

RESOLUTION OF THE WYOMING COUNTY INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING THE CONSTRUCTION AND EQUIPPING OF A 20+/- MEGAWATT (MW) GROUND-MOUNTED UTILITY-SCALE SOLAR ENERGY GENERATION SYSTEM BY SUNEAST HIGHVIEW SOLAR LLC TO BE LOCATED IN THE TOWN OF CASTILE, NEW YORK, FOR LEASE TO THE AGENCY AND SUBSEQUENT LEASE TO SUNEAST HIGHVIEW SOLAR, LLC, THE EXECUTION OF LEASE AGREEMENTS, MORTGAGE AGREEMENTS, A NON-STANDARD PILOT AGREEMENT AND THE TAKING OF OTHER ACTIONS.

WHEREAS, the Wyoming County Industrial Development Agency (the “Agency”) is authorized under the laws of the State of New York, and in particular the New York State Industrial Development Agency Act, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended, and Section 901-b of the General Municipal Law, as amended (collectively, the “Act”), to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial and research facilities and thereby advance the job opportunities, general prosperity and economic welfare of the people of the State of New York and to improve their prosperity and standard of living; and

WHEREAS, SunEast Highview Solar LLC, for itself or for related individuals or entities (the “Company”), has submitted to the Agency an application and other material information in connection therewith (collectively, the “Application”) with respect to the construction and equipping by the Agency without the proceeds of a bond issue of a 20+/- megawatt (MW) AC solar photo-voltaic electric generating facility comprised of solar panel arrays, racking, solar modules, inverters, electrical wiring and other system components (the “Project”) and conveyance of the Project pursuant to a lease of the Project to the Company, such Project to be located on four parcels of land having a combined 83.4 acres located at 4326 and 3999 Middle Reservation Road (SBL Nos. 112.-1-28.1, 112.-1-27, 112.-1-35 and 112.-1-56) in the Town of Castile, New York (the “Premises”); and

WHEREAS, the Agency has reviewed the Application as necessary to afford a reasonable basis to decide whether to provide financial assistance for the Project; and

WHEREAS, the Agency has prepared a written cost-benefit analysis that identifies the extent to which the Project will create permanent, private-sector jobs, the estimated value of any tax exemptions to be provided, the amount of private sector investment generated or likely to be generated by the Project, the likelihood of accomplishing the proposed Project in a timely fashion, the extent to which the proposed Project will provide additional sources of revenue for the municipalities and school district and any other public benefits that might occur as a result of the Project; and

WHEREAS, the Company has requested that the Agency consider entering into a non-standard agreement for payment in lieu of real estate taxes (“PILOT”) which will provide for payment by the Company of an annual PILOT equal to \$1000.00 per megawatt (MW) AC installed capacity, subject to an annual increase of 2.0%, over a term of twenty (20) years, which agreement deviates from the Agency’s standard PILOT schedule set forth in the Agency’s Uniform Tax

Exemption Policy (the “UTEP”); and

WHEREAS, the Company and the Town of Castile have entered into a certain host community agreement dated as of June 13, 2021, pursuant to which the Company will make payments to the Town of Castile in an amount equal to \$4,000 per MW AC installed capacity each year, subject to annual increase of 2.0%, for a term of fifteen (15) years (the “Host Community Agreement”); and

WHEREAS, Section 5 of the UTEP provides that the Agency may deviate from its standard PILOT schedule if the Agency determines in accordance with the provisions of the UTEP that a project will have a significant impact in the locality where it is located; and

WHEREAS, pursuant to Section 874(4)(b) of the General Municipal Law and the UTEP, the Agency duly delivered a notice of deviation on June 16, 2021 to the chief executive officers of each of the affected taxing jurisdictions regarding the proposed non-standard PILOT agreement for the Project; and

WHEREAS, after the giving of all required notices (including published notice), the Agency held a public hearing on the Project on July 22, 2021, and has considered all oral and written presentations made at or in connection with said public hearing; and

WHEREAS, the Agency desires to encourage the Company with respect to the consummation of the Project, if by doing so it is able to induce the Company to proceed with the Project; and

WHEREAS, the Company will complete the Project by obtaining one or more conventional loans of financing from a third party, and the Company has requested that the Agency execute any and all documents required by the parties, including any collateral mortgages on the Project given to secure a loan(s) obtained by the Company to finance the cost of the Project; and

WHEREAS, the Town of Castile Planning Board (the “Planning Board”) served as “lead agency” under the State Environmental Quality Review Act (ECL Article 8 and its implementing regulations at 6 NYCRR Part 617) (“SEQRA”) for the project and the Company provided to the Agency a copy of the Company’s completed Part 1 of the long-form Environmental Assessment Form (“EAF”); and

WHEREAS, on May 4, 2021, the Planning Board issued a negative declaration under SEQRA with respect to the Project. A copy of the EAF and the negative declaration is attached hereto as Exhibit A (the “Negative Declaration”).

NOW, THEREFORE, THE WYOMING COUNTY INDUSTRIAL DEVELOPMENT AGENCY HEREBY RESOLVES AS FOLLOWS:

Section 1. Based upon a review of the Company’s Application, the EAF and the Negative Declaration issued by the Planning Board, the Agency hereby: (a) consents to and affirms the status of the Planning Board as lead agency within the meaning of, and for all purposes of

complying with, SEQRA; (b) determines that the proceedings undertaken by the Planning Board as lead agency under SEQRA with respect to the acquisition, construction and equipping of the Project satisfy the requirements of SEQRA, and ratifies and confirms such proceedings by the Planning Board as lead agency; (c) determines that all of the provisions of SEQRA that are required to be complied with as a condition precedent to the approval of the Financial Assistance (as defined herein) contemplated by the Agency with respect to the Project and the participation by the Agency in undertaking the Project have been satisfied.

