

**ALLEGANY COUNTY  
INDUSTRIAL DEVELOPMENT AGENCY**

Crossroads Commerce Center  
May 25, 2022  
11:00 a.m.

[https://www.youtube.com/channel/UCXJ1KZ\\_F90Z77-JQxeHzDXQ?](https://www.youtube.com/channel/UCXJ1KZ_F90Z77-JQxeHzDXQ?)

**AGENDA SPECIAL MEETING**

**Approval of Minutes**

Board Minutes May 12, 2022  
Public Hearing Minutes May 9, 2022

**Executive Session- discussion of contractual/legal issue**

**Action Items**

- Resolution for SEQR review – OYA Chenuda LLC Independence
- Resolution for financial assistance – OYA Chenuda LLC Independence
- Resolution authorizing amendment to basic documents OYA Independence East LLC
- Resolution authorizing amendment to basic documents OYA Independence Road LLC

**Good of the Order**

**Adjournment**

**Allegany County Industrial Development Agency**

May 12, 2022

Crossroads Conference Center, Belmont, New York 14813

ACIDA.org

**OPENING REMARKS**

Chairman Ewell called the meeting to order, in person, at 10:01 A.M. and asked the Board if anyone would like to declare any conflicts of interest. There were no conflicts stated.

- Present: Richard Ewell, Judith Hopkins, Ward "Skip" Wilday and John Ricci.
- Absent: Douglas Frank,
- Present by Telephone: Randy Shayler
- Others Agency Staff present: Dr. Craig Clark, IDA Executive Director & Pam Common, Recording Secretary
- Guests: Greg Moscato-Vice President & Chief Human Resources Officer-Arvos Ljungstrom, Jeff Yowell-Director of Manufacturing Technology-Arvos Ljungstrom Oakley Sortore-Town of Friendship Supervisor of Public Works.

Live streaming on YouTube at: <https://www.youtube.com/watch?v=rUGH2r3NiMM> & [https://www.youtube.com/watch?v=IRt\\_jnyGNTA](https://www.youtube.com/watch?v=IRt_jnyGNTA)

**Craig Clark:** We have two guests, from Arvos Ljungstrom, who are here to discuss their expansion project. I will let them introduce themselves.

**Greg Moscato:** Greg Moscato-Vice President and Chief Human Resource Officer.

**Jeff Yowell:** Director of Manufacturing Technology.

**Craig Clark:** We just did a visit of their shop, yesterday, with Gayle Manchin, from the Appalachian Regional Commission. It went very well. It is an exciting project and I would like you to hear how they are doing and how they are changing their whole business model. That is how we are helping them with the PILOT.

**Greg Moscato:** First of all, we are excited to be here and thank you for having us. We are on a complete change but, we are still doing our original product, which is our air preheater. However, for the last two years, we have planned and ventured into renewable wind. We will be participating with contacts along the eastern coast of the United States, where they will be putting, up to, 2,000 windmills out into the ocean. They will be 15 miles out on the continental shelf. Our piece of that is the structure that hold the windmills. Jeff can talk a little about that., in a moment. We are, also, getting into CO2 capture, another green product, to help preserve the environment. Those are resulting in us, hiring approximately 60 people this year, between the months of April or May, until October. Then, we anticipate hiring another 60 people, next year. It would be upwards of another 100. That is the plan at the current time. I will turn it over to Jeff Yowell, to talk a little bit about the expansion and what is going into the facility.

**Jeff Yowell:** So, we are converting all the coal, factory floor space, that we have dedicated to coal power plants, coal fired heat exchangers and grinders, coal mills, to essentially, offshore wind. And, at this point, the CO2 is somewhat of an R & D. We've done two PILOT projects; one in Saskatchewan, Canada and another one in Bakersfield, California. When will we start making parts here? In July, as far as our prototypes and test pieces. The goal is to make anything for the offshore

wind market that can be done. Obviously, we can't make the amount of piles and the larger structures, due to shipping restrictions. We work with the wind developers, to break apart some of the parts, so we can ship them. One of them is at the port, where we'll do the major assembly and reassemble our parts. There is us and another manufacturer, in Maryland. At this time, we will be the first company to make anything for offshore wind in the United States. We will be the first people to produce parts for this. As Greg mentioned, it has been a two-year, ongoing project, to get qualified, certifications they have and numerous, different types of certifications and quality requirements, which we all have to comply to and adapt for our products and processes.

**Greg Moscato:** We are, also, hoping this is the foundation we're setting, hopefully, for the next twenty years, to get into this new industry. There are many more states that will be building these products. We've got the first two, which is in Rhode Island and, we anticipate, coming up on a New York contract, as well. There are many, many more and we are really excited about this.

**Craig Clark:** You have mentioned, a couple of times, the investment you are making. It is a pretty major investment you are getting into, at that building.

**Jeff Yowell:** Yes. At this point, we have a ten-million-dollar investment going on. It is a phased project, with roughly three phases, at this point. We are well into the first one. The second one is in the scope generation, specifications and contractor selection phase. It is early on.

**Craig Clark:** So, you don't find a lot of companies in the region, investing that kind of money into a facility.

**Skip Wilday:** They are doing a lot of offshore, up in the Great Lakes, as well. They are putting in offshore windmills.

**Craig Clark:** I don't know if you contacted them but, Union Concrete has a group up there. They are doing some of the offshore windmills. I think I turned you on to Gary Hill. It is not as deep as what is going on in the ocean but, it's still offshore.

**Rich Ewell:** My question is; How did you, with lots of investment and risk, put in money into being a player? How did that all come about?

**Greg Moscato:** I believe, in the beginning, we began watching. We have been in business for 99 years and, we've had 90% of the world market in air preheaters. So, ten plus years ago, 40% of our power was generated by coal burning power plants. We supply air preheaters for gas to gas power plants. But, as the war on coal has developed, it is down to, about 19%, providing electricity and so forth. We realized this trend was coming. We didn't expect it to be as fast as it's coming. So, we truly focused. Our biggest capacity was steel. We're a fabrication shop that can take a sheet of 10 x 20-foot steel, bend it, cut it up to 6 inches thick, weld it, machine it, whatever we need to do. Then, we can lift it because we have heavy lifting capabilities. Based on those skill sets, great workers, a very skilled workforce, we need to retrain them on some welding. Jeff talked about ISO. We're, obviously, ISO 991 certified, 1401 environmentally certified. And, the new certification is European certification call 3834. That is a whole new certification level. It took that long, about a year, to get that certification. We created a department called Custom Manufacturing Solutions and they started going out and reaching out to different industries and customers, developing a diverse product line. We are pleased with that and have a great group of people. They continue to go out and find new products that we can do, around the whole United States, therefore, putting work, here, in Allegany County. That is the best part of this. It's not just dependent on New York State. It is branching out throughout the United States.

**Rich Ewell:** I know the Town of Wellsville supports this and I am sure the County does. Our IDA Board, obviously, does. What kind of support are you seeking from New York State or the federal government?

**Greg Moscato:** We did receive a grant from Empire State Development. That is a 2.5-million-dollar grant, over the course of ten years. It is based on hiring people and cap backs, that we're putting in. It's a two-fold program. We, also, just received a \$628,000.00 plus grant from The Appalachian Regional Commission, called the WORC grant. As you can imagine, in the beginning, we were trying to branch into a whole new industry. You're investing a lot, not only in the facility but, also, in the people. There's a whole new training program we have to do, including different types of welding. This investment, hopefully, is for the next twenty years.

#### **EXECUTIVE SESSION**

A motion was made, at 10:20 am, by J. Hopkins and, seconded by S. Wilday, to enter into Executive Session, for a discussion of contractual/legal issues. All members were in favor, by a vote of 5-0, with no opposition or further comment.

At 11:15 am, a motion was made by S. Wilday and, seconded by J. Ricci, to end the Executive Session and return to the regular IDA meeting. All members were in favor, by a vote of 5-0. There was no opposition or further discussion,

#### **MINUTES**

- **Minutes of the IDA Board Meeting of 04-14-2022-** A motion was made by J. Hopkins and, seconded by J. Ricci, to approve the April 14, 2022 IDA Board minutes. There was no discussion. All members were in favor of the approval of the minutes, by a vote of 5-0, with no opposition.

#### **TREASURER'S REPORT**

- **Abstract- April, 2022-** A motion was made by J. Hopkins and, seconded by S. Wilday, to approve the May 2022 Abstract report. There was no discussion, questions or opposition. All members approved the Abstract reports, by a vote of 5-0.

#### **Banking & Financial Summary**

- A motion was made by S. Wilday and, seconded by J. Ricci, approving the Banking & Financial Summaries for May, 2022. All members were in favor by a vote of 5-0, with no further discussion.

#### **MAINTENANCE REPORT-None**

<b>ACTION ITEMS</b>
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- **Resolution regarding SEQR-Arvos Ljungstrom, LLC project-** C. Clark: Basically, this is determined in phase 2 because they are not doing anything, it is mostly in the building of the work will be inside the building. They're not really doing much exterior so, there really isn't any environmental impact, at all. A motion was made by J. Hopkins and, seconded by S. Wilday, to approve the resolution. There was no opposition or further discussion.

**Voice vote, as follows:**

J. Hopkins--Aye      S. Wilday--Aye      R. Ewell--Aye  
J. Ricci--Aye

- **Resolution regarding financial assistance-Arvos Ljungstrom, LLC project-**A motion was made by S. Wilday and, seconded by J. Ricci, to approve the resolution. There was no opposition. Craig Clark: I would like to go on the record, officially, that he did meet with the Town Board of Wellsville, last night, they understand why we would be giving them a PILOT. So, they understand the financial assistance.

**Voice vote, as follow:**

J. Ricci--Aye      J. Hopkins--Aye      S. Wilday--Aye  
R. Ewell--Aye

- **Set meeting to consider financial assistance & SEQR review-OYA Chenunda Creek, LLC project**

**R. Ewell:** We are going to need a mid-cycle meeting so that, we can, hopefully, get this approve and they can get working.

**C. Clark:** We did the Public Hearing, on Monday and there were no comments. But, the SEQR cannot be finalized until it has been a full 30days. It will not be a full 30 days until next week. We would like to meet in two weeks because the Whitesville Town Board is going to approve their host agreement, next week. Is the 25<sup>th</sup> a good day for the meeting?

All the Board members agreed to meet on May 25, 2022, at 11:00 am., at the Crossroads.

**C. Clark:** Our lawyers have informed us, as you know, we approved the other OYA projects, quite a while ago, and, one of the tax benefit documentations runs out the end of June. So, we will have to re-approve that. They only get a certain time to get those tax benefits and they haven't bought anything, yet. That will be the third thing on the agenda.

- **Resolution to approve LaBella settlement for waterline-**A motion was made by J. Hopkins and, seconded by Wilday, to approve the resolution. There was no opposition or further discussion.

