

Steuben County Industrial Development Agency  
Regular Meeting of the Board of Directors  
Agenda  
January 23, 2025, 12:00 pm

- |    |  |          |
|----|--|----------|
| 1. | Call to Order – Quorum present                   | Strobel  |
| 2. | Secretary’s Report – December 12, 2024, minutes. | Davidson |
| 3. | Audit Presentation- Kristie M. Beach             |          |
| 4. | Treasurer’s Report – December financials         | Russo    |
| 5. | New Business:                                    |          |
|    | a) Committee Appointments                        | Johnson  |
|    | b) 2025 Board Meeting Dates                      | Johnson  |
|    | c) Financial Disclosures                         | Johnson  |
|    | d) Harris Beach Engagement Letter                | Johnson  |
|    | e) Clear View Solar, LLC                         | Staats   |
|    | f) Prattsburgh Wind Application                  | Johnson  |
|    | g) Lismore RNG, LLC                              | Johnson  |
| 6. | Old Business:                                    |          |
|    | a) Assignment of NY Pulteney I                   | Staats   |
|    | b) Canisteo Wind Update                          | Johnson  |
| 7. | Legislative updates                              | Johnson  |
|    | a) NYSEDC -2025 NY SOS Memo                      | Johnson  |
| 8. | Project Updates                                  |          |
| 9. | Adjournment                                      | Strobel  |

**Steuben County Industrial Development Agency  
Board of Director's Meeting Minutes  
December 12, 2024**

- I. **Call To Order:** The Regular Meeting of the Steuben County Industrial Development Agency (IDA) was called to order at 12:04pm by Dean Strobel, Chairman, who noted that a quorum was present.

Present:	Dean Strobel	Chairman
	Kelly Fitzpatrick	Vice Chair
	Tony Russo	Treasurer
	Mark Alger	Member
	Michelle Caulfield	Member
	Sarah Creath	Member
	Mike Davidson	Secretary
	James Johnson	Executive Director
	Jill Staats	Deputy Director
	Matt Bull	Dir. of Community and Infrastructure Dev.
	Russ Gaenzle	IDA Counsel
	Kelly Hortman	IDA Administrative Assistant

Guests: Kamala Keeley Three Rivers Development

- II. **Secretary's Report:** Davidson presented October 24, 2024, meeting minutes. A motion to approve them as presented in the board packet made by Alger and seconded by Creath. All voted in favor and the motion passed.
- III. **Treasurer's Report:** Russo presented the October 2024 and November 2024 financials. Johnson also reviewed year end projections which estimate a \$460,000 profit for the year. A motion to approve the financial statements as presented was made by Davidson and seconded by Alger. All voted in favor and the motion passed.

Johnson presented a proposal to open a \$1.2 million CD as documented in the board packet. The board had reviewed this proposal and approved unanimously electronically but formally ratified this action on a motion made by Fitzpatrick and seconded by Alger. All voted in favor and the motion passed.

IV. **New Business:**

- a) **Ratification of Rail Study Investment** – Johnson reviewed the rail demand study proposal as presented in the board packet. The work will be performed by Three Rivers Development in partnership with Southern Tier Economic Growth. The IDA has been asked for a \$9,600.00 investment which represents a third of the cost. A motion for

approval was made by Alger and seconded by Fitzpatrick. All voted in favor and the motion passed.

- b) **Nomination of Officers**- 2025 nominations were discussed, and no changes were made to those presented. Motion was made by Creath and seconded by Caulfield. All voted in favor and the motion passed.

V. **Old Business:**

- a) **McFarland Johnson FEMA Contract** – Johnson reviewed the proposal for project scoping to rehabilitate the rail bridge along B&H Railroad in the Town of Urbana, NY. The proposal will not exceed \$10,000 and has been secured as an emergency procurement. A motion to ratify the Executive Director’s action to enter [into](#) a contract with McFarland Johnson was made by Davidson and seconded by Alger. All voted in favor and the motion passed.
- b) **CRISI Award Authorization**- Johnson discussed the acceptance of this award as presented in the board packet. A motion to accept the CRISI Award of \$15,982,500.00 was made by Alger and seconded by Creath. All voted in favor and the motion passed.
- c) **Clean Tech Strategy**- Johnson reviewed the Clean Tech Strategy conference that was held on December 4, 2024.

- VI. **Adjournment:** Alger made a motion to adjourn the meeting at 12:53 pm, which was seconded by Fitzpatrick. All voted in favor and the motion passed.

Respectfully submitted,

Mike Davidson  
Secretary

# Kristie M. Beach

CPAs, PLLC

The logo for Steuben County Industrial Development Agency (IDA) is displayed within a dark blue rectangular box. The text "STEUBEN COUNTY" is in white, "IDA" is in green, and "INDUSTRIAL DEVELOPMENT AGENCY" is in white below a thin green line.

STEUBEN  
COUNTY IDA  
INDUSTRIAL DEVELOPMENT AGENCY

**January 23, 2025**

Audit Plan Presentation

Kristie M. Beach, CPAs, PLLC

585.721.5663 | [kmbeachcpa.com](http://kmbeachcpa.com)

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## SCOPE OF SERVICES

Kristie M. Beach, CPA, PLLC will perform the services below for the year ended December 31, 2024:

### **Audit Services**

- Perform the annual audits of the financial statements in accordance with Generally Accepted Auditing Standards and Government Auditing Standards for:
  - Steuben County Industrial Development Agency
  - Steuben County Economic Development Corporation

### **Management Letter (AU-C 265 Letter)**

Preparation of management letter containing comments and recommendations with respect to accounting and administrative controls and efficiencies along with internal controls.

### **Meetings**

Meet with the Board of Directors and Finance/Audit Committee to present reports, as requested.

## ENGAGEMENT TEAM MEMBERS



Kristie Beach, CPA  
Partner  
[kmbeach@kmbeachcpa.com](mailto:kmbeach@kmbeachcpa.com)  
585.721.5663

## MANAGEMENT'S RESPONSIBILITIES

Management is responsible for preparing, with the oversight of the Board of Directors and Finance/Audit Committee, the financial statements and disclosures in conformity with accounting principles generally accepted in the United States of America (GAAP). Management's responsibilities also include the following:

- Establish and maintain effective internal control over financial reporting and proper accounting records.
- Identify and ensure compliance with relevant laws and regulations.
- Safeguard the Organization's assets.
- Select appropriate accounting principles.
- Use reasonable judgments and accounting estimates.
- Make all financial records and related information available to Kristie M. Beach, CPAs.
- If applicable, record material audit adjustments and affirm to Kristie M. Beach, CPAs that the impact of any uncorrected misstatements is immaterial to the financial statements taken as a whole.
- Provide Kristie M. Beach, CPAs with a letter confirming representations made during the audit.

Relating to third party transactions and other non-attest services, management needs to assume responsibility for:

- Overseeing the financial statements, by designating an individual, preferably within senior management, who possesses suitable skill, knowledge, and/or experience. The member should assess and be satisfied that such individual understands the services to be performed sufficiently to oversee them. However, the individual is not required to possess the expertise to perform or reperform the services.
- Evaluating the adequacy and results of the services performed.
- Accepting responsibility for the results of the services and providing an acknowledgement in writing in regard to their responsibilities. Acknowledgement to include the following:
  - Objectives of the engagement
  - Services to be performed
  - Client's acceptance of its responsibilities
  - Firm's responsibilities
  - Any limitations of the engagement

## ENGAGEMENT OBJECTIVES

Our objectives with respect to the audit of the Organizations' financial statements are summarized below:

- Plan and perform an audit to obtain reasonable assurance about whether the financial statements are free of material misstatements, whether caused by error or fraud. An audit does not provide absolute assurance relative to or any guarantee of the accuracy of the financial statements and is subject to the inherent risk that errors or fraud, if they exist, may not be detected.
- Obtain a sufficient understanding of the Organizations' internal control to plan the audit of the financial statements. However, such understanding is required for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.
- Discuss any significant issues discussed with management in connection with our appointment or retention.
- Communicate our responsibilities in relation to the audit and establish an understanding of the terms of the engagement, including providing you with engagement letters.
- Provide an overview of the overall audit strategy, timing of the audit and significant risks identified.
- Inquire of the Board of Directors and Finance/Audit Committee about risks of material misstatement, including fraud risks, and whether they are aware of other matters that may be relevant to the audit such as violations or possible violations of laws or regulations and complaints or concerns raised regarding accounting or auditing matters.
- Communicate with management and the Board of Directors and Finance/Audit Committee regarding significant deficiencies and material weaknesses identified during our audit and other timely observations that are significant and relevant to the financial reporting process.
- Work with management toward timely issuance of financial statements.
- Maintain our independence with respect to the Organizations.



## AUDIT APPROACH – PLANNED SCOPE

Overall, our audit strategy is to focus on higher risk areas of material misstatement (whether due to error or fraud) and other areas of concern for management and the Board of Directors and Finance/Audit Committee.

Our audit strategy includes consideration of:

- Prior year audit results along with interim results, including discussions with management regarding the Organizations operations, business activities, and risks.
- Inherent risk within the Organizations (i.e., the susceptibility of the financial statements to material error or fraud) before recognizing the effectiveness of the control systems.
- A continual assessment of materiality thresholds based upon qualitative and quantitative factors affecting the Organizations.
- Changes in staffing levels, particularly those involved in the financial activities of the Organizations.
- Recent developments within the industry, regulatory environment, and general economic conditions.
- Recently issued and effective accounting and financial reporting guidance.
- The Organizations significant and critical accounting policies and procedures, including those requiring significant management judgments and estimates and those related to significant unusual transactions, including identification of related parties.
- The control environment, risk management and monitoring processes, and the possibility that the control systems and procedures may fail to prevent or detect a material error or fraud. We will place reliance on internal controls, where applicable, in determining the degree of detailed substantive testing required.
- Information about systems and the computer environment in which financial records and related systems operate.

Auditing standards generally accepted in the United States of America require us to identify significant risks in the planning stage of our audit. Based upon our initial assessment the preliminary primary areas of focus in our overall audit strategy include:

- Management override of controls (always considered)
- Improper revenue recognition due to fraud (always considered)
- Internal Control over Financial Reporting (always considered)

## AUDIT APPROACH – PLANNED SCOPE

Based upon our initial assessment, our audit will entail a combination of testing controls for reliance and substantive testing. The preliminary primary areas of focus in our overall audit strategy include:

- Cash and Cash Equivalents
- Investments – Certificates of Deposit
- Accounts Receivables and Allowance (if any)
- Revenue Recognition
  - Grants income
  - Business development support
  - Other revenues
- Capital Assets
  - Property and equipment
- Other Assets and Liabilities
  - Accounts payable
  - Net pension liability
- Net Position/Net Assets
- Supplemental Schedule of Straight Lease Projects (Agency)
- Compliance with Public Authorities Law

We will communicate to management, the Board of Directors and Finance/Audit Committee, in a timely manner, any significant changes to the planned audit strategy or the significant risks initially identified that may occur during the audit to the results of audit procedures or in response to external factors.

## OVERALL AUDIT TIMELINE

The following represents our anticipated schedule with regard to our audit of the annual financial statements of the Organizations:

	Jan	Feb	Mar
Planning meeting with management and Finance/Audit Committee (1/23/2025)	✓		
Develop Audit Strategy, and Determine Nature and Scope of Testing	✓		
Risk Assessment, Internal Control Discussions & Interim Fieldwork	✓		
Fieldwork	✓	✓	
Agency Project Information Testing			✓
Financial Statement Preparation & Wrap		✓	✓
Meeting with management, Finance/Audit Committee and Board – Post Audit			✓
Release Final Financial Statements & Internal Control Letter (3/31/2025)			✓
Periodic Meetings and Discussions With Management	✓	✓	✓

## UPDATED OR NEW ACCOUNTING AND REPORTING STANDARDS

<b>GASB Statement No. 101</b> Compensated Absences	The objective of this Statement is to better meet the information needs of financial statement users by updating the recognition and measurement guidance for compensated absences. That objective is achieved by aligning the recognition and measurement guidance under a unified model and by amending certain previously required disclosures. <b>*** Effective for periods beginning after December 15, 2023.***</b>
<b>GASB Statement No. 102</b> Certain Risk Disclosures	The objective of this Statement is to provide users of government financial statements with essential information about risks related to a government’s vulnerabilities due to certain concentrations or constraints. <b>*** Effective for periods beginning after June 15, 2024.***</b>
<b>GASB Statement No. 103</b> Financial Reporting Model Improvements	The objective of this Statement is to improve key components of the financial reporting model to enhance its effectiveness in providing information that is essential for decision making and assessing a government’s accountability. <b>*** Effective for periods beginning after June 15, 2024.***</b>
<b>GASB Statement No. 104</b> Disclosure of Certain Capital Assets	The objective of this Statement is to provide users of government financial statements with essential information about certain types of capital assets. <b>*** Effective for periods beginning after June 15, 2025.***</b>

**Statement of Financial Position by Fund with Comparison to Prior Year End**  
**Steuben County Industrial Development Agency**  
**For 12/31/2024**

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SCIDA

	This Year	Last Year	Change
<b>Assets</b>			
Current Assets			
10.0200.020.00 SCIDA Checking xx3375 - Five Star Bank	680,259.75	1,515,249.37	(834,989.62)
10.0205.020.00 SCIDA Escrow Acct xx9305	9,359.45	0.00	9,359.45
10.0209.020.00 SCIDA Project Account xx1901	12,316.16	12,316.16	0.00
10.0210.020.00 Petty Cash	100.00	100.00	0.00
10.0215.020.00 Chemung Canal Trust Company	986,080.40	1,470,684.36	(484,603.96)
10.0220.020.00 SCIDA Five Star CD xx6885	0.00	1,009,500.00	(1,009,500.00)
10.0221.020.00 SCIDA Five Star CD xx5244	643,251.81	612,700.71	30,551.10
10.0222.020.00 SCIDA Chemung CD	511,582.88	0.00	511,582.88
10.0223.020.00 SCIDA Five Star CD xx4101	1,556,570.36	0.00	1,556,570.36
10.0224.020.00 SCIDA Five Star CD xx0785	1,200,000.00	0.00	1,200,000.00
10.0240.020.00 Prepaid Expenses	<u>12,901.73</u>	<u>11,091.73</u>	<u>1,810.00</u>
Total Current Assets	5,612,422.54	4,631,642.33	980,780.21
Non-Current Assets			
10.0199.030.00 Deferred Outflows of Resources	<u>196,236.00</u>	<u>196,236.00</u>	<u>0.00</u>
Total Non-Current Assets	196,236.00	196,236.00	0.00
Fixed Assets			
Land			
10.0100.010.00 Land - B&W Railroad	380,250.00	380,250.00	0.00
10.0102.010.00 B&H Railroad	102,653.00	102,653.00	0.00
10.0104.010.00 Engine House - Livonia	100,000.00	100,000.00	0.00
10.0106.010.00 Land - Railroad	39,979.00	39,979.00	0.00
10.0108.010.00 Land - Scudder Property	<u>226,735.76</u>	<u>226,735.76</u>	<u>0.00</u>
Total Land	849,617.76	849,617.76	0.00
Buildings			
10.0120.010.00 Building - Office	161,544.00	161,544.00	0.00
10.0122.010.00 B&W Railroad	380,250.00	380,250.00	0.00
10.0124.010.00 Building Improvements	54,260.00	54,260.00	0.00
10.0126.010.00 B&H Railroad	<u>922,522.80</u>	<u>922,522.80</u>	<u>0.00</u>
Total Buildings	1,518,576.80	1,518,576.80	0.00
Equipment			
10.0140.010.00 B&H Railroad Equipment	14,250.00	14,250.00	0.00
10.0145.010.00 Office Equipment	<u>33,968.35</u>	<u>33,968.35</u>	<u>0.00</u>
Total Equipment	48,218.35	48,218.35	0.00
Goodwill			
10.0175.010.00 Website Design	<u>30,000.00</u>	<u>30,000.00</u>	<u>0.00</u>
Total Goodwill	30,000.00	30,000.00	0.00
Depreciation			
10.0180.010.00 Accumulated Depreciation	(1,002,297.13)	(1,002,297.13)	0.00
10.0185.010.00 Accumulated Amortization	<u>(30,000.00)</u>	<u>(30,000.00)</u>	<u>0.00</u>
Total Depreciation	<u>(1,032,297.13)</u>	<u>(1,032,297.13)</u>	<u>0.00</u>
<b>Total Assets</b>	<b><u><u>7,222,774.32</u></u></b>	<b><u><u>6,241,994.11</u></u></b>	<b><u><u>980,780.21</u></u></b>
<b>Liabilities and Fund Balance</b>			
Liabilities			
Current Liabilities			
10.0600.060.00 Accounts Payable	100.00	100.00	0.00
10.0610.060.00 Payroll Liabilities - PR Taxes	2.10	0.00	2.10
10.0611.060.00 Payroll Liabilities - Retirement	3.35	962.95	(959.60)
10.0612.060.00 Payroll Liabilities - Def Comp	0.00	200.00	(200.00)
10.0613.060.00 Payroll Liabilities - United Way	299.60	295.60	4.00
10.0630.060.00 Escrow Funds Payable	<u>8,457.98</u>	<u>0.00</u>	<u>8,457.98</u>
Total Current Liabilities	8,863.03	1,558.55	7,304.48
Non-Current Liabilities			
10.0680.070.00 Net Pension Liability	244,484.00	244,484.00	0.00
10.0685.070.00 Deferred Inflows of Resources	<u>24,688.00</u>	<u>24,688.00</u>	<u>0.00</u>
Total Non-Current Liabilities	<u>269,172.00</u>	<u>269,172.00</u>	<u>0.00</u>
Total Liabilities	278,035.03	270,730.55	7,304.48

**Statement of Financial Position by Fund with Comparison to Prior Year End**  
**Steuben County Industrial Development Agency**  
**For 12/31/2024**

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SCIDA

	This Year	Last Year	Change
Fund Equity			
NonSpendable Fund Balance			
Fund Balance			
10.0905.090.00 Temp Restricted - Millenium	153,557.41	153,557.41	0.00
10.0910.090.00 Temp Restricted - Infrastructure	12,316.27	12,316.27	0.00
10.0915.090.00 Fund Balance	<u>5,805,389.88</u>	<u>5,393,453.36</u>	<u>411,936.52</u>
Total Fund Balance	5,971,263.56	5,559,327.04	411,936.52
Current Year Change in Fund Balance	<u>973,475.73</u>	<u>411,936.52</u>	<u>561,539.21</u>
Total Fund Equity	<u>6,944,739.29</u>	<u>5,971,263.56</u>	<u>973,475.73</u>
<b>Total Liabilities and Fund Balance</b>	<b><u>7,222,774.32</u></b>	<b><u>6,241,994.11</u></b>	<b><u>980,780.21</u></b>

## Statement of Activity - MTD and YTD by Department Steuben County Industrial Development Agency For 12/31/2024

SCIDA

Income	M-T-D Actual	Y-T-D Actual	Y-T-D Budget	Variance
Administrative Income	0.00	1,459,658.33	1,273,000.00	186,658.33
10.2140.100.00 Administrative Income	0.00	1,459,658.33	1,273,000.00	186,658.33
<b>Total Administrative Income</b>	<b>0.00</b>	<b>1,459,658.33</b>	<b>1,273,000.00</b>	<b>186,658.33</b>
Business Development Income	0.00	130,000.00	130,000.00	0.00
10.2710.100.00 Business Development Support Income	0.00	130,000.00	130,000.00	0.00
<b>Total Business Development Income</b>	<b>0.00</b>	<b>130,000.00</b>	<b>130,000.00</b>	<b>0.00</b>
Other Income	0.00	0.00	100,000.00	(100,000.00)
10.2815.100.00 Grant Income Site Development	0.00	18,000	2,000.00	(1,982.00)
10.2870.100.00 Miscellaneous Income	35.25	106,734.81	15,000.00	91,734.81
10.2891.100.00 Interest Income	35.25	106,752.81	117,000.00	(10,247.19)
<b>Total Other Income</b>	<b>35.25</b>	<b>1,696,411.14</b>	<b>1,520,000.00</b>	<b>176,411.14</b>
<b>Total Income</b>	<b>35.25</b>	<b>1,696,411.14</b>	<b>1,520,000.00</b>	<b>176,411.14</b>
<b>Expenses</b>				
Office Expenses	65.00	555.00	5,000.00	4,445.00
10.6125.400.00 Continuing Education Expense	1,345.10	11,742.67	9,200.00	(2,542.67)
10.6130.400.00 Dues & Subscriptions Expense	0.00	100.00	3,200.00	3,100.00
10.6140.400.00 Miscellaneous Expense	0.00	479.56	3,000.00	2,520.44
10.6150.400.00 Postage & Delivery Expense	230.00	2,760.00	2,850.00	90.00
10.6155.400.00 Cleaning Expense	218.40	2,706.16	2,500.00	(206.16)
10.6160.400.00 Copier Expense	390.44	2,666.88	6,000.00	3,333.12
10.6165.400.00 Office Supplies Expense	0.00	1,059.02	3,500.00	2,440.98
10.6170.400.00 Payroll Fees Expense	2,248.94	22,069.29	35,250.00	13,180.71
<b>Total Office Expenses</b>	<b>65.00</b>	<b>555.00</b>	<b>5,000.00</b>	<b>4,445.00</b>
Professional Services Expense	0.00	0.00	5,500.00	5,500.00
10.6200.400.00 Legal Services Expense	693.28	8,929.38	50,000.00	41,070.62
10.6205.400.00 Maintenance Expense	2,910.91	42,470.01	11,495.00	(30,975.01)
10.6210.400.00 Accounting Expense	1,103.00	3,603.00	3,603.00	0.00
10.6215.400.00 Manufacturing Day Video & Event Expense	9,967.00	14,967.00	15,000.00	33.00
10.6220.400.00 Consulting Expense	14,674.19	69,969.39	85,598.00	15,628.61
<b>Total Professional Services Expenses</b>	<b>0.00</b>	<b>0.00</b>	<b>5,500.00</b>	<b>5,500.00</b>
Salaries & Wages Expense	30,274.63	366,988.21	433,051.00	66,062.79
10.6560.400.00 Payroll Expenses	1,430.91	27,379.15	38,000.00	10,620.85
10.6561.400.00 Payroll Taxes Expense	0.00	42,571.00	45,000.00	2,429.00
10.6599.400.00 Retirement (ERS) Expense	31,705.54	436,938.36	516,051.00	79,112.64
<b>Total Salaries &amp; Wages Expenses</b>	<b>30,274.63</b>	<b>366,988.21</b>	<b>433,051.00</b>	<b>66,062.79</b>
Administrative Expenses	380.00	11,434.32	7,000.00	(4,434.32)
10.6625.400.00 Technology Upgrades Expense	0.00	0.00	6,500.00	6,500.00
10.6635.400.00 Community Engagement	1,505.96	7,425.98	25,000.00	17,574.02
10.6645.400.00 Marketing Expense				

# Statement of Activity - MTD and YTD by Department Steuben County Industrial Development Agency

SCIDA

	M-T-D Actual	Y-T-D Actual	Y-T-D Budget	Variance
Total Administrative Expenses	1,885.96	18,860.30	38,500.00	19,639.70
Utility Expenses				
10.6650.400.00 Internet Access Expense	0.00	0.00	780.00	780.00
10.6655.400.00 Telephone Expense	292.51	3,699.62	3,900.00	200.38
10.6660.400.00 Utilities Expense	238.30	2,909.45	4,500.00	1,590.55
10.6665.400.00 Refuse Expense	168.26	518.26	450.00	(68.26)
Total Utility Expenses	699.07	7,127.33	9,630.00	2,502.67
Travel Expenses				
10.6700.400.00 Travel & Entertainment Expense	451.91	3,761.45	8,000.00	4,238.55
10.6705.400.00 Community Engagement	0.00	610.58	0.00	(610.58)
10.6710.400.00 Conferences Expense	885.00	9,618.07	8,500.00	(1,118.07)
Total Travel Expenses	1,336.91	13,990.10	16,500.00	2,509.90
Insurance Expense				
10.6810.400.00 Health Insurance Expense	4,987.22	60,675.34	71,200.00	10,524.66
10.6815.400.00 Dental Insurance Expense	712.47	2,723.42	2,305.00	(418.42)
10.6820.400.00 Vehicle Allowance Expense	929.04	11,705.92	11,706.00	0.08
10.6825.400.00 Liability Insurance Expense	0.00	14,617.89	10,300.00	(4,317.89)
10.6830.400.00 Disability Insurance Expense	507.75	2,177.80	2,200.00	22.20
10.6835.400.00 Life Insurance Expense	0.00	1,254.99	1,390.00	135.01
10.6840.400.00 Workers' Compensation Insurance Expense	0.00	(1,080.00)	3,050.00	4,130.00
Total Insurance Expense	7,136.48	92,075.36	102,151.00	10,075.64
Infrastructure Expense				
10.6905.400.00 Project Costs Expense	171.84	6,905.28	25,000.00	18,094.72
10.6915.400.00 Site Development Expense	0.00	55,000.00	200,000.00	145,000.00
Total Infrastructure Expense	171.84	61,905.28	225,000.00	163,094.72
Other Expenses				
<b>Total Expenses</b>	<b>59,858.93</b>	<b>722,935.41</b>	<b>1,028,680.00</b>	<b>305,744.59</b>
<b>Excess Revenue Over (Under) Expenses</b>	<b>(59,823.68)</b>	<b>973,475.73</b>	<b>491,320.00</b>	<b>482,155.73</b>



# **Steuben County IDA 2025 Committee Appointments**

## **Governance**

Mark Alger, Chair  
Michelle Caulfield  
Sarah Creath

## **Finance/Audit**

Tony Russo, Chair  
Kelly Fitzpatrick  
Mike Davidson

## **Personnel/Nominating**

Mark Alger  
Dean Strobel  
Tony Russo

**Steuben County Industrial Development Agency**

**Tentative Meeting Schedule**

**2025**

January 23

February 27

March 27

April 24

May TBD

June 26

July 24

August 28

September 25

October 23

November – TBD

December - TBD

**HARRIS BEACH MURTHA**  
ATTORNEYS AT LAW

99 GARNSEY ROAD  
PITTSFORD, NEW YORK 14534  
585.419.8800

**RUSSELL E. GAENZLE**  
MEMBER  
DIRECT: 585.419.8718  
FAX: 585.419.8801  
RGAENZLE@HARRISBEACHMURTHA.COM

January 14, 2025

James C. Johnson, Executive Director  
Steuben County Industrial Development Agency  
Steuben Area Economic Development Corporation  
7234 Route 54 North  
P O Box 393  
Bath, NY 14810-0393

RE: Steuben County Industrial Development Agency and Steuben Area Economic Development Corporation - PARIS Compliance Reporting

Dear Mr. Johnson:

Thank you for selecting Harris Beach Murtha Cullina PLLC (“we,” “us,” or “our Firm”) for legal representation. I will serve as your primary contact at our Firm. This letter and the enclosed Standard Terms of Engagement for Legal Services will describe the basis on which our Firm will provide legal services.

**Client.** Our client will be the Steuben County Industrial Development Agency and the Steuben Area Economic Development Corporation (collectively “Agencies” or “Client”) We understand that you shall serve as our primary contact regarding this matter. We are representing the Client only and not any individual.

**Scope of Representation.** You have asked us to provide legal representation in connection with respect to operations, governance and, statutory and regulatory compliance. Specifically, the Firm will provide Public Authority Accountability Act reporting services and at the direction of the Client, assist in statutory and regulatory compliance implementation, adherence, reviews and audits (“the Matter”). We have agreed that our engagement is limited to performance of legal services related to the Matter and, unless we agree otherwise in writing, we are not undertaking to represent the Agencies’ interests in any other matter. We will provide legal services only in connection with the Matter, and are not providing business, investment, insurance, accounting or other such non-legal services. Our Firm will provide the Agencies with representation in accordance with the applicable professional standards but does not guarantee any particular result.

**Attorney-Client Privilege.** In general, neither a client nor an attorney can be compelled to disclose confidential lawyer-client communications concerning legal advice. To maintain the attorney-client privilege and other protections, the Agencies should take reasonable steps to assure that all communications with our Firm are kept confidential. Under some circumstances, the attorney-client privilege can be maintained even when communications are shared with certain

January 6, 2025

Page 2

other persons or persons outside the Agencies under specified conditions; however, you should not do so without reviewing the Matter with us beforehand.

**Billing.** We will bill for our services on an hourly basis. Our fees will be based on the amount of time spent on the Matter by lawyers and paralegals multiplied by their individual hourly billing rates for the Matter. Julie Marshall, Manager of Economic Development will be your primary contact. Ms. Marshall's current non-attorney, professional hourly rate is \$250.00. Ms. Marshall can be reached at [jmarshall@harrisbeachmurtha.com](mailto:jmarshall@harrisbeachmurtha.com) or (585) 419-8653.

We may also assign other attorneys or paralegals to the Matter from time to time and we will bill at their standard billable hourly rate. Our billing rates are subject to change annually. Client is responsible for payment of all legal fees, expenses, and disbursements, regardless of the ultimate outcome of the Matter. In performing legal services in the Matter, we may also incur costs (including but not limited to costs for electronic data collection, maintenance and storage, other outside vendors including experts and consultants, overnight delivery, travel and the like) for which the Agencies will be responsible. A detailed description of our billing for services and costs is included in the Standard Terms of Engagement for Legal Services.

We will send bills monthly for fees and costs. Payment is due upon receipt and may be made by check, credit card or electronic payment identified on the monthly invoice. If our bills are not timely paid, we reserve the right to terminate our representation by sending written notice. If we are representing the Agencies in litigation, we will seek leave from a court or other tribunal to withdraw if necessary, and you agree not to object or oppose any such application.

The Firm has waived the requirement for an initial retainer with respect to this Matter but reserves the right to require one if deemed appropriate in the future. Fees for legal services and other charges are billed monthly and are payable within 30 days of receipt of the Firm's invoice, which will be sent to the Agencies at the address set forth above unless you request it be sent to a different address.

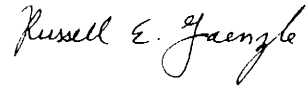
Our engagement does not include responsibility for review of insurance policies to determine the possibility of coverage for the claim asserted in the Matter, or for notification of the Agencies insurance carriers about the Matter.

Additional information about these subjects and other important matters appears in the enclosed Standard Terms of Engagement for Legal Services, which are incorporated as part of this letter and which you should review before agreeing to our engagement.

Thank you for entrusting the Matter to our Firm. Please contact me directly with any questions regarding this engagement letter. Otherwise, if this proposal is acceptable, please confirm by returning a countersigned copy of this engagement letter and payment. However, any services rendered by our Firm in connection with the Matter prior to you signing below shall be governed by the terms of this letter. If at any time you have questions about the progress of the Matter, the way in which it is being staffed or any other issue, please contact me right away. We look forward to working with you.

January 6, 2025  
Page 3

Very truly yours,



Russell E. Gaenzle

AGREED TO AND ACCEPTED:

**STEBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

**STEBEN AREA ECONOMIC DEELOPMENT CORPORATION**

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

REG:jam

# Project Summary Sheet

Clear View Solar LLC

January 2025

## Project Description

Clear View Solar is developing a 20 MW solar facility on 120 acres of agricultural land in the Town of Cohocton. The project's parent company is VC Renewables, a US-based energy developer with 24 solar projects completed and more than 3 GW of generation under development. Due to its size, this is considered a utility-scale solar project with power being pushed into the grid and sold on the open market.

The company will be applying for sales and property tax exemptions.

<b>Total Project Investment</b>	\$38,990,000
<b>Jobs Retained</b>	0
<b>Job Created</b>	0
	<b>Short-term job potential:</b> construction jobs
	<b>Long-term job potential:</b> various professions will be hired on a part-time, contract basis as needed during the life of the project, such as electrical workers, landscapers, and site security
<b>Benefit to Cost Ratio</b>	1:1 (assumes a full assessment value based on the state's appraisal model)
<b>Estimated PILOT Savings</b>	\$4,604,396 (assumes the calculations for the state assessment model will remain as is over the 20-year PILOT term)
<b>Estimated Mortgage Tax Savings</b>	\$0
<b>Estimated Sales Tax Savings</b>	\$1,747,200
<b>Total Savings</b>	\$6,351,596
<b>Comments</b>	The state's assessment model results are good for one year. NYS Tax and Finance updates the model's calculations each year, so the assessment could increase or decrease in future years, which would impact the PILOT savings noted above.
<b>Estimated Project Start Date</b>	March 2025
<b>Estimated Project Completion Date</b>	The project will be constructed within nine months, however it will not start generating electricity until Q4 2026 or Q1 2027 because a transformer needs to be purchased and installed by NYSEG.

## Evaluative Criteria for Energy Projects

1. Private Sector Investment – The project will result in an estimated \$2.7 million local, private sector investment, create construction jobs, and induce local spending for lodging, restaurants, and gas stations during the construction period.
2. Advances State Renewable Energy Production Goals – This project will assist in meeting the state's climate action goals to generate 70% of electricity from renewable sources by 2030 and by reducing greenhouse gases 85% by 2050. The CBA estimates the project will power 8,118 homes per year and reduce CO2 emissions by 27,068 metric tons.



### Application for Financial Assistance

Please complete the application and mail the *original, signed copy*, along with the **\$1,000 application fee**, to:

Steuben County IDA  
PO Box 393  
7234 State Route 54  
Bath, NY 14810

Information in the application is subject to public review under the New York State Freedom of Information Law. Please contact the IDA with any questions at 607-776-3316.

#### Section 1: Applicant Information (company receiving benefit)

**Applicant Name:** Clear View Solar LLC

**Applicant Address:** 2925 Richmond Ave, 11th Floor Houston, TX 77098

**Phone:** +1 713-230-1000

**Federal Tax ID:** 86-1931318

**NAICS Code:** 221114

**Will a real estate holding company be used to own the property?** Yes  No

**Name of real estate holding company:** N/A

**Federal Tax ID:** N/A

**Type of Entity:** Limited Liability Company

**Year Established:** 2020

**State in which entity is established:** Delaware

**Stockholders, members, or partners with 20% or more in ownership:**

Name	% Ownership
VC Renewables LLC	100%
Type here to enter text.	Type here to enter text.
Type here to enter text.	Type here to enter text.

**Is the Applicant or any of its owners involved in any lawsuits which could have a financial impact on the company?**

Yes  No

**Has the Applicant or any of its owners ever been involved in a bankruptcy?** Yes  No

**Are all owners noted above citizens of the United States?** Yes  No

**Provide a brief history of the Applicant, including operations, operating performance, changes in operations, current size and locations, products and/or services, major accounts, principal competitors, and major events affecting sales/services.**

Clear View Solar LLC's parent company, VC Renewables, is a US-based renewable energy developer, offering solar and energy storage solutions for utility scale and community solar customers and stakeholders across North America. Owned and managed by Vitol, the world's leading independent energy trader, VC Renewables is uniquely placed to enable customers to meet the growing need for sustainable power and achieve their decarbonization goals.

Experts in renewable solutions, parent company VC Renewables currently owns 24 operational solar projects and has more than 3 GW of solar and 2.4GWh of storage projects under active development. We have an in-house Operations team that manages renewable energy facilities throughout the United States, several of which are in New York State. VC Renewables' primary office is located in Newark, NJ.

**Estimated % of sales (equal to 100%):**

**Within Steuben County:** 0%

**Outside Steuben County but in NY State:** 100%

**Outside New York but in U.S.:** 0%

**Outside U.S.:** 0%



**What % of annual supplies, raw materials, and vendor services are purchased from firms in Steuben County?**

We estimate that 5-10% of materials and services could be procured from firms in Steuben County. This is an estimate, because the majority of equipment and labor procurement will be the responsibility of our contracted Engineering, Procurement and Construction (“EPC”) provider. Possible examples include: heavy equipment rental; plants and trees for landscaping; gravel and aggregate for road construction; food, beverages and catering; local unionized labor subject to skill and availability requirements; post-construction grounds maintenance services such as grass cutting, landscape maintenance, and snow plowing.

**Authorized Signatory Name:** Michael Cocchimiglio

**Title:** Chief Executive Officer

**Phone:** 201-275-4867

**Email:** mci@vcrenewables.com

**Name of Corporate Contact (if different from Authorized Signatory):** Steve Ondishin

**Title:** Vice President of Development

**Phone:** 201-275-2688

**Email:** seo@vcrenewables.com

**Name of Attorney:** Averill Conn, Associate General Counsel

**Firm Name:** Vitol

**Phone:** +1 713-230-1000

**Email:** acn@Vitol.com

**Section 2: Project Description and Details**

**Municipality(s) of current operations:**

Town of Cohocton

**Will the Project result in the abandonment of one or more plants/facilities of the Applicant located in New York?**

Yes  No

**If Yes, explain how, notwithstanding the aforementioned closing or activity reduction, the IDA's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Applicant's competitive position in its respective industry.**

Type here to enter text.

**Property address(es) of Project location:**

Will replace with 911 address upon registration.

**Tax map number(s) of Project location:**

006.00-01-001.100 (easement only), 005.00-01-012.000, 005.00-01-014.000, 005.00-01-017.100, 005.00-01-021.000

**Town/Village/City taxes are paid to:**

Cohocton

**School district taxes are paid to:**

Wayland-Cohocton SD District & Maples School District

**Are property tax payments current?** Yes  No

**If no, please explain:** Type here to enter text.

**Does Applicant or any related party currently hold fee title to the Project property?**

Yes  No

**If no, provide the name of the current owner:** Rick Fairbrother and Daniel Schumacher

**If no, does Applicant or any related party have an option to purchase the Project property?**

Yes  No

**What is the present use of the property?** Agriculture/Farmland

**What is the present zoning/land use?** AG-R

**Description of the project: (check all that apply)**

<input checked="" type="checkbox"/> New construction	<input type="checkbox"/> Acquisition of existing building
<input type="checkbox"/> Addition to existing building	<input type="checkbox"/> Purchase of machinery and/or equipment

<input type="checkbox"/> Renovation of existing building	<input type="checkbox"/> Other
--	--------------------------------

**Please provide a narrative description of the project, including specific uses and activities that will occur at the site, products to be made or services to be offered, as well as markets for the goods/services. Please include the impact of this project on Applicant in terms of operations and profitability, or other factors affecting operations.**

Clear View Solar LLC is developing a 20 MW-AC solar power generation facility to be installed on approximately 120 acres of agricultural land. Project activities will include the installation of a ground-mounted solar photovoltaic energy system; new electrical equipment including inverters, electrical lines, meters and weather monitoring equipment; and accessories including a gravel access road, perimeter fence and landscaping.

**Select the project type for all end users at the site; you may check more than one box:**

<input type="checkbox"/> Industrial	<input type="checkbox"/> Multi-tenant
<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> Not-for-profit
<input type="checkbox"/> Back Office	<input type="checkbox"/> Healthcare
<input type="checkbox"/> Retail	<input type="checkbox"/> Other: Type here to enter text.
<input type="checkbox"/> Housing	<input type="checkbox"/> Other: Type here to enter text.
<input type="checkbox"/> Mixed Use	<input type="checkbox"/> Other: Type here to enter text.

**Has or will Applicant enter into any tenant leases for this Project?** Yes  No

**If yes, please complete the chart below:**

Tenant Name	Current Location	# sq. ft.	% of total sq. ft.	Business type
Name	Address	Type here to enter text.	Type here to enter text.	Type
Name	Address	Type here to enter text.	Type here to enter text.	Type
Name	Address	Type here to enter text.	Type here to enter text.	Type

**What is the Project's start date when equipment will be ordered or construction begins?**

March 2025

**What is the Project's estimated completion?**

Most of the site work and facility construction will be complete by year-end 2025 (taking place over a 6-9 month period). However, final completion (i.e. energization and commercial operation) is subject to utility-lead procurement of large transformers which are required to upgrade a substation owned by New York State Electric & Gas Corporation ("NYSEG"). NYSEG estimates equipment procurement by late 2026 or 2027 with installation to follow shortly thereafter, but NYSEG is unable to commit to a firm date.

**When will operations commence?**

Est. late 2026-2027

**Have construction contracts been signed?** Yes  No

**Has financing been finalized?** Yes  No

**Is this part of a multi-phase project?** Yes  No

**If Yes, please explain:** Type here to enter text.

**Have site plans been submitted to the appropriate planning board?** Yes  No

**If Yes, has the Project received site plan approval?** Yes  No

If the Project has received site plan approval, please provide a copy of the Environmental Assessment Form including the Negative Declaration.

**Please provide the IDA with the status of any other required approvals:**

Clear View Town Special Use Permit attained 10/6/2022 extension granted to 4/3/2025

NYSDEC – attained 9/27/21

Building Permit – To be applied for in January-February 2025 by applicant's contracted EPC firm

SHPO – Attained 5/19/2022

FAA – DNH's obtained but may need refreshed.

ACOE – Approved Jurisdictional Determination and Delineation Verification - 2021

SEQR – Notification of Negative Declaration Participating Agencies attained 11/1/2022

**Will customers personally visit the Project site for Retail Sales or Services? The terms refer to (a) sales by a registered vendor under Article 28 (Section 1101(b)(4)(i)) of the Tax Law of the State of New York primarily engaged in the retail sale of tangible personal property or (b) sales of a service to customers who personally visit the Project site.**

Retail Sales Yes  No

Services Yes  No

If either question above is answered Yes, please complete the questions below. If not, please move on to the Financial Assistance and Project Budget section.

**Retail/Service Industry-Only Questions**

What percentage of the cost of the Project can be tied to the retail or service portion of the business?  
Type here to enter text.

If the answer is less than 33%, do not complete the remainder of this section and move on to Section 3: Financial Assistance and Project Budget.

For Projects where 33% or more is tied to retail sales or service:

1. Will the Project be operated by a not-for-profit corporation?

Yes  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\*  No

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 Project is to be located because of a lack of reasonably accessible retail trade facilities offering such goods or services?

Yes\*  No

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  No

5. Is the Project located in a highly distressed area, as defined by the US Census Bureau?

Yes  No

\*If the answer to question 2 or 3 is Yes, please provide a third-party market analysis or other documentation supporting the response.

**Section 3: Financial Assistance and Project Budget**

Choose the type of assistance being requested: (check all that apply)

Sales Tax Exemption Yes  No

Property Tax Exemption Yes  No

Mortgage Tax Exemption	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Tax Exempt IR Bond	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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**Describe the reasons why the IDA’s assistance is necessary, and the effect the Project will have on Applicant’s operations. Focus on competitiveness issues, Project shortfalls, etc.**

The IDA's assistance is critical to the development of the Clear View Solar Project due to the financial challenges associated with renewable energy projects. The sector is highly competitive, with narrow margins that demand cost control and efficient resource utilization. IDA support, such as tax incentives or PILOT agreements, help mitigate these pressures, ensuring the project’s financial feasibility and reinforcing the Applicant’s ability to deliver affordable, clean energy to New York State.

The Project also faces development challenges, including rising material costs, supply chain disruptions, and expenses related to regulatory compliance and interconnection requirements. These obstacles create financial shortfalls that IDA assistance would help bridge. This support is vital to addressing said hurdles and ensuring that the Project stays on track.

The Clear View Solar Project will advance the Applicant’s mission to drive decarbonization and foster regional economic growth. By addressing the outlined challenges, IDA assistance will enable the Applicant to complete this transformative project, maintain competitiveness in the renewable energy sector, and contribute to the long-term sustainability of the energy grid.

**Is there likelihood that the Project would not be undertaken but for the financial assistance provided by the IDA?**  
 Yes  No

**If the Project could be undertaken without financial assistance provided by the IDA, explain below why the Project should be provided financial assistance.**

Type here to enter text.

**What would be the impact on the Applicant and the associated municipalities if the IDA does not provide financial assistance?**

The absence of such support would have significant consequences for both the Applicant and the associated municipalities. Without financial assistance, the Applicant would face untenable operating costs, making it impossible for the Applicant to competitively operate this solar facility. Abandonment of the project would mean scaled-back investment in local infrastructure and workforce initiatives, limiting the project’s broader economic and social benefits to the region.

From the perspective of local municipalities, the absence of IDA assistance makes it difficult, if not impossible, to host large-scale renewable energy projects that are financially tenable to owner-operators. A lack of clarity regarding operating costs delays project timelines and constrains the municipalities’ ability to obtain outside investment in community-enhancing initiatives that lead to job creation, infrastructure upgrades, and educational partnerships. These missed opportunities undermine the potential for sustained economic growth and long-term benefits that projects like this typically bring to host communities.