Section 2. The Project is described in the recitals to this Resolution. The financial assistance to be provided by the Agency in connection with the Project includes: (i) an exemption from sales and use taxes for building materials and machinery, equipment, fixtures and furnishings purchased for incorporation into or use at the Project location having a total cost not to exceed \$15,340,000.00; (ii) a mortgage recording tax exemption for one or more mortgages in the aggregate principal amount not to exceed \$13,110,000.00; and (iii) a twenty (20) year abatement from real property taxes in accordance with the non-standard payment in lieu of tax schedule set forth in Exhibit B attached hereto (the “Financial Assistance”). The payment in lieu of tax arrangement shall be set forth in a Payment in Lieu of Real Estate Taxes Agreement to be entered into between the Agency and the Company (the “PILOT Agreement”).

Section 3. The Agency hereby determines that the Project and the financing thereof by the Agency pursuant to the New York State Industrial Development Agency Act will promote and is authorized by and will be in furtherance of the policy of the State as set forth in said Act.

Section 4. The proposed Financial Assistance to the Project deviates from the terms of the Agency’s UTEP to the extent that the Company has requested a PILOT Agreement with a term of twenty (20) years that provides for a payment of \$1000.00 per megawatt (MW) AC installed capacity, subject to an annual increase of 2.0%. The Agency’s UTEP authorizes the Agency to deviate from the Agency’s standard PILOT schedule or to provide a project with enhanced benefits if the project is expected to have a significant impact in the locality where the project will be located. The Agency hereby determines that the Project will have a significant impact in the Town of Castile, New York, approves of the deviation from the Agency’s UTEP and authorizes the provision of the Financial Assistance to the Company as described herein. In making this determination, the Agency has considered the following factors in accordance with the Act and its UTEP, no single one of which is determinative:

1. The nature of the proposed project (e.g. manufacturing, commercial, etc.).

The Project involves the acquisition of an interest in four parcels of land having a combined 83.4 acres in the Town of Castile, Wyoming County, New York and construction of a 20.0 MW solar power generation array.

2. The nature of the property before the project begins (e.g. vacant land, vacant building, Brownfield site, etc.).

The project site consists of a parcel of land that is vacant and was or is currently, being used for agricultural purposes. The project site is zoned Ag Land which allows for the development of a solar energy facility.

3. The economic condition of the area at the time of the application and the economic multiplying effect the project will have on the area.

The Town of Castile is a rural community located in southeastern Wyoming County. The economic condition of the community and surrounding area is challenged by several economic factors, including difficulties in the agricultural and manufacturing sectors. The current COVID-19 pandemic has had a significant and ongoing negative impact on the local economy. The Project will result in the construction of a new modern solar energy facility to be owned by the Company. The Company estimates that as many as 25 to 30 individuals will be working full-time construction jobs for a period of 3 to 6 months in connection with the acquisition, construction and installation of the Project Facility. Additional benefits created by the Project will be felt by local businesses such as hotels, restaurants, gas stations, hardware stores and equipment rental companies.

4. The extent to which the project will create or retain permanent, private sector jobs, the number of jobs to be created/retained and/or the salary ranges of such jobs.

The project is a solar farm. Once the project is operating, it is monitored remotely with minimum on-site personnel and as a result only one permanent full time equivalent job will be created for the Project after completion of construction. Contracted jobs during the operational phase including maintenance, snow removal and landscaping would commence upon completion of the construction phase which is expected to be as early as Summer 2022.

5. The estimated value of tax exemptions to be provided.

The value of the sales tax exemption for the Project is equal to approximately \$1,227,200.00. There will be a mortgage recording tax exemption up to \$163,875.00. The value of the real property tax exemption is equal to approximately \$10,261,000.00 over the 20-year life of the PILOT.

6. The economic impact of the project and the proposed tax exemptions on affected tax jurisdictions.

The economic impact of the Project PILOT Agreement is positive as the Company will be paying PILOT payments relating to the Project Facility in excess of the amounts currently being paid on the land and at the expiration of the Proposed PILOT Agreement the Project Facility will be subject to normal real property taxes. The land will continue to be taxed in accordance with normal taxing practices during the life of the project.

7. The impact of the proposed project on existing and proposed businesses and economic development projects in the vicinity.

The impact of the Project is a positive one for the community. The Project will assist the State of New York in meeting its goal of 50% clean energy by 2030. The completed project site will be monitored remotely creating minimal disturbance to local residents, will not have lights and will not produce noise above ambient levels for any local receptor.

8. The amount of private sector investment generated or likely to be generated by the proposed project.

Investment by the Company will be approximately \$20,092,838.00.

9. The likelihood of accomplishing the proposed project in a timely fashion.

The project is expected to be completed in a timely manner.

10. The effect of the proposed project upon the environment and surrounding property.

The Town of Castile has evaluated the environmental impact and has issued a negative declaration in regard to the project.

11. The extent to which the proposed project will require the provision of additional services including, but not limited, educational, transportation, emergency medical or police and fire services.

It is not anticipated that the Project will impose any significant additional burdens on municipal or educational services.

12. The extent to which the proposed project will provide additional sources of revenue for municipalities and school districts in which the project is located.

Sources of revenues to be generated by the Project include the tax revenues (both income and sales and use taxes) generated by the construction workers, PILOT payments proposed to be paid to the affected taxing jurisdictions during the life of the PILOT Agreement and the real property taxes generated when the Project Facility is placed on the tax rolls at the expiration of the Proposed PILOT Agreement.

