multiple locations in the Town of Cohocton over 20 years. Steuben County IDA staff summarize the proposed with the following: Due to persistent maintenance issues with the existing turbines, which are no longer manufactured, applicant proposes to replace the existing nacelle, rotor, hub, and blades for each turbine with new equipment from a different manufacturer without changing the existing tower, foundation, and electrical equipment. The replacement project will extend the facilities useful life by at least 20 years. Without agency assistance the life of the project will be shortened resulting in a significant tax revenue reduction for the community.

T1 TABLE 1

F4 FIGURE 4

## Proposed Investments

## Location of Investment

Description	Amount
<b>CONSTRUCTION SPENDING</b>	
CPP I & II	\$102,000,000
<b>Total Investments</b>	<b>\$102,000,000</b>
<b>Discounted Total (2%)</b>	<b>\$102,000,000</b>

May not sum to total due to rounding.



# Cost-Benefit Analysis

A cost-benefit analysis of this proposed investment was conducted using InformAnalytics, an economic impact model developed by CGR. The report estimates the impact that a potential project will have on the local economy based on information provided by Steuben County IDA. The report calculates the costs and benefits for specified local taxing districts over the first 20 years, with future returns discounted at a 2% rate.

T2 TABLE 2

### Estimated Costs or Incentives

Steuben County IDA is considering the following incentive package for Canandaigua Power Partners.

Description	Nominal Value	Discounted Value*
Property Tax Exemption	\$23,772,000	\$19,824,000
Sales Tax Exemption	\$153,000	\$153,000
Total Costs	\$23,925,000	\$19,977,000

**May not sum to total due to rounding.**

\* Discounted at 2%

T3 TABLE 3

### State & Regional Impact (Life of Project)

The following table estimates the total benefits from the project over its lifetime.

Description	Direct	Spillover	Total
<b>REGIONAL BENEFITS</b>	<b>\$52,593,000</b>	<b>\$19,869,000</b>	<b>\$72,462,000</b>
<b>To Private Individuals</b>	<b>\$52,017,000</b>	<b>\$19,651,000</b>	<b>\$71,668,000</b>
Temporary Payroll	\$37,617,000	\$11,901,000	\$49,518,000
Ongoing Payroll	\$14,400,000	\$7,750,000	\$22,150,000
<b>To the Public</b>	<b>\$576,000</b>	<b>\$218,000</b>	<b>\$794,000</b>
Temporary Sales Tax Revenue	\$417,000	\$132,000	\$549,000
Ongoing Sales Tax Revenue	\$160,000	\$86,000	\$245,000
<b>STATE BENEFITS</b>	<b>\$3,093,000</b>	<b>\$1,186,000</b>	<b>\$4,279,000</b>
<b>To the Public</b>	<b>\$3,093,000</b>	<b>\$1,186,000</b>	<b>\$4,279,000</b>
Temporary Income Tax Revenue	\$1,684,000	\$571,000	\$2,255,000
Ongoing Income Tax Revenue	\$750,000	\$366,000	\$1,116,000
Temporary Sales Tax Revenue	\$476,000	\$151,000	\$627,000
Ongoing Sales Tax Revenue	\$182,000	\$98,000	\$281,000
Total Benefits to State & Region	\$55,687,000	\$21,054,000	\$76,741,000
Discounted Total Benefits (2%)	\$53,114,000	\$19,676,000	\$72,790,000

May not sum to total due to rounding.

**Benefit to Cost Ratio**

The following benefit to cost ratios were calculated using the discounted totals.

Description	Benefit*	Cost*	Ratio
Region	\$68,743,000	\$19,895,000	3:1
State	\$4,047,000	\$82,000	50:1
Grand Total	\$72,790,000	\$19,977,000	4:1

**May not sum to total due to rounding.**

\* Discounted at 2%

---

CGR has exercised reasonable professional care and diligence in the the production and design of the InformAnalytics™ tool. However, the data used is provided by users. InformAnalytics does not independently verify, validate or audit the data supplied by users. CGR makes no representations or warranties with respect to the accuracy of the data supplied by users.



September 3, 2019

James C. Johnson, Executive Director  
Steuben County Industrial Development Agency  
7234 route 54 North, PO Box 393  
Bath, New York 14810-0393

RE: Cohocton Wind Facility & Dutch Hill Wind Facility – Turbine Replacement Projects  
Determination of Significance: Negative Declaration

Dear Mr. Johnson:

The Town of Cohocton Planning Board, as Lead Agency, has issued Negative Declarations for both Turbine Replacement Projects at the Cohocton Wind Facility and Dutch Hill Wind Facility. The Cohocton Planning Board determined that the projects will not result in significant adverse impacts upon the environment.

For your information, we have attached Part 3 of the Environmental Assessment Form (EAF) for both projects, including the Planning Board's meeting minutes/resolution issuing the Negative Declaration. The EAF attachments – Supplemental Environmental Assessment (SEA) and appendices – are on file at the Town Hall and will be made available upon request.

Sincerely,

**LaBella Associates, DPC**

Kathy Spencer  
Principal Environmental Analyst

Enclosures

c: Ray Schrader, Planning Board Chairman, Town of Cohocton (w/o enc)  
Jeffrey W. Davis, Partner, Barclay Damon (w/o enc)

## COHOCTON JOINT PLANNING BOARD MEETING MINUTES

August 22 2019

The monthly meeting of the Cohocton Joint Planning Board was held on Thursday evening, August 22<sup>nd</sup> 2019 at 7:00 pm in the Village office building located at 17 South Main St. Cohocton NY 14826.

Present were: Chairman Raymond Schrader, Freda Feely (VBM), David Pietrucha (VBM), Ted Walker (TBM), Judi Hall (Alt. TBM), Jeremy Wise (TBM), Russell Gray (Alt. VBM).

Also present were: Jeff Davis (Barclay/Damon), Kevin McAuliffe (Barclay/Damon), Alice Sokolow, Saul Sokolow, Jane Towner, Ron Towner (Town Board), Cheryl Deussenberg (Town Board), Peter Toomey (Barclay/Damon), Gene Drum, Ben Wolcott (Terraform), Lucia Woo (LaBella) and Kathy Spencer (LaBella).

Chairman Raymond Schrader opened the meeting at 7:02 pm with the Pledge to the Flag. The minutes from the August 8<sup>th</sup> 2019 meeting were reviewed by the Board members. Motion was made to accept the minutes as presented by Ray Schrader, seconded by Judi Hall. Motion carried.

This meeting was for the SEQRA resolution for the turbine replacement (modification) project in Cohocton and the Dutch Hill Wind Project.

Kathy Spencer opened the meeting by reviewing the SEQRA process, mentioning the list of impacts which were being considered in this project.

Lucia Woo then spoke about the findings regarding the resources which are outlined in Part 3 of the Full EAF narrative handout, questions were asked and answered. Parts 1, 2 and 3 are on file in the Village Clerks office.

Chairman Schrader proceeded to read the Town of Cohocton Planning Board SEQRA Resolution- Negative Declaration.