Moreover, the lack of IDA support could set a precedent for future renewable energy investments in the region. Developers may perceive the area as unsupportive of renewable energy projects, discouraging further economic activity and reducing the region’s competitive advantage in attracting sustainable development activities. In contrast,

IDA assistance would reinforce the region’s commitment to fostering energy innovation, benefiting both the Applicant and the community for decades to come.

**List below the Sources and Uses of funds for the Project:**

<u>Use of Funds</u>	<u>Amount (estimated)</u>
Land Acquisition:	\$0
Building Purchase:	\$0
Construction or Renovation – <b>Labor:</b>	\$13,200,000
Construction or Renovation – <b>Materials:</b>	\$0
Site Work/Infrastructure:	\$3,600,000
Machinery, Equipment, Fixtures – <b>Taxable:</b>	\$18,240,000
Machinery, Equipment, Fixtures – <b>Non-Taxable:</b>	\$0
Soft Costs, Professional Fees:	\$600,000
Refinance of existing debt:	\$0
Other: General costs such as site supervision/security, field office, warranty, insurance, street cleaning, ancillary equip. rentals, plus contingency	\$3,350,000
<b>Total Uses:</b>	<b>\$38,990,000</b>
<u>Source of Funds</u>	<u>Amount</u>
Equity:	\$38,990,000
Financial Institution:	\$0

Public Sector Assistance:	\$0
Other: Type here to enter text.	\$0
Other: Type here to enter text.	\$0
Other: Type here to enter text.	\$0
<b>Total Sources:</b>	\$38,990,000
<b>% Public Sources Used to Finance Project:</b>	0%

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

**If Yes, please describe:** Engineering, design services, site evaluations, environmental studies, municipal fees, interconnection deposits, utility fees, development-related expenses and other payments made to-date sum to approximately \$665,000.

If applying for a Mortgage Recording Tax Exemption, please list:

**Mortgage Amount:** \$0

**Mortgage Recording Tax Exemption requested (multiply mortgage amount by 1.25%):** \$0

If applying for a Sales Tax Exemption\*, please list:

**Total cost of goods and services that are subject to NY State and Local Sales Tax:** \$21,840,000

**Sales Tax Exemption requested (multiply total cost by 8%):** \$1,747,200

\*The estimated sales tax amount listed above will be provided to the New York State Department of Taxation and Finance. 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 IDA may authorize with respect to this Application. The IDA 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.



If applying for a **Property Tax Exemption**, IDA staff will use the information contained in this application to create an estimate of real property tax abatement, based on current property tax rates and assessed values, which will be provided to the Applicant and attached to this application.

**Section 4: Project Employment**

Is the Project necessary to retain existing employment? Yes  No

Is the Project necessary to expand employment? Yes  No

Please complete the following chart with new and retained jobs using the definitions below:

- A – Retained Jobs are those that exist at the time of application.
- B – Jobs Created are those that will be created as a result of the Project in the first year
- C – Jobs Created are those that will be created as a result of the Project in the second year
- D – Jobs Created are those that will be created as a result of the Project in the third year
- E – The sum of jobs to be created during the first three years of the Project.
- F – The average wage of those existing and created jobs for each Job Type.
- G – The average cost of benefits offered for existing and created jobs for each Job Type.

**Full Time** – Any regularly-scheduled employee who works 30 hours or more each week.  
**Part Time** – Any employee who works less than 30 hours per week or who is employed on a temporary basis.

Job Type	A Retained Jobs	B # Jobs Created Year 1	C # Jobs Created Year 2	D # Jobs Created Year 3	E Total New Jobs Created	F Average Annual Wage	G Average Annual Benefit Cost
<b>Full Time</b>							
Management	0	0	0	0	0	\$0	\$0
Professional	0	0	0	0	0	\$0	\$0
Administrative	0	0	0	0	0	\$0	\$0
Production	0	0	0	0	0	\$0	\$0
Independent Contractor	0	0	0	0	0	\$0	\$0
Other: Type here to enter text.	0	0	0	0	0	\$0	\$0

<b>Total FT</b>	0	0	0	0	0	<b>\$0</b>	<b>\$0</b>
<b>Part Time</b>							
Management	0	0	0	0	0	\$0	\$0
Professional	0	0	0	0	0	\$0	\$0
Administrative	0	0	0	0	0	\$0	\$0
Production	0	0	0	0	0	\$0	\$0
Independent Contractor	0	0	0	0	0	\$0	\$0
Other: Type here to enter text.	0	0	0	0	0	\$0	\$0
<b>Total PT</b>	0	0	0	0	0	<b>\$0</b>	<b>\$0</b>
<b>Total FTE</b>	0	0	0	0	0	<b>\$0</b>	<b>\$0</b>

**How many of the new, FTE jobs to be created within three years will be filled by residents of the Labor Market Area that includes Steuben, Schuyler, Chemung, Yates, Allegany, and Livingston Counties?**

We anticipate approximately 50-60 temporary construction jobs associated with this solar project. Approximately 5-10% of labor could be local, primarily focused on landscaping, equipment delivery / storage, road work, fence installation, and site security.

*The IDA may utilize the foregoing employment projections, among other items, to determine the Financial Assistance that will be offered by the IDA 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.*

**Please complete the chart below if Applicant provides employment at other sites in New York State:**

	<b>Address:</b> Type here to enter text.	<b>Address:</b> Type here to enter text.	<b>Address:</b> Type here to enter text.
<b>Total FTEs</b>	0	0	0

## Section 5: Representations, Certifications, and Indemnification

Before completing this section, has IDA staff reviewed all previous sections of the Application and acknowledged that they are complete? Yes  No

As an authorized representative of Applicant, **Michael Cocchimiglio** confirms that he is the **Chief Executive Officer** of **Clear View Solar LLC** named in the Application, and that he has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the IDA, also known as the "Agency," and as follows:

1. 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.
2. 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.
3. 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.
4. 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.

5. 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.
6. 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.
7. 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.

8. 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.
9. 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:
  - a. a non-refundable \$1,000 application and publication fee (the "Application Fee");
  - b. an amount equal to one percent (1%) of the total project costs, unless otherwise agreed to by the Agency; and
  - c. 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.
10. 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.
11. 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 8 and 9 are obligations that are not dependent on final documentation of the transaction contemplated by this Application.
12. 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.
13. 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.**
14. The Applicant acknowledges that it has been provided 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.

15. 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.

16. 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.
17. 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, as well as may lead to other possible enforcement actions.
18. 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.
19. In the event that (a) the Company does not proceed to final IDA approval within six (6) months of the date of the initial resolution and/or (b) close with the IDA on the proposed Financial Assistance within twelve (12) months of the date of the initial resolution, the IDA reserves the right to rescind and cancel all approvals provided.
20. 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.
21. The Applicant and the individual executing this Application on behalf of Applicant acknowledge receipt of notice from the Agency pursuant to Section 224-a(8)(d) of the New York Labor Law that the estimated mortgage recording tax exemption benefit amount, the estimated sales and use tax exemption benefit amount, and the estimated real property tax abatement benefit amount as so identified within this Application are "public funds" and not otherwise excluded under Section 224-

a(3) of the New York Labor Law. Applicant further acknowledges and understands that it has certain obligations as related thereto pursuant to Section 224-a(8)(a) of the New York Labor Law.

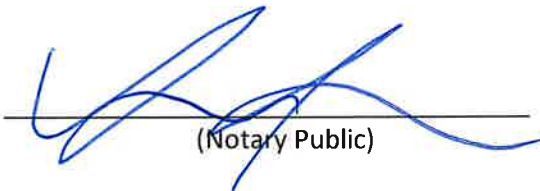
STATE OF NEW JERSEY )  
COUNTY OF ESSEX ) ss.:

Michael Cocchimiglio , being first duly sworn, deposes and says:

1. That I am the Chief Executive Officer (Corporate Office) of Clear View Solar 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 14th day of January, 2025.

  
\_\_\_\_\_  
(Notary Public)

**ELIZABETH GREENMAN**  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
MY COMMISSION EXPIRES OCTOBER 3, 2028  
COMMISSION: #50214847





# Clear View Solar

## Steuben County IDA PILOT Assessment - **DRAFT**

Solar Array - Tax Map 005.00-01-014.000

Distribution Rate

Cohocton Tax Rate/\$1,000	\$7.53	19.70%
County Tax Rate/\$1,000	\$10.63	27.81%
W-C School District Tax Rate/\$1,000	<u>\$20.07</u>	52.50%
<b>Total Tax Rate/\$1000</b>	<b>\$38.23</b>	

Per MW PILOT Rate	\$4,000.00 plus 2% annually
Rated Megawatts	6.84
Total PILOT payment over 20 years	\$695,051

Abatement Year	Taxes on 42.2 acres of land	Total PILOT Payment	Town Payment w/ PILOT and 42.2 acres	County Payment w/ PILOT and 42.2 acres	School Payment w/ PILOT and 42.2 acres	Total Taxes w/ PILOT and 42.2 acres
Year 1	\$1,246	\$27,360	\$5,634	\$7,954	\$15,018	\$28,606
Year 2	\$1,271	\$27,907	\$5,747	\$8,113	\$15,318	\$29,178
Year 3	\$1,296	\$28,465	\$5,862	\$8,275	\$15,624	\$29,762
Year 4	\$1,322	\$29,035	\$5,979	\$8,441	\$15,937	\$30,357
Year 5	\$1,349	\$29,615	\$6,099	\$8,610	\$16,256	\$30,964
Year 6	\$1,376	\$30,208	\$6,221	\$8,782	\$16,581	\$31,583
Year 7	\$1,403	\$30,812	\$6,345	\$8,958	\$16,912	\$32,215
Year 8	\$1,431	\$31,428	\$6,472	\$9,137	\$17,251	\$32,859
Year 9	\$1,460	\$32,057	\$6,602	\$9,319	\$17,596	\$33,517
Year 10	\$1,489	\$32,698	\$6,734	\$9,506	\$17,947	\$34,187
Year 11	\$1,519	\$33,352	\$6,868	\$9,696	\$18,306	\$34,871
Year 12	\$1,549	\$34,019	\$7,006	\$9,890	\$18,672	\$35,568
Year 13	\$1,580	\$34,699	\$7,146	\$10,088	\$19,046	\$36,279
Year 14	\$1,612	\$35,393	\$7,289	\$10,289	\$19,427	\$37,005
Year 15	\$1,644	\$36,101	\$7,434	\$10,495	\$19,815	\$37,745
Year 16	\$1,677	\$36,823	\$7,583	\$10,705	\$20,212	\$38,500
Year 17	\$1,711	\$37,559	\$7,735	\$10,919	\$20,616	\$39,270
Year 18	\$1,745	\$38,311	\$7,890	\$11,138	\$21,028	\$40,055
Year 19	\$1,780	\$39,077	\$8,047	\$11,360	\$21,449	\$40,856
Year 20	\$1,815	\$39,858	\$8,208	\$11,587	\$21,878	\$41,674
	\$30,275	\$664,776	\$136,901	\$193,262	\$364,888	\$695,051

# Clear View Solar

## Steuben County IDA PILOT Assessment - **DRAFT**

Solar Array - Tax Map 005.00-01-021.000

### Distribution Rate

Cohocton Tax Rate/\$1,000	\$7.53	19.70%
County Tax Rate/\$1,000	\$10.63	27.81%
W-C School District Tax Rate/\$1,000	<u>\$20.07</u>	52.50%
<b>Total Tax Rate/\$1000</b>	<b>\$38.23</b>	

Per MW PILOT Rate	\$4,000.00 plus 2% annually
Rated Megawatts	7.14
Total PILOT payment over 20 years	\$734,249

Abatement Year	Taxes on 39.75 acres of land	Total PILOT Payment	Town Payment w/ PILOT and 39.75 acres	County Payment w/ PILOT and 39.75 acres	School Payment w/ PILOT and 39.75 acres	Total Taxes w/ PILOT and 39.75 acres
Year 1	\$1,659	\$28,560	\$5,952	\$8,403	\$15,865	\$30,219
Year 2	\$1,692	\$29,131	\$6,071	\$8,571	\$16,182	\$30,824
Year 3	\$1,726	\$29,714	\$6,193	\$8,742	\$16,505	\$31,440
Year 4	\$1,761	\$30,308	\$6,316	\$8,917	\$16,836	\$32,069
Year 5	\$1,796	\$30,914	\$6,443	\$9,095	\$17,172	\$32,710
Year 6	\$1,832	\$31,533	\$6,572	\$9,277	\$17,516	\$33,365
Year 7	\$1,869	\$32,163	\$6,703	\$9,463	\$17,866	\$34,032
Year 8	\$1,906	\$32,806	\$6,837	\$9,652	\$18,223	\$34,712
Year 9	\$1,944	\$33,463	\$6,974	\$9,845	\$18,588	\$35,407
Year 10	\$1,983	\$34,132	\$7,113	\$10,042	\$18,960	\$36,115
Year 11	\$2,023	\$34,814	\$7,256	\$10,243	\$19,339	\$36,837
Year 12	\$2,063	\$35,511	\$7,401	\$10,448	\$19,726	\$37,574
Year 13	\$2,104	\$36,221	\$7,549	\$10,657	\$20,120	\$38,325
Year 14	\$2,146	\$36,945	\$7,700	\$10,870	\$20,522	\$39,092
Year 15	\$2,189	\$37,684	\$7,854	\$11,087	\$20,933	\$39,874
Year 16	\$2,233	\$38,438	\$8,011	\$11,309	\$21,352	\$40,671
Year 17	\$2,278	\$39,207	\$8,171	\$11,535	\$21,779	\$41,485
Year 18	\$2,323	\$39,991	\$8,334	\$11,766	\$22,214	\$42,314
Year 19	\$2,370	\$40,791	\$8,501	\$12,001	\$22,658	\$43,161
Year 20	\$2,417	\$41,607	\$8,671	\$12,241	\$23,112	\$44,024
	\$40,316	\$693,933	\$144,622	\$204,161	\$385,466	\$734,249

# Clear View Solar

## Steuben County IDA PILOT Assessment - **DRAFT**

Solar Array - Tax Map 005.00-01-017.100

Distribution Rate

Cohocton Tax Rate/\$1,000	\$7.53	19.70%
County Tax Rate/\$1,000	\$10.63	27.81%
W-C School District Tax Rate/\$1,000	<u>\$20.07</u>	52.50%
<b>Total Tax Rate/\$1000</b>	<b>\$38.23</b>	

Per MW PILOT Rate	\$4,000.00 plus 2% annually
Rated Megawatts	3.90
Total PILOT payment over 20 years	\$393,455

Abatement Year	Taxes on 18.9 acres of land	Total PILOT Payment	Town Payment w/ PILOT and 18.9 acres	County Payment w/ PILOT and 18.9 acres	School Payment w/ PILOT and 18.9 acres	Total Taxes w/ PILOT and 18.9 acres
Year 1	\$593	\$15,600	\$3,190	\$4,503	\$8,501	\$16,193
Year 2	\$605	\$15,912	\$3,253	\$4,593	\$8,671	\$16,517
Year 3	\$617	\$16,230	\$3,318	\$4,685	\$8,845	\$16,848
Year 4	\$630	\$16,555	\$3,385	\$4,778	\$9,022	\$17,184
Year 5	\$642	\$16,886	\$3,452	\$4,874	\$9,202	\$17,528
Year 6	\$655	\$17,224	\$3,521	\$4,971	\$9,386	\$17,879
Year 7	\$668	\$17,568	\$3,592	\$5,071	\$9,574	\$18,236
Year 8	\$682	\$17,919	\$3,664	\$5,172	\$9,765	\$18,601
Year 9	\$695	\$18,278	\$3,737	\$5,276	\$9,960	\$18,973
Year 10	\$709	\$18,643	\$3,812	\$5,381	\$10,160	\$19,352
Year 11	\$723	\$19,016	\$3,888	\$5,489	\$10,363	\$19,740
Year 12	\$738	\$19,397	\$3,966	\$5,598	\$10,570	\$20,134
Year 13	\$752	\$19,785	\$4,045	\$5,710	\$10,782	\$20,537
Year 14	\$767	\$20,180	\$4,126	\$5,825	\$10,997	\$20,948
Year 15	\$783	\$20,584	\$4,209	\$5,941	\$11,217	\$21,367
Year 16	\$799	\$20,996	\$4,293	\$6,060	\$11,441	\$21,794
Year 17	\$814	\$21,415	\$4,379	\$6,181	\$11,670	\$22,230
Year 18	\$831	\$21,844	\$4,466	\$6,305	\$11,904	\$22,675
Year 19	\$847	\$22,281	\$4,555	\$6,431	\$12,142	\$23,128
Year 20	\$864	\$22,726	\$4,647	\$6,559	\$12,385	\$23,591
	\$14,416	\$379,039	\$77,497	\$109,402	\$206,556	\$393,455

# Clear View Solar

## Steuben County IDA PILOT Assessment - **DRAFT**

Solar Array - Tax Map 005.00-01-012.000

Distribution Rate

Cohocton Tax Rate/\$1,000	\$7.53	19.92%
County Tax Rate/\$1,000	\$10.63	28.12%
Naples School District Tax Rate/\$1,000	<u>\$19.64</u>	51.96%
<b>Total Tax Rate/\$1000</b>	<b>\$37.80</b>	

Per MW PILOT Rate	\$4,000.00 plus 2% annually
Rated Megawatts	2.12
Total PILOT payment over 20 years	\$218,988

Abatement Year	Taxes on 19.36 acres of land	Total PILOT Payment	Town Payment w/ PILOT and 19.36 acres	County Payment w/ PILOT and 19.36 acres	School Payment w/ PILOT and 19.36 acres	Total Taxes w/ PILOT and 19.36 acres
Year 1	\$533	\$8,480	\$1,795	\$2,535	\$4,683	\$9,013
Year 2	\$543	\$8,650	\$1,831	\$2,585	\$4,777	\$9,193
Year 3	\$554	\$8,823	\$1,868	\$2,637	\$4,872	\$9,377
Year 4	\$565	\$8,999	\$1,905	\$2,690	\$4,969	\$9,564
Year 5	\$577	\$9,179	\$1,943	\$2,743	\$5,069	\$9,756
Year 6	\$588	\$9,363	\$1,982	\$2,798	\$5,170	\$9,951
Year 7	\$600	\$9,550	\$2,022	\$2,854	\$5,274	\$10,150
Year 8	\$612	\$9,741	\$2,062	\$2,911	\$5,379	\$10,353
Year 9	\$624	\$9,936	\$2,104	\$2,970	\$5,487	\$10,560
Year 10	\$637	\$10,134	\$2,146	\$3,029	\$5,596	\$10,771
Year 11	\$650	\$10,337	\$2,189	\$3,090	\$5,708	\$10,987
Year 12	\$662	\$10,544	\$2,232	\$3,151	\$5,823	\$11,206
Year 13	\$676	\$10,755	\$2,277	\$3,214	\$5,939	\$11,430
Year 14	\$689	\$10,970	\$2,323	\$3,279	\$6,058	\$11,659
Year 15	\$703	\$11,189	\$2,369	\$3,344	\$6,179	\$11,892
Year 16	\$717	\$11,413	\$2,416	\$3,411	\$6,303	\$12,130
Year 17	\$731	\$11,641	\$2,465	\$3,479	\$6,429	\$12,373
Year 18	\$746	\$11,874	\$2,514	\$3,549	\$6,557	\$12,620
Year 19	\$761	\$12,112	\$2,564	\$3,620	\$6,688	\$12,873
Year 20	\$776	\$12,354	\$2,616	\$3,692	\$6,822	\$13,130
	\$12,946	\$206,042	\$43,624	\$61,583	\$113,781	\$218,988

# Clear View Solar

## Combined PILOT Payments

Abatement Year	Cohocton Revenue	County Revenue	Wayland Cohocton School District Revenue	Naples School District Revenue	Total PILOT Revenue
Year 1	\$16,572	\$23,394	\$39,383	\$4,683	<b>\$84,031</b>
Year 2	\$16,903	\$23,862	\$40,171	\$4,777	<b>\$85,712</b>
Year 3	\$17,241	\$24,339	\$40,974	\$4,872	<b>\$87,426</b>
Year 4	\$17,586	\$24,826	\$41,794	\$4,969	<b>\$89,175</b>
Year 5	\$17,938	\$25,322	\$42,630	\$5,069	<b>\$90,958</b>
Year 6	\$18,296	\$25,829	\$43,482	\$5,170	<b>\$92,777</b>
Year 7	\$18,662	\$26,345	\$44,352	\$5,274	<b>\$94,633</b>
Year 8	\$19,035	\$26,872	\$45,239	\$5,379	<b>\$96,526</b>
Year 9	\$19,416	\$27,410	\$46,144	\$5,487	<b>\$98,456</b>
Year 10	\$19,804	\$27,958	\$47,067	\$5,596	<b>\$100,425</b>
Year 11	\$20,201	\$28,517	\$48,008	\$5,708	<b>\$102,434</b>
Year 12	\$20,605	\$29,087	\$48,968	\$5,823	<b>\$104,483</b>
Year 13	\$21,017	\$29,669	\$49,948	\$5,939	<b>\$106,572</b>
Year 14	\$21,437	\$30,262	\$50,946	\$6,058	<b>\$108,704</b>
Year 15	\$21,866	\$30,868	\$51,965	\$6,179	<b>\$110,878</b>
Year 16	\$22,303	\$31,485	\$53,005	\$6,303	<b>\$113,095</b>
Year 17	\$22,749	\$32,115	\$54,065	\$6,429	<b>\$115,357</b>
Year 18	\$23,204	\$32,757	\$55,146	\$6,557	<b>\$117,664</b>
Year 19	\$23,668	\$33,412	\$56,249	\$6,688	<b>\$120,018</b>
Year 20	\$24,142	\$34,080	\$57,374	\$6,822	<b>\$122,418</b>
<b>Total</b>	<b>\$402,644</b>	<b>\$568,407</b>	<b>\$956,910</b>	<b>\$113,781</b>	<b>\$2,041,743</b>

# Steuben County Industrial Development Agency

## MRB Cost Benefit Calculator



Date: January 15, 2025  
 Project Title: Clear View Solar  
 Project Location: Cohocton, NY

### Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

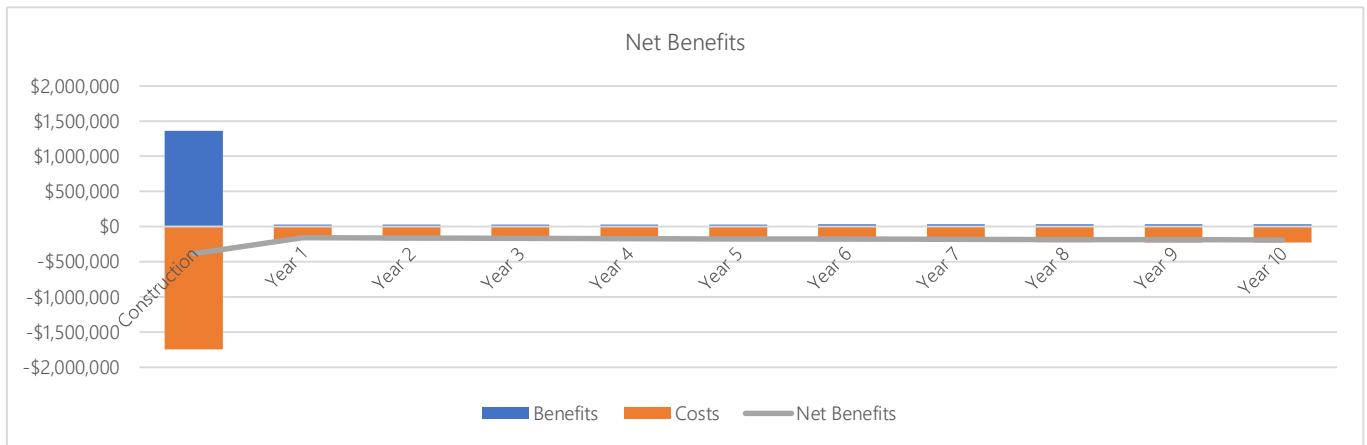
Project Total Investment  
 \$38,990,000

		Temporary (Construction)		
		Direct	Indirect	Total
Jobs		16	4	20
Earnings		\$1,047,913	\$239,462	\$1,287,375
Local Spend		\$2,729,300	\$760,542	\$3,489,842

		Ongoing (Operations)		
		Direct	Indirect	Total
Jobs		0	0	0
Earnings		\$0	\$0	\$0

Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

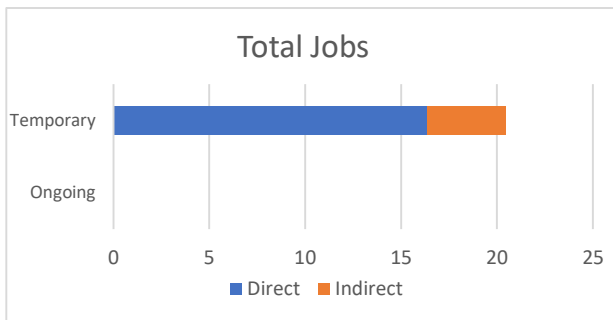
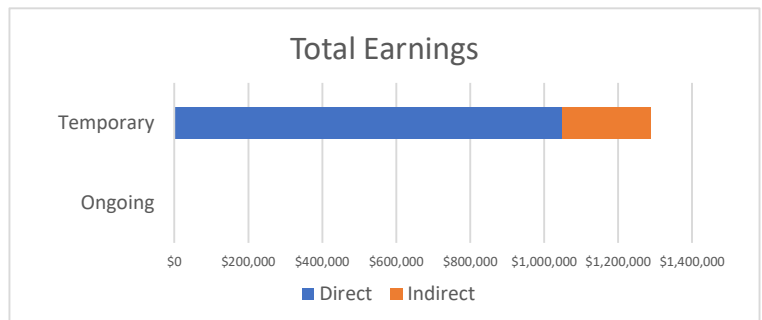


Figure 3



# Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

## Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$4,604,396	\$3,715,722
Sales Tax Exemption	\$1,747,200	\$1,747,200
Local Sales Tax Exemption	\$873,600	\$873,600
State Sales Tax Exemption	\$873,600	\$873,600
Mortgage Recording Tax Exemption	\$0	\$0
Local Mortgage Recording Tax Exemption	\$0	\$0
State Mortgage Recording Tax Exemption	\$0	\$0
<b>Total Costs</b>	<b>\$6,351,596</b>	<b>\$5,462,922</b>

## State and Local Benefits

	Nominal Value	Discounted Value*
<b>Local Benefits</b>	<b>\$3,969,097</b>	<b>\$3,453,249</b>
To Private Individuals	\$1,287,375	\$1,287,375
Temporary Payroll	\$1,287,375	\$1,287,375
Ongoing Payroll	\$0	\$0
Other Payments to Private Individuals	\$0	\$0
To the Public	\$2,681,722	\$2,165,874
Increase in Property Tax Revenue	\$1,943,790	\$1,568,627
Temporary Jobs - Sales Tax Revenue	\$9,012	\$9,012
Ongoing Jobs - Sales Tax Revenue	\$0	\$0
Other Local Municipal Revenue	\$728,921	\$588,235
<b>State Benefits</b>	<b>\$66,943</b>	<b>\$66,943</b>
To the Public	\$66,943	\$66,943
Temporary Income Tax Revenue	\$57,932	\$57,932
Ongoing Income Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$9,012	\$9,012
Ongoing Jobs - Sales Tax Revenue	\$0	\$0
<b>Total Benefits to State &amp; Region</b>	<b>\$4,036,041</b>	<b>\$3,520,193</b>

## Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$3,453,249	\$4,589,322	1:1
State	\$66,943	\$873,600	:1
<b>Grand Total</b>	<b>\$3,520,193</b>	<b>\$5,462,922</b>	<b>1:1</b>

\*Discounted at 2%

### Additional Comments from IDA

It is estimated that the project will power 8,118 homes per year and reduce CO2 by 27,068 metric tons. These findings are not part of the CBA results. The CBA assumes a state assessment of over \$7 million, which leads to property taxes of \$273,533 in the first year. Inputs used to reach the assessment were estimated based on information available. The value is good for one year, after which time the state assessment model is reevaluated by NYS Tax & Finance and subject to changes that could create a lower assessment. The CBA also assumes local spend of \$2.7 million based on information in the IDA application.

Does the IDA believe that the project can be accomplished in a timely fashion? Yes

**Full Environmental Assessment Form  
Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: Clearview Solar Project		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need): The Clear View Solar Project ("Project") is a proposed 20 MWac ground mounted PV solar project located in the Town of Cohocton, Steuben County. The Project encompasses approximately 120 acres (fenced area) which is sited on 240 acres of agricultural land (rotational corn, wheat and soybean) and proposed to interconnect into the existing Eelpot Road substation. Project infrastructure consists of solar panels, drive steel piles supports, inverters, two staging areas, underground medium voltage collection lines, fencing and access roads. The medium voltage line to the Eelpot Road substation is proposed to be underground.		
Name of Applicant/Sponsor: Clearview Solar LLC	Telephone: (412) 580-3054	E-Mail: seth.wilmore@oridenpower.com
Address: 106 Isabella Street, Suite 400		
City/PO: Pittsburgh	State: PA	Zip Code: 15212
Project Contact (if not same as sponsor; give name and title/role):	Telephone:	E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):	Telephone:	E-Mail:
Address:		
City/PO:	State:	Zip Code:



**B. Government Approvals**

<b>B. Government Approvals, Funding, or Sponsorship.</b> ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Site Plan and Special Use Permit	
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	County Planning	
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYS DOT, NYS DEC	
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ACOE	
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

<b>C.1. Planning and zoning actions.</b>	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> <li>• If Yes, complete sections C, F and G.</li> <li>• If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, identify the plan(s): NYS Major Basins: Upper Susquehanna _____ _____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s): _____ _____ _____	

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
 If Yes, what is the zoning classification(s) including any applicable overlay district?  
 \_\_\_\_\_

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No  
 If Yes,  
 i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? Wayland Cohocton School District

b. What police or other public protection forces serve the project site?  
Cohocton Police Department

c. Which fire protection and emergency medical services serve the project site?  
Atlanta Fire Department

d. What parks serve the project site?  
None

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Solar

b. a. Total acreage of the site of the proposed action? 240.5 acres  
 b. Total acreage to be physically disturbed? 119.9 acres  
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 240.5 acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
 If Yes,  
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)  
 \_\_\_\_\_  
 ii. Is a cluster/conservation layout proposed?  Yes  No  
 iii. Number of lots proposed? \_\_\_\_\_  
 iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No  
 i. If No, anticipated period of construction: 12 months  
 ii. If Yes:  
 • Total number of phases anticipated \_\_\_\_\_  
 • Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year  
 • Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year  
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,  
 i. Total number of structures 9120 piles  
 ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length  
 iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,  
 i. Purpose of the impoundment: \_\_\_\_\_  
 ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_  
 iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_  
 iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres  
 v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length  
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes:  
 i. What is the purpose of the excavation or dredging? \_\_\_\_\_  
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?  
 • Volume (specify tons or cubic yards): \_\_\_\_\_  
 • Over what duration of time? \_\_\_\_\_  
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_  
 \_\_\_\_\_  
 iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_  
 \_\_\_\_\_  
 v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres  
 vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres  
 vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet  
 viii. Will the excavation require blasting?  Yes  No  
 ix. Summarize site reclamation goals and plan: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:  
 i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): A culvert will be placed in an existing stream to be crossed by the access road.

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:  
A culvert will be placed in the existing stream channel resulting in approximately 1,500 sf of disturbance.

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iii. Will the proposed action cause or result in disturbance to bottom sediments?  Yes  No  
 If Yes, describe: Culvert will be placed on the bottom of the existing stream channel

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No  
 If Yes:

- acres of aquatic vegetation proposed to be removed: less than 1,500 sf
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: none

---

c. Will the proposed action use, or create a new demand for water?  Yes  No  
 If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No  
 If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No  
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No  
 If, Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

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d. Will the proposed action generate liquid wastes?  Yes  No  
 If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

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iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No  
 If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

<ul style="list-style-type: none"> <li>• Do existing sewer lines serve the project site?</li> <li>• Will a line extension within an existing district be necessary to serve the project?</li> </ul> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Describe extensions or capacity expansions proposed to serve this project: _____</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?</p> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Applicant/sponsor for new district: _____</li> <li>• Date application submitted or anticipated: _____</li> <li>• What is the receiving water for the wastewater discharge? _____</li> </ul> <p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):</p> <p>_____</p> <p>_____</p> <p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p>_____ Square feet or <u>2.5</u> acres (impervious surface)</p> <p>_____ Square feet or <u>240.5</u> acres (parcel size)</p> <p>ii. Describe types of new point sources. <u>Access road and equipment pads</u></p> <p>_____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?</p> <p><u>Sheet flow as in existing conditions.</u></p> <p>_____</p> <ul style="list-style-type: none"> <li>• If to surface waters, identify receiving water bodies or wetlands: _____</li> </ul> <p>_____</p> <ul style="list-style-type: none"> <li>• Will stormwater runoff flow to adjacent properties? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</li> </ul>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p>_____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>_____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p>_____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> <li>• _____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>• _____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)</li> <li>• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend

Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_

iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: \_\_\_\_\_ 7am-5pm \_\_\_\_\_
- Saturday: \_\_\_\_\_ none \_\_\_\_\_
- Sunday: \_\_\_\_\_ none \_\_\_\_\_
- Holidays: \_\_\_\_\_ none \_\_\_\_\_

ii. During Operations:

- Monday - Friday: \_\_\_\_\_ 24-hours \_\_\_\_\_
- Saturday: \_\_\_\_\_ 24-hours \_\_\_\_\_
- Sunday: \_\_\_\_\_ 24-hours \_\_\_\_\_
- Holidays: \_\_\_\_\_ 24-hours \_\_\_\_\_

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No

If yes:

i. Provide details including sources, time of day and duration:  
Construction operations will produce noise exceeding ambient conditions in the form of pile driving and heavy machinery operation. Construction operations are proposed during normal business hours.

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
Describe: \_\_\_\_\_

---

n. Will the proposed action have outdoor lighting?  Yes  No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
\_\_\_\_\_

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
Describe: \_\_\_\_\_

---

o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: \_\_\_\_\_

---

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No

If Yes:

i. Product(s) to be stored transformer oil

ii. Volume(s) +/-4,500 gal per unit time permanent (e.g., month, year)

iii. Generally, describe the proposed storage facilities:  
Approximately 500 gal of transformer oil to be contained within each of the 9 transformers proposed on site.

---

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No

If Yes:

i. Describe proposed treatment(s):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

---

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)
- Operation : \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: \_\_\_\_\_
- Operation: \_\_\_\_\_

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: \_\_\_\_\_
- Operation: \_\_\_\_\_

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

---

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

\_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

\_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

\_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No

If Yes: provide name and location of facility: \_\_\_\_\_

\_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

\_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)

Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe: \_\_\_\_\_

\_\_\_\_\_

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b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.0	2.5	+2.5
• Forested	18.6	17.6	-1.0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	208.5	+208.5
• Agricultural (includes active orchards, field, greenhouse etc.)	210.0	0.0	-210.0
• Surface water features (lakes, ponds, streams, rivers, etc.)	2.3	2.3	
• Wetlands (freshwater or tidal)	9.6	9.6	0.0
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			



c. Is the project site presently used by members of the community for public recreation?  Yes  No  
i. If Yes: explain: \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
If Yes,  
i. Identify Facilities: \_\_\_\_\_

e. Does the project site contain an existing dam?  Yes  No  
If Yes:  
i. Dimensions of the dam and impoundment:  
• Dam height: \_\_\_\_\_ feet  
• Dam length: \_\_\_\_\_ feet  
• Surface area: \_\_\_\_\_ acres  
• Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection: \_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
If Yes:  
i. Has the facility been formally closed?  Yes  No  
• If yes, cite sources/documentation: \_\_\_\_\_  
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_  
iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
If yes, provide DEC ID number(s): \_\_\_\_\_  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_

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**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ > 6 feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site:

Howard gravelly loam	_____	68 %
Braceville gravelly silt loam	_____	9 %
Red Hook silt loam	_____	8 %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ 3 feet

e. Drainage status of project site soils:

<input checked="" type="checkbox"/> Well Drained:	_____	76 % of site
<input checked="" type="checkbox"/> Moderately Well Drained:	_____	17 % of site
<input checked="" type="checkbox"/> Poorly Drained	_____	7 % of site

f. Approximate proportion of proposed action site with slopes:

<input checked="" type="checkbox"/> 0-10%:	_____	25 % of site
<input checked="" type="checkbox"/> 10-15%:	_____	60 % of site
<input checked="" type="checkbox"/> 15% or greater:	_____	15 % of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_

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h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No  
 If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 898-217.2 Classification C
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name Federal Waters, NYS Wetland, Federal Waters, Fe... Approximate Size NYS Wetland (in a...
- Wetland No. (if regulated by DEC) NA-2

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No  
 If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_

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i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100-year Floodplain?  Yes  No

k. Is the project site in the 500-year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
 If Yes:

i. Name of aquifer: Principal Aquifer, Primary Aquifer

<p>m. Identify the predominant wildlife species that occupy or use the project site:</p>		
<p>deer _____</p> <p>fox _____</p>	<p>turkey _____</p> <p>rabbit _____</p>	<p>squirrel _____</p> <p>birds _____</p>
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p>ii. Source(s) of description or evaluation: _____</p> <p>iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>		
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Species and listing (endangered or threatened): _____</p> <p>_____</p>		
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Species and listing: _____</p> <p>_____</p>		
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p><u>private hunting</u></p>		
<p><b>E.3. Designated Public Resources On or Near Project Site</b></p>		
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, provide county plus district name/number: <u>STEU005</u></p>		
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>i. If Yes: acreage(s) on project site? <u>194.9 acres</u></p> <p>ii. Source(s) of soil rating(s): <u>NRCS</u></p>		
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p>ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p>		
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. CEA name: _____</p> <p>ii. Basis for designation: _____</p> <p>iii. Designating agency and date: _____</p>		

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  Yes  No

If Yes:

i. Nature of historic/archaeological resource:  Archaeological Site  Historic Building or District

ii. Name: Eligible property: Old Clearview Cemetery, Eligible property: Clearview Cemetery

iii. Brief description of attributes on which listing is based: \_\_\_\_\_

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f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?  Yes  No

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g. Have additional archaeological or historic site(s) or resources been identified on the project site?  Yes  No

If Yes:

i. Describe possible resource(s): \_\_\_\_\_

ii. Basis for identification: \_\_\_\_\_

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h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?  Yes  No

If Yes:

i. Identify resource: \_\_\_\_\_

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): \_\_\_\_\_

iii. Distance between project and resource: \_\_\_\_\_ miles.

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i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?  Yes  No

If Yes:

i. Identify the name of the river and its designation: \_\_\_\_\_

ii. Is the activity consistent with development restrictions contained in 6 NYCRR Part 666?  Yes  No

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Seth Wilmore Date 5/24/2022

Signature Wilmore, Seth Digitally signed by Wilmore, Seth Date: 2022.05.24 11:11:00 -04'00' Title Director, Sites & Permitting

**PRINT FORM**

**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

Agency Use Only [If applicable]

Project : \_\_\_\_\_  
 Date : \_\_\_\_\_

**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

<b>1. Impact on Land</b> <span style="float: right;"><input type="checkbox"/> NO      <input checked="" type="checkbox"/> YES</span>			
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**2. Impact on Geological Features**  
 The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)  NO  YES  
*If "Yes", answer questions a - c. If "No", move on to Section 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**3. Impacts on Surface Water**  
 The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)  NO  YES  
*If "Yes", answer questions a - l. If "No", move on to Section 4.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

1. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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**4. Impact on groundwater**  NO  YES  
 The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)  
*If "Yes", answer questions a - h. If "No", move on to Section 5.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**5. Impact on Flooding**  NO  YES  
 The proposed action may result in development on lands subject to flooding. (See Part 1. E.2)  
*If "Yes", answer questions a - g. If "No", move on to Section 6.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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**6. Impacts on Air**

The proposed action may include a state regulated air emission source.  
(See Part 1. D.2.f., D.2.h, D.2.g)

NO

YES

*If "Yes", answer questions a - f. If "No", move on to Section 7.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**7. Impact on Plants and Animals**

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.)

NO

YES

*If "Yes", answer questions a - j. If "No", move on to Section 8.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>



e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b>			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>9. Impact on Aesthetic Resources</b> The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>10. Impact on Historic and Archeological Resources</b> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b> The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>12. Impact on Critical Environmental Areas</b> The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**13. Impact on Transportation**  
 The proposed action may result in a change to existing transportation systems.  NO  YES  
 (See Part 1. D.2.j)  
 If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**14. Impact on Energy**  
 The proposed action may cause an increase in the use of any form of energy.  NO  YES  
 (See Part 1. D.2.k)  
 If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**15. Impact on Noise, Odor, and Light**  
 The proposed action may result in an increase in noise, odors, or outdoor lighting.  NO  YES  
 (See Part 1. D.2.m., n., and o.)  
 If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**16. Impact on Human Health**

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)  
*If "Yes", answer questions a - m. If "No", go to Section 17.*

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>17. Consistency with Community Plans</b> The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>18. Consistency with Community Character</b> The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

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.

**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

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the \_\_\_\_\_ 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:  
*I'm completing part 2 of full Environmental Assessment Form, under section 9 Impact on Aesthetic Resources, Item 8. The situation or activity in which reviewers are engaged while reviewing proposed action section 1. Routine travel to and from work could possibly have a moderate impact because of location in close proximity to State Route 21. However, we feel there will not be a significant adverse con on separate sheet attached*  
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: *Clear View Solar Project*

Name of Lead Agency: *Town of Cohocton Joint Planning Board*

Name of Responsible Officer in Lead Agency: *Ted Walker*

Title of Responsible Officer: *Planning Board Chairman*

Signature of Responsible Officer in Lead Agency: *Ted Walker* Date: *9/1/22*

Signature of Preparer (if different from Responsible Officer) Date:

**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>



**INITIAL RESOLUTION**  
*(Clear View Solar LLC Project)*

A regular meeting of the Steuben County Industrial Development Agency was convened on Thursday, January 23, 2025.

The following resolution was duly offered and seconded, to wit:

Resolution No. 01/2025 - \_\_\_\_\_

RESOLUTION OF THE STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") (i) ACCEPTING THE APPLICATION OF CLEAR VIEW SOLAR LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DESCRIBED BELOW), (ii) AUTHORIZING THE SCHEDULING OF A PUBLIC HEARING WITH RESPECT TO THE PROJECT, (iii) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED WITH RESPECT TO THE PROJECT, AND (iv) AUTHORIZING THE NEGOTIATION OF CERTAIN AGREEMENTS RELATING TO THE PROJECT.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 178 of the Laws of 1972 of the State of New York, as amended (hereinafter collectively called the "Act"), the **STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (hereinafter called "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, **CLEAR VIEW SOLAR LLC**, for itself or on behalf of an entity formed or to be formed by it or on its behalf (collectively, the "Company"), has submitted an application (the "Application"), a copy of which is on file with the Agency, requesting the Agency's assistance with respect to a certain project (the "Project"), consisting of: (i) the acquisition by the Agency of a leasehold interest in approximately 120 acres of real property located at Eelpot Road, Snyder Road, 4463 Naples Street (Rear), Naples Street and Wayland Street, each in the Town of Cohocton, New York and all other lands where by license or easement or other agreement the Company or its designees are making improvements that benefit the Project (the "Land", being more particularly identified as all or a portion of tax parcel numbers 006.00-01-001.1002, 005.00-01-012.000, 005.00-01-014.000, 005.00-01-017.000 and 005.00-01-021.000, as may be subdivided); (ii) the planning, design, construction and operation of a 20MWac PV solar electrical generation system, including panel foundations, inverters, transformers, interconnect wiring, utility connections, sitework, landscaping, fencing, security and related improvements (collectively, the "Improvements"); and (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Facility"); and

WHEREAS, pursuant to Article 18-A of the General Municipal Law the Agency desires to adopt a resolution describing the Project and the Financial Assistance (as defined below) that the Agency is contemplating with respect to the Project; and

WHEREAS, it is contemplated that the Agency will hold a public hearing and (i) negotiate and enter into a project agreement, pursuant to which the Agency will appoint the Company as its agent for the purpose of undertaking the Project (the "Project Agreement"), (ii) negotiate and enter into a lease agreement (the "Lease Agreement"), a leaseback agreement (the "Leaseback Agreement"), and a payment-in-lieu-of-tax agreement (the "Tax Agreement"), (iii) take a leasehold interest (or other interest) in the Land and the Improvements and personal property constituting the Facility (once the Lease Agreement, the Leaseback Agreement and the Tax Agreement have been negotiated), and (iv) provide Financial Assistance to the Company in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction, and equipping of the Facility and (b) a partial real property tax abatement structured within the Tax Agreement (collectively, the "Financial Assistance").