13. The extent to which the proposed project will provide a benefit (economic or otherwise) not otherwise available within the municipality in which the project is located.

The benefit is a positive one economically as the Project would not occur without the entering into of the Proposed Pilot Agreement. The Project will result in upgrades to NYSEG's power system as costs that will not affect local power consumer, lower power

costs to local power consumers and increase the amount of clean energy being produced in New York State.

Section 5. The Agency hereby authorizes the Company, as agents for the Agency, to proceed with the Project as herein authorized. The Agency is hereby authorized to acquire an interest in the Project site and the buildings thereon, if any, and to make renovations or additions thereto. The Company is authorized to proceed with the acquisition and construction of the Project as set forth in any Project Assistance Agreement, the Agency Lease Agreement or Installment Sale Contract (as hereinafter defined).

Section 6. The Chairman, Vice Chairman, Executive Director, Secretary, Treasurer, and any Assistant Secretary of the Agency, and other appropriate officials of the Agency and its agents and employees, are hereby authorized and directed to do and cause to be done any and all acts and things necessary or proper for carrying out this Resolution and to complete the Project in cooperation with the Company.

Section 7. The Company is authorized, as agents of the Agency, to initiate the construction of the Project, and the acquisition of machinery and equipment which will be a part thereof or will be used in connection therewith, and to advance such funds as may be necessary to accomplish such purposes. The designation of the Company as agent hereunder is limited to purchases of sales-taxable tangible personal property and services in connection with the Project which do not exceed a total cost of \$15,340,000.00 and shall not apply to any other purchase by the Company or any operating expenses of the Company. The Company shall report to the Agency, at such times as the Agency shall require, or as may otherwise be prescribed by the Commissioner of the New York State Department of Taxation and Finance (the "Commissioner"), the value of all sales and use tax exemptions claimed by the Company or agents of the Company or any operators of the Project, including, but not limited to, consultants or subcontractors of such agents or Project operators under the authority granted pursuant to this Resolution. A failure to report may result in the revocation of the designation of the Company as agent and repayment of any sales and use tax exemptions claimed.

Section 8. The Agency is hereby authorized to enter into a project assistance agreement with respect the provision of the Financial Assistance authorized herein (the "Project Assistance Agreement"), to acquire an interest in the Project site and construct a facility thereon, and execute and deliver a lease by the Company to the Agency (the "Company Lease"), an Agency Lease Agreement (the "Agency Lease Agreement") or Installment Sale Contract (the "Installment Sale Contract") between the Agency and the Company, the PILOT Agreement, and such other documents as may be necessary to fulfill the intent of the parties to the transaction (collectively, the "Project Documents"), in a form satisfactory to Agency counsel. The Chairman, Vice Chairman, Executive Director, Secretary, Treasurer, or any Assistant Secretary are each authorized to execute such documents and to make or approve such amendments or modifications to the Project Assistance Agreement, Company Lease, the Agency Lease Agreement, Installment Sale Contract, the PILOT Agreement and such other documents executed and delivered in connection therewith as they deem necessary under the circumstances provided, however, that such modifications do not materially alter the risk to the Agency.

Section 9. The Agency is hereby authorized to execute and deliver to the lender(s) one or more collateral mortgages on the Project given to secure conventional loans to finance the cost of the Project, and such other documents as may be necessary to fulfill the intent of the parties to the transaction in a form satisfactory to Agency counsel provided that the aggregate amount of such mortgages shall not exceed \$13,110,000.00. The Chairman, Vice Chairman, Executive Director, Secretary, Treasurer, and any Assistant Secretary are each authorized to execute such collateral mortgages and to make or approve such amendment(s) or modifications to such collateral mortgages and other documents executed and delivered in connection therewith as they may deem necessary under the circumstances, provided, however, that such modifications do not materially alter the risk to the Agency.

Section 10. Any such action heretofore taken by the Company initiating the acquisition, installation and construction of the Project is hereby ratified, confirmed and approved.

Section 11. Any expenses incurred by the Agency with respect to the Project and the financing thereof shall be paid by the Company. By acceptance hereof, the Company agrees to pay such expenses and further agrees to indemnify the Agency, its members, employees and agents and hold the Agency and such persons harmless against claims for losses, damage or injury or any expenses or damages incurred as a result of action taken by or on behalf of the Agency with respect to the Project and the financing thereof.

Section 12. In the event a lease is not executed between the Company and the Agency by the expiration date of this Resolution (as such date may be extended as provided herein) or the termination of this Resolution, the Company shall then be required to pay all sales taxes which would have been levied in connection with the acquisition, construction and installation of all improvements to the real property and the machinery and equipment which constitute the Project, as if the Agency did not have an interest in the Project from the date the Company commenced its acquisition, construction and installation. In addition, in the event, because of the involvement of the Agency, the Company claims an exemption from state sales or use tax in connection with the Project, and such exemption is claimed with respect to property or services not authorized hereunder, or which exemption is in excess of the amounts authorized hereunder, or is otherwise not permitted under this Resolution, or if the Company shall fail to comply with a material term or condition regarding the use of property or services acquired by the Company as agent for the Agency as set forth in this Resolution or in any document authorized hereunder, then the Company shall each be required to remit to the Agency an amount equal to the amount of state sales and use taxes for which such exemption was improperly claimed. A failure to remit such amounts may result in an assessment against the Company by the Commissioner of state sales and use taxes, together with any relevant penalties and interest.