**Voice vote, as follows:**

S. Wilda--Aye      J. Hopkin--Aye      J. Ricci--No  
R. Ewell--Aye

**OLD BUSINESS**

- **Review of the Hume Solar Project-C. Clark:** The Hume Solar Project has reached agreements. They have not signed the agreement yet. As soon as they sign, we will be ready to move forward. They have reached verbal agreement. The lawyers got involved with one small thing, at the end and it hasn't been signed, yet.
- **Other Solar Project updates-C. Clark:** Cuba is going to move forward. We have mentioned OYA. We have had an initial discussion with the large Northland project, up in Alfred. They are still negotiating a host agreement. Once the host agreement is negotiated, they'll be putting in a financial application, to us, for the PILOT. They are, also, the same company doing the large 100 MW system up in Hume. Lastly, it is not solar but, the wind project is still moving forward. Dan Spitzer assures me, sometime, by the next board meeting or two, we will end up having something from the wind company, as to how they're going to settle our fee. There is no proposal yet but, they will owe us a fairly substantial fee. Quite often, they pay those in installments versus a one-time payment. It is going to be, about, a 1.5-million-dollar fee.  
**J. Hopkins:** How long do those installments stretch out?  
**C. Clark:** Two or three years. They do that, one, for cash flow and two, to keep the project moving. It is up to the Board whether or not they accept that.
- **Microenterprise Grant-Next Phase-C. Clark:** We are still going to apply for that grant.
- **Travel Center Update-C. Clark:** I would like to talk about the crossroads engineer study. They are pretty much going to be finished within the next week or so. Most of the phase one things are done and they'll give us a full report. I have sent out the reports they have given us, which is the geotechnical, delineation of some of the issues, at the site. Nothing is going to stop us from developing that site. Oakley has a copy and will be working with them, as far as the waterline expansion. We will add to the discussion of both package plans, as well as the sewer line, to either Belmont or Friendship; whatever makes the most sense. We have those options.  
**R Ewell:** Oakley's here. What is going on? Has the engineer contacted you?  
**O. Sortore:** I haven't heard anything, yet.  
**R Ewell:** It is my opinion, they need to interact with Friendship. Otherwise, it would be worthless.  
**C. Clark:** As you know, Clark, Patterson has already had pretty significant interaction with him, when we have talked about the Great Lakes Cheese expansion. They know the system very well and they have worked with Oakley. It is really just looking at it, one last time.  
**R. Ewell:** If we want to get this done, in the next two weeks, Oakley's got to have time, too. So. Hopefully, they're in contact with him. Oakley, can you let me know when you hear from them?  
**O. Sortore:** Yes.  
**R. Ewell:** And, Craig, can you promise me, you're going to contact them today?  
**C. Clark:** Sure. I've already contacted but, I'll follow up with them, to make sure.  
**R. Ewell:** Tell them, it is very important to me and the Board, that the waterline is squared away. I don't want any surprises. I don't want to assume it is okay. Thank you.

- **Status of small business grant CBDG Cares Act program-C. Clark:** We have put in for the small Cares Act business grant. We have to do more leg work. They changed their requirements. They want us to give them a list of companies that would be interested in the grant. Our contact is trying to work with the CBDG people, at the Department of State on that. It is getting towards the last year or so, of this grant monies and they want to know you can spend the money. This is for companies of 25 employees or less, that have had impact because of Covid. It is one million dollars. We were hoping to get it approved by May but, it looks like it won't be until June. I am not sure if there is a maximum amount for companies but, it is usually fifty to sixty thousand dollars. The company has to guarantee hiring people. The money can be used for everything, including salaries. It doesn't have to be for hard capital or equipment. It can be used for salary costs and expansion.

**NEW BUSINESS-None**

**GOOD OF THE ORDER-None**

**CALENDAR**

**Next Meeting:** Special Meeting: May 25, 2022 at 11:00 am and  
the regular IDA Board meeting on June 9, 2022 @ 10:00 A.M.  
The Crossroads Commerce Center, Belmont, NY

**ADJOURNMENT**

With no further business, at 11:28 am, a motion to adjourn was made by S. Wilday and, seconded by J. Ricci, to close the meeting.

Respectfully submitted,  
Pamela Common  
Recording Secretary

**PUBLIC HEARING PURSUANT TO  
SECTION 859-a OF  
THE GENERAL MUNICIPAL LAW**

<b>Agency</b>	Allegany County Industrial Development Agency (the “Agency”)
<b>Project Beneficiary:</b>	OYA Chenunda Creek LLC (the “Company”)
<b>Project Location:</b>	Town of Independence, Allegany County, New York
<b>Hearing Date:</b>	May 9, 2022
<b>Hearing Time:</b>	6:00 o’clock p.m.
<b>Hearing Location:</b>	Independence Emergency Squad located at 508 Main Street in the Town of Independence, Allegany County, New York

**Opening Remarks**

Good Evening. My name is Dr. Craig R. Clark and I am the Executive Director to Allegany County IDA (the “Agency”) in connection with the project which is the subject of this public hearing (the “Public Hearing”), which is OYA Chenunda Creek, LLC, in the Town of Independence. It is now six o’clock and we’re in the Independence Emergency Squad building, located at 508 Main Street.

Today I am holding this Public Hearing to allow citizens to make a statement, for the record, relating to the involvement of the Agency with a project (the “Proposed Project”) for the benefit of OYA Chenunda Creek LLC, a State of Delaware limited liability company (the “Company”).

The Proposed Project consists of the following: (A) (1) the acquisition of an interest in a portion of an approximately 138 acre parcel of land (tax map number 254.-3-24.1) located at 1542 Hallsport-Independence Road in the Town of Independence, (2) the construction on the Land of an approximately 2.4 MW AC solar energy generating facility including panels, racking, inverters, electrical cables, battery storage, grid interconnection, site preparation, access roads and any other required improvements, on said property and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other personal property (the “Equipment”), all of the foregoing to constitute a solar energy generating facility owned and operated by the Company; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes; and the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency.

I intend to provide general information on the Agency’s general authority and public purpose to provide assistance to this Project. I will then open the comment period to receive comments from all present who wish to comment on either the Proposed Project or the Financial Assistance.

**Amount of Financial Assistance Being Considered by the Agency**

The estimated costs of the Proposed Project are equal to approximately \$7,654,225 and the estimated benefits being considered by the Agency are described briefly as follows

1. Sales Tax Exemption: \$383,755.00
2. Mortgage Recording Tax Exemption: \$25,000.00
3. Real Property Tax Exemption: \$3,778,000.00



**PUBLIC HEARING PURSUANT TO  
SECTION 859-a OF  
THE GENERAL MUNICIPAL LAW**

**Legal Authorization and Powers of the Agency**

The provisions of Chapter 1030 of Laws of 1969 of New York, constituting Title I of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York as amended, and Chapter 99 of the 1973 Laws of the State of New York, as amended, codified as Section 906-a of said General Municipal Law (collectively, the "Act"), authorize the Agency to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining and equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others.

**Purpose of this Public Hearing**

This Public Hearing is pursuant to Section 859-a(2) of the General Municipal Law of the State of New York (the "Act"), prior to the Agency providing any "financial assistance" (as defined in the Act) of more than \$100,000 to any project, the Agency, among other things, must hold a public hearing pursuant to Section 859-a of the Act.

After consideration of the Application received from the Company, the members of the Agency adopted a resolution on April 14, 2022 (the "Public Hearing Resolution") authorizing the Executive Director of the Agency to conduct this Public Hearing with respect to the Proposed Project pursuant.

Basically, this has, also, been in the paper and I have the Public Hearing here, if anyone wants a copy of it. We will record it as part of the actual Public Hearing but, I am not going to ready the whole Public Hearing Notice.

Comments received today, at the Public Hearing, will be presented to the member of the Agency, at or prior to the meeting of which, the members of the Agency will consider to approve the undertaking of the Proposed Project, by the Agency and granting by the Agency, of any financial assistance, in excess of \$100,000.00.

Notice of this Public Hearing has indicated, that written comments could addressed to myself and no written comments have been received, by the agency prior to the Public Hearing, But, if we do receive some, they will still be a part of the Public Hearing.

**Open Public Hearing to the Floor for Comments**

I will now open this Public Hearing for public comment at 06:05o'clock, p.m.

By way of operating rules, if you wish to make a public comment, please raise your hand, and I will call on you. Since it's not a large group, just let me know and please keep your comments to three minutes. There are three or four people here and we can go a little longer, if you'd like. Again, the purpose of the Public Hearing is to solicit public comment and, we will, in the course of this Public Hearing, consider questions, if we have the information to answer these questions and sufficient time is available.

I will now ask if there is anyone in attendance who wishes to comment on either on the nature and location of the Project Facility or the proposed "financial assistance" being contemplated by the Agency.

For the record, please state your name, as this session is, both, online, recorded on YouTube (<https://www.youtube.com/watch?v=Krs082iwbK0>) and posted. I will entertain keeping this open for, at

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least, 15 minutes, to assure anyone coming in late has the change to speak. Other than that, we will go until 6:21 p.m. but, we could go longer, if people have questions. So, are there any questions or statements to be made this evening?

**Dave Pullen:** No, I am just anxious to be here and see what the public response is.

**Craig Clark:** Well, we have three Board members here, right?

**Dave Pullen:** Are all your meetings this well attended?

**Craig Clark:** Actually, the one in Wellsville was less attended.

**Kim Howe:** Dave, before you came, we had asked the question, when will it be ready to go? And, Craig explained, the first two have been through the paperwork.

**Craig Clark:** All the paperwork has been through the lawyers and, the third one of OYA's, they did say, they are ready to close. I think they are anxious to get this last one closed. We won't be operating and closing it from our point of view, even from the Board, until the SEQR has enough time. We have to have a full thirty days. That'll be done before your next Board meeting but, we won't be able to actually act on this until you're next Board meeting.

**Thomas Bissett:** Our meeting is this Thursday, so it'd be the following one.

**Craig Clark:** Yes, the following one in June because we are Lead Agency, like before. Nobody has said, we can't be Lead Agency but, we have to go for a full 30 days if there's any comments. It's close but, we can't quite do that this week. It will be next week.

**Dave Pullen:** Alright.

**Bill Meunier:** One of the hold ups was a road use agreement, on the first project. I don't know if that has come to fruition yet or not.

**Dave Pullen:** I believe that is, technically, separate from this project. That was the road use agreement that we did for one of the earlier projects.

**Bill Meunier:** Right, that is the same exact issue.

**Kim Howe:** Excuse me, didn't we have a question on what direction they were going to come and who would be responsible or which township? Why am I pulling Willing out of my?

**Bill Meunier:** Because, part of that road is in Willing and if they come in from the Wellsville area, they are going to cross Willing.

**Kimberly Rounds-Howe:** So, will Willing be responsible for any?

**Bill Meunier:** Well, that is not our problem. Willing has to do their own host agreement.

**Dave Pullen:** Technically, it would be an agreement between OYA and Willing.

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**Kimberly Rounds-Howe:** So, that has nothing to do with us? So that we decided, they must be, they're going to come all the way up and go up 22 and then, into Casey, right?

**Bill Meunier:** They indicated that is what they are going to do.

**Dave Pullen:** My understanding is, that, at this point, my partner, Richard Buck, is planning on being at the meeting, this Thursday and that someone from OYA will be present, to discuss the road use issue.

**Bill Meunier:** Yes, it is going to be a long meeting and you will have Dollar General there, too.

**Thomas Bissett:** I am sure they're super interested in getting this streamlined because they two projects, actually, tie into each other, really.

**Bill Meunier:** Plus, there are two other ones that are there too.

**Thomas Bissett:** And, they were talking about using that access road, instead of the original access road, they were going to use.

**Bill Meunier:** The access road they have on this project, they told us on the last meeting, that they wanted to use this access road, for that other project too.

**Craig Clark:** Anymore on the actual public hearing?

**Dave Pullen:** No, I don't have any questions.

**Attendees**

**Craig Clark**-Executive Director, Allegany County Industrial Development Agency.

**Kimberly Rounds-Howe**-Council Member

**Dave Pullen**-Attorney, Town of Independence Council.

**Bill Meunier**-Council Member

**Thomas Bissett**-Council Member

**Formal closure of the public hearing**

**Craig Clark:** After ascertaining there's no one else present who wishes to comment and it has been, at least 15 minutes, unless there are any further comments, I'll, now, close this Public Hearing at 06: 21 o'clock, p.m. Are there any other comments from the public? With that said, we're done.

