



County of Chautauqua Industrial Development Agency

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**RESOLUTION NUMBER 11-19-24-01  
OF THE MEMBERS OF  
COUNTY OF CHAUTAUQUA  
INDUSTRIAL DEVELOPMENT AGENCY  
TO APPROVE AN AL TECH /EDA/CRLF LOAN TO ARTONE, LLC  
November 19, 2024**

**Resolution authorizing AL Tech Loan Funding, EDA Cares Act Funding, or CRLF Funding to Artone, LLC in the amount of \$240,000.00. The funds will be used to purchase equipment.**

**WHEREAS**, the County of Chautauqua Industrial Development Agency (“CCIDA”) has been presented with an AL Tech, EDA Cares Act, or CRLF Revolving Loan Fund application from Artone, LLC (the “Company”) to assist in the purchase of equipment. The loan request is in the amount of \$240,000.00. The loan term is 6 years (“Term”) at 4.00% interest (the “Loan”) with principal and interest payments made monthly, and

**WHEREAS**, the loan shall be secured by (i) a subordinate lien position on all business assets including, but not limited to, furniture, fixtures, machinery, equipment (including new, and future equipment purchases), inventory, and accounts receivable (ii) Unconditional Corporate Guarantee of Artone Holdings, LLC , and

**WHEREAS**, Personal Guarantees will be waived, and

**WHEREAS**, Life Insurance Assignments will be waived, and

**WHEREAS**, the Company shall maintain fire and hazard insurance on all company assets, with CCIDA listed as assignee and loss payee in an amount equal to the outstanding indebtedness to CCIDA at all times over the course of the loan, and appraisals for the property must be received prior to the loan closing, and

**WHEREAS**, commitment and financing documents of other lenders are to be satisfactory to the CCIDA, and

**NOW THEREFORE, BE IT RESOLVED**, that the Administrative Director, Chairman, or any officer of CCIDA, are hereby authorized by the Members to sign any and all documents and other instruments necessary in order to effectuate the above.

By \_\_\_\_\_  
Chairman

Date \_\_\_\_\_

**Wells Enterprises, Inc. (2024 SEQRA) -  
SEQRA Resolution**

A regular meeting of the County of Chautauqua Industrial Development Agency (the "Agency") was convened in public session on November 19, 2024, at 10:30 A.M., local time, at the offices of the Agency located at 201 West 3rd Street, Jamestown, County of Chautauqua, New York (the "IDA Office").

The meeting was called to order by the \_\_\_\_\_ and, upon roll being called, the following members of the Agency were:

PRESENT:

Gary Henry	Chairman
Bradley Walters	Vice Chairman
Sagan Sheffield-Smith	Treasurer
Daniel Heitzenrater	Secretary
Amy Harding	Member
Daniel DeMarte	Member
Tom Harmon	Member
Kevin Muldowney	Member

NOT PRESENT:

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Mark Geise	Administrative Director/CEO
Richard E. Dixon	Chief Financial Officer
Milan K. Tyler, Esq.	Counsel
Gregory L. Peterson, Esq.	Counsel

The attached resolution no. 11-19-24-02 was offered by \_\_\_\_\_, seconded by \_\_\_\_\_:

RESOLUTION OF THE COUNTY OF CHAUTAUQUA INDUSTRIAL DEVELOPMENT  
AGENCY PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT  
ISSUING A NEGATIVE DECLARATION FOR A CERTAIN PROJECT FOR  
WELLS ENTERPRISES, INC. AND/OR ITS AFFILIATES.

**Project Name:** Wells Enterprises, Inc. Reconstruction

**Location:** 1 Ice Cream Dr, City of Dunkirk, NY 14048

**SEQRA Status:** Type I

**Determination  
of Significance:** Negative Declaration

WHEREAS, the County of Chautauqua Industrial Development Agency (the “**Agency**”) is authorized and empowered by the provisions of Chapter 1030 of the Laws of 1969 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 71 of the 1972 Laws of New York, as amended, constituting Section 895-e 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, renovating, improving, maintaining, equipping and furnishing of commercial 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, Wells Enterprises, Inc. (including an entity to be formed for the purposes described herein, collectively, the “**Applicant**”), presented an application for financial assistance (the “**Application**”) to the Agency, which Application requested that the Agency consider undertaking a project (the “**Project**”) consisting of the following: (A)(1) the retention of an interest in approximately 23 parcels of land aggregating approximately 18.3 acres located at 1 Ice Cream Drive, City of Dunkirk, County of Chautauqua, New York (the “**Land**”), (2) the construction of an

approximately 133,000 square foot addition (the “**Addition**”) to the existing approximately 217,500 square foot building located on the Land (the “**Existing Building**”) and together with the Addition, collectively, the “**Building**”) and together with the Land, collectively, the “**Facility**”), together with related improvements to the Land, and (3) the acquisition of certain furniture, fixtures, machinery and equipment (the “**Equipment**”) necessary for the completion of the Addition (collectively, the “**Project Facility**”), all of the foregoing for use by the Applicant and/or its affiliates as a manufacturing facility; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the General Municipal Law) with respect to the Addition in the form of potential exemptions or partial exemptions from real property taxes and sales and use taxes (collectively, the “**Financial Assistance**”); and (C) the lease (with an obligation to purchase), license or sale of the Project Facility to the Applicant or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency; and

WHEREAS, pursuant to Article 8 of the New York 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 (“**NYSDEC**”), being 6 NYCRR Part 617, et. seq., as amended (the “**Regulations**”) and collectively with the SEQR Act, “**SEQRA**”), the Agency must satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Project; and

WHEREAS on August 25, 2023, the Agency circulated a notice of intent to establish itself as lead agency to all potentially Interested and Involved Agencies (“**Notice**”) pursuant to SEQRA with respect to a previously reviewed and approved iteration of the Project (“**Prior Project**”); and

WHEREAS, no interested or involved agency objected within 30 days to the establishment of the Agency as lead agency and thus, the Agency was properly established as the lead agency for the Prior Project; and

WHEREAS, on December 19, 2023, after review of all relevant environmental information, the Agency issued a Negative Declaration for the Prior Project pursuant to SEQRA, determining the Prior Project would not have any significant adverse environmental impacts (“**2023 Negative Declaration**”); and

WHEREAS, Applicant has submitted to the Agency an updated application for Financial Assistance (“**Updated Application**”) to incorporate an expansion of the Prior Project consisting of: (A) the addition of approximately 133,000 square feet of production space of its Project Facility, including the construction of a segregated compound facility (“**SCF**”) consisting of a vertical addition to the previously approved

Project; (B) additional employee parking in the southwest corner of the Project Facility (“**Parking Lot**”); (C) a 350,000 gallon water tank for fire suppression (“**Water Tank**”); (D) a salt tank; (E) relocated security gate together with such other minor improvements noted on the site plan for the Project (collectively, A to E, the “**Expansion**”); and

WHEREAS, to aid the Agency in evaluating the significance of potential environmental impacts associated with the Project, the Agency has completed, received and/or reviewed:

- 1) a full Environmental Assessment Form Part I prepared by the Applicant (“**EAF**”);
- 2) the New York State Department of Environmental Conservation (“**NYSDEC**”) Environmental Resource Mapper (“**ERM**”);
- 3) the NYSDEC DECinfo Locator (“**DEC Locator**”);
- 4) the NYSDEC Environmental Remediation Database (“**ERD**”);
- 5) the NYSDEC Oil & Gas Database (“**Wells Database**”);
- 6) an Air Facility Registration Certificate (“**Air Registration**”) issued by NYSDEC;
- 7) a Revised Site Plan for the Project Facility prepared by Metzger Civil Engineering, PLLC (“**Site Plan**”);
- 8) the New York State Office of Parks, Recreation, and Historic Preservation (“**OPRHP**”) Cultural Resource Information System (“**CRIS**”);
- 9) the 2023 Negative Declaration, together with all supporting documents referenced therein; and
- 10) other relevant environmental information (collectively, 1-9, together with all analysis and supporting documentation referenced therein or relied upon thereby, are incorporated by reference herein in their entirety and shall be referred to as the “**Environmental Information**”); and

WHEREAS, prior to making a recommendation about the potential environmental significance of the Project, the Agency has reviewed the Environmental Information, consulted various information sources, and considered the list of activities which are Type I Actions outlined in Section 617.4 of the SEQRA regulations, the list of activities that are Type II Actions outlined in Section 617.5 of the SEQRA regulations and the criteria for determining significance outlined in Section 617.7 of the SEQRA regulations; and

WHEREAS, a thorough analysis of the Environmental Information and potential environmental impacts associated with the Expansion reveals that the Expansion will not have any potentially significant adverse environmental impacts; and

WHEREAS, it is appropriate that the Agency issue a negative declaration pursuant to SEQRA for the Expansion.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE COUNTY OF CHAUTAUQUA INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

**Section 1.** Based upon a thorough review and examination of the Project, the Expansion, and the Environmental Information, and upon the Agency's knowledge of the area surrounding the Site and such further investigation of the Expansion and its environmental effects as the Agency has deemed appropriate, the Agency makes the following findings with respect to the Expansion:

- (A) The Expansion is a Type I Action because the Project involves the phased reconstruction of a building totaling over 100,000 square feet;
- (B) The Agency is the only remaining "Involved Agency" for purposes of SEQRA; and is therefore the Lead Agency for purposes of its review of the Expansion in accordance with SEQRA; and
- (C) No potentially significant adverse impacts on the environment are noted in the Environmental Information and none are known to the Agency.

**Section 2.** Based upon the Agency's review of the Environmental Information and investigations of the potential environmental impacts associated with the Expansion, considering both the magnitude and importance of each potential environmental impact indicated, and upon the Agency's knowledge of the Land and surrounding area and such further investigations of the Project, Expansion, and their environmental effects as the Agency has deemed appropriate, the Agency has determined that the Expansion will not have a significant adverse impact upon the environment. The reasons supporting this determination are as follows:

1. Impact on Land. The Expansion consists of the phased demolition and reconstruction of the Building on the Site located in the City of Dunkirk's M-1 Light Industrial District. The Site is previously developed with the existing Building, which totals approximately 234,000 square feet in size. Existing railroad tracks border the Site to the north and east, with residential uses located to the southwest and west of the Site. An existing substation servicing the Building is located to the east of the Site, while an existing wastewater pretreatment facility that services the Site is located to the North of the Building.

The 2023 Negative Declaration analyzed the reconstruction of the Building to approximately 202,000 square feet. The Expansion proposes to increase the Building size an additional 133,000 square feet to total 355,000 square feet. In total, the Expansion will result in a 10% increase in development totaling 10.5

acres of the Site, which encompasses 16.1 acres in total. Therefore, the development of the Expansion will cover only approximately 65% of the Site, whereas the City of Dunkirk's bulk regulations governing the Light Industrial District allows for up to 80% lot coverage. In total, the Expansion will result in a decrease in impervious, non-vegetated area on the Site by approximately 1 acre to accommodate additional onsite parking, but will still result in an increase in greenspace on the Site of 4.6 acres.

As detailed in the Phasing Plan and EAF, the Building will be reconstructed in multiple phases in order to allow for continued operation out of the Building during reconstruction. The Expansion does not modify the proposed reconstruction plans of the Building except to add an additional story in some areas as depicted on the Site Plans. Construction hours are limited to daytime hours in order to avoid impacts to neighboring properties. This phased approach will limit overall disturbance of the Site at any one time. The Project as modified by the Expansion is consistent with the existing land use of the Site, and the use of the Building will not change. The zoning classification of the Site will not change as a result of the Project or Expansion, and the Expansion will not impact or deter existing or future adjacent land use. Accordingly, the Expansion will not create any potentially significant adverse impacts to land resources or land use.

2. Impact on Geological Features.

The Project does not contain, and is not adjacent to, any unique geologic features or National Natural Landmarks. The Expansion does not call for development or impacts to areas beyond those previously analyzed under the 2023 Negative Declaration. Accordingly, the Expansion is not anticipated to create any potentially significant adverse impacts to geological features.

3. Impact on Surface Water. The Site does not include any surface water resources, nor are any immediately adjacent to the Site. The nearest surface water resources are located to the southwest of the Site, across from Main Street and several adjacent structures as detailed in the ERM.

The Expansion will result in a 14% increase in impervious surfaces on the Site from the 2023 Negative Declaration but a net decrease from the conditions predating the 2023 Negative Declaration. Notwithstanding, the Project, as modified by the Expansion, still involves a significant reduction in the footprint of the Building by adding an additional story to the reconstructed Building rather than substantially increasing the footprint. Therefore, the Project, as modified by the Expansion, will result in a corresponding decrease in stormwater runoff at the Site as there will be a net decrease in impermeable

surfaces. The EAF confirms that stormwater runoff will flow into existing storm drainage facilities at the Site in accordance with NYSDEC regulations.

With respect to wastewater, the Building will continue to generate both sanitary wastewater from employees as well as process wastewater from the industrial activities at the Building. All industrial wastewater will be pretreated at the Facility's pretreatment wastewater plant prior to discharge to the City of Dunkirk's wastewater treatment plant. The City of Dunkirk's wastewater treatment plant already services the existing building and the EAF confirms that there exists sufficient treatment capacity to service the Project following the reconstruction of the Building. The Expansion will not increase the amount of liquid waste generated by the Project as previously analyzed under the 2023 Negative Declaration. Accordingly, the Project will not create any significant adverse impacts on water.

4. Impact on Groundwater. The Project, as modified by the Expansion, does not increase any risks to groundwater as it is limited to reconstruction of the Building on the Site. While the Project includes the bulk storage of petroleum as detailed in the EAF, the ERD notes that the Building already includes such bulk storage of petroleum. Further, the EAF notes that the bulk storage will be accomplished with appropriate containment measures in place. The Expansion proposes no modifications in this regard.

The Wells Database indicates that a plugged oil well is located on the northeastern corner of the Site, adjacent to the existing rail lines and in an undeveloped portion of the Site. As detailed in the Site Plans, the Project, as modified by the Expansion, does not include any development of that area of the Site, accordingly, no impacts to the existing well are anticipated. The Project, as modified by the Expansion, does not otherwise involve activities which would entail any risk to groundwater. Accordingly, the Expansion will not create any potentially significant adverse impacts to groundwater.

5. Impact on Flooding. The EAF states that the Project as modified by the Expansion is not located within either the 100-year or 500-year flood plain. Further, the Expansion results in approximately 4.6 acres of new greenspace on the Site. Accordingly, the Expansion is not anticipated to create any potentially significant adverse impacts to flooding.
6. Impact on Air. The Project, as modified by the Expansion, will not be a significant source of new air emissions. The Building is currently registered in accordance with 6 NYCRR Part 201-4 for an Air Facility Registration Certificate (Registration ID: 9-0634-00026/00008). The existing Building makes use of a



biogas flare which will also be utilized following reconstruction in order to safely and efficiently process methane gas associated with the anaerobic digester that aids in the disposal of Facility waste. The Project, as analyzed in the 2023 Negative Declaration, will have air emissions following reconstruction totaling 160.3 metric tons of methane per year. No further NYSDEC air permitting or registration will be required for the Expansion, beyond updating the existing Air Facility Registration Certificate. While heavy equipment will be utilized during construction, these impacts will be minor and temporary. The Facility will operate in accordance with all applicable laws and regulations. Accordingly, the Expansion is not anticipated to create any significant adverse impacts to air resources.

7. Impact on Plants and Animals. The ERM does not show, and the Agency is not aware of, the existence of any threatened or endangered species at the Site. Further, the Site has previously been developed and the Expansion does not propose or plan for the increase of any development on the Site which would result in the loss of any potential habitat for any species. Rather, the Project, as modified by the Expansion, will result in an increase in greenspace on the Site and a reduction in impervious surfaces. Accordingly, the Expansion is not anticipated to create any significant adverse impacts to plants, animals or natural communities, or wildlife habitat.
8. Impact on Agricultural Land Resources. The Project, as modified by the Expansion, is not within an existing Agricultural District, nor is the Site utilized for agricultural purposes as it has been previously developed, nor are agricultural lands adjacent to the Site. The Expansion does not entail the types of activities or operations that would be associated with any risk to adjacent agricultural lands. Furthermore, redevelopment of the Project Facility, being primarily focused on the manufacture of ice cream products, increases or maintains demand for agricultural resources, including local dairy products. Therefore, the Expansion will not create any significant adverse impacts to agricultural land resources.
9. Impact on Aesthetic Resources. The Site is previously developed as an industrial facility, and the Project is consistent with the nature and character of the existing use of the Site. The Project, as modified by the Expansion, will not significantly change or alter the look or size of the development on the Site, increasing the same by only 14% above the development analyzed under the 2023 Negative Declaration. Furthermore, the Expansion will maintain the character of the Project as reviewed under the 2023 Negative Declaration. The Expansion does involve a modest increase in height of the Building to 56', which is 16 feet higher than that analyzed under the 2023 Negative Declaration. While the underlying

zoning district allows for heights up to 30', an area variance for the Building was obtained in August 2023 and modified thereafter ("**Area Variance**") which permits the construction of the Building to its currently proposed height. As noted in the Area Variance, the Building is in need of reconstruction and already exceeded bulk regulations. The nearest aesthetic resource noted in the EAF (the Dunkirk Lighthouse) is located on the opposite side of the City of Dunkirk, with significant development existing between the Site and the Lighthouse itself. The modest increase in the height of the Building is not significant in light of the scale of the existing Building and the reductions in Building footprint proposed in connection with the Project. Accordingly, the Expansion is not anticipated to create any significant adverse impacts to aesthetic resources.

10. Impact on Historic and Archaeological Resources. CRIS confirms that the Site is not located in proximity to buildings or sites listed on the National or State Register of Historic Places, or that have been determined to be eligible for listing on the State Register of Historic Places. Further, CRIS confirms that the Site is not located in or adjacent to an area designated as sensitive for archaeological sites. In addition, the Expansion results in construction within the previously developed area of the Site, and the proposed use of the Site is consistent with the historical industrial use of the Site. Accordingly, the Expansion will not create any significant adverse impacts to historical or archaeological resources.
11. Impact on Open Space and Recreation. The Site does not comprise public open space or areas for recreation. Nevertheless, the Project as modified by the Expansion does result in a net increase of approximately 4.6 acres of greenspace on the Site. Accordingly, the Expansion will not have any adverse impacts to open space or recreational resources.
12. Impact on Critical Environmental Areas. The Site is not located in or substantially contiguous to any Critical Environmental Areas. As such, the Expansion will not create any significant adverse impacts to Critical Environmental Areas.
13. Impact on Transportation. The 2023 Negative Declaration analyzed impacts on transportation from the Project's proposed addition of parking spaces to accommodate an additional 250 employees facilitated by the reconstruction of the Building. The 2023 Negative Declaration determined there would be no significant impacts on transportation because the Project proposed adequate parking for all employees, and shift timing would be distributed to reduce impacts appropriately. The Expansion provides for additional onsite parking spaces which will relieve parking pressures on the neighboring community, and the EAF states that there will be no significant increase in vehicle traffic to and

from the Site as a result of the Expansion. As such, the Expansion is not anticipated to create any significant adverse impacts to transportation.