### COHOCTON WIND FARM FACILITY – TURBINE REPLACEMENT PROJECT

At a Special Meeting of the Cohocton Joint Town and Village Planning Board (Planning Board) held on Thursday, August 22, 2019, at 7:00 pm in the Village Office building located at 17 South Main Street, Cohocton NY 14826, the following Resolution was considered:

WHEREAS, the Planning Board received an application (the "Application") from Canandaigua Power Partners II (CPPII), dated September 25, 2018, requesting modification of the Special Use Permit to allow for the replacement of component parts on turbines within the Cohocton Wind Farm Facility located at 10525 Rynders Road, Cohocton New York (the "Project");

WHEREAS, at the Planning Board meeting on October 4, 2018, in accordance with the New York State Environmental Quality Review Act (SEQRA), pursuant to Article 8 of the Environmental Conservation Law of New York State, the Planning Board examined the Application and Part 1 of the full Environmental Assessment Form (EAF) and determined that the proposed action constituted an "Unlisted Action" under SEQRA;

WHEREAS, on October 17, 2018, the Planning Board circulated notice to Involved and Interested Agencies indicating its intent to act as the Lead Agency for conducting the required environmental review under SEQRA and established a 30-day period for objections to the Planning Board acting as Lead Agency for the Project;

WHEREAS, no objections to the Planning Board's stated intent to act as Lead Agency from the Involved and Interested Agencies were received within the 30 day period; however, comments on the proposed action were received from the Town of Wayland, the NYS Department of Transportation and the Steuben County Planning Department;

WHEREAS, LaBella Associated DPC (LaBella) was retained by the Town of Cohocton to assist the Planning Board with completing the SEQRA process, and LaBella commenced a review of environmental studies and reports provided by the Applicant beginning in the spring of 2019, (including a comprehensive Supplemental Environmental Assessment (SEA) document, and continuing through the summer and the public hearings held on the Application;

WHEREAS, on behalf of the Planning Board, LaBella has prepared Parts 2 and 3 of the full EAF taking into consideration the results of the studies provided by the Applicant, the comments of Involved and Interested Agencies, comments made by the public at hearing on July 11, 2019 and July 25, 2019, and other supplemental analyses and information compiled by LaBella on the Project;

WHEREAS, the Planning Board carefully considered all information in Parts 2 and 3 of the full EAF and other relevant documents related to the SEQRA environmental review and has not identified any large environmental impacts related to the proposed replacement of the existing components, as defined in the Application, on the existing turbines of the Cohocton Wind Farm Facility.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board declares itself to be Lead Agency for the replacement of turbine components at the Cohocton Wind Farm Facility, and

FURTHER RESOLVED, in the role of Lead Agency, the Planning Board declares that, based on the Environmental Record that has been prepared, the project will not result in any large and important impacts, and therefore, will not have a significant adverse impact on the environment.

The Planning Board therefore issues a Negative Declaration under SEQRA, and the Planning Board Chairman is hereby authorized and directed to issue, on behalf of the Planning Board, the Negative Declaration in Part 3 of the full Environmental Assessment Form.

A motion was made by Chairman Raymond Schrader to approve the Resolution for the Cohocton Wind Farm Facility – Turbine Replacement Project, as read, motion was seconded by David Pietrucha. Roll call vote was as follows;

David Pietrucha – Aye      Freda Feely – Abstained      Ray Schrader – Aye      Ted Walker – Abstained  
Jeremy Wise – Aye

Motion carried.

Chairman Raymond Schrader proceeded to read the next Resolution, The DUTCH HILL WIND FARM FACILITY – TURBINE REPLACEMENT PROJECT.

At a Special Meeting of the Cohocton Joint Town and Village Planning Board (Planning Board) held on Thursday, August 22, 2019, at 7:00 pm in the Village of Cohocton building located at 17 South Main Street, Cohocton NY 14826, the following Resolution was considered:

WHEREAS, the Planning Board received an application (the "Application") from Canandaigua Power Partners II (CPII), dated September 25, 2018, requesting modification of its Special Use Permit to allow for the replacement of component parts on turbines within the Dutch Hill Wind Farm Facility located at 10535 Rynders Road, Cohocton New York (the "Project");

WHEREAS, AT THE Planning Board meeting on October 4, 2018, in accordance with the New York State Environmental Quality Review Act (SEQRA), pursuant to Article 8 of the Environmental Conservation Law of New

York State, the Planning Board examined the Application and Part 1 of the full Environmental Assessment Form (EAF) and determined that the proposed action constituted an "Unlisted Action" under SEQRA;

WHEREAS, on October 17, 2018, the Planning Board circulated notice to Involved and Interested Agencies indicating its intent to act as the Lead Agency for conducting the required environmental review under SEQRA and established a 30-day period for objections to the Planning Board acting as Lead Agency for the Project;

WHEREAS, no objections to the Planning Board's stated intent to act as Lead Agency from the Involved and Interested Agencies were received within the 30 day period; however, comments on the proposed action were received from the Town of Wayland, the NYS Department of Transportation and the Steuben County Planning Department;

WHEREAS, LaBellas Associates DPC (LaBella) was retained by the Town of Cohocton to assist the Planning Board with completing the SEQRA process, and LaBella commenced a review of environmental studies and reports provided by the Applicant beginning in the spring of 2019, including a comprehensive Supplemental Environmental Assessments (SEA) document, and continuing through the summer and the public hearings held on the Application;

WHEREAS, on behalf of the Planning Board, LaBella has prepared Parts 2 and 3 of the full EAF taking into consideration the results of the studies provided by the Applicant, the comments of Involved and Interested Agencies, comments made by the public at hearings on July 11, 2019 and July 25, 2019, and other supplemental analyses and information compiled by LaBella on the Project;

WHEREAS, the Planning Board carefully considered all information in Parts 2 and 3 of the full EAF and other relevant documents related to the SEQRA environmental review and has not identified any large environmental impacts related to the proposed replacement of the existing components, as defined in the Application, on the existing turbines of the Dutch Hill Wind Farm Facility.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board declares itself to be Lead Agency for the replacement of turbine components at the Dutch Hill Wind Farm Facility; and

FURTHER RESOLVED, in the role of Lead Agency, the Planning Board declares that, based on the Environmental Record that has been prepared, the project will not result in any large and important impacts, and therefore, will not have a significant adverse impact on the environment.

The Planning Board therefore issues a Negative Declaration under SEQRA, and the Planning Board Chairman is hereby authorized and directed to issue, on behalf of the Planning Board, the Negative Declaration in Part 3 of the full Environmental Assessment Form.

Motion was made by Chairman Raymond Schrader to approve the Resolution regarding the Dutch Hill Wind Farm Facility – Turbine Replacement Project as read, seconded by David Pietrucha. Roll call vote as follows;

David Pietrucha – Aye      Freda Feely – Abstained      Raymond Schrader – Aye      Ted Walker – Abstained  
Jeremy Wise – Aye

Motion carried.

September 5, 2019 is the date of the next Planning Board meeting regarding the Special Use Permits for the Wind Projects.

Motion was made by Chairman Schrader to adjourn the meeting, Freda Feely seconded the motion, motion carried.

Meeting adjourned at 8:10 pm. Minutes prepared by Judith Carey – Planning Board Clerk

Project :

Date :

***Full Environmental Assessment Form***  
***Part 3 - Evaluation of the Magnitude and Importance of Project Impacts***  
***and***  
***Determination of Significance***

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See attached narrative

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:  Type 1  Unlisted

Identify portions of EAF completed for this Project:  Part 1  Part 2  Part 3



Upon review of the information recorded on this EAF, as noted, plus this additional support information  
Original Cohocton Wind Facility SEQOR - Draft Environmental Impact Statement (DEIS 2006), Supplemental Draft Environmental Impact Statement (SDEIS 2006), and Final Environmental Impact Statement (FEIS 2007)

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Town of Cohocton Planning Board as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Cohocton Wind Facility Turbine Replacement Project

Name of Lead Agency: Town of Cohocton Planning Board

Name of Responsible Officer in Lead Agency: Raymond Schrader

Title of Responsible Officer: Chairman

Signature of Responsible Officer in Lead Agency: *Raymond Schrader*

Date: 8-22-19

Signature of Preparer (if different from Responsible Officer) *Yvonne S. Spina*

Date: 8-22-19

*Labella Associates*

**For Further Information:**

Contact Person:

Address:

Telephone Number:

E-mail:

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

# **COHOCTON WIND FACILITY TURBINE REPLACEMENT PROJECT**

## **PART 3 FULL EAF NARRATIVE**

### **Project Background**

The Cohocton Wind Facility Turbine Replacement Project (referred to as "Project" hereafter) has been proposed by Canandaigua Power Partners (referred to as "Applicant" hereafter) as a maintenance project. The Project is related to a similar action being proposed at the existing wind farm known as the Dutch Hill Wind Facility. Both located in the Town of Cohocton, these wind facilities comprise of 35 and 15 Clipper Windpower 2.5-MW wind turbines, respectively for a total of 50 Clipper turbines with a total nameplate generating capacity of 125 MW – see Supplemental Environmental Assessment (SEA) Figure 2 for turbine location map. Operating since January 2009, approximately two-thirds of these Clipper turbines have experienced gearbox failures, despite previous replacement in-kind efforts, in addition to various drive train and blade defects, which have resulted in decreased performance and higher maintenance costs.