**Public Hearing Notice**

**CORRECTED**

NOTICE OF PUBLIC HEARING  
ON PROPOSED PROJECT  
AND FINANCIAL ASSISTANCE  
RELATING THERETO

**RESCHEDULED FROM MAY 2, 2022 TO MAY 9, 2022**

**PUBLIC HEARING PURSUANT TO  
SECTION 859-a OF  
THE GENERAL MUNICIPAL LAW**

Notice is hereby given that a public hearing (the "Public Hearing") pursuant to Section 859-a(2) of the General Municipal Law of the State of New York (the "Act") will be held by the Allegany County Industrial Development Agency (the "Agency") on the 9th day of May, 2022 at 6:00 o'clock p.m., local time, at Independence Emergency Squad located at 508 Main Street, in the Town of Independence, Allegany County, New York in connection with the following matters:

OYA Chenunda Creek LLC, a State of Delaware limited liability company (the "Company"), submitted an application (the "Application") to the Agency, a copy of which Application is on file at the office of the Agency, which Application requested that the Agency consider undertaking a project (the "Project") for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in a portion of an approximately 138.10 acre parcel of land (tax map number 254.-3-24.1) located at 1542 Hallsport-Independence Road in the Town of Independence, Allegany County, New York (the "Land"), (2) the construction on the Land of an approximately 2.4 MW AC solar energy generating facility including panels, racking, inverters, electrical cables, battery storage, grid interconnection, site preparation, access roads and any other required improvements (all said improvements being collectively referred to as the "Facility") and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other personal property (the "Equipment"), all of the foregoing to constitute a solar energy generating facility to be owned and operated by the Company (the Land, Facility and the Equipment being collectively referred to as the "Project Facility"); (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency.

The Agency is considering whether (A) to undertake the Project, and (B) to provide certain exemptions from taxation with respect to the Project, including (1) exemption from mortgage recording taxes with respect to any documents, if any, recorded by the Agency with respect to the Project in the office of the County Clerk of Allegany County, New York or elsewhere, (2) exemption from deed transfer taxes on any real estate transfers, if any, with respect to the Project, (3) exemption from sales taxes relating to the acquisition, construction, renovation and installation of the Project Facility, and (4) in the event that the Project Facility would be subject to real property taxation if owned by the Company but shall be deemed exempt from real property taxation due to the involvement of the Agency therewith, exemption from real property taxes (but not including special assessments and special ad valorem levies), if any, with respect to the Project Facility, subject to the obligation of the Company to make payments in lieu of taxes with respect to the Project Facility. If any portion of the Financial Assistance to be granted by the Agency with respect to the Project is not consistent with the Agency's uniform tax exemption policy, the Agency will follow the procedures for deviation from such policy set forth in Section 874(4) of the Act prior to granting such portion of the Financial Assistance.

If the Agency determines to proceed with the Project, the Project Facility will be acquired, constructed, reconstructed and installed by the Agency and will be leased (with an obligation to purchase) or sold by the Agency to the Company or its designee pursuant to a project agreement (the "Agreement") requiring that the Company or its designee make certain payments to the Agency.

The Agency has not yet made a determination pursuant to Article 8 of the Environmental Conservation Law (the "SEQR Act") regarding the potential environmental impact of the Project.

The Agency will at said time and place hear all persons with views on either the location and nature of the proposed Project, or the Financial Assistance being contemplated by the Agency in connection with the proposed Project. A copy of the Application filed by the Company with the Agency with respect to the Project, including an analysis of the estimated costs and benefits of the Project, is available for public

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THE GENERAL MUNICIPAL LAW**

inspection during business hours at the offices of the Agency. A transcript or summary report of the hearing will be made available to the members of the Agency.

Additional information can be obtained from, and written comments may be addressed to: Dr. Craig R. Clark, P.E., Ph.D., Executive Director, Allegany County Industrial Development Agency, Crossroads Center, 6087 State Route 19 N., Suite 100, Belmont, New York 14813; Telephone: 585-268-7445.

Dated: April 25, 2022.

ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
Dr. Craig R. Clark, P.E., Ph.D., Executive Director

**FINAL SEQR RESOLUTION  
OYA CHENUNDA CREEK LLC PROJECT**

A special meeting of Allegany County Industrial Development Agency (the "Agency") was convened in public session at the office of the Agency located at Crossroads Commerce & Conference Center located at 6087 State Route 19 North in the Village of Belmont, Allegany County, New York on May 25, 2022 at 11:00 o'clock a.m., local time.

The meeting was called to order by the (Vice) Chair of the Agency and, upon roll being called, the following members of the Agency were:

**PRESENT:**

Richard Ewell	Chairman
Judy Hopkins	Vice Chairperson
Randy Shayler	Secretary
Douglas Frank	Treasurer
John Ricci	Member
Ward "Skip" Wilday	Member

Each of the members present participated in the meeting either in person or remotely pursuant to New York Assembly Bill A09006C/Senate Bill S08006-C, Part WW, as signed into law on April 9, 2022.

**ABSENT:**

**AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:**

Craig R. Clark, P.E., Ph.D.	Executive Director
Pam Common	Recording Secretary
Daniel A. Spitzer, Esq.	Agency Counsel

The following resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_, to wit:

Resolution No. 0522-01

**RESOLUTION DECLARING THE AGENCY AS LEAD AGENCY AND  
DETERMINING THAT ACTION TO UNDERTAKE A PROPOSED PROJECT  
FOR THE BENEFIT OF OYA CHENUNDA CREEK LLC WILL NOT HAVE A  
SIGNIFICANT EFFECT ON THE ENVIRONMENT.**

WHEREAS, Allegany County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 536 of the 1971 Laws of New York, as amended, constituting Section 890-b of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of commercial, manufacturing and industrial facilities, among others, for the purpose of promoting, attracting and

developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more “projects” (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, OYA Chenunda Creek LLC, a State of Delaware limited liability company (the “Company”), submitted an application (the “Application”) to the Agency, a copy of which Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the “Project”) for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in a portion of an approximately 138.10 acre parcel of land (tax map number 254.-3-24.1) located at 1542 Hallsport-Independence Road in the Town of Independence, Allegany County, New York (the “Land”), (2) the construction on the Land of an approximately 2.4 MW AC solar energy generating facility including panels, racking, inverters, electrical cables, battery storage, grid interconnection, site preparation, access roads and any other required improvements (all said improvements being collectively referred to as the “Facility”) and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other personal property (the “Equipment”), all of the foregoing to constitute a solar energy generating facility to be owned and operated by the Company (the Land, Facility and the Equipment being collectively referred to as the “Project Facility”); (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS pursuant to the authorization contained in a resolution adopted by the members of the Agency on April 14, 2022 (the “Public Hearing Resolution”), the Executive Director of the Agency (A) caused notice of a public hearing of the Agency (the “Public Hearing”) pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the financial assistance being contemplated by the Agency with respect to the Project, were mailed on April 26, 2022 to the chief executive officers of the county and of each city, town, village and school district in which the Project Facility is to be located; (B) caused notice of the Public Hearing to be posted on April 26, 2022 on the Agency’s website; (C) caused notice of the Public Hearing to be published on April 27, 2022 in The Spectator, a newspaper of general circulation available to the residents of the Town of Independence, New York; (D) conducted the Public Hearing on May 9, 2022 at 6:00 p.m., local time at the Independence Emergency Squad located at 508 Main Street, in the Town of Independence, Allegany County, New York; and (E) prepared a report of the Public Hearing (the “Public Hearing Report”) fairly summarizing the views presented at such Public Hearing and caused copies of said Public Hearing Report to be made available to the members of the Agency; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations (the “Regulations”) adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, “SEQRA”) by resolution adopted by the members of the Agency on April 14, 2022 (the “Resolution Declaring Lead Agency”), the Agency (A) determined (1) that the Project is subject to SEQRA, (2) that the Project is a Type I Action under SEQRA requiring a coordinated review of the Project will all Involved and Interested Agencies, and (3) declared its intent to act as Lead Agency for the SEQRA Review and (B) authorized the Company and Agency Counsel to coordinate issuing a

Notice of Intent, with the Environmental Assessment Form Part I (the "EAF"), to all other "involved agencies" for the purpose of ascertaining whether such "involved agencies" were interested in undertaking the coordinated review of the Project and notifying them of the Agency's intent to act as Lead Agency; and

WHEREAS, the Executive Director has reported to the Agency that all other state and local governmental agencies which constitute "involved agencies" with respect to the Project have either agreed or did not respond to the Agency acting as Lead Agency with respect to the Project; and

WHEREAS, pursuant to SEQRA, to aid the Agency in determining whether the Project may have a significant effect upon the environment, the Company prepared and submitted the EAF Part I with respect to the Project, a copy of which was presented to and reviewed by the Agency and a copy of which is on file at the office of the Agency; and

WHEREAS, pursuant to SEQRA, the Agency has reviewed the EAF Part I and the Application with respect to the Project (collectively, the "Reviewed Documents"); and

WHEREAS, pursuant to SEQRA, the Agency now desires to determine whether the Project may have a significant effect on the environment and whether an environmental impact statement ("EIS") must be prepared with respect to the Project;

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

Section 1. Based upon an examination of the Reviewed Documents, and based further upon the Agency's knowledge of the area surrounding the Project Facility and such further investigation of the Project and its environmental effects as the Agency has deemed appropriate, the Agency makes the following findings with respect to the Project:

A. The Project (the "Project") consists of the following: (A) (1) the acquisition of an interest in a portion of an approximately 138.10 acre parcel of land (tax map number 254.-3-24.1) located at 1542 Hallsport-Independence Road in the Town of Independence, Allegany County, New York (the "Land"), (2) the construction on the Land of an approximately 2.4 MW AC solar energy generating facility including panels, racking, inverters, electrical cables, battery storage, grid interconnection, site preparation, access roads and any other required improvements (all said improvements being collectively referred to as the "Facility") and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other personal property (the "Equipment"), all of the foregoing to constitute a solar energy generating facility to be owned and operated by the Company (the Land, Facility and the Equipment being collectively referred to as the "Project Facility"); (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

B. The only potential impacts on the environment noted in the Reviewed Materials or otherwise known to the Agency, and the Agency's evaluation of the potential significance of same, are summarized in Appendix A attached hereto and as more fully outlined in the attached Negative Declaration of Environmental Significance (the "Negative Declaration").



C. No other potentially significant impacts on the environment are noted in the Reviewed Materials, and none are known to the Agency.

Section 2. Based upon the foregoing investigation of the potential environmental impacts of the Project and considering both the magnitude and importance of each environmental impact therein indicated, the Agency makes the following findings and determinations with respect to the Project:

(A) The Project appears to constitute a "Type I Action" (as said quoted term is defined in the Regulations), and therefore coordinated review and notification of other involved agencies is required. The Agency designated itself as "Lead Agency" with respect to the Project, as all the "involved agencies" contacted by the Agency either consented to the Agency being designated as the "Lead Agency" or did not respond;

(B) The Project will result in no major impacts and, therefore, is one which will not cause significant damage to the environment. Therefore, the Agency hereby determines that the Project will not have a significant effect on the environment, and accordingly the Agency will not require the preparation of an EIS with respect to the Project; and

(C) As a consequence of the foregoing, the Agency has decided to prepare a Negative Declaration with respect to the Project.

Section 3. Pursuant to the requirements of 6 NYCRR 617.12(b)(1), the Executive Director of the Agency is hereby directed to prepare a Negative Declaration with respect to the Project, said Negative Declaration to be substantially in the form and to the effect of the Negative Declaration attached hereto, and to cause copies of said Negative Declaration to be circulated and filed as follows:

(A) A copy of said Negative Declaration shall be filed in the main office of the Agency.