14. Impact on Energy. The Expansion will not increase energy demand for the Project above that analyzed under the 2023 Negative Declaration. As detailed in the EAF, the Building will be serviced by the local utility provider through the existing power grid, without the need for an upgrade to the existing adjacent substation servicing the Building. As such, the Expansion will not create any significant adverse impacts to energy resources.
15. Impact on Noise, Odor and Light. The Expansion does not call for an increase in ambient noise levels or create new odors or excessive lighting above the levels analyzed under the 2023 Negative Declaration. The current use of the Site as an industrial facility will be maintained under the Expansion. While the onsite pretreatment plant may result in some onsite odors as noted in the EAF and the 2023 Negative Declaration; the Project, as modified by the Expansion, does not include any change in processes which would result in increased odors. While temporary noise impacts associated with construction are anticipated, such impacts will be minor and confined to daytime hours as detailed in the EAF. Accordingly, the Expansion is not anticipated to create any significant adverse impacts to noise, odors or light.
16. Impact on Public Health. The Project, as modified by the Expansion, will not increase activities or operations that are associated with a significant potential for affecting public health, such as storing large amounts of hazardous or toxic materials. As detailed in the EAF, solid waste produced during construction and operation of the Building will be disposed of by a local waste hauler. The ERD notes that a contaminated site (the former Niagara Motors site, E907025) is located to the north of the Facility. As detailed in the ERD, the primary contaminants of concern include semi-volatile organic compounds (SVOCs) and metals, primarily in the upper two feet of cover soils. The ERD further notes that groundwater flows from the Niagara Motors site to the north, away from the Facility. In addition, groundwater in the vicinity of the Facility is not utilized as a source of drinking water - accordingly, exposure via ingestion of groundwater is not anticipated. Accordingly, the Expansion is not anticipated to create any significant adverse impact to public health.
17. Impact on Character of the Community, and Community Plans. The Project, as modified by the Expansion, will not result in significant population growth, and is consistent with the character of the existing industrial area in which it is located. The Facility has served, and will continue to serve, as a major industrial employer in the City of Dunkirk. The Project, as modified by the Expansion, will

make use of an existing industrial site adjacent to local railroad lines, in the City's Light Industrial District. Accordingly, the Expansion will not create any significant adverse impacts to the character of the community or community plans.

**Section 3.** Since the Expansion will not have a significant adverse impact on the environment, a negative declaration ("**Negative Declaration**") pursuant to SEQRA is hereby issued. This Negative Declaration has been prepared pursuant to and in accordance with the requirements of SEQRA.

**Section 4.** The Chairman and Administrative Director of the Agency are hereby authorized and directed to distribute copies of this Resolution to the Applicant and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

**Section 5.** This Resolution, which was adopted by a majority vote of the Agency, shall serve as the Negative Declaration (as defined in 6 NYCRR 617.2(z)) for the Expansion, and is issued by the Agency, pursuant to and in accordance with, shall take effect immediately.

**Section 6.** For further information on this Determination of Significance/Negative Declaration contact:

County of Chautauqua Industrial Development Agency  
201 West 3rd Street, Suite 115  
Jamestown, New York 14701-6902  
ATTN: Mark Geise, Administrative Director/CEO  
Phone: 716-661-8900  
Fax: 716-664-4515

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

Gary Henry	VOTING
Bradley Walters	VOTING
Sagan Sheffield-Smith	VOTING
Dan Heitzenrater	VOTING
Amy Harding	VOTING
Kevin Muldowney	VOTING
Daniel DeMarte	VOTING
Tom Harmon	VOTING

The foregoing resolution was thereupon declared duly \_\_\_\_\_.



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

WE, the undersigned officers of the County of Chautauqua Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on November 19, 2024 with the original thereof on file in our offices, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

WE 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"), said meeting was open to the general public at both locations at which members of the Agency were present, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; (D) there was a quorum of the members of the Agency present throughout said meeting; and (E) the meeting was recorded and the recording has been or will be posted on the public website of the Agency pursuant to the Open Meetings Law.

WE 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, we have hereunto set our hand this 19<sup>th</sup> day of November 19, 2024.

\_\_\_\_\_  
[Assistant] Secretary

\_\_\_\_\_  
[Vice] Chairperson

**Wells Enterprises, Inc. (2024 Expansion) -  
Authorizing Resolution**

A regular meeting of the County of Chautauqua Industrial Development Agency (the “Agency”) was convened in public session on November 19, 2024, at 10:30 A.M., local time, at the offices of the Agency located at 201 West 3rd Street, Jamestown, County of Chautauqua, New York (the “IDA Office”).

The meeting was called to order by the \_\_\_\_\_ and, upon roll being called, the following members of the Agency were:

PRESENT:

Gary Henry	Chairman
Bradley Walters	Vice Chairman
Sagan Sheffield-Smith	Treasurer
Daniel Heitzenrater	Secretary
Amy Harding	Member
Daniel DeMarte	Member
Tom Harmon	Member
Kevin Muldowney	Member

NOT PRESENT:

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Mark Geise	Administrative Director/CEO
Richard E. Dixon	Chief Financial Officer
Milan K. Tyler, Esq.	Counsel
Gregory L. Peterson, Esq.	Counsel

The attached resolution no. 11-19-24-03 was offered by \_\_\_\_\_, seconded by \_\_\_\_\_:

Resolution No. 11-19-24-03

RESOLUTION TAKING OFFICIAL ACTION TOWARD AND APPROVING THE  
STRAIGHT LEASE DOCUMENTS FOR A CERTAIN PROJECT FOR  
WELLS ENTERPRISES, INC. AND/OR ITS AFFILIATES

WHEREAS, the County of Chautauqua Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the Laws of 1969 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 71 of the 1972 Laws of New York, as amended, constituting Section 895-h 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 industrial, manufacturing, warehousing, commercial, research and recreation 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, Wells Enterprises, Inc. (including an entity to be formed for the purposes described herein, collectively, the “Applicant”), presented an application for financial assistance (the “Application”) to the Agency, which Application requested that the Agency consider undertaking a project (the “Project”) consisting of the following: (A)(1) the retention of an interest in approximately 23 parcels of land aggregating approximately 18.3 acres located at 1 Ice Cream Drive, City of Dunkirk, County of Chautauqua, New York (the “Land”), (2) the construction of an approximately 133,000 square foot addition (the “Addition”) to the existing approximately 217,500 square foot building located on the Land (the “Existing Building” and together with the Addition, collectively, the “Building” and together with the Land, collectively, the “Facility”), together with related improvements to the Land, and (3) the acquisition of certain furniture, fixtures, machinery and equipment (the “Equipment”) necessary for the completion of the Addition (collectively, the “Project Facility”), all of the foregoing for use by the Applicant and/or its affiliates as a manufacturing facility; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the General Municipal Law) with respect to the Addition in the form of potential exemptions or partial exemptions from real property taxes and sales and use taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase), license or sale of the Project Facility to the Applicant or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency; and



WHEREAS, in accordance with Section 859-a of the Act, any approval of the Project is contingent upon, inter alia, a determination by the members of the Agency to proceed with the Project following a determination by the Agency that (A) the public hearing and notice requirements and other procedural requirements contained in the Act relating to the Project have been satisfied; and (B) the undertaking of the Project by the Agency and the granting of the Financial Assistance are and will be in compliance with all other applicable requirements of the Act, SEQRA (as hereinafter defined), and all other statutes, codes, laws, rules and regulations of any governmental authority having jurisdiction over the Project and/or the Project Facility (collectively, the “Applicable Laws”); and

WHEREAS, the Administrative Director/CEO of the Agency (A) caused notice of a public hearing of the Agency pursuant to Section 859-a of the Act (the “Public Hearing”) to hear all persons interested in the Project and the Financial Assistance contemplated by the Agency with respect to the Project, to be mailed on October 28, 2024 to the chief executive officer of the County of Chautauqua (the “County”) and of each other affected tax jurisdiction within which the Project Facility is or is to be located, and posted a copy of the Application on the Agency’s website; (B) caused notice of the Public Hearing to be published on October 29, 2024 in *The Observer*, a newspaper of general circulation available to residents of the County; (C) caused the Public Hearing to be conducted on November 12, 2024, at 9:30 a.m., local time, at SUNY Fredonia Center for Innovation & Economic Development, City of Dunkirk, County of Chautauqua, New York; (D) caused the Public Hearing to be streamed on the Agency’s website in real-time and a recording of the Public Hearing to be posted on the Agency’s website, all in accordance with Section 857 of the Act, as amended; and (E) caused a written report of the Public Hearing to be prepared which fairly summarizes the views presented at the Public Hearing and collected written comments from the public (collectively, the “Report”) and distributed the Report 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 adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (the “Regulations” and collectively with the SEQR Act, “SEQRA”), the Agency must satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Project; and

WHEREAS, the appropriate personnel of the Agency reviewed the environmental assessment form and other materials submitted by the Applicant and made any necessary comments to the members of the Agency, and by resolution of the members of the Agency adopted on September 27, 2022, the Agency determined that the Project will not result in any significant adverse environmental impacts and issued a “Negative Declaration” pursuant to SEQRA; and

WHEREAS, the Financial Assistance will not, if granted, represent a deviation from the Agency's uniform tax exemption policy and guidelines (the "Tax Exemption Policy") with respect to the making of payments in lieu of real property taxes; and

WHEREAS, the Agency now desires to make its determination to proceed with the Project and to grant the Financial Assistance, subject to the terms hereof; and

WHEREAS, the Applicant and/or one (1) or more of its affiliates will (A) execute and deliver a certain Company Lease Agreement or an amendment to an existing company lease agreement (the "Company Lease"), pursuant to which the Applicant and/or such affiliate(s) will grant to the Agency a leasehold interest in the Project Facility; (B) execute and deliver a certain Agency Lease Agreement (Uniform Project Agreement) or an amendment to an existing agency lease agreement (the "Agency Lease"), pursuant to which the Agency will grant to the Applicant and/or such affiliate(s) a subleasehold interest in the Project Facility; (C) execute and deliver a certain Payment in Lieu of Taxes Agreement (the "PILOT Agreement"), pursuant to which the Agency would grant an exemption from real property taxes with respect to the Addition; and (D) execute and deliver certain other certificates, documents, instruments and agreements related to the Project (together with the Company Lease, the Agency Lease and the PILOT Agreement, collectively, the "Transaction Documents");

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

Section 1. In accordance with Section 859-a of the Act, the Agency has prepared a written cost-benefit analysis with respect to the Project and the granting of the Financial Assistance (the "Analysis"). The Agency has reviewed the Application, the Report and the Analysis, and, based upon the representations made by the Applicant to the Agency and information obtained by the Agency, the Agency has reviewed and assessed all material information necessary to afford a reasonable basis for the Agency to make a determination to approve the Financial Assistance. In addition, the Agency hereby makes the following findings and determinations with respect to the Project:

(a) based on the proposed use of the Project Facility as set forth in the Application, the economic effects of the Project on the area in which it is situated, and the employment reasonably expected to be created and/or maintained by the Project, and an analysis of how the Project contributes to the realization of the public purposes of promoting employment opportunities in the County and the prevention of economic deterioration in the County, the Project will constitute a commercial facility with a significant impact on the area in which it is situated, and will advance the Agency's purposes by promoting employment opportunities and preventing economic deterioration in the County. Therefore, the Project constitutes a "project" within the meaning of the Act;

(b) the granting by the Agency of the Financial Assistance with respect to the Project will be an inducement to the Applicant to undertake the Project in the County;

(c) there is a likelihood that the Project would not be undertaken but for the granting of the Financial Assistance by the Agency to the Applicant;

(d) the completion of the Project Facility, the sublease thereof by the Agency to the Applicant and the operation thereof by the Applicant will not result in the removal of a facility or plant of the Applicant or any other occupant or user of the Project Facility from one area of the State of New York (the "State") to another area of the State or in the abandonment of one or more plants or facilities of the Applicant or any other occupant or user located within the State (but outside of the County). Therefore, the provisions of subdivision (1) of Section 862 of the Act are not and will not be violated as a result of the granting of the Financial Assistance by the Agency to the Applicant;

(e) the Project will serve the public purposes of the Act by preserving permanent, private sector jobs, and increasing the overall number of permanent, private sector jobs in the State;

(f) no funds of the Agency shall be used in connection with the Project for the purpose of preventing the establishment of an industrial or manufacturing plant, nor shall any funds of the Agency be given in connection with the Project to any group or organization which is attempting to prevent the establishment of an industrial or manufacturing plant within the State, nor shall any funds of the Agency be used for advertising or promotional materials which depict elected or appointed government officials in either print or electronic media;

(g) the Project Facility does not and will 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. For purposes of this finding, retail sales shall mean: (i) sales by a registered vendor under Article 28 of the New York Tax Law primarily engaged in the retail sale of tangible personal property, as defined in subparagraph (i) of paragraph four of subdivision (b) of section 1101 of the New York Tax Law; or (ii) sales of a service to such customers;

(h) the granting of the Financial Assistance by the Agency with respect to the Project will encourage and assist the Applicant in undertaking the Project in the County, will promote the job opportunities, health, general prosperity and economic welfare of the inhabitants of the County and the State and improve their standard of living, and thereby serve the public purposes of the Act; and

(i) the Project will not result in the removal or abandonment of a plant or facility of the Applicant or any other occupant or user of the Project Facility, currently located within the County.

Section 2. The Agency hereby ratifies, confirms and approves all actions heretofore taken by the Administrative Director/CEO, the Chief Financial Officer and the staff of the Agency with respect to the Application, the Analysis and the Public Hearing, including, without limitation, (a) those actions required to ensure full compliance with the requirements of the Act, SEQRA and all other Applicable Laws that relate to the Project, and (b) the appointment of the law firm of Phillips Lytle LLP as Counsel to the Agency with respect to all matters in connection with the Project.

Section 3. The Agency hereby determines that the Agency has fully complied with the requirements of the Act, SEQRA and all other Applicable Laws that relate to the Project.

Section 4. Having considered fully all comments received at or in connection with the Public Hearing, including correspondence received subsequent to the Public Hearing, the Agency hereby further determines to proceed with the Project and the granting of the Financial Assistance, subject to the terms hereof. The Agency hereby approves the granting of (i) an exemption from sales and use taxes in the maximum amount of \$6,040,000, and (ii) an exemption from real property taxes having an estimated value of \$5,576,711.

Section 5. The Agency recognizes that due to the complexities of the proposed transaction it may become necessary that certain of the terms approved hereby may require modifications from time to time which will not affect the intent and substance of the authorizations and approvals by the Agency herein. The Agency hereby authorizes the Chairman, Vice Chairman, Administrative Director/CEO and Chief Financial Officer of the Agency, acting individually or jointly, to approve modifications to the terms approved hereby which do not affect the intent and substance of this Resolution, but may include adjustments to the Financial Assistance granted hereunder. The approval of such modifications shall be evidenced by the certificate of determination of an Agency officer or the execution and delivery by some or all such Agency officers of relevant documents containing such modified terms.

Section 6. The Agency is hereby authorized to (a) acquire an interest in the Project Facility pursuant to the Company Lease and the other Transaction Documents, (b) grant a subleasehold interest in the Project Facility pursuant to the Agency Lease and the other Transaction Documents, (c) grant the Financial Assistance, and (d) do all things necessary, convenient or appropriate for the accomplishment thereof. All acts heretofore taken by the Agency with respect to the foregoing are hereby approved, ratified and confirmed.

Section 7. The form and substance of the Transaction Documents, in the forms presented to the members of the Agency, together with such changes as the Chairman, Vice Chairman, Administrative Director/CEO or Chief Financial Officer may hereafter deem

necessary or appropriate, are hereby approved. The Chairman, Vice Chairman, Administrative Director/CEO and Chief Financial Officer are hereby authorized, on behalf of the Agency, acting together or individually, to execute and deliver the Transaction Documents to which the Agency is a party 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. The execution and delivery of each such agreement, approval and consent by such person(s) shall be conclusive evidence of such approval.

Section 8. The Chairman, Vice Chairman, Administrative Director/CEO and Chief Financial Officer of the Agency are hereby further authorized, on behalf of the Agency, acting together or individually, to designate any additional Authorized Representatives (as defined in the Agency Lease) of the Agency.

Section 9. The officers, employees and agents of the Agency are hereby authorized and directed, acting individually or jointly, 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 Transaction Documents, to execute and deliver all such additional certificates, instruments, agreements 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, convenient or appropriate to effect the purposes of this Resolution and to cause compliance with all of the terms, covenants and provisions of the Transaction Documents to which the Agency is a party or which are binding on the Agency.

Section 10. The Chairman, the Vice Chairman, the Administrative Director/CEO and the Chief Financial Officer of the Agency are hereby authorized and directed to distribute copies of this Resolution to the Applicant and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 11. The members of the Agency acknowledge the terms and conditions of Section 875(3) of the Act and the duties and obligations of the Agency thereunder with respect to granting of State Sales and Use Taxes (as such term is defined in Section 875 of the Act) with respect to the Project. The members hereby direct the officers of the Agency to comply with such terms and conditions with respect to the Project and hereby direct Counsel to the Agency to include such terms and conditions in all relevant Transaction Documents.

Section 12. 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:

Gary Henry	VOTING
Bradley Walters	VOTING
Sagan Sheffield-Smith	VOTING
Dan Heitzenrater	VOTING
Kevin Muldowney	VOTING
Amy Harding	VOTING
Daniel DeMarte	VOTING
Tom Harmon	VOTING

The foregoing resolution was thereupon declared duly \_\_\_\_\_.

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

WE, the undersigned officers of the County of Chautauqua Industrial Development Agency (the “Agency”), DO HEREBY CERTIFY that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on November 19, 2024 with the original thereof on file in our offices, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

WE 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”), said meeting was open to the general public at both locations at which members of the Agency were present, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; (D) there was a quorum of the members of the Agency present throughout said meeting; and (E) the meeting was recorded and the recording has been or will be posted on the public website of the Agency pursuant to the Open Meetings Law.

WE 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, we have hereunto set our hand this 19<sup>th</sup> day of November, 2024.

\_\_\_\_\_  
[Assistant] Secretary

\_\_\_\_\_  
[Vice] Chairperson



**APPLICATION FOR FINANCIAL ASSISTANCE**

Please respond to all questions in this Application for Financial Assistance (the "Application") by, as appropriate: filling in blanks; checking the applicable term(s); attaching additional text (with appropriate notations, such as "see Schedule 2(A), etc.); or writing "N.A.", signifying "not applicable".

The following amounts are payable to the County of Chautauqua Industrial Development Agency (the "Agency") at the time this Application is submitted to the Agency: (i) a \$1,000 non-refundable application fee (the "Application Fee"); and (ii) a \$1,000 expense deposit for the Agency's Transaction/Bond Counsel fees and expenses (the "Counsel Fee Deposit"). The Application Fee will not be credited against any other fees or expenses which are or become payable to the Agency in connection with this Application or the project contemplated herein (the "Project"). In the event that the subject transaction does not close for any reason, the Agency may use all or any part of the Counsel Fee Deposit, to defray the cost of Transaction/Bond Counsel fees and expenses with respect to the Project. In the event that the subject transaction closes, the Counsel Fee Deposit shall be credited against the applicable expenses incurred by the Agency with respect to the Project.

- Please contact the CCIDA Main Office @ (716) 661-8900 with any questions relative to the application content and/or process.