To remedy the on-going malfunctioning issue, the Applicant has not proposed any new wind turbine installation. Instead it plans to salvage all 50 existing Clipper turbines by replacing certain problematic components: nacelle, hub, blades, gearbox, and generating equipment. More reliable models with longer turbine blades, adaptor additions, and bigger nacelles are under consideration for the replacement components. Specifically, the Applicant will select one of the following two models: GE 2.5 MW-116 or Vestas V110 2.2 MW. See SEA Figure 3 for wind turbine components diagram and size comparisons between existing and proposed turbine models.

Once completed, the Project would result in about a 10% increase in turbine height – up to 46 ft taller than the existing 426-ft Clipper turbines for a proposed maximum height of 466 ft. All other components of the wind farms would remain the same including: nameplate generation capacity, project sites, towers, foundations, substations, access roads, collection lines, and transmission line. The Project construction would start at the end of 2020 and would last approximately nine months. Once operational, the Project life would be extended by at least 20 additional years.

Various mitigation measures have been proposed to minimize the Project's impacts on both the natural and built environments. Many of these mitigation measures have been in place since 2008, including a Complaint Resolution Procedure which has acted as a catch-all mechanism by which the community members can alert the Applicant of any unexpected harm or annoyance relating to the wind farms. An updated Complaint Resolution Procedure that is more accessible to community members would be adopted for both construction and operation phases of the Project. In addition, a Decommissioning Plan has been in effect during operation of the Project, which deals with the physical removal of turbines and other Project components at the end of its useful life and provides some sort of financial security to cover costs for decommissioning, in case the owner of the wind facility is financially unable to cover such costs. The Decommissioning Plan is an important mitigation measure since it guarantees removal of the highly visible project components from the Town's landscape at the end of the Project's useful life, and as such,

the Decommissioning Plan would also be reviewed and updated by the Applicant in consultation with the Town in connection with the turbine modification project currently proposed.

## **SEQR Approach**

The Project is subject to State Environmental Quality Review (SEQR) Act, instead of the recently enacted Article 10 of New York State's Public Service Law, given that no change has occurred in the nameplate generating capacity, nor in the project sites.

The Cohocton Town Planning Board circulated the Part 1 of the Full Environmental Assessment Form ("EAF") received from the Applicant on October 17, 2018 to the involved agencies to indicate the intent of the Town of Cohocton Planning Board ("the Board") to serve as Lead Agency for the Project under SEQR. No objections to the Planning Board serving as Lead Agency were received.

The Town of Cohocton Planning Board thoroughly analyzed the proposed Project and its environmental setting, utilizing the criteria specified in 6 NYCRR § 617.7 for determining the significance of potential impacts. In addition to the Part 1 of the Full EAF, the Planning Board received the Supplemental Environmental Assessment with its appendices containing detailed studies prepared for the Project. The Applicant also submitted correspondence with relevant state and federal regulatory agencies that demonstrate minimal impacts anticipated from the Project, such as a No Effect determination from NY State Historic Preservation Office. The Board retained environmental professionals (LaBella Associates DPC) to review the information regarding potential impacts from the Project. With assistance from the environmental professionals, the Board also completed Part 2 of the EAF, which identified potentially moderate impacts to the following environmental resources: bird & bat species and outdoor noise.

Based on a review of the information contained in the EAF and supplemental documentation prepared by the Applicant, the Board's knowledge of the area at and surrounding the proposed Project, and such further investigation of the Project and its potential environmental impact as the Board deemed appropriate – the Board determines that the proposed Project would not have any significant adverse impacts on the environment.

The Project's environmental review is focused solely on the anticipated environmental impacts from the Project, which is repair and replacement of select components within the existing wind farms. This SEQR does not speculate regarding potential cumulative impacts as a result of proposed Steuben County wind projects currently under development and seeking State approval under the Article 10 regulations. These other wind projects that may or may not be approved for construction would be required to investigate the cumulative environmental impacts of installing additional wind turbines within the vicinity of the existing Cohocton and Dutch Hill wind farms.

The Board provides the information below in support of its Negative Declaration and determination of no significant adverse impact on the environment from the Project.

➤ **Land**

The wind turbines to be replaced are located in a predominantly agricultural setting on elevated plateaus known as Pine Hill, Lent Hill, and Brown Hill. The Project would require crane walks between turbines, temporary work areas at each turbine tower base, existing access roads usage, and potentially new laydown areas – see SEA Appendix A and Table 1 for detailed site plans and ground disturbance calculations.

Ground disturbance from these planned activities would be temporary in nature and encompass no more than 20 acres. Ground disturbance activities would occur on mostly agricultural land that was previously disturbed as part of the original wind farm construction. No disturbance of forest, bedrock, or steep slopes would occur.

Soil compaction along one side of access roads and through agricultural fields can be expected during crane walks. At the tower bases, minor soil compaction and ruts would likely occur from telehandlers, pickups, and other equipment. Laydown areas potentially used during construction would be located on small portions of agricultural fields near the turbines. Laydown areas would be on top of wooden or plastic matting to keep the topsoil intact. Although not anticipated, some of the laydown areas may be stripped of topsoil and covered with mulch, geotech fabric, and gravel.

Sediment and erosion controls would be implemented to minimize ground disturbance, erosion, and drainage issues until construction is complete and ground cover has been re-established within disturbed areas, in accordance with NYS Department of Environmental Conservation (NYSDEC) permitting requirements and NYS Department of Agriculture and Markets (NYSDAM) agricultural protection guidelines for wind projects. Any topsoil stripped from laydown areas would be set aside and protected, and ultimately redistributed across the laydown sites as part of construction site restoration. A Storm Water Pollution Prevention Plan (SWPPP) would be prepared, in accordance with NYSDEC requirements of the SPDES General Permit for Storm Water Discharges Associated with Construction Activity. As such, no significant impacts on land have been identified.

➤ **Plants and Animals**

The Project's construction activities pose a minimal concern for rare plants and animals since construction is mostly limited to previously disturbed areas within an agricultural setting typically devoid of any significant wildlife habitat. The Project area and its immediate surroundings contain no known habitat of any federally or state protected species as of June 2019, according to the NY Natural Heritage database of confirmed location records of any endangered, threatened, or rare species in NYS. The Applicant also encountered no endangered or threatened species at the Project sites during post-construction monitoring in 2009, 2010, 2013, and most recently 2017 – see SEA Appendix C for the detailed results of field visits, data analyses, and literature review.

While rare species may not inhabit the Project areas, operating wind turbines with rotating blades generally pose a collision risk for birds and bats passing through the area. Conducted in coordination with NYSDEC, the post-construction fatality (carcass) surveys found that the existing turbines contributed to the loss of on average 3.1 birds and 22.5 bats per turbine over the course of four study years (2009, 2010, 2013, and 2017):

- Almost all bird fatalities were of passerine order, which consists of perching birds that are sometimes referred to as songbirds. Encompassing more than half of all bird species, the passerine order is considered to be safe from extinction. No federally or state-listed birds were encountered during this monitoring period, except for bald eagles that were spotted in the Project vicinity in 2017. The bald eagle population has been steadily increasing throughout NYS including Steuben County, but no bald eagle fatality has yet occurred at the Project sites over the past decade of operation.
- Most of the discovered bats were long-distance migratory species (i.e. hoary bat, silver-haired bats, and eastern red bats) that are not considered to be rare. One northern long-eared bat (NLEB) was among the fatalities in 2010, prior to its federal and state listing status as a threatened species due to the white nose syndrome disease. No NLEBs have been observed (via carcasses or acoustic surveys) at the Project area since then, which is consistent with the recent population decline across northern and eastern central North America.

The Project area does not contain any critical wildlife habitat, and the existing turbines at their current height have not resulted in any known loss of endangered or threatened species. The only factors of the proposed Project that could potentially affect the collision risk level for birds and bats are: the increased turbine height & rotor swept area and the increased project operation period.