In addition to the foregoing, in the event the Agency determines that Company is in violation of a material term, or in the event that the Company closes the Project or relocates its operations to a location outside of the Town of Castile within the time period during which the Company is receiving Financial Assistance from the Agency or in the event the Agency determines, in its judgment, that the Company knowingly and intentionally submitted false or intentionally misleading information in its application to the Agency or in any report or certification submitted to the Agency for the purpose of obtaining or maintaining any Financial Assistance from the Agency (each referred to herein as a "Recapture Event"), the Agency may, in

accordance with its policies and procedures then in effect, (i) revoke the designation of the Company and any agents of the Company (including, but not limited to, consultants, sub-contractors or equipment lessors of the Company) as agents for the Agency in connection with the Project and terminate the exemption from New York State and local sales and use taxes conferred with respect to the Project and/or (ii) require that the Company, commencing with the tax fiscal year next following such Recapture Event make payments in lieu of taxes on the Project with respect to all applicable taxing authorities in such amounts as would be payable as real estate taxes levied on the Project if the Agency did not have an interest in the Project or otherwise modify the amount or terms of any Financial Assistance being provided by the Agency in connection with the Project and/or (iii) require that the Company pay to the Agency an amount equal to all or a portion (as determined by the Agency in its discretion) of the total value of (x) all sales tax exemptions claimed by the Company and any agents of the Company, including, but not limited to, consultants, sub-contractors, or any equipment lessors of the Company under the authority granted under this Resolution and the Project Assistance Agreement, and/or (y) any exemption from mortgage recording tax received by reason of the Agency's involvement with the Project, and/or (z) any exemption from real property taxes received by reason of the Agency's leasehold interest in the Project. If the Agency makes any of the foregoing determinations and requires a repayment of all or a portion of the Financial Assistance received by the Company, the Company shall (i) cooperate with the Agency in its efforts to recover or recapture any or all Financial Assistance obtained by the Company and (ii) promptly pay over any or all such amounts to the Agency that the Agency demands in connection therewith. Upon receipt of such amounts, the Agency shall then redistribute such amounts to the appropriate affected tax jurisdiction(s) unless otherwise agreed to by any affected tax jurisdiction.

Section 13. The Agency has made and makes no representation or warranty whatsoever, either express or implied, with respect to the merchantability, condition, environmental status, fitness, design, operation or workmanship of any part of the Project, its fitness for any particular purpose, the quality or capacity of the materials in the Project, or the suitability of the Project for the Company's purposes or needs. The Company is satisfied that the Project is suitable and fit for its purposes. The Agency shall not be liable in any manner whatsoever to anyone for any loss, damage or expense of any kind or nature caused, directly or indirectly, by the Project property or the use or maintenance thereof or the failure of operation thereof, or the repair, service or adjustment thereof, or by any delay or failure to provide any such maintenance, repairs, service or adjustment, or by any interruption of service or loss of use thereof or for any loss of business howsoever caused, and the Company hereby indemnifies and holds the Agency harmless from any such loss, damage or expense.

Section 14. Should the appropriate officers of the Agency determine, in their absolute discretion, that there is reason to believe that the activities of any past or present owner or operator of the Premises have resulted in the generation of any "hazardous substance" (as the term has been defined from time to time in any applicable federal or state law, rule or regulation), or that any party has stored, disposed or released any such substance on the Premises or within a one (1) mile radius thereof, the Agency shall be under no obligation to enter into a lease as contemplated by this Resolution.

Section 15. No covenant, stipulation, obligation or agreement herein contained or contained in the Project Documents, or other documents, nor the breach thereof, shall constitute or

give rise to or impose upon the Agency a pecuniary liability or a charge upon its general credit, nor shall be deemed to be a covenant, stipulation, obligation or agreement of any member, officer, agent or employee of the Agency in his or her individual capacity.

Section 16. Should the Agency's participation in the Project be challenged by any party, in the courts or otherwise, the Company shall defend, indemnify and hold harmless the Agency and its members, officers and employees from any and all losses arising from any such challenge including, but not limited to, the fees and disbursements of the Agency's counsel. Should any court of competent jurisdiction determine that the Agency is not authorized under Article 18-A of the General Municipal Law to participate in the Project, this Resolution shall automatically become null, void and of no further force and effect (except for the obligations in this Section 16), and the Agency shall have no liability to the Company hereunder or otherwise.

Section 17. This Resolution shall take effect immediately and shall continue in full force and effect for one (1) year from the date hereof and on or after such one (1) year anniversary, the Agency may, at its option (a) terminate the effectiveness of this Resolution (except with respect to the obligations of the Company pursuant to Sections 11, 12 and 16 of this Resolution which shall survive any expiration or termination) or (b) allow the Company additional time in which to close the transactions contemplated by this Resolution based upon affirmative actions taken by the Company to complete such transactions.

DATED: August_13__, 2021

ACCEPTED AND AGREED TO: ___August 13,_, 2021.

SUNEAST HIGHVIEW SOLAR, LLC

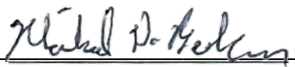
By: 
Name: Michael D. Beckner
Title: Vice President

EXHIBIT A

**Town of Castile
Negative Declaration**

See attached.