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Company has presented an Application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company's Application, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) The Agency has the authority to take the actions contemplated herein under the Act; and

(C) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing employment opportunities in Steuben County, New York, and otherwise furthering the purposes of the Agency as set forth in the Act; and

(D) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company's application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries; and

Section 2. The Chairman, Vice Chairman and/or Executive Director of the Agency are hereby authorized, on behalf of the Agency, to (A) hold a public hearing in compliance with

the Act, and (B) negotiate (1) the Project Agreement, pursuant to which the Agency appoints the Company as its agent to undertake the Project, (2) the Lease Agreement, pursuant to which the Company leases the Project to the Agency, (3) the related Leaseback Agreement, pursuant to which the Agency leases its interest in the Project back to the Company, (4) the Tax Agreement, pursuant to which the Company agrees to make certain payments in lieu of real property taxes for the benefit of affected tax jurisdictions, and (5) related documents; provided (i) the rental payments under the Leaseback Agreement include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project; and (ii) the terms of the Tax Agreement are consistent with the Agency's Uniform Tax Exemption Policy or the procedures for deviation therefrom have been complied with.

Section 3. The Agency is hereby authorized to conduct a public hearing in compliance with the Act.

Section 4. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 5. In the event that (a) the Company does not proceed to final Agency approval within six (6) months of the date hereof and/or (b) close with the Agency on the proposed Financial Assistance within twelve (12) months of the date hereof, the Agency reserves the right to rescind and cancel this resolution and all approvals made hereunder or under any other Agency resolution or action.

Section 6. These Resolutions shall take effect immediately.

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

	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Absent</i>
Mark R. Alger	[ ]	[ ]	[ ]	[ ]
Sarah Creath	[ ]	[ ]	[ ]	[ ]
Mike Davidson	[ ]	[ ]	[ ]	[ ]
Michelle Caulfield	[ ]	[ ]	[ ]	[ ]
Kelly Fitzpatrick	[ ]	[ ]	[ ]	[ ]
Anthony Russo	[ ]	[ ]	[ ]	[ ]
Dean Strobel	[ ]	[ ]	[ ]	[ ]

The Resolutions were thereupon duly adopted.

**SECRETARY'S CERTIFICATION**  
*(Clear View Solar LLC Project)*

STATE OF NEW YORK                    )  
COUNTY OF STEUBEN                ) ss.:

I, the undersigned, Secretary of the Steuben County Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Steuben County Industrial Development Agency (the "Agency"), including the resolution contained therein, held on January 23, 2025, with the original thereof on file in the office of the Agency, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this \_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Secretary

# Project Summary Sheet Update

Prattsburgh Wind 4603-25-02

January 17, 2025

## Project Description

Prattsburgh Wind is owned by TG Equipment Finance, LLC, which is a subsidiary of Terra-Gen. Terra-Gen is a developer of renewable energy projects headquartered in New York (with an office in San Diego). Established in 2007, Terra-Gen finances, develops, constructs and operates clean and sustainable utility-scale energy assets. The company is dedicated to responsibly developing projects that promote economic development and environmental sustainability in the communities where we conduct our business. Terra-Gen is committed to building and operating responsible energy projects that benefit the local community and future generations.

The Prattsburgh Wind project will consist of the construction and operation of 36 wind turbines and all ancillary generation and transmission facilities in the Towns of Avoca, Cohocton, Howard, Prattsburgh and Wheeler. Total project generation capacity will be 147 MW

**Total Project Investment** \$593,709,000

**Jobs Retained** 0

**Job Created** 3

**Benefit to Cost Ratio** TBD

**Estimated PILOT Benefit** TBD

**Estimated Mortgage Tax Savings** \$5,851,863

**Estimated Sales Tax Savings** \$17,686,880

**Total Savings** TBD

### **Comments:**

A standalone cost benefit analysis will be performed by MRB prior to final board action being requested to determine the cost versus the benefit to the community. In addition, the application will be utilizing the State ORES environmental review in place of a SEQRA.

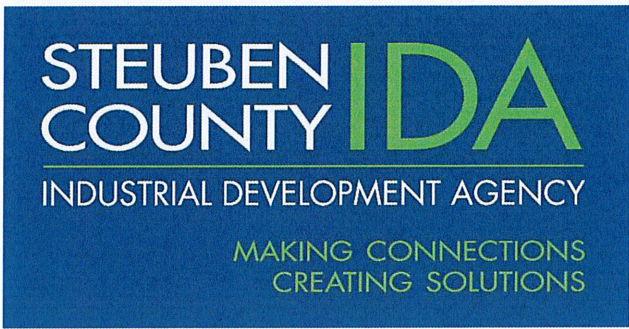
The PILOT as presented has been structured as a fixed payment PILOT and consent resolutions will be sought from each Municipality

**Estimated Project Start Date** Q3 2025

**Estimated Project Completion Date** Q4 2026

## Evaluation Criteria for Energy Production

1. Private Sector Investment – The proposed project will induce an additional \$593M in private sector investment
2. Advances the State Energy Policy – This project will advance the States renewable energy goals by generating 147MW of renewable energy\



**Application for Financial Assistance**

Please complete the application and mail the *original, signed copy*, along with the **\$1,000 application fee**, to:

Steuben County IDA  
PO Box 393  
7234 State Route 54  
Bath, NY 14810

Information in the application is subject to public review under the New York State Freedom of Information Law. Please contact the IDA with any questions at 607-776-3316.

**Section 1: Applicant Information (company receiving benefit)**

**Applicant Name:** Prattsburgh Wind, LLC

**Applicant Address:** 437 Madison Avenue, 22nd Floor, New York, NY 10022

**Phone:** 980-335-8054

**Federal Tax ID:** 47-4807929

**NAICS Code:** 221115

**Will a real estate holding company be used to own the property?** Yes  No

**Name of real estate holding company:** Type here to enter text

**Federal Tax ID:** Type here to enter text

**Type of Entity:** Limited Liability Company

**Year Established:** 2019

**State in which entity is established:** Delaware

Stockholders, members, or partners with 20% or more in **direct** ownership:

Name	% Ownership
TG Equipment Finance, LLC	100%
Type here to enter text.	Type here to enter text.
Type here to enter text.	Type here to enter text.

Is the Applicant or any of its owners involved in any lawsuits which could have a financial impact on the company?

Yes  No

Has the Applicant or any of its owners ever been involved in a bankruptcy? Yes  No

Are **direct** owners noted above citizens/entities of the United States? Yes  No

Provide a brief history of the Applicant, including operations, operating performance, changes in operations, current size and locations, products and/or services, major accounts, principal competitors, and major events affecting sales/services.

Prattsburgh Wind is owned by TG Equipment Finance, LLC, which a subsidiary of Terra-Gen. Terra-Gen is a developer of renewable energy projects headquartered in New York (with an office in San Diego). Established in 2007, Terra-Gen finances, develops, constructs and operates clean and sustainable utility-scale energy assets. We are dedicated to responsibly developing projects that promote economic development and environmental sustainability in the communities where we conduct our business. Terra-Gen is committed to building and operating responsible energy projects that benefit the local community and future generations.

Estimated % of sales (equal to 100%):

**Within Steuben County:** N/A

**Outside Steuben County but in NY State:** All power from this project is expected to be consumed in New York State but it is difficult to determine the breakdown between Steuben County and New York State.

**Outside New York but in U.S.:** It is unlikely any of the power will be used outside of New York.

**Outside U.S.:** N/A

**What % of annual supplies, raw materials, and vendor services are purchased from firms in Steuben County?**

We estimate that a large percentage of the aggregate for the foundations will be purchased in Steuben County and some of the labor will be from within the County. We will also look to source cable, rebar or other materials from inside the County.

**Authorized Signatory Name:** Jeff Cast

**Title:** Senior Vice President of Finance

**Phone:** 917-757-8644

**Email:** jcast@terra-gen.com

**Name of Corporate Contact (if different from Authorized Signatory):** Kevin Sheen

**Title:** Vice President of Business Development

**Phone:** 917-679-6877

**Email:** ksheen@terra-gen.com

**Name of Attorney:** Henry King

**Firm Name:** Reed Smith

**Phone:** 609-514-5941

**Email:** hking@reedsmith.com

**Section 2: Project Description and Details**

**Municipality(s) of current operations:**

Towns of Avoca, Cohocton, Howard, Prattsburgh and Wheeler



**Will the Project result in the abandonment of one or more plants/facilities of the Applicant located in New York?**

Yes  No

**If Yes, explain how, notwithstanding the aforementioned closing or activity reduction, the IDA's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Applicant's competitive position in its respective industry.**

Type here to enter text.

**Property address(es) of Project location:**

Towns of Avoca, Cohocton, Howard, Prattsburgh and Wheeler

**Tax map number(s) of Project location:**

Multiple tax map numbers in all towns. A list can be supplied upon request.

**Town/Village/City taxes are paid to:**

Avoca, Cohocton, Howard, Prattsburgh, Wheeler

**School district taxes are paid to:**

Avoca, Hornell, Prattsburgh, Wayland

**Are property tax payments current?** Yes  No

**If no, please explain:** Type here to enter text.

**Does Applicant or any related party currently hold fee title to the Project property?**

Yes  No

**If no, provide the name of the current owner:** Prattsburgh Wind does own some parcels within the project area but this constitutes a small amount of the total project acreage. A list of parcels is included as Addendum A.

**If no, does Applicant or any related party have an option to purchase the Project property?**

Yes  No

**What is the present use of the property?** Farming and recreational land

**What is the present zoning/land use?** Various

**Description of the project:** (check all that apply)

<input checked="" type="checkbox"/> New construction	<input type="checkbox"/> Acquisition of existing building
<input type="checkbox"/> Addition to existing building	<input type="checkbox"/> Purchase of machinery and/or equipment
<input type="checkbox"/> Renovation of existing building	<input type="checkbox"/> Other

Please provide a narrative description of the project, including specific uses and activities that will occur at the site, products to be made or services to be offered, as well as markets for the goods/services. Please include the impact of this project on Applicant in terms of operations and profitability, or other factors affecting operations.

Prattsburgh Wind, LLC will build and operate a 147 MW wind powered project with up to 36 turbines in the Towns of Avoca, Cohocton, Howard, Prattsburgh and Wheeler.

Select the project type for all end users at the site; you may check more than one box:

<input checked="" type="checkbox"/> Industrial	<input type="checkbox"/> Multi-tenant
<input type="checkbox"/> Commercial	<input type="checkbox"/> Not-for-profit
<input type="checkbox"/> Back Office	<input type="checkbox"/> Healthcare
<input type="checkbox"/> Retail	<input checked="" type="checkbox"/> Other: Farming
<input type="checkbox"/> Housing	<input checked="" type="checkbox"/> Other: Recreation
<input type="checkbox"/> Mixed Use	<input type="checkbox"/> Other: Type here to enter text.

Has or will Applicant enter into any tenant leases for this Project? Yes  No

If yes, please complete the chart below:

Tenant Name	Current Location	# sq. ft.	% of total sq. ft.	Business type
See Addendum A with current list of 107 parcels in the project area	Address	Type here to enter text.	Type here to enter text.	Type
Name	Address	Type here to enter text.	Type here to enter text.	Type
Name	Address	Type here to enter text.	Type here to enter text.	Type

What is the Project’s start date when equipment will be ordered or construction begins?

Prattsburgh Wind plans to start construction in Q3 2025 and complete in Q4 2026.

What is the Project’s estimated completion?

Q4 2026

**When will operations commence?**

Q1 2027

**Have construction contracts been signed?** Yes  No

**Has financing been finalized?** Yes  No

**Is this part of a multi-phase project?** Yes  No

**If Yes, please explain:** Type here to enter text.

**Have site plans been submitted to the appropriate planning board?** Yes  No

**If Yes, has the Project received site plan approval?** Yes  No

If the Project has received site plan approval, please provide a copy of the Environmental Assessment Form including the Negative Declaration.

**Please provide the IDA with the status of any other required approvals:**

This project has received its final permit from ORES through the state siting process for renewable energy projects. Prattsburgh Wind can supply any information relating to this permit as needed.

**Will customers personally visit the Project site for Retail Sales or Services? The terms refer to (a) sales by a registered vendor under Article 28 (Section 1101(b)(4)(i)) of the Tax Law of the State of New York primarily engaged in the retail sale of tangible personal property or (b) sales of a service to customers who personally visit the Project site.**

**Retail Sales** Yes  No

**Services** Yes  No

**If either question above is answered Yes, please complete the questions below. If not, please move on to the Financial Assistance and Project Budget section.**

<b>Retail/Service Industry-Only Questions</b>
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**What percentage of the cost of the Project can be tied to the retail or service portion of the business?**  
0%

**If the answer is less than 33%, do not complete the remainder of this section and move on to Section 3: Financial Assistance and Project Budget.**

For Projects where 33% or more is tied to retail sales or service:

**1. Will the Project be operated by a not-for-profit corporation?**

Yes  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\*  No

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 Project is to be located because of a lack of reasonably accessible retail trade facilities offering such goods or services?

Yes\*  No

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  No

5. Is the Project located in a highly distressed area, as defined by the US Census Bureau?

Yes  No

\*If the answer to question 2 or 3 is **Yes**, please provide a third-party market analysis or other documentation supporting the response.

### Section 3: Financial Assistance and Project Budget

Choose the type of assistance being requested: (check all that apply)

Sales Tax Exemption	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Property Tax Exemption	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Mortgage Tax Exemption	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Tax Exempt IR Bond	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Describe the reasons why the IDA's assistance is necessary, and the effect the Project will have on Applicant's operations. Focus on competitiveness issues, Project shortfalls, etc.

Financing certainty is vital to renewable energy projects being built within the state. The project will employ hundreds of workers during construction and will provide up to three jobs during operation.

Is there likelihood that the Project would not be undertaken but for the financial assistance provided by the IDA?

Yes  No

If the Project could be undertaken without financial assistance provided by the IDA, explain below why the Project should be provided financial assistance.

Financing certainty is paramount to the project being built. Without the requested financial assistance, the project would not be built.

**What would be the impact on the Applicant and the associated municipalities if the IDA does not provide financial assistance?**

The project would not move forward.

**List below the Sources and Uses of funds for the Project:**

<u>Use of Funds</u>	<u>Amount</u>
Land Acquisition:	\$0
Building Purchase:	\$0
Construction or Renovation – <b>Labor:</b>	\$57,053,000
Construction or Renovation – <b>Materials:</b>	\$52,354,000
Site Work/Infrastructure:	\$155,216,000
Machinery, Equipment, Fixtures – <b>Taxable:</b>	\$13,516,000
Machinery, Equipment, Fixtures – <b>Non-Taxable:</b>	\$233,076,000
Soft Costs, Professional Fees:	\$82,494,000
Refinance of existing debt:	\$0
Other: Type here to enter text.	\$0
<b>Total Uses:</b>	<b>\$593,709,000</b>
<u>Source of Funds</u>	<u>Amount</u>
Equity:	\$125,560,000
Financial Institution:	\$468,149,000

Public Sector Assistance:	\$0
Other: Type here to enter text.	\$0
Other: Type here to enter text.	\$0
Other: Type here to enter text.	\$0
<b>Total Sources:</b>	<b>\$593,709,000</b>
<b>% Public Sources Used to Finance Project:</b>	

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

If Yes, please describe: Development costs of \$22mm incurred to date.

If applying for a **Mortgage Recording Tax Exemption**, please list:

**Mortgage Amount:** \$468,149,000

**Mortgage Recording Tax Exemption requested (multiply mortgage amount by 1.25%):** \$5,851,863.00

If applying for a **Sales Tax Exemption\***, please list:

**Total cost of goods and services that are subject to NY State and Local Sales Tax:** \$221,086,000

**Sales Tax Exemption requested (multiply total cost by 8%):** \$17,686,880

\*The estimated sales tax amount listed above will be provided to the New York State Department of Taxation and Finance. 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 IDA may authorize with respect to this Application. The IDA 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.

If applying for a **Property Tax Exemption**, IDA staff will use the information contained in this application to create an estimate of real property tax abatement, based on current property tax rates and assessed values, which will be provided to the Applicant and attached to this application.

**Section 4: Project Employment**

Is the Project necessary to retain existing employment? Yes  No

Is the Project necessary to expand employment? Yes  No

Please complete the following chart with new and retained jobs using the definitions below:

- A – Retained Jobs are those that exist at the time of application.
- B – Jobs Created are those that will be created as a result of the Project in the first year
- C – Jobs Created are those that will be created as a result of the Project in the second year
- D – Jobs Created are those that will be created as a result of the Project in the third year
- E – The sum of jobs to be created during the first three years of the Project.
- F – The average wage of those existing and created jobs for each Job Type.
- G – The average cost of benefits offered for existing and created jobs for each Job Type.

**Full Time** – Any regularly-scheduled employee who works 30 hours or more each week.  
**Part Time** – Any employee who works less than 30 hours per week or who is employed on a temporary basis.

	A	B	C	D	E	F	G
Job Type	Retained Jobs	# Jobs Created Year 1	# Jobs Created Year 2	# Jobs Created Year 3	Total New Jobs Created	Average Annual Wage	Average Annual Benefit Cost
<b>Full Time</b>							
Management	0	0	0	0	0	0	0
Professional	0	3	3	3	3	\$85,000	\$24,000
Administrative	0	0	0	0	0	\$0	\$0
Production	0	0	0	0	0	\$0	\$0
Independent Contractor	0	0	0	0	0	\$0	\$0
Other: Type here to enter text.	0	0	0	0	0	\$0	\$0

<b>Total FT</b>	0	3	3	3	3	<b>85000</b>	<b>24000</b>
<b>Part Time</b>							
Management	0	0	0	0	0	\$0	\$0
Professional	0	0	0	0	0	\$0	\$0
Administrative	0	0	0	0	0	\$0	\$0
Production	0	0	0	0	0	\$0	\$0
Independent Contractor	0	0	0	0	0	\$0	\$0
Other: Type here to enter text.	0	0	0	0	0	\$0	\$0
<b>Total PT</b>	0	0	0	0	0	<b>\$0</b>	<b>\$0</b>
<b>Total FTE</b>	0	0	0	0	0	<b>\$0</b>	<b>\$0</b>

**How many of the new, FTE jobs to be created within three years will be filled by residents of the Labor Market Area that includes Steuben, Schuyler, Chemung, Yates, Allegany, and Livingston Counties?**

Prattsburgh Wind will work with the local unions to ensure as many local laborers as possible are hired for the construction of the project. While not all of the operations positions will be filled with current residents of these counties, we expect they will take up residency after hired.

*The IDA may utilize the foregoing employment projections, among other items, to determine the Financial Assistance that will be offered by the IDA 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.*

**Please complete the chart below if Applicant provides employment at other sites in New York State:**

	<b>Address:</b> Type here to enter text.	<b>Address:</b> Type here to enter text.	<b>Address:</b> Type here to enter text.
<b>Total FTEs</b>	0	0	0



## Section 5: Representations, Certifications, and Indemnification

Before completing this section, has IDA staff reviewed all previous sections of the Application and acknowledged that they are complete? Yes  No

As an authorized representative of Applicant, **Jeff Cast** confirms that he/she is the **Senior Vice President** of **Prattsburgh Wind, LLC** named in the Application, and that he/she has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the IDA, also known as the "Agency," and as follows:

1. 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.
2. 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.
3. 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.
4. 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.

5. 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.
6. 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.
7. 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.

8. 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.
9. 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:
  - a. a non-refundable \$1,000 application and publication fee (the "Application Fee");
  - b. an amount equal to one percent (1%) of the total project costs, unless otherwise agreed to by the Agency; and
  - c. 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.
10. 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.
11. 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 8 and 9 are obligations that are not dependent on final documentation of the transaction contemplated by this Application.
12. 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.
13. 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.**
14. The Applicant acknowledges that it has been provided 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.

15. 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.

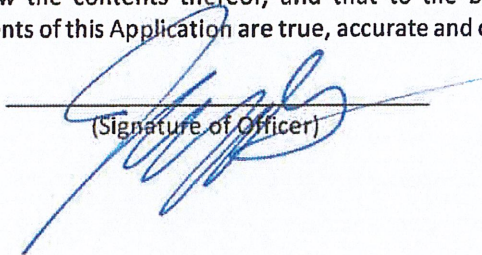
16. The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
17. The Applicant confirms 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, as well as may lead to other possible enforcement actions.
18. 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.
19. In the event that (a) the Company does not proceed to final IDA approval within six (6) months of the date of the initial resolution and/or (b) close with the IDA on the proposed Financial Assistance within twelve (12) months of the date of the initial resolution, the IDA reserves the right to rescind and cancel all approvals provided.
20. 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.
21. The Applicant and the individual executing this Application on behalf of Applicant acknowledge receipt of notice from the Agency pursuant to Section 224-a(8)(d) of the New York Labor Law that the estimated mortgage recording tax exemption benefit amount, the estimated sales and use tax exemption benefit amount, and the estimated real property tax abatement benefit amount as so identified within this Application are "public funds" and not otherwise excluded under Section 224-

a(3) of the New York Labor Law. Applicant further acknowledges and understands that it has certain obligations as related thereto pursuant to Section 224-a(8)(a) of the New York Labor Law.

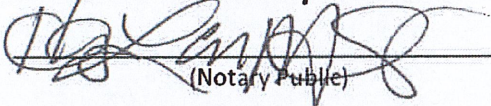
STATE OF NEW YORK )  
COUNTY OF ) ss.:

JEFF CAST, being first duly sworn, deposes and says:

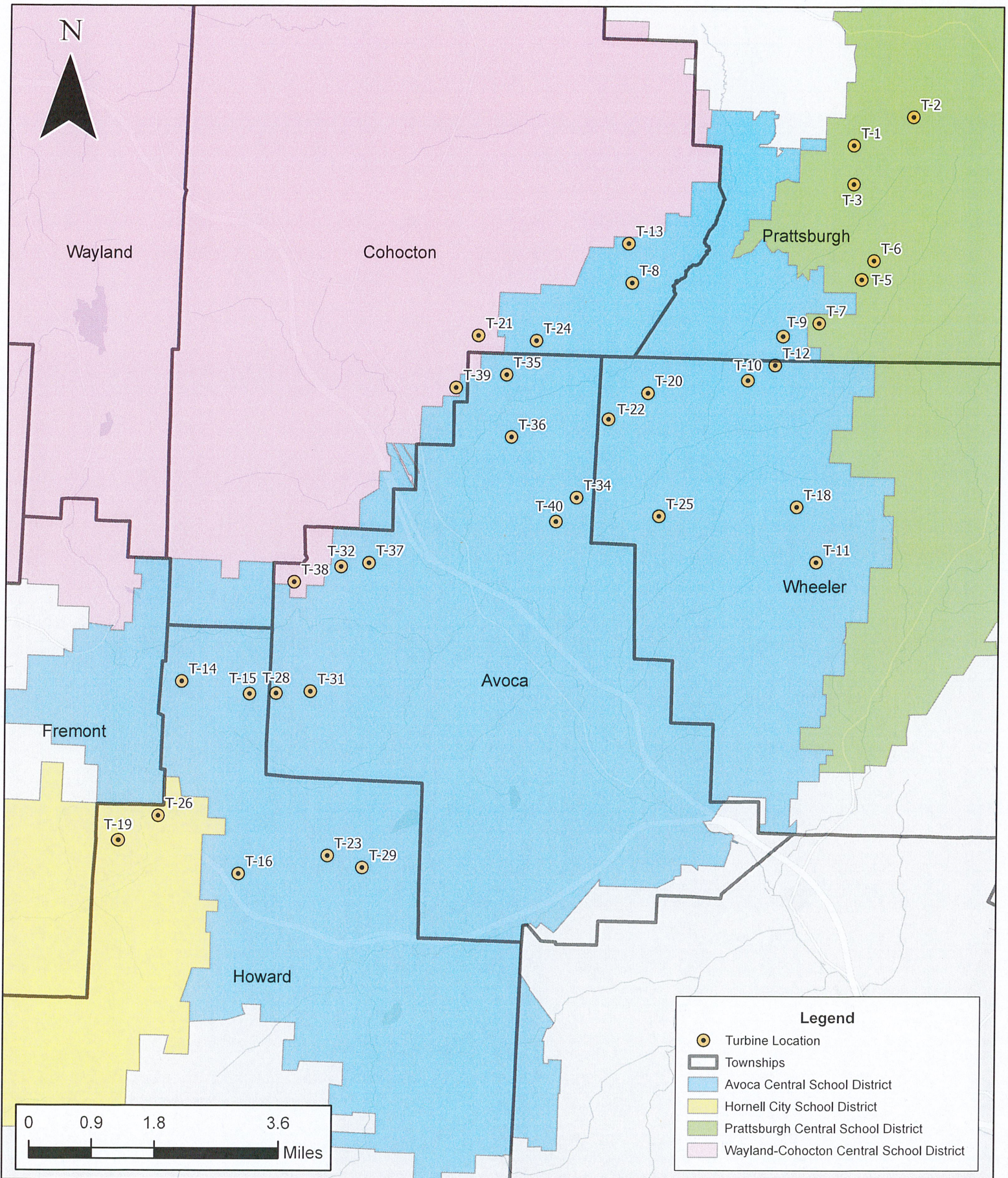
1. That I am the \_Senior Vice President (Corporate Office) of \_Prattsburgh Wind, LLC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, 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 16 day of January, 2025

  
\_\_\_\_\_  
(Notary Public)

HEATHER LANE NICHOLS  
Notary Public - State of New York  
NO. 01NI0027397  
Qualified in New York County  
My Commission Expires Aug 1, 2028



### Townships and School Districts

State of New York, County of Steuben  
 Prattsburgh Wind  
 Towns of Avoca, Cohocton, Howard,  
 Prattsburgh and Wheeler

References:  
 Sources: data.pa.gov, Esri, TomTom, Garmin, SafeGraph, FAO, METI/NASA, USGS, EPA, NPS, USFWS, data.pa.gov, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, USFWS 6/10/24

*Preliminary and subject to change. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes.*

**Figure 1**

## Addendum – Project Landowners and Parcel Numbers

Rathbun, Charles and Barbara	033.00-01-038.200
Taylor, Bruce and Kathleen	033.00-01-067.100
Slayton AG, LLC	046.00-01-053.100
Walker Road Energy Corp	046.00-01-020.141
Walker Road Energy Corp	059.00-01-028.210
Dyckman, Joseph and Susan	045.00-01-015.000
David and Sharon Peck Living Trust	058.00-01-011.100
Estate of John G Turner	072.00-01-015.110
Weaver Living Trust	087.00-01-001.110
Marcaida, Joelle A.	073.00-01-001.000
Caponigro, Brian and Mary	097.00-01-024.000
Ward, Scott and Kari	097.00-01-016.000
Robert Palmer Family Realty Association LLC.	125.00-01-023.100
Flaitz, Jason and Jennifer	124.00-03-002.000
Slayton AG, LLC	072.00-01-005.200
McDowell, Donald and Doris	056.00-01-012.210
Wallace, John and Lynette	072.00-01-032.200
Fuerst Family Trust	126.00-01-020.000
Button, Douglas M.	057.00-02-014.114
Slayton AG, LLC	086.00-01-007.000
Ross, Brenda	124.00-03-005.110
Margeson, Joel T.	111.00-02-001.000
Dgien, Andrew and Karen	126.00-01-017.000
Hilker, Charles and Marie	098.00-01-040.220
Robbins, Chad	083.00-02.005.112
McKeehan, Thomas and Linda	083.00-01-012.200
Slayton Family Farms Inc.	085.00-01-003.110
Button, Douglas M.	057.00-01-004.000
Button, Merlin and Deborah	071.00-01-013.100
Schumacher and Hall LLC	084.00-01-012.000
Harter, Bradley and Kris	083.00-02-007.000
Wallace, John and Lynette	056.00-01-015.200
Walter, Thomas E.	083.00-01-013.000
Hart, Robert and Martha	097.00-03-009.100
Anthony M. Aleo and Carol A. Aleo, husband and wife	071.00-01-006.110

Arlan D. Button and Carol J. Button, husband and wife, as tenants by the entirety	071.00-01-003.110
Bieber Farms, LLC	033.00-01-041.100
Harter, Bradley and Kris	083.00-02-004.100
Harter, Bradley and Kris	083.00-02-003.100
Brenda L. Ross	111.00-01-021.123
Bruce H. French and Marjorie A. French, husband and wife, as tenants by the entirety with the right of survivorship	058.00-01-003.100
Christ H. King	086.00-01-017.110
Christopher Bilow	085.00-01-011.220
Clear Pines Estates & Leasing, LLC	046.00-01-030.000
Clear Pines Estates & Leasing, LLC	046.00-01-002.200
Clear Pines Estates & Leasing, LLC	046.00-01-064.000
Cleeves, Robert and Barbara	125.00-01-023.200
Peck, David & Sharon Living Trust	059.00-01-001.111
Peck, David & Sharon Living Trust	058.00-01-016.111
Donald W. McDowell	056.00-01-048.000
Donald W. McDowell and Doris McDowell	056.00-01-013.200
Donald W. McDowell and Doris McDowell	057.00-02-014.120
Earl MacNaughton and Christine MacNaughton, husband and wife as life tenants and Shad MacNaughton, Remainderman	124.00-03-003.112
Farm East LLC	057.00-02-006.000
Farm East, LLC	058.00-01-019.000
Greater Rochester Rental Properties, LLC	046.00-01-052.000
Gregory D. Fuerst and Victoria M. Fuerst, Life Use, The Fuerst Family Trust	125.00-01-007.110
Helmut G. Loeffler	083.00-01-011.000



James R. Burns and Donna L. Burns, Trustees of the Burns Family Irrevocable Trust	071.00-01-010.000
James F. Higgins	099.00-01-022.000
James W. Mater	033.00-01-039.000
Jason Flaitz	124.00-03-005.120
Jay N. Van Wormer and Diane Van Wormer, husband and wife	071.00-01-014.110
Jean Crawford, as Trustee of the Jean Crawford Living Trust, dated 6-21-17	099.00-01-020.111
Jeffrey R. Hughes	124.00-03-007.120
Joel T. Margeson	097.00-01-015.000
John Wallace and Lynette R. Wallace, joint tenants with the right to survivorship	071.00-01-001.000
Kenneth E. Towner	111.00-01-006.100
Kevin Miller	125.00-01-007.200
Lent Hill Dairy Farm, LLC	099.00-01-016.200
Louis Jay Ewell	100.00-02-005.200
Maurice L. Walker and Joyce M. Densmore n/k/a Joyce M. Walker	083.00-02-003.200
Michael Gerrity, Patricia Ann Rodbourn and Timothy W. Gerrity, as joint tenants	097.00-01-011.200
Michael J. Connor	100.00-02-002.000
Michael J. Connor and Colleen E Connor, husband and wife	100.00-02-001.000
Michael J. Gerrity and Vicky Robbins-Gerrity, husband and wife, tenants by the entirety	097.00-01-011.111
Michael Smith and Lillian Smith	125.00-01-005.120
Moose, Lois and William	097.00-01-014.000
Peter Shambo and Gail Shambo, husband and wife, as tenants by the entirety	085.00-01-010.120
Ralph J. Giacomi and Katherine W. Giacomi, husband and wife	084.00-01-015.000
Ralph J. Giacomi and Katherine W. Giacomi, husband and wife	084.00-01-004.113

Richard L. Wagner and Jeffrey R. Wagner	086.00-01-029.000
Richard La Voie	033.00-01-043.000
Robert J. Bussey	084.00-01-027.000
Robert W. Wagner and Julie A. Wagner	097.00-01-025.110
Scott M. Ward and Kari J. Ward, tenants by the entirety	111.00-01-007.200
Slayton AG, LLC	058.00-01-021.000
Slayton AG, LLC	045.00-02-026.000
Slayton AG, LLC	045.00-02-016.000
Slayton AG, LLC	071.00-01-005.200
Slayton AG, LLC	057.00-01-009.000
Slayton AG, LLC	084.00-01-028.000
Slayton AG, LLC	033.00-01-033.000
Slayton AG, LLC	111.00-01-015.121
Slayton Family Farms Inc, AKA Slayton's Family Farms, Inc.	071.00-01-006.410
Spaulding Swamp LLC	125.00-01-003.200
Spaulding Swamp LLC	125.00-01-001.100
Steven Doe	033.00-01-041.200
Terrence A. Hafler a/k/a Terence A. Hafler and Donna L. Hafler, As Trustees of the Hafler Revocable Trust dated February 20, 2019	097.00-01-006.120
Terrence A. Hafler a/k/a Terence A. Hafler and Donna L. Hafler, As Trustees of the Hafler Revocable Trust dated February 20, 2019	097.00-03-014.000
Under Article III-B of the Will of Bradley Cuvelier MRTL Trust 2	087.00-01-041.100
William Newcomb	086.00-01-016.000
Slayton Family Farms	111.00-01-017.000
Margeson, David and Helen Irrevocable Trust	111.00-02-002.110
Button, Arlan D. and Carol	071.00-01-003.110
Barringer, Brian and Dinse, William	097.00-01-023.000
Arthur Leo Carter Revocable Living Trust	056.00-01-014.200
Verbanic, Steven	083.00-01-014.110

# PILOT Totals Prattsburgh Wind <2023>

Year	Avoca School District	Prattsburgh School District	Hornell School District	Wayland Cohocton	Prattsburgh	Cohocton	Wheeler	Howard	Avoca	County	Total PILOT Revenue
Year 1	\$242,755	\$60,424	\$26,387	\$38,535	\$45,769	\$22,425	\$48,761	\$37,864	\$48,373	\$263,457	\$834,750
Year 2	\$247,610	\$61,633	\$26,915	\$39,306	\$46,684	\$22,873	\$49,736	\$38,622	\$49,341	\$268,726	\$851,445
Year 3	\$252,562	\$62,865	\$27,453	\$40,092	\$47,618	\$23,330	\$50,731	\$39,394	\$50,328	\$274,101	\$868,474
Year 4	\$257,614	\$64,123	\$28,002	\$40,894	\$48,570	\$23,797	\$51,745	\$40,182	\$51,334	\$279,583	\$885,843
Year 5	\$262,766	\$65,405	\$28,562	\$41,711	\$49,541	\$24,273	\$52,780	\$40,986	\$52,361	\$285,174	\$903,560
Year 6	\$268,021	\$66,713	\$29,134	\$42,546	\$50,532	\$24,759	\$53,836	\$41,805	\$53,408	\$290,878	\$921,631
Year 7	\$273,382	\$68,048	\$29,716	\$43,397	\$51,543	\$25,254	\$54,913	\$42,641	\$54,476	\$296,695	\$940,064
Year 8	\$278,849	\$69,409	\$30,311	\$44,265	\$52,574	\$25,759	\$56,011	\$43,494	\$55,566	\$302,629	\$958,865
Year 9	\$284,426	\$70,797	\$30,917	\$45,150	\$53,625	\$26,274	\$57,131	\$44,364	\$56,677	\$308,682	\$978,043
Year 10	\$290,115	\$72,213	\$31,535	\$46,053	\$54,698	\$26,799	\$58,274	\$45,251	\$57,811	\$314,855	\$997,604
Year 11	\$295,917	\$73,657	\$32,166	\$46,974	\$55,792	\$27,335	\$59,439	\$46,156	\$58,967	\$321,153	\$1,017,556
Year 12	\$301,835	\$75,130	\$32,809	\$47,913	\$56,908	\$27,882	\$60,628	\$47,079	\$60,146	\$327,576	\$1,037,907
Year 13	\$307,872	\$76,633	\$33,465	\$48,872	\$58,046	\$28,440	\$61,840	\$48,021	\$61,349	\$334,127	\$1,058,665
Year 14	\$314,029	\$78,165	\$34,135	\$49,849	\$59,207	\$29,009	\$63,077	\$48,981	\$62,576	\$340,810	\$1,079,838
Year 15	\$320,310	\$79,729	\$34,817	\$50,846	\$60,391	\$29,589	\$64,339	\$49,961	\$63,828	\$347,626	\$1,101,435
Year 16	\$326,716	\$81,323	\$35,514	\$51,863	\$61,599	\$30,180	\$65,626	\$50,960	\$65,104	\$354,578	\$1,123,464
Year 17	\$333,251	\$82,950	\$36,224	\$52,900	\$62,830	\$30,784	\$66,938	\$51,980	\$66,406	\$361,670	\$1,145,933
Year 18	\$339,916	\$84,609	\$36,948	\$53,958	\$64,087	\$31,400	\$68,277	\$53,019	\$67,734	\$368,903	\$1,168,852
Year 19	\$346,714	\$86,301	\$37,687	\$55,037	\$65,369	\$32,028	\$69,642	\$54,080	\$69,089	\$376,281	\$1,192,229
Year 20	\$353,648	\$88,027	\$38,441	\$56,138	\$66,676	\$32,668	\$71,035	\$55,161	\$70,471	\$383,807	\$1,216,073
	\$5,898,308	\$1,468,153	\$641,140	\$936,298	\$1,112,057	\$544,857	\$1,184,757	\$920,003	\$1,175,346	\$6,401,311	\$20,282,229

STATE OF NEW YORK  
OFFICE OF RENEWABLE ENERGY SITING AND ELECTRIC TRANSMISSION (ORES)  
SITING PERMIT FOR A MAJOR RENEWABLE ENERGY FACILITY

IN

Towns of Avoca, Cohocton, Howard, Prattsburgh, and Wheeler  
Steuben County

ISSUED TO

Prattsburgh Wind, LLC

ORES DMM Matter No. 21-00749

September 24, 2024



**STATE OF NEW YORK  
OFFICE OF RENEWABLE ENERGY SITING AND ELECTRIC TRANSMISSION**

ORES DMM Matter Number 21-00749 - Application of PRATTSBURGH WIND, LLC, for a Major Renewable Energy Facility Siting Permit Pursuant to Article VIII of the New York State Public Service Law (Article VIII) to Develop, Design, Construct, Operate, Maintain, and Decommission a 147-Megawatt (MW) Wind Energy Facility Located in the Towns of Avoca, Cohocton, Howard, Prattsburgh, and Wheeler, Steuben County, New York.

**SITING PERMIT FOR A MAJOR RENEWABLE ENERGY FACILITY**

**Issued September 24, 2024**

In accordance with the requirements of Article VIII of the Public Service Law and its implementing regulations (title 16 of the Official Compilation of Codes, Rules, and Regulations of the State of New York [16 NYCRR] part 1100 [Part 1100]), the Office of Renewable Energy Siting and Electric Transmission (Office or ORES) issues this Siting Permit (Permit) to Prattsburgh Wind, LLC (Prattsburgh Wind or Permittee), for a Major Renewable Energy Facility (Wind Facility or Facility).<sup>1</sup>

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<sup>1</sup> Effective April 20, 2024, the Renewable Action through Project Interconnection and Deployment (RAPID) Act (L 2024, ch 58, part 0) repealed Executive Law § 94-c, repealed the current Public Service Law Article VIII, and enacted a new Public Service Law Article VIII entitled "Siting of Renewable Energy and Electric Transmission" (see RAPID Act §§ 2, 11). The RAPID Act also retitled the Office as the Office of Renewable Energy Siting and Electric Transmission; transferred the Office from the Department of State to the Department of Public Service; and continued all existing functions, powers, duties, and obligations of the Office under former Executive Law § 94-c. Further, all applications pending before the Office on the effective date of the Act are considered and treated as applications filed pursuant to the RAPID Act as of the date of application filing (see id. § 4). Accordingly, this Siting Permit references the current Public Service Law Article VIII rather than former Executive Law § 94-c.

With respect to ORES's regulations at 19 NYCRR part 900 (Part 900), the RAPID Act transferred part 900 to 16 NYCRR chapter XI, and continued Part 900 in full force and effect subject to conforming changes, such as the substitution of numbering, names, titles, citations, and other non-substantive changes to

This Siting Permit is supported by the extensive record compiled in the Public Service Law Article VIII proceeding including the standards, terms, and conditions attached to and made a part of this Permit (Attachment A). The Siting Permit reflects public comments; the Permittee's March 5, 2024 Statement of Issues on the draft permit; the host municipalities' petitions for party status, written and/or public comment statements, and statements of compliance with local laws and regulations; the intervenors' petitions for party status; the April 2, 2024 Stipulation of Settlement among the Permittee and Office Staff regarding the existence and location of a certain Threatened and Endangered (T&E) species within the vicinity of the Facility site; the April 2, 2024 Office Staff Response to Petitions for Party Status, Statement of Issues by the Applicant, and the Statement of Compliance with Local Laws and Regulations; the April 16, 2024 oral argument; the April 30, 2024 Stipulation of Settlement among the Permittee and Office Staff regarding the addition of a new Site Specific Condition (SSC) at subpart 6(g) of the Siting Permit addressing cumulative noise impacts of the Facility; the May 2, 2024 Ruling of the ALJs on Issues and Party Status, and Order of Disposition (Issues Ruling); Prattsburgh Preservation Alliance's (PPA) May 6, 2024 Expedited Appeal and Appeal from the ALJs' Issues Ruling; the May 10, 2024 Permittee Response to PPA's Request to Appeal; the May 13, 2024 Office Staff Response to Appeal; the June 13, 2024 Stipulation of Settlement among the Permittee and Office Staff resolving certain issues that were joined for adjudication regarding a T&E species (bald eagle) within the vicinity of the Facility site; the June 14, 2024 Notice Canceling Adjudicatory Hearing and Order of Disposition; and the August 7, 2024 decision of the Interim Executive Director.

The Office in its final decision considered, among other matters, public health and safety, and all pertinent social, economic, and environmental factors of the Wind Facility. Based upon the Office's comprehensive review of the record, the Office finds and determines that the Wind Facility, together with applicable provisions of the

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be filed with the Secretary of State (see RAPID Act § 7). The conforming changes were filed with the Secretary of State and became effective July 17, 2024. Accordingly, this Siting Permit uses the numbering of the new 16 NYCRR part 1100 (Part 1100) rather than the numbering of former Part 900.

Uniform Standards and Conditions (USCs) (subpart 5 of this Siting Permit), necessary Site Specific Conditions (SSCs)(subpart 6 of this Siting Permit), and applicable pre-construction and post-construction compliance filings (subpart 7 of this Siting Permit):

- a) complies with Article VIII and applicable provisions of the Office's regulations at 16 NYCRR Part 1100;
- b) complies with substantive provisions of applicable State laws and regulations;
- c) complies with substantive provisions of applicable local laws and ordinances, except those provisions the Office has elected not to apply based on a finding that they are unreasonably burdensome in view of the Climate Leadership and Community Protection Act (CLCPA) targets and the environmental benefits of the Facility;
- d) avoids, minimizes, or mitigates, to the maximum extent practicable, potential significant adverse environmental impacts of the Facility;
- e) achieves a net conservation benefit with respect to any impacted threatened or endangered species; and
- f) contributes to New York's CLCPA targets by providing up to 147 MW of renewable energy and reducing carbon dioxide emissions by an estimated 319,400 metric tons each year, equivalent to the energy use of approximately 62,000 homes in New York State.

In making the required findings, the Office considered the CLCPA targets and environmental benefits of the proposed Facility.

Subject to the terms, conditions, and requirements in Attachment A to this Siting Permit, the Permittee is authorized to develop, design, construct, operate, maintain, and decommission a Wind Facility with a nameplate generating capacity of up to 147 MW in the Towns of Avoca, Cohocton, Howard, Prattsburgh, and Wheeler, Steuben County, New York. The Wind Facility shall comply with the standards, conditions, and requirements specified in this Siting Permit.

Any potential changes to the Facility proposed by the Permittee will be subject to review by the Office in compliance with Part 1100. All standards, conditions, and requirements in this Siting

Permit shall be enforceable obligations to the State of New York in accordance with 16 NYCRR subpart 1100-12 and other applicable law.

The Siting Permit will automatically expire if the Wind Facility does not commence commercial operation within seven (7) years from the date of issuance.