- The increase in the turbine height and rotor swept area due to longer blades is not anticipated to significantly increase the collision risk for birds and bats. Even at the proposed maximum height of 466 feet (142 meters), the Project blades would be rotating well below the typical height range (955 to 2,113 feet, or 291 to 644 meters) of bird flight paths during evenings when they cannot visually detect the turbines. Also, most of bat passes occur near the ground, and would remain unaffected by the longer turbine blades since the lowest point of the blades would be at 75 feet (23 m).
- The original wind facility was expected to be operational until at least 2029. But with the Project completion, the wind farm would be operational for a minimum of additional 12 years – until at least 2041. The cumulative collision risk would increase due to the extended time period over which the turbines would be rotating and posing as a potential threat to birds and bats. According to NYSDEC's generic NLEB fatality rate, that increased collision risk could result in roughly five additional NLEB fatalities over the additional 12 years of operation, assuming certain mitigation measures are in place.

However, the magnitude of this increased collision risk is anticipated to be minimal given the continued absence of critical wildlife habitat and rare species, as documented by fatality and acoustic data at the Project site.

To minimize the Project's overall collision risk for birds and bats, the Applicant has proposed "feathering" of turbine blades year-round when the wind speed is low enough not to produce electricity (below "cut-in speed"). Feathering would angle the turbine blades so that they are parallel to the airflow and not rotate; thereby, not obstructing any potential bird or bat flight paths.

More importantly, the Applicant would implement a voluntary curtailment program where the turbine blades would not rotate when:

- the wind speed is below 4.5 meters per second (m/s);
- the temperature is above 50°F (10° C) between sunset and sunrise; and
- the bats are most likely migrating to their winter hibernation caves during July, August, and September.

According to the site-specific data collected over the past decade, the Applicant's proposed curtailment program would protect about 84% of bat passes from turbine operation. The proposed cut-in speed of 4.5 m/s is less stringent than the U.S. Fish and Wildlife Service's recommendation of 6.9 m/s, which would protect 95% of bat passes. However, the proposed bat pass protection rate of about 84% is consistent with NYSDEC's acceptable threshold of 80-85% for recommending certain cut-in speed (5.0 m/s and 5.5 m/s) for most recent Steuben County wind projects under development.

This new mitigation measure would prevent harm to the majority of bats foraging or migrating at the altitude of rotating turbine blades, including any threatened NLEB. The Applicant would submit the 2020 post-construction monitoring plans to NYSDEC for consultation. Based on the site-specific data collected during Project operation, the effectiveness of the curtailment program would be evaluated, and if necessary, the cut-in speed would be adjusted in coordination with NYSDEC.

In addition to turbine feathering and operation curtailment, an Invasive Species Control Plan would be implemented. These measures to prevent the spread of invasive species not native to the area would include: screening of materials arriving at the project sites, avoiding areas with aggressive invasive species and if appropriate herbicide treatment, cleaning of equipment leaving known invasive species areas, and prompt seeding of disturbed soils. As such, no significant adverse impacts on existing composition of plants and animal species, including their migration patterns, in the region are expected.

#### ➤ **Agricultural Resources**

Most of the disturbed areas from crane walks and laydown & temporary work areas near turbines are on active crop fields. To protect agricultural soils that may be disturbed during construction, the Applicant has agreed to comply with the applicable NYS Department of Agriculture and Markets (NYSDAM) guidelines for wind projects: topsoil protection use of matting, soil decompaction & restoration, and post-construction monitoring. A third party agricultural monitor, to be approved

by the Town, would conduct a post construction monitoring for no fewer than two years after project completion to ensure no damage to agricultural fields, modification of natural drainage patterns, or interference with farm activities. As such, no significant impacts on agricultural resources are expected.

➤ **Aesthetic Resources**

The land use of the Project areas have included the presence of wind turbines for the past decade. The Project would result in an approximately 10% turbine height increase and slightly bigger nacelles. The number and location of turbines would remain the same, avoiding any significant or new visual impact to surrounding scenic or aesthetic resources.

For comparison of "before" and "after" conditions, the Applicant developed realistic photographic simulations of the existing Clipper and proposed turbines (both GE and Vestas models) from key scenic viewpoints – see SEA Appendix F. The simulations consistently show no obviously perceptible difference to the human eye in the line, form, color, and scale of the turbines. Additionally, the Decommissioning Plan, which financially ensures the proper and timely removal of turbines and other highly visible components at the end of the Project's useful life, would also be reviewed and updated by the Applicant in consultation with the Town. As such, the Project does not pose a significant change to the overall context and scale of the land use, including interference with the visibility of any scenic and aesthetic resource.

➤ **Transportation**

The Project plans to reuse the same transportation routes taken during the construction of the original wind farm – see SEA Appendix F for the transportation route map. The transportation routes are located predominantly in the Town of Cohocton and follows mostly County and State roadways in addition to some Town roads. Small portions of the transportation routes may also utilize local roads within the Town of Freemont. This road network still has key radius improvements left in place at the following intersections within the Town of Cohocton:

- State Route 415 and Davis Hollow Road
- Kirkwood Road and Lent Hill Road

As a result, over-sized vehicles carrying large turbine components would be able to negotiate turns at these locations without further improvement. The only potential road improvement necessary for the Project is the widening of the northeast portion of the Pine Hill Road and Moore Road intersection within the Town of Cohocton.

The increased traffic from large construction and delivery vehicles on these roads would be temporary in nature and limited to the Project construction period of approximately nine months. Once the Project is operational, occasional trips by routine maintenance vehicles are anticipated to be minimal relative to current traffic patterns.

If any local roads sustain damage from the heavy, large construction vehicles, the Applicant would repair the roads to at least its pre-construction condition. The Applicant would renew its commitment to local roads protection by updating the Road Use and Repair Agreements currently in place from the original projects with the affected Towns. For every community that the transportation route may pass through, the Applicant would comply with any new or recently updated local laws pertaining to traffic control and road use, including the Town of Wayland Road Preservation Law of 2019. The Applicant would also coordinate with NYS Department of Transportation and the Wayland-Cohocton Central School District to avoid interference with any planned construction projects and local school bus routes. As such, no significant impacts on the transportation infrastructure and traffic conditions have been identified.

➤ **Noise, Odor, and Light**

Noise

Construction and operation of the modified turbines at the Cohocton Wind Facility would result in noise at homes and at property lines within the Project area. Modeling of potential noise impacts has indicated that such noise levels would be in compliance with the current requirements of the Town of Cohocton's wind ordinance. In addition, the perceived change to the existing noise level as a result of the turbine modification would be relatively minor compared to the original change when the Clipper turbines were first installed. It is possible that noise levels may decrease in locations where defective components of the Clipper turbines have resulted in higher than predicted noise levels over time.

Noise is a complex phenomenon and noise levels that result in a certain location depend greatly on geography, weather conditions, trees or other obstacles, and the relative positioning of the noise source and the noise receptor. As noise level and variability over time can be measured and expressed in a large variety of ways, it is acknowledged that there is much debate regarding wind turbine noise and the different standards for compliance. However, this Project primarily involves a replacement of malfunctioning components on existing turbines; therefore, the relevant questions of the compliance of modified turbines with Town noise standards and the relative change in noise levels (compared to current levels with operating turbines) will be discussed below. Additional information is available in the SEA Section III.D.

Construction: during the construction period, noise would primarily be associated with the use of motorized construction equipment and delivery vehicles. Construction-related noise is temporary and limited to the construction period, estimated to occur over a nine-month period. During construction, noise would be limited to construction hours (anticipated as 7 am to 7 pm) and would be intermittent in nature during those times. Given the large spread between turbines, it is likely that a particular area would experience construction noise for only a limited portion of the construction timeframe.

Operation: the operation of wind turbines result in noise due to the rotation of the blades when the wind is blowing. The proposed replacement of turbine



components will result in longer blades on the turbines which could extend noise impacts over longer distances. As previously stated, because turbines are already operating in the area, it is not anticipated that the proposed replacement of turbine components will change existing noise levels significantly. Mitigation is included in the project to fit certain turbines with low-noise blades which are engineered to reduce sound emissions. The selection of turbines for use of low-noise blades would be based on their distance to nearby residential structures and would include 22 turbines (if GE turbines are used) or 26 turbines (if Vestas turbines are used).