(B) A copy of said Negative Declaration shall be mailed to the Company.

(C) A copy of said Negative Declaration shall be mailed to the chief executive officer of the political subdivision in which the Project is located.

(D) A copy of said Negative Declaration shall be mailed to all "involved agencies."

(E) A copy of said Negative Declaration shall be mailed to any person requesting same.

(F) A copy of said Negative Declaration shall be mailed to the Environmental Notice Bulletin accompanied by a request that same be published.

Section 4. This Resolution shall take effect immediately.

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

Richard Ewell  
Judy Hopkins  
Randy Shayler  
Douglas Frank

VOTING	_____
VOTING	_____
VOTING	_____
VOTING	_____

John Ricci  
Ward "Skip" Wilday

VOTING  
VOTING

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

The foregoing Resolution was thereupon declared duly adopted.

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

I, the undersigned Secretary of Allegany County Industrial Development Agency (the “Agency”), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the resolution contained therein, held on May 26, 2022 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the “Open Meetings Law”), except as modified by New York Assembly Bill A09006C/Senate Bill S08006-C, Part WW, as signed into law on April 9, 2022 (the “2022 Law”), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present, either in-person or by conference call or similar service in accordance with the 2022 Law, 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 rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 25th day of May, 2022.

---

Secretary

(SEAL)

## APPENDIX A

### State Environmental Quality Review NEGATIVE DECLARATION Notice of Determination of Non-Significance

May 26, 2022

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act).

Allegany County Industrial Development Agency (the “Agency”), as Lead Agency, has determined that the proposed action described below will not have a significant adverse environmental impact and an environmental impact statement (“EIS”) will not be prepared.

**Name of Action:** Oya Chenunda Creek LLC Project (the “Project”)

**SEQR Status:** Type 1 – coordinated review

**Conditioned Negative Declaration:** No

**Location of Action:** 1542 Hallsport-Independence Road in the Town of Independence, Allegany County, New York (tax map number 254.-3-24.1)

#### **Description of Action:**

Oya Chenunda Creek LLC (the “Company”) is proposing to construct an approximately 2.4 MW AC solar energy generating facility including panels, racking, inverters, electrical cables, battery storage, grid interconnection, site preparation, access roads and any other required improvements (all said improvements being collectively referred to as the “Facility”) on an approximately 138.10-acre parcel of land located at 1542 Hallsport-Independence Road (tax map number 254.-3-24.1) in the Town of Independence, Allegany County, New York (the “Land”). The Land is currently vacant farmland.

A portion of the Land and all improvements will be leased to the Agency. The Project is located in a rural area.

**Reasons supporting this Determination:** (See 617.7(a)-(c) for requirements of this determination)

After considering the criteria for determining significance as set forth in 6 NYCRR § 617.7(c), the Agency has determined, for the reasons outlined in Appendix A attached hereto, that the proposed Project will not have a significant adverse impact on the environment and the issuance of a Negative Declaration under SEQRA is warranted.

#### **DETERMINATION**

Based on the information and analysis in the attached Appendix A and the supporting documentation, including but not limited to, the Environmental Assessment Form (the “EAF”) Part 1 dated February 23, 2022 as well as the EAF Part 2 and EAF Part 3, both dated May 26, 2022, the Agency concludes that the

proposed action will not result in any significant adverse environmental impacts and an EIS will not be prepared.

**FOR FURTHER INFORMATION:**

Contact Person: Craig Clark, P.E., Ph.D, Executive Director

Address: Allegany County Industrial Development Agency  
6087 State Route 19 N., Suite 100  
Belmont, New York 14813

Telephone Number: (585) 268-7445

Facsimile Number: (585) 268-7473

Email: [clarkcr@alleganyco.com](mailto:clarkcr@alleganyco.com)

**FILING:** As required by 6 NYCRR Part 617.12(a)(2), a copy of this determination of non-significance shall be filed with the Lead Agency and circulated to other involved agencies and the public:

1. Town of Independence
2. New York State Department of Environmental Conservation
3. New York State Energy Research and Development Authority

\* \* \* \* \*

For all the reasons set forth above, it is clear that the proposed Project will not have any significant adverse impact on the environment and the issuance of a Negative Declaration under SEQRA is warranted.

APPENDIX A

- SEE ATTACHED -

[INSERT PAGES FROM THE EAF]

**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> 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>				<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	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 checked="" type="checkbox"/>	<input type="checkbox"/>		

<b>2. Impact on Geological Features</b> 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) <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span> <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</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. 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"/>

<b>3. Impacts on Surface Water</b> 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) <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span> <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</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 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"/>



I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>4. Impact on groundwater</b> 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. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (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"/>

<b>5. Impact on Flooding</b> The proposed action may result in development on lands subject to flooding. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (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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<b>6. Impacts on Air</b> The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	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"/>

<b>7. Impact on Plants and Animals</b> The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	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 checked="" 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 checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input 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 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 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 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
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
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"/>
<p>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:</p> <p>i. The proposed action may result in the destruction or alteration of all or part of the site or property.</p> <p>ii. The proposed action may result in the alteration of the property's setting or integrity.</p> <p>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.</p>	<p>E3e, E3g, E3f</p> <p>E3e, E3f, E3g, E1a, E1b</p> <p>E3e, E3f, E3g, E3h, C2, C3</p>	<input type="checkbox"/>   <input type="checkbox"/>   <input type="checkbox"/>   	<input type="checkbox"/>   <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"/>		

<b>13. Impact on Transportation</b> The proposed action may result in a change to existing transportation systems. <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span> (See Part 1. D.2.j) <i>If "Yes", answer questions a - f. If "No", go to Section 14.</i>			
	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"/>

<b>14. Impact on Energy</b> The proposed action may cause an increase in the use of any form of energy. <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span> (See Part 1. D.2.k) <i>If "Yes", answer questions a - e. If "No", go to Section 15.</i>			
	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"/>

<b>15. Impact on Noise, Odor, and Light</b> The proposed action may result in an increase in noise, odors, or outdoor lighting. <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span> (See Part 1. D.2.m., n., and o.) <i>If "Yes", answer questions a - f. If "No", go to Section 16.</i>			
	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"/>

<b>16. Impact on Human Health</b> 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.) <i>If "Yes", answer questions a - m. If "No", go to Section 17.</i> <div style="text-align: right;"> <input checked="" type="checkbox"/> NO      <input type="checkbox"/> YES         </div>			
	<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 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
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
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
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
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  
Allegany County Industrial Development Agency as lead agency that:

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

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

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

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

Name of Action: OYA Chenunda Creek

Name of Lead Agency: Allegany County Industrial Development Agency

Name of Responsible Officer in Lead Agency: Craig Clark, P.E., Ph.D

Title of Responsible Officer: Executive Director

Signature of Responsible Officer in Lead Agency: Date:

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

**For Further Information:**

Contact Person: Craig Clark, P.E., Ph.d

Address: 6087 State Route 19 N., Suite 100 Belmont, New York 14813

Telephone Number: (585) 268-7445

E-mail: clarkcr@alleganyco.com

**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>

**APPROVING RESOLUTION  
OYA CHENUNDA CREEK LLC PROJECT**

A special meeting of Allegany County Industrial Development Agency (the "Agency") was convened in public session at the office of the Agency located at Crossroads Commerce & Conference Center located at 6087 State Route 19 North in the Village of Belmont, Allegany County, New York on May 25, 2022 at 11:00 o'clock a.m., local time.

The meeting was called to order by the (Vice) Chair of the Agency and, upon roll being called, the following members of the Agency were:

**PRESENT:**

Richard Ewell	Chair
Judy Hopkins	Vice Chairperson
Randy Shayler	Secretary
Douglas Frank	Treasurer
John Ricci	Member
Ward "Skip" Wilday	Member

Each of the members present participated in the meeting either in person or remotely pursuant to New York Assembly Bill A09006C/Senate Bill S08006-C, Part WW, as signed into law on April 9, 2022.

**ABSENT:**

**AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:**

Craig R. Clark, P.E., Ph.D.	Executive Director
Pam Common	Recording Secretary
Daniel A. Spitzer, Esq.	Agency Counsel

The following resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_, to wit:

Resolution No. 0522-02

**RESOLUTION AUTHORIZING EXECUTION OF DOCUMENTS IN CONNECTION  
WITH A LEASE/LEASEBACK TRANSACTION FOR A PROJECT FOR OYA  
CHENUNDA CREEK LLC.**

WHEREAS, Allegany County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 99 of the 1973 Laws of New York, as amended, constituting Section 906-a of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing

economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct and install one or more “projects” (as defined in the Act), or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, OYA Chenunda Creek LLC, a State of Delaware limited liability company (the “Company”), submitted an application (the “Application”) to the Agency, a copy of which Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the “Project”) for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in a portion of an approximately 138.10 acre parcel of land (tax map number 254.-3-24.1) located at 1542 Hallsport-Independence Road in the Town of Independence, Allegany County, New York (the “Land”), (2) the construction on the Land of an approximately 2.4 MW AC solar energy generating facility including panels, racking, inverters, electrical cables, battery storage, grid interconnection, site preparation, access roads and any other required improvements (all said improvements being collectively referred to as the “Facility”) and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other personal property (the “Equipment”), all of the foregoing to constitute a solar energy generating facility to be owned and operated by the Company (the Land, Facility and the Equipment being collectively referred to as the “Project Facility”); (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, pursuant to the authorization contained in a resolution adopted by the members of the Agency on April 14, 2022 (the “Public Hearing Resolution”), the Executive Director of the Agency (A) caused notice of a public hearing of the Agency (the “Public Hearing”) pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the financial assistance being contemplated by the Agency with respect to the Project, were mailed on April 26, 2022 to the chief executive officers of the county and of each city, town, village and school district in which the Project Facility is to be located; (B) caused notice of the Public Hearing to be posted on April 26, 2022 on the Agency’s website; (C) caused notice of the Public Hearing to be published on April 27, 2022 in The Spectator, a newspaper of general circulation available to the residents of Allegany County, New York; (D) conducted the Public Hearing on May 9, 2022 at 6:00 p.m., local time at the Independence Emergency Squad located at 508 Main Street in the Town of Independence, Allegany County, New York; and (E) prepared a report of the Public Hearing (the “Public Hearing Report”) fairly summarizing the views presented at such Public Hearing and caused copies of said Public Hearing Report to be made available to the members of the Agency; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations (the “Regulations”) adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, “SEQRA”) by resolution adopted by the members of the Agency on May 25, 2022 (the “SEQR Resolution”), the Agency, on April 14, 2022, declared its intent to be “lead agency” with respect to SEQRA with respect to the Project and on May 25, 2022, the Agency as “lead agency” issued a negative declaration (the “Negative Declaration”), in which the Agency determined the project to be a “Type I action” that will not have a “significant environmental impact on the environment” and required to be prepared with respect to the Project (as such quoted terms are defined in SEQRA); and

WHEREAS, the Agency has given due consideration to the Application, and to representations by the Company that (A) the granting by the Agency of the Financial Assistance with respect to the Project will be an inducement to the Company to undertake the Project in Allegany County, New York and (B) the completion of the Project will not result in the removal of a plant or facility of any proposed occupant of the Project Facility from one area of the State of New York to another area in the State of New York and will not result in the abandonment of one or more plants or facilities of any occupant of the Project Facility located in the State of New York; and

WHEREAS, the Agency desires to encourage the Company to preserve and advance the job opportunities, health, general prosperity and economic welfare of the people of Allegany County, New York by undertaking the Project in Allegany County, New York; and