Approved *Jessica F. Waldorf*  
Jessica F. Waldorf  
Interim Executive Director  
New York State Office of Renewable Energy Siting and  
Electric Transmission

Dated: September 24, 2024

cc: Party List - ORES DMM Matter No. 21-00749



**ATTACHMENT A  
FINAL SITING PERMIT**

**1. PERMIT**

In compliance with Article VIII of the Public Service Law (Article VIII) and 16 NYCRR part 1100 (Part 1100),<sup>2</sup> this Siting Permit (Permit) is expressly subject to the standards, conditions, and requirements set forth in this Attachment A, including without limitation the following terms and conditions:

**1.1 Applicability; Powers of Municipalities and State Agencies and Authorities**

The Siting Permit issued herein is based upon the plans, specifications, reports, statements, agreements, and other information submitted by or on behalf of the Permittee in the application record for this Facility (ORES DMM Matter No. 21-00749) as well as the Permittee's Public Service Law (PSL) Article 10 pre-application record (DPS Case 19-F-0540), incorporated herein by reference. This information is freely accessible on the ORES website at <https://dps.ny.gov/ores-permit-applications>,

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<sup>2</sup> Effective April 20, 2024, the Renewable Action through Project Interconnection and Deployment (RAPID) Act (L 2024, ch 58, part O) repealed Executive Law § 94-c, repealed the current Public Service Law Article VIII, and enacted a new Public Service Law Article VIII entitled "Siting of Renewable Energy and Electric Transmission" (see RAPID Act §§ 2, 11). The RAPID Act also retitled the Office as the Office of Renewable Energy Siting and Electric Transmission; transferred the Office from the Department of State to the Department of Public Service; and continued all existing functions, powers, duties, and obligations of the Office under Executive Law former § 94-c. Further, all applications pending before the Office on the effective date of the Act are considered and treated as applications filed pursuant to the RAPID Act as of the date of application filing (see id. § 4). Accordingly, this Siting Permit references the current Public Service Law Article VIII rather than Executive Law former § 94-c.

With respect to ORES's regulations at 19 NYCRR part 900 (Part 900), the RAPID Act transferred part 900 to 16 NYCRR chapter XI, and continued Part 900 in full force and effect subject to conforming changes, such as the substitution of numbering, names, titles, citations, and other non-substantive changes to be filed with the Secretary of State (see RAPID Act § 7). The conforming changes were filed with the Secretary of State and became effective July 17, 2024. Accordingly, this Siting Permit uses the numbering of the new 16 NYCRR part 1100 (Part 1100) rather than the numbering of former Part 900.

ORES Major Renewable Energy Facility Permit  
Prattsburgh Wind, LLC (ORES DMM Matter No. 21-00749)

subject to such redactions as are required by law or ordered by the assigned Administrative Law Judges (ALJs).

Pursuant to Article VIII of the Public Service Law and its implementing regulations at 16 NYCRR subparts 1100-1 through 1100-15, the Facility shall be designed, developed, constructed, operated, maintained, and decommissioned in conformity with this Siting Permit and any terms, limitations, or conditions contained herein.

Notwithstanding any other provision of law, including without limitation article eight of the Environmental Conservation Law (ECL) and article seven of the PSL, no other State agency, department or authority, or any municipality or political subdivision, or any agency thereof may, except as expressly authorized under Article VIII and implementing regulations at Part 1100, require any approval, consent, permit, certificate, contract, agreement, or other condition for the development, design, construction, operation, maintenance, or decommissioning of the Facility authorized pursuant to this Siting Permit.

Nothing in this Siting Permit shall exempt such Facility from compliance with applicable federal laws, rules, and regulations, and the Permittee remains responsible for providing copies of all federal and federally-delegated permits and approvals for the construction and operation of the Facility, simultaneously with other required pre-construction compliance filings hereunder.

## **1.2 Record of Proceeding**

In addition to the information referenced above, the record of this application includes all information submitted with respect to the ORES Application (ORES DMM Matter No. 21-00749), by or on behalf of municipalities and local agencies, members of the public and other participants, as well as ORES and other State agencies and authorities, and is freely accessible on the ORES website, subject to such redactions as are required by law or ordered by the assigned ALJs.

## **2. PROJECT DESCRIPTION**

The Facility is a wind energy generating project located in the Towns of Avoca, Cohocton, Howard, Prattsburgh, and Wheeler, Steuben County, New York, consisting of the following major components: up to 36 wind turbines; buried and overhead 34.5-kilovolt (kV) collection lines; access roads; three temporary laydown/construction support areas; two permanent meteorological (met) towers; two temporary met towers; two aircraft detection lighting system (ADLS) towers (if approved by the Federal Aviation Administration [FAA] and determined feasible for the entire Project); a temporary concrete batch plant; an operations and maintenance (O&M) building; a medium-voltage to transmission-voltage collector substation with associated equipment and fenced areas; a new point of interconnection (POI) switching station; and an approximately 1,300-foot overhead transmission line to tie-in the Facility to the existing New York State Electric and Gas (NYSEG) Stoney Ridge to Canandaigua 230 kV transmission line #68. The total nameplate capacity of the Facility shall not exceed 147 megawatts (MW).

The proposed Wind Facility will directly contribute to New York's Climate Leadership and Community Protection Act (CLCPA) targets by producing up to 147 MW of renewable wind energy directly to New York's energy market. According to the application, the Facility will offset approximately 319,400 metric tons of carbon dioxide (CO<sub>2</sub>) and associated emissions and produce enough zero-emissions energy to power approximately 62,000 households in New York State. The Facility will also create job opportunities, support economic growth, and protect public health, safety, and the environment by significantly reducing greenhouse gas emissions.

## **3. PROCEDURAL BACKGROUND**

(a) On 9/26/2022, the Permittee submitted an application for a major renewable energy facility siting permit (the Application) to the Office pursuant to former Executive Law § 94-c.

(b) On 11/4/2022, the Permittee filed an Application Supplement.

ORES Major Renewable Energy Facility Permit  
Prattsburgh Wind, LLC (ORES DMM Matter No. 21-00749)

- (c) On 11/23/2022, Office Staff issued a Notice of Incomplete Application.
- (d) On 2/17/2023, the Permittee submitted an extension request for the three (3) month response period in former 19 NYCRR § 900-4.1(f), requesting an extension to 04/21/2023.
- (e) On 4/21/2023, the Permittee filed an Application Supplement.
- (f) On 6/20/2023, Office Staff issued a second Notice of Incomplete Application.
- (g) On 8/31/2023, 9/13/2023, 10/16/2023, 10/17/2023, and 10/26/2023, the Permittee filed Application Supplements.
- (h) On 10/27/2023, Office Staff issued a Revised Take Determination.
- (i) On 10/30/2023, the Office determined that the Application, together with the Application Supplements filed on 11/4/2022, 4/21/2023, 8/31/2023, 9/13/2023, 10/16/2023, 10/17/2023, and 10/26/2023, was complete in compliance with former Executive Law § 94-c(5)(b) and former 19 NYCRR §§ 900-4.1(c) and (g).
- (j) On 11/9/2023, the Prattsburgh Preservation Alliance (PPA) filed a petition for party status.
- (k) On 12/29/2023, Office Staff published the Draft Permit on its website for public comment.
- (l) On 12/29/2023, the ORES Office of Hearings issued a Combined Notice of Availability of Draft Permit Conditions, Public Comment Period and Public Comment Hearing, and Commencement of Issues Determination Procedure (Combined Notice), including instructions for filing a petition for party status.
- (m) On 1/23/2024, Marty Oehlbeck (Mr. Oehlbeck) filed a petition for party status.

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- (n) On 2/1/2024, PPA refiled its initial petition for party status and supplemented its petition with further submissions on 2/26/2024 and 2/27/2024.
- (o) On 2/27/2024, the assigned ALJs presided over a public comment hearing at the Hatch Hose Fire Company, 30 University Avenue, Atlanta, New York.
- (p) On 3/1/2024 and 3/21/2024, Cynthia Smith filed two comments regarding bald eagles.
- (q) On 3/4/2024, the Town of Fremont filed a Petition for Party Status, Statement of Compliance, and Statement of Issues for Adjudication.
- (r) On 3/5/2024, the Town of Prattsburgh filed a Petition for Party Status, Statement of Compliance, and Statement of Issues for Adjudication.
- (s) On 3/5/2024, the Town of Cohocton filed a Petition for Party Status, Statement of Compliance, and Statement of Issues for Adjudication.
- (t) On 3/5/2024, the Towns of Avoca, Howard, and Wheeler filed a Joint Petition for Party Status, Statement of Compliance, and Statement of Issues for Adjudication.
- (u) On 3/5/2024, the Permittee filed a Statement of Issues and Requests for Clarification.
- (v) On 3/14/2024, the Permittee filed a request to supplement its Statement of Issues and Requests for Clarification.
- (w) On 3/20/2024, the assigned ALJs filed correspondence granting the Town of Prattsburgh's request to supplement its Petition for Party Status.
- (x) On 3/20/2024, the Towns of Avoca, Howard, and Wheeler filed a request to supplement their Joint Petition for Party Status, Statement of Compliance, and Statement of Issues for Adjudication.

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- (y) On 3/28/2024, the assigned ALJs filed correspondence granting the request from the Towns of Avoca, Howard, and Wheeler to supplement their Joint Petition for Party Status, Statement of Compliance, and Statement of Issues for Adjudication.
- (z) On 4/2/2024, Office Staff timely filed its Response to Petitions for Party Status, Statement of Issues by the Permittee, and Statements of Compliance with Local Laws and Regulations.
- (aa) On 4/2/2024, the Permittee timely filed its Response to Statements of Municipal Compliance and Petitions for Party Status, and Response to Public Comments.
- (bb) On 4/2/2024, Office Staff filed a Stipulation of Settlement among Office Staff and the Permittee regarding the presence and location of the nest of a bald eagle in the vicinity of the project.
- (cc) On 4/10/2024, the assigned ALJs gave Notice of Oral Argument to join issue on: (1) whether the Facility complies with the former 19 NYCRR Part 900 setback and noise limits as they pertain to two partially completed structures in the Town of Prattsburgh; (2) whether the Siting Permit should include a SSC to ensure that the noise design goals and limits set forth in former Part 900 are met on a cumulative basis; (3) whether Permittee had justified relief from the Town of Prattsburgh's local setback requirements for four wind turbines proposed to be sited in the Town; and (4) whether the Siting Permit should include additional conditions related to impacts to bald eagles.
- (dd) On 4/16/2024, the assigned ALJs heard oral argument with appearances from the Towns of Prattsburgh, Cohocton, Avoca, Howard, Wheeler, and Freemont, the Prattsburgh Preservation Alliance, Mr. Oehlbeck, the Permittee, and Office Staff.
- (ee) On 5/2/2024, Office Staff filed a Stipulation of Settlement entered into in writing on 4/30/2024, by Office Staff and the Permittee, and by verbal agreement by the Town of Cohocton at the 4/16/2024 oral argument, resolving the outstanding

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cumulative noise impacts issues by the addition of a new SSC 6(g) to the Siting Permit.

- (ff) On 5/2/2024, the assigned ALJs issued the Issues Ruling, which granted the Town of Cohocton's petition in part since it raised a meritorious legal issue regarding cumulative noise impacts but not a substantive and significant factual issue requiring adjudication, and otherwise denied party status to the remaining Towns, PPA, and Mr. Oehlbeck. The Issues Ruling also joined for adjudication, identifying Office Staff and the Permittee as parties, the issues of (1) whether certain facility components could be sited as proposed and contemplated by the Draft Siting Permit; (2) whether a revised jurisdictional determination would be necessary; (3) what measures may be required to avoid, minimize, and mitigate impacts to bald eagles; and (4) whether a revised Net Conservation Benefit Plan (NCBP) would be necessary to address unavoided impacts to bald eagles. The ALJs set down the proceeding for a procedural conference to schedule the adjudicatory hearing and other pre-hearing proceedings.
- (gg) On 5/2/2024, PPA filed a motion and request for a Declaratory Ruling.
- (hh) On 5/6/2024, PPA timely filed a Request for Leave to File an Expedited Appeal and an Appeal of the Issues Ruling pursuant to former 19 NYCRR § 900-8.7(d)(7) pending review of its appeal.
- (ii) On 5/7/2024, Office Staff filed a Response to PPA's motion and request for a Declaratory Ruling.
- (jj) On 5/10/2024, the Permittee timely filed a Response to PPA's Appeal of the Issues Ruling.
- (kk) On 5/13/2024, Office Staff timely filed a Response to PPA's appeal of the Issues Ruling.
- (ll) On 5/13/2024, the assigned ALJs issued a Ruling on the Motion of PPA.

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- (mm) On 5/13/2024, the assigned ALJs issued a Ruling Adopting Schedule for an evidentiary hearing.
- (nn) On 6/14/2024, the Permittee filed a Stipulation of Settlement entered into with Office Staff, addressing all issues identified for adjudication in the Issues Ruling and agreeing to an SSC in the Siting Permit requiring the submission as a pre-construction filing of a post-construction monitoring plan and adaptive management program that contain minimum, specific provisions subject to the review and approval of Office Staff.
- (oo) On 6/14/2024, the assigned ALJs issued a Notice Canceling Adjudicatory Hearing and Order of Disposition, and remanded the matter to Office Staff to continue processing the Siting Permit consistent with the Stipulations of Settlement pursuant to former 19 NYCRR §§ 900-8.3(c)(5) and 900-8.12(b) and to issue a written summary and assessment of public comments received during the public comment period on issues not otherwise addressed in the Issues Ruling.
- (pp) On 8/7/2024, the Interim Executive Director issued a decision (Decision) that affirmed the Issues Ruling, and remanded the matter to Office Staff, pursuant to 16 NYCRR § 1100-8.3(c)(5), to continue processing the application to issue the requested Siting Permit.
- (qq) On 9/24/2024, in compliance with 16 NYCRR § 1100-8.3(c)(5), Office Staff filed its written Summary and Assessment of Public Comments.

#### **4. REQUIRED FINDINGS**

PSL § 142(5) provides that a final Siting Permit may only be issued if the Office makes a finding that the proposed Facility, together with any applicable USCs, SSCs, and compliance filings set forth in the Permit would comply with applicable laws and regulations. In making this determination, the Office may elect not to apply, in whole or in part, any local law or ordinance that would otherwise be applicable if the Office makes a finding that, as applied to the proposed Facility, the local law or ordinance is



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unreasonably burdensome in view of the CLCPA targets and the environmental benefits of the proposed Facility.

In compliance with PSL § 142(5), the Office has considered, without limitation, the proposed Facility's contribution of up to 147 MW toward New York State's CLCPA targets, and the associated environmental benefits of producing zero-emissions energy and significantly reducing greenhouse gas emissions in New York State.

The Permittee has requested that the Office elect not to apply certain provisions of local law or ordinance. As specified below, the Office hereby determines not to apply, in whole or in part, the following local law or ordinance provisions, which when applied to the proposed Facility, are unreasonably burdensome in view of the CLCPA targets and the environmental benefits of the proposed Facility. In making the determinations herein, the Office has balanced the proposed Facility's competing impacts to multiple resources, and considered the Permittee's proposed measures to avoid, minimize, or mitigate those impacts to the maximum extent practicable, while ensuring protection of the environment and consideration of all pertinent social, economic, and environmental factors.

Except for the provisions of local law or ordinance for which relief is approved below, the Office finds that the Facility, as proposed and permitted herein, shall comply with the substantive provisions of the applicable local laws or ordinances of the Towns of Avoca, Cohocton, Howard, Prattsburgh, and Wheeler identified in the Application at Exhibit 24, Local Laws and Ordinances (Record 95) and accompanying Appendices 24-A, 24-B, and 24-C (Record 52 and 95).

**(a) Town of Avoca**

(1) Turbine Height Limit

The Permittee requested relief from Article II § 12(B) of the Wind Energy Facility Law of the Town of Avoca (Local Law No. 1 of 2021). This section provides:

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(B) The Maximum total height of any WTG [Wind Turbine Generators] shall be 650 feet.

Based upon the record in this case, the Office elects not to apply the height restriction from Article II § 12(B) of the Wind Energy Facility Law of the Town of Avoca (Local Law No. 1 of 2021), which is unreasonably burdensome in light of the CLCPA targets and the environmental benefits of the Facility, provided that the total height of the wind turbine shall not exceed 668 feet, as described in Application Appendix 24-B (Revision 2): Statement of Justification (Record 95).

(2) Construction Hours

The Permittee requested limited relief from Article II § 12(N) of the Wind Energy Facility Law of the Town of Avoca (Local Law No. 1 of 2021) as it applies to the sunset construction hour limitation. This section provides:

(N) Construction of the Wind Energy Facilities shall be limited to the hours of 7 a.m. to sunset, not to exceed 9 p.m. except for certain activities that require cooler temperatures than possible during the day, for which activities special hours may be granted upon the approval from the Town Board and/or Code Enforcement Officer.

Based upon the record in this case, the Office approves limited relief from Article II § 12(N) of the Wind Energy Facility Law of the Town of Avoca (Local Law No. 1 of 2021), which is unreasonably burdensome in light of CLCPA targets and the environmental benefits of the Facility. Relief is limited such that construction can continue to 8:00 p.m. year-round. Consistent with 16 NYCRR § 1100-6.4(a), the Permittee shall comply with the Facility Construction and Maintenance requirements specified in subpart 5.4(a) of this Permit.

(3) Decommissioning Security

The Permittee requested relief from the required amount of decommissioning security, as set forth in Article II § 20(3)(d) of

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the Wind Energy Facility Law of the Town of Avoca (Local Law No. 1 of 2021), which prohibits the amount of financial security for decommissioning to be reduced by the expected salvage value of the facility components. This section provides:

(3) The Applicant or successors, shall continuously maintain security for the benefit of the Town only, held by the Town, in a form approved by the Town for the removal of inoperative WTGs, in an amount to be determined by the Town, and for the period of the life of the facility. This security may consist of a letter of credit from a State of New York licensed-financial institution. All costs of the financial security shall be borne by the applicant. All decommissioning fund requirements shall be fully funded before a building permit is issued. The following criteria shall also be met for the decommissioning security:

(d) Estimated salvage value of recyclable materials shall not be taken into account in the determination of the decommissioning security.

Based upon the record in this case, the Office approves limited relief from the prohibition of including salvage value in the decommissioning security amount of Article II § 20(3)(d) of the Wind Energy Facility Law of the Town of Avoca (Local Law No. 1 of 2021), which is unreasonably burdensome in light of CLCPA targets and the environmental benefits of the Facility. The Permittee shall provide decommissioning and site restoration security in the amounts meeting the requirements specified in subpart 5.6(b) of this Permit pursuant to 16 NYCRR §§ 1100-2.24(c), 1100-6.6(b) and 1100-10.2(b).

**(b) Town of Cohocton**

(1) Turbine Height Limit

The Permittee requested relief from Article XI § 1130(2)(b)(i) of the Town of Cohocton Zoning Law (as amended by Local Law No. 2 of 2006, Local Law No. 1 of 2011, and Local Law No. 4 of 2019). This section provides:

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(i) Maximum height limit shall be no greater than 650 feet.

Based upon the record in this case, the Office elects not to apply the height restriction from Article XI § 1130(2)(b)(i) of the Town of Cohocton Zoning Law (as amended by Local Law No. 2 of 2006, Local Law No. 1 of 2011, and Local Law No. 4 of 2019), which is unreasonably burdensome in light of the CLCPA targets and the environmental benefits of the Facility, provided that the total height of the wind turbine shall not exceed 668 feet, as described in Application Appendix 24-B (Revision 2): Statement of Justification (Record 95).

(2) Undergrounding Requirements

The Permittee requested limited relief from the undergrounding requirements in Article XI § 1130 Subsection 2(b)(vi) of the Town of Cohocton Zoning Law (as amended by Local Law No. 2 of 2006, Local Law No. 1 of 2011, and Local Law No. 4 of 2019). This section provides:

(vi) All power transmission/distribution lines from the windmill electricity generation facilities shall be underground from the windmill electric generation facility to the collection station. All other circumstances would be reviewed during the site plan process.

Based upon the record in this case, the Office approves limited relief with respect to Article XI § 1130 Subsection 2(b)(vi) of the Town of Cohocton Zoning Law (as amended by Local Law No. 2 of 2006, Local Law No. 1 of 2011, and Local Law No. 4 of 2019), which is unreasonably burdensome in light of the CLCPA targets and the environmental benefits of the Facility. Relief is limited to the lengths and segments within the Town of Cohocton, as described in Appendix 24-B (Revision 2): Statement of Justification (Record 95 at Table 4) and Appendix 5-I: Supplemental Overhead Collection Line Memo (Record 87), provided that the height of the structures shall not exceed the height modeled in Appendix 8-C (Supplement): Supplemental Visual Impact Assessment and Visual Minimization and Mitigation Plan (Record 53).

(3) Lot Area, Yards, Building Height & Lot Coverage Requirements

The Permittee requested limited relief from Article III § 320 of the Town of Cohocton Zoning Law, as it pertains to the structures within the POI and collector substations, overhead collection lines and associated pole structures, and the interconnection loop transmission lines and associated pole structures located in the Town of Cohocton. This section provides:

§ 320 Zoning Schedule. Agricultural-Residential (AG-R)  
All other Permitted Uses: Max. Hgt. Stories Feet: 35  
feet.

Based upon the record of this case, the Office approves limited relief from Article III § 320 of the Town of Cohocton Zoning Law, which is unreasonably burdensome in light of CLCPA targets and the environmental benefits of the proposed facility. Relief is limited to the four (4) structures associated with the POI substation, two (2) structures associated with the collector substation, eight (8) pole structures associated with the interconnection loop transmission lines, and 44 pole structures within four segments associated with the overhead collection line as described in Appendix 24-B (Revision 2): Statement of Justification (Record 95 at 27-29) and their heights as depicted in Revision 1 Electrical Design & Substation Plan (Record 42).

**(c) Town of Howard**

(1) Turbine Height Limit

The Permittee requested relief from Article II § 12(B) of the Wind Energy Facility Law of the Town of Howard (Local Law No. 1 of 2022). This section provides:

(B) The Maximum total height of any WTG shall be 650 feet.

Based upon the record in this case, the Office elects not to apply the height restriction from Article II § 12(B) of the Wind Energy Facility Law of the Town of Howard (Local Law No. 1 of 2022), which is unreasonably burdensome in light of the CLCPA targets and the

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environmental benefits of the Facility, provided that the total height of the wind turbine shall not exceed 668 feet, as described in Application Appendix 24-B (Revision 2): Statement of Justification (Record 95).

(2) Construction Hours

The Permittee requested limited relief from Article II § 12(N) of the Wind Energy Facility Law of the Town of Howard (Local Law No. 1 of 2022), as it applies to the sunset construction hour limitation. This section provides:

(N) Construction of the Wind Energy Facilities shall be limited to the hours of 7 a.m. to sunset, not to exceed 9 p.m. except for certain activities that require cooler temperatures than possible during the day, for which activities special hours may be granted upon the approval from the Planning Board and/or Code Enforcement Officer.

Based upon the record in this case, the Office approves limited relief with respect to Article II § 12(N) of the Wind Energy Facility Law of the Town of Howard (Local Law No. 1 of 2022), which is unreasonably burdensome in light of CLCPA targets and the environmental benefits of the Facility. Relief is limited such that construction can continue to 8:00 p.m. year-round. Pursuant to 16 NYCRR § 1100-6.4(a), the Permittee shall comply with the Facility Construction and Maintenance requirements specified in subpart 5.4(a) of this Permit.

(3) Decommissioning Security

The Permittee requested limited relief from the required amount of decommissioning security, as set forth in Article II § 20(3)(d) of the Wind Energy Facility Law of the Town of Howard (as amended by Local Law No. 1 of 2022), which prohibits the amount of financial security for decommissioning to be reduced by the expected salvage value of the facility components. This section provides:

(3) The applicant, or successors, shall continuously maintain security for the benefit of the Town only, held

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by the Town, in a form approved by the Town for the removal of inoperative WTGs, in an amount to be determined by the Town, and for the period of the life of the facility. This security may consist of a letter of credit from a State of New York licensed-financial institution. All costs of the financial security shall be borne by the applicant. All decommissioning fund requirements shall be fully funded before a building permit is issued. The following criteria shall also be met for decommissioning security:

(d) Estimated salvage value of recyclable materials shall not be taken into account in the determination of the decommissioning security.

Based upon the record in this case, the Office approves limited relief from the requirement for determining the amount of decommissioning security in Article II § 20(3)(d) of the Wind Energy Facility Law of the Town of Howard (as amended by Local Law No. 1 of 2022), which is unreasonably burdensome in light of CLCPA targets and the environmental benefits of the Facility. The Permittee shall provide decommissioning and site restoration security in the amounts meeting the requirements specified in subpart 5.6(b) of this Permit and consistent with 16 NYCRR §§ 1100-2.24(c), 1100-6.6(b) and 1100-10.2(b).

**(d) Town of Prattsburgh**

(1) Construction Hours

The Permittee requested limited relief from Article 5 § 2(A) and has indicated non-compliance with Article 5 § 2(B) of the Town of Prattsburgh Amended Wind Energy Facilities Law of 2021 (Local Law No. 1 of 2021). This section provides:

(A) The siting permit shall contain a term or condition requiring that construction work hours on any and all components of the wind energy facility, as well as delivery and/or unloading of any parts, materials or equipment related thereto, including repair or maintenance of construction equipment at any outdoor

location, shall be limited to the hours between 7:00 a.m. and 7:00 p.m. on Mondays through Saturdays, except Federally recognized holidays. The omission of such term and/or condition from the siting permit shall not relieve the Developer of its obligation with respect to the limits set forth herein.

(B) No activities limited herein shall occur on Sundays or on federally recognized holidays.

Based upon the record in this case, the Office approves limited relief with respect to Article 5 §§ 2(A) and 2(B) of the Town of Prattsburgh Amended Wind Energy Facilities Law of 2021 (Local Law No. 1 of 2021), which is unreasonably burdensome in light of CLCPA targets and the environmental benefits of the Facility. Relief is limited such that construction can continue to 8:00 p.m. on Mondays through Saturdays; construction can occur on Sundays and national holidays; and construction and delivery activities can occur during extended hours. Consistent with 16 NYCRR § 1100-6.4(a), the Permittee shall comply with the Facility Construction and Maintenance requirements specified in subpart 5.4(a) of this Permit.

(2) Restoration in Agricultural Lands

The Permittee requested limited relief from Article 5 § 3(C) of the Town of Prattsburgh Amended Wind Energy Facilities Law of 2021 (Local Law No. 1 of 2021), which provides:

(C) It shall also be required that full restoration of disturbed agricultural land, due to construction or maintenance activities be made prior to the facility becoming operational.

Based upon the record in this case, the Office denies the requested relief with respect to Article 5 § 3(C) of the Town of Prattsburgh Amended Wind Energy Facilities Law of 2021 (Local Law No. 1 of 2021) on the grounds that relief is not necessary. The Permittee shall comply with the requirements set forth in 16 NYCRR § 1100-2.16 and the standard to avoid, minimize, and mitigate potential



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significant adverse impact(s) to agricultural resources to the maximum extent practicable.

(3) Removal of all Deleterious and/or Toxic Materials

The Permittee requested limited relief from Article 5 §§ 4(A)-(C) of the Town of Prattsburgh Amended Wind Energy Facilities Law of 2021 (Local Law No. 1 of 2021) to the extent that potentially hazardous materials may be stored on-site to fuel equipment during construction and decommissioning activities and during operations for wind turbine maintenance activities. These sections provide:

(A) The siting permit shall contain terms and/or conditions requiring that Developer shall remove from any facility site, at any time during construction, operation, maintenance or tower/component replacement, any item(s) or material(s) which is or are toxic or deleterious to humans or the environment, either of their own accord or upon disposal in any location.

(B) Any such item(s) or material(s) shall be disposed of at a site outside of the Town of Prattsburgh which is authorized by the State or Federal government to receive such item(s) or material(s).

(C) The consent of any property owner within the Town of Prattsburgh to permit disposal or placement of any such item(s) or material(s) shall not abrogate the provision hereof.

Based upon the record in this case, the Office denies the requested relief from Article 5 §§ 4(A)-(C) of the Town of Prattsburgh Amended Wind Energy Facilities Law of 2021 (Local Law No. 1 of 2021) on the grounds that relief is not necessary. The Permittee shall also comply with the materials management requirements set forth in 16 NYCRR Part 1100.

(4) Turbine Setbacks

The Permittee requested limited relief from the 1.5 times setback requirement, as set forth in Article 5 § 5(A) of the Town of

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Prattsburgh Amended Wind Energy Facilities Law of 2021 (Local Law No. 1 of 2021), for turbines T2, T3, T5, and T9. This section provides:

(A) The Developers siting permit shall require that, as a term or condition thereof, that all wind energy turbine towers be subject to a lot boundary line setback which shall be a distance determined by the following formula: 1.5 times (tower height plus rotor radius). That measurement shall be from the nearest lot boundary line and measured horizontally from the tower location to that lot boundary line or a perpendicular line elevated therefrom.

Based upon the record in this case, the Office approves limited relief from Article 5 § 5(A) of the Town of Prattsburgh Amended Wind Energy Facilities Law of 2021 (Local Law No. 1 of 2021), which is unreasonably burdensome in light of CLCPA targets and the environmental benefits of the proposed facility. Relief is limited to turbines T2, T3, T5, and T9, where portions of the 1.5 setback cross non-participating lot boundary lines, as described in Application Appendix 24-B (Revision 2): Statement of Justification (Record 95) and depicted in Application Figure 24-7: Setbacks (Record 111 at Sheets 23, 25, 27, and 29). The Permittee shall comply with the setbacks set forth in 16 NYCRR § 1100-2.6(b) and Table 1.

In determining the distance of the setback, the total height of the wind turbine is based on a 668-foot turbine model, as described in Application Exhibit 5 (Revision 2): Design Drawings (Record 87).

(5) Operational Noise Limits

The Permittee requested relief from Article 5 § 6(A) of the Town of Prattsburgh Amended Wind Energy Facilities Law of 2021 (Local Law No. 1 of 2021) to the extent that the wind energy turbine tower noise limitations conflict with the maximum noise limits in 16 NYCRR § 1100-2.8(b)(1). This section provides:

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(A) The Developers Siting Permit shall require that, as a term or condition thereof, the sound emitted from any wind energy turbine tower which is a part of the wind energy facility, measured at the nearest point on the lot boundary line of any non-participating property, shall not exceed 6dBA L90 above established ambient noise level (baseline level), as well as requiring compliance with the other provisions of this section.

Based upon the record in this case, the Office approves relief from Article 5 § 6(A) of the Town of Prattsburgh Amended Wind Energy Facilities Law of 2021 (Local Law No. 1 of 2021), which is unreasonably burdensome in light of CLCPA targets and the environmental benefits of the proposed Facility. The Permittee shall comply with the noise standards set forth in 16 NYCRR § 1100-2.8.

(6) Natural Gas Impact Study

The Permittee requested relief from Article 5 §§ 9 (A)-(C), (F), and (G) of the Town of Prattsburgh Amended Wind Energy Facilities Law of 2021 (Local Law No. 1 of 2021). These sections provide:

(A) The Developer's siting permit shall require that, as a term or condition thereof, that the Developer undertake a study for the purpose of identifying any natural gas deposits within the vicinity of each wind turbine tower site to be utilized by the Developer. Such study shall include wind turbine tower sites outside the geographic limits of the Town of Prattsburgh but within the vicinity of any natural gas deposit within the geographic limits of the Town of Prattsburgh. For the purpose hereof "vicinity" shall be defined as a radius of 1,500 feet from the center of any wind turbine tower.

(B) Such study shall determine whether the wind turbine tower, or any component thereof including the foundation system, has the potential of negatively affecting the natural gas deposit or creating a hazard to the public.

(C) Further, such study shall be undertaken by an engineer or engineering firm with education and experience in the study of natural gas deposits and potential impacts thereon by below ground level excavation and construction. The study shall take into consideration, at each individual wind turbine tower site, the depth of the tower foundation, as well as the area which it occupies.

(F) In the event that the study approved by the Town Board determines that there may be a potential for a negative impact on a natural gas deposit the study shall include actions which would prevent such negative impact on the natural gas deposit as well as an analysis of the effectiveness of the proposed preventive measures.

(G) No wind turbine tower shall be placed or constructed in a location where the existence thereof creates a potential negative impact on a natural gas deposit or creates a risk of hazard to the public, without an effective methodology being implemented to avoid any and all negative impact on a natural gas deposit or avoid a risk of hazard to the public.

Based upon the record in this case, the Office denies the requested relief with respect to Article 5 §§ 9 (A)-(C), (F), and (G) of the Town of Prattsburgh Amended Wind Energy Facilities Law of 2021 (Local Law No. 1 of 2021) on the grounds that Article 5 §§ 9(A)-(C) and (F) are procedural and relief is not necessary from Article 5 § 9(G).

(7) Shadow Flicker

The Permittee requested limited relief from Article 5 § 10(A) of the Town of Prattsburgh Amended Wind Energy Facilities Law of 2021 (Local Law No. 1 of 2021) to the extent it requires a maximum shadow flicker limit of thirty minutes per day at any non-participating residential receptor. This section provides:

(A) Shadow flicker caused by wind turbine operations shall be limited to a maximum of: thirty (30) hours

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annually and a maximum of thirty (30) minutes cumulative per day, at any nonparticipating residential receptor, subject to verification using shadow detection and operational controls at appropriate wind turbines.

Based upon the record in this case, the Office approves limited relief from the thirty minute daily maximum shadow flicker limit of Article 5 § 10(A) of the Town of Prattsburgh Amended Wind Energy Facilities Law of 2021 (Local Law No. 1 of 2021), which is unreasonably burdensome in light of the CLCPA targets and the environmental benefits of the proposed Facility. The Permittee shall comply with the shadow flicker limitations and other requirements set forth in 16 NYCRR § 1100-2.9(d)(6) and the associated mitigation requirements set forth in 16 NYCRR § 1100-6.4(1)(1)(iii).

(8) Abandonment Time Period

The Permittee requested relief from the required six (6) months abandonment time period, as set forth in Article 5 § 13(E) of the Town of Prattsburgh Amended Wind Energy Facilities Law of 2021 (Local Law No. 1 of 2021). This section provides:

(E) The shutdown of or non-production of energy from any wind energy tower or towers for any consecutive period of time in excess of six (6) months shall constitute abandonment of that wind energy tower or towers and shall require decommissioning thereof in compliance with the provisions hereof.

Based upon the record in this case, the Office approves limited relief from the required six (6) month abandonment time period in Article 5 § 13(E) of the Town of Prattsburgh Amended Wind Energy Facilities Law of 2021 (Local Law No. 1 of 2021), which is unreasonably burdensome in light of CLCPA targets and the environmental benefits of the Facility. **(See also subpart 6(f) of this Permit.)**

(9) Decommissioning Removal

The Permittee requested limited relief from Article 5 § 13(G) of the Town of Prattsburgh Amended Wind Energy Facilities Law of 2021 (Local Law No. 1 of 2021) as it applies to the removal of components located greater than four (4) feet below grade in agricultural lands and three (3) feet below grade in non-agricultural lands. This section provides:

(G) Decommissioning shall include: removal of all components of the facility, including, but not limited to, towers, generators, blades, foundations and all parts thereof; collection and transmission lines; buildings and the contents thereof; complete site restoration of all portions of the wind energy facility. No components of the wind energy facility may be disposed of or deposited within the Town of Prattsburgh without the express written consent of the Town Board and the property owner upon which such disposal is proposed. In any event no toxic materials whatsoever may be disposed of or deposited within the Town of Prattsburgh, whether toxic on their own account or when deposited in any environment.

Based upon the record in this case, the Office approves limited relief from the requirement to remove components located greater than four (4) feet below grade in agricultural land and three (3) feet below grade in non-agricultural land, which is unreasonably burdensome in light of CLCPA targets and the environmental benefits of the Facility. The Permittee shall comply with all other substantive requirements of Article 5 § 13(G) of the Town of Prattsburgh Amended Wind Energy Facilities Law of 2021 (Local Law No. 1 of 2021) and the decommissioning and site restoration requirements specified in 16 NYCRR §§ 1100-2.24(c), 1100-6.6(b), and 1100-10.2(b).

(10) Decommissioning Security

The Permittee requested relief from the required amount of decommissioning security, as set forth in Article 5 § 13(H) of the Town of Prattsburgh Amended Wind Energy Facilities Law of 2021

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(Local Law No. 1 of 2021), which requires the security amount to equate to 120% of the total estimated cost of decommissioning and site restoration and does not provide for the amount of financial security for decommissioning to be reduced by the expected salvage value of the facility components. This section provides:

(H) Complete Decommissioning and site restoration shall be guaranteed by letter or letters of credit issued by a bank or banks headquartered in the United States and incorporated pursuant to the laws of the United States. Such letters of credit shall be in an aggregate amount equivalent to 120% of the total estimated cost of decommissioning and site restoration for the wind facility. The Town Board shall have the right to approve, in writing the choice of bank or banks for issuance of the letter(s) of credit, upon sixty (60) days written notice to the Town Board. Such Notice to the Town Board shall include the name, address, name of bank representative and contact information, as well as the asset structure of said bank. Any change in banks issuing the Letter(s) of Credit, at any time, shall be subject to the provisions of this sub-section.

Based upon the record in this case, the Office approves limited relief and elects not to apply the requirement for determining the amount of decommissioning security in Article 5 § 13(H) of the Town of Prattsburgh Amended Wind Energy Facilities Law of 2021 (Local Law No. 1 of 2021), which is unreasonably burdensome in light of CLCPA targets and the environmental benefits of the Facility. The Permittee shall provide decommissioning and site restoration security in the amounts meeting the requirements specified in subpart 5.6(b) of this Permit and consistent with 16 NYCRR §§ 1100-2.24(c), 1100-6.6(b) and 1100-10.2(b).

**(e) Town of Wheeler**

(1) Turbine Height Limit

The Permittee requested relief from Article II § 12(B) of the Wind Energy Facility Law of the Town of Wheeler (Local Law No. 1 of 2021). This section provides:

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(B) The Maximum total height of any WTG shall be 650 feet.

Based upon the record in this case, the Office elects not to apply the height restriction from Article II § 12(B) of the Wind Energy Facility Law of the Town of Wheeler (Local Law No. 1 of 2021), which is unreasonably burdensome in light of the CLCPA targets and the environmental benefits of the Facility, provided that the total height of the wind turbine shall not exceed 668 feet, as described in Application Appendix 24-B (Revision 2): Statement of Justification (Record 95).

(2) Construction Hours

The Permittee requested limited relief from Article II § 12(N) of the Wind Energy Facility Law of the Town of Wheeler (Local Law No. 1 of 2021), as it applies to the sunset construction hour limitation. This section provides:

(N) Construction of the Wind Energy Facilities shall be limited to the hours of 7 a.m. sunset, not to exceed 9 p.m. except for certain activities that require cooler temperatures than possible during the day, for which activities special hours may be granted upon the approval from the Town Board and/or Code Enforcement Officer.

Based upon the record in this case, the Office approves limited relief with respect to Article II § 12(N) of the Wind Energy Facility Law of the Town of Wheeler (Local Law No. 1 of 2021), which is unreasonably burdensome in light of CLCPA targets and the environmental benefits of the Facility. Relief is limited such that construction can continue to 8:00 p.m. year-round. Consistent with 16 NYCRR § 1100-6.4(a), the Permittee shall comply with the Facility Construction and Maintenance requirements specified in subpart 5.4(a) of this Permit.

(3) Decommissioning Security

The Permittee requested relief from the required amount of decommissioning security, as set forth in Article II § 20(3)(d) of



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the Wind Energy Facility Law of the Town of Wheeler (Local Law No. 1 of 2021), which prohibits the amount of financial security for decommissioning to be reduced by the expected salvage value of the facility components. This section provides:

(3) The applicant, or successors, shall continuously maintain security for the benefit of the Town only, held by the Town, in a form approved by the Town for the removal of inoperative WTGs, in an amount to be determined by the Town, and for the period of the life of the facility. This security may consist of a letter of credit from a State of New York licensed-financial institution. All costs of the financial security shall be borne by the applicant. All decommissioning fund requirements shall be fully funded before a building permit is issued. The following criteria shall also be met for decommissioning security:

(d) Estimated salvage value of recyclable materials shall not be taken into account in the determination of the decommissioning security.

Based upon the record in this case, the Office approves limited relief and elects not to apply the requirement for determining the amount of decommissioning security in Article II § 20(3)(d) of the Wind Energy Facility Law of the Town of Wheeler (Local Law No. 1 of 2021), which is unreasonably burdensome in light of CLCPA targets and the environmental benefits of the Facility. The Permittee shall provide decommissioning and site restoration security in the amounts meeting the requirements specified in subpart 5.6(b) of this Permit and consistent with 16 NYCRR §§ 1100-2.24(c), 1100-6.6(b) and 1100-10.2(b).

#### **5. UNIFORM STANDARDS AND CONDITIONS (16 NYCRR subpart 1100-6)**

The Permittee shall comply with the following USCs during construction and operation of the Facility over the life of this Permit. Certain USCs are not applicable, as noted below, due to the fact that the Facility has been designed to comply with the USC and/or avoid impacts to a particular resource, the resource is not present at this Facility, or the specific technology proposed

renders the USC inapplicable.

**5.1. Facility Authorization (16 NYCRR § 1100-6.1):**

(a) **Compliance.** The Permittee shall implement any impact avoidance, minimization and/or mitigation measures identified in the exhibits, compliance filings and/or contained in a specific plan required under 16 NYCRR Part 1100, as approved by the Office. If there is any discrepancy between an exhibit or compliance filing and a permit condition, the Permittee shall comply with the permit condition and notify the Office immediately for resolution.

(b) **Property Rights.** Issuance of a siting permit does not convey any rights or interests in public or private property. The Permittee shall be responsible for obtaining all real property, rights-of-way (ROW), access rights and other interests or licenses in real property required for the construction and operation of the facility.

(c) **Eminent Domain.** Issuance of a siting permit to a Permittee that is an entity in the nature of a merchant generator and not in the nature of a fully regulated public utility company with an obligation to serve customers does not constitute a finding of public need for any particular parcel of land such that a condemner would be entitled to an exemption from the provisions of Article 2 of the New York State Eminent Domain Procedure Law ("EDPL") pursuant to Section 206 of the EDPL.

(d) **Other Permits and Approvals.** Prior to the Permittee's commencement of construction, the Permittee shall be responsible for obtaining all necessary federal and federally-delegated permits and any other approvals that may be required for the facility and which the Office is not empowered to provide or has expressly authorized. In addition, the Office expressly authorizes:

- (1) The Public Service Commission (PSC) to require approvals, consents, permits, other conditions for the construction or operation of the facility under PSL Sections 68, 69, 70, and Article VII, as applicable,

with the understanding that the PSC will not duplicate any issue already addressed by the Office and will instead only act on its police power functions related to the entity as described in the body of this siting permit;

- (2) The New York State Department of Transportation (NYSDOT) to administer permits associated with oversize/overweight vehicles and deliveries, highway work permits, and associated use and occupancy approvals as needed to construct and operate the facility; and
- (3) The pertinent agency to implement the New York State Uniform Fire Prevention and Building Code.

**(e) *Water Quality Certification.*** Prior to commencing construction, the Permittee shall request and obtain from the Office a water quality certification pursuant to Section 401 of the Clean Water Act, if required.

**(f) *Host Community Benefits.*** The Permittee shall provide host community benefits, such as Payments in Lieu of Taxes (PILOTs), other payments pursuant to a host community agreement, or other project(s) agreed to by the host community.

**(g) *Notice to Proceed with Construction.*** The Permittee and its contractors shall not commence construction until a "Notice to Proceed with Construction" has been issued by the Office. Such Notice will be issued promptly after all applicable pre-construction compliance filings have been filed by the Permittee and approved by the Office. The Notice will not be unreasonably withheld. The Office may issue a conditional "Notice to Proceed with Site Preparation" for the removal of trees, stumps, shrubs, and vegetation from the facility site as indicated on Office-approved site clearing plans to clear the facility site for construction, as well as setting up and staging of the laydown yard(s), including bringing in equipment, prior to the submission of all pre-construction compliance filings.