A noise analysis was conducted by Hankard Environmental, Inc., in which replacement of turbine blades and nacelles was studied for both turbine models at 397 receptors (primarily homes) on "non-participating" properties (defined as properties owned by landowners with no lease or easement agreement with the Applicant). It is noted that noise levels were predicted in this study using conservative assumptions, the primary one being that: all turbines within both the Cohocton Wind Farm and Dutch Hill Wind Farm would be operating at the same time and at the maximum noise level, with maximum sound emitted in all directions. Given the spread of the turbines over varying topography, and the differences in wind speed and conditions across the Project area, it is unlikely that all turbines would ever be operating at maximum noise-producing wind speed all at the same time. Hankard is a well-respected, reputable acoustics firm with a long record of experience with wind turbine noise analysis. Moreover, Hankard has validated its methodology by comparing its predicted noise levels to actual measurements at operating wind farms in multiple locations and has found its predicted levels to be accurate.

Review of the Hankard Noise Analysis for this Project indicates that the predicted noise levels at all receptors fall at or below the 45 dBA local requirement for noise, with the following breakdown:

<b>Predicted Noise Level (dBA)</b>	<b>Approximate Percentage of Receptors (by Turbine Model)</b>	
< 40	67% (GE)	71% (Vestas)
40-42	19% (GE)	19% (Vestas)
42-45	10% (GE)	14% (Vestas)
> or = 45	None	

At up to 71% of homes, noise levels would be 40 dBA or less, with either turbine model. At 10% to 14% of the receptors, noise levels would approach 45 dBA. Such noise levels are consistent with existing noise levels currently experienced in the project area, as described further below. In other words, the modification of the turbines would not introduce significant new sound levels or noise into the community as a whole.

Noise levels have been measured at eight to ten locations in the project area in monitoring studies done annually over the last ten years since operation of the Project began. A review of the data show that noise levels are consistently found in the range of 35 to 48 dBA with a few outliers above and below that range (but

not higher than 50 dBA). Note that the protocol for these monitoring studies was finalized in 2009, based on the requirements of the Town of Cohocton Local Law No. 2 of 2006 – the central requirement being that *windmill-only noise levels at non-project property lines not exceed 50 dBA*. No measurements to determine compliance with the 45 dBA limit at receptors have been done, as this requirement did not appear in the 2006 law. However, the monitoring data is useful as a general indication of actual noise levels currently being experienced in the project area.

The Hankard study also looked at the effects of the proposed turbine modifications and predicted noise levels at the property lines of non-participating landowners to determine compliance with the Town's requirement of a 50 dBA limit. The analysis shows that there are four non-participating properties where noise levels at the property line would not meet the Town standard, no matter which turbine model was used, and three additional non-participating properties that would be affected if the taller Vestas turbine was used.

The Applicant indicates that for these four to seven non-participating properties where noise exceedances are predicted at property lines (even with low-noise blades), easements have been or would be obtained from the landowner. If a situation arises in which the non-participating landowner does not agree to an easement arrangement, the Applicant plans to continue to run a Clipper turbine using spare parts removed from other Clipper turbines as part of the Project. In such a case, by not replacing the Clipper turbine, existing conditions would remain in effect and no project-related changes in noise levels would occur. An additional mitigation option suggested by the Applicant is the use of a new, small turbine model from a company such as GE or Vestas as the replacement turbine rather than a pieced-together Clipper turbine. In this case, the Applicant would provide documentation that the new replacement model would comply with all terms and conditions of the existing special use permit, including noise levels at property lines.

Annual noise monitoring would continue following turbine modification. Furthermore, the Applicant has committed to update the monitoring protocol to better meet current conditions and compliance needs.

As previously described, a Complaint Resolution Procedure has been in effect over the operation of the Project and would be updated as part of the proposed mitigation included with the Project. If landowners perceive a significant change in the noise level at their home or property boundary, the complaints would be resolved through negotiation with the Applicant via the Complaint Resolution Procedure, with oversight by the Town of Cohocton.

Based on the evaluation and discussion above, no large impacts on noise have been identified.

### Odor

No significant odor issue is anticipated during either construction or operation. The Project does not contain any component related to manufacturing, food processing, waste management, or any other process that would routinely emit an unpleasant or harmful smell. As such, no significant odor issue has been identified.

### Light (Shadow Flicker)

When the sun is low on the horizon with minimal clouds, the rotating turbine blades can repeatedly cast a brief shadow, alternating between high and low light intensity which can be perceived as a "flicker". This shadow flicker primarily causes annoyance to receptors located behind turbines facing the sun. Most of the receptors near the Project area are residential homes, and their occupants may be routinely exposed to shadow flicker at certain times of the day (around sunrise or sunset) and season (most likely during winter). Recently in New York, 30 cumulative hours per year has become the accepted threshold beyond which people experience excessive annoyance from shadow flicker, but it has not been formalized into law. This 30-hour annual exposure threshold is consistent with the regulatory threshold in Ohio as well as the industry standard endorsed by National Association of Regulatory Utility Commissioners.

Among the 237 total residences adjacent to the existing Clipper turbines, it is expected that a maximum of three residences, both participating and non-participating, currently experience more than 30 hours of shadow flicker – if one assumes the worst case scenario and ignores all nearby trees and structures that could block any shadow flicker. Note that since actual shadow flicker has not been monitored over time, no actual data is not available. With GE turbines, the maximum number of residences that could experience excessive annoyance from shadow flicker increases to eight residences (3% increase), and with Vestas turbines, five residences (2% increase). Detailed results including modeling methodology can be found in SEA Appendix E.

Realistically however, if the screening effect from nearby trees and structures are accounted for, the shadow flicker analysis undertaken for the Project indicates that only one non-participating residence would be likely to experience more than 30 hours of shadow flicker per year with GE or Vestas turbines. For this new non-participating property predicted to experience excessive annoyance after the Project completion, the Applicant has already obtained or is in the process of requesting an easement.

The Applicant would offer window blinds and/or vegetative screening to reduce the shadow flicker exposure for non-participating landowners that may experience more than 30-hours of shadow flicker annually. The affected landowners can request such mitigation through the Complaint Resolution Procedure. As such, no large impact from shadow flicker has been identified during construction or operation.

## ➤ **Community Character**

The existing turbines have been a fixture of the Town's natural landscape for a decade since January 2009. The Project, as proposed, would result in turbines that remain consistent with the prevailing community character – only 10% taller turbines and no change to the turbine location or overall appearance (style or color). As previously described, the project has been proposed to solve serious maintenance issues of the existing turbines. The Town would continue to remain primarily rural-residential and agricultural in character.

To date, the existing Clipper turbines have caused no complaints of TV, radio, and phone reception disruptions in the Town of Cohocton and its surroundings. The existing wind farm has not compromised the community's communication systems integral to the residents' way of life (e.g. entertainment), business operations, and emergency preparedness.

The replacement components and the resultant turbine height increase are similarly not expected to cause adverse impacts to the existing wireless voice, video, or data communication systems. For example, a state police Local Mobile Radio communication antenna on Potter Hill uses a very high frequency (VHF) band that would remain unaffected by wind turbines regardless of their height. However, there would be an increased risk that two turbines may weaken the signal of three microwave communication paths, which may be used for telephone & cellular service, Internet connection, and/or utility & railroad network controls – see SEA Appendix G for microwave studies conducted for both existing and proposed turbine heights.

If any disruption to existing communication systems is discovered after the Project completion, the Applicant would commit to the following range of mitigation measures:

- repositioning or upgrading existing antennas and repeaters;
- cable/satellite TV service provision to affected residences and businesses; and
- additional cell, antenna, or repeater installation, which can be co-located on existing utility, meteorology, or turbine towers.

The Applicant would also address any concern from the local emergency personnel and cellular & utility providers through the updated Complaint Resolution Procedure, as well as coordinate with them on the implementation of mitigation measures, if any is necessary. As such, no significant impacts to the existing community character or services are expected.