WHEREAS, in order to consummate the Project and the granting of the Financial Assistance described in the notice of the Public Hearing, the Agency proposes to enter into the following documents (hereinafter collectively referred to as the "Agency Documents"): (A) a certain lease to agency (the "Lease to Agency" or the "Underlying Lease") by and between the Company, as landlord, and the Agency, as tenant, pursuant to which the Company will lease to the Agency a portion of the Land and all improvements now or hereafter located on said portion of the Land (collectively, the "Leased Premises"); (B) a lease agreement (and a memorandum thereof) (the "Lease Agreement") by and between the Agency and the Company, pursuant to which, among other things, the Company agrees to undertake the Project as agent of the Agency and the Company further agrees to lease the Project Facility from the Agency and, as rental thereunder, to pay the Agency's administrative fee relating to the Project and to pay all expenses incurred by the Agency with respect to the Project; (C) a payment in lieu of tax agreement (the "Payment in Lieu of Tax Agreement") by and between the Agency and the Company, pursuant to which the Company will agree to pay certain payments in lieu of taxes with respect to the Project Facility; (D) a uniform agency project agreement (the "Uniform Agency Project Agreement") by and between the Agency and the Company regarding the granting of the financial assistance and the potential recapture of such assistance; (E) a certain recapture agreement (the "Section 875 GML Recapture Agreement") by and between the Company and the Agency, required by the Act, regarding the recovery or recapture of certain sales and use taxes; (F) a sales tax exemption letter (the "Sales Tax Exemption Letter") to ensure the granting of the sales tax exemption which forms a part of the Financial Assistance; (G) a New York State Department of Taxation and Finance form entitled "IDA Appointment of Project Operator or Agency for Sales Tax Purposes" (the form required to be filed pursuant to Section 874(9) of the Act) (the "Thirty-Day Sales Tax Report") and any additional report to the Commissioner of the State Department of Taxation and Finance concerning the amount of sales tax exemption benefit for the Project (the "Additional Thirty-Day Project Report"); (H) if the Company intends to finance the Project with borrowed money, a mortgage and any other security documents and related documents (collectively, the "Loan Documents") from the Agency and the Company to the Company's lender with respect to the Project (the "Lender"), which Loan Documents will grant a lien on and security interest in the Project Facility to secure a loan from the Lender to the Company with respect to the Project (the "Loan"); (I) if the Company requests the Agency to appoint a contractor or contractors, as agent(s) of the Agency (each, a "Contractor") (1) a certain agency indemnification agreement (the "Contractor Agency and Indemnification Agreement") by and between the Agency and the Contractor, (2) a certain recapture agreement (the "Contractor Section 875 GML Recapture Agreement") by and between the Agency and the Contractor, (3) a sales tax exemption letter (the "Contractor Sales Tax Exemption Letter"), and (4) a Thirty-Day Sales Tax Report (the "Contractor Thirty-Day Sales Tax Report") and any additional report to the Commissioner of the State Department of Taxation and Finance concerning the amount of sales tax exemption benefit for the Project (the "Additional Thirty-Day Project Report") (collectively, the "Contractor Documents"); (J) if the Company intends to request the Agency to appoint (1) the Company, as agent of the Agency and (2) a Contractor, as agent of the Agency prior to closing on the Project and the Lease Agreement; agency and indemnification agreements, interim Section 875 GML

recapture agreements, interim sales tax exemption letters and interim thirty-day sales tax reports (collectively, the "Interim Documents"); and (K) various certificates relating to the Project (the "Closing Documents");

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

Section 1. All action taken by the Executive Director of the Agency with respect to the Public Hearing with respect to the Project is hereby ratified and confirmed.

Section 2. The law firm of Hodgson Russ LLP is hereby appointed Agency Counsel to the Agency with respect to all matters in connection with the Project. Agency Counsel for the Agency is hereby authorized, at the expense of the Company, to work with the Company, counsel to the Company and others to prepare, for submission to the Agency, all documents necessary to effect the transactions contemplated by this Resolution. Agency Counsel has prepared and submitted an initial draft of the Agency Documents to staff of the Agency.

Section 3. 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;

(B) The Project constitutes a "project," as such term is defined in the Act;

(C) The Project site is located entirely within the boundaries of Allegany County, New York;

(D) It is estimated at the present time that the costs of the planning, development, acquisition, construction, reconstruction and installation of the Project Facility (collectively, the "Project Costs") will be approximately \$7,654,225;

(E) The completion of the Project will not result in the removal of a plant or facility of any proposed occupant of the Project Facility from one area of the State of New York to another area in the State of New York and will not result in the abandonment of one or more plants or facilities of any occupant of the Project Facility located in the State of New York;

(F) The Project Facility does not constitute a project where facilities or property that are primarily used in making retail sales of goods and/or services to customers who personally visit such facilities constitute more than one-third of the total cost of the Project, and accordingly the Project is not prohibited by the provisions of Section 862(2)(a) of the Act, and accordingly the Agency is authorized to provide financial assistance in respect of the Project pursuant to Section 862(2)(a) of the Act;;

(G) The granting of the Financial Assistance by the Agency with respect to the Project will promote and maintain the job opportunities, general prosperity and economic welfare of the citizens of Allegany County, New York and the State of New York and improve their standard of living, and thereby serve the public purposes of the Act;

(H) The Agency has reviewed the Public Hearing Report and has fully considered all comments contained therein;

(I) The Project should receive the Financial Assistance in the form of exemptions from sales tax, mortgage recording tax and real property tax based on the description of expected public benefits to occur as a result of this Project, as described on Exhibit A attached hereto; and

(J) It is desirable and in the public interest for the Agency to enter into the Agency Documents, except that for the Interim Documents, the following conditions shall be met prior to the Agency entering into the Interim Documents: (1) the term of the Interim Documents shall not exceed one hundred twenty (120) days, unless future extensions are consented to by the Agency in writing, (2) the Company shall have paid the Agency's administrative fee relating to the Interim Documents, (3) the Company and any contractors shall have delivered evidence of adequate insurance coverage protecting the Agency and (4) execution by the other parties thereto and delivery of same to the Agency of the Interim Documents.

Section 4. In consequence of the foregoing, the Agency hereby determines to: (A) lease the Project Facility to the Company pursuant to the Lease Agreement; (B) acquire, construct and install the Project Facility, or cause the Project Facility to be acquired, constructed, and installed; (C) enter into the Payment in Lieu of Tax Agreement; (D) enter into the Section 875 GML Recapture Agreement; (E) enter into the Uniform Agency Project Agreement; (F) enter into the Contractor Documents; (G) secure the Loan by entering into the Mortgage; (H) enter into the Interim Documents; and (I) grant the Financial Assistance with respect to the Project.

Section 5. The Agency is hereby authorized (A) to acquire a leasehold interest in the Leased Premises pursuant to the Underlying Lease, (C) to acquire title to the Equipment pursuant to a bill of sale (the "Bill of Sale to Agency") from the Company to the Agency, and (D) to do all things necessary or appropriate for the accomplishment thereof, and all acts heretofore taken by the Agency with respect to such acquisitions are hereby approved, ratified and confirmed.

Section 6. The Agency is hereby authorized to acquire, construct and install the Project Facility as described in the Lease Agreement and to do all things necessary or appropriate for the accomplishment thereof, and all acts heretofore taken by the Agency with respect to such acquisition, construction and installation are hereby ratified, confirmed and approved.

Section 7. The Chair (or Vice Chairperson) of the Agency, with the assistance of Agency Counsel, is authorized to negotiate and approve the form and substance of the Agency Documents.

Section 8. (A) The Chair (or Vice Chairperson) of the Agency is hereby authorized, on behalf of the Agency, to execute and deliver the Agency Documents, and, where appropriate, the Secretary (or Assistant Secretary) of the Agency is hereby authorized to affix the seal of the Agency thereto and to attest the same, all in the forms thereof as the Chair (or Vice Chairperson) shall approve, the execution thereof by the Chair (or Vice Chairperson) to constitute conclusive evidence of such approval.

(B) The Chair (or Vice Chairperson) of the Agency is hereby further authorized, on behalf of the Agency, to designate any additional Authorized Representatives of the Agency (as defined in and pursuant to the Lease Agreement).

Section 9. 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 or provided for by the provisions of the Agency Documents, and to execute and deliver all such additional 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 Resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the Agency Documents binding upon the Agency.

Section 10. This Resolution shall take effect immediately.

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

Richard Ewell	VOTING	_____
Judy Hopkins	VOTING	_____
Randy Shayler	VOTING	_____
Douglas Frank	VOTING	_____
John Ricci	VOTING	_____
Ward "Skip" Wilday	VOTING	_____

The foregoing Resolution was thereupon declared duly adopted.



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

I, the undersigned Secretary of Allegany County Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on May 25, 2022 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), except as modified by New York Assembly Bill A09006C/Senate Bill S08006-C, Part WW, as signed into law on April 9, 2022 (the "2022 Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present, either in-person or by conference call or similar service in accordance with the 2022 Law, 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 rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 25th day of May, 2022.

---

Secretary

(SEAL)

## EXHIBIT A

### DESCRIPTION OF THE EXPECTED PUBLIC BENEFITS

In the discussions had between the Project Beneficiary and the Agency with respect to the Project Beneficiary's request for Financial Assistance from the Agency with respect to the Project, the Project Beneficiary has represented to the Agency that the Project is expected to provide the following benefits to the Agency and/or to the residents of Allegany County, New York (the "Public Benefits"):

Description of Benefit		Applicable to Project (indicate Yes or NO)		Expected Benefit
1.	Existing jobs on project site	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Property is currently vacant
2.	Creation of new permanent jobs	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	N/A
3.	Estimated value of tax exemptions	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	The estimated amount of the tax exemptions are described as follows: \$383,755.58 in form of Sales Tax exemptions, Mortgage recording tax \$25,000 and \$3,778,584.99 in form of Real Property Tax exemptions
4.	Private sector investment	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	\$7,654,225 private investment.
5.	Likelihood of project being accomplished in a timely fashion	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	High likelihood of project being completed in a timely manner.
6.	Extent of new revenue provided to local taxing jurisdictions	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	It is expected that revenues will increase due to the undertaking of the Project, including PILOT/Host payments the first years of \$ .
7.	Any additional public benefits	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	This Project promotes the State's energy goals as expressed in the State Energy Plan and the Climate Leadership and Community Protection Act. Project includes 2.4 MW AC Storage, which, according to NYSERDA, will help to integrate clean energy into the grid, reduce costs associated with meeting peak electric demands, increase efficiency, stabilize supply during peak electric usage, and help keep critical systems online during an outage.
8.	Local labor construction jobs	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	The Project is expected to create 15 full time construction jobs
9.	Regional wealth creation (% of sales/customers outside of the County)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	As much as possible the project costs will be local sourced materials. The facility's

				customers – consumers saving on energy costs – must be local in the same NYISO Zone
10.	Located in a highly distressed census tract	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	At the time of the filing of the Application, the economic condition of the area in which the Project Facility is located is generally average to poor
11.	Alignment with local planning and development efforts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	The Project is consistent with local planning and development efforts.
12.	Promotes walkable community areas	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	The Project site is not located in an urban setting with sidewalks.
13.	Elimination or reduction of blight	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	The Project site is not a blighted area
14.	Proximity/support of regional tourism attractions/facilities	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	N/A
15.	Local or County official support	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Yes
16.	Building or site has historic designation	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	N/A
17.	Provides brownfield remediation	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	No brownfields present.

**RESOLUTION AUTHORIZING AMENDMENT TO BASIC DOCUMENTS  
OYA INDEPENDENCE EAST LLC PROJECT**

A special meeting of Allegany County Industrial Development Agency (the "Agency") was convened in public session at the office of the Agency located at Crossroads Commerce & Conference Center located at 6087 State Route 19 North in the Village of Belmont, Allegany County, New York on May 25, 2022 at 11:00 o'clock a.m., local time.