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

Instructions for Completing Part 1

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

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

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

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Highview Solar Project		
Project Location (describe, and attach a general location map): Town of Castile, Wyoming County, New York		
Brief Description of Proposed Action (include purpose or need): The purpose of this Environmental Assessment Form is the construction of a ±17 MWAC commercial, ground-mounted solar facility on approximately 98 acres of land off of Hathaway Road and Middle Reservation Road CR 6.		
Name of Applicant/Sponsor: SunEast Highview Solar LLC		Telephone: (484) 983-3130
		E-Mail: mike.beckner@suneastpower.com
Address: 110 Phoenixville Pike, Suite 100		
City/PO: Malvern	State: PA	Zip Code: 19355-1018
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): see attached table		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	*See attached for table of Government Approvals, Funding, or Sponsorship"	
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? Yes No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? Yes No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? Yes No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) Yes No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? Yes No

If Yes, identify the plan(s):

C.3. Zoning

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

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

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

C.4. Existing community services.

a. In what school district is the project site located? Perry Central School

b. What police or other public protection forces serve the project site?
Wyoming County Sheriff's Department, Perry Police Department

c. Which fire protection and emergency medical services serve the project site?
Perry Fire Dept.

d. What parks serve the project site?
Letchworth State Park

D. Project Details

D.1. Proposed and Potential Development

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

b. a. Total acreage of the site of the proposed action? +/- 234 acres
 b. Total acreage to be physically disturbed? +/- 98 acres
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? +/- 234 acres

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

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

e. Will the proposed action be constructed in multiple phases? Yes No
 i. If No, anticipated period of construction: 6-8 months
 ii. If Yes:
 • Total number of phases anticipated _____
 • Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
 • Anticipated completion date of final phase _____ month _____ year
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

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

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

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

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

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:
 i. What is the purpose of the excavation or dredging? Minor grading of surface for construction of new structures.
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 • Volume (specify tons or cubic yards): None - to be used as on-site fill.
 • Over what duration of time? Construction Period (6 - 8 months)
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.
Excavated soil materials from the construction of the new structures are to be used of on-site.
 iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____
 v. What is the total area to be dredged or excavated? _____ +/- 98 acres
 vi. What is the maximum area to be worked at any one time? _____ 5 acres
 vii. What would be the maximum depth of excavation or dredging? _____ +/- 5 feet
 viii. Will the excavation require blasting? Yes No
 ix. Summarize site reclamation goals and plan: _____

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

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe: _____

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

If Yes:

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

v. Describe any proposed reclamation/mitigation following disturbance: _____

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

If Yes:

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

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

If Yes:

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

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

If Yes:

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

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

If Yes:

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

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

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

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

If Yes:

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

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

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

If Yes:

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

- Do existing sewer lines serve the project site? Yes No
 - Will a line extension within an existing district be necessary to serve the project? Yes No
- If Yes:
- Describe extensions or capacity expansions proposed to serve this project: _____

- iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
- If Yes:
- Applicant/sponsor for new district: _____
 - Date application submitted or anticipated: _____
 - What is the receiving water for the wastewater discharge? _____
- v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):
- _____
- _____
- vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____
- _____

- e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
- If Yes:
- i. How much impervious surface will the project create in relation to total size of project parcel?
- _____ Square feet or _____ 0 acres (impervious surface)
- _____ Square feet or _____ 0 acres (parcel size)
- ii. Describe types of new point sources. No point source, sheet flow from solar panels will infiltrate ground surface or be directed to existing wetlands or roadside swale. No increase in runoff.
- _____
- iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?
- On-Site Wetlands, roadside swale
- _____
- If to surface waters, identify receiving water bodies or wetlands: _____
- _____
- Will stormwater runoff flow to adjacent properties? Yes No

- iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No
- f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
- If Yes, identify:
- i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)
- _____
- ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)
- _____
- iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)
- _____

- g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
- If Yes:
- i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
- ii. In addition to emissions as calculated in the application, the project will generate:
- _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 - _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 - _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 - _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 - _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
 - _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

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

If Yes:

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

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

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

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

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

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

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

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

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

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

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

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

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

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

If Yes:

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

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

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

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

i. During Construction:		ii. During Operations:	
• Monday - Friday:	_____ 7am-6pm _____	• Monday - Friday:	_____ Daytime _____
• Saturday:	_____ 7am-6pm _____	• Saturday:	_____ Daytime _____
• Sunday:	_____ 7am-6pm _____	• Sunday:	_____ Daytime _____
• Holidays:	_____ 7am-6pm _____	• Holidays:	_____ Daytime _____

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

If yes:

i. Provide details including sources, time of day and duration:
 During the construction period between the hours of 0700-1800, noise may be produced by construction vehicles. There will be essentially no detectable noise outside of the facility during operation.

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
 Describe: Tree cutting will occur within the Project site. In addition to trees currently located along the perimeter of the Site, screening will be implemented.

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

If yes:

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

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

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

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

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: _____

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

If Yes:

i. Describe proposed treatment(s):

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

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

If Yes:

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

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

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

- Construction: _____
- Operation: _____

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

- Construction: _____
- Operation: _____

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

If Yes:

- i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
- ii. Anticipated rate of disposal/processing:
 - _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 - _____ Tons/hour, if combustion or thermal treatment
- iii. If landfill, anticipated site life: _____ years

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

If Yes:

- i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____
- ii. Generally describe processes or activities involving hazardous wastes or constituents: _____
- iii. Specify amount to be handled or generated _____ tons/month
- iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

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

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

- Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	+/- 0.15	+/- 0.15	0
• Forested	+/- 57	+/- 40	+/- 17
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	+/- 4.8	+/- 4.8	0
• Agricultural (includes active orchards, field, greenhouse etc.)	+/-170	+/- 74	+/- 96
• Surface water features (lakes, ponds, streams, rivers, etc.)	+/- 0.17	+/- 0.17	0
• Wetlands (freshwater or tidal)	+/- 10.4	+/- 10.4	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: Solar Facility and gravel driveway	0	+/- 130	+ 130

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

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

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

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

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

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

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

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

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ 1.41 feet

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

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

Lordstown channery silt loam	_____	19.1 %
Langford channery silt loam	_____	16.9 %
Mardin channery silt loam	_____	13.7 %

d. What is the average depth to the water table on the project site? Average: _____ 1.64 feet

e. Drainage status of project site soils: Well Drained: _____ 37.8 % of site
 Moderately Well Drained: _____ 35.2 % of site
 Poorly Drained _____ 27 % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ 80.5 % of site
 10-15%: _____ 19.5 % of site
 15% or greater: _____ % of site

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

h. Surface water features.