**PART I: APPLICANT**

**Name:** Wells Enterprises, Inc.  
**Address:** \_\_\_\_\_  
1 Blue Bunny Drive, Le Mars, IA  
**Phone:** 712 - 456-4000  
**NY State Dept. of Labor Reg #:** \_\_\_\_\_  
**Federal Employer ID #:** 42-1080796  
**NAICS Code #:** 311520  
**NAICS Sector:** Ice Cream and Frozen Dessert Manufacturing  
**NAICS Industry:** Ice Cream and Frozen Dessert Manufacturing  
**Website:** https://wellsenterprisesinc.com

**Nature of business (goods to be sold, manufactured, assembled or processed, services rendered):**  
Frozen Food Products

**Contact Name:** Dick Kennedy  
**Title:** SVP  
**Phone Number:** 712 546 4000  
**E-Mail:** rpkenedy@bluebunny.com

- Business Type:**
- Sole Proprietorship
  - General Partnership
  - Limited Partnership
  - Limited Liability Company
  - Privately Held Corporation**
  - Publicly Held Corporation
  - Not-for-Profit Corporation

**State/Year of Incorporation/Organization:** Iowa 1977  
**Qualified to do Business in New York (Yes or No):** Yes

**Owners of 20% or more of Applicant:**

**Name**                      **%**  
Ferrero SPA 100%

**PART II: PROJECT**

**Address of proposed project facility:** 1 Ice Cream Dr, Dunkirk, NY 14048

**Tax Map Parcel Number(s):** 96.07-2-30, 96.07-4-20 and 96.07-4-18  
**City/Town/Village(s):** Dunkirk  
**School District(s):** Dunkirk  
**Current Legal Owner:** Wells Enterprises, Inc.  
**Contract to purchase (Yes or No):** No  
**Date of purchase:** N/A  
**Purchase price:** \$ N/A

**Present use of the Project site:** Manufacturing Facility

**What are current real estate taxes on the Project site?**

**County/Town:** \$ 6,638.74  
**City/Village:** \$ 99,517.39  
**School:** \$ 96,827.07

**Are tax cert. proceedings currently pending with respect to the Project real property?**  
**YES**                       **NO**

**Proposed User(s)/Tenant(s) of the Facility**  
 (Complete for each User/Tenant for additional User/Tenants of the Company, use space at the end of this section)

**Company Name:** Same as above  
**Address:** \_\_\_\_\_  
**City/State/Zip:** \_\_\_\_\_  
**Tax ID No.:** \_\_\_\_\_  
**Contact Name:** \_\_\_\_\_  
**Title:** \_\_\_\_\_  
**Phone Number:** \_\_\_\_\_  
**E-Mail:** \_\_\_\_\_

**% of facility to be occupied by User/Tenant:**  
100

**Relationship to the Applicant:**  
Applicant



**OFFICERS OF APPLICANT**

Name:	Title:
Liam Killeen	CEO
Cindy Koch	CFO
_____	_____
_____	_____

**Owners of 20% or more of User/Tenant:**

Name	%	Corporate Title
_____	_____	_____
_____	_____	_____

**APPLICANT'S LEGAL COUNSEL:**

Firm name: Kelly Salker  
 Address: 1 Blue Bunny Dr Le Mars, IA  
 Contact: \_\_\_\_\_  
 Phone: 712-520-6896  
 Fax: \_\_\_\_\_  
 E-Mail: kksalker@bluebunny.com

Type of Proposed Project (check all that apply):

- New Construction of a Facility  
Square footage: \_\_\_\_\_
- Addition to Existing Facility  
Square footage of existing facility: 217,500 SF  
Square footage of addition: Approx 133,000 SF
- Renovation of Existing Facility  
Square footage of area renovated: \_\_\_\_\_  
Square footage of existing facility: \_\_\_\_\_
- Acquisition of Land/Building  
Acreage/square footage of land: \_\_\_\_\_  
Square footage of building: \_\_\_\_\_
- Acquisition of Furniture/Machinery/Equipment  
List principal items or categories:  
Manufacturing equipment
- Other (specify): \_\_\_\_\_

Briefly describe the purpose of the proposed Project, the reasons why the Project is necessary to the Applicant and why the Agency's financial assistance is necessary, and the effect the Project will have on the Applicant's business or operations:

This is an expansion to the existing facility - including a Segregated Compound Facility ("SCF") which is a new chocolate plant and increased production space; all together anticipated to be an incremental 133,000 SF.

This expansion is estimated to cost \$175M and create 20 new jobs. The capital investment is expected to be achieved by 12/31/2027 and the jobs by 12/31/2029.

The SCF would be the first of its kind in ice cream in the US, with the ability to run a 15-line plant by 2028.

Please list Affiliates/Parents/Subsidiary Entities to Applicant (attach organization chart if necessary)

Ferrero SPA - 100%

**PART III. CAPITAL COSTS OF THE PROJECT**

A. Provide an estimate of Project Costs of all items listed below:

	Item	Cost
1.	Land and/or Building Acquisition:	
2.	Building Demolition:	
3.	Construction/Reconstruction/Renovation:	<u>\$135,000,000</u>
4.	Site Work:	
5.	Infrastructure Work:	
6.	Furniture, Equipment, Machinery:	<u>\$40,000,000</u>
7.	Architectural/Engineering Fees:	
8.	Applicant's Legal Fees:	
9.	Financial Fees:	
10.	Other Professional Fees:	
11.	Other Soft Costs (describe):	
12.	Other (describe):	
	Total Project Costs:	<u>\$ 175,000,000</u>

	Estimated Sources of Funds for Project Costs:	Source
1.	Tax-Exempt IDA Bonds:	
2.	Taxable IDA Bonds:	
3.	Conventional Mortgage Loans:	
4.	SBA or other Governmental Financing	
	Identify: _____	
5.	Other Public Sources (e.g., grants, tax credits):	
	Identify: _____	
6.	Other Public Agency Loans:	
7.	Other Private Loans:	
8.	Equity Investment:	
	(Excluding equity attributable to grants/tax credits)	
		<u>\$175,000,000</u>
	Total Funding:	<u>\$ \$175,000,000</u>

What percentage of the total project costs are funded/financed from public sector sources: 0 %

C. Requested Financial Assistance

Tax-Exempt Bonds: \$ \_\_\_\_\_  
 Taxable Bonds: \$ \_\_\_\_\_

Estimated Value of Sales Tax Benefit: \$ 6,040,000  
 (i.e., gross amount of cost of goods and services that are subject to state and local sales and use taxes multiplied by [8.0%])

Estimated Value of Mortgage Tax Benefit: \$ \_\_\_\_\_  
 (i.e., principal amount of mortgage loans multiplied by [1.25%])

Estimated CCIDA PILOT Property Tax Benefit:

Type: PILOT

Term: 10 Years

Schedule Requested: \_\_\_\_\_

Deviation?      Yes       No

Will the proposed Project utilize a property tax exemption benefit other than from the Agency: No  
(if so, please describe requested type, term and schedule)

Existing Total Annual Property Taxes on Land and Building: \$ 180,596.65

Estimated Additional Property Taxes on completed Project over the requested PILOT term (without Agency financial assistance): \$ 2,987,215

Other (specify): \_\_\_\_\_

NOTE: Upon acceptance of this Application by the Agency, the Agency's staff will create a PILOT schedule and indicate the estimated amount of PILOT Benefit/Cost utilizing anticipated tax rates and assessed valuation, make an estimate of the allocation of PILOT payments among the affected tax jurisdictions, and attach such information as Exhibit A hereto.

The Applicant acknowledges that the transaction/bond documents may include a covenant by the Applicant to undertake and document the total amount of capital investment as set forth in this Application.

D. Status of Expenses

Have any of the above costs been paid or incurred (including contracts of sale or purchase orders) as of the date of this application? If YES, describe particulars on a separate sheet.

YES       NO

E. Existing Operations

Does the Applicant or any User(s)/Tenant(s) currently operate in the County? If YES, describe such operations, including whether the proposed Project will result in the relocation or abandonment of such other operation(s).

This is an expansion to the existing facility - including a Segregated Compound Facility ("SCF") which is a new chocolate plant and increased production space; all together anticipated to be an incremental 133,000 SF

This expansion is estimated to cost \$175M and create 20 new jobs. The capital investment is expected to be achieved by 12/31/2027 and the jobs by 12/31/2029.

The SCF would be the first of its kind in ice cream in the US, with the ability to run a 15-line plant by 2028.

**PART IV: COST-BENEFIT ANALYSIS**

Provide the current annual payroll in Chautauqua County. Then, estimate projected payroll in years 1, 2, and 3, after completion of Project.

	<u>Present</u>	<u>2030</u>	<u>2031</u>	<u>2032</u>
Full Time:	<u>\$ 16,500,000</u>	<u>\$ 17,650,000</u>	<u>\$ 17,650,000</u>	<u>\$ 17,650,000</u>
Part Time:	<u>\$ _____</u>	<u>\$ _____</u>	<u>\$ _____</u>	<u>\$ _____</u>

If the Applicant presently operates in Chautauqua County, provide the current number of employees in the following occupations. Then, estimate the projected Full Time Equivalent (“FTE”) employees as indicated following completion of the Project:

Current and Planned Occupations	Present Jobs Per Occupation	Est. FTEs Post-Completion:			Est. # of County Residents. by yr. 3
		2030	2031	2032	
Management	_____	_____	_____	_____	_____
Professional	<b>61</b>	<b>66</b>	<b>66</b>	<b>66</b>	<b>44</b>
Administrative	_____	_____	_____	_____	_____
Production	<b>327</b>	<b>342</b>	<b>342</b>	<b>342</b>	<b>267</b>
Supervisor	_____	_____	_____	_____	_____
Laborer	_____	_____	_____	_____	_____
Independent Contractor	_____	_____	_____	_____	_____
Other (describe)	_____	_____	_____	_____	_____

List the average salaries or provide ranges of salaries for the following categories of jobs (on a full-time equivalency basis) projected to be retained/created in Chautauqua County because of the proposed Project:

Category of Jobs to be Retained/Created:	Average Salary or Range of Salary:	Average Fringe Benefits or Range of Fringe Benefits:
Management		
Professional	<b>\$80,000</b>	\$8,000/head/year + 22% of wages
Administrative		
Production	<b>\$50,000</b>	\$8,000/head/year + 22% of wages
Supervisor		
Laborer		
Independent Contractor <sup>1</sup>		
Other		

Please indicate the number of temporary construction jobs anticipated to be created in connection with the acquisition, construction, and/or renovation of the Project: 150

Please note that the Agency may utilize the foregoing employment projections, among other things, to determine the financial assistance that will be offered by the Agency to the Applicant. The Applicant acknowledges that the transaction/bond documents may include a covenant by the Applicant to retain the above number of jobs, types of occupations and amount of payroll with respect to the proposed project.

<sup>1</sup>NOTE: The Agency converts part-time jobs into FTE's for evaluation and reporting purposes by dividing the number of part-time jobs by two (2).  
<sup>2</sup>As used in this chart, this category includes employees of independent contractors.

What percentage of the Applicant's total dollar amount of production, sales or services (including production, sales or services rendered following completion of the Project) are made to customers outside the economic development region (i.e., Western New York)?

95 %

Describe any municipal revenues that will result from the Project (excluding any PILOT payments):

Property Taxes, Sales Taxes, Hotel Room Taxes

What is the estimated aggregate annual amount of goods and services to be purchased by the Applicant for each year after completion of the Project, and what portion will be sourced from businesses located in Chautauqua County and the State:

	Amount	% Sourced in Chautauqua County	% Sourced in State
Year 1	\$ TBD		
Year 2	\$		
Year 3	\$		

Describe, if applicable, other benefits to the Chautauqua County anticipated as a result of the Project, including a projected annual estimate of additional sales tax revenue generated, directly and indirectly, as a result of undertaking the project:

If applicable, has construction/reconstruction/renovation work on the Project begun? If YES, indicate the percentage of completion:

- 1. (a) Site clearance YES  NO  100 % complete
- (b) Environmental Remediation YES  NO  100 % complete
- (c) Foundation YES  NO  100 % complete
- (d) Footings YES  NO  100 % complete
- (e) Steel YES  NO  % complete
- (f) Masonry YES  NO  % complete
- (g) Interior YES  NO  % complete
- (h) Other (describe below): YES  NO  % complete

If NO to all of the above categories, what is the proposed date of commencement of construction, reconstruction, renovation, installation or equipping of the Project?

Provide an estimated time schedule to complete the Project and when first use of the Project is expected to occur:

The expanded facility is expected to be operational by 12/31/2027, with all correlated capital investment by 12/31/2027, and job creation by 12/31/2029.

**PART V: QUESTIONS**

Please answer the following questions. If the answer is “YES” to any question, please provide details in the space provided at the end of the section.

1. Is the Project reasonably necessary to preserve the competitive position of the Applicant, or of a proposed user, occupant or tenant of the Project, in its industry?

YES  NO

2. Is the Project reasonably necessary to discourage the Applicant, or a proposed user, occupant or tenant of the Project, from removing such plant or facility to a location outside of the State of New York?

YES  NO

3. Is there a likelihood that the proposed Project would not be undertaken by the Applicant but for the granting of the financial assistance by the Agency? (If yes, explain; if no, explain why the Agency should grant the financial assistance with respect to the proposed Project).

YES  NO

4. The Applicant certifies that the provisions of Section 862(1) of the General Municipal Law will not be violated if financial assistance is provided by the Agency for the proposed Project.

YES  NO

5. Is an environmental impact statement required by Article 8 of the N.Y. Environmental Conservation Law (i.e., the New York State Environmental Quality Review Act)? If “yes” please complete and attach to the Application.

YES  NO

\*\* Applicants should consult **Exhibit B** in order to determine which version of the New York State Environmental Assessment Form must be submitted with this Application.

6. Will customers personally visit the Project site for “retail sales” of Goods and/or Services? “Retail Sales” means (i) sales by a registered vendor under Article 28 of the Tax Law of the State primarily engaged in the retail sale of tangible personal property, as defined in section 1101(b)(4)(i) of the Tax Law of the State, or (ii) sales of a service to such customers.

Sales of Goods: YES  NO   
Sales of Services: YES  NO

\*\* If the answer to both is “No” please continue to the next page; if the answer to either is “Yes” please answer the four (4) remaining questions.

#1 - 3 above: without assistance of the IDA the viability of this project would not be possible.

7. What percentage of the cost of the Project (including that portion of the cost to be financed from equity or sources other than Agency financing) will be expended on such facilities or property primarily used in making retail sales of goods or services to customers who personally visit the Project?

%

8. Is the Project likely to attract a significant number of visitors from outside the economic development region (i.e., Western New York) in which the Project is or will be located?

YES  NO

9. Is the predominant purpose of the Project to make available goods or services which would not, but for the Project, be reasonably accessible to the residents of the city, town or village within which the Project will be located, because of a lack of reasonably accessible retail trade facilities offering such goods or services?

YES  NO

10. Will the Project be located in one of the following: (a) an area designated as an empire zone pursuant to Article 18-B of the General Municipal Law; or (b) a census tract or block numbering area (or census tract or block numbering area contiguous thereto) which, according to the most recent census data, has (i) a poverty rate of at least 20% for the year in which the data relates, or at least 20% of the households receiving public assistance, and (ii) an unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relates?

YES  NO

**CERTIFICATIONS AND ACKNOWLEDGMENTS**  
**OF THE APPLICANT**

The undersigned, being duly sworn, deposes and says, under penalties of perjury, as follows: that I am the chief executive officer or other representative authorized to bind the Applicant named in the attached application for financial assistance ("Application") and that I hold the office specified below my signature at the end of this Certification and Agreement, that I am authorized and empowered to deliver this Certification and Agreement and the Application for and on behalf of the Applicant, that I am familiar with the contents of said Application (including all schedules, exhibits and attachments thereto), and that said contents are true, accurate and complete to the best of my knowledge and belief.

The grounds of my belief relative to all matters in the Application that are not based upon my own personal knowledge are based upon investigations I have made or have caused to be made concerning the subject matter of this Application, as well as upon information acquired in the course of my duties and from the books and records of the Applicant.

As an authorized representative of the Applicant, I acknowledge and agree on behalf of the Applicant that the Applicant hereby releases the County of Chautauqua Industrial Development Agency, its members, officers, servants, attorneys, agents and employees (collectively, the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend (with counsel selected by the Agency) and hold the Agency harmless from and against any and all liability, damages, causes of actions, losses, costs or expenses incurred by the Agency in connection with: (A) examination and processing of, and action pursuant to or upon, the Application, regardless of whether or not the Application or the financial assistance requested therein are favorably acted upon by the Agency, (B) the acquisition, construction, reconstruction, renovation, installation and/or equipping of the Project by the Agency, and (C) any further action taken by the Agency with respect to the Project; including, without limiting the generality of the foregoing, (i) all fees and expenses of the Agency's general counsel, bond counsel, economic development consultant, real property tax valuation consultant and other experts and consultants (if deemed necessary or advisable by the Agency), and (ii) all other expenses incurred by the Agency in defending any suits, actions or proceedings that may arise as a result of any of the foregoing. If, for any reason whatsoever, the Applicant fails to conclude or consummate necessary negotiations or fails within a reasonable or specified period of time to take reasonable, proper or requested action or withdraws, abandons, cancels, or neglects the Application or if the Applicant is unable to find buyers willing to purchase the total bond issue required or is unable to secure other third party financing or otherwise fails to conclude the Project, then upon presentation of an invoice by the Agency, its agents, attorneys or assigns, the Applicant shall pay to the Agency, its agents, attorneys or assigns, as the case may be, all fees and expenses reflected in any such invoice.

As an authorized representative of the Applicant, I acknowledge and agree on behalf of the Applicant that each of the Agency's general counsel, bond counsel, economic development consultant, real property tax valuation consultant and other experts and consultants is an intended third-party beneficiary of this Certification and Agreement, and that each of them may (but shall not be obligated to) enforce the provisions of the immediately preceding paragraph, whether by lawsuit or otherwise, to collect the fees and expenses of such party or person incurred by the Agency (whether or not first paid by the Agency) with respect to the Application.

**FIRST:**

The Applicant hereby certifies that, if financial assistance is provided by the Agency for the proposed project, no funds of the Agency (i) shall be used in connection with the Project for the purpose of preventing the establishment of an industrial or manufacturing plant or for the purpose of advertising or promotional materials which depict elected or appointed government officials in either print or electronic media, (ii) be given to any group or organization which is attempting to prevent the establishment of an industrial or manufacturing plant within the State

**SECOND:**

The Applicant hereby certifies that no member, manager, principal, officer or director of the Applicant or any affiliate thereof has any blood, marital or business relationship with any member of the Agency (or any member of the family of any member of the Agency).

**THIRD:**

The Applicant hereby certifies that neither the Applicant nor any of its affiliates, nor any of their respective partners, members, shareholders or other equity owners (other than equity owners of publicly-traded companies), nor any of their respective employees, officers, directors, or representatives (i) is a person or entity with whom United States persons or entities are restricted from doing business under regulations of the Office of Foreign Asset Control (OFAC) of the Department of the Treasury, including those named on OFAC's Specially Designated and Blocked Persons List, or under any statute, executive order or other governmental action, or (ii) has engaged in any dealings or transactions or is otherwise associated with such persons or entities.

**FOURTH:**

The Applicant hereby acknowledges that the Agency shall obtain and hereby authorizes the Agency to obtain credit reports and other financial background information and perform other due diligence on the Applicant and/or any other entity or individual related thereto, as the Agency may deem necessary to provide the requested financial assistance.

**FIFTH:**

The Applicant hereby certifies, under penalty of perjury, that each owner, occupant or operator that would receive financial assistance with respect to the proposed Project is in substantial compliance with applicable federal, state and local tax, worker protection and environmental laws, rules and regulations.

**SIXTH:**

The Applicant hereby acknowledges that the submission to the Agency of any knowingly false or knowingly misleading information may lead to the immediate termination of any financial assistance and the recapture from the Applicant of an amount equal to all or any part of any tax exemption claimed by reason of the Agency's involvement in the Project.

**SEVENTH:**

The Applicant hereby certifies that, as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the General Municipal Law, including, but not limited to, the provisions of Section 859-a and Section 862(1) thereof.

**EIGHTH:**

Upon successful closing of the required bond issue or other form of financing or Agency assistance, the Applicant shall pay to the Agency an administrative fee set by the Agency (which amount is payable at closing) in accordance with the following schedule:

- (A) All Initial Transactions - One-Hundred basis points (1.00%) of Total Project Costs
  - a. This fee applies to all Initial Transactions except for certain small solar or wind energy systems or farm waste energy systems under RPTL §487, for which the Agency collects no fee (other than Counsel fees).
- (B) Refunding/Assumptions/Modifications: Agency fee shall be determined on a case-by-case basis.

The Agency's bond counsel fees and expenses are payable at closing and are based on the work performed in connection with the Project.

The Agency's bond counsel's fees, general counsel fee and the administrative fees may be considered as a cost of the Project and included as part of any resultant financing, subject to compliance with applicable law.

Regardless of the success of this Application or whether the hoped-for Financial Assistance is realized, Applicant agrees to pay all costs in connection with any efforts by the Agency on behalf of the Applicant including any fees and expenses of the Agency's general counsel, bond counsel, and all applicable recording, filing or other related fees, taxes and charges upon receipt and review of the Application, securing necessary approvals, closing the necessary transaction, and/or terminating any transaction entered into by the Applicant and the Agency.