The meeting was called to order by the (Vice) Chair of the Agency and, upon roll being called, the following members of the Agency were:

**PRESENT:**

Richard Ewell	Chairman
Judy Hopkins	Vice Chairperson
Randy Shayler	Secretary
Douglas Frank	Treasurer
John Ricci	Member
Ward "Skip" Wilday	Member

Each of the members present participated in the meeting either in person or remotely pursuant to New York Assembly Bill A09006C/Senate Bill S08006-C, Part WW, as signed into law on April 9, 2022.

**ABSENT:**

**AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:**

Craig R. Clark, P.E., Ph.D.	Executive Director
Pam Common	Recording Secretary
Daniel A. Spitzer, Esq.	Agency Counsel

The following resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_, to wit:

Resolution No. 0522-03

**RESOLUTION AUTHORIZING THE EXECUTION BY ALLEGANY COUNTY  
INDUSTRIAL DEVELOPMENT AGENCY OF A CERTAIN MODIFICATION  
AGREEMENT IN CONNECTION WITH THE OYA INDEPENDENCE EAST LLC  
PROJECT.**

WHEREAS, Allegany County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 99 of the 1973 Laws of New York, as amended, constituting Section 906-a of said General Municipal Law (said Chapter and the Enabling Act being hereinafter

collectively referred to as the “Act”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct and install one or more “projects” (as defined in the Act), or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, pursuant to a closing on March 31, 2021 (the “Closing”) the Agency entered into a lease agreement dated as of March 1, 2021 (the “Lease Agreement”) with OYA Independence East LLC (the “Company”) in connection with a project (the “Project”) consisting of the following: (A) (1) the acquisition of an interest in two (2) parcels of land containing in the aggregate approximately 152 acres located at 1669 County Road 22 (tax map numbers 268.-1-15.21 and 268.-1-15.11) in the Town of Independence, Allegany County, New York (collectively, the “Land”), (2) the construction on the Land of a 5MWAC/7.5MWDC solar energy generating facility, including panels, racking, inverters, electrical cables, battery storage, access roads, site preparation, grid interconnection, and other required improvements (collectively, the “Facility”) and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other personal property (the “Equipment”), all of the foregoing to constitute a solar energy generating facility to be owned and operated by the Company (the Land, Facility and the Equipment being collectively referred to as the “Project Facility”); (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real property transfer taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease of the Project Facility to the Company pursuant to the Lease Agreement; and

WHEREAS, simultaneously with the Closing, (A) the Company executed and delivered to the Agency a certain lease to agency dated as of March 1, 2021 (the “Underlying Lease”) by and between the Company, as landlord and the Agency, as tenant pursuant to which the Company leased to the Agency the Land and all improvements now or hereafter located on the land (collectively, the “Leased Premises”); (B) the Company and the Agency executed and delivered (1) a certain payment in lieu of tax agreement dated as of March 1, 2021 (the “Payment in Lieu of Tax Agreement”) by and between the Agency and the Company, pursuant to which the Company agreed to pay certain payments in lieu of taxes with respect to the Project Facility, (2) a certain recapture agreement (the “Section 875 GML Recapture Agreement”) by and between the Company and the Agency, required by the Act, regarding the recovery or recapture of certain sales and use taxes; (C) the Agency and the Company executed and delivered the uniform project benefits agreement dated as of March 1, 2021 (the “Uniform Agency Project Agreement”) by and between the Agency and the Company relating to the terms of the granting by the Agency of the Financial Assistance to the Company; the Agency filed with and/or mailed to the assessor and the chief executive officer of each “affected tax jurisdiction” (within the meaning of such quoted term in Section 854(16) of the Act) a copy of a New York State Board of Real Property Services Form 412-a (the form required to be filed by the Agency in order for the Agency to obtain a real property tax exemption with respect to the Project Facility under Section 412-a of the Real Property Tax Law) (the “Real Property Tax Exemption Form”) relating to the Project Facility; (D) the Agency executed and delivered to the Company a sales tax exemption letter (the “Sales Tax Exemption Letter”) to ensure the granting of the sales tax exemption

which forms a part of the Financial Assistance; and (E) the Agency filed with the New York State Department of Taxation and Finance the form entitled "IDA Appointment of Project Operator or Agent for Sales Tax Purposes" (the form required to be filed pursuant to Section 874(9) of the Act) (the "Thirty-Day Sales Tax Report") (collectively, with the Lease Agreement, the "Basic Documents"); and

WHEREAS, the Company has requested, pursuant to the correspondence attached hereto as Exhibit A, that the Agency modify the terms of the Basic Documents in order to extend the Completion Date (as defined in the Lease Agreement), from June 30, 2022, to June 30, 2023 (the "Modification"); and

WHEREAS, in connection with the Modification, the Company has requested that the Agency enter into a certain modification agreement dated as of June 1, 2022 (the "Modification Agreement"), by and between the Company and the Agency, a copy of which is attached hereto as Exhibit B; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations" and collectively with the SEQR Act, "SEQRA"), it appears that the Modification constitutes a Type II action under SEQRA;

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

Section 1. Based upon an examination of the Modification, the Agency hereby makes the following determination:

(A) The Modification constitutes a "Type II action" pursuant to 6 NYCRR 617.5(1), (2), (23) and (26), and therefor that, pursuant to 6 NYCRR 617.6(1)(i), the Agency has no further responsibilities under SEQRA with respect to the Modification.

(B) That since compliance by the Agency with the Modification will not result in the Agency providing more than \$100,000 of "financial assistance" (as such quoted term is defined in the Act) to the Company, Section 859-a of the Act does not require a public hearing to be held with respect to the Modification.

Section 2. Subject to (A) compliance with the terms and conditions in the Basic Documents, (B) evidence of current certificates of insurance acceptable to the Agency, and (C) payment by the Company of all fees and expenses of the Agency in connection with the delivery of the Modification Agreement, including the fees of Agency Counsel, the Agency hereby (a) consents to the Modification and (b) determines to enter into the Modification Agreement.

Section 3. The form and substance of the Modification Agreement (in substantially the form presented to this meeting) are hereby approved.

Section 4. Subject to the satisfaction of the conditions described in Section 2 hereof, the Chairman (or Vice Chairperson) of the Agency is hereby authorized to execute and deliver the Modification Agreement to the Company, and, where appropriate, the Secretary of the Agency is hereby authorized to affix the seal of the Agency thereto and to attest the same, all in substantially the form thereof presented to this meeting, with such changes, variations, omissions and insertions as the Chairman

(or Vice Chairperson) shall approve, the execution thereof by the Chairman (or Vice Chairperson) to constitute conclusive evidence of such approval.

Section 5. 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 or provided for by the provisions of the Modification Agreement, and to execute and deliver all such additional 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 Resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the Modification Agreement binding upon the Agency.

Section 6. This Resolution shall take effect immediately.

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

Richard Ewell	VOTING	_____
Judy Hopkins	VOTING	_____
Randy Shayler	VOTING	_____
Douglas Frank	VOTING	_____
John Ricci	VOTING	_____
Ward "Skip" Wilday	VOTING	_____

The foregoing Resolution was thereupon declared duly adopted.

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

I, the undersigned Secretary of Allegany County Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the resolution contained therein, held on May 25, 2022 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), except as modified by New York Assembly Bill A09006C/Senate Bill S08006-C, Part WW, as signed into law on April 9, 2022 (the "2022 Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present, either in-person or by conference call or similar service in accordance with the 2022 Law, 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 rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 25th day of May, 2022.

---

Secretary

(SEAL)



EXHIBIT A

REQUEST

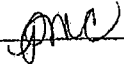


May 12, 2022

Allegany County Industrial Development Agency  
Crossroads Center  
Suite 100  
6087 NYS Route 19N  
Belmont, NY 14813

**RECEIVED**

MAY 18 2022

BY: 

Re: Sales Tax Exemption for OYA Independence East, LLC, 1669 County Road 22, Independence, NY

Dear Sir/Madam,

I am writing to you in regard to the Sales Tax Exemption relative to the above Project granted on March 31, 2021 (see attached ST-60 referencing same).

By this correspondence I am requesting on behalf of the Project Operator to extend the term referenced on the above-described certificate for a period of twelve months (through June 30, 2023). Construction of the Project was delayed by COVID and by difficulties in obtaining panels and other equipment needed for the construction process. As construction of this Project is now slated to commence in the next several weeks the extension requested will be needed to properly administrate the procurements required.

Please note that no additional sales tax exemption benefits are being requested with this extension request.

Thank you for your time and consideration. Please let me know if any additional information is needed to act upon this request.

Very truly yours,

  
Glenn Frank

cc. Attorney Nadene Ziegler

OYA Solar Corp.  
144 Front Street W, Suite 310  
Toronto, Ontario  
M5J 2L7 CANADA  
T: 416.840.3358  
F: 416.860.6666  
www.oyasolar.com

EXHIBIT B  
MODIFICATION AGREEMENT

---

ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY

AND

OYA INDEPENDENCE EAST LLC

---

MODIFICATION AGREEMENT

---

DATED AS OF JUNE 1, 2022

---

RELATING TO (A) THE LEASE/LEASE BACK TRANSACTION OF  
ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
DATED MARCH 31, 2021 AND (B) CERTAIN RELATED  
DOCUMENTS.

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(This Table of Contents is for convenience of reference  
only and is not part of the Modification Agreement)

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## MODIFICATION AGREEMENT

THIS MODIFICATION AGREEMENT dated as of June 1, 2022 (the “Modification Agreement”) by and between ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY, a public benefit corporation organized and existing under the laws of the State of New York having an office for the transaction of business located at Crossroads Commerce and Conference Center, 6087 State Route 19N, Suite 100, Belmont, New York (“Agency”) and OYA INDEPENDENCE EAST LLC, a limited liability company duly organized and existing under the laws of the State of Delaware (the “State”) having an office for the transaction of business located at 144 Front Street West, Suite 310, Toronto, Ontario (collectively, the “Company”);

### WITNESSETH:

WHEREAS, Title 1 of Article 18-A of the General Municipal Law of the State of New York (the “Enabling Act”) was duly enacted into law as Chapter 1030 of the Laws of 1969 of the State of New York; and

WHEREAS, the Enabling Act authorizes and provides for the creation of industrial development agencies for the benefit of the several counties, cities, villages and towns in the State of New York (the “State”) and empowers such agencies, among other things, to acquire, construct, reconstruct, lease, improve, maintain, equip and dispose of land and any building or other improvement, and all real and personal properties, including, but not limited to, machinery and equipment deemed necessary in connection therewith, whether or not now in existence or under construction, which shall be suitable for manufacturing, warehousing, research, commercial or industrial purposes, in order to advance the job opportunities, health, general prosperity and economic welfare of the people of the State and to improve their standard of living; and

WHEREAS, the Enabling Act further authorizes each such agency, for the purpose of carrying out any of its corporate purposes, to lease or sell any or all of its facilities, whether then owned or thereafter acquired; and

WHEREAS, the Agency was created, pursuant to and in accordance with the provisions of the Enabling Act, by Chapter 99 of the Laws of 1973 of the State (collectively, with the Enabling Act, the “Act”) and is empowered under the Act to undertake the Project (as hereinafter defined) in order to so advance the job opportunities, health, general prosperity and economic welfare of the people of the State and improve their standard of living; and