Project :

Date :

***Full Environmental Assessment Form***  
***Part 3 - Evaluation of the Magnitude and Importance of Project Impacts***  
***and***  
***Determination of Significance***

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See attached narrative

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:  Type 1  Unlisted

Identify portions of EAF completed for this Project:  Part 1  Part 2  Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

Original Dutch Hill Wind Facility SEQR - DEIS 2006 and FEIS 2007

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Town of Cohocton Planning Board as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

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

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Dutch Hill Wind Facility Turbine Replacement Project

Name of Lead Agency: Town of Cohocton Planning Board

Name of Responsible Officer in Lead Agency: Raymond Schrader

Title of Responsible Officer: Chairman

Signature of Responsible Officer in Lead Agency:

*Raymond Schrader*

Date: 8-22-19

Signature of Preparer (if different from Responsible Officer)

*Kathleen*

Date: 8-22-19

**For Further Information:**

Contact Person:

Address:

Telephone Number:

E-mail:

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**PRINT FULL FORM**

# **DUTCH HILL WIND FACILITY TURBINE REPLACEMENT PROJECT**

## **PART 3 FULL EAF NARRATIVE**

### **Project Background**

The Dutch Hill Wind Facility Turbine Replacement Project (referred to as "Project" hereafter) has been proposed by Canandaigua Power Partners II (referred to as "Applicant" hereafter) as a maintenance project. The Project is related to a similar action being proposed at the existing wind farm known as the Dutch Hill Wind Facility. Both located in the Town of Cohocton, these wind facilities comprise of 35 and 15 Clipper Windpower 2.5-MW wind turbines, respectively for a total of 50 Clipper turbines with a total nameplate generating capacity of 125 MW – see Supplemental Environmental Assessment (SEA) Figure 2 for turbine location map. Operating since January 2009, approximately two-thirds of these Clipper turbines have experienced gearbox failures, despite previous replacement in-kind efforts, in addition to various drive train and blade defects, which have resulted in decreased performance and higher maintenance costs.

To remedy the on-going malfunctioning issue, the Applicant has not proposed any new wind turbine installation. Instead it plans to salvage all 50 existing Clipper turbines by replacing certain problematic components: nacelle, hub, blades, gearbox, and generating equipment. More reliable models with longer turbine blades, adaptor additions, and bigger nacelles are under consideration for the replacement components. Specifically, the Applicant will select one of the following two models: GE 2.5 MW-116 or Vestas V110 2.2 MW. See SEA Figure 3 for wind turbine components diagram and size comparisons between existing and proposed turbine models.

Once completed, the Project would result in about a 10% increase in turbine height – up to 46 ft taller than the existing 426-ft Clipper turbines for a proposed maximum height of 466 ft. All other components of the wind farms would remain the same including: nameplate generation capacity, project sites, towers, foundations, substations, access roads, collection lines, and transmission line. The Project construction would start at the end of 2020 and would last approximately nine months. Once operational, the Project life would be extended by at least 20 additional years.

Various mitigation measures have been proposed to minimize the Project's impacts on both the natural and built environments. Many of these mitigation measures have been in place since 2008, including a Complaint Resolution Procedure which has acted as a catch-all mechanism by which the community members can alert the Applicant of any unexpected harm or annoyance relating to the wind farms. An updated Complaint Resolution Procedure that is more accessible to community members would be adopted for both construction and operation phases of the Project. In addition, a Decommissioning Plan has been in effect during operation of the Project, which deals with the physical removal of turbines and other Project components at the end of its useful life and provides some sort of financial security to cover costs for decommissioning, in case the owner of the wind facility is financially unable to cover such costs. The Decommissioning Plan is an important mitigation measure since it guarantees removal of the highly visible project components from the Town's landscape at the end of the Project's useful life, and as such,

the Decommissioning Plan would also be reviewed and updated by the Applicant in consultation with the Town in connection with the turbine modification project currently proposed.

### **SEQR Approach**

The Project is subject to State Environmental Quality Review (SEQR) Act, instead of the recently enacted Article 10 of New York State's Public Service Law, given that no change has occurred in the nameplate generating capacity, nor in the project sites.

The Cohocton Town Planning Board circulated the Part 1 of the Full Environmental Assessment Form ("EAF") received from the Applicant on October 17, 2018 to the involved agencies to indicate the intent of the Town of Cohocton Planning Board ("the Board") to serve as Lead Agency for the Project under SEQR. No objections to the Planning Board serving as Lead Agency were received.

The Town of Cohocton Planning Board thoroughly analyzed the proposed Project and its environmental setting, utilizing the criteria specified in 6 NYCRR § 617.7 for determining the significance of potential impacts. In addition to the Part 1 of the Full EAF, the Planning Board received the Supplemental Environmental Assessment with its appendices containing detailed studies prepared for the Project. The Applicant also submitted correspondence with relevant state and federal regulatory agencies that demonstrate minimal impacts anticipated from the Project, such as a No Effect determination from NY State Historic Preservation Office. The Board retained environmental professionals (LaBella Associates DPC) to review the information regarding potential impacts from the Project. With assistance from the environmental professionals, the Board also completed Part 2 of the EAF, which identified potentially moderate impacts to the following environmental resources: bird & bat species and outdoor noise.

Based on a review of the information contained in the EAF and supplemental documentation prepared by the Applicant, the Board's knowledge of the area at and surrounding the proposed Project, and such further investigation of the Project and its potential environmental impact as the Board deemed appropriate - the Board determines that the proposed Project would not have any significant adverse impacts on the environment.

The Project's environmental review is focused solely on the anticipated environmental impacts from the Project, which is repair and replacement of select components within the existing wind farms. This SEQR does not speculate regarding potential cumulative impacts as a result of proposed Steuben County wind projects currently under development and seeking State approval under the Article 10 regulations. These other wind projects that may or may not be approved for construction would be required to investigate the cumulative environmental impacts of installing additional wind turbines within the vicinity of the existing Cohocton and Dutch Hill wind farms.

The Board provides the information below in support of its Negative Declaration and determination of no significant adverse impact on the environment from the Project.



➤ **Land**

The wind turbines to be replaced are located in a predominantly agricultural setting on elevated plateaus known as Pine Hill, Lent Hill, and Brown Hill. The Project would require crane walks between turbines, temporary work areas at each turbine tower base, existing access roads usage, and potentially new laydown areas – see SEA Appendix A and Table 1 for detailed site plans and ground disturbance calculations.

Ground disturbance from these planned activities would be temporary in nature and encompass no more than 8 acres. Ground disturbance activities would occur on mostly agricultural land that was previously disturbed as part of the original wind farm construction. No disturbance of forest, bedrock, or steep slopes would occur.

Soil compaction along one side of access roads and through agricultural fields can be expected during crane walks. At the tower bases, minor soil compaction and ruts would likely occur from telehandlers, pickups, and other equipment. Laydown areas potentially used during construction would be located on small portions of agricultural fields near the turbines. Laydown areas would be on top of wooden or plastic matting to keep the topsoil intact. Although not anticipated, some of the laydown areas may be stripped of topsoil and covered with mulch, geotech fabric, and gravel.

Sediment and erosion controls would be implemented to minimize ground disturbance, erosion, and drainage issues until construction is complete and ground cover has been re-established within disturbed areas, in accordance with NYS Department of Environmental Conservation (NYSDEC) permitting requirements and NYS Department of Agriculture and Markets (NYSDAM) agricultural protection guidelines for wind projects. Any topsoil stripped from laydown areas would be set aside and protected, and ultimately redistributed across the laydown sites as part of construction site restoration. A Storm Water Pollution Prevention Plan (SWPPP) would be prepared, in accordance with NYSDEC requirements of the SPDES General Permit for Storm Water Discharges Associated with Construction Activity. As such, no significant impacts on land have been identified.

➤ **Plants and Animals**

The Project's construction activities pose a minimal concern for rare plants and animals since construction is mostly limited to previously disturbed areas within an agricultural setting typically devoid of any significant wildlife habitat. The Project area and its immediate surroundings contain no known habitat of any federally or state protected species as of June 2019, according to the NY Natural Heritage database of confirmed location records of any endangered, threatened, or rare species in NYS. The Applicant also encountered no endangered or threatened species at the Project sites during post-construction monitoring in 2009, 2010, 2013, and most recently 2017 – see SEA Appendix C for the detailed results of field visits, data analyses, and literature review.