**NINTH:**

The Applicant authorizes the Agency to make inquiry of the United States Environmental Protection Agency, the New York State Department of Environmental Conservation or any other appropriate federal, state or local governmental agency or authority as to whether the Project site or any property adjacent to or within the immediate vicinity of the Project site is or has been identified as a site at which hazardous substances are being or have been used, stored, treated, generated, transported, processed, handled, produced, released or disposed of. The Applicant will be required to secure the written consent of the owner of the Project site to such inquiries (if the Applicant is not the owner), upon request of the Agency.

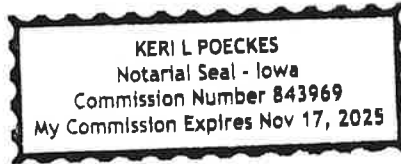
I further acknowledge and agree on behalf of the Applicant that, in the event the Agency shall have used all of its available tax-exempt bond financing allocation from the State of New York, if applicable, and shall accordingly be unable to obtain an additional allocation for the benefit of the Applicant, the Agency shall have no liability or responsibility as a result of the inability of the Agency to issue and deliver tax-exempt bonds for the benefit of the Applicant.



Name:  
Title: svp

Subscribed and affirmed to me this 8  
day of October, 2024

Kerri L. Poeckes  
Notary Public



The Agency's acceptance of this Application for consideration does not constitute a commitment on the part of the Agency to undertake the proposed Project, to grant any financial assistance with respect to the proposed Project, or to enter into any negotiations with respect to the proposed Project.

Information provided herein may be subject to disclosure under the New York Freedom of Information Law (New York Public Officers Law § 84 et seq.) ("FOIL"). If the Applicant believes that a portion of the material submitted with this Application is protected from disclosure under FOIL, the Applicant should mark the applicable section(s) or page(s) as "confidential" and state the applicable exception to disclosure under FOIL.

10-8-2024

**DATE**

# PILOT/Tax Lease Analysis

10/9/24

Project Name: **WELLS III**

Project cost	175,000,000
Construction/Renovation	135,000,000
Equipment	40,000,000
<b>Estimated assessment</b>	<b>19,980,000</b>

**PILOT**

	Projected taxes	PILOT	PILOT Savings
Year 1	\$747,327	\$74,733	\$672,594
Year 2	\$754,800	\$74,733	\$680,067
Year 3	\$762,348	\$149,465	\$612,883
Year 4	\$769,972	\$149,465	\$620,506
Year 5	\$777,671	\$224,198	\$553,473
Year 6	\$785,448	\$224,198	\$561,250
Year 7	\$793,302	\$298,931	\$494,372
Year 8	\$801,235	\$298,931	\$502,305
Year 9	\$809,248	\$373,663	\$435,584
Year 10	\$817,340	\$373,663	\$443,677
<b>Total</b>	<b>\$7,818,692</b>	<b>\$2,241,980</b>	<b>\$5,576,711</b>

All estimates. Based on past tax rates.

Property tax savings	5,576,711
Sales Tax savings	6,040,000
	11,616,711

**Exhibit B**

State Environmental Quality Review Act Compliance Checklist

The County of Chautauqua Industrial Development Agency ("CCIDA"), pursuant to the State Environmental Quality Review Act ("SEQRA"), must evaluate the environmental impacts of a project before deciding whether to undertake the project. The below checklist is intended to aid Applicants in determining which version of NYSDEC's Environmental Assessment Form ("EAF"), available on NYSDEC's website, to submit as a part of a complete application package to the CCIDA.

If one or more of the below items applies to the project, then a Full EAF must be prepared for submission. If none of the below items apply, then a Short EAF may be submitted. Please note that the below list is not exhaustive, and Applicants who have completed a short EAF may be required to fill out a Full EAF upon review of the project information by the CCIDA. Applicants should consult with their engineers and consultants to aid them in preparing the EAF.

Does the project involve:

- activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds:
  - a project or action that involves the physical alteration of 10 acres?
  - a project or action that would use ground or surface water in excess of 2,000,000 gallons per day?
  - parking for 500 vehicles?
  - a facility with more than 100,000 square feet of gross floor area?
- the expansion of existing nonresidential facilities that meet or exceed any of the following thresholds:
  - a project or action that involves the physical alteration of 5 acres?
  - a project or action that would use ground or surface water in excess of 1,000,000 gallons per day?
  - parking for 250 vehicles?
  - a facility with more than 50,000 square feet of gross floor area?

activities which meet at least one of the criteria in **both** Columns A **and** B below:

o Column A:

- occurring wholly or partially within an agricultural district certified by Agriculture and Markets?
- occurring wholly or partially within, or substantially contiguous to, any historic building, structure, facility, site or district or prehistoric site that is listed on the State or National Register of Historic Places, or has been determined by the Commissioner of the Office of Parks, Recreation and Historic Preservation to be eligible for listing?
- occurring wholly or partially within or substantially contiguous to any publicly owned or operated parkland, recreation area or designated open space, including any site on the Register of National Natural Landmarks?

o Column B:

- activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds:
  - a project or action that involves the physical alteration of 2.5 acres?
  - a project or action that would use ground or surface water in excess of 500,000 gallons per day?
  - parking for 125 vehicles?
  - a facility with more than 25,000 square feet of gross floor area?
- the expansion of existing nonresidential facilities that meet or exceed any of the following thresholds:
  - a project or action that involves the physical alteration of 1.25 acres?
  - a project or action that would use ground or surface water in excess of 250,000 gallons per day?
  - parking for 63 vehicles?
  - a facility with more than 12,500 square feet of gross floor area?

**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: Wells Manufacturing Facility		
Project Location (describe, and attach a general location map): 1 Ice Cream Drive		
Brief Description of Proposed Action (include purpose or need): The proposed development includes the demolition of the existing facility as well as a phased plan to construct a new manufacturing facility. The new building will encompass approximately 355,000± square feet. The site improvement development will also include replacement of existing utilities (i.e. sanitary sewer, water service, electric, gas, etc) to serve the facility as well as asphalt pavement for visitor / employee parking.		
Name of Applicant/Sponsor: Wells Enterprises, Inc.	Telephone: 716-366-5400	E-Mail: askov@bluebunny.com
Address: 1 Ice Cream Drive		
City/PO: Dunkirk	State: NY	Zip Code: 14048
Project Contact (if not same as sponsor; give name and title/role): Metzger Civil Engineering PLLC	Telephone: 716-633-2601	E-Mail: meteng@roadrunner.com
Address: 8245 Sheridan Drive		
City/PO: Williamsville	State: NY	Zip Code: 14221
Property Owner (if not same as sponsor): SAME AS APPLICANT	Telephone:	E-Mail:
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals**

<b>B. Government Approvals, Funding, or Sponsorship.</b> (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Site Plan Approval	August 2023
c. City, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Area Variances	August 2023
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	County Planning Board Site Plan Approval	August 2023
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC SPDES Permit Stormwater Air Facility Registration Certificate	August 2023 October 2023
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources. <ul style="list-style-type: none"> <li>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</li> <li>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</li> <li>iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> </ul>		

**C. Planning and Zoning**

<b>C.1. Planning and zoning actions.</b>	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <ul style="list-style-type: none"> <li>• <b>If Yes</b>, complete sections C, F and G.</li> <li>• <b>If No</b>, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, identify the plan(s): Remediation Sites:E907025, NYS Heritage Areas:Concord Grape Belt Region _____ _____ _____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, identify the plan(s): _____ _____ _____	

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
If Yes, what is the zoning classification(s) including any applicable overlay district?  
M-1 (Light Industrial)

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? City of Dunkirk Central School District

b. What police or other public protection forces serve the project site?  
City of Dunkirk Police Department, NY State Police

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

d. What parks serve the project site?  
Point Gratiot 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)? Industrial

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ 16.1± acres  
b. Total acreage to be physically disturbed? \_\_\_\_\_ 12.1± acres  
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ 21.2± 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: \_\_\_\_\_ months  
ii. If Yes:  
• Total number of phases anticipated \_\_\_\_\_ 3  
• Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ 8 month 2023 year  
• Anticipated completion date of final phase \_\_\_\_\_ 12 month 2026 year  
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
The phased approach was selected to continue production of the facility while simultaneously constructing the new facility. Each consecutive phase will commence once the last one has been completed.



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

	One Family	Two Family	Three Family	Multiple Family (four or more)
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 \_\_\_\_\_ 1  
 ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ 56 height; \_\_\_\_\_ 537 width; and \_\_\_\_\_ 669 length  
 iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ 100% 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? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  Yes  No  
 If Yes:  
 i. What is the purpose of the excavation or dredging? \_\_\_\_\_  
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?  
 • Volume (specify tons or cubic yards): \_\_\_\_\_  
 • Over what duration of time? \_\_\_\_\_  
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_  
 iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_  
 v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres  
 vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres  
 vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet  
 viii. Will the excavation require blasting?  Yes  No  
 ix. Summarize site reclamation goals and plan: \_\_\_\_\_

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

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: \_\_\_\_\_  Yes  No

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: \_\_\_\_\_ 350,000 gallons/day  Yes  No

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

If Yes:

- Name of district or service area: City of Dunkirk
- 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: \_\_\_\_\_ 288,000 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): \_\_\_\_\_

Sanitary wastewater generated by employees (i.e. restrooms) will account for 5% of liquid waste and industrial wastewater generated by production will account for 95% of the liquid waste.

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

If Yes:

- Name of wastewater treatment plant to be used: Dunkirk Wastewater Treatment Plant
- Name of district: Dunkirk
- 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 8.6 acres (impervious surface)  
 \_\_\_\_\_ Square feet or 16.1 acres (parcel size)

ii. Describe types of new point sources. Stormwater runoff from impervious surfaces

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)?

Stormwater will be collected, treated and discharged to the municipal stormwater collection system in compliance with the NYSDEC Phase II Stormwater Regulations. 25% of the Water Quality Volume will be treated on-site in accordance with the NYSDEC SMDM.

- 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)

Heavy equipment (excavators, bulldozers, dump trucks for construction). Semi-tractor trailers and refrigeration units for trailers.

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)

(2) 600 HP Natural gas fired boilers; natural gas fired water heaters; cascade gas fired water heater; wastewater digester (methane emission)

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: Facility regulated by NYSDEC Facility Registration ID 9-0634-00026 for air emissions.

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:

- n/a Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)
- n/a Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)
- n/a Tons/year (short tons) of Perfluorocarbons (PFCs)
- n/a Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)
- n/a Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
- n/a 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): 160.3 metric tons / year
- ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): The facility will be using a flare to burn off the methane gas produced by the anaerobic digester.

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: \_\_\_\_\_  
36 million kWh per year

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

Electricity provided by the local utility provider through the existing power grid.

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

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

i. During Construction:

- Monday - Friday: 6:00 am - 6:00 pm
- Saturday: 6:00 am - 6:00 pm
- Sunday: 6:00 am - 6:00 pm
- Holidays: 6:00 am - 6:00 pm

ii. During Operations:

- Monday - Friday: Continuous
- Saturday: Continuous
- Sunday: Continuous
- Holidays: Continuous

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:

Typical construction noise levels during construction hours

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

Describe: \_\_\_\_\_

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

If yes:

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

Lighting will be located on the building at all entrances, man doors, parking areas and loading docks.

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:

The existing waste water treatment plant produces odor 24/7 from the process used to remove the fats, oils, greases and BOD from the waste stream. The odor does not affect neighboring properties.

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 Liquid caustic

ii. Volume(s) 6,400 gal. per unit time month (e.g., month, year)

iii. Generally, describe the proposed storage facilities:

Aboveground storage tank with containment

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):

The Wells property will use a NY State licensed pest control contractor for pest management practices.

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: 50 tons per month (unit of time)

• Operation : 5 tons per month (unit of time)

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

• Construction: Typical recycling practices will be implemented for construction debris (i.e. wood, metals, card board, etc), which will be periodically collected during construction operations.

• Operation: Recycling practices will be implemented during operation of the facility.

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

• Construction: Solid waste will be collected and disposed of by a local waste hauler during construction activities. The contractor will dispose of materials during building demolition.

• Operation: Solid waste will be collected and disposed of by a local waste hauler.

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: \_\_\_\_\_  
Flammable Flavoring (D001 Ignitable Waste); Lab Pack (lab pack of waste, expired/obsolete/remnant chemicals and chemical products); Nitric Acid (D002 Corrosive Waste); Potassium Hydroxide (D002 Corrosive Waste); Sulfuric Acid (D002 Corrosive Waste)
- ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_  
Flavors for ice cream, chemicals used for sanitation, chemicals used for QA testing.
- iii. Specify amount to be handled or generated 0.1 tons/month
- iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_  
Reuse of the materials into product
- v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No

If Yes: provide name and location of facility: \_\_\_\_\_  
TSDF Information: MID980991566 EQ Detroit, Inc. - 1923 Frederick, Detroit, MI 48211 (Telephone: 312-347-1300)

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): Army National Guard
- 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	11.5	10.5	-1.0
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)	3.6	0.0	-3.6
• Other Describe: <u>Lawn / Landscaping</u>	1.0	5.6	+4.6

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:  
Jamestown Community College; First Baptist Church; Dunkirk Elementary School

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: Conditionally Exempt Small Quantity Generator (EPA ID: NYD986926434)

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:  
Waste streams generated and stored on site include: Flammable Flavoring, Lab Pack, Nitric Acid, Potassium Hydroxide and Sulfuric Acid.  
Hazardous waste generated on site are transported by a licensed waste hauler to a TSDF.

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

Remediation database? Check all that apply:

- Yes – Spills Incidents database
- Yes – Environmental Site Remediation database
- Neither database

Provide DEC ID number(s): \_\_\_\_\_

Provide DEC ID number(s): E907025

ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_

A spill was identified on the adjacent parcel addressed at 760 Lamphere Street. According to the NYSDEC database, the upper 2' of soils are contaminated with semi-VOC's. The site has a classification of "active" but has limited potential for environmental concern affecting the public

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): E907025

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):  
See above for details on contaminated site.



- 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? \_\_\_\_\_ >5.0 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:

Niagara silt loam	_____	93 %
Canadice silty clay loam	_____	7 %
_____	_____	%

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ 0.5-1.5 feet

e. Drainage status of project site soils:

<input type="checkbox"/> Well Drained:	_____ % of site
<input type="checkbox"/> Moderately Well Drained:	_____ % of site
<input checked="" type="checkbox"/> Poorly Drained	100 % of site

f. Approximate proportion of proposed action site with slopes:

<input checked="" type="checkbox"/> 0-10%:	100 % of site
<input type="checkbox"/> 10-15%:	_____ % of site
<input type="checkbox"/> 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.  Yes  No

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 _____	Classification _____
• Lakes or Ponds:	Name _____	Classification _____
• Wetlands:	Name _____	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: \_\_\_\_\_

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: \_\_\_\_\_  
 Rodents \_\_\_\_\_ Various Bird Species \_\_\_\_\_  
 \_\_\_\_\_

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: \_\_\_\_\_

b. Are agricultural lands consisting of highly productive soils present?  Yes  No  
 i. If Yes: acreage(s) on project site? \_\_\_\_\_  
 ii. Source(s) of soil rating(s): \_\_\_\_\_

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: Dunkirk Lighthouse

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

iii. Distance between project and resource: \_\_\_\_\_ 2.0 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.

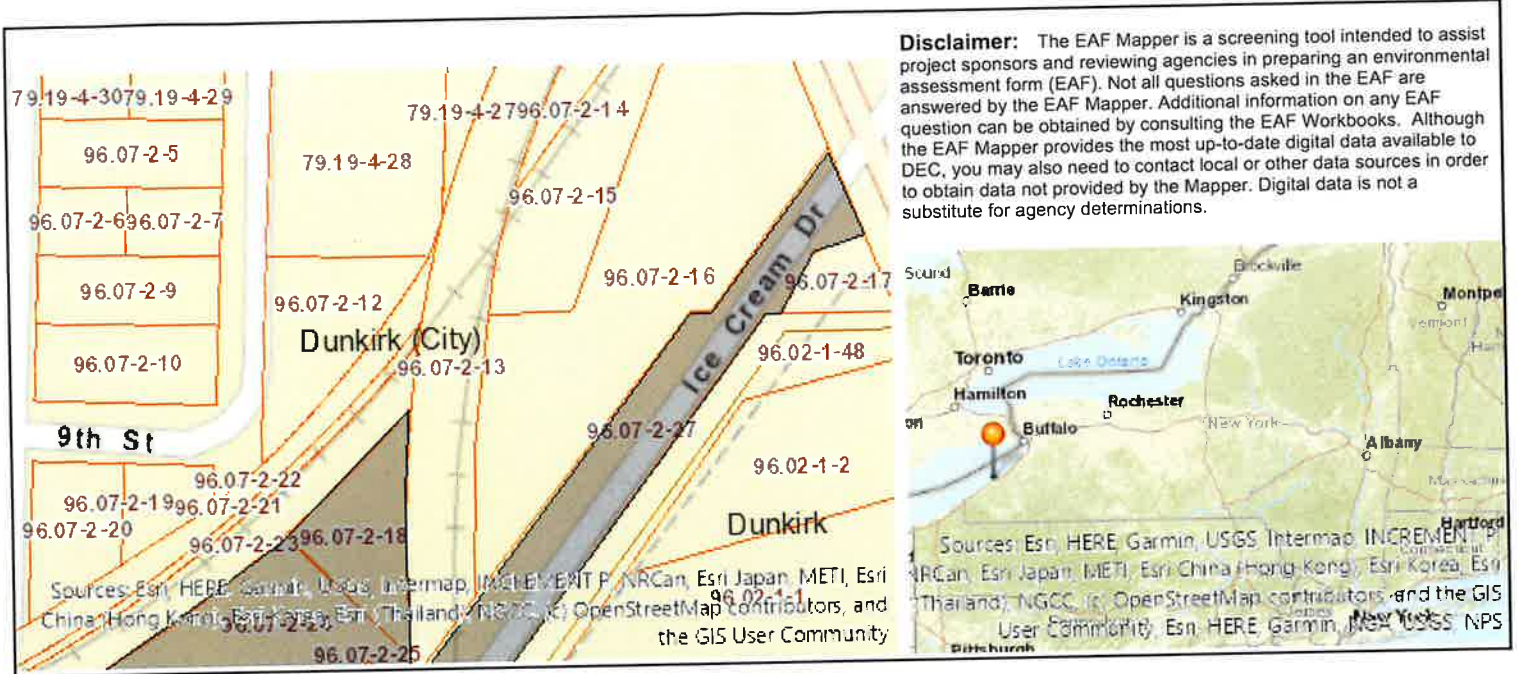
**G. Verification**

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

Applicant/Sponsor Name Michael J Metzger, PE Date 4/10/24

Signature  Title Consulting Engineer





B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	Remediaton Sites:E907025, NYS Heritage Areas:Concord Grape Belt Region
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	E907025
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	E907025
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
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. [100 Year Flooding]	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]	No
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]	No
E.3.i. [Designated River Corridor]	No

**DUNKIRK SOLAR ONE LLC -  
Deviation Approval Resolution**

A regular meeting of the County of Chautauqua Industrial Development Agency (the “Agency”) was convened in public session on November 19, 2024, at 10:30 A.M., local time, at the offices of the Agency located at 201 West 3rd Street, Jamestown, County of Chautauqua, New York (the “IDA Office”).