- (h) **Expiration.** The siting permit will automatically expire if the facility does not achieve commencement of commercial operation within seven (7) years from the date of issuance.
- (i) **Partial Cancellation.** If the Permittee decides not to commence construction of any portion of the facility, it shall so notify the Office promptly after making such decision. Such decisions shall not require a modification to the siting permit unless the Office determines that such change constitutes a major modification to the siting permit pursuant to 16 NYCRR § 1100-11.1.
- (j) **Deadline Extensions.** The Office may extend any deadlines established by the siting permit for good cause shown. Any request for an extension shall be in writing, include a justification for the extension, and be filed at least fourteen (14) business days prior to the applicable deadline.
- (k) **Office Authority.** The Permittee shall regard New York State Department of Public Service (NYS DPS) staff, authorized pursuant to PSL § 66(8), as the Office's representatives in the field. In the event of any emergency resulting from the specific construction or maintenance activities that violate, or may violate, the terms of the siting permit, compliance filings or any other supplemental filings, such NYSDPS staff may issue a stop work order for that location or activity pursuant to 16 NYCRR § 1100-12.1.

**5.2. Notifications (16 NYCRR § 1100-6.2):**

- (a) **Pre-Construction Notice Methods.** At least fourteen (14) business days prior to the Permittee's commencement of construction date, the Permittee shall notify the public as follows:
  - (1) Provide notice by mail to all persons residing within one (1) mile of a solar facility or within five (5) miles of a wind facility;
  - (2) Provide notice to local Town and County officials and emergency personnel;

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- (3) Publish notice by mail in the local newspapers of record for dissemination, including at least one free publication, if available (e.g., Pennysaver);
- (4) Provide notice for display in public places, which shall include, but not be limited to, the Town Halls of the host municipalities, at least one (1) library in each host municipality, at least one (1) post office in each host municipality, the facility website, and the facility construction trailers/offices; and
- (5) File notice with the Office for posting on the Office website.

**(b) Proof of Notice to Office.** At least fourteen (14) business days prior to commencement of construction, the Permittee shall file with the Office an affirmation that it has provided the notifications required by subdivision (a) of this section and include a copy of the notice(s), as well as a distribution list.

**(c) Post-Construction Notice.** Prior to the completion of construction, the Permittee shall notify the entities identified in paragraphs (a)(1)-(5) of this section with the contact name, telephone number, email and mailing address of the facility operations manager, as well as all information required in subdivision (d)(1)-(2) and (4)-(7) of this section.

**(d) Contents of Notice.** The Permittee shall write the notice(s) required in subdivisions (a) and (c) of this section in plain language reasonably understandable to the average person and shall ensure that the notice(s) contain(s):

- (1) A map of the facility;
- (2) A brief description of the facility;
- (3) The construction schedule and transportation routes;

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- (4) The name, mailing address, local or toll-free telephone number, and email address of the appropriate facility contact for development, construction, and operations;
- (5) The procedure and contact information for registering a complaint;
- (6) Contact information for the Office and the NYSDPS; and
- (7) A list of public locations where information on the facility, construction, and the Permittee will be posted.

**(e) Notice of Completion of Construction and Restoration.** Within fourteen (14) days of the completion of final post-construction restoration, the Permittee shall notify the NYSDPS, with a copy to the Office, that all such restoration has been completed in compliance with the siting permit and applicable compliance filings and provide an anticipated date of commencement of commercial operation of the facility.

**5.3. General Requirements (16 NYCRR § 1100-6.3):**

**(a) Local Laws.** The Permittee shall construct and operate the facility in accordance with the substantive provisions of the applicable local laws as identified in 16 NYCRR § 1100-2.25, except for those provisions of local laws that the Office determined to be unreasonably burdensome, as stated in the siting permit.

**(b) Federal Requirements.** The Permittee shall construct and operate the facility in a manner that conforms to all applicable federal and federally-delegated permits identified in 16 NYCRR § 1100-2.26. If relevant facility plans require modifications due to conditions of federal permits, the final design drawings and all applicable compliance filings shall be revised accordingly and submitted for review and approval pursuant to 16 NYCRR § 1100-11.1.

**(c) Traffic Coordination.** The Permittee shall coordinate with State, county, and local highway agencies to respond to and

apply applicable traffic control measures to any locations that may experience any traffic flow or capacity issues.

**5.4. Facility Construction and Maintenance (16 NYCRR § 1100-6.4):**

**(a) Construction Hours.** Construction and routine maintenance activities on the facility shall be limited to 7 a.m. to 8 p.m. Monday through Saturday and 8 a.m. to 8 p.m. on Sunday and national holidays, with the exception of construction and delivery activities, which may occur during extended hours beyond this schedule on an as-needed basis.

(1) Construction work hour limits apply to facility construction, maintenance, and to construction-related activities, including maintenance and repairs of construction equipment at outdoor locations, large vehicles idling for extended periods at roadside locations, and related disturbances. This condition shall not apply to vehicles used for transporting construction or maintenance workers, small equipment, and tools used at the facility site for construction or maintenance activities.

(2) If, due to safety or continuous operation requirements, construction activities are required to occur beyond the allowable work hours, the Permittee shall notify the NYS DPS, the Office, affected landowners and the municipalities. Such notice shall be given at least twenty-four (24) hours in advance, unless such construction activities are required to address emergency situations threatening personal injury, property, or severe adverse environmental impact that arise less than twenty-four (24) hours in advance. In such cases, as much advance notice as is practical shall be provided.

**(b) Environmental and Agricultural Monitoring.**

(1) The Permittee shall hire an independent, third-party environmental monitor to oversee compliance with

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environmental commitments and siting permit requirements. The environmental monitor shall perform regular site inspections of construction work sites and, in consultation with the NYSDPS, issue regular reporting and compliance audits.

- (2) The environmental monitor shall have stop work authority over all aspects of the facility. Any stop work orders shall be limited to affected areas of the facility. Copies of the reporting and compliance audits shall be provided to the host town(s) upon request.
- (3) The Permittee shall identify and provide qualifications and contact information for the independent, third-party environmental monitor to the NYSDPS, with a copy to the Office.
- (4) If the environmental monitor is not qualified, the Permittee shall also retain an independent, third-party agriculture-specific environmental monitor as required in 16 NYCRR § 1100-6.4(s).
- (5) The Permittee shall ensure that its environmental monitor and agricultural monitor are equipped with sufficient access to documentation, transportation, and communication equipment to effectively monitor the Permittee's contractor's compliance with the provisions of the siting permit with respect to such Permittee's facility components and to applicable sections of the Public Service Law, Executive Law, Environmental Conservation Law, and Clean Water Act Section 401 Water Quality Certification.

**(c) Pre-Construction Meeting.** At least fourteen (14) days before the commencement of construction, the Permittee shall hold a pre-construction meeting with staff of the Office, NYSDPS, New York State Department of Environmental Conservation (NYSDEC), New York State Department of Agriculture and Marketing (NYSAGM), NYSDOT, municipal supervisors/mayors and highway departments, and county highway departments. The balance of plant (BOP) construction contractor, the



agricultural monitor and environmental monitor shall be required to attend the pre-construction meeting.

- (1) An agenda, the location, and an attendee list shall be agreed upon between staff of the Office and the NYSDPS and the Permittee and distributed to the attendee list at least one (1) week prior to the meeting;
- (2) Maps showing designated travel routes, construction worker parking and access road locations and a general facility schedule shall be distributed to the attendee list at least one (1) week prior to the meeting;
- (3) The Permittee shall supply draft minutes from this meeting to the attendee list for corrections or comments, and thereafter the Permittee shall issue the finalized meeting minutes; and
- (4) If, for any reason, the BOP contractor cannot finish the construction of the facility, and one (1) or more new BOP contractors are needed, there shall be another pre-construction meeting with the same format as outlined in this section.

**(d) Construction Reporting and Inspections.** During facility construction, the Permittee shall report construction status and support inspections as follows:

- (1) Every two (2) weeks, the Permittee shall provide NYSDPS and Office staff, and the host municipalities with a report summarizing the status of construction activities, and the schedule and locations of construction activities for the next two (2) weeks.
- (2) Prior to entry onto the facility site for on-site inspections, the Permittee shall conduct a tailgate meeting to communicate required safety procedures and worksite hazards to site inspectors.
- (3) The Permittee shall accommodate reviews of any of the following during a monthly inspection and at other times

as may be determined by NYSDPS staff:

- (i) The status of compliance with siting permit conditions;
  - (ii) Field reviews of the facility site;
  - (iii) Actual or planned resolutions of complaints;
  - (iv) Significant comments, concerns, or suggestions made by the public, municipalities, or other agencies and indicate how the Permittee has responded to the public, local governments, or other agencies; and
  - (v) The status of the facility in relation to the overall schedule established prior to the commencement of construction; and
  - (vi) Other items the Permittee, NYSDPS staff, or Office staff consider appropriate.
- (4) After every monthly inspection, the Permittee shall provide the municipalities and agencies involved in the inspection with a written record of the results of the inspection, including resolution of issues and additional measures to be taken.

**(e) *Flagging.*** At least two (2) weeks before tree clearing or ground disturbing activities, the Permittee shall stake or flag the planned limits of disturbance (LOD), the boundaries of any delineated NYS-regulated wetlands, waterbodies or streams in the LOD (as identified in the delineations prepared pursuant to 16 NYCRR §§ 1100-1.3(e) and (f)), and any known archeological sites identified in the approved Cultural Resources Avoidance, Minimization and Mitigation Plan required in 16 NYCRR § 1100-10.2(g), all on or off ROW access roads, limits of clearing and other areas needed for construction, including, but not limited to, turbine or solar array work areas, proposed infiltration areas for post-construction stormwater management, and laydown and storage areas. In addition, archeological sites shall be surrounded

with construction fencing and a sign stating restricted access.

- (f) **Dig Safely NY.** Prior to the commencement of construction, the Permittee shall become a member of Dig Safely New York. The Permittee shall require all contractors, excavators, and operators associated with its facilities to comply with the requirements of the PSC's regulations regarding the protection of underground facilities at 16 NYCRR Part 753.
- (g) **Natural Gas Pipeline Cathodic Protection.** The Permittee shall contact all pipeline operators within the facility site and land owners, if necessary, on which facility components are to be located or whose property lines are within the zone of safe siting clearance, if any, and shall reach an agreement with each operator to provide that the facility's collection and interconnection systems will not damage any identified pipeline's cathodic protection system or produce damage to the pipeline, either with fault current or from a direct strike of lightning to the collection and interconnection systems, specifically addressing 16 NYCRR § 255.467 (External corrosion control; electrical isolation).
- (h) **Pole Numbering.** The Permittee shall comply with all requirements of the PSC's regulations regarding identification and numbering of above-ground utility poles at 16 NYCRR Part 217.
- (i) **Fencing.** All mechanical equipment, including any structure for storage of batteries, shall be enclosed by fencing of a minimum height of seven (7) feet with a self-locking gate to prevent unauthorized access.
- (j) **Air Emissions.** To minimize air emissions during construction, the Permittee shall:
- (1) Prohibit contractors from leaving generators idling when electricity is not needed and from leaving diesel engines idling when equipment is not actively being used;

- (2) Implement dust control procedures to minimize the amount of dust generated by construction activities in a manner consistent with the Standards and Specifications for Dust Control, as outlined in the New York State Standards and Specifications for Erosion and Sediment Control (see 16 NYCRR § 1100-15.1(i)(1)(i));
- (3) Use construction equipment powered by electric motors where feasible, or by ultra-low sulfur diesel; and
- (4) Dispose or reuse cleared vegetation in such a way that that minimizes greenhouse gas emissions (e.g., lumber production or composting).

**(k) Construction Noise.** To minimize noise impacts during construction, the Permittee shall:

- (1) Maintain functioning mufflers on all transportation and construction machinery;
- (2) Respond to noise and vibration complaints according to the complaint resolution protocol approved by the Office; and
- (3) Comply with all substantive provisions of all local laws regulating construction noise unless they are waived.

**(l) Visual Mitigation.**

- (1) *Wind Facilities.* The Permittee shall implement the approved Visual Impacts Minimization and Mitigation Plan required in 16 NYCRR § 1100-2.9, including the following:
  - (i) Adoption of visual design features requirements;
  - (ii) Visual contrast minimization and mitigation measures;
  - (iii) Operational effects minimization measures, including shadow flicker minimization mitigation

and other measures necessary to achieve a maximum of thirty (30) hours annually at any non-participating residential receptor, subject to verification using shadow prediction and operational controls at appropriate wind turbines;

(iv) Lighting Plan; and

(v) Screen Planting Plans.

(2) *Solar Facilities*. The Permittee shall implement the approved Visual Impacts Minimization and Mitigation Plan as required in 16 NYCRR § 1100-2.9, including the following: **(NOT APPLICABLE)**

(i) Visual contrast minimization and mitigation measures; **(NOT APPLICABLE)**

(ii) Lighting Plan; **(NOT APPLICABLE)**

(iii) Solar glare mitigation requirements; **(NOT APPLICABLE)** and

(iv) Screen Planting Plans. **(NOT APPLICABLE)**

(3) *Screen Planting Plans*. The Permittee shall retain a qualified landscape architect, arborist, or ecologist to inspect the screen plantings for two (2) years following installation to identify any plant material that did not survive, appears unhealthy, and/or otherwise needs to be replaced. The Permittee shall remove and replace plantings that fail in materials, workmanship, or growth within two (2) years following the completion of installing the plantings.

**(m) General Environmental Requirements.**

(1) *Limits of Disturbance (LOD)*. Construction shall not directly disturb areas outside the construction limits shown on the design drawings.

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- (2) *Blasting.* Blasting shall be designed and controlled to meet the limits for ground vibration set forth in United States Bureau of Mines Report of Investigation 8507 Figure B-1 (see 16 NYCRR § 1100-15.1(k)(1)(i)) and air overpressure shall be under the limits set forth in the Conclusion Section in United States Bureau of Mines Report of Investigation 8485 (USBM RI 8507 and USBM RI 8485 (see 16 NYCRR § 1100-15.1(k)(1)(ii)) to protect structures from damage.
- (3) *Karst.* Blasting operations in locations where geotechnical investigations confirm the presence of subsurface karst features shall be limited or performed under specific procedures recommended for those locations by a geotechnical engineer licensed to practice in the State of New York.
- (4) *E&S Materials.* Permanent erosion control fabric or netting used to stabilize soils prior to establishment of vegetative cover or other permanent measures shall be one hundred (100) percent biodegradable natural product, excluding silt fence. Use of hay for erosion control or other construction-related purposes is prohibited to minimize the risk of introduction of invasive plant species.
- (5) *Spill Kits.* All construction vehicles and equipment shall be equipped with a spill kit. All equipment shall be inspected daily for leaks of petroleum, other fluids, or contaminants; equipment may only enter a stream channel if found to be free of any leakage. Any leaks shall be stopped and cleaned up immediately. Spillage of fuels, waste oils, other petroleum products or hazardous materials shall be reported to the NYSDEC's Spill Hotline within two (2) hours, in accordance with the NYSDEC Spill Reporting and Initial Notification Requirements Technical Field Guidance (see 16 NYCRR § 1100-15.1(i)(1)(iii)). The Office and the NYSDPS shall also be notified of all reported spills in a timely manner.

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- (6) *Construction Debris.* Any debris or excess construction materials shall be removed to a facility duly authorized to receive such material. No burying of construction debris or excess construction materials is allowed.
- (7) *Clearing Areas.* Tree and vegetation clearing shall be limited to the minimum necessary for facility construction and operation, and as detailed on final construction plans.
- (8) *Clearing Methods.* When conducting clearing, the Permittee shall:
  - (i) Comply with the provisions of 6 NYCRR Part 192, Forest Insect and Disease Control, and ECL § 9-1303 and any quarantine orders issued thereunder;
  - (ii) Not create a maximum wood chip depth greater than three (3) inches, except for chip roads (if applicable), nor store or dispose wood chips in wetlands, within stream banks, delineated floodways, or active agricultural fields;
  - (iii) Not dispose of vegetation or slash by burning anywhere or burying within a wetland or adjacent area; and
  - (iv) Coordinate with landowners to salvage merchantable logs and fuel wood. Where merchantable logs and fuel wood will not be removed from the facility site during clearing activities, final construction plans shall indicate locations of stockpiles to be established for removal from site or future landowner resource recovery.
- (9) *Invasive Insects.* To control the spread of invasive insects, the Permittee shall provide training for clearing and construction crews to identify the Asian Longhorn Beetle and the Emerald Ash Borer and other invasive insects of concern as a potential problem at the facility site. If these insects are found, they shall

be reported to the NYSDEC as soon as practicable.

**(n) Water Supply Protection.**

(1) *For wind facilities:*

- (i) No wind turbine shall be located within one hundred (100) feet of an existing, active water supply well or water supply intake.
- (ii) Blasting shall be prohibited within five hundred (500) feet of any known existing, active water supply well or water supply intake on a non-participating property.
- (iii) The Permittee shall engage a qualified third party to perform pre- and post- construction testing of the potability of water wells within the below specified distances of construction disturbance before commencement of construction and after completion of construction to ensure the wells are not impacted, provided the Permittee is granted access by the property owner.
  - a. Collection lines or access roads within one hundred (100) feet of an existing, active water supply well on a non-participating property;
  - b. Blasting within one thousand (1,000) feet of an existing, active water supply well on a non-participating property; and
  - c. Horizontal Directional Drilling (HDD) operations within five hundred (500) feet of an existing, active water supply well on a non-participating property.
- (iv) Should the third-party testing, as required by subparagraph (iii) of this paragraph, conclude that the water supplied by an existing, active water



supply well met federal (see 16 NYCRR § 1100-15.1(j)(1)(i)) and state standards for potable water (see 10 NYCRR Part 75, Appendix 75-c) prior to construction, but failed to meet such standards after construction as a result of facility activities, the Permittee shall cause a new water well to be constructed, in consultation with the property owner, at least one hundred (100) feet from collection lines and access roads, and at least five hundred (500) feet from wind turbines, as practicable given siting constraints and landowner preferences. The results of such tests and reports shall be made available to the relevant municipalities upon request.

(2) *For solar facilities:* **(NOT APPLICABLE)**

- (i) Pier and post driving activities, except for fence and utility poles, shall be prohibited within one hundred (100) feet of any existing, active drinking water supply well; use of earth screws is permitted. **(NOT APPLICABLE)**
- (ii) If required, blasting shall be prohibited within five hundred (500) feet of any known existing, active water supply well or water supply intake on a non-participating property. **(NOT APPLICABLE)**
- (iii) The Permittee shall engage a qualified third party to perform pre- and post- construction testing of the potability of water wells within the below specified distances of construction disturbance before commencement of civil construction and after completion of construction to ensure the wells are not impacted, provided the Permittee is granted access by the property owner: **(NOT APPLICABLE)**
  - a. Collection lines or access roads within one hundred (100) feet of an existing, active water supply well on a non-participating property; **(NOT APPLICABLE)**

- b. Blasting within one thousand (1,000) feet of an existing, active water supply well on a non-participating property; **(NOT APPLICABLE)**
- c. Pier or post installations within two hundred (200) feet of an existing, active water supply well on a non-participating property; **(NOT APPLICABLE)** and
- d. HDD operations within five hundred (500) feet of an existing, active water supply well on a non-participating property. **(NOT APPLICABLE)**

(iv) Should the third-party testing conclude that the water supplied by an existing, active water supply well met federal (see 16 NYCRR § 1100-15.1(j)(1)(i)) and state standards for potable water (see 10 NYCRR Part 75, Appendix 75-c) prior to construction, but failed to meet such standards post construction as a result of facility activities, the Permittee shall cause a new water well to be constructed, in consultation with the property owner, at least one hundred (100) feet from collection lines and access roads, and at least two hundred (200) feet from all other facility components. The results of such tests and reports shall be made available to the relevant municipalities upon request. **(NOT APPLICABLE)**

**(o) Threatened and Endangered Species.**

- (1) For facilities that would impact NYS threatened or endangered species other than NYS threatened or endangered grassland birds or their habitat, the Permittee shall implement an approved Net Conservation Benefit Plan (NCBP) that shall include the following:
  - (i) A demonstration that the NCBP results in a positive benefit on each of the affected species;

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- (ii) Detailed explanation of the net conservation benefit to the species based on the actual location and type of minimization measures to be taken for each of the affected species;
  - (iii) Full source information supporting a determination as to the net conservation benefit for each of the affected species;
  - (iv) A consideration of potential minimization and mitigation measures for each of the affected species;
  - (v) A consideration of potential sites for mitigation measures for each of the affected species;
  - (vi) The identification and detailed description of the mitigation actions that will be undertaken by the Permittee to achieve a net conservation benefit to the affected species, including, if applicable, payment of a required mitigation fee into the Endangered and Threatened Species Mitigation Fund established pursuant to section 99(hh) of the New York State Finance Law; and
  - (vii) To the extent that physical mitigation will be performed, a letter or other indication of the Permittee's financial and technical capability and commitment to fund and execute such management, maintenance, and monitoring for the life of the facility/term of the siting permit.
- (2) For facilities determined pursuant to the procedures set forth in § 1100-2.13(e) (2) to have de minimis impacts to NYS threatened or endangered grassland birds: **(NOT APPLICABLE)**
- (i) If an active nest is identified within the facility site prior to or during construction, and the facility results in adverse impacts to the nest or

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grasslands twenty-five (25) acres or more in size that were previously (during pre-application) or newly (prior to or during construction) determined to be occupied habitat, then the Permittee shall coordinate with the NYSDPS and the Office to adjust the limits of disturbance and/or adjust the construction schedule to avoid work in the area until nesting has been completed or the Permittee shall pay into the Endangered and Threatened Species Mitigation Bank Fund the required mitigation fee commensurate with the actual acreage taken. **(NOT APPLICABLE)**

- (3) For facilities that will have more than a de minimis impact on NYS threatened or endangered grassland birds, the Permittee shall implement the following as part of the NCBP:
- (i) The Permittee shall implement environmental monitoring immediately prior to and during construction in the occupied habitat to search for NYS threatened or endangered species occurrence based on the species' seasonal windows for presence.
  - (ii) If active nests of the NYS threatened or endangered species are found within the occupied habitat, then the Permittee shall coordinate with the NYSDPS and the Office to adjust the limits of disturbance and/or adjust the construction schedule to avoid work in the area until nesting has been completed.
  - (iii) To avoid direct impacts to NYS threatened or endangered grassland bird species, the following work windows apply for all ground disturbance and construction-related activities, including restoration and equipment/component staging, storage, and transportation, within occupied habitat:

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- a. In NYS threatened or endangered grassland bird occupied breeding habitat, work shall be conducted only between August 16 and April 22;
  - b. In NYS threatened or endangered grassland bird occupied wintering habitat, work shall be conducted only between April 1 and November 14;
  - c. In areas of the facility where both breeding and wintering occupied habitat occurs, work shall be conducted only between August 16 and November 14, and between April 1 and 22.
- (iv) If fields within identified occupied breeding habitat are planted with row crops (e.g., corn, beans, or vegetables) in the farming season prior to the commencement of facility construction and such fields were historically used for row crops during at least one of the prior five (5) years, these fields will not be subject to the construction timing restrictions set forth in subparagraphs (iii)(a) and (c) of this paragraph.
- (v) If the Permittee has identified construction activities that must occur between November 15 and March 31 in identified NYS threatened or endangered grassland bird occupied wintering habitat, or between April 23 and August 15 in identified NYS threatened or endangered grassland bird occupied breeding habitat outside of row crop areas described above, the occupied habitat area(s) proposed for active construction shall be assessed by an on-site environmental monitor or biologist who shall conduct surveys for NYS threatened or endangered grassland bird species. The surveys shall occur weekly until construction activities have been completed in the occupied habitat area, unless otherwise agreed to by the Office. If no NYS threatened or endangered grassland bird species are detected during the survey, the area shall be

considered clear for seven (7) days, when another survey shall be performed. If NYS threatened or endangered grassland bird species are detected, the Permittee shall comply with subdivision (o)(7) of this section.

- (vi) All temporary disturbance or modification of established grassland vegetation communities that occurs as a result of facility construction, restoration, or maintenance activities shall be restored utilizing a native herbaceous seed mix or the pre-existing grassland vegetative conditions by re-grading and re-seeding with an appropriate native seed mix after disturbance activities are completed, unless returning to agricultural production or otherwise specified by the landowner. These temporarily disturbed or modified areas include all areas within the facility site that do not have impervious cover, such as temporary roads, material and equipment staging and storage areas, and electric line rights of way.
- (vii) The Permittee shall implement the avoidance and minimization measures identified in 16 NYCRR § 1100-2.13 and the other conditions herein to minimize potential take of the species.
- (viii) To the extent that the Office has determined that the facility would result in impacts to grassland bird occupied habitat requiring mitigation, the Permittee shall pay the required mitigation fee commensurate with the actual acreage of occupied habitat taken into the Endangered and Threatened Species Mitigation Bank Fund with the sole purpose to conserve habitat of similar or higher quality or otherwise achieve a net conservation benefit to the impacted species.
- (ix) If the Permittee proposes an NCBP involving Permittee-implemented grassland bird habitat conservation in lieu of payment of a mitigation fee

pursuant to subparagraph (viii) of this paragraph, the required mitigation ratio shall be 0.4 acres of mitigation for every acre of occupied grassland bird breeding habitat determined to be taken and 0.2 acres of mitigation for every acre of occupied grassland bird wintering habitat determined to be taken. These mitigation requirements are based upon multiplying impacts by the ratios described above and dividing impacts by five lifecycles of habitat succession (e.g., a 30-year mitigation project term and 5-year timeframe in which unmanaged grassland would naturally succeed into scrub/shrub habitat, minus one lifecycle to provide a net conservation benefit).

- (4) For facilities that will impact NYS threatened or endangered bat species, the Permittee shall implement the following as part of the NCBP:
  - (i) No facility component shall be sited or located within one hundred fifty (150) feet of any known northern long-eared bat maternity roost, within five hundred (500) feet of any known Indiana bat maternity roost, or one quarter (0.25) mile of any known northern long-eared bat or Indiana bat hibernaculum.
  - (ii) If at any time during the life of the facility, an active NYS threatened or endangered bat species maternity colony roost tree (or structure) is discovered within the facility site, the NYSDPS and the Office shall be notified within twenty-four (24) hours of discovery (during construction) and forty-eight (48) hours of discovery (during operation), and the colony site shall be marked. A five hundred (500)-foot radius around the colony shall be posted and avoided until notice to continue construction, ground clearing, grading, non-emergency maintenance or restoration activities, as applicable, at that site is granted by the NYSDPS or the Office. A re-evaluation of

the potential impacts of the Project on listed bat species shall be provided to the NYSDPS and Office.

(iii) Tree Clearing Limitations for Northern Long-eared Bats:

- a. No tree clearing activities shall occur at any time within one hundred fifty (150) feet of any known maternity roost or one quarter (0.25) mile of any known hibernaculum.
- b. All tree clearing activities (except for hazard tree removal to protect human life or property) occurring within one and a half (1.5) miles of a maternity roost site or five (5) miles of a hibernaculum site, but not subject to clause (a) of this subparagraph, shall be conducted during the hibernation season (between November 1 and March 31) without further restrictions unless otherwise approved by the Office. This limitation does not include trees less than or equal to four (4) inches in diameter at breast height (DBH).
- c. From April 1 to October 31, the following restrictions shall be implemented for all tree clearing activities in the facility site, unless otherwise agreed by the Office:
  1. The Permittee shall leave uncut all snag and cavity trees, as defined under the NYSDEC Program Policy ONRDLF-2 Retention on State Forests, unless their removal is necessary for protection of human life and property. This restriction pertains to trees that are greater than or equal to four (4) inches DBH. When necessary, snag or cavity trees may be removed after being cleared by an environmental monitor who shall conduct a survey for bats exiting the tree. This survey shall begin



thirty (30) minutes before sunset and continue until at least one (1) hour after sunset or until it is otherwise too dark to see emerging bats. Unoccupied snag and cavity trees in the approved clearing area shall be removed within forty-eight (48) hours of observation.

2. If any bats are observed flying from a tree, or from a tree that has been cut, tree clearing activities within distances required in clause (a) of this subparagraph, depending on the potential species present, shall be suspended and the NYSDPS and the Office shall be notified as soon as possible. The Permittee shall have an environmental monitor present on site during all tree clearing activities. If any bat activity is noted, a stop work order will immediately be issued and shall remain in place until such time as the NYSDPS and the Office have been consulted and authorize resumption of work.

(iv) Tree Clearing Limitations for Indiana Bats. **(NOT APPLICABLE)**

- a. No tree clearing activities shall occur at any time within five hundred (500) feet of any known maternity roost or one quarter (0.25) mile of any known hibernaculum. **(NOT APPLICABLE)**
- b. All tree clearing activities (except for hazard tree removal to protect human life or property) occurring within two and a half (2.5) miles of a maternity roost site or hibernaculum site, but not subject to clause (a) of this subparagraph, shall be conducted during the hibernation season (between

November 1 and March 31), without further restrictions unless otherwise approved by the Office. This limitation does not include trees less than or equal to four (4) inches in DBH or locations above three hundred (300) meters in elevation. **(NOT APPLICABLE)**

c. From April 1 to October 31, tree clearing within two and a half (2.5) miles of a maternity roost site or hibernaculum site is limited to trees less than or equal to four (4) inches in DBH or locations above three hundred (300) meters in elevation. **(NOT APPLICABLE)**

d. Tree clearing may not reduce forest habitat below thirty-five (35) percent of the landcover within two and a half (2.5) miles of the maternity roost site or hibernaculum site. **(NOT APPLICABLE)**

(v) To minimize impacts to bats from wind facilities, the Permittee shall comply with the following requirements:

a. Curtailment is required for all wind facilities from July 1 - October 1 when wind speeds are at or below five and a half (5.5) m/s and temperatures are at or above ten (10) degrees Celsius (fifty (50) degrees Fahrenheit) from thirty (30) minutes before sunset to thirty (30) minutes after sunrise. Curtailment shall be on an individual turbine basis and shall be determined by weather conditions as measured by each individual weather station on the turbine nacelle.

b. The Permittee shall submit a review of curtailment operations to the Office as part of the post-construction bat mortality monitoring requirements set forth in the NCBP

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or every five (5) years (or sooner if requested by the Permittee). The review shall assess if changes in technology or knowledge of impacts to bats supports modification of the existing curtailment regime. Modifications to the existing curtailment regime that further decrease mortality may be proposed or negotiated. Any such modifications shall not be costlier than the existing curtailment regime, unless voluntarily supported by the Permittee.

- (5) For each applicable NCBP, the Permittee shall pay the required mitigation fee into the Endangered and Threatened Species Mitigation Bank Fund commensurate with the anticipated number of individuals taken with the sole purpose to achieve a net conservation benefit to the impacted species.
- (6) To avoid and minimize impacts to bald eagles, the Permittee shall implement the following:
  - (i) If, at any time during construction and operation of the facility, an active bald eagle nest or roost is identified within the facility site, the NYSDPS and the Office shall be notified within forty-eight (48) hours of discovery and prior to any disturbance of the nest or immediate area. An area one quarter (0.25) mile for nests without a visual buffer and six hundred sixty (660) feet in radius for nests with a visual buffer from the nest tree shall be posted and avoided to the maximum extent practicable until notice to continue construction at that site is granted by the NYSDPS and the Office.
  - (ii) Tree removal is not allowed:
    - a. Within six hundred sixty (660) feet from an active nest during breeding season (January 1 - September 30);

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- b. Within one quarter (0.25) mile from an important winter roost during the wintering period (December 1 - March 31); or
- c. Of overstory trees within three hundred thirty (330) feet of an active nest at any time.

(iii) Operational Impacts from Wind Facilities. If at any time during the operation of the facility a bald eagle is injured or killed due to collision with project components, the Permittee shall pay the required mitigation fee into the Endangered and Threatened Species Mitigation Bank Fund commensurate with number of eagles taken with the sole purpose to achieve a net conservation benefit to the impacted species.

(7) *Record All Observations of NYS Threatened or Endangered Species.* During construction and restoration of the facility and associated facilities, the Permittee shall maintain a record of all observations of NYS threatened or endangered species as follows:

- (i) *Construction.* During construction, the on-site environmental monitor shall be responsible for recording all occurrences of NYS threatened or endangered species within the facility site. All occurrences shall be reported in a biweekly monitoring report submitted to the NYSDPS, with a copy to the Office, and such reports shall include the information described in subparagraph (iii) of this paragraph. If a NYS threatened or endangered bird species is demonstrating breeding behavior, it shall be reported to the NYSDPS and the Office within forty-eight (48) hours.
- (ii) *Restoration.* After construction is complete, incidental observations of any NYS threatened or endangered species shall be documented and reported to the NYSDPS, with a copy to the Office, in accordance with the reporting requirements in

subparagraph (iii) of this paragraph.

(iii) *Reporting Requirements.* All reports of NYS threatened or endangered species shall include the following information: species; number of individuals; age and sex of individuals (if known); observation date(s) and time(s); Global Positioning System (GPS) coordinates of each individual observed (if operation and maintenance staff do not have GPS available, the report shall include the nearest turbine number or solar panel array and cross roads location); behavior(s) observed; identification and contact information of the observer(s); and the nature of and distance to any facility construction, maintenance or restoration activity.

(8) *Discovery of Nests or Dead or Injured NYS Threatened or Endangered Bird Species.*

(i) Excluding Bald Eagles, if an active nest of a federal or NYS threatened or endangered bird species is discovered (by the Permittee's environmental monitor or other designated agents) within the facility site, the following actions shall be taken:

a. The NYSDPS and the Office shall be notified within forty-eight (48) hours of discovery and prior to any further disturbance around the nest, roost, or area where the species were seen exhibiting any breeding or roosting behavior;

b. An area at least five hundred (500) feet in radius around the active nest shall be posted and avoided until notice to continue construction, ground clearing, grading, maintenance, or restoration activities are granted by the Office; and

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c. The active nest(s) or nest tree(s) shall not be approached under any circumstances unless authorized by the Office.

(ii) If any dead or injured federal or NYS threatened or endangered bird species, or eggs or nests thereof, are discovered by the Permittee's on-site environmental monitor or other designated agent at any time during the life of the facility, the Permittee shall immediately (within 24 hours) contact the NYSDEC and the United States Fish and Wildlife Service (USFWS) for federally-listed species, to arrange for recovery and transfer of the specimen(s). The NYSDPS and the Office shall also be notified. The following information pertaining to the find shall be recorded:

- a. Species;
- b. Age and sex of the individual(s), if known;
- c. Date of discovery of the animal or nest;
- d. Condition of the carcass, or state of the nest or live animal;
- e. GPS coordinates of the location(s) of discovery;
- f. Name(s) and contact information of the person(s) involved with the incident(s) and find(s);
- g. Weather conditions at the facility site for the previous forty-eight (48) hours;
- h. Photographs, including scale and of sufficient quality to allow for later identification of the animal or nest; and

- i. An explanation of how the mortality/injury/damage occurred, if known.

Electronic copies of each record, including photographs, shall be kept with the container holding the specimen(s) and given to the NYSDEC or the USFWS at the time of transfer. If the discovery is followed by a non-business day, the Permittee shall ensure all the information listed above is properly documented and stored with the specimen(s). Unless otherwise directed by the NYSDEC or the USFWS, after all information has been collected in the field, the fatality specimen(s) shall be placed in a freezer, or in a cooler on ice until transported to a freezer, until it can be retrieved by the proper authorities.

- (9) The provisions of subdivision (o) of this section shall remain in effect for as long as the relevant species is listed as endangered or threatened in New York State.

**(p) Wetlands, Waterbodies, and Streams.** The Permittee shall implement the following procedures for construction within wetlands and adjacent areas subject to ECL Article 24, and waterbodies and streams regulated pursuant to ECL Article 15 (as identified in the delineations approved by the Office pursuant to 16 NYCRR §§ 1100-1.3(e) and (f)):

- (1) *Environmentally Sensitive Area (ESA) Flagging.* Prior to performing construction in an ESA, defined herein as any NYS-regulated wetlands, waterbodies, or streams, and associated adjacent areas identified in the delineations approved by the Office pursuant to 16 NYCRR §§ 1100-1.3(e) and (f), the Permittee shall mark the boundaries of the ESA with colored flagging, "protected area" signs, or erosion and sediment control measures specified by the SWPPP. As necessary to prevent access by motorized vehicles into ESAs where no construction is planned, the Permittee shall install additional markers or signs stating, "No Equipment Access".

- (2) *Equipment Maintenance and Refueling.* Equipment storage, refueling, maintenance, and repair shall be conducted and safely contained more than one hundred (100) feet from all wetlands, waterbodies, and streams and stored at the end of each workday unless moving the equipment will cause additional environmental impact. Dewatering pumps operating within one hundred (100) feet of wetlands, waterbodies, or streams may be refueled in place and shall be within a secondary containment large enough to hold the pump and accommodate refueling. All mobile equipment, excluding dewatering pumps, shall be fueled in a location at least one hundred (100) feet from wetlands, waterbodies and streams unless moving the equipment will cause additional environmental impact.
- (3) *Fuel Storage.* Fuel or other chemical storage containers shall be appropriately contained and located at least three hundred (300) feet from wetlands, waterbodies, and streams.
- (4) *Clean Fill.* All fill shall consist of clean soil, sand and/or gravel that is free of the following substances: asphalt, slag, fly ash, demolition debris, broken concrete, garbage, household refuse, tires, woody materials, and metal objects. Reasonable efforts shall be made to use fill materials that are visually free of invasive species based on onsite and source inspections. The introduction of materials toxic to aquatic life is expressly prohibited.
- (5) *Turbid Water.* Turbid water resulting from dewatering operations shall not be allowed to enter any wetland, waterbody, or stream. Water resulting from dewatering operations shall be discharged directly to settling basins, filter bags, or other approved device. All necessary measures shall be implemented to prevent any substantial visible contrast due to turbidity or sedimentation downstream of the work site.
- (6) *Truck Washing.* Washing of trucks and equipment shall occur one hundred (100) feet or more from an ESA, and



waste concrete and water from such activities shall be controlled to avoid it flowing into a wetland or adjacent area, waterbody, or stream. If runoff from such activities flows into any wetlands and adjacent areas subject to ECL Article 24, or waterbodies and streams regulated pursuant to ECL Article 15, the NYSDEC Regional Supervisor of Natural Resources shall be contacted within two (2) hours.

- (7) *Concrete Washouts.* Concrete washouts and batch plants, or concrete from truck cleanout activity, any wash water from trucks, equipment, or tools, if done on site, shall be located and installed to minimize impacts to water resources. Locations should be at least one hundred (100) feet from any wetland, waterbody, or stream, and located outside wetland adjacent areas to the maximum extent practicable. Disposal of waste concrete or wash water shall be at least one hundred (100) feet from any wetland, waterbody, or stream.
- (8) *Use of Horizontal Directional Drilling.* Installation of underground collection lines across wetlands, waterbodies and streams shall be performed via HDD to the maximum extent practicable.
- (9) *Trenching.* Open cut trenching in wetlands, waterbodies and streams shall be conducted in one continuous operation and shall not exceed the length that can be completed in one (1) day.
- (10) *Inadvertent Return Flows.* HDD under wetlands, waterbodies and streams shall be performed in accordance with the inadvertent return flow plan required pursuant to 16 NYCRR § 1100-10.2(f)(5).
- (11) *Discharge Notice and Response.* The Permittee shall notify the NYSDEC, the Office and the NYSDPS within two (2) hours if there is a discharge to an area regulated under Articles 15 or 24 of the ECL resulting in a violation of New York Water Quality Standards at 6 NYCRR Part 703. The Permittee shall immediately stop work

until authorized to proceed by the Office.

**(g) Wetlands.** The Permittee shall implement the following requirements for freshwater wetlands and adjacent areas subject to ECL Article 24:

(1) *Construction in Wetlands and Adjacent Areas.* All construction activities completed within wetlands and/or adjacent areas shall adhere to the following requirements:

(i) In breeding areas for NYS threatened or endangered amphibian species, construction should not occur during the peak amphibian breeding season (April 1 to June 15) unless additional measures are implemented to prevent impacts or exclude species from the workspace, such as silt fences.

(ii) Work should be conducted during dry conditions without standing water or when the ground is frozen, where practicable.

(iii) Excavation, installation, and backfilling in wetlands shall be performed in one continuous operation.

(iv) Temporary construction matting shall be used as necessary to minimize disturbance to the wetland soil profile during all construction and maintenance activities. All temporary construction matting shall be removed as soon as practicable but no later than four months following installation from the wetland and cleaned of any invasive species (seed, plant materials, insects, etc.) after construction/maintenance activities are completed and removal shall be verified with the on-site environmental monitor after construction. Matting shall be removed by equipment stationed on a mat or areas outside the wetland or adjacent area.

(v) In the event that construction results in an

unanticipated alteration to the hydrology of a wetland (i.e., lowering), the breach shall be immediately sealed, and no further activity shall take place until the NYSDPS and the Office are notified and a remediation plan to restore the wetland and prevent future dewatering of the wetland has been approved.

- (vi) Before trenching occurs, upland sections of the trench shall be backfilled or plugged to prevent drainage of possible turbid trench water from entering the wetland.
- (vii) Trench breakers/plugs shall be used at the edges of wetlands as needed to prevent wetland draining during construction.
- (viii) In wetland areas, the topsoil shall be removed and stored separate from subsoil. The top twelve (12) inches of wetland topsoil shall be removed first and temporarily placed onto a geo-textile blanket.
- (ix) Only the excavated wetland topsoil and subsoil shall be utilized as backfill, with the exception of clean bedding material for electrical collection lines and/or conduits, provided there is no change to the pre-construction contours upon restoration; and trench-breakers are used to prevent draining the wetland.
- (x) Subsoil dug from the trench shall be sidecast on the opposite side of the trench on another geo-textile blanket running parallel to the trench, if necessary.
- (xi) Trenches shall be backfilled with the wetland subsoil and the wetland topsoil shall be placed back on top. All excess materials shall be completely removed to upland areas more than one hundred (100) feet from the wetland and suitably stabilized.

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(xii) When backfilling occurs, the subsoil shall be replaced as needed, and then covered with the topsoil, such that the restored topsoil is the same depth as prior to disturbance.

(xiii) All disturbed soils within wetlands and adjacent areas shall be seeded with an appropriate native wetland seed mix, shrubs, live stakes, or tree planting as site conditions and design allow, as appropriate for existing land uses. Straw mulch shall be maintained until the disturbed area is permanently stabilized. Hay shall not be used for mulching of wetlands or adjacent areas.

(xiv) In agricultural or farmed wetlands, crop covers consistent with existing agricultural uses shall be utilized in all areas of soil disturbance.

(xv) Installation of underground collection lines in wetlands shall be performed using the following methods:

- a. The Permittee shall implement best management practices to minimize soil compaction;
- b. During excavation, all topsoil shall be stripped and segregated from subsoils. The Permittee shall consolidate trenching areas to the maximum extent practicable to minimize impacts to agricultural soils;
- c. All reasonable efforts shall be made to backfill open trenches within the same workday if rain is predicted and as soon as practicable otherwise; and
- d. All excess materials shall be completely removed from wetlands to upland areas. Excess topsoil from agricultural areas shall be spread within the immediate agricultural areas within the approved LOD, or within other

nearby areas that will still be used for  
agricultural production.

(2) *Wetland Restoration.*

- (i) Wetland restoration shall be completed according to the approved Wetland Restoration and Mitigation Plan submitted pursuant to 16 NYCRR § 1100-10.2(f)(2).
- (ii) The Permittee shall restore disturbed areas, ruts, and rills within NYSDEC-regulated wetlands and adjacent areas to original grades and conditions with permanent native re-vegetation and erosion controls appropriate for those locations.
- (iii) Restoration of temporary impacts to NYS-regulated wetlands and adjacent areas (as delineated pursuant to 16 NYCRR § 1100-1.3(e)) to pre-construction contours shall be completed within forty-eight (48) hours of final backfilling of the trench/excavated areas and restored to pre-construction contours as soon as practicable.
- (iv) Immediately upon completion of grading, and as consistent with existing land use/land cover, the area shall be seeded with an appropriate native species mix for wetlands and upland areas adjacent to wetlands, except that adjacent areas may be reseeded differently at the request of the landowner.
- (v) The Permittee shall attain eighty (80) percent vegetative cover across all disturbed soil areas by the end of the first full growing season following construction. Overall vegetative cover in restored areas shall be monitored for a minimum of five (5) years. Post-construction monitoring shall continue until an eighty (80) percent survivorship of native woody species or eighty-five (85) percent absolute cover of native herbaceous species appropriate

wetland indicator status has been reestablished over all portions of the replanted area, unless the invasive species baseline survey indicates a smaller percentage of survivorship or cover of appropriate native species exists prior to construction.