WHEREAS, pursuant to a closing on March 31, 2021 (the “Closing”) the Agency entered into a lease agreement dated as of March 1, 2021 (the “Lease Agreement”) with OYA Independence East LLC (the “Company”) in connection with a project (the “Project”) consisting of the following: (A) (1) the acquisition of an interest in two (2) parcels of land containing in the aggregate approximately 152 acres located at 1669 County Road 22 (tax map numbers 268.-1-15.21 and 268.-1-15.11) in the Town of Independence, Allegany County, New York (collectively, the “Land”), (2) the construction on the Land of a 5MWAC/7.5MWDC solar energy generating facility, including panels, racking, inverters, electrical cables, battery storage, access roads, site preparation, grid interconnection, and other required improvements (collectively, the “Facility”) and (3) the acquisition and installation therein and thereon of

related fixtures, machinery, equipment and other personal property (the “Equipment”), all of the foregoing to constitute a solar energy generating facility to be owned and operated by the Company (the Land, Facility and the Equipment being collectively referred to as the “Project Facility”); (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real property transfer taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease of the Project Facility to the Company pursuant to the Lease Agreement; and

WHEREAS, simultaneously with the Closing, (A) the Company executed and delivered to the Agency a certain lease to agency dated as of March 1, 2021 (the “Underlying Lease”) by and between the Company, as landlord and the Agency, as tenant pursuant to which the Company leased to the Agency the Land and all improvements now or hereafter located on the land (collectively, the “Leased Premises”); (B) the Company and the Agency executed and delivered (1) a certain payment in lieu of tax agreement dated as of March 1, 2021 (the “Payment in Lieu of Tax Agreement”) by and between the Agency and the Company, pursuant to which the Company agreed to pay certain payments in lieu of taxes with respect to the Project Facility, (2) a certain recapture agreement (the “Section 875 GML Recapture Agreement”) by and between the Company and the Agency, required by the Act, regarding the recovery or recapture of certain sales and use taxes; (C) the Agency and the Company executed and delivered the uniform agency project agreement dated as of March 1, 2021 (the “Uniform Agency Project Agreement”) by and between the Agency and the Company relating to the terms of the granting by the Agency of the Financial Assistance to the Company; the Agency filed with and/or mailed to the assessor and the chief executive officer of each “affected tax jurisdiction” (within the meaning of such quoted term in Section 854(16) of the Act) a copy of a New York State Board of Real Property Services Form 412-a (the form required to be filed by the Agency in order for the Agency to obtain a real property tax exemption with respect to the Project Facility under Section 412-a of the Real Property Tax Law) (the “Real Property Tax Exemption Form”) relating to the Project Facility, (D) the Agency executed and delivered to the Company a sales tax exemption letter (the “Sales Tax Exemption Letter”) to ensure the granting of the sales tax exemption which forms a part of the Financial Assistance and (E) the Agency filed with the New York State Department of Taxation and Finance the form entitled “IDA Appointment of Project Operator or Agent for Sales Tax Purposes” (the form required to be filed pursuant to Section 874(9) of the Act) (the “Thirty-Day Sales Tax Report”) (collectively, with the Lease Agreement, the “Basic Documents”); and

WHEREAS, the Company has requested that the Agency modify the terms of the Basic Documents in order to extend the Completion Date (as defined in the Lease Agreement) (the “Modification”); and

WHEREAS, by resolution adopted by the members of the Agency on May 25, 2022 (the “Modification Resolution”), the members of the Agency (A) determined that pursuant to SEQRA, the Modification is a “Type II Action” and, therefore, the Agency has no further responsibilities under SEQRA with respect to the Modification; (B) determined to amend the Basic Documents to extend the Completion Date; and (C) authorized the execution and delivery of this Modification Agreement with respect to the Modification;

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE MUTUAL COVENANTS HEREINAFTER CONTAINED, THE PARTIES HERETO HEREBY FORMALLY COVENANT, AGREE AND BIND THEMSELVES AS FOLLOWS, TO WIT:

SECTION 1. DEFINITIONS. Except as otherwise provided herein, all words and terms used herein shall have the respective meanings ascribed thereto in Article I of the Basic Documents.

SECTION 2. MODIFICATION OF BASIC DOCUMENTS. (A) In each of the Basic Documents where the date of June 30, 2022 appears it shall be replaced by the date of June 30, 2023.

SECTION 3. PROVISIONS OF MODIFICATION AGREEMENT CONSTRUED WITH THE BASIC DOCUMENTS. All of the covenants, agreements and provisions of this Modification Agreement shall be deemed to be and shall be construed as part of the Basic Documents and vice versa to the same extent as if fully set forth verbatim therein and herein. In the event of any variation or inconsistency between any covenant, agreement or provision contained in any Basic Document and any covenant, agreement or provision contained in this Modification Agreement, such covenant, agreement or provision contained herein shall govern.

SECTION 4. BASIC DOCUMENTS AS AMENDED TO REMAIN IN EFFECT. Except as amended by this Modification Agreement, the Basic Documents shall remain unmodified and in full force and effect and the terms and conditions thereof are hereby confirmed.

SECTION 5. RECORDING. This Modification Agreement may, at the request of the Company, be recorded by the Agency in such office or offices as may at the time be provided by law as the proper place or places for the recordation thereof. The Company agrees to pay all costs in connection with said recording.

SECTION 6. EXECUTION OF COUNTERPARTS. This Modification Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the Agency and the Company have caused this Modification Agreement to be executed by their duly authorized officer and to date this Modification Agreement as of the day and year first above written.

ALLEGANY COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY

BY: \_\_\_\_\_  
(Vice) Chairperson

OYA INDEPENDENCE EAST LLC

BY: \_\_\_\_\_  
Authorized Officer



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

On the \_\_\_\_ day of \_\_\_\_\_, in the year 2022, before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that s/he executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

---

Notary Public

PROVINCE OF ONTARIO                    )  
  )ss:  
FOREIGN COUNTRY OF CANADA    )

On the \_\_\_\_ day of \_\_\_\_\_, in the year 2022, before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

**RESOLUTION AUTHORIZING AMENDMENT TO BASIC DOCUMENTS  
OYA INDEPENDENCE ROAD LLC PROJECT**

A special meeting of Allegany County Industrial Development Agency (the "Agency") was convened in public session at the office of the Agency located at Crossroads Commerce & Conference Center located at 6087 State Route 19 North in the Village of Belmont, Allegany County, New York on May 25, 2022 at 11:00 o'clock a.m., local time.

The meeting was called to order by the (Vice) Chair of the Agency and, upon roll being called, the following members of the Agency were:

**PRESENT:**

Richard Ewell	Chairman
Judy Hopkins	Vice Chairperson
Randy Shayler	Secretary
Douglas Frank	Treasurer
John Ricci	Member
Ward "Skip" Wilday	Member

Each of the members present participated in the meeting either in person or remotely pursuant to New York Assembly Bill A09006C/Senate Bill S08006-C, Part WW, as signed into law on April 9, 2022.

**ABSENT:**

**AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:**

Craig R. Clark, P.E., Ph.D.	Executive Director
Pam Common	Recording Secretary
Daniel A. Spitzer, Esq.	Agency Counsel

The following resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_, to wit:

Resolution No. 0522-04

**RESOLUTION AUTHORIZING THE EXECUTION BY ALLEGANY COUNTY  
INDUSTRIAL DEVELOPMENT AGENCY OF A CERTAIN MODIFICATION  
AGREEMENT IN CONNECTION WITH THE OYA INDEPENDENCE ROAD LLC  
PROJECT.**

WHEREAS, Allegany County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 99 of the 1973 Laws of New York, as amended, constituting Section 906-a of said General Municipal Law (said Chapter and the Enabling Act being hereinafter

collectively referred to as the “Act”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct and install one or more “projects” (as defined in the Act), or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, pursuant to a closing on March 31, 2021 (the “Closing”) the Agency entered into a lease agreement dated as of March 1, 2021 (the “Lease Agreement”) with OYA Independence Road LLC (the “Company”) in connection with a project (the “Project”) consisting of the following: (A) (1) the acquisition of an interest in two parcels of land (tax map numbers 254.-3-23 & 254.-3-16.1) located at 1644 Hallsport-Independence Road in the Town of Independence, Allegany County, New York (the “Land”), (2) the construction of an approximately 5 MW AC solar energy generating facility, including panels, racking, inverters, electrical cables, grid interconnection, site preparation, access roads and any other required improvements (all said improvements being collectively referred to as the “Facility”) and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other personal property (the “Equipment”), all of the foregoing to constitute a solar energy generating facility to be owned and operated by the Company (the Land, Facility and the Equipment being collectively referred to as the “Project Facility”); (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real property transfer taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease of the Project Facility to the Company pursuant to the Lease Agreement; and

WHEREAS, simultaneously with the Closing, (A) the Company executed and delivered to the Agency a certain lease to agency dated as of March 1, 2021 (the “Underlying Lease”) by and between the Company, as landlord and the Agency, as tenant pursuant to which the Company leased to the Agency the Land and all improvements now or hereafter located on the land (collectively, the “Leased Premises”); (B) the Company and the Agency executed and delivered (1) a certain payment in lieu of tax agreement dated as of March 1, 2021 (the “Payment in Lieu of Tax Agreement”) by and between the Agency and the Company, pursuant to which the Company agreed to pay certain payments in lieu of taxes with respect to the Project Facility, (2) a certain recapture agreement (the “Section 875 GML Recapture Agreement”) by and between the Company and the Agency, required by the Act, regarding the recovery or recapture of certain sales and use taxes; (C) the Agency and the Company executed and delivered the uniform project benefits agreement dated as of March 1, 2021 (the “Uniform Agency Project Agreement”) by and between the Agency and the Company relating to the terms of the granting by the Agency of the Financial Assistance to the Company; the Agency filed with and/or mailed to the assessor and the chief executive officer of each “affected tax jurisdiction” (within the meaning of such quoted term in Section 854(16) of the Act) a copy of a New York State Board of Real Property Services Form 412-a (the form required to be filed by the Agency in order for the Agency to obtain a real property tax exemption with respect to the Project Facility under Section 412-a of the Real Property Tax Law) (the “Real Property Tax Exemption Form”) relating to the Project Facility; (D) the Agency executed and delivered to the Company a sales tax exemption letter (the “Sales Tax Exemption Letter”) to ensure the granting of the sales tax exemption

which forms a part of the Financial Assistance; and (E) the Agency filed with the New York State Department of Taxation and Finance the form entitled "IDA Appointment of Project Operator or Agent for Sales Tax Purposes" (the form required to be filed pursuant to Section 874(9) of the Act) (the "Thirty-Day Sales Tax Report") (collectively, with the Lease Agreement, the "Basic Documents"); and

WHEREAS, the Company has requested, pursuant to the correspondence attached hereto as Exhibit A, that the Agency modify the terms of the Basic Documents in order to extend the Completion Date (as defined in the Lease Agreement), from June 30, 2022, to June 30, 2023 (the "Modification"); and

WHEREAS, in connection with the Modification, the Company has requested that the Agency enter into a certain modification agreement dated as of June 1, 2022 (the "Modification Agreement"), by and between the Company and the Agency, a copy of which is attached hereto as Exhibit B; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations" and collectively with the SEQR Act, "SEQRA"), it appears that the Modification constitutes a Type II action under SEQRA;

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

Section 1. Based upon an examination of the Modification, the Agency hereby makes the following determination:

(A) The Modification constitutes a "Type II action" pursuant to 6 NYCRR 617.5(1), (2), (23) and (26), and therefor that, pursuant to 6 NYCRR 617.6(1)(i), the Agency has no further responsibilities under SEQRA with respect to the Modification.