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

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

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

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

- Streams: Name 821-306 _____ Classification ^C _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters, Federal Waters, Federal Waters,... _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
If yes, name of impaired water body/bodies and basis for listing as impaired: _____
Name - Pollutants - Uses: Silver Lake Outlet, Upper, and tribs – Other Pollutants – Aquatic Life

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

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

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

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

m. Identify the predominant wildlife species that occupy or use the project site:

White-tailed Deer _____	Pheasant _____	Grouse _____
Cottontail _____	Turkey _____	_____

n. Does the project site contain a designated significant natural community? Yes No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): _____

ii. Source(s) of description or evaluation: _____

iii. Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? Yes No

If Yes:

i. Species and listing (endangered or threatened): _____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? Yes No

If Yes:

i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? Yes No

If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No

If Yes, provide county plus district name/number: WYOM003

b. Are agricultural lands consisting of highly productive soils present? Yes No

i. If Yes: acreage(s) on project site? +/- 32 _____

ii. Source(s) of soil rating(s): USDA NRCS Web Soil Survey

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? Yes No

If Yes:

i. Nature of the natural landmark: Biological Community Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? Yes No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. Designating agency and date: _____

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

If Yes:

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

ii. Name: _____

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

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

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

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

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

If Yes:

i. Identify resource: Letchworth State Park

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

iii. Distance between project and resource: 1.5 miles.

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

If Yes:

i. Identify the name of the river and its designation: _____

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

F. Additional Information

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

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

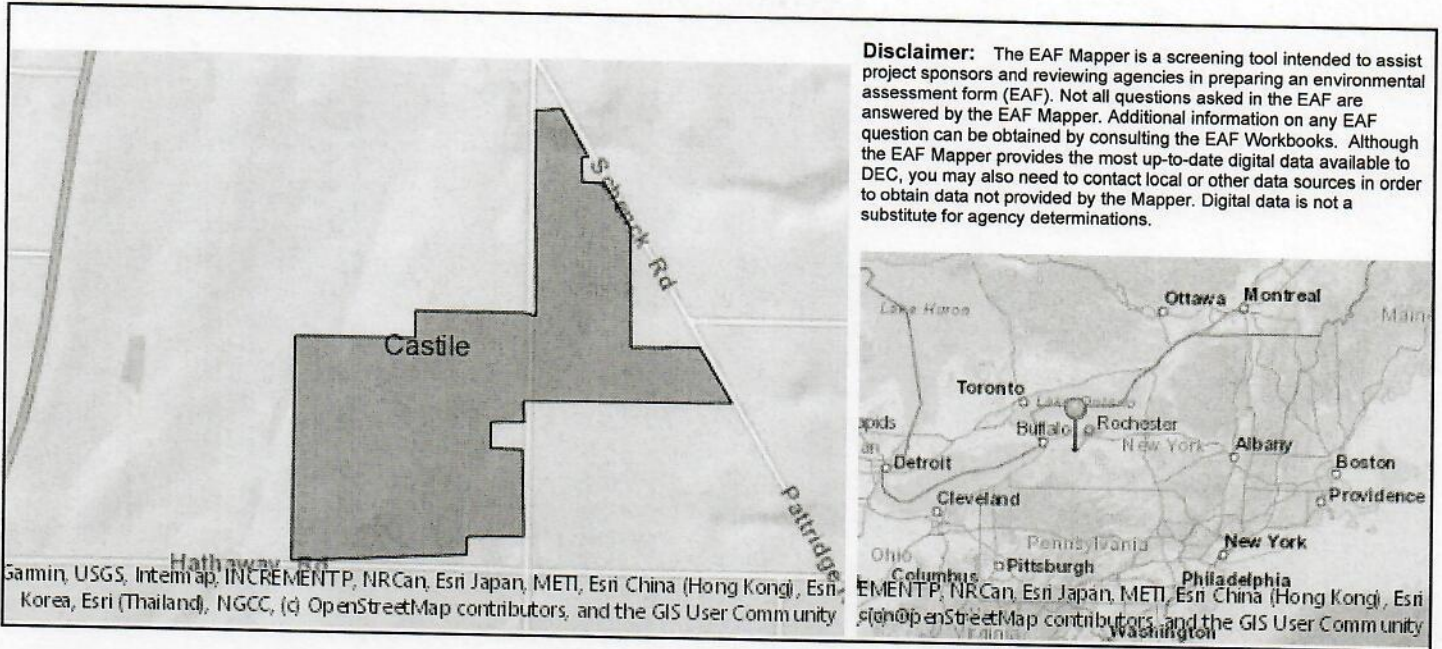
G. Verification

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

Applicant/Sponsor Name MICHAEL D BECKNER Date 9-25-2020

Signature Michael D Beckner Title VICE PRESIDENT

PRINT FORM



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	821-306
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	Yes
E.2.h.v [Impaired Water Bodies - Name and Basis for Listing]	Name - Pollutants - Uses: Silver Lake Outlet, Upper, and tribs – Other Pollutants – Aquatic Life
E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.