While rare species may not inhabit the Project areas, operating wind turbines with rotating blades generally pose a collision risk for birds and bats passing through the area. Conducted in coordination with NYSDEC, the post-construction fatality (carcass) surveys found that the existing turbines contributed to the loss of on average 3.1 birds and 22.5 bats per turbine over the course of four study years (2009, 2010, 2013, and 2017):

- Almost all bird fatalities were of passerine order, which consists of perching birds that are sometimes referred to as songbirds. Encompassing more than half of all bird species, the passerine order is considered to be safe from extinction. No federally or state-listed birds were encountered during this monitoring period, except for bald eagles that were spotted in the Project vicinity in 2017. The bald eagle population has been steadily increasing throughout NYS including Steuben County, but no bald eagle fatality has yet occurred at the Project sites over the past decade of operation.
- Most of the discovered bats were long-distance migratory species (i.e. hoary bat, silver-haired bats, and eastern red bats) that are not considered to be rare. One northern long-eared bat (NLEB) was among the fatalities in 2010, prior to its federal and state listing status as a threatened species due to the white nose syndrome disease. No NLEBs have been observed (via carcasses or acoustic surveys) at the Project area since then, which is consistent with the recent population decline across northern and eastern central North America.

The Project area does not contain any critical wildlife habitat, and the existing turbines at their current height have not resulted in any known loss of endangered or threatened species. The only factors of the proposed Project that could potentially affect the collision risk level for birds and bats are: the increased turbine height & rotor swept area and the increased project operation period.

- The increase in the turbine height and rotor swept area due to longer blades is not anticipated to significantly increase the collision risk for birds and bats. Even at the proposed maximum height of 466 feet (142 meters), the Project blades would be rotating well below the typical height range (955 to 2,113 feet, or 291 to 644 meters) of bird flight paths during evenings when they cannot visually detect the turbines. Also, most of bat passes occur near the ground, and would remain unaffected by the longer turbine blades since the lowest point of the blades would be at 75 feet (23 m).
- The original wind facility was expected to be operational until at least 2029. But with the Project completion, the wind farm would be operational for a minimum of additional 12 years – until at least 2041. The cumulative collision risk would increase due to the extended time period over which the turbines would be rotating and posing as a potential threat to birds and bats. According to NYSDEC's generic NLEB fatality rate, that increased collision risk could result in roughly two additional NLEB fatalities over the additional 12 years of operation, assuming certain mitigation measures are in place. However, the magnitude of this increased collision risk is anticipated to be

minimal given the continued absence of critical wildlife habitat and rare species, as documented by fatality and acoustic data at the Project site.

To minimize the Project's overall collision risk for birds and bats, the Applicant has proposed "feathering" of turbine blades year-round when the wind speed is low enough not to produce electricity (below "cut-in speed"). Feathering would angle the turbine blades so that they are parallel to the airflow and not rotate; thereby, not obstructing any potential bird or bat flight paths.

More importantly, the Applicant would implement a voluntary curtailment program where the turbine blades would not rotate when:

- the wind speed is below 4.5 meters per second (m/s);
- the temperature is above 50°F (10° C) between sunset and sunrise; and
- the bats are most likely migrating to their winter hibernation caves during July, August, and September.

According to the site-specific data collected over the past decade, the Applicant's proposed curtailment program would protect about 84% of bat passes from turbine operation. The proposed cut-in speed of 4.5 m/s is less stringent than the U.S. Fish and Wildlife Service's recommendation of 6.9 m/s, which would protect 95% of bat passes. However, the proposed bat pass protection rate of about 84% is consistent with NYSDEC's acceptable threshold of 80-85% for recommending certain cut-in speed (5.0 m/s and 5.5 m/s) for most recent Steuben County wind projects under development.

This new mitigation measure would prevent harm to the majority of bats foraging or migrating at the altitude of rotating turbine blades, including any threatened NLEB. The Applicant would submit the 2020 post-construction monitoring plans to NYSDEC for consultation. Based on the site-specific data collected during Project operation, the effectiveness of the curtailment program would be evaluated, and if necessary, the cut-in speed would be adjusted in coordination with NYSDEC.

In addition to turbine feathering and operation curtailment, an Invasive Species Control Plan would be implemented. These measures to prevent the spread of invasive species not native to the area would include: screening of materials arriving at the project sites, avoiding areas with aggressive invasive species and if appropriate herbicide treatment, cleaning of equipment leaving known invasive species areas, and prompt seeding of disturbed soils. As such, no significant adverse impacts on existing composition of plants and animal species, including their migration patterns, in the region are expected.

#### ➤ **Agricultural Resources**

Most of the disturbed areas from crane walks and laydown & temporary work areas near turbines are on active crop fields. To protect agricultural soils that may be disturbed during construction, the Applicant has agreed to comply with the applicable NYS Department of Agriculture and Markets (NYSDAM) guidelines for wind projects: topsoil protection use of matting, soil decompaction & restoration, and post-construction monitoring. A third party agricultural monitor, to be approved by the Town, would conduct a post construction monitoring for no fewer than two

years after project completion to ensure no damage to agricultural fields, modification of natural drainage patterns, or interference with farm activities. As such, no significant impacts on agricultural resources are expected.

➤ **Aesthetic Resources**

The land use of the Project areas have included the presence of wind turbines for the past decade. The Project would result in an approximately 10% turbine height increase and slightly bigger nacelles. The number and location of turbines would remain the same, avoiding any significant or new visual impact to surrounding scenic or aesthetic resources.

For comparison of "before" and "after" conditions, the Applicant developed realistic photographic simulations of the existing Clipper and proposed turbines (both GE and Vestas models) from key scenic viewpoints – see SEA Appendix F. The simulations consistently show no obviously perceptible difference to the human eye in the line, form, color, and scale of the turbines. Additionally, the Decommissioning Plan, which financially ensures the proper and timely removal of turbines and other highly visible components at the end of the Project's useful life, would also be reviewed and updated by the Applicant in consultation with the Town. As such, the Project does not pose a significant change to the overall context and scale of the land use, including interference with the visibility of any scenic and aesthetic resource.

➤ **Transportation**

The Project plans to reuse the same transportation routes taken during the construction of the original wind farm – see SEA Appendix F for the transportation route map. The transportation routes are located predominantly in the Town of Cohocton and follows mostly County and State roadways in addition to some Town roads. Small portions of the transportation routes may also utilize local roads within the Town of Freemont. This road network still has key radius improvements left in place at the State Route 21 and Davis Road intersection within the Town of Cohocton.

As a result, over-sized vehicles carrying large turbine components would be able to negotiate turns at these locations without further improvement.

The increased traffic from large construction and delivery vehicles on these roads would be temporary in nature and limited to the Project construction period of approximately nine months. Once the Project is operational, occasional trips by routine maintenance vehicles are anticipated to be minimal relative to current traffic patterns.

If any local roads sustain damage from the heavy, large construction vehicles, the Applicant would repair the roads to at least its pre-construction condition. The Applicant would renew its commitment to local roads protection by updating the Road Use and Repair Agreements currently in place from the original projects with the affected Towns. For every community that the transportation route may pass through, the Applicant would comply with any new or recently updated local laws

pertaining to traffic control and road use, including the Town of Wayland Road Preservation Law of 2019. The Applicant would also coordinate with NYS Department of Transportation and the Wayland-Cohocton Central School District to avoid interference with any planned construction projects and local school bus routes. As such, no significant impacts on the transportation infrastructure and traffic conditions have been identified.

➤ **Noise, Odor, and Light**

Noise

Construction and operation of the modified turbines at the Dutch Hill Wind Facility would result in noise at homes and at property lines within the Project area. Modeling of potential noise impacts has indicated that such noise levels would be in compliance with the current requirements of the Town of Cohocton's wind ordinance. In addition, the perceived change to the existing noise level as a result of the turbine modification would be relatively minor compared to the original change when the Clipper turbines were first installed. It is possible that noise levels may decrease in locations where defective components of the Clipper turbines have resulted in higher than predicted noise levels over time.

Noise is a complex phenomenon and noise levels that result in a certain location depend greatly on geography, weather conditions, trees or other obstacles, and the relative positioning of the noise source and the noise receptor. As noise level and variability over time can be measured and expressed in a large variety of ways, it is acknowledged that there is much debate regarding wind turbine noise and the different standards for compliance. However, this Project primarily involves a replacement of malfunctioning components on existing turbines; therefore, the relevant questions of the compliance of modified turbines with Town noise standards and the relative change in noise levels (compared to current levels with operating turbines) would be discussed below. Additional information is available in the SEA Section III.D.