(B) That since compliance by the Agency with the Modification will not result in the Agency providing more than \$100,000 of "financial assistance" (as such quoted term is defined in the Act) to the Company, Section 859-a of the Act does not require a public hearing to be held with respect to the Modification.

Section 2. Subject to (A) compliance with the terms and conditions in the Basic Documents, (B) evidence of current certificates of insurance acceptable to the Agency, and (C) payment by the Company of all fees and expenses of the Agency in connection with the delivery of the Modification Agreement, including the fees of Agency Counsel, the Agency hereby (a) consents to the Modification and (b) determines to enter into the Modification Agreement.

Section 3. The form and substance of the Modification Agreement (in substantially the form presented to this meeting) are hereby approved.

Section 4. Subject to the satisfaction of the conditions described in Section 2 hereof, the Chairman (or Vice Chairperson) of the Agency is hereby authorized to execute and deliver the Modification Agreement to the Company, and, where appropriate, the Secretary of the Agency is hereby authorized to affix the seal of the Agency thereto and to attest the same, all in substantially the form thereof presented to this meeting, with such changes, variations, omissions and insertions as the Chairman

(or Vice Chairperson) shall approve, the execution thereof by the Chairman (or Vice Chairperson) to constitute conclusive evidence of such approval.

Section 5. 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 or provided for by the provisions of the Modification Agreement, and to execute and deliver all such additional 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 Resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the Modification Agreement binding upon the Agency.

Section 6. This Resolution shall take effect immediately.

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

Richard Ewell	VOTING	_____
Judy Hopkins	VOTING	_____
Randy Shayler	VOTING	_____
Douglas Frank	VOTING	_____
John Ricci	VOTING	_____
Ward "Skip" Wilday	VOTING	_____

The foregoing Resolution was thereupon declared duly adopted.

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

I, the undersigned Secretary of Allegany County Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the resolution contained therein, held on May 25, 2022 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), except as modified by New York Assembly Bill A09006C/Senate Bill S08006-C, Part WW, as signed into law on April 9, 2022 (the "2022 Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present, either in-person or by conference call or similar service in accordance with the 2022 Law, 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 rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 25<sup>th</sup> day of May, 2022.

---

Secretary

(SEAL)

## EXHIBIT A

### REQUEST





May 12, 2022

Allegany County Industrial Development Agency  
Crossroads Center  
Suite 100  
6087 NYS Route 19N  
Belmont, NY 14813

RECEIVED

MAY 16 2022

BY: pmc

Re: Sales Tax Exemption for OYA Independence Road, LLC, 1644 Hallsport-Independence Road,  
Independence, NY

Dear Sir/Madam,

I am writing to you in regard to the Sales Tax Exemption relative to the above Project granted on March 31, 2021 (see attached ST-60 referencing same).

By this correspondence I am requesting on behalf of the Project Operator to extend the term referenced on the above- described certificate for a period of twelve months (through June 30, 2023). Construction of the Project was delayed by COVID and by difficulties in obtaining panels and other equipment needed for the construction process. As construction of this Project is now slated to commence in the next several weeks the extension requested will be needed to properly administrate the procurements required.

Please note that no additional sales tax exemption benefits are being requested with this extension request.

Thank you for your time and consideration. Please let me know if any additional information is needed to act upon this request.

Very truly yours,

Glenn Frank

cc. Attorney Nadene Zeigler

OYA Solar Corp.  
144 Front Street W, Suite 310  
Toronto, Ontario  
M5J 2L7 CANADA  
T: 416.840.3358  
F: 416.860.6666  
www.oyasolar.com

EXHIBIT B  
MODIFICATION AGREEMENT

---

ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY

AND

OYA INDEPENDENCE ROAD LLC

---

MODIFICATION AGREEMENT

---

DATED AS OF JUNE 1, 2022

---

RELATING TO (A) THE LEASE/LEASE BACK TRANSACTION OF  
ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
DATED MARCH 31, 2021 AND (B) CERTAIN RELATED  
DOCUMENTS.

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## TABLE OF CONTENTS

(This Table of Contents is for convenience of reference  
only and is not part of the Modification Agreement)

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## MODIFICATION AGREEMENT

THIS MODIFICATION AGREEMENT dated as of June 1, 2022 (the "Modification Agreement") by and between ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY, a public benefit corporation organized and existing under the laws of the State of New York having an office for the transaction of business located at Crossroads Commerce and Conference Center, 6087 State Route 19N, Suite 100, Belmont, New York ("Agency") and OYA INDEPENDENCE ROAD LLC, a limited liability company duly organized and existing under the laws of the State of Delaware (the "State") having an office for the transaction of business located at 144 Front Street West, Suite 310, Toronto, Ontario (collectively, the "Company");

### WITNESSETH:

WHEREAS, Title 1 of Article 18-A of the General Municipal Law of the State of New York (the "Enabling Act") was duly enacted into law as Chapter 1030 of the Laws of 1969 of the State of New York; and

WHEREAS, the Enabling Act authorizes and provides for the creation of industrial development agencies for the benefit of the several counties, cities, villages and towns in the State of New York (the "State") and empowers such agencies, among other things, to acquire, construct, reconstruct, lease, improve, maintain, equip and dispose of land and any building or other improvement, and all real and personal properties, including, but not limited to, machinery and equipment deemed necessary in connection therewith, whether or not now in existence or under construction, which shall be suitable for manufacturing, warehousing, research, commercial or industrial purposes, in order to advance the job opportunities, health, general prosperity and economic welfare of the people of the State and to improve their standard of living; and

WHEREAS, the Enabling Act further authorizes each such agency, for the purpose of carrying out any of its corporate purposes, to lease or sell any or all of its facilities, whether then owned or thereafter acquired; and

WHEREAS, the Agency was created, pursuant to and in accordance with the provisions of the Enabling Act, by Chapter 99 of the Laws of 1973 of the State (collectively, with the Enabling Act, the "Act") and is empowered under the Act to undertake the Project (as hereinafter defined) in order to so advance the job opportunities, health, general prosperity and economic welfare of the people of the State and improve their standard of living; and

WHEREAS, pursuant to a closing on March 31, 2021 (the "Closing") the Agency entered into a lease agreement dated as of March 1, 2021 (the "Lease Agreement") with OYA Independence Road LLC (the "Company") in connection with a project (the "Project") consisting of the following: (A) (1) the acquisition of an interest in two parcels of land (tax map numbers 254.-3-23 & 254.-3-16.1) located at 1644 Hallsport-Independence Road in the Town of Independence, Allegany County, New York (the "Land"), (2) the construction of an approximately 5 MW AC solar energy generating facility, including panels, racking, inverters, electrical cables, grid interconnection, site preparation, access roads and any other required improvements (all said improvements being collectively referred to as the "Facility") and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other personal property (the "Equipment"), all of the foregoing to constitute a solar energy generating facility to

be owned and operated by the Company (the Land, Facility and the Equipment being collectively referred to as the "Project Facility"); (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real property transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease of the Project Facility to the Company pursuant to the Lease Agreement; and

WHEREAS, simultaneously with the Closing, (A) the Company executed and delivered to the Agency a certain lease to agency dated as of March 1, 2021 (the "Underlying Lease") by and between the Company, as landlord and the Agency, as tenant pursuant to which the Company leased to the Agency the Land and all improvements now or hereafter located on the land (collectively, the "Leased Premises"); (B) the Company and the Agency executed and delivered (1) a certain payment in lieu of tax agreement dated as of March 1, 2021 (the "Payment in Lieu of Tax Agreement") by and between the Agency and the Company, pursuant to which the Company agreed to pay certain payments in lieu of taxes with respect to the Project Facility, (2) a certain recapture agreement (the "Section 875 GML Recapture Agreement") by and between the Company and the Agency, required by the Act, regarding the recovery or recapture of certain sales and use taxes; (C) the Agency and the Company executed and delivered the uniform agency project agreement dated as of March 1, 2021 (the "Uniform Agency Project Agreement") by and between the Agency and the Company relating to the terms of the granting by the Agency of the Financial Assistance to the Company; the Agency filed with and/or mailed to the assessor and the chief executive officer of each "affected tax jurisdiction" (within the meaning of such quoted term in Section 854(16) of the Act) a copy of a New York State Board of Real Property Services Form 412-a (the form required to be filed by the Agency in order for the Agency to obtain a real property tax exemption with respect to the Project Facility under Section 412-a of the Real Property Tax Law) (the "Real Property Tax Exemption Form") relating to the Project Facility, (D) the Agency executed and delivered to the Company a sales tax exemption letter (the "Sales Tax Exemption Letter") to ensure the granting of the sales tax exemption which forms a part of the Financial Assistance and (E) the Agency filed with the New York State Department of Taxation and Finance the form entitled "IDA Appointment of Project Operator or Agent for Sales Tax Purposes" (the form required to be filed pursuant to Section 874(9) of the Act) (the "Thirty-Day Sales Tax Report") (collectively, with the Lease Agreement, the "Basic Documents"); and

WHEREAS, the Company has requested that the Agency modify the terms of the Basic Documents in order to extend the Completion Date (as defined in the Lease Agreement) (the "Modification"); and

WHEREAS, by resolution adopted by the members of the Agency on May 25, 2022 (the "Modification Resolution"), the members of the Agency (A) determined that pursuant to SEQRA, the Modification is a "Type II Action" and, therefore, the Agency has no further responsibilities under SEQRA with respect to the Modification; (B) determined to amend the Basic Documents to extend the Completion Date; and (C) authorized the execution and delivery of this Modification Agreement with respect to the Modification;

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE MUTUAL COVENANTS HEREINAFTER CONTAINED, THE PARTIES HERETO HEREBY FORMALLY COVENANT, AGREE AND BIND THEMSELVES AS FOLLOWS, TO WIT:

SECTION 1. DEFINITIONS. Except as otherwise provided herein, all words and terms used herein shall have the respective meanings ascribed thereto in Article I of the Basic Documents.

SECTION 2. MODIFICATION OF BASIC DOCUMENTS. (A) In each of the Basic Documents where the date of June 30, 2022 appears it shall be replaced by the date of June 30, 2023.

SECTION 3. PROVISIONS OF MODIFICATION AGREEMENT CONSTRUED WITH THE BASIC DOCUMENTS. All of the covenants, agreements and provisions of this Modification Agreement shall be deemed to be and shall be construed as part of the Basic Documents and vice versa to the same extent as if fully set forth verbatim therein and herein. In the event of any variation or inconsistency between any covenant, agreement or provision contained in any Basic Document and any covenant, agreement or provision contained in this Modification Agreement, such covenant, agreement or provision contained herein shall govern.

SECTION 4. BASIC DOCUMENTS AS AMENDED TO REMAIN IN EFFECT. Except as amended by this Modification Agreement, the Basic Documents shall remain unmodified and in full force and effect and the terms and conditions thereof are hereby confirmed.

SECTION 5. RECORDING. This Modification Agreement may, at the request of the Company, be recorded by the Agency in such office or offices as may at the time be provided by law as the proper place or places for the recordation thereof. The Company agrees to pay all costs in connection with said recording.

SECTION 6. EXECUTION OF COUNTERPARTS. This Modification Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the Agency and the Company have caused this Modification Agreement to be executed by their duly authorized officer and to date this Modification Agreement as of the day and year first above written.

ALLEGANY COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY

BY: \_\_\_\_\_  
(Vice) Chairperson

OYA INDEPENDENCE ROAD LLC

BY: \_\_\_\_\_  
Authorized Officer

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

On the 25th day of May, in the year 2022, before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that s/he executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public



PROVINCE OF ONTARIO                    )  
  )ss:  
FOREIGN COUNTRY OF CANADA    )

On the \_\_\_\_ day of \_\_\_\_\_, in the year 2022, before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public