The meeting was called to order by the \_\_\_\_\_ and, upon roll being called, the following members of the Agency were:

PRESENT:

Gary Henry	Chairman
Bradley Walters	Vice Chairman
Sagan Sheffield-Smith	Treasurer
Daniel Heitzenrater	Secretary
Amy Harding	Member
Daniel DeMarte	Member
Tom Harmon	Member
Kevin Muldowney	Member

NOT PRESENT:

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Mark Geise	Administrative Director/CEO
Richard E. Dixon	Chief Financial Officer
Milan K. Tyler, Esq.	Counsel
Gregory L. Peterson, Esq.	Counsel

The attached resolution no. 11-19-24-04 was offered by \_\_\_\_\_, seconded by \_\_\_\_\_:

Resolution No. 11-19-24-04

RESOLUTION AUTHORIZING A DEVIATION FROM THE UNIFORM  
TAX EXEMPTION POLICY OF THE COUNTY OF CHAUTAUQUA  
INDUSTRIAL DEVELOPMENT AGENCY WITH RESPECT  
TO A PROJECT FOR DUNKIRK SOLAR ONE LLC  
AND/OR ITS AFFILIATES

WHEREAS, the County of Chautauqua Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the Laws of 1969 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 71 of the 1972 Laws of New York, as amended, constituting Section 895-h 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 industrial, manufacturing, warehousing, commercial, research and recreation 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, DUNKIRK SOLAR ONE LLC, a limited liability company organized and existing under the laws of the New York, on behalf of itself and/or the principals of Dunkirk Solar One LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the “Applicant”), presented an application for financial assistance (the “Application”) to the Agency, which Application requested that the Agency consider undertaking a project (the “Project”) consisting of the following: (A)(1) the acquisition of an interest in an approximately 20.56 acre portion of a 29.5 acre parcel of land located at 3761 East Lake Road, Town of Dunkirk, County of Chautauqua, New York (the “Land”), (2) the acquisition, construction, installation, and equipping on the Land of: (i) solar photovoltaic modules mounted on tracking steel structure, (ii) inverters and transformers, (iii) underground and overhead electrical lines, (iv) fencing, and (v) a system of access roads, parking, landscaping and related improvements to the Land (collectively, the “Improvements”), and (3) the acquisition and installation of certain furniture, fixtures, machinery and equipment necessary for the completion thereof (the

“Equipment” and together with the Land and the Improvements, collectively, the “Project Facility”), all of the foregoing for use by the Applicant and/or its affiliates as an approximately 5.0 megawatt A/C solar-powered electrical generation facility; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing in the form of potential exemptions or partial exemptions from real property taxes and sales and use taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase), license or sale of the Project Facility to the Applicant or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency; and

WHEREAS, the Application states that the Applicant is seeking an exemption from real property taxes with respect to the Improvements that, if granted, would constitute a deviation from the Agency’s established Uniform Tax Exemption Policy and Guidelines (the “Tax Exemption Policy”) that is published on the Agency’s website; and

WHEREAS, in accordance with Section 874(4) of the Act, (A) the Administrative Director/CEO of the Agency caused a letter dated November 1, 2024 (the “Pilot Deviation Notice Letters”) to be mailed to the chief executive officer of each affected tax jurisdiction and to all other persons required by applicable law, informing said individuals that the Agency would, at its meeting on November 19, 2024 (the “IDA Meeting”), consider a proposed deviation from the Tax Exemption Policy with respect to the payment in lieu of taxes agreement to be entered into by the Agency with respect to the Improvements; and (B) the members of the Agency conducted the IDA Meeting on the date hereof and reviewed any comments and correspondence received with respect to the proposed deviation from the Tax Exemption Policy; and

WHEREAS, the Agency desires to provide for compliance with the provisions of Section 874(4) of the Act with respect to the proposed deviation from the Tax Exemption Policy;

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

Section 1. The Agency hereby determines that the Agency has fully complied with the requirements of Section 874(4) of the Act relating to the proposed deviation from the Tax Exemption Policy.

Section 2. Prior to making the determinations set forth in this Resolution, the members of the Agency have considered and weighed all of the factors set forth in the Tax Exemption Policy.

Section 3. Having reviewed all written comments and correspondence received at or prior to the IDA Meeting, the Agency hereby approves the proposed deviation from the Tax

Exemption Policy as described in the Pilot Deviation Notice Letters (copies of which are attached hereto as Exhibit A) because the Property Tax Exemption (as defined in the Pilot Deviation Notice Letters) is necessary to induce the Applicant to undertake the Project in Chautauqua County. Deviating from the Policy in this instance will advance the job opportunities, general prosperity and economic welfare of the people of the State of New York and Chautauqua County.

Section 4. The Chairman, Vice Chairman, Administrative Director/CEO and Chief Financial Officer of the Agency are each hereby authorized and directed, acting individually or jointly, to distribute copies of this Resolution to the Applicant and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution. If the Agency hereafter adopts appropriate final approving resolutions with respect to the proposed straight-lease transaction with the Applicant (the “Transaction”), the Chairman, Vice Chairman, Administrative Director/CEO and Chief Financial Officer of the Agency are each hereby authorized and directed, acting individually or jointly, to cause the Agency to (A) enter into a Payment in Lieu of Taxes Agreement providing for, among other things, the making of payments in lieu of property taxes consistent with the Pilot Deviation Notice Letters, and (B) file an application for real property tax exemption with the appropriate assessor(s) with respect to the Improvements.

Section 5. This Resolution shall take effect immediately, but is subject to and conditioned upon the closing of the Transaction.

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

Gary Henry	VOTING
Bradley Walters	VOTING
Sagan Sheffield-Smith	VOTING
Dan Heitzenrater	VOTING
Kevin Muldowney	VOTING
Amy Harding	VOTING
Daniel DeMarte	VOTING
Tom Harmon	VOTING

The foregoing resolution was thereupon declared duly \_\_\_\_\_.

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

WE, the undersigned officers of the County of Chautauqua Industrial Development Agency (the “Agency”), DO HEREBY CERTIFY that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on November 19, 2024 with the original thereof on file in our offices, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

WE 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”), said meeting was open to the general public at both locations at which members of the Agency were present, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; (D) there was a quorum of the members of the Agency present throughout said meeting; and (E) the meeting was recorded and the recording has been or will be posted on the public website of the Agency pursuant to the Open Meetings Law.

WE 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, we have hereunto set our hand this 19<sup>th</sup> day of November, 2024.

\_\_\_\_\_  
[Assistant] Secretary

\_\_\_\_\_  
[Vice] Chairman

**EXHIBIT A**

Pilot Deviation Notice Letters

See Attached





November 1, 2024

**Board of Directors**

**Gary Henry**  
Chairman  
Owner  
Fancher Chair Co., Inc.

**Tom Harmon**  
Member  
PED Chair

**Brad Walters**  
Vice Chairman  
Executive Director  
Southern Tier Builders  
Association

**Sagan Sheffield-Smith**  
Treasurer  
Chief Financial Officer  
Double A Vineyards

**Dan Heitzenrater**  
Secretary  
President & CEO  
Chautauqua County  
Chamber of Commerce

**Steven Thorpe**  
Member  
President  
Sheet Metal Workers  
Local Union No 112

**Daniel DeMarte**  
Member  
President  
Jamestown Community  
College

**Amy Harding**  
Member  
Vice President  
Lake Shore Savings Bank

**Kevin Muldowney**  
Member  
President  
Muldowney  
Development

**EMAIL & US MAIL DISTRIBUTION**  
**CERTIFIED MAIL/RETURN RECEIPT**  
**DELIVERY AND READ RECEIPTS REQUESTED**

Priscilla Penfold, Town Supervisor 4737 Willow Road Dunkirk, NY 14048	Chautauqua County County Executive, Paul Wendel 3 N. Erie St. Mayville, NY 14757
Rebecca Yacklon, Town Clerk 4737 Willow Road Dunkirk, NY 14048	Legal Notices Observer 10 East 2 <sup>nd</sup> Street Dunkirk, NY 14048
Michael Mansfield, Superintendent Dunkirk City School Dist. 620 Marauder Dr. Dunkirk, NY 14048	Julie Greene, Account Clerk Dunkirk City School Dist. 620 Marauder Dr. Dunkirk, NY 14048
Kenneth kozlowski, Board President Dunkirk City School Dist. 620 Marauder Dr. Dunkirk, NY 14048	

**NOTICE OF PROPOSED DEVIATION FROM UNIFORM  
TAX EXEMPTION POLICY AND GUIDELINES**

Ladies and Gentlemen:

Notice is hereby given that at a meeting of the County of Chautauqua Industrial Development Agency (the “Agency”) to be held on November 19, 2024 at 10:30 a.m., local time, at the offices of the Agency, 201 West Third Street, Jamestown, County of Chautauqua, New York, the Agency will consider whether to approve the application of DUNKIRK SOLAR ONE LLC, a limited liability company organized and existing under the laws of the New York, on behalf of itself and/or the principals of Dunkirk Solar One LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the “Applicant”), for certain “financial assistance” which, if granted, would deviate from the



Agency’s Uniform Tax Exemption Policy and Guidelines (the “Policy”) with respect to the payment of real property taxes.

The Applicant submitted an application for financial assistance (the “Application”) to the Agency requesting that the Agency consider undertaking a project (the “Project”) consisting of the following: (A)(1) the acquisition of an interest in an approximately 20.56 acre portion of a 29.5 acre parcel of land located at 3761 East Lake Road, Town of Dunkirk, County of Chautauqua, New York (the “Land”), (2) the acquisition, construction, installation, and equipping on the Land of: (i) solar photovoltaic modules mounted on tracking steel structure, (ii) inverters and transformers, (iii) underground and overhead electrical lines, (iv) fencing, and (v) a system of access roads, parking, landscaping and related improvements to the Land (collectively, the “Improvements”), and (3) the acquisition and installation of certain furniture, fixtures, machinery and equipment necessary for the completion thereof (the “Equipment” and together with the Land and the Improvements, collectively, the “Project Facility”), all of the foregoing for use by the Applicant and/or its affiliates as an approximately 5.0 megawatt A/C solar-powered electrical generation facility; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing in the form of potential exemptions or partial exemptions from real property taxes and sales and use taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase), license or sale of the Project Facility to the Applicant or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency.

The Project Facility would be initially owned, operated and/or managed by the Applicant (or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency).

The Application states that the Applicant is seeking an abatement of real property taxes with respect the Project Facility. Based upon negotiations between representatives of the Applicant and the Agency, the parties contemplate that the Agency may agree to grant a real property tax exemption with respect to the Improvements only (the “Property Tax Exemption”). The Property Tax Exemption would result in a payment in lieu of taxes (“PILOT”) agreement between the Agency and the Applicant and/or its affiliates having a term of twenty-five (25) fiscal tax years (the “PILOT Term”), with annual PILOT payments with respect to the Improvements as follows:

<u>PILOT Year</u>	<u>Annual PILOT Payment</u>
1	\$20,750
2	\$21,165
3	\$21,588
4	\$22,020
5	\$22,460
6	\$22,910
7	\$23,368
8	\$23,835
9	\$24,312

10	\$24,798
11	\$25,294
12	\$25,800
13	\$26,316
14	\$26,842
15	\$27,379
16	\$27,927
17	\$28,485
18	\$29,055
19	\$29,636
20	\$30,229
21	\$30,833
22	\$31,450
23	\$32,079
24	\$32,721
25	\$33,375

No exemption from real property taxes and assessments would be granted by the Agency with respect to the Land or the existing improvements thereon and the Land and such improvements would remain on the tax rolls as taxable property subject to taxation at their then current, full assessed value, as the same may be reassessed from time to time, and subject to tax rate increases imposed by the affected tax jurisdictions.

Thereafter, and through the end of the term of the lease or installment sale agreement with respect to the Project Facility, the payments would be equal to the real property taxes and assessments that would be payable as if the Improvements were returned to the tax rolls as taxable property and subject to taxation at its then current, full assessed value, as the same may be reassessed from time to time, and subject to tax rate increases imposed by the affected tax jurisdictions.

The Property Tax Exemption, if approved by the Agency, would be a deviation from the Policy.


The reason for the proposed deviation is that the Property Tax Exemption, if approved by the Agency, is necessary to induce the Applicant to undertake the Project in Chautauqua County. Deviating from the Policy in this instance will advance the job opportunities, general prosperity and economic welfare of the people of the State of New York and Chautauqua County.

The meeting will be streamed on the Agency's website in real-time and a recording of the meeting will be posted on the Agency's website, all in accordance with Section 857 of the New York General Municipal Law, as amended.

Copies of the Application, including the request for a deviation from the Policy, are available for review by the public online at [www.ccida.com](http://www.ccida.com). For additional assistance, contact the Agency at (716) 661-8900.

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COUNTY OF CHAUTAUQUA INDUSTRIAL  
DEVELOPMENT AGENCY

By:   
Richard E. Dixon  
Chief Financial Officer

**Dunkirk Solar One and Two -  
SEQRA Resolution**

A regular meeting of the County of Chautauqua Industrial Development Agency (the "Agency") was convened in public session on November 19, 2024, at 10:30 A.M., local time, at the offices of the Agency located at 201 West 3rd Street, Jamestown, County of Chautauqua, New York (the "IDA Office").

The meeting was called to order by the \_\_\_\_\_ and, upon roll being called, the following members of the Agency were:

PRESENT:

Gary Henry	Chairman
Bradley Walters	Vice Chairman
Sagan Sheffield-Smith	Treasurer
Daniel Heitzenrater	Secretary
Amy Harding	Member
Daniel DeMarte	Member
Tom Harmon	Member
Kevin Muldowney	Member

NOT PRESENT:

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Mark Geise	Administrative Director/CEO
Richard E. Dixon	Chief Financial Officer
Milan K. Tyler, Esq.	Counsel
Gregory L. Peterson, Esq.	Counsel

The attached resolution no. 11-19-24-05 was offered by \_\_\_\_\_, seconded by \_\_\_\_\_:

**Resolution No. 11-19-24-05**

RESOLUTION OF THE COUNTY OF CHAUTAUQUA INDUSTRIAL  
DEVELOPMENT AGENCY PURSUANT TO THE STATE  
ENVIRONMENTAL QUALITY REVIEW ACT CONCERNING THE  
DETERMINATION OF SIGNIFICANCE FOR THE DUNKIRK SOLAR  
ONE & TWO PROJECT

**Name of Project:** Dunkirk Solar Project

**Location:** 3761 East Lake Road, Dunkirk, County of Chautauqua, New York  
14048

**SEQR Status:** Type I

**Determination  
of Significance:** Negative Declaration

WHEREAS, the County of Chautauqua Industrial Development Agency (the “**Agency**”) is authorized and empowered by the provisions of 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 (the “**Enabling Act**”) and Chapter 71 of the 1972 Laws of New York, as amended, constituting Section 895-h 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, renovating, improving, maintaining, equipping and furnishing of commercial 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, among other things, (i) acquire by purchase, lease, gift, bequest, devise or otherwise real or personal property or interests therein; and (ii) 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, DUNKIRK SOLAR ONE, LLC & DUNKIRK SOLAR TWO, LLC, limited liability companies organized and existing under the laws of the New York, on behalf of themselves and/or their principals and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the “**Applicant**”), presented an

application for financial assistance (the “**Application**”) to the Agency, which Application requested that the Agency consider undertaking a project (the “**Project**”) consisting of the following: (A)(1) the acquisition of an interest in two parcels of land consisting of one parcel totaling approximately 20.56 acres of undeveloped land located within tax parcel 80.01-1-5 (“**Parcel A**”)--and one parcel totaling approximately 21.14 acres of undeveloped land located within tax parcels 80.01-1-5 and 63.03-1-23 (“**Parcel B**”) located in the proximity of 3761 East Lake Road, Dunkirk, County of Chautauqua, New York ( collectively Parcel A and Parcel B, the “**Land**”), (2) the acquisition, construction, installation, and equipping on the Land of: (i) solar photovoltaic modules mounted on tracking steel structure, (ii) inverters and transformers, (iii) underground and overhead electrical lines, (iv) fencing, and (v) a system of access roads, parking, landscaping and related improvements to the Land (collectively, the “**Improvements**”), and (3) the acquisition and installation of certain furniture, fixtures, machinery and equipment necessary for the completion thereof (the “**Equipment**” and together with the Land and the Improvements, collectively, the “**Project Facility**”), all of the foregoing for use by the Applicant and/or its affiliates as an approximately 9.8 megawatt A/C solar-powered electrical generation facility; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing in the form of potential exemptions or partial exemptions from real property taxes and sales and use taxes (collectively, the “**Financial Assistance**”); and (C) the lease (with an obligation to purchase), license or sale of the Project Facility to the Applicant or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency; and

WHEREAS, pursuant to Article 8 of the New York 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 (“**NYSDEC**”), being 6 NYCRR Part 617, et. seq., as amended (the “**Regulations**” and collectively with the SEQR Act, “**SEQRA**”), the Agency must satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Project; and

WHEREAS, pursuant to SEQRA, to aid the Agency in determining whether the Project may have a significant adverse impact upon the environment, the Agency has received and reviewed:

- 1) Part 1 of Full Environmental Assessment Forms dated April 18, 2023 and Part 2 and 3 dated June 23, 2023 for Parcel A and Parcel B (collectively, the “**EAF**”);
- 2) a resolution from the Dunkirk Town Board approving a special use permit and site plan approval for the Project with certain setback variances (“**Town Approval**”);

- 3) a resolution from the Dunkirk Town Board approving a negative declaration for the Project pursuant to SEQRA, dated May 23, 2023 ("**Town Negative Declaration**");
- 4) a Phase I Archaeological Investigation Report prepared for the Project and dated September 2022 ("**Archaeological Report**");
- 5) a letter from the New York State Office of Parks, Recreation and Historic Preservation ("**OPRHP**") determining the Project would not impact any archaeological or historic resources, dated October 27, 2022 ("**No Impact Letter**");
- 6) a wetland delineation report for the Project prepared by Earth Dimensions, Inc. ("**Earth Dimensions**"), dated August 4, 2021 ("**Wetland Report**");
- 7) a letter from Earth Dimensions to the United States Army Corps of Engineers ("**USACE**") requesting a wetland jurisdiction determination, dated August 5, 2021 ("**JD Request Letter**");
- 8) an email from the New York State Department of Transportation ("**NYS DOT**") determining the Project will not have a significant impact on the state highway system, dated January 12, 2023 ("**NYS DOT Letter**");
- 9) a comment letter from the Chautauqua County Department of Planning and Development ("**CCDPD**") with regards to referrals on certain variance requests for the Project pursuant to New York General Municipal ("**GML**"), dated January 11, 2023 ("**CCDPD January Letter**");
- 10) a comment letter from CCDPD with regard to referral for site plan review of the Project pursuant to the GML, dated March 21, 2023 ("**CCDPD March Letter**");
- 11) a preliminary jurisdictional determination from the USACE, dated August 17, 2022 ("**PJD Letter**");
- 12) two resolutions from the Dunkirk Zoning Board of Appeals ("**ZBA**"), granting the Project area variances, dated January 11, 2024 ("**Variance Determination**");
- 13) two sets of site plans for the Project for Parcel A and Parcel B, dated April 18, 2023 ("**Site Plans**");
- 14) letters from the Federal Aviation Administration ("**FAA**") issuing a determination of no hazard to air navigation from the Project, dated January 5, 2022, and extension letters of the same dated June 22, 2023 (collectively, "**FAA Letters**");
- 15) an Operation and Maintenance Plan for the Project ("**O&M Plan**");
- 16) a Decommissioning Plan for the Project, dated July 6, 2022 ("**Decommissioning Plan**");
- 17) Stormwater Pollution Prevention Plans for Parcel A and Parcel B, dated July 13, 2022 (collectively, the "**SWPPP**");
- 18) a Threatened and Endangered Species Habitat Report prepared by Earth Dimensions, dated July 25, 2024 ("**Habitat Report**");
- 19) NYSDEC's Environmental Resource Mapper ("**ERM**");
- 20) the NYSDEC DECinfo Locator ("**DEC Locator**");
- 21) the OPRHP Cultural Resource Information System ("**CRIS**"); and



22) other relevant environmental information (collectively, 1-22, together with all analysis and supporting documentation referenced therein or relied upon thereby, are incorporated by reference herein in their entirety and shall be referred to as the “**Environmental Information**”); and

WHEREAS, prior to making a recommendation about the potential environmental significance of the Project, the Agency has reviewed the Environmental Information, consulted various information sources, and considered the list of activities which are Type I Actions outlined in Section 617.4 of the SEQRA regulations, the list of activities that are Type II Actions outlined in Section 617.5 of the SEQRA regulations and the criteria for determining significance outlined in Section 617.7 of the SEQRA regulations; and

WHEREAS, the Applicant has confirmed that all other Involved Agencies have previously taken action on the Project, such that the Agency is the only remaining Involved Agency; and

WHEREAS, a thorough analysis of the Environmental Information and potential environmental impacts associated with the Project reveals that the Project will not have any potentially significant adverse environmental impacts; and

WHEREAS, it is appropriate that the Agency issue a negative declaration pursuant to SEQRA for the Project.