E.2.j. [100 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	WYOM003
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

SunEast - Highview Solar Project

Property Owners:

Daryl DeGroff (112-1-27)
4698 Lower Reservation Road
Perry, NY 14530
585-943-0875

I.O.E. Acres LLC (Dan Swyers - 112.1.28.1)
4326 Middle Reservation Road
Perry, NY 14530
585-739-0110

Perry Field (Bob McClurg - 112.1.35; 112-1-35; 112-1-56)
6994 Arrowhead Drive
Lockport, NY 14094
585-746-6020

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)			
Government Entity	Yes or No	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or Projected)
City Counsel, Town Board, or Village Board of Trustees	Yes	Maintenance/Decommissioning Bond	September 2020
City, Town or Village Planning Board or Commission	Yes	Site Plan Approval, Permitted Solar Use, SEQRA Environmental Assessment Form	September 2020
City, Town or Village Zoning Board of Appeals	No	Zoning Board of Appeals: Area Variance	September 2020
Other local agencies	No		
County agencies	Yes	Wyoming County DOT, PILOT Agreement	September 2020
Regional agencies	No		
State agencies	Yes	NYSDEC: SPDES General Construction Stormwater Permit/SWPPP NYSERDA: Solar Incentive SHPO: Environmental Review NYS/DAM: Agricultural District Coordination	September 2020
Federal agencies	No		

SEQRA State Environmental Quality Review Act
 DOT Department of Transportation
 NYSDEC New York State Department of Environmental Conservation
 NYS/DAM New York State Department of Agriculture and Markets
 NYSERDA New York State Energy Research and Development Authority
 SHPO State Historic Preservation Office

TOWN OF CASTILE PLANNING BOARD**RESOLUTION ISSUING A NEGATIVE DECLARATION UNDER
THE STATE ENVIRONMENTAL QUALITY REVIEW ACT
FOR THE SUNEAST HIGHVIEW SOLAR, LLC APPLICATION**

WHEREAS, SunEast Highview Solar LLC has submitted an application for Site Plan Approval and a Special Use Permit (the "Application") for a solar energy generating facility to the Town of Castile Planning Board (the "Planning Board"); and

WHEREAS, the Application is for a ± 20 megawatt ("MW") AC ground mounted, commercial solar generating facility (the "Project"), covering approximately 84 acres off Hathaway and Middle Reservation Roads, Tax map numbers 112.00-1-27, 112.00-1-28.1, 112.00-1-35 and 112.00-1-56 in the Town of Castile; and

WHEREAS, the Planning Board issued a Notice of Intent to act as Lead Agency for purposes of reviewing the Projects under the State Environmental Quality Review Act ("SEQRA") and the Involved Agencies agreed to the Planning Board acting as Lead Agency; and

WHEREAS, the Planning Board has duly considered the Application, the full Environmental Assessment Form, the public hearing comments, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c), the draft Negative Declaration, third-party engineering review, and such other information as it deemed appropriate; and

WHEREAS, the Planning Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination;

NOW, THEREFORE, BE IT RESOLVED by the Town of Castile Planning Board as follows:

1. Based upon a thorough review and examination of the known facts relating to the Project and its careful review of all potentially adverse environmental impacts, and the entire record and proceedings relating to the Project, the Planning Board finds that the Project will not have a significant adverse impact on the environment and that a draft environmental impact statement will not be prepared.
2. The attached negative declaration, incorporated herein by reference, is issued and adopted for the reasons stated in the attached negative declaration.
3. Notice of the Negative Declaration shall be published in the Environmental Notice Bulletin.
4. This Resolution shall take effect immediately.

Passed by the Town of Castile Planning Board on the 4th day of May, 2021.

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

Lead Agency: Town of Castile Planning Board

Date: May 4, 2021

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

The Town of Castile Planning Board (the "Board"), as lead agency, has reviewed the proposed action and determined that the proposed action will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: SunEast Highview Solar

Location of Action:

Off of Middle Reservation Road and Hathaway Road in the Town of Castile, Wyoming County, New York 14094, tax map parcels 112.00-1-27, 112.00-1-28.1, 112.00-1-35, and 112.00-1-56.

SEOR Status: Type I

Description of Action:

SunEast Highview Solar is a proposed solar energy facility that will generate up to 20 megawatts (MW) of renewable energy in the Town of Castile, New York. The proposed project is located on four undeveloped parcels off of Middle Reservation Road and Hathaway Road in the Town of Castile.¹ A solar field of photovoltaic (PV) panels producing direct-current (DC) electricity will be mounted on either fixed-tilt racking structures (oriented to the south) or single-axis-tracking structures that will follow the sun throughout the day. The panels will have a small footprint, typically consisting of small I-beam posts driven into the ground. Electrical interconnection cables will be mounted on the underside of the racking structures, and will aggregate the output from the PV panels and convert the electricity from DC to alternating current (AC) via inverters. A substation or switching station will connect the facility to the designated point of interconnection (POI), the design of which will be determined by New York State Electric & Gas Corporation's (NYSEG) requirements. The project will also include internal infrastructure including access roads, fencing, a transformer, inverters, a substation area, and temporary laydown yards for equipment storage during construction. The project footprint will be approximately 234 acres, of which approximately 84 acres will be physically disturbed. The

¹ There is a residence with two associated buildings in one of the parcels.

applicant indicates this site was selected based on available land use guidance, landowner interest, interconnection suitability, minimal environmental impact, and an optimal solar resource.