- (3) *Cut Vegetation*. Cut vegetation in wetlands, with the exception of invasive species, may be left in place (i.e., drop and lop or piled in dry or seasonally saturated portions of wetlands and adjacent areas to create wildlife brush piles).
- (4) *Access Roads Through Wetlands*. Installation of access roads through wetlands shall be performed using the following methods:
  - (i) Temporary access roads shall use timber/construction matting that is completely removed after construction/maintenance activities are completed and removal shall be verified with the NYSDPS by the on-site environmental monitor after construction, or by the facility operator after maintenance work is completed.
  - (ii) Permanent access roads shall use a layer of geotextile fabric and a minimum of six (6) inches of gravel shall be placed in the location of the wetland crossing after vegetation and topsoil is removed. Access roads shall be designed and constructed to adequately support the type and frequency of the anticipated vehicular traffic and include suitable culverting or other drainage infrastructure as needed to minimize the impact to wetland hydrology.
- (5) *Solar Panel Support Installation*. Installation and construction techniques shall minimize the disturbance of the wetland soil profiles (e.g., the use of helical screws and driven H-pile with no backfilling for solar arrays sites in wetlands). **(NOT APPLICABLE)**

- (6) *Tree Clearing.* Tree clearing shall be minimized to the extent practicable in wetlands and adjacent areas.
  - (7) *Fill Placement.* The placement of fill in wetlands shall be designed to maintain pre-construction surface water flows/conditions between remaining on- or off-site waters and to prevent draining of the wetland or permanent hydrologic alteration. This may require the use of culverts and/or other measures. Construction activity and final design shall not restrict or impede the passage of normal or expected high flows.
  - (8) *Concrete Use.* For activities involving the placement of concrete into regulated wetlands, watertight forms shall be used. The forms shall be dewatered prior to the placement of the concrete. The use of tremie-supplied concrete is allowed if it complies with NYS water quality standards.
  - (9) *Stormwater Setback.* Any new stormwater management infrastructure shall be located outside of the wetland and adjacent area to the extent practicable.
  - (10) *Mitigation.* The Permittee shall implement the approved Wetland Restoration and Mitigation Plan submitted pursuant to 16 NYCRR § 1100-10.2(f)(2).
- (r) Work in NYS-protected waters.** The Permittee shall implement the following:
- (1) *Dry Conditions.* In-stream work shall only occur in dry conditions, using appropriate water handling measures to isolate work areas and direct stream flow around the work area. Any waters accumulated in isolated work areas shall be discharged to an upland settling basin, field, or wooded area to provide for settling and filtering of solids and sediment before water is returned to the stream. If measures fail to divert all flow around the work area, in-stream work shall stop until dewatering measures are functioning properly.

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- (2) *In-Water Work Windows.* In-stream work shall be prohibited from September 15 through May 31 in cold water fisheries and March 15 through July 15 in warm water fisheries unless the Permittee receives site specific approval from the Office.
- (3) *Stream Channels.* The restored stream channel shall be equal in width, depth, gradient, length and character to the pre-existing stream channel and tie in smoothly to the profile of the stream channel upstream and downstream of the disturbance. The planform of any permanent stream shall not be changed, unless dictated by restoration or mitigation objectives. All disturbed stream banks shall be mulched within two (2) days of final grading, stabilized with one hundred (100) percent natural or biodegradable fiber matting, and seeded with an appropriate riparian seed mix.
- (4) *Felled Trees in an ESA.* Trees shall not be felled into an ESA stream or its stream bank. Snags which provide shelter in streams for fish shall not be disturbed unless they cause serious obstructions, scouring or erosion.
- (5) *Culvert Repairs.* If a culvert is blocked or crushed, or otherwise damaged by construction or maintenance activities, the Permittee shall repair the culvert or replace it with alternative measures appropriate to maintaining proper drainage, embedment, and aquatic connectivity.
- (6) *Access Road Crossings of Streams.* The creation, modification, or improvement of any permanent road crossing of a NYS-protected waterbody shall meet the following requirements:
  - (i) New culvert pipes that the Permittee is required to install shall be designed to safely pass the one (1) percent annual chance storm event;
  - (ii) Culvert pipes shall be embedded beneath the existing grade of the stream channel;



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- (iii) Width of the structure shall be a minimum of one and a quarter (1.25) times the width of the mean high-water channel, as practicable; and
  - (iv) The culvert slope shall remain consistent with the slope of the adjacent stream channel. For slopes greater than three (3) percent, an open bottom culvert shall be used.
- (7) *Overhead Lines Across NYSDEC-Protected Streams.* If construction of overhead power line crossings requires cutting of trees or shrubs within fifty (50) feet of a NYS-protected waterbody:
  - (i) Cut materials shall be left on the ground; and
  - (ii) Stumps and root systems shall not be damaged to facilitate stump sprouting.
- (8) *Stream Flows.* During periods of work activity, flow immediately downstream of the work site shall equal flow immediately upstream of the work site. If measures fail to divert all flow around the work area, in-stream work shall stop until dewatering measures are functioning properly.
- (9) *No Aquatic Impediments.* In-stream work, including the installation of structures and bed material, but excluding dewatering associated with dry trench crossings, shall not result in an impediment to aquatic organisms. All fish trapped within cofferdams shall be netted and returned, alive and unharmed, to the water outside the confines of the cofferdam, in the same stream.
- (10) *Drop Height.* Any in-stream structures placed in a stream shall not create a drop height greater than six (6) inches.
- (11) *Restoration and Mitigation.* The Permittee shall

implement the approved Stream Restoration and Mitigation Plan submitted pursuant to 16 NYCRR § 1100-10.2(f)(3).

**(s) Agricultural Resources.**

- (1) In all instances in which the applicant for a solar facility proposes to permanently or temporarily impact active agricultural lands (i.e., land in active agriculture production defined as active three (3) of the last five (5) years) within NYS Agricultural Land Classified Mineral Soil Groups 1 through 4, the Permittee shall: **(NOT APPLICABLE)**
  - (i) Construct the facility consistent with the NYSAGM "Guidelines for Solar Energy Projects-Construction Mitigation for Agricultural Lands," dated 10/18/2019 (see 16 NYCRR § 1100-15.1(1)(1)(i)), to the maximum extent practicable; **(NOT APPLICABLE)** and
  - (ii) Hire an independent, third-party agricultural monitor to oversee compliance with agricultural conditions and requirements, including the approved Agricultural Plan required pursuant to 16 NYCRR § 1100-2.16(c), the approved Remediation Plan required pursuant to 16 NYCRR § 1100-2.16(d) and any approved co-utilization plan prepared according to 16 NYCRR § 1100-2.16(e). The Office, in consultation with the NYSAGM, shall verify and approve the qualifications required to fulfill the role of the agricultural monitor have been met. If the Office, in consultation with the NYSAGM, agrees that the independent third-party monitor is qualified on agricultural issues, one monitor can act as both the general environmental monitor as well as the agricultural-specific environmental monitor. **(NOT APPLICABLE)**
- (2) In all instances in which the applicant for a wind facility proposes to permanently or temporarily impact active agricultural lands (i.e., land in active

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agriculture production defined as active three (3) of the last five (5) years) within NYS Agricultural Land Classified Mineral Soil Groups 1 through 4, the Permittee shall:

(i) Construct the facility consistent with the NYSAGM "Guidelines for Agricultural Mitigation for Wind Power Projects," revised 4/19/2018 (see 16 NYCRR § 1100-15.1(1)(1)(ii)), to the maximum extent practicable; and

(ii) Hire an independent, third-party agricultural monitor to oversee compliance with agricultural conditions and requirements, including the approved Agricultural Plan required pursuant to 16 NYCRR § 1100-2.16(c) and the approved Remediation Plan required pursuant to 16 NYCRR § 1100-2.16(d). The Office, in consultation with the NYSAGM, shall verify and approve the qualifications required to fulfill the role of the agricultural monitor have been met. If the Office, in consultation with the NYSAGM, agrees that the independent third-party monitor is qualified on agricultural issues, one monitor can act as both the general environmental monitor as well as the agricultural-specific environmental monitor.

**(t) Hazardous Materials.** The Permittee shall comply with the NYSDEC-approved Site Management Plan for the facility site, or any portion thereof, if applicable.

**(u) Cultural Resources Avoidance, Minimization and Mitigation Plan.** The Permittee shall implement the approved Cultural Resources Avoidance, Minimization and Mitigation Plan required in 16 NYCRR § 1100-10.2(g).

**5.5. Facility Operation (16 NYCRR § 1100-6.5):**

**(a) Noise Limits for Wind Facilities**

(1) Noise levels by all noise sources from the wind facility(ies) shall:

(i) Comply with a maximum noise limit of forty-five (45) dBA Leq (8-hour) at the outside of any non-participating residence, and fifty-five (55) dBA Leq (8-hour) at the outside of any participating residence existing as of the issuance date of the siting permit;

(ii) Prominent tones are defined by using the constant level differences listed under ANSI/ASA S12.9-2005/Part 4 Annex C (sounds with tonal content) (see 16 NYCRR § 1100-15.1(a)(1)(iii)) at the outside of any non-participating residence existing as of the issuance date of the siting permit. Should a prominent tone occur, the broadband overall (dBA) noise level at the evaluated non-participating position shall be increased by five (5) dBA for evaluation of compliance with subparagraphs (i) and (v) of this paragraph;

(iii) Comply with a maximum noise limit of sixty-five (65) dB Leq (1-hour) at the full octave frequency bands of sixteen (16), thirty-one and a half (31.5), and sixty-three (63) Hertz outside of any non-participating residence existing as of the issuance date of the siting permit, in accordance with Annex D of ANSI/ASA standard S12.9-2005/Part 4 Section D.2.(1) (Analysis of sounds with strong low-frequency content) (see 16 NYCRR § 1100-15.1(a)(1)(iii));

(iv) Not produce human perceptible vibrations inside any non-participating residence existing as of the issuance date of the siting permit that exceed the limits for residential use recommended in ANSI/ASA

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Standard S2.71-1983 "Guide to the evaluation of human exposure to vibration in buildings" (see 16 NYCRR § 1100-15.1(a)(1)(i));

(v) Comply with a noise limit of forty (40) dBA Leq (1-hour) at the outside of any non-participating residence existing as of the issuance date of the siting permit from the collector substation equipment; and

(vi) Emergency situations are exempt from the limits specified in this subdivision.

(2) *Post-Construction Noise Compliance and Monitoring for Wind Facilities.* To evaluate compliance with noise-related conditions, the Permittee shall comply with the following requirements:

(i) Compliance with subparagraphs (1)(i)-(v) of this section for the facility shall be evaluated by the Permittee by implementing a sound testing compliance protocol that shall follow the provisions and procedures for post-construction noise performance evaluations approved by the Office and stated in the siting permit;

(ii) At least two sound compliance tests conforming to the sound testing compliance protocol shall be performed by the Permittee after the commercial operation date of the facility: one during the "leaf-off" season and one during the "leaf-on" season;

(iii) Within seven (7) months after the commercial operation date of the facility, the Permittee shall perform and complete the first sound compliance test and the results shall be submitted by filing a report from an independent acoustical or noise consultant, no later than eight (8) months after the commercial operation date, specifying whether or not the facility is found in compliance with all siting permit conditions on noise during the "leaf

on" or "leaf off" season as applicable; and

(iv) The second sound compliance test shall be performed, and results shall be submitted subject to the same provisions contained in subparagraph (iii) of this paragraph, but no later than thirteen (13) months after the commencement of commercial operation of the facility.

(3) *Noise Exceedances from Wind Facilities.* If the results of the first or second post-construction sound compliance test, or any subsequent test, or any compliance or violation test, indicate that the facility does not comply with siting permit conditions on noise and vibration, the Permittee shall:

(i) Present minimization options to the NYSDPS, with a copy to the Office, within sixty (60) days after the filing of a non-compliance test result or the finding of a noncompliance or a violation of siting permit conditions on noise, as follows:

a. Operational minimization options related to noise or vibrations caused by the wind turbines that shall be considered, including, at a minimum, modifying or reducing times or duration of turbine operation, incorporating noise reduced operations, shutting down relevant turbines, and modifying operational conditions of the turbines;

b. Physical minimization options related to noise or vibration caused by the wind turbines that shall be considered, including installation of serrated edge trails on the turbine blades, replacement, or maintenance of noisy components of the equipment, and any other measures as feasible and appropriate; and

c. If applicable, any minimization measures related to noise from transformers (such as

walls or barriers), emergency generators (such as installation of noise walls or barriers, adding or replacing enclosures or silencers to the emergency generator), or any other noise sources (such as HVAC equipment or energy storage systems), shall be considered, as well as any other mitigation measures as feasible and appropriate.

- (ii) Upon approval from the NYSDPS and the Office, the Permittee shall implement any operational noise or vibration mitigation measures within ninety (90) days after the finding of a non-compliance or siting permit violation, as necessary to achieve compliance.
- (iii) Upon approval from the NYSDPS and the Office, the Permittee shall implement any physical noise or vibration mitigation measures within one hundred fifty (150) days after the finding of a non-compliance or siting permit violation, as necessary to achieve compliance.
- (iv) If the Permittee cannot meet the timelines for implementation of mitigation measures set forth in subparagraphs (ii) and (iii) of this paragraph, the Permittee shall cease operation of the turbines of the facility that caused the non-compliance or siting permit violation until the operational or physical minimization measures that are presented and approved by the NYSDPS and the Office have been implemented. Once implemented, the Permittee shall not operate the facility without the mitigation measures presented and approved by the NYSDPS and the Office.
- (v) Test, document, and present results of any minimization measures and compliance with all siting permit conditions on noise, no later than ninety (90) days after the minimization measures are implemented.

(4) *Noise and Vibration Complaints from Wind Facilities.*  
The Permittee shall adhere to the following conditions regarding noise complaints:

- (i) The Permittee is required to maintain a log of complaints received relating to noise and vibrations caused by the operation of the facility. The log shall include name and contact information of the person that lodges the complaint, name of the property owner(s), address of the residence where the complaint was originated, the date and time of the day underlying the event complained of, and a summary of the complaint.
- (ii) The Permittee shall provide the host municipalities with a phone number, email address, and mailing address where complaints can be notified.
- (iii) All complaints received shall be reported to the NYSDPS staff, with a copy to the Office, monthly during the first year of commercial operations and quarterly thereafter, by filing during the first ten (10) days of each month (or the first ten (10) days of each quarter after the first year). Reports shall include copies of the complaints and, if available, a description of the probable cause (e.g., outdoor or indoor noise, tones, low frequency noise, amplitude modulation, vibrations, rumbles, rattles, etc., if known); the status of the investigation, summary of findings and whether the facility has been tested and found in compliance with applicable siting permit conditions on noise or minimization measures have been implemented. If no noise or vibration complaints are received, the Permittee shall submit a letter indicating that no complaints were received during the reporting period.
- (iv) Should complaints related to excessive and persistent amplitude modulation occur at any non-participating residence existing as of the issuance



date of the siting permit, with measured or modeled sound levels exceeding forty (40) dBA Leq (1-hour), the Permittee shall investigate and measure amplitude modulation at the affected receptors during the time frame when the worst conditions are known, or, if not known, expected to occur. If the L90-10-minute noise levels (dBA), including any amplitude modulation and prominent tone penalties exceed a noise level of forty-five (45) dBA and amplitude modulation is in excess of a five (5) dB modulation depth at the evaluated receptor(s) for more than five (5) percent of the time during the identified time frame of evaluation (which shall not exceed eight consecutive hours), the Permittee shall continue with the investigation, identify frequency of occurrence and the conditions that may be favorable for its occurrence, and propose minimization measures to avoid or minimize the impacts. Minimization measures that avoid, minimize, resolve, or mitigate the amplitude modulation impacts shall be identified and reported by filing the identified minimization measures and implementing such measures after, and consistent with, review and approval. Compliance with this requirement shall be finally demonstrated by conducting a test that shows that the L90-10-minute sound levels (dBA), including a five (5)-dBA penalty for amplitude modulation (if amplitude modulation depth is in excess of five (5) dB for more than five (5) percent of the time in any eight (8) consecutive hours) at that particular location and any additional prominent tone penalties, are lower than or equal to forty-five (45) dBA. For any complaints that do not exceed the limits established in the foregoing, the Permittee shall handle those complaints under the complaint resolution protocol approved by the Office. Amplitude Modulation depth will be evaluated as indicated in the document entitled "A Method for Rating Amplitude Modulation in Wind Turbine Noise," 09 August 2016, Version 1

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(see 16 NYCRR § 1100-15.1(c)(1)(i)).

(v) The Permittee shall investigate all other noise and vibration complaints by following the complaint resolution protocol approved by the Office, and consistent with the limits imposed by the siting permit.

(5) *Facility Logs for Wind Facilities.* The Permittee is required to maintain a log of operational conditions of all the turbines with a ten (10)-minute time interval to include, at a minimum, wind velocity and wind direction at the hub heights, angular speed of the rotors, generated power, and notes indicating operational conditions that could affect the noise levels (e.g., maintenance, shutdown, etc.). A schedule and log of noise-reduced operations for individual turbines shall also be kept and updated as necessary. These records shall be maintained by the Permittee for five (5) years from occurrence.

**(b) Noise Standards for Solar Facilities.** The Permittee shall implement the approved design as required by 16 NYCRR § 1100-2.8. **(NOT APPLICABLE)**

**(c) Operational Compliance.** The Permittee shall operate the facility to abide by applicable rules and regulations of the PSL and 16 NYCRR with respect to matters such as enforcement, investigation, safety, and reliability. The Permittee shall abide by standard Good Utility Practice, and abide by all rules, guidelines, and standards of the serving utilities, the New York Independent System Operator (NYISO), the Northeast Power Coordinating Council (NPCC), the New York State Reliability Council (NYSRC), the North American Electric Reliability Corporation (NERC) and successors. When applied to the Permittee, the term "Good Utility Practice" shall mean the standards applicable to an independent power producer connecting to the distribution or transmission facilities or system of a utility.

**(d) Annual Inspection.** The Permittee shall have an annual inspection program for its facilities. An annual inspection report shall summarize maintenance and inspection activities performed and include details of any repairs undertaken. Reports shall identify any major damage, defects, or other problems, or indicate that no such damage, defect or problem was found. Reports shall be made readily available upon request by the NYSDPS or the Office.

**(e) Equipment Replacement.** Replacement of major facility components with different make, model, size, or other material modification, shall be subject to review and approval of the Office pursuant to 16 NYCRR § 1100-11.1.

**(f) Interconnection Changes.** Throughout the life of the facility, the Permittee shall provide a copy of the following interconnection documents to the secretary of the NYSDPS, with a copy to the Office:

- (1) Any updates or revisions to the Interconnection Agreement or Facility Agreements between the Permittee, the serving utilities and NYISO; and
- (2) Any System Reliability Impact Study (SRIS) required as part of a future facility modification or uprate, performed in accordance with the NYISO Open Access Transmission Tariff (OATT), available at [www.nyiso.com](http://www.nyiso.com).

**(g) Facility Transmission Interconnection Related Incidents.**

- (1) The Permittee shall contact the NYSDPS Emergency Line within one (1) hour to report any transmission related incident on its owned and operated interconnection facilities which affects the operation of the facility, or that poses a public safety concern, and shall provide notification to the Office within twenty-four (24) hours.
- (2) The Permittee shall file with the secretary of the NYSDPS a report on any such incident, upon request within seven (7) days, and provide a copy of the report to the serving

utility and the Office. The report shall contain, when available, copies of applicable drawings, descriptions of the equipment involved, a description of the incident and a discussion of how future occurrences will be prevented.

**(h) Facility Malfunction.**

- (1) In the event of any catastrophic incident, including but not limited to blade failure, fire, tower collapse or other catastrophic event involving the facility and its associated equipment, the Permittee shall notify the Office and the NYSDPS no later than twelve (12) hours following such an event.
- (2) In the event of a malfunction of the facility or facility components which causes a significant reduction in the capability of such facility to deliver power for an extended duration (i.e., expected to last longer than one (1) month), the Permittee shall promptly file with the NYSDPS, and provide to the serving utility and the Office, copies of all notices, filings, and other substantive written communications with the NYISO as to such reduction, any plans for making repairs to remedy the reduction, and the schedule for any such repairs.

**5.6. Decommissioning (16 NYCRR § 1100-6.6):**

- (a) The Permittee shall implement the approved Decommissioning and Site Restoration Plan as required by 16 NYCRR § 1100-2.24. The Permittee shall adhere to all state laws and regulations in effect at the time of decommissioning regarding the disposal and recycling of components.
- (b) The financial security regarding decommissioning and site restoration activities shall be in the form of a letter of credit (LOC) or other financial assurance approved by the Office, and shall be established by the Permittee to be held by each City, Town, or Village hosting facility components. The total amount of the financial security created for the Cities, Towns, or Villages shall be equal to the net

decommissioning and site restoration estimate; the net decommissioning and site restoration estimate is equal to the gross decommissioning and site restoration estimate (which is the overall decommissioning and site restoration estimate plus a fifteen (15) percent contingency cost) less the total projected salvage value of facility components; reference to salvage value data shall also be included in the Decommissioning and Site Restoration Plan required at 16 NYCRR § 1100-2.24. If the Permittee and the host municipalities cannot come to an agreement as to the appropriate amount of financial security to be provided, the Office shall make the final determination. The financial security shall remain active until the facility is fully decommissioned. The LOC shall be irrevocable and state on its face that it is expressly held by and for the sole benefit of the specific Town, City, or Village.

## 6. SITE SPECIFIC CONDITIONS

The Permittee shall comply with the following SSCs during construction and operation of the Facility over the life of this Permit. Specific conditions shall take precedence over other conditions of this Permit should there be a conflict.

**(a) *Final Plans, Profiles and Detail Drawings*** - Final Design Plan Set - Consistent with 16 NYCRR § 1100-10.2, the Permittee shall provide the Office a set of the Final Design Plans, Profiles, and Detail Drawings for the Facility. The final plans, profiles, and detail drawings shall include without limitation:

- (1) *Trench Breakers and/or Intercept Drain Lines* - Where underground collection lines will be installed in fragipan restricted soils, the Permittee shall install trench breakers and/or intercept drain lines to minimize risk of damage from subsurface erosion in areas with slopes greater than or equal to 8 percent.
- (2) *Supplemental Magnetometer Report* - Consistent with 16 NYCRR § 1100-2.4(u)(1), the Permittee shall include a Supplemental Magnetometer Report as an attachment, with

supporting data, describing the supplemental magnetometer survey (Supplemental Survey) of areas indicated in the Prattsburgh Magnetometer Survey Memo, Figure 1: Magnetometer Survey Area (Record 111) as polygons labeled "Unsurveyed Area within Magnetometer Study Area - Proposed for Pre-Construction Survey" and "Unsurveyed Area Outside Magnetometer Survey Area - Proposed for Pre-Construction Survey." The Supplemental Magnetometer Report shall include an investigation of anomalies labeled "unconfirmed feature" in Prattsburgh Magnetometer Survey Memo, Figure 2: Magnetometer Survey Anomalies (Record 111), as well as any anomalies found in the Supplemental Survey. In the event new oil and gas wells are identified, the Permittee shall comply with the requirements of 16 NYCRR § 1100-2.4(u)(2) and (3).

(3) *Previously Unknown Oil and/or Natural Gas Wells* - If previously unknown oil and/or natural gas wells are confirmed within the Facility Site during construction of the Facility, the Permittee shall immediately cease construction activities within 150 feet surrounding the well and shall notify and consult with the Office and NYSDEC Division of Mineral Resources, Region 8, Regional Minerals Manager, to determine what, if any, measures must be implemented.

(4) *Setback Requirements for Wind Turbine Towers* - Turbine locations shall reflect all applicable Manufacturer-required setbacks as well as the setbacks required by 16 NYCRR § 1100-2.6(b).

**(b) *Phased Notice to Proceed*** - Consistent with 16 NYCRR § 1100-10.2, and in addition to the Notice to Proceed (NTP) authorization in 16 NYCRR § 1100-6.1(g), the Permittee may request a conditional NTP for a specific construction activity or specific phase of construction by submitting a phasing plan including a detailed narrative of the scope of work and anticipated pre-construction compliance filings for each phase. For each such requested activity or phase consistent with the plan, the Permittee shall have submitted to the Office a complete description of the work and all

applicable pre-construction compliance filings listed in 16 NYCRR § 1100-10.2 and this Permit and identified by the Office as a condition to NTP approval.

**(c) Final Net Conservation Benefit Plan (NCBP)**- Consistent with 16 NYCRR § 1100-10.2, the Permittee shall submit a final NCBP, developed in consultation with the Office and implemented prior to the first phase of construction.

**(d) Final Visual Impacts Minimization and Mitigation Plan (VIMMP)**- Consistent with 16 NYCRR § 1100-10.2, the Permittee shall submit, as a required component of the Visual Impacts Minimization and Mitigation Plan under 16 NYCRR § 1100-6.4(1)(1):

(1) Updated Screen Planting Plans for the Substation Site, to include plan details for the location and arrangement of electrical substation equipment and perimeter fencing, screening vegetation maintenance heights, and separation distances from screen planting vegetation, and demonstrating that safe and reliable clearance distances from any tall-growing tree species proposed can be achieved or if revised planting schedule(s) and tree species selection(s) are proposed; and

(2) Copies of agreements indicating acceptance of potential light trespass from parcel owners adjacent to the POI and substation facilities, consistent with 19 NYCRR § 10.2(h)(3). **(See also subpart 7.1(h)(3) of this Permit.)**

**(e) Post-Construction Monitoring Plan and Adaptive Management Program** - Consistent with the terms of the stipulation of settlement among the Permittee and ORES dated June 13, 2024 (Record 201), which is incorporated herein by reference, the Permittee shall submit a pre-construction compliance filing that includes a post-construction monitoring plan and adaptive management program that is consistent with relevant guidelines for bald eagles as established by NYSDEC and USFWS. Such post-construction monitoring plan and adaptive management program shall be subject to review and approval by the Office, and shall include, at minimum, the requirements

set forth in section 2(c) of the June 13, 2024, stipulation.

**(f) Final Decommissioning and Site Restoration Plan** - Consistent with 16 NYCRR § 1100-10.2(b), the Permittee shall submit a Final Decommissioning and Site Restoration Plan including: the Permittee's plan for the repair of non-operational Wind Facility components due to manufacturer complications or other delay(s) in excess of one year and beyond the Permittee's control, including requirements for: (1) notice to the Office accompanied by supporting justification; (2) evidence of the Permittee's commitment to diligently complete all work; and (3) periodic status updates to the Office during such occurrences. As pertains solely to the Wind Facility components in the Town of Prattsburgh, if any wind turbine remains non-functional or inoperative for a continuous period in excess of one year, it shall be considered abandoned unless the Permittee demonstrates to the Office and NYSDPS that it is making good faith efforts to restore the wind turbine to an operable condition. **(See also subpart 4(d)(8) of this Permit.)**

**(g) Cumulative Noise Impact** - Consistent with 16 NYCRR §§ 1100-2.8 and 1100-10.2, the Permittee shall submit to the Office as a pre-construction compliance filing updated noise modeling to include:

- (1) Computer noise modeling demonstrating that the final selected wind turbine model for the Facility complies with the design goals specified in 16 NYCRR § 1100-2.8(b)(1).
- (2) Final noise modeling conducted on a cumulative basis in compliance with the requirements of 16 NYCRR §§ 2200-2.8(c)(1), (d), (f), (g), and (p) for the final selected wind turbine, taking into account the most publicly available up to date information regarding wind turbine models and locations for the Baron Winds Phase 1, Phase 2, and Cohocton Wind Facilities.
- (3) Sound contours for the substation and the wind turbines as specified in 16 NYCRR § 1100-2.8(k).



(4) A tabular comparison of sound results from the substation and the wind turbines as indicated in 16 NYCRR §§ 1100-2.8(1) and (q)(2).

(5) Any mitigation as required by 16 NYCRR §§ 1100-2.8(o)(1)(i) and (ii), (p)(3), and (q)(2).

If the noise modeling shows that the existing sound levels are less than the design goals of 45 dBA Leq (8-hour) at any non-participating residence or 55 dBA Leq (8-hour) at any participating residence on a cumulative basis, and the modeling shows that the Facility contributes to an exceedance of the design goals, then the Permittee shall implement a mitigation strategy to meet these design goals.

If the noise modeling shows that the existing sound levels exceed the design goals of 45 dBA Leq (8-hour) at any non-participating residence or 55 dBA Leq (8-hour) at any participating residence on a cumulative basis, and the modeling shows that the Facility contributes to an increase above existing cumulative sound levels, then the Permittee shall implement a mitigation strategy to meet the existing cumulative sound levels.

If the noise modeling shows that the existing sound levels exceed the design goals of 45 dBA Leq (8-hour) at any non-participating residence or 55 dBA Leq (8-hour) at any participating residence on a cumulative basis, and the modeling shows that the Facility does not contribute to an increase above existing cumulative sound levels, then the Permittee shall not be required to implement a mitigation strategy.

**(h) Final Safety Response Plan** - Consistent with 16 NYCRR §§ 1100-2.7(c) and 1100-10.2, the Permittee shall submit to the Office a Final Safety Response Plan, prepared in consultation with:

(1) Local emergency responders located in the Towns of Avoca, Cohocton, Howard, Prattsburgh, and Wheeler;

(2) The Steuben County Office of Emergency Service (OES);  
and

(3) The New York State Division of Homeland Security and  
Emergency Services.

Such plan shall include, without limitation, a map showing all Facility access points along with the associated addresses and/or other geographic reference suitable for emergency response. A program shall be outlined that provides annual training to all first responders identified in the permit application. The training program shall be offered prior to the start of construction activities.

## **7. COMPLIANCE REQUIREMENTS (16 NYCRR subpart 1100-10)**

The Permittee shall submit the following compliance filings to the Office or NYSDPS for review and approval in accordance with 16 NYCRR § 1100-10.1. Certain compliance filings are not applicable, as noted below, due to the fact that the Facility has been designed to avoid impacts to a particular resource, the resource is not present at this Facility, or the specific technology proposed renders the compliance filings inapplicable.

### **7.1 Pre-Construction Compliance Filings (16 NYCRR § 1100-10.2):**

Pre-construction compliance filings required pursuant to 16 NYCRR § 1100-10.2 shall be submitted to the Office.

**(a) Federal and Federally-delegated Permits.** Copies of all federal and federally-delegated permits and approvals required for construction and operation of the facility.

#### **(b) Final Decommissioning.**

(1) Final Decommissioning and Site Restoration Plan, including a decommissioning and site restoration estimate (for site restoration and decommissioning of all proposed Facility components removed four (4) feet below grade in agricultural land and three (3) feet below

grade in non-agricultural land and removal and restoration of access road locations, where appropriate) and proof that the letter(s) of credit (or other financial assurance approved by the ORES) have been obtained in the decommissioning and site restoration estimate amount, as calculated pursuant to 16 NYCRR § 1100-6.6(b).

- (2) Letter(s) of credit (or other financial assurance approved by the ORES) and copies of agreements between the Permittee and the Towns, Cities, and Villages, establishing a right for each municipality to draw on the letters of credit (or other financial assurance approved by the ORES) dedicated to its portion of the facility shall be provided to the Office of Renewable Energy Siting after one year of facility operation and updated every fifth year thereafter specifying changes (due to inflation or other cost increases) to the structure of the letters of credit (or other financial assurance approved by the ORES).

**(c) Plans, Profiles, and Detail Drawings.**

- (1) A statement shall be provided indicating that a professional engineer has reviewed facility details and attests to the accuracy of the final design as reflected in revised and initially filed (unaffected material) maps, site plans, profile figures, and environmental controls and construction details in accordance with 16 NYCRR §§ 1100-2.6 and 1100-2.17.
- (2) Foundation drawings, including plan and sections details, to be used for wind turbine or solar facility installations; if multiple foundation designs are to be utilized for the facility, the foundation type at each location will be specified on foundation plans (listed in a table or indicated on corresponding site plans). Applicable criteria regarding foundation design and installation shall be listed and described in the drawings. Foundation drawings shall be stamped and signed by a professional engineer, licensed and

registered in New York State.

- (3) Copies of any agreements entered with the owners/operators of existing high-pressure gas pipelines regarding the protection of those facilities.

**(d) *Wind Turbine Certifications.***

- (1) A design verification, confirming that the wind turbines were designed in accordance with International Electrotechnical Commission (IEC) 61400-1:2019 (see 16 NYCRR § 1100-15.1(b)(1)(i)).

**(e) *Construction Management.***

- (1) A Quality Assurance and Control Plan, which shall include job titles and qualifications necessary, demonstrating how the Permittee will monitor and assure conformance of facility design, engineering, and installation, including general concrete testing procedures with a plan outlining the monitoring and testing of concrete procedures in conformance with and reference to all applicable codes and standards.
- (2) A Construction Operations Plan, which shall indicate all material lay-down areas, construction preparation areas, temporary concrete batch location, major excavation and soil storage areas, and construction equipment.
- (3) A Facility Maintenance and Management Plan, which shall include plans, procedures and criteria specifically addressing the following topics:
  - (i) Inspections, maintenance, and repairs of turbines, solar panels, inverters, and associated equipment, including conformance with manufacturer's required maintenance schedules, safety inspections, and tower integrity; and
  - (ii) Electric collection, transmission, and interconnect line inspections, maintenance, and

repairs.

- (4) A Vegetation Management Plan, which shall include, at a minimum, the following:
- (i) Vegetation management practices for switchyard and substation yards and for transmission and interconnection facilities, including danger trees (trees that due to location and condition are a particular threat to fall on and damage electrical equipment) around transmission and interconnection facilities, specifications for clearances, inspection and treatment schedules, and environmental controls to avoid off-site effects;
  - (ii) Vegetation management recommendations, based on on-site surveys of vegetation cover types and growth habits of undesirable vegetation species;
  - (iii) Planting of native vegetation, based on on-site surveys of vegetation cover types and growth habits of undesirable vegetation species;
  - (iv) Restoration of disturbed areas, ruts, and rills to original grades and conditions with permanent re-vegetation and erosion controls appropriate for those locations;
  - (v) All proposed chemical and mechanical techniques for managing undesirable vegetation. Herbicide use and limitations, specifications, and control measures shall be included;
  - (vi) Substation fence-line clearances, and overhead wire security clearance zone specifications, indicating applicable safety, reliability, and operational criteria;
  - (vii) Inspection and target treatment schedules and exceptions;

- (viii) Standards and practices for inspection of facilities easements for erosion hazard, failure of drainage facilities, hazardous conditions after storm events or other incidents;
  - (ix) Review and response procedures to avoid conflicts with future use encroachment or infrastructure development; and
  - (x) Host landowner notification procedures.
- (5) Facility Communications Plan, which shall include the Permittee's construction organizational structure, contact list, and protocol for communication between parties. The Permittee shall provide to NYSDPS staff, Office staff and the municipalities the names and contact information of all individuals responsible for facility oversight.
- (6) Environmental Monitoring Plan, including names and qualifications of companies that will serve as environmental monitors (including agricultural monitor).
- (7) A Complaint Management Plan, which shall describe, at a minimum, the following:
- (i) Methods for registering a complaint, which shall include a phone number, email address, mailing address, and a form to report complaints;
  - (ii) Notification to the public of the complaint procedures;
  - (iii) Process for responding to and resolving complaints in a consistent, timely, and respectful manner;
  - (iv) Logging and tracking of all complaints received and resolutions achieved, with records of the following for each complaint containing:

ORES Major Renewable Energy Facility Permit  
Prattsburgh Wind, LLC (ORES DMM Matter No. 21-00749)

- a. The name and contact information of the person filing the complaint;
  - b. Location and owner of the property where the complaint originated;
  - c. Date and time of the underlying event causing the complaint;
  - d. Description of the complaint; and
  - e. Current status and description of measures taken to resolve the complaint.
- (v) Reporting to the Office and the NYSDPS any complaints not resolved within thirty (30) days of receipt;
- (vi) Mediating complaints not resolved within sixty (60) days; and
- (vii) Providing annual reports of complaint resolution tracking to the Office staff and NYSDPS staff, which shall also be filed with the Executive Director of the Office and Secretary of the NYSDPS.
- (8) A Traffic Control Plan shall be in effect during facility construction, to ensure safety and minimize potential delays to local traffic during construction, which shall describe, at a minimum, the following:
- (i) Maps and plans showing final haul routes developed in consultation with the host municipalities and State, County, and municipal highway officials in coordination with the turbine manufacturer. Final haul routes shall be accurately depicted in drawings submitted with the Traffic Control Plan.
  - (ii) Copies of all necessary transportation permits from the affected State, County, and municipal agencies for such equipment and/or materials on such route.

ORES Major Renewable Energy Facility Permit  
Prattsburgh Wind, LLC (ORES DMM Matter No. 21-00749)

Such permits shall include but not be limited to: Highway Work Permits to work within the ROW, permits to exceed posted weight limits, Highway Utility Permits to construct facilities within ROW, Traffic Signal Permits to work within ROW, Special Haul Permits for oversize/overweight vehicles, and Divisible Load Overweight Permits.

- (iii) Copies of all necessary agreements with utility companies for raising or relocating overhead wires where necessary to accommodate the oversize/overweight delivery vehicles, if applicable.
- (iv) A copy of all road use and restoration agreements, if any, between the Permittee and landowners, municipalities, or other entities, regarding repair of local roads damaged by heavy equipment, construction or maintenance activities during construction and operation of the facility.

**(f) Environmental.**

- (1) Proof that the required payment was made into the Endangered and Threatened Species Mitigation Bank Fund, if required.
- (2) A copy of the Wetland Restoration and Mitigation Plan, if required.
- (3) A copy of the Stream Restoration and Mitigation Plan, if required.
- (4) A copy of the Invasive Species Control and Management Plan (ISCMP), prepared in compliance with 6 NYCRR Part 575, which shall include the following information:
  - (i) Baseline mapping of all invasive species within the facility area and for one hundred (100) feet beyond the facility's limit of disturbance (LOD). The baseline mapping and data shall include the



relative abundance and distribution of each invasive species prior to the commencement of any construction activities;

- (ii) Identification of specific control, removal, and disposal measures to be implemented for each identified and mapped invasive species/plant community during construction activities. The ISCMP shall include a detailed sequence and schedule for all mechanical and chemical control measures to be implemented during construction activities;
- (iii) A detailed monitoring plan and specific sampling protocols for each identified and mapped invasive species/plant community within the facility area and for one hundred (100) feet beyond the LOD;
- (iv) Identification of specific control contingency measures to be implemented as part of the ISCMP for each identified and mapped invasive species for the duration of the facility adaptive management and monitoring period (i.e., 5 years, unless extended). The ISCMP shall include a detailed sequence and schedule for all contingency mechanical and chemical control measures to be implemented during the monitoring period;
- (v) Specific contingency measures to be implemented (i.e., regrading, re-planting of native species etc.) to achieve the final site restoration criteria (i.e., eighty (80) percent survivorship of appropriate native species reestablishment over all portions of the replanted areas, unless the baseline survey indicates a smaller percentage of appropriate species exists prior to construction); and
- (vi) Details regarding the responsible party or parties designated to implement the ISCMP and what financial assurances exist to ensure successful monitoring and ISCMP implementation.

- (5) A copy of an Inadvertent Return Flow Plan containing the following requirements:
- (i) Erosion and sediment control shall be used at the point of HDD, so that drilling fluid shall not escape the drill site and enter NYS-regulated wetlands, waterbodies, and streams (as delineated pursuant to 16 NYCRR § 1100-1.3(e) and (f)). The disturbed area shall be restored to original grade and reseeded upon completion of HDD;
  - (ii) Drilling fluid circulation shall be maintained to the extent practical;
  - (iii) If inadvertent returns occur in upland areas, the fluids shall be immediately contained and collected; and
  - (iv) If the amount of drilling fluids released is not enough to allow practical collection, the affected area shall be diluted with freshwater and allowed to dry and dissipate naturally.
- (6) For wind facilities, a Final Geotechnical Engineering Report verifying subsurface conditions within the facility site, including the results of borings and/or test pits at each turbine location.

**(g) Cultural Resources Avoidance, Minimization and Mitigation Plan.** A copy of a Cultural Resources Avoidance, Minimization and Mitigation Plan, providing:

- (1) A demonstration that impacts of construction and operation of the facilities on cultural resources (including archeological sites and any stone landscape features, and historic resources) will be avoided or minimized to the extent practicable by selection of the proposed facility's location, design and/or implementation of identified mitigation measures.

- (2) A Cultural Resources Mitigation and Offset Plan, either as adopted by federal permitting agency in subsequent National Historic Preservation Act (NHPA) Section 106 review, or as required by the Office, in consultation with New York State Historic Preservation Office (SHPO) in the event that the NHPA Section 106 review does not require that the mitigation plan be implemented. Proof of mitigation funding awards for offset facility implementation to be provided within two (2) years of the start of construction of the facility shall be included.

**(h) Real Property Rights.**

- (1) A copy of all necessary titles to or leasehold interests in the facility, including ingress and egress access to public streets, and such deeds, easements, leases, licenses, or other real property rights or privileges as are necessary for all interconnections for the facility.
- (2) Map of survey of facility site properties with property lines based on metes and bounds survey.
- (3) Notarized memos or similar proof of agreement for any participating property whose owner has signed a participation agreement or other type of agreement addressing potential facility impacts (e.g., noise, shadow flicker, setback, etc.). **(See also subpart 6(d)(2) of this Permit.)**

**(i) Interconnection Agreements.** A copy of any Interconnection Agreements (IA).

**(j) Host Community Benefits.** Documentation of all host community benefits to be provided by the Permittee.

**7.2 Post-Construction Compliance Filings (16 NYCRR § 1100-10.3):**

Post-construction compliance filings required pursuant to 16 NYCRR § 1100-10.3 shall be submitted to the NYSDPS.

- (a) Any updated information regarding the design, safety, and testing for the wind turbines, solar panels, inverters, substation, transformer, and battery storage equipment to be installed during construction as well as information regarding the design, safety, and testing for any equipment installed during facility operation as a replacement of failed or outdated equipment shall be filed within fourteen (14) days of completion of all final post-construction restoration.
  
- (b) As-built plans in both hard and electronic copies shall be filed within nine (9) months of the commencement of commercial operations of the facility and shall include the following:

  - (1) GIS shapefiles showing all components of the facility (wind turbine locations, solar panel array locations, electrical collection system, substation, buildings, access roads, met towers, point of interconnection, etc.);
  - (2) Collection circuit layout map; and
  - (3) Details for all facility component crossings of, and co-located installations of facility components with, existing pipelines: showing cover, separation distances, any protection measures installed, and locations of such crossings and co-located installations.

**INITIAL RESOLUTION**  
*(Prattsburgh Wind, LLC Project)*

A regular meeting of the Steuben County Industrial Development Agency was convened on Thursday, January 23, 2025.

The following resolution was duly offered and seconded, to wit:

Resolution No. 01/2025 - \_\_\_\_\_

RESOLUTION OF THE STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") (i) ACCEPTING THE APPLICATION OF PRATTSBURGH WIND, LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DESCRIBED BELOW), (ii) AUTHORIZING THE SCHEDULING OF A PUBLIC HEARING WITH RESPECT TO THE PROJECT, (iii) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED WITH RESPECT TO THE PROJECT, AND (iv) AUTHORIZING THE NEGOTIATION OF CERTAIN AGREEMENTS RELATING TO THE PROJECT.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 178 of the Laws of 1972 of the State of New York, as amended (hereinafter collectively called the "Act"), the **STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (hereinafter called "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, **PRATTSBURGH WIND, LLC**, for itself or on behalf of an entity to be formed by it or on its behalf (collectively, the "Company"), has submitted an application (the "Application"), a copy of which is on file with the Agency, requesting the Agency's assistance with respect to a certain project (the "Project"), consisting of: (i) the acquisition by the Agency of a leasehold interest in certain real property located in the Towns of Avoca, Cohocton, Howard, Prattsburgh and Wheeler, Steuben County, New York and all other lands in the Towns of Avoca, Cohocton, Howard, Prattsburgh and Wheeler where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (collectively, the "Land"); (ii) the planning, design, construction, installation and operation on the Land of up to 36 wind turbines with an aggregate generating capacity of approximately 147MW together with associated electrical interconnect infrastructure (collectively, the "Improvements"); and (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Facility"); and

WHEREAS, pursuant to Article 18-A of the General Municipal Law the Agency desires to adopt a resolution describing the Project and the Financial Assistance (as defined below) that the Agency is contemplating with respect to the Project; and

WHEREAS, it is contemplated that the Agency will hold a public hearing and (i) negotiate and enter into a project agreement, pursuant to which the Agency will appoint the Company as its agent for the purpose of undertaking the Project (the "Project Agreement"), (ii) negotiate and enter into a lease agreement (the "Lease Agreement"), a leaseback agreement (the "Leaseback Agreement"), and a payment-in-lieu-of-tax agreement (the "Tax Agreement"), (iii) take a leasehold interest (or other interest) in the Land and the Improvements and personal property constituting the Facility (once the Lease Agreement, the Leaseback Agreement and the Tax Agreement have been negotiated), and (iv) provide Financial Assistance to the Company in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction, and equipping of the Facility, (b) a partial real property tax abatement structured within the Tax Agreement, and (c) an exemption from mortgage recording taxes imposed on the financing related to the Project (collectively, the "Financial Assistance").