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

**Section 1.** Based upon a thorough review and examination of the Project and Environmental Information, and upon the Agency’s knowledge of the area surrounding the Land 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 is a Type I Action pursuant to SEQRA as the Project involves the disturbance of more than 10 acres of land;
- (B) The Agency is the only remaining “Involved Agency” for purposes of SEQRA; and is therefore the Lead Agency for purposes of its review of the Project in accordance with SEQRA; and
- (C) No potentially significant adverse impacts on the environment are noted in the Environmental Information and none are known to the Agency.

**Section 2.** Based upon the Agency's review of the Environmental Information and investigations of the potential environmental impacts associated with the Project, considering both the magnitude and importance of each potential environmental impact indicated, and upon the Agency's knowledge of the Land and surrounding area and such further investigations of the Project and its environmental effects as the Agency has deemed appropriate, the Agency has determined that the Project will not have a significant adverse impact upon the environment. The reasons supporting this determination are as follows:

1. Impact on Land. The Project consists of the development of approximately 41.7 acres of undeveloped farmland for the construction of a 9.8 megawatt ground mounted photovoltaic solar energy generating facility. The Site is zoned M (High Tech/Industrial) and utility grade solar installations like the Project are a specially permitted use in M districts. A special use permit was issued for the Project along with area variances of the Town's setback requirements. The Project is consistent with the Land's existing zoning classification, and will not impact or deter existing or future adjacent land use. Further, given the minimally intensive nature of the Project, it will be substantially feasible and practicable to quickly remove the Project from the Land at the end of its useful life in accordance with the Decommissioning Plan. In addition, there will be minimal permanent disturbance of land to install the solar arrays as the arrays do not have large physical footprints, and the Land is relatively level, without steep slopes. Although the average depth to the water table at the Site is only approximately 0.5, there will be very little disturbance to the land due to the installation of the solar arrays, and the solar arrays themselves will pose no risk to groundwater. Further, there are no bedrock outcroppings on the Site.

The Project does not involve any excavation, mining or dredging and will be completed in a single phase. The Project will create only 2 acres of new impervious surfaces compared to the total Land size of approximately 41.7 acres. Additionally, while there will be temporary runoff during construction, it will be discharged onsite and controlled by stormwater and sediment/erosion control best management practices and will comply with the requirements in the SWPPP. Finally, the Land and the Project will be maintained in accordance with the O&M Plan, including vegetative maintenance protocol which will not utilize pesticides, but rather will rely on mowing and/or animal grazing. As noted in the EAF, the Project is not within a Coastal Area, a waterfront area of a Designated Inland Waterway, an area with an approved Local Waterfront Revitalization Program or a Coastal Erosion Hazard Area.

Based on the foregoing, the Project will not create any potentially significant adverse impacts to land resources or land use.

2. Impact on Geological Features. The Project does not contain and is not adjacent to any unique geologic features or National Natural Landmarks. Accordingly, the Project will not create any potentially significant adverse impacts to geological features.
3. Impact on Surface Water. The EAF notes that the Land contains five wetland areas totaling approximately 2.1 acres. The Wetland Report provided a comprehensive analysis of these wetland areas and concluded that they were non-Federal jurisdictional wetlands due to a lack of connectivity to an intermittent or perennial stream. The PJD Letter issued by USACE concurred with the conclusions in the Wetland Report.

Given the wetland areas on the Land are of low quality, previously disturbed, and unregulated, impacts to these areas from the Project would not have significant adverse impacts. Notwithstanding, per the Site Plans, the design of the Project will avoid a large portion, approximately 1.3 acres, of the wetlands all together. Furthermore, the relatively low intensive nature of the installation of the Project will permit the continued existence and function of the wetland areas with relatively little disturbance and will not irreversibly impact them. Further, as mentioned above, the EAF demonstrates that the Project will minimize new impervious surfaces, creating only 2 acres of such surfaces. Additionally, the mitigation requirements of the SWPPP will ensure that any stormwater runoff is appropriately managed. Accordingly, the Project will not create any significant adverse impacts on surface water.

4. Impact on Groundwater. As noted above, although the average depth to the water table at the Site is only approximately 0.5 feet, there will be very little disturbance to the land due to the installation of the solar arrays. In addition, the EAF demonstrates that the Project will not create a new demand for water, generate or discharge liquid wastes, or involve bulk storage of chemicals or production of hazardous waste or any other activities that would pose a threat to groundwater. Accordingly, the Project is not anticipated to create any significant adverse impacts to groundwater.
5. Impact on Flooding. The EAF states that the Project will not result in the development of lands which are subject to flooding and does not include the impoundment of water. The Project is not within a designated floodway, the 100-year or 500-year floodplain. Accordingly, the Project is not anticipated to create any significant adverse impacts to flooding.
6. Impact on Air. The Project will not include significant sources of air emissions, and it does not entail the types of activities or operations that require the Applicant to obtain air registration permits or that are associated with a

significant potential for air emissions. As demonstrated in the EAF, any impacts to air quality from construction activities will be minor and temporary in nature. Additionally, the Project will produce clean energy which will benefit local residents and the environment by replacing energy sources which involve the combustion of fossil fuels and air emissions with clean energy. Accordingly, the Project is not anticipated to create any significant adverse impacts to air resources.

7. Impact on Plants and Animals. The Land consists of previously disturbed farmland and is adjacent to residential development, industrial development, and active rail tracks. As noted in the EAF, the predominant wildlife species that occupy or use the site include the white-tailed deer, cottontail rabbit and songbirds. The Project will not substantially interfere with the nesting/breeding, foraging or over-wintering habitat for these species because the surrounding areas provide a similar and suitable habitat for these species, and the Project would not fragment the habitat or reduce the value of the surrounding land to the species.

The Habitat Report summarizes the comprehensive review of the Land performed by Earth Dimensions analyzing the potential for the occurrence of the Northern Long-eared Bat (federal endangered), Tricolored Bat (federal proposed endangered), Salamander Mussel (federal proposed endangered) Bald Eagle (state threatened), Peregrine Falcon (state endangered), and Monarch Butterfly (federal candidate species). According to the Habitat Report, no federal or state threatened or endangered species were identified on the Land. Furthermore, due to the unique habitat demands of each studied species, the Habitat Report concluded that the Land did not provide potentially suitable habitat for any studied threatened or endangered species. The Habitat Report concluded that the Land presented potentially suitable habitat for the Monarch Butterfly but as a candidate species only, there are no limits on development currently proposed with regard to this species' habitat.

The Site does not contain a designated significant natural community. Moreover, the Project will not involve the use of pesticides during construction or operation. Accordingly, the Project is not anticipated to create any significant adverse impacts on plants and animals.

8. Impact on Agricultural Land Resources. The EAF notes that the Project is not located in a designated agricultural district. The EAF also notes that the Site consists of highly productive soils including prime farmland. However, as indicated by the Decommissioning Plan, the Project will terminate at the end of the lease for the Land and no permanent impact to the agricultural soils will result from the Project.

The Project is not inconsistent with the Chautauqua County Farmland Protection Plan because it does not result in the permanent conversion of agricultural land. The Project includes only a small fraction of the overall agricultural land located in the region and will not result in increased development pressure on farmland or significantly decreased agricultural land in the County. Accordingly, the Project will not create any significant adverse impacts to agricultural land.

9. Impact on Aesthetic Resources. The EAF notes that the Project is located within .6 miles from the Lake Erie shoreline, which it identifies as an aesthetic resource. Notwithstanding, according to the EAF and Site Plans, the Improvements and Equipment will be only approximately 6.5-7 feet tall. Thus, any resulting visual impacts to these resources and the surrounding area will be minor in nature, since the Project does not have a large visual profile and is otherwise aesthetically unobtrusive. Further limiting any impacts to aesthetic resources, existing vegetative buffers and mature trees will be retained to provide natural screening. Furthermore, additional vegetative screening will be placed along the northern Site boundary adjacent to residences pursuant to a landscaping plan contained in the Site Plans. The Site is also significantly buffered to the east, south, and west by existing vegetation and industrial development. Based on the foregoing, the Project is not anticipated to create any significant adverse impacts to aesthetic resources.
10. Impact on Historic and Archaeological Resources. The Archaeological Report summarized the Phase I study performed for the Site which included a reconnaissance survey (visual assessment, site walkover, and photo-documentation), background research and archaeological site file searches, and systematic subsurface excavations. The purpose of the Phase I archaeological investigation was to identify prehistoric or historic archaeological resources that could be eligible for listing in the State or National Register of Historic Places within the Site.

The Archaeological Report explained that the result of the Phase IA/B study found that the Site has a low probability of containing historic archaeological sites, and that no cultural material was found during field investigations. The Archaeological Report concluded that based on the results, the Project would have no effect on historic or archaeological resources. The Project and the Archaeological Report was submitted to OPRHP which concurred and issued the No Impact Letter determining that no historic properties, including archaeological and/or historic resources would be affected by the Project. Accordingly, the Project will not create any significant impacts to historic or archeological resources.

11. Impact on Open Space and Recreation. The Site is not available for or used by members of the community for public recreation, and neither the Site nor any adjoining area is used for hunting, trapping, fishing or shell fishing. Accordingly, the Project will not create any significant impacts to open space or recreational resources.
12. Impact on Critical Environmental Areas. The Project is not located in or substantially contiguous to any Critical Environmental Areas. Accordingly, the Project will not create any significant impacts to Critical Environmental Areas.
13. Impact on Transportation. As indicated in the EAF and the NYSDOT Letter, the Project does not involve the types of activities or operations that would be associated with an increased flow of traffic or otherwise impact state or local roads. Accordingly, the Project is not anticipated to create any significant adverse impacts on transportation.
14. Impact on Energy. The Project will not generate any new or additional demand for energy. Rather, the Project will be a source of clean, renewable energy which will benefit the community and the environment. Accordingly, the Project will not create any significant adverse impacts on energy.
15. Impact on Noise, Odor and Light. The Project is not expected to appreciably create odors or excessive lighting. The Project is expected to increase noise levels during construction during daylight hours. However, any impacts to noise or odor from construction activities will be minor and temporary in nature. The Project does not include any significant sources of lighting, noise or odor during operations, and the Land is well buffered from nearby receptors. Accordingly, the Project will not create any significant adverse impacts on noise, odor or light.
16. Impact on Public Health. The Project does not involve the types of activities or operations that are associated with a significant potential for affecting public health, including the use, creation, disposal or storage of a hazardous or toxic substance. Further, any solid waste generated at the Site will be properly disposed of pursuant to the Decommissioning Plan and in accordance with Federal, State and local laws and regulations. Furthermore, the Decommissioning Plan includes a requirement that the Applicant maintain financial surety to ensure the full removal of the Project at the end of its useful life, along with restoration of the Site. In addition, the FAA Letters confirm that the Project poses no risk to the nearby Chautauqua County/Dunkirk airport. Accordingly, the Project is not anticipated to create any significant adverse impact to public health.
17. Impact on Character of the Community and Community Plans. The Project will

provide clean, renewable energy for the area and the Project is consistent with the underlying M zoning classification and the overall character of the area which includes farmland, industrial uses, and residences. While the Project results in the temporary conversion of agricultural land to a solar farm, the Project is not anticipated to result in secondary development effects or significant population growth. Additionally, given the low visual impact of the Project, it will be minimally perceptible to surrounding uses. Furthermore, pursuant to the Decommissioning Plan, the Project will be fully removed at the end of its useful life rather than permanently impacting the Land and the surrounding community. Accordingly, the Project will not create any significant adverse impacts to the character of the community or community plans.

**Section 3.** Since the Project will not have a significant adverse impact on the environment, a negative declaration (“**Negative Declaration**”) pursuant to SEQRA is hereby issued. This Negative Declaration has been prepared pursuant to and in accordance with the requirements of SEQRA.

**Section 4.** The Chairman and the Administrative Director of the Agency are hereby authorized and directed to distribute copies of this Resolution to the Applicant and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

**Section 5.** This Resolution, which is adopted by a majority vote of the Agency, shall serve as the Negative Declaration (as defined in 6 NYCRR 617.2(z)) for the Project, and is issued by the Agency pursuant to and in accordance with SEQRA, shall take effect immediately.

**Section 6.** For further information on this Negative Declaration contact:

County of Chautauqua Industrial Development Agency  
201 West 3rd Street, Suite 115  
Jamestown, New York 14701-6902  
ATTN: Mark Geise, Administrative Director/CEO  
Phone: 716-661-8900  
Fax: 716-664-4515

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

Gary Henry	VOTING
Bradley Walters	VOTING
Sagan Sheffield-Smith	VOTING
Dan Heitzenrater	VOTING
Kevin Muldowney	VOTING
Amy Harding	VOTING
Daniel DeMarte	VOTING
Tom Harmon	VOTING

The foregoing Resolution was thereupon declared duly \_\_\_\_\_.



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

WE, the undersigned officers of the County of Chautauqua Industrial Development Agency (the “Agency”), DO HEREBY CERTIFY that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on November 19, 2024 with the original thereof on file in our offices, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

WE 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”), said meeting was open to the general public at both locations at which members of the Agency were present, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; (D) there was a quorum of the members of the Agency present throughout said meeting; and (E) the meeting was recorded and the recording has been or will be posted on the public website of the Agency pursuant to the Open Meetings Law.

WE 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, we have hereunto set our hand this 19<sup>th</sup> day of November, 2024.

\_\_\_\_\_  
[Assistant] Secretary

\_\_\_\_\_  
[Vice] Chairperson

**DUNKIRK SOLAR ONE LLC -  
Approving Resolution**

A regular meeting of the County of Chautauqua Industrial Development Agency (the “Agency”) was convened in public session on November 19, 2024, at 10:30 A.M., local time, at the offices of the Agency located at 201 West 3rd Street, Jamestown, County of Chautauqua, New York (the “IDA Office”).

The meeting was called to order by the \_\_\_\_\_ and, upon roll being called, the following members of the Agency were:

PRESENT:

Gary Henry	Chairman
Bradley Walters	Vice Chairman
Sagan Sheffield-Smith	Treasurer
Daniel Heitzenrater	Secretary
Amy Harding	Member
Daniel DeMarte	Member
Tom Harmon	Member
Kevin Muldowney	Member

NOT PRESENT:

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Mark Geise	Administrative Director/CEO
Richard E. Dixon	Chief Financial Officer
Milan K. Tyler, Esq.	Counsel
Gregory L. Peterson, Esq.	Counsel

The attached resolution no. 11-19-24-06 was offered by \_\_\_\_\_, seconded by \_\_\_\_\_:

Resolution No. 11-19-24-06

RESOLUTION TAKING OFFICIAL ACTION TOWARD AND APPROVING THE  
STRAIGHT LEASE DOCUMENTS FOR A CERTAIN PROJECT FOR  
DUNKIRK SOLAR ONE LLC AND/OR ITS AFFILIATES

WHEREAS, the County of Chautauqua Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the Laws of 1969 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 71 of the 1972 Laws of New York, as amended, constituting Section 895-h 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 industrial, manufacturing, warehousing, commercial, research and recreation 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, DUNKIRK SOLAR ONE LLC, a limited liability company organized and existing under the laws of the New York, on behalf of itself and/or the principals of Dunkirk Solar One LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the “Applicant”), presented an application for financial assistance (the “Application”) to the Agency, which Application requested that the Agency consider undertaking a project (the “Project”) consisting of the following: (A)(1) the acquisition of an interest in an approximately 20.56 acre portion of a 29.5 acre parcel of land located at 3761 East Lake Road, Town of Dunkirk, County of Chautauqua, New York (the “Land”), (2) the acquisition, construction, installation, and equipping on the Land of: (i) solar photovoltaic modules mounted on tracking steel structure, (ii) inverters and transformers, (iii) underground and overhead electrical lines, (iv) fencing, and (v) a system of access roads, parking, landscaping and related improvements to the Land (collectively, the “Improvements”), and (3) the acquisition and installation of certain furniture, fixtures, machinery and equipment necessary for the completion thereof (the “Equipment” and together with the Land and the Improvements, collectively, the “Project Facility”), all of the foregoing for use by the Applicant and/or its affiliates as an approximately 5.0 megawatt A/C solar-powered electrical generation facility; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing in the form of potential exemptions or partial exemptions from real property taxes and sales and use taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase), license or sale of the Project Facility to the Applicant or

such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency;  
and

WHEREAS, in accordance with Section 859-a of the Act, any approval of the Project is contingent upon, inter alia, a determination by the members of the Agency to proceed with the Project following a determination by the Agency that (A) the public hearing and notice requirements and other procedural requirements contained in the Act relating to the Project have been satisfied; and (B) the undertaking of the Project by the Agency and the granting of the Financial Assistance are and will be in compliance with all other applicable requirements of the Act, SEQRA (as hereinafter defined), and all other statutes, codes, laws, rules and regulations of any governmental authority having jurisdiction over the Project and/or the Project Facility (collectively, the “Applicable Laws”); and

WHEREAS, the Administrative Director/CEO of the Agency (A) caused notice of a public hearing of the Agency pursuant to Section 859-a of the Act (the “Public Hearing”) to hear all persons interested in the Project and the Financial Assistance contemplated by the Agency with respect to the Project, to be mailed on November 1, 2024 to the chief executive officer of the County of Chautauqua (the “County”) and of each other affected tax jurisdiction within which the Project Facility is or is to be located, and posted a copy of the Application on the Agency’s website; (B) caused notice of the Public Hearing to be published on November 2, 2024 in *The Observer*, a newspaper of general circulation available to residents of the County; (C) caused the Public Hearing to be conducted on November 12, 2024, at 11:00 a.m., local time, at 4737 Willow Road, Town of Dunkirk, County of Chautauqua, New York; (D) caused the Public Hearing to be streamed on the Agency’s website in real-time and a recording of the Public Hearing to be posted on the Agency’s website, all in accordance with Section 857 of the Act, as amended; and (E) caused a written report of the Public Hearing to be prepared which fairly summarizes the views presented at the Public Hearing and collected written comments from the public (collectively, the “Report”) and distributed the Report to the members of the Agency; and

WHEREAS, pursuant to Article 8 of the New York 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 (“NYSDEC”), being 6 N.Y.C.R.R. Part 617, et. seq., as amended (the “Regulations” and collectively with the SEQR Act, “SEQRA”), the Agency must satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Project; and

WHEREAS, [SEQRA]

WHEREAS, in accordance with Section 874(4) of the Act, (A) the Administrative Director/CEO of the Agency caused letters dated November 1, 2024 (the “Pilot Deviation Notice Letters”) to be mailed to the chief executive officer of each affected tax jurisdiction and to all other persons required by applicable law, informing said individuals that the Agency would, at its meeting on November 19, 2024 (the “IDA Meeting”), consider a proposed deviation from the Tax Exemption Policy with respect to the payment in lieu of taxes agreement to be entered into by the Agency with respect to the Improvements; and (B) the members of the Agency conducted

the IDA Meeting on the date hereof and reviewed any comments and correspondence received with respect to the proposed deviation from the Tax Exemption Policy; and

WHEREAS, the Agency now desires to make its determination to proceed with the Project and to grant the Financial Assistance, subject to the terms hereof; and

WHEREAS, the Applicant and/or one (1) or more of its affiliates will (A) execute and deliver a certain Company Lease Agreement (the “Company Lease”), pursuant to which the Applicant and/or such affiliate(s) will grant to the Agency a leasehold interest in the Project Facility; (B) execute and deliver a certain Agency Lease Agreement (Uniform Project Agreement) (the “Agency Lease”), pursuant to which the Agency will grant to the Applicant and/or such affiliate(s) a subleasehold interest in the Project Facility; (C) execute and deliver a certain Payment in Lieu of Taxes Agreement (the “PILOT Agreement”) pursuant to which the Agency would grant an exemption from real property taxes with respect to the Improvements only; and (D) execute and deliver certain other certificates, documents, instruments and agreements related to the Project (together with the Company Lease, the Agency Lease and the PILOT Agreement, collectively, the “Transaction Documents”);