Construction: during the construction period, noise would primarily be associated with the use of motorized construction equipment and delivery vehicles. Construction-related noise is temporary and limited to the construction period, estimated to occur over a 9 month period. During construction, noise would be limited to construction hours (anticipated as 7 am to 7 pm) and would be intermittent in nature during those times. Given the large spread between turbines, it is likely that a particular area would experience construction noise for only a limited portion of the construction timeframe.

Operation: the operation of wind turbines result in noise due to the rotation of the blades when the wind is blowing. The proposed replacement of turbine components would result in longer blades on the turbines which could extend noise impacts over longer distances. As previously stated, because turbines are already operating in the area, it is not anticipated that the proposed replacement of turbine components would change existing noise levels significantly. Mitigation is included in the project to fit certain turbines with low-noise blades which are engineered to reduce sound emissions. The selection of turbines for

use of low-noise blades would be based on their distance to nearby residential structures and would include 22 turbines (if GE turbines are used) or 26 turbines (if Vestas turbines are used).

A noise analysis was conducted by Hankard Environmental, Inc., in which replacement of turbine blades and nacelles was studied for both turbine models at 397 receptors (primarily homes) on “non-participating” properties (defined as properties owned by landowners with no lease or easement agreement with the Applicant). It is noted that noise levels were predicted in this study using conservative assumptions, the primary one being that: all turbines within both the Cohocton Wind Farm and Dutch Hill Wind Farm would be operating at the same time and at the maximum noise level, with maximum sound emitted in all directions. Given the spread of the turbines over varying topography, and the differences in wind speed and conditions across the Project area, it is unlikely that all turbines would ever be operating at maximum noise-producing wind speed all at the same time. Hankard is a well-respected, reputable acoustics firm with a long record of experience with wind turbine noise analysis. Moreover, Hankard has validated its methodology by comparing its predicted noise levels to actual measurements at operating wind farms in multiple locations and has found its predicted levels to be accurate.

Review of the Hankard Noise Analysis for this Project indicates that the predicted noise levels at all receptors fall at or below the 45 dBA local requirement for noise, with the following breakdown:

Predicted Noise Level (dBA)	Approximate Percentage of Receptors (by Turbine Model)	
< 40	67% (GE)	71% (Vestas)
40-42	19% (GE)	19% (Vestas)
42-45	10% (GE)	14% (Vestas)
> or = 45	None	

At up to 71% of homes, noise levels would be 40 dBA or less, with either turbine model. At 10% to 14% of the receptors, noise levels would approach 45 dBA. Such noise levels are consistent with existing noise levels currently experienced in the project area, as described further below. In other words, the modification of the turbines would not introduce significant new sound levels or noise into the community as a whole.

Noise levels have been measured at eight to ten locations in the project area in monitoring studies done annually over the last 10 years since operation of the Project began. A review of the data show that noise levels are consistently found in the range of 35 to 48 dBA with a few outliers above and below that range (but not higher than 50 dBA). Note that the protocol for these monitoring studies was finalized in 2009, based on the requirements of the Town of Cohocton Local Law No. 2 of 2006 – the central requirement being that *windmill-only noise levels at non-project property lines not exceed 50 dBA*. No measurements to determine compliance with the 45 dBA limit at receptors have been done, as this requirement did not appear in the 2006 law. However, the

monitoring data is useful as a general indication of actual noise levels currently being experienced in the project area.

The Hankard study also looked at the effects of the proposed turbine modifications and predicted noise levels at the property lines of non-participating landowners to determine compliance with the Town's requirement of a 50 dBA limit. The analysis shows that there are no properties within the Dutch Hill Wind Farm project area where noise levels at the property line would not meet the Town standard, no matter which turbine model was used.

Annual noise monitoring would continue following turbine modification. Furthermore, the Applicant has committed to update the monitoring protocol to better meet current conditions and compliance needs.

As previously described, a Complaint Resolution Procedure has been in effect over the operation of the Project and would be updated as part of the proposed mitigation included with the Project. If landowners perceive a significant change in the noise level at their home or property boundary, the complaints would be resolved through negotiation with the Applicant via the Complaint Resolution Procedure, with oversight by the Town of Cohocton.

Based on the evaluation and discussion above, no large impacts on noise have been identified.

#### Odor

No significant odor issue is anticipated during either construction or operation. The Project does not contain any component related to manufacturing, food processing, waste management, or any other process that would routinely emit an unpleasant or harmful smell. As such, no significant odor issue has been identified.

#### Light (Shadow Flicker)

When the sun is low on the horizon with minimal clouds, the rotating turbine blades can repeatedly cast a brief shadow, alternating between high and low light intensity which can be perceived as a "flicker". This shadow flicker primarily causes annoyance to receptors located behind turbines facing the sun. Most of the receptors near the Project area are residential homes, and their occupants may be routinely exposed to shadow flicker at certain times of the day (around sunrise or sunset) and season (most likely during winter). Recently in New York, 30 cumulative hours per year has become the accepted threshold beyond which people experience excessive annoyance from shadow flicker, but it has not been formalized into law. This 30-hour annual exposure threshold is consistent with the regulatory threshold in Ohio as well as the industry standard endorsed by National Association of Regulatory Utility Commissioners.

Among the 134 total residences adjacent to the existing Clipper turbines, it is expected that a maximum of six residences, both participating and non-participating, currently experience more than 30 hours of shadow flicker – if one assumes the worst case scenario and ignores all nearby trees and structures that

could block any shadow flicker. Note that since actual shadow flicker has not been monitored over time, no actual data is not available. With GE turbines, the maximum number of residences that could experience excessive annoyance from shadow flicker increases to eight residences (6% increase), and with Vestas turbines, seven residences (5% increase). Detailed results including modeling methodology can be found in SEA Appendix E.

Realistically however, if the screening effect from nearby trees and structures are accounted for, the shadow flicker analysis undertaken for the Project indicates that only three non-participating residences would be likely to experience more than 30 hours of shadow flicker per year with GE or Vestas turbines. For these new non-participating properties predicted to experience excessive annoyance after the Project completion, the Applicant has already obtained or is in the process of requesting easements.

The Applicant would offer window blinds and/or vegetative screening to reduce the shadow flicker exposure for non-participating landowners that may experience more than 30-hours of shadow flicker annually. The affected landowners can request such mitigation through the Complaint Resolution Procedure. As such, no large impact from shadow flicker has been identified during construction or operation.

#### ➤ **Community Character**

The existing turbines have been a fixture of the Town's natural landscape for a decade since January 2009. The Project, as proposed, would result in turbines that remain consistent with the prevailing community character – only 10% taller turbines and no change to the turbine location or overall appearance (style or color). As previously described, the project has been proposed to solve serious maintenance issues of the existing turbines. The Town would continue to remain primarily rural-residential and agricultural in character.

To date, the existing Clipper turbines have caused no complaints of TV, radio, and phone reception disruptions in the Town of Cohocton and its surroundings. The existing wind farm has not compromised the community's communication systems integral to the residents' way of life (e.g. entertainment), business operations, and emergency preparedness.

The replacement components and the resultant turbine height increase are similarly not expected to cause adverse impacts to the existing wireless voice, video, or data communication systems – see SEA Appendix G for microwave studies. For example, a state police Local Mobile Radio communication antenna on Potter Hill uses a very high frequency (VHF) band that would remain unaffected by wind turbines regardless of their height.

If any disruption to existing communication systems is discovered after the Project completion, the Applicant would commit to the following range of mitigation measures:

- repositioning or upgrading existing antennas and repeaters;
- cable/satellite TV service provision to affected residences and businesses; and



- additional cell, antenna, or repeater installation, which can be co-located on existing utility, meteorology, or turbine towers.

The Applicant would also address any concern from the local emergency personnel and cellular & utility providers through the updated Complaint Resolution Procedure, as well as coordinate with them on the implementation of mitigation measures, if any is necessary. As such, no significant impacts to the existing community character or services are expected.