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Company has presented an Application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company's Application, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) The Agency has the authority to take the actions contemplated herein under the Act; and

(C) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing employment opportunities in Steuben County, New York, and otherwise furthering the purposes of the Agency as set forth in the Act; and

(D) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company's application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries; and

Section 2. The Chairman, Vice Chairman and/or Executive Director of the Agency are hereby authorized, on behalf of the Agency, to (A) hold a public hearing in compliance with the Act, and (B) negotiate (1) the Project Agreement, pursuant to which the Agency appoints the Company as its agent to undertake the Project, (2) the Lease Agreement, pursuant to which the

Company leases the Project to the Agency, (3) the related Leaseback Agreement, pursuant to which the Agency leases its interest in the Project back to the Company, (4) the Tax Agreement, pursuant to which the Company agrees to make certain payments in lieu of real property taxes for the benefit of affected tax jurisdictions, and (5) related documents; provided (i) the rental payments under the Leaseback Agreement include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project; and (ii) the terms of the Tax Agreement are consistent with the Agency's Uniform Tax Exemption Policy or the procedures for deviation therefrom have been complied with.

Section 3. The Agency is hereby authorized to conduct a public hearing in compliance with the Act.

Section 4. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 5. In the event that (a) the Company does not proceed to final Agency approval within six (6) months of the date hereof and/or (b) close with the Agency on the proposed Financial Assistance within twelve (12) months of the date hereof, the Agency reserves the right to rescind and cancel this resolution and all approvals made hereunder or under any other Agency resolution or action.

Section 6. These Resolutions shall take effect immediately.

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

	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Absent</i>
Mark R. Alger	[ ]	[ ]	[ ]	[ ]
Sarah Creath	[ ]	[ ]	[ ]	[ ]
Mike Davidson	[ ]	[ ]	[ ]	[ ]
Michelle Caulfield	[ ]	[ ]	[ ]	[ ]
Kelly Fitzpatrick	[ ]	[ ]	[ ]	[ ]
Anthony Russo	[ ]	[ ]	[ ]	[ ]
Dean Strobel	[ ]	[ ]	[ ]	[ ]

The Resolutions were thereupon duly adopted.

**SECRETARY'S CERTIFICATION**  
*(Prattsburgh Wind, LLC Project)*

STATE OF NEW YORK                    )  
COUNTY OF STEUBEN                ) ss.:

I, the undersigned, Secretary of the Steuben County Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Steuben County Industrial Development Agency (the "Agency"), including the resolution contained therein, held on January 23, 2025, with the original thereof on file in the office of the Agency, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this \_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Secretary



**ESCROW AGREEMENT FOR THE PAYMENT OF  
CONSULTANT AND LEGAL EXPENSES**

**THIS AGREEMENT** dated \_\_\_\_\_, 2025 by and between the **STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY**, a public benefit corporation duly existing under the laws of the State of New York with offices located at 7234 Route 54 North, Bath, New York 14810 (the "Agency") and **PRATTSBURGH WIND, LLC**, with its principal place of business located at 437 Madison Ave, Suite A, New York, New York 10022 ("Company").

**WHEREAS**, Company is proposing a 147 megawatt wind powered project ("Project") in Steuben County that will be subject to Article VIII of the New York State Public Service Law or an equivalent state permitting process; and

**WHEREAS**, Company has filed an Application for Financial Assistance with the Agency ("Application"); and

**WHEREAS**, Company has offered and the Agency has accepted Company's offer to reimburse the Agency for out-of-pocket expenses to ensure the Agency has funds to conduct its review; and

**WHEREAS**, the Agency will need to hire outside professional consultants (collectively referred to as "Professionals") to assist in the review of the Application.

**NOW THEREFORE**, in consideration of the mutual promises herein, the Agency and Company agree that the terms and conditions of this Agreement are the following:

Company shall reimburse the Agency for its out-of-pocket professional expenses incurred by the Agency to cover costs associated with the Application process. Company shall not be required to reimburse the Agency for any legal or Professionals' fees associated with any litigation or hearings involving Company as an adverse party to the Agency or expenses for which intervenor funds were sought and awarded under the state permitting process.

1. Within thirty (30) days of the execution of this Agreement, Company shall deposit the sum of \$50,000 with the Agency, which will hold the funds in escrow to be used to pay the Professionals and legal fees incurred in the review and work related to the Application. Agency and Company agree that the total amount used by the Agency to review the Application will be a credit upon the administrative fee that Company will pay pursuant to Section 5, paragraph 9(b) of the Application.
2. The invoices for Professionals and legal services will be submitted to the Executive Director of the Agency, who will review the invoices. Upon approval by Executive Director of the Agency, the Agency will thereafter be directed to disburse funds from the escrow account to pay the invoices or reimburse the Agency for payment by the Agency to the Professionals and attorney. Copies of all invoices shall be provided to

Company through its attorney, except for any privileged portions of legal billings.

3. The Professionals and attorney retained by the Agency to assist it shall work for the Agency and shall not have any obligation or fiduciary relationship to Company.
4. The services provided by the Professionals and attorney subject to reimbursement hereunder shall be limited to those services necessary to assist the Agency in the review and involvement with the Application. The rates charged by the Professionals shall not exceed those rates customary within the community for similar services. Upon their retention by the Agency, the Professionals shall provide the Agency with a statement of the hourly rates to be charged for services.
5. Upon completion of all the Agency's involvement with respect to the proposed Project, any monies remaining in the escrow account, after paying all outstanding Professionals and attorney costs, fees and expenses, shall be returned to Company.
6. Company may terminate this agreement upon receipt by the Agency of ten (10) days written notice. Upon such termination Company shall no longer be responsible for costs related hereto. If Company terminates this agreement, Company shall be responsible to pay all outstanding costs, fees and expenses incurred by the Agency up to ten (10) days subsequent to receipt of the ten (10) day Notice of Termination.
7. There are no other agreements between the Agency and Company, any member of Company or any other entity related to Company.
8. By execution of this agreement and receipt of funds from Company pursuant hereto the Agency makes no commitment of support for the Application and no commitment to approving the Application.
9. All correspondence, which may be made via email, including notices where required in this Agreement, shall be made to the following representatives for the parties:

Prattsburgh Wind, LLC  
Kevin Sheen  
VP of Business Development  
437 Madison Ave, Suite A  
New York, New York 10022  
[KSheen@terra-gen.com](mailto:KSheen@terra-gen.com)

Steuben County Industrial  
Development Agency  
James C. Johnson, Executive Director  
7234 Route 54 North  
Bath, New York 14810  
[jjohnson@steubencountyida.com](mailto:jjohnson@steubencountyida.com)

[signature page to follow]

IN WITNESS WHEREOF, the Company and the Agency have caused this First Amendment to Leaseback Agreement and Memorandum of Leaseback Agreement to be executed in their respective names, all as of the date first above written.

STEUBEN COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY

By: \_\_\_\_\_  
Name: James C. Johnson  
Title: Executive Director

PRATTSBURGH WIND, LLC

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_



January 21, 2025

Jamie Johnson, Executive Director  
Steuben County Industrial Development Agency  
7234 Route 54  
PO Box 393  
Bath, NY 14810

**Re: Proposal for Professional Services  
Prattsburgh Wind Cost Benefit Analysis**

Dear Mr. Johnson,

MRB Group is pleased to provide the Steuben County Industrial Development Agency (IDA) with this proposal for Professional Services.

**I. Background/Understanding**

The Steuben County Industrial Development Agency (the “Client” or “IDA”) is considering providing assistance to a renewable energy development project in the Towns of Avoca, Cohocton, Howard, Prattsburgh, and Wheeler as proposed by Prattsburgh Wind, which is owned by a subsidiary of Terra-Gen (collectively, the “Developer”). The Developer is proposing to construct and operate a 147 MW renewable energy generation facility consisting of 36 wind turbines and all ancillary generation and transmission facilities (the “Project”).

The IDA would like MRB Group to provide certain advisement and analysis including the completion of a cost-benefit analysis (CBA) of the Project that conforms to the requirements of Section 859-a(5) of General Municipal Law.

## II. Scope of Services and Compensation

MRB Group will perform a CBA of the Project that conforms to the requirements of Section 859-a(5) of the General Municipal Law, which will include two components: an Economic Impact Analysis and a Fiscal Benefits Analysis. These components are outlined below.

### A. Economic Impact Analysis

MRB Group will estimate the economic impacts of the Project on Steuben County in terms of jobs, wages, and sales. The impact analysis will focus on those dollars that would be “net new” to the County, which include:

- One-time impacts related to the construction of the Project; and
- The ongoing impacts of the Project, primarily driven by the Project’s ongoing employment base and local spending.

The one-time construction costs and the ongoing impacts of operations together represent the “Direct Effects” of the Project. Using the total net new spending, wages and jobs figures as the “Direct Effects”, MRB Group will conduct an economic impact study of the Project on the economy of Steuben County using the Lightcast economic modeling software package. The Lightcast model takes the Direct Effects and estimates the corresponding indirect effects of the Project. “Indirect Effects” are those (1) caused by the business-to-business purchases in the local economy and (2) caused employees receiving and spending their wages in the local economy. The total economic effects of the Project are the sum of the Direct and Indirect Effects and are reported in terms of jobs, wages and economic output resulting from the Project, both for construction and operations.

### B. Fiscal Benefits Analysis

MRB Group will also enumerate any fiscal benefits the Project is likely to cause for the County and other affected taxing jurisdictions. At a minimum, those fiscal impacts would include:

- Sales tax revenues that arise from the wages earned and spent in the County.
- New property tax revenues resulting from the PILOT.

- Using information provided by the Client, we will report any other fiscal benefit the County or other affected taxing jurisdictions might receive, such as in-kind donations or other public improvements the Developer will create.

MRB Group will provide a report of the results of these analyses, which will clearly and concisely show the economic and fiscal benefits of the Project. The report will also include an assessment of how the Project will impact New York State’s Renewable Energy Goals as required. The report will include an executive summary.

**Total Compensation.....\$10,000.00**

*The cost figure shown above represents our lump sum amount. Any additional work beyond this fee and outside the scope of this proposal would be reviewed with the Client. MRB Group will submit monthly statements for services rendered during each invoicing period based on the efforts performed during that period. MRB Group hourly rates are subject to annual adjustment.*

### III. Commencement of Work

Upon receipt of the signed proposal, MRB Group will begin work and can complete the analysis within four weeks. This schedule explicitly assumes our information requests to the Client are responded to within seventy-two hours.

### IV. Standard Terms and Conditions

Attached hereto and made part of this Agreement is MRB Group’s Standard Terms and Conditions.

[Signature Page Follows]

If this proposal is acceptable to you, please sign where indicated and return one copy to our office. Thank you for your consideration of our firm. We look forward to working with you on this very important project.

Sincerely,

---

R. Michael N'dolo  
Economic Development Services National Director

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James J. Oberst, P.E., LEED AP  
Executive Vice President / C.O.O.

Proposal Accepted By:

---

Signature

---

Title

---

Date

<https://mrbgroup365.sharepoint.com/sites/Proposals/Shared Documents/New York/Steuben County IDA/O-25-0053 Steuben IDA CBA - Prattsburgh Wind/Letter Proposal - Steuben County IDA - Prattsburgh Wind CBA.docx>

**MRB GROUP, ENGINEERING, ARCHITECTURE, SURVEYING, D.P.C.****AGREEMENT FOR PROFESSIONAL SERVICES  
STANDARD TERMS AND CONDITIONS****ECONOMIC DEVELOPMENT SERVICES****A. TERMINATION**

Either party may terminate this Agreement with seven days' written notice if the other party fails to materially perform in accordance with the terms hereof through no fault of the terminating party. If this Agreement is so terminated, the client shall promptly pay to MRB Group Engineering, Architecture, Surveying, D.P.C. ("MRB") for (a) services performed prior to the date of such termination, based on MRB's reasonable estimate for the portion of work completed, plus (b) all reasonable costs incurred by MRB in connection with such termination. If, prior to termination of this Agreement, the client directs MRB to suspend or abandon any work, the client shall promptly pay MRB for services performed prior to receipt of such notice from the client.

**B. INSURANCE**

MRB agrees to procure and maintain, at its sole expense, such insurance policies as are customary in the industry.

**C. INDEPENDENT CONTRACTOR**

The parties agree that MRB is an independent contractor, and will conduct itself with such status, that it will neither hold itself out as nor claim to be an officer or employee of the client, by reason hereof, and that it will not by reason hereof make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the client, including, but not limited to, Workmen's Compensation coverage, unemployment insurance benefits or Social Security coverage.

**D. SUCCESSORS AND ASSIGNS**

Neither party may assign or otherwise transfer any of its rights or obligations under this Agreement without the prior written consent of the other party and any purported assignment absent such consent shall be void. This Agreement shall be binding on each party's successors, executors, administrators and assigns.

**E. INVOICES AND PAYMENT**

The client will pay MRB for services in accordance with the fee structure and work estimate set forth in the proposal. Invoices will be submitted on a periodic basis, or upon completion of Services, as indicated in the proposal or contract. All payments are due within 30 days after receipt of the applicable invoice. Any invoice remaining unpaid after 30 days will bear interest from such date at



1.5 percent per month or at the maximum lawful interest rate, if such lawful rate is less than 1.5 percent per month. If the client fails to pay any invoice when due, MRB may, at any time, and without waiving any other rights or claims against the client and without thereby incurring any liability to the client, elect to terminate performance hereunder upon ten (10) days prior written notice to the client. Notwithstanding any termination of Services by MRB for non-payment of Invoices, the client shall pay MRB in full for all Services rendered by MRB to the date of termination of Services plus all interest and termination costs and expenses incurred by MRB that are related to such termination. The client shall be liable to reimburse MRB for all costs and expenses of collection, including reasonable attorney's fees.

#### **F. INDEMNITY**

The client will require any contractor and subcontractors performing the work to hold the client and MRB harmless and indemnify and defend the client and MRB and their respective officers, employees and agents from all claims arising from client's use of the services, except to the extent arising from MRB's negligence or willful misconduct.

#### **G. LIMITATION OF LIABILITY**

IN NO EVENT WILL MRB BE LIABLE FOR ANY INDIRECT, PUNITIVE, SPECIAL, EXEMPLARY, CONSEQUENTIAL OR INCIDENTAL LOSSES OR DAMAGES (INCLUDING, BUT NOT LIMITED TO, LOST PROFITS, LOSS OF GOODWILL, BUSINESS INTERRUPTION, LOSS OF BUSINESS OPPORTUNITY, OR ANY OTHER PECUNIARY LOSS), REGARDLESS OF WHETHER OR NOT THE POSSIBILITY OF SUCH DAMAGES HAS BEEN DISCLOSED OR COULD HAVE BEEN REASONABLY FORESEEN BY MRB, AND REGARDLESS OF THE LEGAL OR EQUITABLE THEORY (CONTRACT, TORT OR OTHERWISE) UPON WHICH THE CLAIM IS BASED. MRB'S LIABILITY HEREUNDER SHALL NOT EXCEED THE FEES PAID TO MRB BY CLIENT DURING THE TWELVE (12) MONTHS PRECEDING THE EVENTS GIVING RISE TO SUCH LIABILITY.

#### **H. MISCELLANEOUS**

The Agreement may be amended or modified only with the written consent of both parties. The rights and remedies set forth herein shall be in addition to all other rights and remedies available at law or equity. The Agreement embodies the entire agreement and understanding between the parties pertaining to the subject matter hereof, and supersedes all prior agreements, understandings, negotiations, representations and discussions, whether verbal or written, of the parties, pertaining to that subject matter. This Agreement shall be governed by the laws of the State of New York without regard to its principles of conflicts of law. Any litigation arising out of or in connection with this Agreement shall be brought and maintained exclusively in the federal courts or the courts of the State of New York, with a venue in Monroe County, New York, and the parties hereby irrevocably waive all jurisdictional defenses and irrevocably consents to the personal jurisdiction of such courts.

## Project Summary Sheet Update

Lismore RNG LLC

January 17, 2025

### Project Description

Lismore RNG is proposing a dairy RNG development project that will convert manure from ~6,000 milking cows to pipeline quality renewable natural gas. The project is seeking financial assistance to support a \$60 million capital expenditure for anaerobic digestion infrastructure and gas conditioning systems. While Lismore RNG's parent (SJI RNG Devco) has experience in undertaking RNG projects, the IDA support will enhance the project's financial viability and accelerate its implementation timeline in the competitive RNG market.

The investment will enable the development of a renewable energy asset that creates value for both the local agricultural sector and SJI RNG Devco's renewable energy portfolio. The project also aligns with the New York State's clean energy objectives while providing economic benefits to Steuben County through job creation in construction, system operations, and maintenance. As a subsidiary of an established energy company, this project represents a strategic expansion of SJI RNG Devco's non-regulated business activities in the growing RNG sector.

The project will be located at 8545 Route 70 in Dansville

<b>Total Project Investment</b>	\$60,300,000
<b>Jobs Retained</b>	0
<b>Job Created</b>	0
<b>Benefit to Cost Ratio</b>	TBD
<b>Estimated PILOT Benefit</b>	\$0
<b>Estimated Mortgage Tax Savings</b>	\$0
<b>Estimated Sales Tax Savings</b>	\$3,840,000
<b>Estimated Interest Savings</b>	<b>(The project will be seeking a municipal tax-exempt bond allocation)</b>
<b>Total Savings</b>	TBD

#### **Comments:**

The cost benefit cannot be determined until the bond allocation interest rate structure is determined later in the project

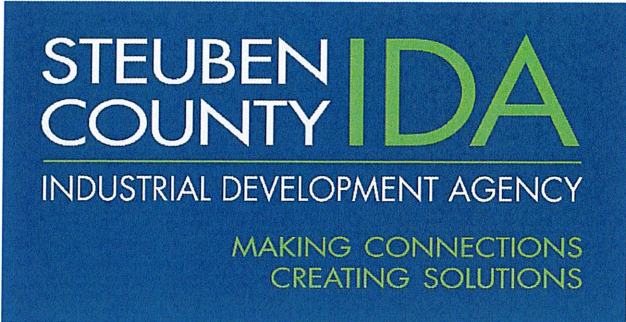
**Estimated Project Start Date** Q3 2025

**Estimated Project Completion Date** 2027

### Evaluation Criteria for Energy Production

1. Private Sector Investment – The proposed project will induce an additional \$60.3M in private sector investment
2. Advances the State Energy Policy – This project will advance the States renewable energy goals by generating by removing methane from the waste stream and converting it to clean renewable natural gas.

Project Number:



**Application for Financial Assistance**

Please complete the application and mail the *original, signed copy*, along with the **\$1,000 application fee**, to:

Steuben County IDA  
PO Box 393  
7234 State Route 54  
Bath, NY 14810

Information in the application is subject to public review under the New York State Freedom of Information Law. Please contact the IDA with any questions at 607-776-3316.

**Section 1: Applicant Information (company receiving benefit)**

**Applicant Name:** Lismore RNG, LLC

**Applicant Address:** 8545 State Route 70, Dansville, NY 14437 & State Route 961F, Hornellsville, NY 14843 (project sites)

**Phone:** 609-561-9000

**Federal Tax ID:** 92-1270859

**NAICS Code:** 221210 (dairy-based RNG production)

**Will a real estate holding company be used to own the property?** Yes  No

**Name of real estate holding company:** n/a

**Federal Tax ID:** n/a

**Type of Entity:** Limited Liability Company

**Year Established:** 2022

**State in which entity is established:** Delaware

**Stockholders, members, or partners with 20% or more in ownership:**

Name	% Ownership
SJI RNG Devco, LLC	100%
Type here to enter text.	Type here to enter text.
Type here to enter text.	Type here to enter text.

**Is the Applicant or any of its owners involved in any lawsuits which could have a financial impact on the company?**

Yes  No

**Has the Applicant or any of its owners ever been involved in a bankruptcy?** Yes  No

**Are all owners noted above citizens of the United States?** Yes  No

**Provide a brief history of the Applicant, including operations, operating performance, changes in operations, current size and locations, products and/or services, major accounts, principal competitors, and major events affecting sales/services.**

Dairy RNG development project that will convert manure from ~6,000 milking cows to pipeline quality renewable natural gas. Operations are expected to begin in 2027.

**Estimated % of sales (equal to 100%):**

**Within Steuben County:** 0%

**Outside Steuben County but in NY State:** 0%

**Outside New York but in U.S.:** We think 100% of estimated sales of RNG will be outside NY within the US. Potentially, 100% of the brown gas may be sold within Steuben County.

**Outside U.S.:** 0%

**What % of annual supplies, raw materials, and vendor services are purchased from firms in Steuben County?**

TBD – project in preliminary planning stage

**Authorized Signatory Name:** Kyle Nolan

**Title:** Vice President & COO

**Phone:** 609-561-9000

**Email:** knolan@sjindustries.com

**Name of Corporate Contact (if different from Authorized Signatory):** Brenda O'Brien

**Title:** Vice President, Finance & Compliance

**Phone:** 609-561-9000

**Email:** bobrien@sjindustries.com

**Name of Attorney:** Tim Lowry

**Firm Name:** South Jersey Industries, Inc.

**Phone:** 609-561-9000

**Email:** tlowry@sjindustries.com

## Section 2: Project Description and Details

**Municipality(s) of current operations:**

Dansville & Hornellsville

**Will the Project result in the abandonment of one or more plants/facilities of the Applicant located in New York?**

Yes  No

**If Yes, explain how, notwithstanding the aforementioned closing or activity reduction, the IDA's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Applicant's competitive position in its respective industry.**

n/a

**Property address(es) of Project location:**

8545 State Route 70, Dansville, NY 14437 & State Route 961F, Hornellsville, NY 14843

**Tax map number(s) of Project location:**

Portion of 093.00-01-048.210 and 107.00-01-007.111

**Town/Village/City taxes are paid to:**

Dansville, Steuben County

**School district taxes are paid to:**

Arkport

**Are property tax payments current?** Yes  No

**If no, please explain:** n/a

**Does Applicant or any related party currently hold fee title to the Project property?**

Yes  No

**If no, provide the name of the current owner:** Andrew W. Merry, Edward A. Merry, John P. Merry, Thomas F. Merry

**If no, does Applicant or any related party have an option to purchase the Project property?**

Yes  No

**What is the present use of the property?** Dairy Farm

**What is the present zoning/land use?** Agricultural

**Description of the project:** (check all that apply)

<input checked="" type="checkbox"/> New construction	<input type="checkbox"/> Acquisition of existing building
<input type="checkbox"/> Addition to existing building	<input checked="" type="checkbox"/> Purchase of machinery and/or equipment
<input type="checkbox"/> Renovation of existing building	<input type="checkbox"/> Other

**Please provide a narrative description of the project, including specific uses and activities that will occur at the site, products to be made or services to be offered, as well as markets for the goods/services. Please include the impact of this project on Applicant in terms of operations and profitability, or other factors affecting operations.**

Applicant plans to build an anaerobic digestion plant, using manure from the existing Dairy Farm, to produce and sell Renewable Natural Gas.

Select the project type for all end users at the site; you may check more than one box:

<input checked="" type="checkbox"/> Industrial	<input type="checkbox"/> Multi-tenant
<input type="checkbox"/> Commercial	<input type="checkbox"/> Not-for-profit
<input type="checkbox"/> Back Office	<input type="checkbox"/> Healthcare
<input type="checkbox"/> Retail	<input type="checkbox"/> Other: Type here to enter text.
<input type="checkbox"/> Housing	<input type="checkbox"/> Other: Type here to enter text.
<input type="checkbox"/> Mixed Use	<input type="checkbox"/> Other: Type here to enter text.

Has or will Applicant enter into any tenant leases for this Project? Yes  No

If yes, please complete the chart below:

Tenant Name	Current Location	# sq. ft.	% of total sq. ft.	Business type
Name	Address	Type here to enter text.	Type here to enter text.	Type
Name	Address	Type here to enter text.	Type here to enter text.	Type
Name	Address	Type here to enter text.	Type here to enter text.	Type

What is the Project's start date when equipment will be ordered or construction begins?

December 2024

What is the Project's estimated completion?

Estimated 2 year completion with a 20-year project life

When will operations commence?

Expected in 2027

Have construction contracts been signed? Yes  No

Has financing been finalized? Yes  No

Is this part of a multi-phase project? Yes  No

If Yes, please explain: n/a

Have site plans been submitted to the appropriate planning board? Yes  No

If Yes, has the Project received site plan approval? Yes  No

If the Project has received site plan approval, please provide a copy of the Environmental Assessment Form including the Negative Declaration.

**Please provide the IDA with the status of any other required approvals:**

Currently, the Project Delivery team is developing the design and data required for permit applications.

**Will customers personally visit the Project site for Retail Sales or Services? The terms refer to (a) sales by a registered vendor under Article 28 (Section 1101(b)(4)(i)) of the Tax Law of the State of New York primarily engaged in the retail sale of tangible personal property or (b) sales of a service to customers who personally visit the Project site.**

**Retail Sales** Yes  No

**Services** Yes  No

If either question above is answered Yes, please complete the questions below. If not, please move on to the Financial Assistance and Project Budget section.

**Retail/Service Industry-Only Questions**

**What percentage of the cost of the Project can be tied to the retail or service portion of the business?**  
Type here to enter text.

**If the answer is less than 33%, do not complete the remainder of this section and move on to Section 3: Financial Assistance and Project Budget.**

For Projects where 33% or more is tied to retail sales or service:

**1. Will the Project be operated by a not-for-profit corporation?**

Yes  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\*  No

**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 Project is to be located because of a lack of reasonably accessible retail trade facilities offering such goods or services?

Yes\*  No

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  No

5. Is the Project located in a highly distressed area, as defined by the US Census Bureau?

Yes  No

\*If the answer to question 2 or 3 is **Yes**, please provide a third-party market analysis or other documentation supporting the response.

**Section 3: Financial Assistance and Project Budget**

Choose the type of assistance being requested: (check all that apply)

Sales Tax Exemption Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Property Tax Exemption Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Mortgage Tax Exemption Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Tax Exempt IR Bond Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Describe the reasons why the IDA’s assistance is necessary, and the effect the Project will have on Applicant’s operations. Focus on competitiveness issues, Project shortfalls, etc.

The IDA’s assistance is crucial for Lismore RNG to successfully develop this dairy RNG project, given the significant capital expenditure required for anaerobic digestion infrastructure and gas conditioning systems. While Lismore RNG’s parent (SJI RNG Devco) has experience in undertaking RNG projects, the IDA support will enhance the project’s financial viability and accelerate its implementation timeline in the competitive RNG market. The investment will enable the development of a renewable energy asset that creates value for both the local agricultural sector and SJI RNG Devco’s renewable energy portfolio. The project also aligns with the New York State’s clean energy objectives while providing economic benefits to Steuben County through job creation in construction, system operations, and maintenance. As a subsidiary of an established energy company, this project represents a strategic expansion of SJI RNG Devco’s non-regulated business activities in the growing RNG sector.

Is there likelihood that the Project would not be undertaken but for the financial assistance provided by the IDA?

Yes  No

If the Project could be undertaken without financial assistance provided by the IDA, explain below why the Project should be provided financial assistance.

The financial assistance from the IDA is critical for project viability. While SJI RNG Devco has a technical capability to develop RNG projects, the current market economies for dairy RNG projects require incentives to achieve acceptable

returns. The IDA’s assistance helps offset significant upfront capital costs for digester equipment and gas cleaning systems, improving project economics in a competitive renewable gas market. Without this support, capital would likely be redirected to projects in regions offering more favorable incentive packages. Although SJI RNG Devco could potentially undertake this project independently, IDA assistance would accelerate renewable energy development in Steuben County and maximize local economic benefits. The financial support enhances project returns to justify local investment versus other regions, and ensures comprehensive development of ancillary infrastructure. This assistance helps create a model project demonstrating the viability of dairy RNG in the region, potentially catalyzing similar investments. Additionally, IDA involvement provides important public oversight and ensures the project delivers promised community benefits through job creation and renewable energy development.

**What would be the impact on the Applicant and the associated municipalities if the IDA does not provide financial assistance?**

Without IDA financial assistance, if developed, the project would face reduced returns that could delay or diminish its scope. SJI RNG Devco would likely prioritize RNG projects in regions offering more competitive incentives, depriving Steuben County of immediate renewable energy infrastructure development and associated economic benefits. Local municipalities would miss opportunities for expanded tax base growth, job creation, and progress towards clean energy goals. The project’s potential to catalyze additional RNG development in the region would also be diminished.

**List below the Sources and Uses of funds for the Project:**

<u>Use of Funds</u>	<u>Amount</u>
Land Acquisition:	\$0
Building Purchase:	\$300,000
Construction or Renovation – <b>Labor:</b>	\$10,000,000
Construction or Renovation – <b>Materials:</b>	\$10,000,000
Site Work/Infrastructure:	\$8,000,000
Machinery, Equipment, Fixtures – <b>Taxable:</b>	\$12,000,000
Machinery, Equipment, Fixtures – <b>Non-Taxable:</b>	\$0
Soft Costs, Professional Fees:	\$8,000,000
Refinance of existing debt:	\$0
Other: Reserves, Issuance, etc.	\$12,000,000

<b>Total Uses:</b>	\$60,300,000
<b><u>Source of Funds</u></b>	<b><u>Amount</u></b>
Equity:	\$18,100,000
Financial Institution:	\$0
Public Sector Assistance:	\$0
Other: Municipal Tax-Exempt Bond	\$42,200,000
Other: Type here to enter text.	\$0
Other: Type here to enter text.	\$0
<b>Total Sources:</b>	\$60,300,000
<b>% Public Sources Used to Finance Project:</b>	

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

If Yes, please describe: The anaerobic digester and gas upgrading equipment have been purchased.

If applying for a Mortgage Recording Tax Exemption, please list:

**Mortgage Amount:** \$0

**Mortgage Recording Tax Exemption requested (multiply mortgage amount by 1.25%):** \$0

If applying for a Sales Tax Exemption\*, please list:

**Total cost of goods and services that are subject to NY State and Local Sales Tax:** \$48,000,000

Sales Tax Exemption requested (multiply total cost by 8%):

\$3,840,000

\*The estimated sales tax amount listed above will be provided to the New York State Department of Taxation and Finance. 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 IDA may authorize with respect to this Application. The IDA 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.

If applying for a **Property Tax Exemption**, IDA staff will use the information contained in this application to create an estimate of real property tax abatement, based on current property tax rates and assessed values, which will be provided to the Applicant and attached to this application.

**Section 4: Project Employment**

Is the Project necessary to retain existing employment? Yes  No

Is the Project necessary to expand employment? Yes  No

Please complete the following chart with new and retained jobs using the definitions below:

- A – Retained Jobs are those that exist at the time of application.
- B – Jobs Created are those that will be created as a result of the Project in the first year
- C – Jobs Created are those that will be created as a result of the Project in the second year
- D – Jobs Created are those that will be created as a result of the Project in the third year
- E – The sum of jobs to be created during the first three years of the Project.
- F – The average wage of those existing and created jobs for each Job Type.
- G – The average cost of benefits offered for existing and created jobs for each Job Type.

**Full Time** – Any regularly-scheduled employee who works 30 hours or more each week.

**Part Time** – Any employee who works less than 30 hours per week or who is employed on a temporary basis.

	A	B	C	D	E	F	G
Job Type	Retained Jobs	# Jobs Created Year 1	# Jobs Created Year 2	# Jobs Created Year 3	Total New Jobs Created	Average Annual Wage	Average Annual Benefit Cost
Full Time							

Management	0	0	0	0	0	\$0	\$0
Professional	0	0	0	0	0	\$0	\$0
Administrative	0	0	0	0	0	\$0	\$0
Production	0	0	0	0	0	\$0	\$0
Independent Contractor	0	0	0	0	0	\$0	\$0
Other: Various Construction Trades	0	0	0	0	0	\$0	\$0
<b>Total FT</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>\$0</b>
<b>Part Time</b>							
Management	1	0	0	0	0	\$0	\$0
Professional	0	0	0	0	0	\$0	\$0
Administrative	0	0	0	0	0	\$0	\$0
Production	0	0	0	0	0	\$0	\$0
Independent Contractor	0	0	0	0	0	\$0	\$0
Other: Operator	2	0	0	0	0	\$0	\$0
<b>Total PT</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>\$0</b>
<b>Total FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>\$0</b>

**How many of the new, FTE jobs to be created within three years will be filled by residents of the Labor Market Area that includes Steuben, Schuyler, Chemung, Yates, Allegany, and Livingston Counties?**

This construction will bring approximately 50 construction jobs lasting one year. Once operational, this will bring 3 part-time operation jobs to the surrounding area.

*The IDA may utilize the foregoing employment projections, among other items, to determine the Financial Assistance that will be offered by the IDA 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.*

**Please complete the chart below if Applicant provides employment at other sites in New York State:**

	<b>Address:</b> Type here to enter text.	<b>Address:</b> Type here to enter text.	<b>Address:</b> Type here to enter text.
<b>Total FTEs</b>	0	0	0

**Section 5: Representations, Certifications, and Indemnification**

**Before completing this section, has IDA staff reviewed all previous sections of the Application and acknowledged that they are complete? Yes  No**

As an authorized representative of Applicant, **Kyle Nolan** confirms that he/she is the **Vice President & COO** of **Lismore RNG, LLC** named in the Application, and that he/she has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the IDA, also known as the "Agency," and as follows:

1. **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.
2. **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.
3. **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.
4. **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.

5. 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.
6. 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.
7. 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.

8. 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.
9. 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:
  - a. a non-refundable \$1,000 application and publication fee (the "Application Fee");
  - b. an amount equal to one percent (1%) of the total project costs, unless otherwise agreed to by the Agency; and
  - c. 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.
10. 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.
11. 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 8 and 9 are obligations that are not dependent on final documentation of the transaction contemplated by this Application.
12. 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.



13. 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.**
14. The Applicant acknowledges that it has been provided 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.
15. 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.
16. 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.
17. 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, as well as may lead to other possible enforcement actions.
18. 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.
19. In the event that (a) the Company does not proceed to final IDA approval within six (6) months of the date of the initial resolution and/or (b) close with the IDA on the proposed Financial Assistance within twelve (12) months of the date of the initial resolution, the IDA reserves the right to rescind and cancel all approvals provided.
20. 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.

21. The Applicant and the individual executing this Application on behalf of Applicant acknowledge receipt of notice from the Agency pursuant to Section 224-a(8)(d) of the New York Labor Law that the estimated mortgage recording tax exemption benefit amount, the estimated sales and use tax exemption benefit amount, and the estimated real property tax abatement benefit amount as so identified within this Application are "public funds" and not otherwise excluded under Section 224-a(3) of the New York Labor Law. Applicant further acknowledges and understands that it has certain obligations as related thereto pursuant to Section 224-a(8)(a) of the New York Labor Law.

STATE OF NEW JERSEY )  
COUNTY OF ATLANTIC ) ss.:

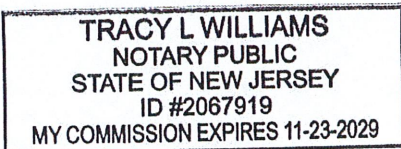
Kyle Nolan, being first duly sworn, deposes and says:

1. That I am the VP and COO (Corporate Office) of Lismore RNG, 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.

*Kyle Nolan*  
(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury  
this 16th day of January, 2025.

*Tracy L. Williams*  
(Notary Public)

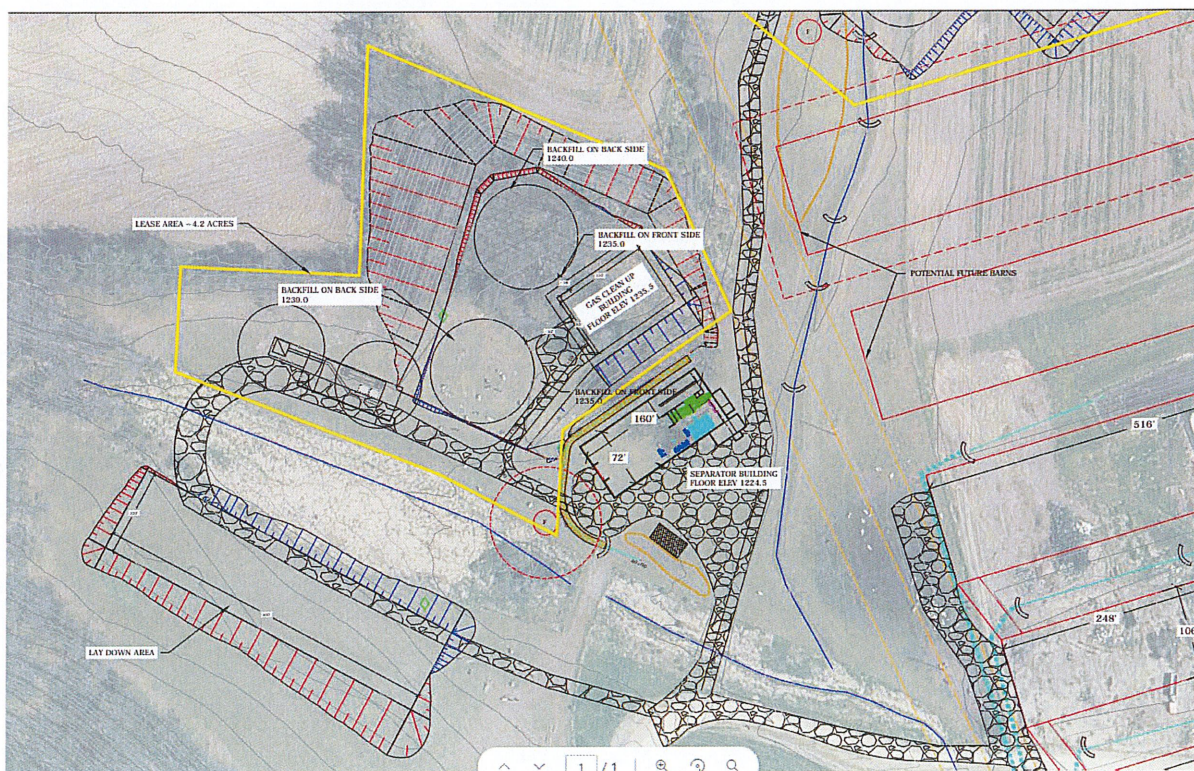


## Attachment A

Lismore RNG facility is located at 8545 State Route 961F Arkport, New York 14807. Lismore Dairy is currently expanding their herd size to meet contractual LCE requirements. Currently the farm meets 4,063 of the 6,063 contracted amount. The technology provider is EnviTec, and the site has two (2) – two-million-gallon digesters. Leased construction site 4.2 acres. The clean gas will be a direct inject into a pipeline. The waste will go back into the manure handling of the farm which is typically processed and utilized as fertilizer or bedding.

Farm Name / Project Name	City, State	MCE	Technology OEM	Digester Size	MMBtu / Yr	RNG Product Method
Lismore Dairy	Dansville, NY	6,063	EnviTec	2 x 2.2MMgal	150,127	Direct Inject

### Preliminary Site Layout



**RESOLUTION**

*(Lismore RNG, LLC Project)*

A regular meeting of the Steuben County Industrial Development Agency was convened on Thursday, January 23, 2025.

The following Resolution was duly offered and seconded, to wit:

Resolution No. 01/2025 - \_\_\_\_\_

RESOLUTION OF THE STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY (1) TAKING OFFICIAL ACTION TOWARD THE ISSUANCE OF UP TO \$42,200,000 PRINCIPAL AMOUNT TAX-EXEMPT REVENUE BONDS FOR THE PURPOSE OF FINANCING A CERTAIN PROJECT (AS SET FORTH BELOW) FOR THE BENEFIT OF LISMORE RNG, LLC; (2) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE ISSUER WITH RESPECT TO SUCH PROJECT; AND (3) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO SUCH FINANCING AND THE UNDERTAKING OF SUCH PROJECT.

WHEREAS, by Title I of Article 18-A of the General Municipal Law of the State of New York, as amended and Chapter 435 of the Laws of 1970 of the State of New York, as amended (collectively, the "Act"), the Steuben County Industrial Development Agency (the "Issuer" or the "Agency") was created with the authority and power among other things, to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, the Act authorizes and empowers the Issuer to issue its tax-exempt revenue bonds to promote, develop, encourage and assist projects such as the Project (as hereinafter defined) and to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York; and

WHEREAS, **LISMORE RNG, LLC**, a Delaware limited liability company, for itself or an entity formed or to be formed (collectively, the "Company") has requested that the Agency assist with a certain Project (the "Project"), consisting of: (A) the acquisition of a leasehold interest in a portion of certain real property located at 8545 State Route 70 and State Route 196F, in the Town of Dansville and Town of Hornellsville, respectively, Steuben County, New York (the "Land", being more particularly identified as a portion of tax parcel Nos. 093.00-01-048.210 and 107.00-01-007.111); (ii) the planning, design, construction and operation of an anaerobic digestion plant, along with related utility and site improvements, parking, curbage, access and egress improvements, signage, landscaping and other improvements (collectively, the "Improvements"); (C) the acquisition and installation in and around the Improvements of certain items of machinery, equipment, fixtures, furniture and other incidental tangible personal property (collectively, the "Equipment", and together with the Land and the Improvements, the "Facility"); (D) the payment of all or a portion of the costs of issuing the Bonds, credit enhancement fees relating to the Bonds, if any, funding a debt service reserve fund, if any, and capitalized interest, if any; and (E) the

retention by the Issuer of a leasehold or other interest in the Facility and the lease or sale of the Issuer's interest in the Facility back to the Company pursuant to an agreement which shall require the Company to make payments sufficient to fund the debt service payments on the Bonds and make certain other payments. All of the facilities financed and/or refinanced with the Bonds are or will be owned and/or operated by the Company, and are or will be located at 8545 State Route 70 and State Route 196F, in the Town of Dansville and the Town of Hornellsville, respectively, Steuben County, New York; and

WHEREAS, the Issuer is contemplating providing financial assistance to the Company with respect to the Project (collectively, the "Financial Assistance") in the form of: (i) the issuance of the Bonds in an amount not to exceed \$42,200,000 and (ii) an exemption from all New York State and local sales and use taxes with respect to the qualifying personal property included within the Facility or used in reconstruction, renovation, refurbishment and equipping of the Facility; and

WHEREAS, pursuant to Section 147(f) of the Code, interest on the Bonds will not be excluded from gross income for federal income tax purposes unless the issuance of the Bonds is approved by the "applicable elected representative" of Steuben County, New York (the "County") after a public hearing has been held on the Project (the "Public Hearing"); and

WHEREAS, pursuant to Section 859-a of the Act, it is contemplated that the Agency will hold a public hearing with respect to the Project and the proposed Financial Assistance being contemplated by the Issuer, whereat interested parties will be provided a reasonable opportunity, both orally and in writing, to present their views; and

WHEREAS, the Company has agreed to indemnify the Issuer against certain losses, claims, expenses, damages and liabilities that may arise in connection with the transaction contemplated by the issuance of the Bonds and the financing of the Project; and

WHEREAS, the Issuer reasonably expects that it will (1) pay or incur certain capital expenditures in connection with the Project prior to the issuance of the Bonds, (2) use funds from sources other than proceeds of the Bonds which are or will be available on a short-term basis to pay for such capital expenditures, and (3) reimburse itself for the use of such funds with proceeds of the Bonds; and

WHEREAS, pursuant to Article 18-A of the General Municipal Law the Issuer desires to adopt a resolution describing the Project and the Financial Assistance that the Issuer is contemplating with respect to the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Company has presented the Application in a form acceptable to the Issuer. Based upon the representations made by the Company to the Issuer in the Company's Application, the Issuer hereby finds and determines that:

(a) By virtue of the Act, the Issuer has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(b) It is desirable and in the public interest for the Issuer to (i) acquire a leasehold (or other) interest in the Facility, (ii) lease or sell the Issuer's interest in the Facility to the Company pursuant to a lease agreement or sale agreement to be negotiated, (iii) issue the Bonds to pay all or a portion of the Project and (iv) appoint the Company as its agent for purposes of undertaking the Project; and

(c) The Issuer has the authority to take the actions contemplated herein under the Act; and

(d) The action to be taken by the Issuer will induce the Company to undertake the Project, thereby increasing employment opportunities in Steuben County, New York, and otherwise furthering the purposes of the Issuer as set forth in the Act; and

(e) The Project will not result in the removal of a facility or plant of the Company or any other proposed occupant of the Facility from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Facility located within the State; and the Issuer hereby finds that, based on the Company's Application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Company from removing such other facility or plant to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Company in its industry.