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

Section 1. In accordance with Section 859-a of the Act, the Agency has prepared a written cost-benefit analysis with respect to the Project and the granting of the Financial Assistance (the “Analysis”). The Agency has reviewed the Application, the Report and the Analysis, and, based upon the representations made by the Applicant to the Agency and information obtained by the Agency, the Agency has reviewed and assessed all material information necessary to afford a reasonable basis for the Agency to make a determination to approve the Financial Assistance. In addition, the Agency hereby makes the following findings and determinations with respect to the Project:

(a) based on the proposed use of the Project Facility as set forth in the Application, the economic effects of the Project on the area in which it is situated, and the employment reasonably expected to be created and/or maintained by the Project, and an analysis of how the Project contributes to the realization of the public purposes of promoting employment opportunities in the County and the prevention of economic deterioration in the County, the Project will constitute a commercial facility with a significant impact on the area in which it is situated, and will advance the Agency’s purposes by promoting employment opportunities and preventing economic deterioration in the County. Therefore, the Project constitutes a “project” within the meaning of the Act;

(b) the granting by the Agency of the Financial Assistance with respect to the Project will be an inducement to the Applicant to undertake the Project in the County;

(c) there is a likelihood that the Project would not be undertaken but for the granting of the Financial Assistance by the Agency to the Applicant;

(d) the completion of the Project Facility, the sublease thereof by the Agency to the Applicant and the operation thereof by the Applicant will not result in the removal of a facility or plant of the Applicant or any other occupant or user of the Project Facility from one area of the State of New York (the "State") to another area of the State or in the abandonment of one or more plants or facilities of the Applicant or any other occupant or user located within the State (but outside of the County). Therefore, the provisions of subdivision (1) of Section 862 of the Act are not and will not be violated as a result of the granting of the Financial Assistance by the Agency to the Applicant;

(e) the Project will serve the public purposes of the Act by preserving permanent, private sector jobs, and increasing the overall number of permanent, private sector jobs in the State;

(f) no funds of the Agency shall be used in connection with the Project for the purpose of preventing the establishment of an industrial or manufacturing plant, nor shall any funds of the Agency be given in connection with the Project to any group or organization which is attempting to prevent the establishment of an industrial or manufacturing plant within the State, nor shall any funds of the Agency be used for advertising or promotional materials which depict elected or appointed government officials in either print or electronic media;

(g) the Project Facility does not and will 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. For purposes of this finding, retail sales shall mean: (i) sales by a registered vendor under Article 28 of the New York Tax Law primarily engaged in the retail sale of tangible personal property, as defined in subparagraph (i) of paragraph four of subdivision (b) of section 1101 of the New York Tax Law; or (ii) sales of a service to such customers;

(h) the granting of the Financial Assistance by the Agency with respect to the Project will encourage and assist the Applicant in undertaking the Project in the County, will promote the job opportunities, health, general prosperity and economic welfare of the inhabitants of the County and the State and improve their standard of living, and thereby serve the public purposes of the Act; and

(i) the Project will not result in the removal or abandonment of a plant or facility of the Applicant or any other occupant or user of the Project Facility, currently located within the County.

Section 2. The Agency hereby ratifies, confirms and approves all actions heretofore taken by the Administrative Director/CEO, Chief Financial Officer and the staff of the Agency with respect to the Application, the Analysis and the Public Hearing, including, without limitation, (a) those actions required to ensure full compliance with the requirements of the Act, SEQRA and all other Applicable Laws that relate to the Project, and (b) the appointment of the

law firm of Phillips Lytle LLP as Counsel to the Agency with respect to all matters in connection with the Project.

Section 3. The Agency hereby determines that the Agency has fully complied with the requirements of the Act, SEQRA and all other Applicable Laws that relate to the Project.

Section 4. Having considered fully all comments received at or in connection with the Public Hearing and the IDA Meeting, including correspondence received subsequent to the Public Hearing, the Agency hereby further determines to proceed with the Project and the granting of the Financial Assistance, subject to the terms hereof. The Agency hereby approves the granting of (a) an exemption from real property taxes having an estimated value of \$1,257,189, and (b) an exemption from sales and use taxes in the maximum amount of \$450,000.

Section 5. The Agency recognizes that due to the complexities of the proposed transaction it may become necessary that certain of the terms approved hereby may require modifications from time to time which will not affect the intent and substance of the authorizations and approvals by the Agency herein. The Agency hereby authorizes the Chairman, Vice Chairman, Administrative Director/CEO and Chief Financial Officer of the Agency, acting individually or jointly, to approve modifications to the terms approved hereby which do not affect the intent and substance of this Resolution, but may include adjustments to the Financial Assistance granted hereunder. The approval of such modifications shall be evidenced by the certificate of determination of an Agency officer or the execution and delivery by some or all such Agency officers of relevant documents containing such modified terms.

Section 6. The Agency is hereby authorized to (a) acquire an interest in the Project Facility pursuant to the Company Lease and the other Transaction Documents, (b) grant a subleasehold interest in the Project Facility pursuant to the Agency Lease and the other Transaction Documents, (c) grant the Financial Assistance, and (d) do all things necessary, convenient or appropriate for the accomplishment thereof. All acts heretofore taken by the Agency with respect to the foregoing are hereby approved, ratified and confirmed.

Section 7. The form and substance of the Transaction Documents, in the forms presented to the members of the Agency, together with such changes as the Chairman, the Vice Chairman, the Administrative Director/CEO or the Chief Financial Officer may hereafter deem necessary or appropriate, are hereby approved. The Chairman, the Vice Chairman, the Administrative Director/CEO and the Chief Financial Officer are hereby authorized, on behalf of the Agency, acting together or individually, to execute and deliver the Transaction Documents to which the Agency is a party 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. The execution and delivery of each such agreement, approval and consent by such person(s) shall be conclusive evidence of such approval.

Section 8. The Chairman, the Vice Chairman, the Administrative Director/CEO and the Chief Financial Officer of the Agency are hereby further authorized, on behalf of the Agency, acting together or individually, to designate any additional Authorized Representatives (as defined in the Agency Lease) of the Agency.

Section 9. The officers, employees and agents of the Agency are hereby authorized and directed, acting individually or jointly, 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 Transaction Documents, to execute and deliver all such additional certificates, instruments, agreements 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, convenient or appropriate to effect the purposes of this Resolution and to cause compliance with all of the terms, covenants and provisions of the Transaction Documents to which the Agency is a party or which are binding on the Agency.

Section 10. The members of the Agency acknowledge the terms and conditions of Section 875(3) of the Act and the duties and obligations of the Agency thereunder with respect to granting of State Sales and Use Taxes (as such term is defined in Section 875 of the Act) with respect to the Project. The members hereby direct the officers of the Agency to comply with such terms and conditions with respect to the Project and hereby direct Counsel to the Agency to include such terms and conditions in all relevant Transaction Documents.

Section 11. The Chairman, the Vice Chairman, the Administrative Director/CEO and the Chief Financial Officer of the Agency are hereby authorized and directed to distribute copies of this Resolution to the Applicant and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 12. 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:

Gary Henry	VOTING
Bradley Walters	VOTING
Sagan Sheffield-Smith	VOTING
Dan Heitzenrater	VOTING
Kevin Muldowney	VOTING
Amy Harding	VOTING
Daniel DeMarte	VOTING
Tom Harmon	VOTING

The foregoing resolution was thereupon declared duly \_\_\_\_\_.

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

WE, the undersigned officers of the County of Chautauqua Industrial Development Agency (the “Agency”), DO HEREBY CERTIFY that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on November 19, 2024 with the original thereof on file in our offices, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

WE 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”), said meeting was open to the general public at both locations at which members of the Agency were present, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; (D) there was a quorum of the members of the Agency present throughout said meeting; and (E) the meeting was recorded and the recording has been or will be posted on the public website of the Agency pursuant to the Open Meetings Law.

WE 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, we have hereunto set our hand this 19<sup>th</sup> day of November, 2024.

\_\_\_\_\_  
[Assistant] Secretary

\_\_\_\_\_  
[Vice] Chairman

**DUNKIRK SOLAR TWO LLC -  
Deviation Approval Resolution**

A regular meeting of the County of Chautauqua Industrial Development Agency (the “Agency”) was convened in public session on November 19, 2024, at 10:30 A.M., local time, at the offices of the Agency located at 201 West 3rd Street, Jamestown, County of Chautauqua, New York (the “IDA Office”).

The meeting was called to order by the \_\_\_\_\_ and, upon roll being called, the following members of the Agency were:

PRESENT:

Gary Henry	Chairman
Bradley Walters	Vice Chairman
Sagan Sheffield-Smith	Treasurer
Daniel Heitzenrater	Secretary
Amy Harding	Member
Daniel DeMarte	Member
Tom Harmon	Member
Kevin Muldowney	Member

NOT PRESENT:

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Mark Geise	Administrative Director/CEO
Richard E. Dixon	Chief Financial Officer
Milan K. Tyler, Esq.	Counsel
Gregory L. Peterson, Esq.	Counsel

The attached resolution no. 11-19-24-07 was offered by \_\_\_\_\_, seconded by \_\_\_\_\_:

Resolution No. 11-19-24-07

RESOLUTION AUTHORIZING A DEVIATION FROM THE UNIFORM  
TAX EXEMPTION POLICY OF THE COUNTY OF CHAUTAUQUA  
INDUSTRIAL DEVELOPMENT AGENCY WITH RESPECT  
TO A PROJECT FOR DUNKIRK SOLAR TWO LLC  
AND/OR ITS AFFILIATES

WHEREAS, the County of Chautauqua Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the Laws of 1969 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 71 of the 1972 Laws of New York, as amended, constituting Section 895-h 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 industrial, manufacturing, warehousing, commercial, research and recreation 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, DUNKIRK SOLAR TWO LLC, a limited liability company organized and existing under the laws of the New York, on behalf of itself and/or the principals of Dunkirk Solar Two LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the “Applicant”), presented an application for financial assistance (the “Application”) to the Agency, which Application requested that the Agency consider undertaking a project (the “Project”) consisting of the following: (A)(1) the acquisition of an interest in an approximately 21.14 acre portion of a 27.3 acre parcel of land located at 3761 East Lake Road, Town of Dunkirk, County of Chautauqua, New York (the “Land”), (2) the acquisition, construction, installation, and equipping on the Land of: (i) solar photovoltaic modules mounted on tracking steel structure, (ii) inverters and transformers, (iii) underground and overhead electrical lines, (iv) fencing, and (v) a system of access roads, parking, landscaping and related improvements to the Land (collectively, the “Improvements”), and (3) the acquisition and installation of certain furniture, fixtures, machinery and equipment necessary for the completion thereof (the

“Equipment” and together with the Land and the Improvements, collectively, the “Project Facility”), all of the foregoing for use by the Applicant and/or its affiliates as an approximately 4.8 megawatt A/C solar-powered electrical generation facility; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing in the form of potential exemptions or partial exemptions from real property taxes and sales and use taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase), license or sale of the Project Facility to the Applicant or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency; and

WHEREAS, the Application states that the Applicant is seeking an exemption from real property taxes with respect to the Improvements that, if granted, would constitute a deviation from the Agency’s established Uniform Tax Exemption Policy and Guidelines (the “Tax Exemption Policy”) that is published on the Agency’s website; and

WHEREAS, in accordance with Section 874(4) of the Act, (A) the Administrative Director/CEO of the Agency caused a letter dated November 1, 2024 (the “Pilot Deviation Notice Letters”) to be mailed to the chief executive officer of each affected tax jurisdiction and to all other persons required by applicable law, informing said individuals that the Agency would, at its meeting on November 19, 2024 (the “IDA Meeting”), consider a proposed deviation from the Tax Exemption Policy with respect to the payment in lieu of taxes agreement to be entered into by the Agency with respect to the Improvements; and (B) the members of the Agency conducted the IDA Meeting on the date hereof and reviewed any comments and correspondence received with respect to the proposed deviation from the Tax Exemption Policy; and

WHEREAS, the Agency desires to provide for compliance with the provisions of Section 874(4) of the Act with respect to the proposed deviation from the Tax Exemption Policy;

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

Section 1. The Agency hereby determines that the Agency has fully complied with the requirements of Section 874(4) of the Act relating to the proposed deviation from the Tax Exemption Policy.

Section 2. Prior to making the determinations set forth in this Resolution, the members of the Agency have considered and weighed all of the factors set forth in the Tax Exemption Policy.

Section 3. Having reviewed all written comments and correspondence received at or prior to the IDA Meeting, the Agency hereby approves the proposed deviation from the Tax

Exemption Policy as described in the Pilot Deviation Notice Letters (copies of which are attached hereto as Exhibit A) because the Property Tax Exemption (as defined in the Pilot Deviation Notice Letters) is necessary to induce the Applicant to undertake the Project in Chautauqua County. Deviating from the Policy in this instance will advance the job opportunities, general prosperity and economic welfare of the people of the State of New York and Chautauqua County.

Section 4. The Chairman, Vice Chairman, Administrative Director/CEO and Chief Financial Officer of the Agency are each hereby authorized and directed, acting individually or jointly, to distribute copies of this Resolution to the Applicant and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution. If the Agency hereafter adopts appropriate final approving resolutions with respect to the proposed straight-lease transaction with the Applicant (the “Transaction”), the Chairman, Vice Chairman, Administrative Director/CEO and Chief Financial Officer of the Agency are each hereby authorized and directed, acting individually or jointly, to cause the Agency to (A) enter into a Payment in Lieu of Taxes Agreement providing for, among other things, the making of payments in lieu of property taxes consistent with the Pilot Deviation Notice Letters, and (B) file an application for real property tax exemption with the appropriate assessor(s) with respect to the Improvements.

Section 5. This Resolution shall take effect immediately, but is subject to and conditioned upon the closing of the Transaction.

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

Gary Henry	VOTING
Bradley Walters	VOTING
Sagan Sheffield-Smith	VOTING
Dan Heitzenrater	VOTING
Kevin Muldowney	VOTING
Amy Harding	VOTING
Daniel DeMarte	VOTING
Tom Harmon	VOTING

The foregoing resolution was thereupon declared duly \_\_\_\_\_.

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

WE, the undersigned officers of the County of Chautauqua Industrial Development Agency (the “Agency”), DO HEREBY CERTIFY that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on November 19, 2024 with the original thereof on file in our offices, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

WE 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”), said meeting was open to the general public at both locations at which members of the Agency were present, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; (D) there was a quorum of the members of the Agency present throughout said meeting; and (E) the meeting was recorded and the recording has been or will be posted on the public website of the Agency pursuant to the Open Meetings Law.

WE 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, we have hereunto set our hand this 19<sup>th</sup> day of November, 2024.

\_\_\_\_\_  
[Assistant] Secretary

\_\_\_\_\_  
[Vice] Chairman

**EXHIBIT A**

Pilot Deviation Notice Letters

See Attached





November 1, 2024

**Board of Directors**

**Gary Henry**  
Chairman  
Owner  
Fancher Chair Co., Inc.

**Tom Harmon**  
Member  
PED Chair

**Brad Walters**  
Vice Chairman  
Executive Director  
Southern Tier Builders  
Association

**Sagan Sheffield-Smith**  
Treasurer  
Chief Financial Officer  
Double A Vineyards

**Dan Heitzenrater**  
Secretary  
President & CEO  
Chautauqua County  
Chamber of Commerce

**Steven Thorpe**  
Member  
President  
Sheet Metal Workers  
Local Union No 112

**Daniel DeMarte**  
Member  
President  
Jamestown Community  
College

**Amy Harding**  
Member  
Vice President  
Lake Shore Savings Bank

**Kevin Muldowney**  
Member  
President  
Muldowney  
Development

**EMAIL & US MAIL DISTRIBUTION**  
**CERTIFIED MAIL/RETURN RECEIPT**  
**DELIVERY AND READ RECEIPTS REQUESTED**

Priscilla Penfold, Town Supervisor 4737 Willow Road Dunkirk, NY 14048	Chautauqua County County Executive, Paul Wendel 3 N. Erie St. Mayville, NY 14757
Rebecca Yacklon, Town Clerk 4737 Willow Road Dunkirk, NY 14048	Legal Notices Observer 10 East 2 <sup>nd</sup> Street Dunkirk, NY 14048
Michael Mansfield, Superintendent Dunkirk City School Dist. 620 Marauder Dr. Dunkirk, NY 14048	Julie Greene, Account Clerk Dunkirk City School Dist. 620 Marauder Dr. Dunkirk, NY 14048
Kenneth kozlowski, Board President Dunkirk City School Dist. 620 Marauder Dr. Dunkirk, NY 14048	

**NOTICE OF PROPOSED DEVIATION FROM UNIFORM  
TAX EXEMPTION POLICY AND GUIDELINES**

Ladies and Gentlemen:

Notice is hereby given that at a meeting of the County of Chautauqua Industrial Development Agency (the "Agency") to be held on November 19, 2024, at 10:30 a.m., local time, simultaneously at the offices of the Agency, 201 West Third Street, Jamestown, County of Chautauqua, New York, the Agency will consider whether to approve the application of DUNKIRK SOLAR TWO LLC, a limited liability company organized and existing under the laws of the New York, on behalf of itself and/or the principals of Dunkirk Solar Two LLC and/or an entity formed or to be formed on behalf of any of the foregoing



(collectively, the “Applicant”), for certain “financial assistance” which, if granted, would deviate from the Agency’s Uniform Tax Exemption Policy and Guidelines (the “Policy”) with respect to the payment of real property taxes.

The Applicant submitted an application for financial assistance (the “Application”) to the Agency requesting that the Agency consider undertaking a project (the “Project”) consisting of the following: (A)(1) the acquisition of an interest in an approximately 21.14 acre portion of a 27.3 acre parcel of land located at 3761 East Lake Road, Town of Dunkirk, County of Chautauqua, New York (the “Land”), (2) the acquisition, construction, installation, and equipping on the Land of: (i) solar photovoltaic modules mounted on tracking steel structure, (ii) inverters and transformers, (iii) underground and overhead electrical lines, (iv) fencing, and (v) a system of access roads, parking, landscaping and related improvements to the Land (collectively, the “Improvements”), and (3) the acquisition and installation of certain furniture, fixtures, machinery and equipment necessary for the completion thereof (the “Equipment” and together with the Land and the Improvements, collectively, the “Project Facility”), all of the foregoing for use by the Applicant and/or its affiliates as an approximately 4.8 megawatt A/C solar-powered electrical generation facility; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing in the form of potential exemptions or partial exemptions from real property taxes and sales and use taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase), license or sale of the Project Facility to the Applicant or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency.

The Project Facility would be initially owned, operated and/or managed by the Applicant (or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency).

The Application states that the Applicant is seeking an abatement of real property taxes with respect the Project Facility. Based upon negotiations between representatives of the Applicant and the Agency, the parties contemplate that the Agency may agree to grant a real property tax exemption with respect to the Improvements only (the “Property Tax Exemption”). The Property Tax Exemption would result in a payment in lieu of taxes (“PILOT”) agreement between the Agency and the Applicant and/or its affiliates having a term of twenty-five (25) fiscal tax years (the “PILOT Term”), with annual PILOT payments with respect to the Improvements as follows:

<u>Year</u>	<u>PILOT</u>	<u>Annual PILOT Payment</u>
1		\$19,920
2		\$20,318
3		\$20,725
4		\$21,139
5		\$21,562
6		\$21,993
7		\$22,433
8		\$22,882
9		\$23,339
10		\$23,806

11	\$24,282
12	\$24,768
13	\$25,263
14	\$25,769
15	\$26,284
16	\$26,810
17	\$27,346
18	\$27,893
19	\$28,451
20	\$29,020
21	\$29,600
22	\$30,192
23	\$30,796
24	\$31,412
25	\$32,040

No exemption from real property taxes and assessments would be granted by the Agency with respect to the Land or the existing improvements thereon and the Land and such improvements would remain on the tax rolls as taxable property subject to taxation at their then current, full assessed value, as the same may be reassessed from time to time, and subject to tax rate increases imposed by the affected tax jurisdictions.