Reasons Supporting this Determination:

Potential environmental impacts associated with the action were identified in the Full Environmental Assessment Form to assess potential adverse environmental impacts compared to the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below in the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the action will not have a significant adverse impact on the environment.

(i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;

a. Traffic Impacts.

The Project will not have a significant adverse impact upon traffic or transportation. It may result in a temporary increase in traffic, during the construction period only, that will not be significantly adverse.

b. Noise Impacts.

The Project will not have a significant adverse impact upon noise. It will result in a temporary increase in noise during the construction period that will be limited to daylight hours. There will be minimal noise produced by inverters during operation and is also only generated during daylight hours of energy production.

c. Air Quality Impacts.

The Project will not have a significant adverse impact upon air quality.

d. Wetland Impacts.

The Project will not have a significant adverse impact upon wetlands.

e. Erosion, Flooding, and Drainage Impacts.

The Project will not have a significant adverse erosion, flooding, or drainage impacts. The Project may cause soil erosion, or otherwise create a source of stormwater discharge, but the Project must comply with substantive requirements for stormwater runoff and erosion control. Runoff and erosion control shall be managed in a manner consistent with all applicable state and federal laws and regulations, including compliance with the Clean Water Act and the requirement to obtain applicable permits for stormwater discharges from construction activities and develop an acceptable Stormwater Pollution Prevention Plan ("SWPPP").

f. Solid Waste Production.

The Project will not have a significant adverse impact upon solid waste production.

g. Ground and Surface Water Quality.

The Project will not have a significant adverse impact upon ground or surface water. Any potential impacts from possible erosion will be managed and minimized as stated above.

(ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;

The Project may require removal of invasive vegetation and limited numbers of existing trees during construction. The Project is required, however, to include vegetative screening surrounding the Project, which involves planting of a native mix of taller grasses, flowers, shrubs, and taller trees and/or ornamental shrubs; therefore the initial limited removal is not a significant adverse impact. Significant adverse impacts to wildlife or habitat, threatened or otherwise, and other natural resources are not anticipated.

(iii) the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;

The Project area is not within or adjacent to a *Critical Environmental Area* as designated pursuant to 6 NYCRR § 617.14(g). No significant adverse impacts to this criterion are expected.

(iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;

The Project is consistent with the current plans and goals as stated in both the Town's Comprehensive Plan ("Town Plan") and the Wyoming County Agricultural Development and Farmland Protection Plan ("County Plan"), which state in relevant part:

- "Solar Power. The use of solar power for generating "clean" electricity has been a topic of discussion as of late with the State looking to increase its solar power generation in the near future. With incentives and various pricing/installation options available, the attractiveness of this resource increases. ... Larger, commercial systems, often called "solar farms", that are multi-panel arrays constructed as stand-alone or accessory uses to provide service to community, utility, or government buildings are important to review in the context of the prevailing laws and regulations of Castile. Environmental impacts should be minimized and sufficient public benefit be demonstrated through the review process to achieve a consensus support. Any such systems will need to be supported with consultative

financial, legal, engineering, and environmental expertise as the Castile approval process determines.” (Town Plan, p. 39-40)

- “Recommendation 3: Assist farmers in identifying and developing new market opportunities for agricultural products, farm by-products and compatible rural businesses...Actions Needed ... 2. Encourage the continued development of renewable energy and bio-fuel production.” (County Plan, p. 51).

The Project was developed with the recognition that there is a need in the Town to develop renewable energy as a way to bolster the agricultural community. This Project was carefully analyzed and tailored to the Town’s financial, legal, engineering, and environmental standards by a team of consulting professionals. There are no material conflicts with the County or Town Plans presented by this Project.

(v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;

The Project, or a portion of it, is located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office archaeological site inventory. The Project is also 1.5 miles away from Letchworth State Park. The Project has been sited to avoid all contact with, and will not impair the character or quality of, important historical, archeological, architectural, or aesthetic resources. The Project is also sited, designed, and adequately screened such that there are no significant adverse impacts to existing community and neighborhood character.

(vi) a major change in the use of either the quantity or type of energy;

There will be no significant adverse energy impacts from the Project. On the contrary, the Project will provide a benefit by generating clean energy.

(vii) the creation of a hazard to human health;

The Project does not create a hazard to human health. All Project components will be within a secure, fenced and/or locked area with all appropriate safety measures required by the National Electric Code or other applicable law or regulation.

(viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

The Project represents a temporary change in the use of land from current use but does not create significant negative impacts. The area is not used for recreational use. The area is agricultural in nature at present and will be returned to such use after decommissioning.

(ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;

The Project will have no such impacts.

(x) the creation of a material demand for other actions that would result in one of the above consequences;

The Project will have no such impacts.

(xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or

The Project will have no such impacts.

(xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

The Project will have no such impacts.

For Further Information:

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EXHIBIT B

PILOT Schedule

PILOT Payments shall be calculated as follows:

With respect to the general levy real property taxes, on the underlying real property and any pre-Project improvements thereon, said general levy real property taxes shall continue to be paid by the fee/title owner of the Premises to each respective taxing jurisdiction as and when due.

With respect to the assessed value added by the Project, the PILOT Agreement between the Agency and the Company will provide for payments by the Company of \$1,000.00 per megawatt (MW) AC installed capacity, subject to an annual increase of 2.0%. The PILOT Agreement will have a term of twenty (20) years.

In accordance with Section 858(15) of the General Municipal Law, PILOT payments shall be allocated among the affected tax jurisdictions in proportion to the amount of real property tax and other taxes which would have been received by each affected tax jurisdiction had the Project not been tax exempt due to the status of the agency involved in the project.