Section 2. (a) The financing of the Project by the Issuer, through the issuance of the Bonds pursuant to the Act, and the provision of other Financial Assistance in connection therewith pursuant to the Act, will promote job opportunities, health, general prosperity and the economic welfare of the inhabitants of Steuben County and the people of the State of New York and improve their standard of living, and thereby serve the public purposes of the Act; and

(b) It is desirable and in the public interest for the Issuer to issue the Bonds for the purposes of financing the costs of all or a portion of the Project, together with necessary incidental expenses in connection therewith as reflected in the Company's application to the Issuer, as amended from time to time prior to the issuance of the Bonds. The aggregate principal amount of the Bonds shall not exceed \$42,200,000.

Section 3. Subject to the approval of the issuance of the Bonds by the County Legislature of Steuben County, New York, and the compliance with any other applicable provisions of the Code, the Issuer shall (i) issue the Bonds in an amount and with maturities, interest rates, redemption terms and other terms and provisions to be determined by a further resolution of the Issuer, (ii) lease or sell the Facility to the Company pursuant to the terms of a lease or other agreement whereby the Company will be obligated, among other things, to make rental payments to or for the account of the Issuer in amounts and at times so that such rental payments will be adequate to pay the principal of, premium, if any, and interest on the Bonds, and

(iii) secure the Bonds in such manner as the Issuer, the Company and the purchaser(s) of the Bonds mutually deem appropriate.

Section 4. The proposed Financial Assistance being contemplated by the Issuer includes (i) financing all or a portion of the costs of the Project by the issuance of the Bonds in an amount not to exceed \$42,200,000 and (ii) an exemption from all state and local sales and use taxes with respect to the qualifying personal property included within the Facility or used in the acquisition, renovation and/or equipping of the Facility, all consistent with the policies of the Issuer.

Section 5. The Agency is hereby authorized to conduct a public hearing in compliance with the Act and Section 147(f) of the Code.

Section 6. The law firm of Harris Beach Murtha Cullina PLLC is hereby appointed Bond Counsel to the Issuer in connection with the issuance of the Bonds.

Section 7. Bond Counsel is hereby authorized to work with Counsel to the Company and others to prepare, for submission to the Issuer, all documents necessary to effect the authorization, issuance and sale of the Bonds.

Section 8. The Executive Director, Chair and/or Vice Chair of the Issuer is hereby authorized and directed to (i) distribute copies of this resolution to the Company, (ii) request the County Legislature of Steuben County, to approve the issuance of the Bonds following the public hearing, (iii) to comply with the volume cap limitation set forth in Section 146 of the Code and with any applicable New York State law, such that interest on the Bonds shall not be included in gross income for purposes of Federal income taxation; and (iv) to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this resolution.

Section 9. This resolution shall constitute the adoption of "official intent" (within the meaning of the United States Treasury Regulations Section 1.150-2(d)) with respect to issuance of the Bonds and the original expenditures which are reasonably expected to be reimbursed from the proceeds of the Bonds.

Section 10. This resolution shall take effect immediately and shall be continuously available for inspection by the general public during normal business hours at the Issuer's offices.

*[Remainder of Page Intentionally Left Blank]*

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

	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Absent</i>
Mark R. Alger	[    ]	[    ]	[    ]	[    ]
Sarah Creath	[    ]	[    ]	[    ]	[    ]
Mike Davidson	[    ]	[    ]	[    ]	[    ]
Michelle Caulfield	[    ]	[    ]	[    ]	[    ]
Kelly Fitzpatrick	[    ]	[    ]	[    ]	[    ]
Anthony Russo	[    ]	[    ]	[    ]	[    ]
Dean Strobel	[    ]	[    ]	[    ]	[    ]

The Resolutions were thereupon duly adopted.



**CERTIFICATION**  
*(Lismore RNG, LLC Project)*

STATE OF NEW YORK                    )  
COUNTY OF STEUBEN                ) *ss.:*

I, the undersigned, Secretary of the Steuben County Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Steuben County Industrial Development Agency (the "Agency"), including the resolution contained therein, held on January 23, 2025, with the original thereof on file in the office of the Agency, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Secretary

NY Pulteney I, LLC  
315 Post Road, 2<sup>nd</sup> Floor  
Westport CT, 06880

December 19, 2024

Steuben County Industrial Development Agency  
P.O. Box 393  
7234 Route 54 North  
Bath, New York 14810  
Attn: James C. Johnson, Executive Director

Re: Notice of Substantial Completion

Tax Map Number: 012-00-01-008.200

Street Address: 8897 Chidsey Hill Road, Town of Pulteney, Steuben County, New York

Dear Mr Johnson:

I hope that this Notice finds you well. Pursuant to the First Amendment to Leaseback Agreement and Memorandum of Leaseback Agreement dated as of June 1, 2023 we are providing you notice of Substantial Completion. As of the date of this Notice, the project is a least seventy-five percent (75%) complete. The Agency acquired a leasehold interest in the property in December 1, 2021. Upon the completion of the planning phase of the Project in the beginning of 2024, construction began on February 12, 2024 and workers arrived at the site in March of 2024. As of the date of this Notice access roads are built, permanent fencing and landscaping is complete and installation of the panels is about 80% complete.

NY Pulteney I, LLC

By: 

Name: Bruce Wiegand  
Title: Authorized Officer

CC

Harrison Beach, PLLC  
99 Garnsey Road  
Pittsford, New York 14534  
Attn: Russell El Gaenzle, Esq.

Law Offices of Richard W. Chun  
1225 Franklin Ave, Suite 325  
Garden City, New York 11530  
Attn: Richard W. Chun, Esq.

**AUTHORIZING RESOLUTION**  
*(NY Pulteney I, LLC Project)*

A regular meeting of the Steuben County Industrial Development Agency convened on Thursday, January 23, 2025 at 12:00 p.m.

The following resolution was duly offered and seconded, to wit:

Resolution No. 2025 - \_\_

RESOLUTION OF THE STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") (i) AUTHORIZING AN ASSIGNMENT REQUEST RECEIVED FROM NY PULTENEY I, LLC (THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT (AS MORE FULLY DESCRIBED BELOW) UNDERTAKEN BY THE AGENCY AND THE COMPANY; AND (ii) AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS WITH RESPECT TO SAME.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 178 of the Laws of 1972 of the State of New York, as amended (hereinafter collectively called the "Act"), the **STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, pursuant to a Final Resolution adopted on September 23, 2021 (the "Authorizing Resolution"), the Agency appointed **NY PULTENEY I, LLC** (the "Company"), as agent of the Agency to undertake a certain Project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold interest in approximately 25.8 acres of real property located at 8897 Chidsey Hill Road, Town of Pulteney, New York (the "Land", being more particularly described as a portion of tax parcel No. 012.00-01-008.200, as may be subdivided); (ii) the planning, design, construction and operation of a 3MWac PV solar electrical generation system, including panel foundations, inverters, transformers, interconnect wiring, utility connections, sitework, landscaping, fencing, security and related improvements (collectively, the "Improvements"); and (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Facility"); and

WHEREAS, in connection with the Project, the Company and the Agency entered into (i) a certain Project Agreement, by and between the Agency and the Company, dated as of December 23, 2021 (the "Project Agreement") pursuant to which the Agency appointed the Company as agent to undertake the Project, (ii) a certain Lease Agreement, by and between the Company, as lessor, and the Agency, as lessee, dated as of December 1, 2021, a memorandum of which was recorded in the Office of the Steuben County Clerk on January 3, 2022 in Book 2934 of Deeds, Page 62, as amended pursuant to that certain First Amendment to Lease Agreement

and Memorandum of Lease Agreement, dated as of June 1, 2023 and recorded in the Office of the Steuben County Clerk on July 12, 2023 in Book 3037 of Deeds, Page 315 (as so amended, the "Lease Agreement"), (iii) a certain Leaseback Agreement, by and between the Agency, as sublessor, and the Company, as sublessee, dated as of December 1, 2021, a memorandum of which was recorded in the Office of the Steuben County Clerk on January 3, 2022 in Book 2934 of Deeds, Page 69, as amended pursuant to that certain First Amendment to Leaseback Agreement and Memorandum of Leaseback Agreement, dated as of June 1, 2023 and recorded in the Office of the Steuben County Clerk on July 12, 2023 in Book 3037 of Deeds, Page 324 (as so amended, the "Leaseback Agreement"), and (iv) a certain Tax Agreement, by and between the Agency and the Company, dated as of December 1, 2021, as amended pursuant to that certain First Amendment to Tax Agreement, dated as of June 1, 2023 (as so amended, the "Tax Agreement") and (v) related documents (collectively, the "Agency Documents"); and

WHEREAS, as of the date of the Company's Application for Financial Assistance (the "Original Application"), the Original Application was submitted by and through NY DRS Finco IV, LLC as the original owner of the Company (the "Original Company Parent"); and

WHEREAS, pursuant to a certain Assignment and Assumption Agreement, by and between the Original Company Parent and NY DRS Finco II, LLC ("Finco II"), the Original Company Parent assigned 100% of its membership interest in the Company to Finco II (the "First Assignment"); and

WHEREAS, subsequent to the First Assignment, pursuant to a certain Assignment of Interest Agreement, by and between Finco II and NY Solar Energy (Fund IV – Parallel) Holdings, LLC (the "Assignee"), Finco II assigned 100% of its membership interest in the Company to the Assignee (the "Second Assignment"; and, together with the First Assignment, the "Assignment"); and

WHEREAS, the Company has requested the Agency's approval of the Assignment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. Based upon the representations made by the Company, the Agency hereby consents to, authorizes and approves the Assignment subject to the terms and conditions set forth herein.

Section 2. The Agency's consent and approval of the Assignment is subject to payment by the Company of all costs and fees of the Agency in connection with review, consideration and authorization of the Assignment.

Section 3. The Chairman, Vice Chairman and/or Executive Director of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver any documents and agreements necessary to effectuate the Assignment and the Amendments, with such changes as shall be approved by the Chairman, Vice Chairman and/or Executive Director and counsel to the Agency upon execution.

Section 4. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 5. These Resolutions shall take effect immediately upon adoption.

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

	Yea	Nay	Absent	Abstain
Mark R. Alger	[ ]	[ ]	[ ]	[ ]
Kelly Fitzpatrick	[ ]	[ ]	[ ]	[ ]
Tony Russo	[ ]	[ ]	[ ]	[ ]
Dean Strobel	[ ]	[ ]	[ ]	[ ]
Mike Davidson	[ ]	[ ]	[ ]	[ ]
Sarah Creath	[ ]	[ ]	[ ]	[ ]
Michelle Caulfield	[ ]	[ ]	[ ]	[ ]

The Resolution was thereupon duly adopted.

STATE OF NEW YORK                    )  
COUNTY OF STEUBEN                ) SS:

I, the undersigned Secretary of Steuben County Industrial Development Agency, DO  
HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of Steuben County Industrial Development Agency (the "Agency"), including the resolution contained therein, held on January 23, 2025, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

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

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

~~IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this \_\_\_ day of \_\_\_\_\_, 2025.~~

\_\_\_\_\_  
Secretary

[SEAL]



STATE OF NEW YORK  
EXECUTIVE CHAMBER  
ALBANY 12224

VETO #117  
TO THE ASSEMBLY:

December 21, 2024

I am returning herewith, without my approval, the following bill:

Assembly Bill Number 7532-B, entitled:

“AN ACT to amend to amend the general municipal law, in relation to the organization of industrial development agencies and the definition of labor organization”

NOT APPROVED

This bill would amend the general municipal law to require that the membership of each industrial development agency (IDA) include at least a representative of a local labor organization and either a representative of a school board or a superintendent of a school district.

I recognize the need for IDAs to hear from all community stakeholders. It is for that reason that IDAs are required to conduct open hearings, hear testimony from members of the public and engage with all stakeholders. As the entities contemplated by this bill are already eligible to serve as members of industrial development agencies, it is most appropriate to ensure specific industrial development agency members are chosen by the municipality to best represent the interests of the community rather than imposing an inflexible statutory requirement.

Therefore, I am constrained to veto this bill.

The bill is disapproved.

*Ruth Hochul*

Legal Alert

January 3, 2025

# New York IDAs Now Required to Consider Onsite Child Care in Project Review

## Insight

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New York Gov. Kathy Hochul recently approved legislation requiring industrial development agencies (IDAs) to consider the extent to which a project provides onsite child care facilities as a criteria in their Uniform Tax Exemption Policies ("UTEP").

The law, signed Dec. 21, 2024, amends Section 874(4)(a) of the New York General Municipal Law, and Sections 1963-a(1) and 2315(1) of the New York Public Authorities Law. Sponsors of the law say it is necessary because increasing child care costs are pushing many parents to leave the workforce to care for children. Sponsors hope this new UTEP evaluative factor will incentivize new projects to provide onsite day care to increase availability and reduce associated costs, ultimately resulting in more parents returning to and remaining in the workforce.

*Harris Beach Murtha Law Clerk [Elizabeth C. Hughes](#) contributed to this legal alert.*

Harris Beach Murtha's Public Finance and Economic Development Practice Group is closely watching this and related issues. If you have questions, please reach out to attorney [Robert G. Murray](#) at (716) 200-5180 and [bmurray@harrisbeachmurtha.com](mailto:bmurray@harrisbeachmurtha.com), or the Harris Beach Murtha attorney with whom you most frequently work.

*This alert is not a substitute for advice of counsel on specific legal issues.*

Harris Beach Murtha has approximately 250 attorneys across 16 offices in Connecticut, Massachusetts, New Jersey, New York and the District of Columbia.

## Authors

**Robert G. Murray**  
Member  
(716) 200-5180  
[bmurray@harrisbeachmurtha.com](mailto:bmurray@harrisbeachmurtha.com)





TO: NYSED  
FROM: Ostroff Associates  
DATE: January 14, 2025  
RE.: 2025 State of the State

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Governor Hochul has released the 2025 State of the State Book, outlining budgetary and policy initiatives her administration plans to pursue this year.

Below, please find items of interest to you.

### **Promote Opportunity with Electric Readiness for Underdeveloped Properties Fund**

New York State is attracting investment in new manufacturing and high-tech development faster than existing energy system planning and funding mechanisms can accommodate, and we need more power-ready sites—a key factor in where companies decide to locate. Indeed, lack of speedy connection to reliable power is often cited as a primary reason for advanced manufacturers taking their business, and jobs, towards other states or opportunities.

Locating at a power-ready site can shave years off the timeline between site selection and a plant’s opening day. Extending transmission and electrical infrastructure to more sites around the State will help unlock equitable economic growth and supercharge our ability to connect New Yorkers with the advanced manufacturing jobs of the future.

To help land more business and jobs in New York, Governor Hochul will launch a new program—the Promote Opportunity with Electric Readiness for Underdeveloped Properties (POWER UP)—to fund the proactive development of electric capacity to create power-ready sites and attract new businesses to the state. Governor Hochul is seeding the fund with \$300 million, which will allow for the proactive development of dozens of sites.

POWER UP will not only alleviate bottlenecks to connect businesses to power but will help defray electrical costs for regional consumers, who under our current regulatory structure are often left to foot the bill for grid improvements prompted by one particular project within their region. POWER UP will defray those costs by interjecting State capital dollars into projects that provide overwhelming public and economic benefits.

The Empire State Development Corporation (ESD) will provide economic development expertise to ensure the fund helps prepare sites that are strongly positioned to host manufacturing operations that will create jobs in New York State.

The Department of Public Service will provide expertise in utility capital planning and will identify

opportunities for project sites that bundle clean energy resources together.

### **Build Clean Energy Zones**

To unlock economic growth and lower the cost of our clean energy transition, New York will encourage the development of regional concentrations of clean electric generation paired with transmission, by expanding its coordinated grid planning process to identify Clean Energy Zones (CEZs).

Generation and transmission projects in a CEZ will be proactively coordinated to reduce developers' interconnection risks and costs, thereby lowering costs paid by electric customers. This approach will allow for more community engagement, reduce red tape for developers and business, and align ongoing economic development and power sector initiatives as we build out the clean energy future.

The CEZ process will identify opportunities to integrate clean energy generation and transmission, ensuring the efficient and effective use of New York's natural resources to meet local demands, support the state's reliability needs, and achieve climate goals. CEZ projects will receive priority review, with generation and transmission projects proactively coordinated to minimize development risks and reduce costs for consumers. Host communities will benefit from the increased tax revenue, and state economic development resources will be directed to communities within a CEZ.

### **Grow the Semiconductor Industry and Build the Semiconductor Supply Chain**

New York has emerged as a leader in the semiconductor industry through the Green CHIPS program, attracting over \$120 billion in private sector investment. Much of that success is owed to New York's Excelsior Jobs Tax Credit Program, which encourages businesses to locate or expand in New York by providing Excelsior tax credits after meeting job creation and investment thresholds.

While New York State continues to lead in bringing semiconductor manufacturing home to our state, multiple states are vying to attract the related supply-chain companies that are looking to do business with those manufacturers.

Governor Hochul is doubling down on what works and is proposing a 10-year extension of Excelsior, to allow our foremost job creation tool to continue its track record of success.

To be competitive, this year's Executive Budget creates a new tier for semiconductor supply chain companies within the proven Excelsior Jobs Tax Credit Program. The new Semiconductor Supply Chain Tax Credit will offer up to a 7 percent jobs tax credit, and a 3 percent investment tax credit. The Excelsior enhancements also include a large-scale semiconductor R&D tax credit for major research investments exceeding \$100 million in qualified expenditures.

In addition, the Governor's Office of Semiconductor Expansion (GO-SEMI), which was created in State Fiscal Year 24, will establish a Strategic Global Engagement team to promote New York State abroad and attract international semiconductor and supply chain companies.

## **Double Down on Shovel-Ready Sites for Modern Manufacturing**

While New York State is a leader in business attraction, large scale manufacturing and industrial firms can only continue to locate and expand here if sufficient shovel-ready space is available. Governor Hochul established the Focused Attraction of Shovel-Ready Tracts New York (FAST NY) program to build shovel-ready sites across New York and ensure the state is prepared to capitalize on high-value opportunities. Since its launch in 2022, FAST NY has committed over \$175 million to 20 projects, transforming nearly 3,000 acres of previously underutilized land into future economic engines of the state.

This year's Executive Budget proposes a new round of FAST NY that prioritizes semiconductor manufacturing and supply chain projects as well as cleantech and green economy projects. This new round of funding will include a focus on equipping sites with utility access, including renewable and clean energy.

## **Lead on Innovation Through Empire AI**

Last year New York State established Empire AI, a nonprofit consortium consisting of many of New York's finest research institutions, which is building a world-class high-performance computing center dedicated to using AI for research, centered on the public good. In less than one year, the seven inaugural members of the Empire AI Consortium—Columbia, Cornell, New York University, Rensselaer Polytechnic Institute, the State University of New York (SUNY), the City University of New York (CUNY), and the Flatiron Institute—have made extraordinary progress: the first version of the Empire AI Supercomputer is now operational.

Even though this initial phase is just a fraction of the computing power of the final Empire AI facility, it already ranks as the 245th most powerful supercomputer in the world, and its environmental efficiency ranks 38th in the world on TOP500's Green 500 list. The full Empire AI computing center, situated on the University of Buffalo's North Campus, will be an energy-efficient computing facility, sustainably powered by clean and renewable hydropower from Niagara Falls and utilizing heat generated from the facility to warm and cool campus buildings, importantly reducing the University's dependence on fossil fuels.

Empire AI has already aided incredible research. Within weeks of getting access, New York scientists and researchers at the consortium member institutions have started dozens of research projects, from climate science to cancer research, freshwater resources, social science and sustainable food production. The analytic capabilities of the current Empire AI supercomputer allow researchers to process data in a matter of weeks that their current labs would take decades—and it will only get faster and more powerful in the future.

## **Turbocharge Hiring by Startups**

While our innovation ecosystem is strong, when small innovation businesses transition from receiving hands-on support from incubators to operating independently, the risk of failure can grow and the costs to continue scaling can prove prohibitive.

Governor Hochul is advancing the Companies Attracting Talent to Advance Leading Innovations and Scale Technologies in New York (CATALIST NY) program. CATALIST NY will allow small businesses that have completed a New York State incubator program to be eligible for personal income tax benefits to reduce the cost of hiring. By lowering the tax burden to hire new employees, startups can hire more seamlessly during a critical phase of their expansion, putting down stronger roots in New York.

### **Transform Regional Economic Development with High-Impact Projects**

The Regional Economic Development Councils (REDCs) have driven significant progress across New York, but their current funding limits make it difficult to support large-scale, game-changing projects. To address this, Governor Hochul will refocus the REDC initiative on transformative projects that serve as high-impact economic anchors such as cultural venues, waterfront revitalization efforts, and mixed-use development projects. This new approach will maximize the benefits that REDC awards deliver for local communities and regional economies, driving growth and revitalization in every corner of the state.

### **Renew our Commitment to Our State's Capital City**

Albany is New York's proud capital, as home to a vibrant community of families and businesses that exemplify our state. Governor Hochul has long recognized the distinct position Albany holds as the capital. Since taking office, Governor Hochul has directed over \$4 billion in public resources into transformative projects in Albany. These landmark initiatives include the replacement of the Livingston Avenue Rail Bridge, the modernization of the Wadsworth Laboratory, the demolition of the long-blighted Central Warehouse, and investments in the NY CREATES Albany NanoTech Complex—now recognized as the flagship facility of the federal National Semiconductor Technology Center.

Yet, despite its rich history and the transformative projects currently underway, Albany has been slow to recover from the devastating socio-economic impacts of COVID-19. And Albany has foregone the opportunity for a more diversified economy to fulfill the crucial responsibility of hosting the state government. Governor Hochul recognizes the exceptional responsibility and power of New York State government—the largest anchor institution in the community—to drive economic and community development within Albany. Under the Governor's leadership, Albany will have a true partner in New York State.

This year's Executive Budget launches an inclusive, State-led initiative to invest \$400 million to revitalize the downtown core of Albany—in partnership with local stakeholders and backed by significant State resources to catalyze change. This investment includes \$200 million to make real investments into tangible strategies and projects to revitalize Albany, such as: targeted strategies that address public safety and quality of life; revitalizing vacant or dated anchor institutions; reinvigorating commercial corridors; repurposing vacant and underutilized commercial buildings for housing and other new uses; leveraging open spaces and key public assets; coordinating with ongoing planning efforts related to the redevelopment of I-787 and the Livingston Avenue rail bridge; and creating new reasons to work, visit, or live in downtown Albany. This historic investment also includes \$150 million to renovate the New York State Museum and upgrade the exhibits to be more inviting to visitors, including families,

as well as funding for the State to temporarily supplement Albany’s public safety efforts by offering enhanced State Police resources to reduce crime and increase community policing in key corridors.

Informed by conversations with local stakeholders, the Governor’s commitment to Albany will play out through a comprehensive community engagement process with the public, elected representatives, and community leaders to identify key opportunities to promote business development, bolster public safety, build out community anchors, encourage housing, and enhance affordability.

### **Expand Alternative Project Delivery Methods**

State law prescribes how agencies and authorities must conduct capital project delivery. Many State agencies and authorities are limited to a narrow selection of delivery approaches, such as design-bid build. While the currently authorized methods are well suited for some projects, they are not the best fit across the board. Depending on a project’s size, nature, and timeline, alternative project delivery approaches such as progressive design build, construction manager build, and construction manager as constructor may be more suitable and can deliver projects more quickly and cost-effectively. Alternative delivery approaches also allow for expanded use of best value selection, providing a more level playing field for small and emerging firms and supporting increased Minority- and Women-Owned Business Enterprise (MWBE) participation. To improve the efficiency of project delivery and continue supporting MWBE access to public contracts, Governor Hochul will work to amend the Infrastructure Investment Act and other relevant statutes to provide agencies and authorities more flexibility in how they deliver projects and ensure that they are able to use the best tool for the job.

### **Engage the Dormitory Authority to Speed Municipal Projects**

Communities across the state need investment to build out the libraries, healthcare facilities, and higher education infrastructure that undergird our communities and make New York such an attractive place to live. Getting these projects completed more speedily and at less cost will benefit communities across the State.

To give localities the ability to draw on new resources to accelerate project design and implementation, Governor Hochul will advance legislation to allow municipalities to utilize Dormitory Authority of the State of New York’s renowned planning, design, procurement and construction management services for projects. This legislative change will help interested municipalities cut more ribbons on more ambitious projects.

### **Create a Pro-Housing Supply Infrastructure Fund**

Governor Hochul signed Executive Order 30 in July 2023 creating the Pro-Housing Community Program, which recognizes and rewards municipalities actively working to unlock their housing potential and encourages others to follow suit. In the State Fiscal Year 2025 Enacted Budget, Governor Hochul made the “Pro-Housing Community” designation a requirement for accessing up to \$650 million in State discretionary programs. So far, 270 localities have been certified, with more than 420 submitting letters of intent from all corners of New York State. To further support localities that are doing their part to address the housing crisis, Governor Hochul will create a \$100 million Pro-Housing Supply fund for certified

Pro-Housing Communities to assist with critical infrastructure projects necessary to create new housing, such as sewer and water infrastructure upgrades.

### **Provide Communities Technical Assistance to Be Pro-Housing**

Without resources, some communities may not have the ability to design and adopt pro-housing policies such as master plans, zoning text updates, and streamlined permitting procedures. To help ensure more localities that want to promote housing growth have the ability to do so, Governor Hochul will provide new grant funding to offer technical assistance to communities seeking to foster housing growth and associated municipal development.

### **Streamline Environmental Review for Modest Housing Development**

New York is streamlining regulations to expedite the construction of more homes for families and individuals while implementing environmental safeguards. Governor Hochul will advance proposed regulation to allow modestly sized home development, such as certain multi-family housing with no more than 10,000 square feet of gross floor area, to proceed as ‘Type II,’ which offers a simpler pathway towards completion. This approach not only accelerates the construction of much-needed homes but also addresses the critical shortage of affordable housing facing everyday New Yorkers. By thoughtfully streamlining the regulatory process we can facilitate the timely development of housing, making it more accessible to families and individuals.

### **Launch New York State’s First Mixed-Income Revolving Loan Fund**

With major forthcoming economic investments in upstate New York, including Micron, the state continues to need an all-of-the-above approach to the housing supply to address acute housing needs and accommodate job growth. Too often, however, upstate communities do not have the tools to create mixed income rental housing, leaving many developments permit-ready but unable to secure financing. To bridge this gap and unlock more housing, Governor Hochul will launch the State’s first revolving loan fund to spur mixed-income rental development outside New York City.

The fund will fill construction financing gaps by providing a lower-cost and more flexible form of capital than is generally available in market financing. The funding will revolve and self-sustain over time through repayments once projects have converted to permanent financing after construction.

### **Double New York State Low Income Housing Credits**

Modeled after the federal Low Income Housing Tax Credit Program, the New York State Low Income Housing Tax Credit Program (SLIHC) was signed into law in 2000 and has been critical to supporting the development of housing for low-and middle-income households. Governor Hochul will build on this success by proposing to double the amount of the tax credits available through the SLIHC program, making it the largest state low-income housing tax credit program in America. This action alone will generate upwards of \$210 million in private investment in affordable housing per year.

## **Unlock Historic Tax Credits by Decoupling and Expanding Eligibility**

Currently, New York State law requires Federal and State Historic Tax credits to be coupled together to the same investor and be available only in certain census tracts. These factors depress the economic value of both tax credits and needlessly turn investment away from housing projects, a problem felt especially acutely in upstate New York communities. Governor Hochul will propose legislation that can unlock the maximum value of the tax credits and eliminate the census tract eligibility requirement.

## **Empower Communities to Redevelop Vacant Properties into Housing**

Many municipalities struggle to acquire and redevelop vacant and abandoned buildings. Many of these properties are in a significant state of disrepair due to years of neglect and are located in neighborhoods that lack the local economic conditions necessary to incentivize redevelopment by the private sector. Consequently, the investment required to redevelop these properties can exceed their value and the resulting funding gap prevents the property from being rehabilitated. Governor Hochul will better equip communities to fight back against blight while creating more affordable housing opportunities, both by proposing strengthening existing municipal authority to acquire vacant and abandoned buildings and by proposing to authorize localities across the state to adopt a tax exemption to incentivize redevelopment of these properties into affordable homes.

## **Provide Child Care Construction Grants**

For hours each day, our child care facilities serve as refuges where our youngest can learn, socialize and be cared for. New York's children deserve safe, comfortable facilities that can welcome every kind of family, but too many child care providers operate under tight margins that make it difficult to budget for repairs and upgrades to facilities.

To facilitate child care providers' ability to expand enrollment capacity and serve additional children, Governor Hochul will provide \$100 million in capital grants for child care centers, counties, and municipalities. These funds will help ensure child care deserts continue to be addressed through the opening of new child care programs or through providing funds for necessary repairs and renovations at existing programs.

Until now, child care capital programs have been reserved for child care centers, but in this year's Executive Budget, Governor Hochul will also advance \$10 million in funding targeted to help family child care programs cover small renovations and repairs that are necessary to provide safe, high quality child care. OCFS will administer these grants and provide technical assistance to help family child care providers undertake projects.

## **Build a Statewide Data System to Improve Education and Workforce Outcomes**

A State Longitudinal Data System (SLDS) enables a state to improve its ability to answer pressing policy questions, assess the effectiveness of educational and workforce programs, ensure investments are directed toward initiatives that yield meaningful results, and better support students. New York State has secured federal funding to begin the process of developing and establishing a SLDS. Governor Hochul will introduce legislation to establish and define the SLDS, including the creation of a governance board to ensure data collection meets the State's privacy obligations.

### **Invest in Cutting-Edge Research by Funding a New York State Innovation Fund**

The Governor will continue the historic investments in higher education she has made by funding a New York State Innovation Fund at SUNY. This capital support will provide vital resources that will be directed by SUNY to the development of cutting-edge laboratory facilities and research activities.

### **Enhance Local Food Supply Chains**

The COVID-19 pandemic exposed weaknesses in supply chains, disrupting food access and highlighting the need to strengthen New York's local food systems. Building on New York's supply chain and processing expansions in recent years, Governor Hochul will establish the Food and Fiber Small-Scale Processing Grant Program to further fuel the supply of diverse products for New York's many local purchasing programs. In addition, Senior Farmers Market Nutrition Program benefits will be maintained, and Governor Hochul will expand New York's supply of nutritious, locally grown seafood.

### **Position New York as a Regional Leader in Fiber Production**

As the national fiber supply chain has consolidated in other portions of the United States, northeastern farmers have faced barriers to processing and marketing their wool and other natural fibers affordably. Without the necessary infrastructure, farmers often discard wool or incur high costs to get it to market. Meanwhile, New York's fashion leaders, eager for natural textiles, are forced to source materials elsewhere. To mitigate these challenges, Governor Hochul will make key investments to position New York as a leader in fiber production, including determining the best location and most sustainable operating model for a New York fiber sorting and aggregation center.

### **Launch a Maple Industry Growth Strategy**

Home to the largest source of tappable maple trees in the nation, New York ranks second in national syrup production and is home to over 2,000 sugar makers. Governor Hochul will support New York's unique opportunity to become the leading maple innovator, improving production efficiency, advancing research, and fostering unparalleled consumer loyalty to New York maple.

### **Advance the Sustainability of New York's Dairy Industry**

New York is the fifth largest milk-producing state in the nation, with dairy farming accounting for half of New York's agricultural economy. Building on last year's record investment in agricultural stewardship programs, Governor Hochul will provide additional funding to research and implement climate-resilient practices on dairy farms.

### **Fund Free Community College in High-Demand Occupations**

Associates degrees facilitate entry into the workforce, increasing both likelihood of having a job and earnings. In addition to the inherent value of an associates degree, State University of New York (SUNY) and City University of New York (CUNY) associates degree programs are deeply integrated into industry pipelines. Onondaga Community College's Micron Cleanroom Simulation Lab will prepare students for careers in semiconductor and microelectronic industries. With the Governor's



support, CUNY is expanding apprenticeship programs to all seven community colleges. An integrated part of the degree path, these paid apprenticeships allow students to earn nine credits while they are employed by a partner company; 88 percent of apprentices are committed as full-time hires.

Building on Governor Hochul's historic investments in SUNY and CUNY, New York State will make community college free for students ages 25-55 pursuing select associates degrees in high demand occupations, including nursing, teaching, technology, engineering, and more. The State will cover the costs of tuition, books, and fees for participants in this program and will increase funding for career support infrastructure to connect students with job opportunities. A similar program in Massachusetts has been very successful, as have SUNY and CUNY's existing programs that provide similar wraparound services. CUNY estimates that the return on investment for each dollar invested in one such program is \$21, with \$16 going to graduates' future earnings and \$5 going to taxpayers in the form of tax revenue and lower social services costs.

Free SUNY and CUNY community college will facilitate thousands of students getting associates degrees in high-demand fields.

### **Facilitate New Training Pathways into High-Demand Occupations**

Many businesses are struggling to fill open positions, making it more important than ever to understand shifts in the labor market and develop effective strategies to connect individuals with in demand

occupations. At the same time, the future workforce—today's students—need hands-on experience, mentorship, and skill development.

To address these challenges, the Department of Labor (DOL) will launch a new initiative to support employer-led training. Participating businesses will be reimbursed 50 percent of the trainee wages during the program, with the requirement that these employees remain on the job for at least one year after completing the training. Additionally, DOL will collaborate with school districts and businesses to recruit high school students for a summer work experience program in high-demand fields. Businesses participating in the program will receive reimbursement for 50 percent of the students' stipends during the summer.

### **Create New Registered Apprenticeships and Pre-Apprenticeships in High-Demand Fields**

Nationwide, 93 percent of workers who complete registered apprenticeships gain employment, and annual average starting wage post-apprenticeship is \$77,000. While there are nearly 18,000 apprentices across New York, opportunities exist to expand this gold-standard apprenticeship model beyond the skilled construction trades.

Governor Hochul recognizes the need to develop programs to meet the workforce demands of high-growth occupations by incentivizing businesses and supporting participants, while focusing on diversification and expansion of programs. To that end, the Governor will provide funding for providers of registered apprenticeships and pre-apprenticeships in the high-demand occupations, to

cover partial apprentice wages, training costs, and for underrepresented groups, wraparound services.

### **Expand Cybersecurity Careers with Degree Reform and New Fellowships**

Currently, many cyber and technology jobs require a four-year degree. By excluding candidates without four-year college degrees, employers overlook millions of Americans who are trained through alternative routes and have the valuable skills, talent, and drive to succeed in today's workforce. Governor Hochul will reform the way executive agencies hire cybersecurity and technology talent by removing four-year degree requirements for many entry-level and early-career positions and will create a cybersecurity fellows program with SUNY and CUNY community colleges that places graduates in two-year jobs in State government. Additionally, Governor Hochul will work with private companies to similarly reduce or remove certain educational requirements to create more entry points for New Yorkers graduating from community and technical colleges.

### **Diversify the Artificial Intelligence Pipeline with Artificial Intelligence Prep**

As the Artificial Intelligence (AI) sector continues to grow at a rapid pace, it is critical the technology developed incorporates a broad range of perspectives from a diverse group of innovators. However, systemic biases and legacy workforce training practices tend to leave some populations behind in training and opportunity. To equalize access to AI careers, Empire State Development Corporation (ESD) will launch AI Prep: a workforce development initiative focused on the training and placement of disadvantaged college students into AI jobs. This free training will focus on applied problem solving and include mentorship support from leading technology companies. Students will receive a stipend and other wraparound support to participate in online courses in AI—developed by leading researchers and industry experts—allowing them to engage in real-world machine learning projects leading to internship opportunities at leading New York technology companies.

### **Leverage Federal Support to Expand Health, Behavioral, and Social Care Workforce**

Strategies designed to support training and education for new workers as well as support career advancement for existing workers, such as tuition payments and student loan repayment, have been shown to improve retention and help reduce worker shortages. As part of the State's federal Medicaid 1115 waiver, New York is implementing two workforce programs. The Career Pathways Training program is funding educational and career support services for new and advancing health, behavioral health, and social care workers. Through three regional Workforce Investment Organizations, the program covers tuition, textbooks, and educational and career supports and place individuals in high-demand titles. Participants will make a three-year service commitment to work at providers that serve at least 30 percent Medicaid or uninsured members. New York is also launching the Student Loan Repayment Program, which will provide loan payments for psychiatrists, primary care physicians, dentists, nurse practitioners, and pediatric clinical nurse specialists who make a four year commitment to work at providers that serve at least 30 percent Medicaid or uninsured members.

## **Deploy State Funding to Support Healthcare Training Programs**

Governor Hochul will expand support for healthcare training programs under the Increasing Training Capacity in Statewide Healthcare Facilities grant program, with a distinct focus on nursing training programs. The State will provide grants for regional programs that prepare and support healthcare students through the Healthcare Training and Life-skills Program, covering costs like child care, transportation, and tutoring. Governor Hochul will provide support for Area Health Education Centers, which are local training programs that recruit younger individuals from underrepresented populations into healthcare professions. In addition, New York will launch Health Workforce Connects, a portal that will engage individuals in new and growing careers in healthcare.

## **Expand Alternative Project Delivery Methods**

State law prescribes how agencies and authorities must conduct capital project delivery. Many State agencies and authorities are limited to a narrow selection of delivery approaches, such as design-bid-build. While the currently authorized methods are well suited for some projects, they are not the best fit across the board. Depending on a project's size, nature, and timeline, alternative project delivery approaches such as progressive design build, construction manager build, and construction manager as constructor may be more suitable and can deliver projects more quickly and cost-effectively.

Alternative delivery approaches also allow for expanded use of best value selection, providing a more level playing field for small and emerging firms and supporting increased Minority- and Women-Owned Business Enterprise (MWBE) participation. To improve the efficiency of project delivery and continue supporting MWBE access to public contracts, Governor Hochul will work to amend the Infrastructure Investment Act and other relevant statutes to provide agencies and authorities more flexibility in how they deliver projects and ensure that they are able to use the best tool for the job.

## **Increase Opportunities for Minority- and Women-Owned Business Enterprises in State Procurement**

Public procurement in New York State is subject to a wide array of reviews and approvals. To increase the participation of MWBEs in State contracting while also expediting the procurement process, agencies and authorities are fully or partially exempted from certain procurement requirements when making discretionary purchases of up to \$750,000 from certified MWBEs. Building on the success of this model, Governor Hochul proposes to increase the discretionary purchase thresholds for MWBEs to \$1.5 million, bringing the State's threshold into alignment with those of MTA and New York City. Standardization of these thresholds will increase efficiency while supporting the Governor's commitment to expanding opportunities for MWBE firms.

## **Engage the Dormitory Authority to Speed Municipal Projects**

Communities across the state need investment to build out the libraries, healthcare facilities, and higher education infrastructure that undergird our communities and make New York such an attractive place to live. Getting these projects completed more speedily and at less cost will benefit communities across the State.

To give localities the ability to draw on new resources to accelerate project design and implementation, Governor Hochul will advance legislation to allow municipalities to utilize Dormitory Authority of the State of New York's renowned planning, design, procurement and construction management services for projects. This legislative change will help interested municipalities cut more ribbons on more ambitious projects.

### **Expand Pre-Qualified List Authority**

Vendor pre-qualification is the process of evaluating vendors and contractors to ensure they meet specific qualifications before they are able to bid on a project. State law authorizes many municipalities across the state to make use of vendor pre-qualification practices to ensure that contracts are awarded only to highly capable and qualified contractors who are able to deliver high quality work on time and within budget. State agencies and authorities lack similar broad authority to pre-qualify vendors and are generally required instead to make awards to the lowest responsive and responsible bidder among all respondents, which can pose a particular challenge for emerging and MWBE firms. In order to streamline the procurement process by ensuring bids reviewed and selected are from suitable vendors, Governor Hochul will expand the authority for use of prequalified lists to State agencies and authorities.

### **Create a State Office of Innovation and Efficiency**

State agencies often struggle to redesign operations and implement improvements due to limited inhouse expertise. To address this, Governor Hochul will establish a dedicated office to support agencies by providing internal consulting, centralized project support, and performance tracking. The office will issue annual progress reports, ensuring transparent and measurable service improvements for New Yorkers.

### **Invest in a Sustainable Future for Businesses**

New York State's ambitious climate law requires a major reduction in greenhouse gas emissions, including those emitted by hydrofluorocarbons. These potent greenhouse gases are commonly used in refrigeration systems. However, transitioning to more environmentally friendly refrigerants can be challenging, particularly for small businesses.

To ensure a just and equitable transition while safeguarding our environment, Governor Hochul will propose a new grant program that will provide crucial grants to businesses, such as food banks and grocery stores in underserved areas, to replace their outdated, high-emission refrigeration equipment with newer, low-emission alternatives. This vital support will empower smaller businesses to comply with evolving climate regulations and thrive in a more sustainable future.

### **Launch the New York Nuclear Energy Master Plan**

Under Governor Hochul's leadership, New York State is taking bold action to develop new clean energy resources to support our mid-century decarbonization goal. After more than a decade of flat energy usage, owing to hard-won gains in energy efficiency, forecasts now show demand for electricity will rise significantly over the coming years to keep pace with new industries and demands, including the

semiconductor and advanced manufacturing sectors, as well as electrification of buildings and transportation.

To meet this growing demand for dispatchable clean energy generation, New York will develop a Master Plan for Responsible Advanced Nuclear Development that will guide any nuclear projects, and as part of that process New York will help lead a multi-state Consortium on Nuclear Energy focused on driving down costs and risk-sharing.

New York State will also support an application by Constellation Energy, the owner of New York's operating nuclear plants, to the United States Department of Energy for a planning grant to explore the possibility of bringing a small modular reactor online.

### **Help Businesses Recover After Disasters**

Adverse weather events can severely disrupt small businesses, causing damage to inventory, reduced consumer demand, and employee layoffs. Governor Hochul proposes modernizing the Jobs Retention Tax Credit Program to better support businesses in disaster-affected areas.

The updated program will lower the eligibility threshold to include businesses with ten or more employees, allowing small businesses to participate for the first time. The Governor's expansion also removes industry-specific limitations, allowing all affected businesses to seek support after an emergency event.

By providing a tax credit to impacted businesses for employee wages, this modernization will help more businesses recover from emergencies, retain employees, and contribute to their communities' recovery efforts.

### **Clean Up Our Past Via the State Superfund**

New York's Superfund Program has been critical in cleaning hazardous waste sites for over 40 years, but emerging contaminants like per- and polyfluoroalkyl substances (PFAS) and evolving development needs require modernization. To address these challenges, Governor Hochul will reauthorize the program with new tools to accelerate cleanups, enabling contaminated sites to be repurposed for productive use, including manufacturing, clean energy, housing, and other needs.

The updated law will prioritize sites posing the greatest public health risks, especially in disadvantaged communities that have faced disproportionate pollution.

### **Protect New York Farmland**

The 2022 Census of Agriculture reveals a concerning trend in United States agriculture: fewer farms, reduced farmland, and larger average farm sizes. New York is experiencing these challenges at an accelerated rate, with a 14 percent loss in farms and a 9 percent loss in farmland between 2012 and 2022. While the state achieved an impressive milestone of over 100,000 acres of protected farmland in 2023, more than 98 percent of New York's farmland remains unprotected. To support New York's agricultural sector for future generations, Governor Hochul will make investments to

improve tracking of lost farmland, and capacity building within New York's network of community led land trusts to efficiently execute Environmental Bond Act dollars allocated for farmland protection.