Thereafter, and through the end of the term of the lease or installment sale agreement with respect to the Project Facility, the payments would be equal to the real property taxes and assessments that would be payable as if the Improvements were returned to the tax rolls as taxable property and subject to taxation at its then current, full assessed value, as the same may be reassessed from time to time, and subject to tax rate increases imposed by the affected tax jurisdictions.

The Property Tax Exemption, if approved by the Agency, would be a deviation from the Policy.


The reason for the proposed deviation is that the Property Tax Exemption, if approved by the Agency, is necessary to induce the Applicant to undertake the Project in Chautauqua County. Deviating from the Policy in this instance will advance the job opportunities, general prosperity and economic welfare of the people of the State of New York and Chautauqua County.

The meeting will be streamed on the Agency's website in real-time and a recording of the meeting will be posted on the Agency's website, all in accordance with Section 857 of the New York General Municipal Law, as amended.

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Copies of the Application, including the request for a deviation from the Policy, are available for review by the public online at [www.ccida.com](http://www.ccida.com). For additional assistance, contact the Agency at (716) 661-8900.

COUNTY OF CHAUTAUQUA INDUSTRIAL  
DEVELOPMENT AGENCY

By:   
Richard E. Dixon  
Chief Financial Officer

**DUNKIRK SOLAR TWO LLC -  
Approving Resolution**

A regular meeting of the County of Chautauqua Industrial Development Agency (the “Agency”) was convened in public session on November 19, 2024, at 10:30 A.M., local time, at the offices of the Agency located at 201 West 3rd Street, Jamestown, County of Chautauqua, New York (the “IDA Office”).

The meeting was called to order by the \_\_\_\_\_ and, upon roll being called, the following members of the Agency were:

PRESENT:

Gary Henry	Chairman
Bradley Walters	Vice Chairman
Sagan Sheffield-Smith	Treasurer
Daniel Heitzenrater	Secretary
Amy Harding	Member
Daniel DeMarte	Member
Tom Harmon	Member
Kevin Muldowney	Member

NOT PRESENT:

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Mark Geise	Administrative Director/CEO
Richard E. Dixon	Chief Financial Officer
Milan K. Tyler, Esq.	Counsel
Gregory L. Peterson, Esq.	Counsel

The attached resolution no. 11-19-24-08 was offered by \_\_\_\_\_, seconded by \_\_\_\_\_:

Resolution No. 11-19-24-08

RESOLUTION TAKING OFFICIAL ACTION TOWARD AND APPROVING THE  
STRAIGHT LEASE DOCUMENTS FOR A CERTAIN PROJECT FOR  
DUNKIRK SOLAR TWO LLC AND/OR ITS AFFILIATES

WHEREAS, the County of Chautauqua Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the Laws of 1969 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 71 of the 1972 Laws of New York, as amended, constituting Section 895-h 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 industrial, manufacturing, warehousing, commercial, research and recreation 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, DUNKIRK SOLAR TWO LLC, a limited liability company organized and existing under the laws of the New York, on behalf of itself and/or the principals of Dunkirk Solar Two LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the “Applicant”), presented an application for financial assistance (the “Application”) to the Agency, which Application requested that the Agency consider undertaking a project (the “Project”) consisting of the following: (A)(1) the acquisition of an interest in an approximately 21.14 acre portion of a 27.3 acre parcel of land located at 3761 East Lake Road, Town of Dunkirk, County of Chautauqua, New York (the “Land”), (2) the acquisition, construction, installation, and equipping on the Land of: (i) solar photovoltaic modules mounted on tracking steel structure, (ii) inverters and transformers, (iii) underground and overhead electrical lines, (iv) fencing, and (v) a system of access roads, parking, landscaping and related improvements to the Land (collectively, the “Improvements”), and (3) the acquisition and installation of certain furniture, fixtures, machinery and equipment necessary for the completion thereof (the “Equipment” and together with the Land and the Improvements, collectively, the “Project Facility”), all of the foregoing for use by the Applicant and/or its affiliates as an approximately 4.8 megawatt A/C solar-powered electrical generation facility; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing in the form of potential exemptions or partial exemptions from real property taxes and sales and use taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase), license or sale of the Project Facility to the Applicant or

such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency;  
and

WHEREAS, in accordance with Section 859-a of the Act, any approval of the Project is contingent upon, inter alia, a determination by the members of the Agency to proceed with the Project following a determination by the Agency that (A) the public hearing and notice requirements and other procedural requirements contained in the Act relating to the Project have been satisfied; and (B) the undertaking of the Project by the Agency and the granting of the Financial Assistance are and will be in compliance with all other applicable requirements of the Act, SEQRA (as hereinafter defined), and all other statutes, codes, laws, rules and regulations of any governmental authority having jurisdiction over the Project and/or the Project Facility (collectively, the “Applicable Laws”); and

WHEREAS, the Administrative Director/CEO of the Agency (A) caused notice of a public hearing of the Agency pursuant to Section 859-a of the Act (the “Public Hearing”) to hear all persons interested in the Project and the Financial Assistance contemplated by the Agency with respect to the Project, to be mailed on November 1, 2024 to the chief executive officer of the County of Chautauqua (the “County”) and of each other affected tax jurisdiction within which the Project Facility is or is to be located, and posted a copy of the Application on the Agency’s website; (B) caused notice of the Public Hearing to be published on November 2, 2024 in *The Observer*, a newspaper of general circulation available to residents of the County; (C) caused the Public Hearing to be conducted on November 12, 2024, at 11:15 a.m., local time, at 4737 Willow Road, Town of Dunkirk, County of Chautauqua, New York; (D) caused the Public Hearing to be streamed on the Agency’s website in real-time and a recording of the Public Hearing to be posted on the Agency’s website, all in accordance with Section 857 of the Act, as amended; and (E) caused a written report of the Public Hearing to be prepared which fairly summarizes the views presented at the Public Hearing and collected written comments from the public (collectively, the “Report”) and distributed the Report to the members of the Agency; and

WHEREAS, pursuant to Article 8 of the New York 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 (“NYSDEC”), being 6 N.Y.C.R.R. Part 617, et. seq., as amended (the “Regulations” and collectively with the SEQR Act, “SEQRA”), the Agency must satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Project; and

WHEREAS, [SEQRA]

WHEREAS, in accordance with Section 874(4) of the Act, (A) the Administrative Director/CEO of the Agency caused letters dated November 1, 2024 (the “Pilot Deviation Notice Letters”) to be mailed to the chief executive officer of each affected tax jurisdiction and to all other persons required by applicable law, informing said individuals that the Agency would, at its meeting on November 19, 2024 (the “IDA Meeting”), consider a proposed deviation from the Tax Exemption Policy with respect to the payment in lieu of taxes agreement to be entered into by the Agency with respect to the Improvements; and (B) the members of the Agency conducted

the IDA Meeting on the date hereof and reviewed any comments and correspondence received with respect to the proposed deviation from the Tax Exemption Policy; and

WHEREAS, the Agency now desires to make its determination to proceed with the Project and to grant the Financial Assistance, subject to the terms hereof; and

WHEREAS, the Applicant and/or one (1) or more of its affiliates will (A) execute and deliver a certain Company Lease Agreement (the “Company Lease”), pursuant to which the Applicant and/or such affiliate(s) will grant to the Agency a leasehold interest in the Project Facility; (B) execute and deliver a certain Agency Lease Agreement (Uniform Project Agreement) (the “Agency Lease”), pursuant to which the Agency will grant to the Applicant and/or such affiliate(s) a subleasehold interest in the Project Facility; (C) execute and deliver a certain Payment in Lieu of Taxes Agreement (the “PILOT Agreement”) pursuant to which the Agency would grant an exemption from real property taxes with respect to the Improvements only; and (D) execute and deliver certain other certificates, documents, instruments and agreements related to the Project (together with the Company Lease, the Agency Lease and the PILOT Agreement, collectively, the “Transaction Documents”);

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

Section 1. In accordance with Section 859-a of the Act, the Agency has prepared a written cost-benefit analysis with respect to the Project and the granting of the Financial Assistance (the “Analysis”). The Agency has reviewed the Application, the Report and the Analysis, and, based upon the representations made by the Applicant to the Agency and information obtained by the Agency, the Agency has reviewed and assessed all material information necessary to afford a reasonable basis for the Agency to make a determination to approve the Financial Assistance. In addition, the Agency hereby makes the following findings and determinations with respect to the Project:

(a) based on the proposed use of the Project Facility as set forth in the Application, the economic effects of the Project on the area in which it is situated, and the employment reasonably expected to be created and/or maintained by the Project, and an analysis of how the Project contributes to the realization of the public purposes of promoting employment opportunities in the County and the prevention of economic deterioration in the County, the Project will constitute a commercial facility with a significant impact on the area in which it is situated, and will advance the Agency’s purposes by promoting employment opportunities and preventing economic deterioration in the County. Therefore, the Project constitutes a “project” within the meaning of the Act;

(b) the granting by the Agency of the Financial Assistance with respect to the Project will be an inducement to the Applicant to undertake the Project in the County;

(c) there is a likelihood that the Project would not be undertaken but for the granting of the Financial Assistance by the Agency to the Applicant;



(d) the completion of the Project Facility, the sublease thereof by the Agency to the Applicant and the operation thereof by the Applicant will not result in the removal of a facility or plant of the Applicant or any other occupant or user of the Project Facility from one area of the State of New York (the “State”) to another area of the State or in the abandonment of one or more plants or facilities of the Applicant or any other occupant or user located within the State (but outside of the County). Therefore, the provisions of subdivision (1) of Section 862 of the Act are not and will not be violated as a result of the granting of the Financial Assistance by the Agency to the Applicant;

(e) the Project will serve the public purposes of the Act by preserving permanent, private sector jobs, and increasing the overall number of permanent, private sector jobs in the State;

(f) no funds of the Agency shall be used in connection with the Project for the purpose of preventing the establishment of an industrial or manufacturing plant, nor shall any funds of the Agency be given in connection with the Project to any group or organization which is attempting to prevent the establishment of an industrial or manufacturing plant within the State, nor shall any funds of the Agency be used for advertising or promotional materials which depict elected or appointed government officials in either print or electronic media;

(g) the Project Facility does not and will 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. For purposes of this finding, retail sales shall mean: (i) sales by a registered vendor under Article 28 of the New York Tax Law primarily engaged in the retail sale of tangible personal property, as defined in subparagraph (i) of paragraph four of subdivision (b) of section 1101 of the New York Tax Law; or (ii) sales of a service to such customers;

(h) the granting of the Financial Assistance by the Agency with respect to the Project will encourage and assist the Applicant in undertaking the Project in the County, will promote the job opportunities, health, general prosperity and economic welfare of the inhabitants of the County and the State and improve their standard of living, and thereby serve the public purposes of the Act; and

(i) the Project will not result in the removal or abandonment of a plant or facility of the Applicant or any other occupant or user of the Project Facility, currently located within the County.

Section 2. The Agency hereby ratifies, confirms and approves all actions heretofore taken by the Administrative Director/CEO, Chief Financial Officer and the staff of the Agency with respect to the Application, the Analysis and the Public Hearing, including, without limitation, (a) those actions required to ensure full compliance with the requirements of the Act, SEQRA and all other Applicable Laws that relate to the Project, and (b) the appointment of the

law firm of Phillips Lytle LLP as Counsel to the Agency with respect to all matters in connection with the Project.

Section 3. The Agency hereby determines that the Agency has fully complied with the requirements of the Act, SEQRA and all other Applicable Laws that relate to the Project.

Section 4. Having considered fully all comments received at or in connection with the Public Hearing and the IDA Meeting, including correspondence received subsequent to the Public Hearing, the Agency hereby further determines to proceed with the Project and the granting of the Financial Assistance, subject to the terms hereof. The Agency hereby approves the granting of (a) an exemption from real property taxes having an estimated value of \$1,206,902, and (b) an exemption from sales and use taxes in the maximum amount of \$450,000.

Section 5. The Agency recognizes that due to the complexities of the proposed transaction it may become necessary that certain of the terms approved hereby may require modifications from time to time which will not affect the intent and substance of the authorizations and approvals by the Agency herein. The Agency hereby authorizes the Chairman, Vice Chairman, Administrative Director/CEO and Chief Financial Officer of the Agency, acting individually or jointly, to approve modifications to the terms approved hereby which do not affect the intent and substance of this Resolution, but may include adjustments to the Financial Assistance granted hereunder. The approval of such modifications shall be evidenced by the certificate of determination of an Agency officer or the execution and delivery by some or all such Agency officers of relevant documents containing such modified terms.

Section 6. The Agency is hereby authorized to (a) acquire an interest in the Project Facility pursuant to the Company Lease and the other Transaction Documents, (b) grant a subleasehold interest in the Project Facility pursuant to the Agency Lease and the other Transaction Documents, (c) grant the Financial Assistance, and (d) do all things necessary, convenient or appropriate for the accomplishment thereof. All acts heretofore taken by the Agency with respect to the foregoing are hereby approved, ratified and confirmed.

Section 7. The form and substance of the Transaction Documents, in the forms presented to the members of the Agency, together with such changes as the Chairman, the Vice Chairman, the Administrative Director/CEO or the Chief Financial Officer may hereafter deem necessary or appropriate, are hereby approved. The Chairman, the Vice Chairman, the Administrative Director/CEO and the Chief Financial Officer are hereby authorized, on behalf of the Agency, acting together or individually, to execute and deliver the Transaction Documents to which the Agency is a party 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. The execution and delivery of each such agreement, approval and consent by such person(s) shall be conclusive evidence of such approval.

Section 8. The Chairman, the Vice Chairman, the Administrative Director/CEO and the Chief Financial Officer of the Agency are hereby further authorized, on behalf of the Agency, acting together or individually, to designate any additional Authorized Representatives (as defined in the Agency Lease) of the Agency.

Section 9. The officers, employees and agents of the Agency are hereby authorized and directed, acting individually or jointly, 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 Transaction Documents, to execute and deliver all such additional certificates, instruments, agreements 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, convenient or appropriate to effect the purposes of this Resolution and to cause compliance with all of the terms, covenants and provisions of the Transaction Documents to which the Agency is a party or which are binding on the Agency.

Section 10. The members of the Agency acknowledge the terms and conditions of Section 875(3) of the Act and the duties and obligations of the Agency thereunder with respect to granting of State Sales and Use Taxes (as such term is defined in Section 875 of the Act) with respect to the Project. The members hereby direct the officers of the Agency to comply with such terms and conditions with respect to the Project and hereby direct Counsel to the Agency to include such terms and conditions in all relevant Transaction Documents.

Section 11. The Chairman, the Vice Chairman, the Administrative Director/CEO and the Chief Financial Officer of the Agency are hereby authorized and directed to distribute copies of this Resolution to the Applicant and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 12. 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:

Gary Henry	VOTING
Bradley Walters	VOTING
Sagan Sheffield-Smith	VOTING
Dan Heitzenrater	VOTING
Kevin Muldowney	VOTING
Amy Harding	VOTING
Daniel DeMarte	VOTING
Tom Harmon	VOTING

The foregoing resolution was thereupon declared duly \_\_\_\_\_.

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

WE, the undersigned officers of the County of Chautauqua Industrial Development Agency (the “Agency”), DO HEREBY CERTIFY that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on November 19, 2024 with the original thereof on file in our offices, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

WE 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”), said meeting was open to the general public at both locations at which members of the Agency were present, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; (D) there was a quorum of the members of the Agency present throughout said meeting; and (E) the meeting was recorded and the recording has been or will be posted on the public website of the Agency pursuant to the Open Meetings Law.

WE 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, we have hereunto set our hand this 19<sup>th</sup> day of November, 2024.

\_\_\_\_\_  
[Assistant] Secretary

\_\_\_\_\_  
[Vice] Chairman



**APPLICATION FOR FINANCIAL ASSISTANCE**

Please respond to all questions in this Application for Financial Assistance (the "Application") by, as appropriate: filling in blanks; checking the applicable term(s); attaching additional text (with appropriate notations, such as "see Schedule 2(A), etc.); or writing "N.A.", signifying "not applicable".

The following amounts are payable to the County of Chautauqua Industrial Development Agency (the "Agency") at the time this Application is submitted to the Agency: (i) a \$1,000 non-refundable application fee (the "Application Fee"); and (ii) a \$1,000 expense deposit for the Agency's Transaction/Bond Counsel fees and expenses (the "Counsel Fee Deposit"). The Application Fee will not be credited against any other fees or expenses which are or become payable to the Agency in connection with this Application or the project contemplated herein (the "Project"). In the event that the subject transaction does not close for any reason, the Agency may use all or any part of the Counsel Fee Deposit, to defray the cost of Transaction/Bond Counsel fees and expenses with respect to the Project. In the event that the subject transaction closes, the Counsel Fee Deposit shall be credited against the applicable expenses incurred by the Agency with respect to the Project.

- Please contact the CCIDA Main Office @ (716) 661-8900 with any questions relative to the application content and/or process.

**PART I: APPLICANT**

**Name:** Dunkirk Solar One LLC  
**Address:** 800 Gessner Road, Suite 200  
Houston, TX 77024  
**Phone:** 914-275-2831  
**NY State Dept. of Labor Reg #:** N/A  
**Federal Employer ID #:** 88-1792179  
**NAICS Code #:** 221114  
**NAICS Sector:** Power  
**NAICS Industry:** Solar  
**Website:** www.catalyze.com

**Nature of business (goods to be sold, manufactured, assembled or processed, services rendered):**  
Solar energy generation for community subscribers

**Contact Name:** Matt Effler  
**Title:** Vice President  
**Phone Number:** 914-275-2831  
**E-Mail:** matt.effler@catalyze.com

**Business Type:**

- Sole Proprietorship
- General Partnership
- Limited Partnership
- Limited Liability Company
- Privately Held Corporation
- Publicly Held Corporation
- Not-for-Profit Corporation

**State/Year of Incorporation/Organization:** NY / 2022  
**Qualified to do Business in New York (Yes or No):** Yes

**Owners of 20% or more of Applicant:**

**Name** Catalyze GBH Developer, LLC **%**

**PART II: PROJECT**

**Address of proposed project facility:** 3761 East Lake Road  
Dunkirk, NY 14048  
**Tax Map Parcel Number(s):** 80.01-1-5  
**City/Town/Village(s):** Town of Dunkirk  
**School District(s):** Dunkirk  
**Current Legal Owner:** Lakeside Park, LLC  
**Contract to purchase (Yes or No):** No  
**Date of purchase:** N/A  
**Purchase price:** \$ N/A

**Present use of the Project site:** Vacant field in manufacturing zone

**What are current real estate taxes on the Project site?**

**County/Town:** \$ 301.67  
**City/Village:** \$   
**School:** \$ 416.31

**Are tax cert. proceedings currently pending with respect to the Project real property?**

YES  NO

**Proposed User(s)/Tenant(s) of the Facility**

(Complete for each User/Tenant for additional User/Tenants of the Company, use space at the end of this section)

**Company Name:** Dunkirk Solar One LLC  
**Address:** 800 Gessner Road, Suite 700,  
Houston TX, 77024  
**City/State/Zip:** Houston TX, 77024  
**Tax ID No.:** 88-1792179  
**Contact Name:** Matt Effler  
**Title:** Vice President  
**Phone Number:** 914-275-2831  
**E-Mail:** matt.effler@catalyze.com

**% of facility to be occupied by User/Tenant:**

100

**Relationship to the Applicant:**

Same



**PART III. CAPITAL COSTS OF THE PROJECT**

A. Provide an estimate of Project Costs of all items listed below:

	Item	Cost
1.	Land and/or Building Acquisition:	
2.	Building Demolition:	
3.	Construction/Reconstruction/Renovation:	<u>3,217,146.85</u>
4.	Site Work:	<u>371,209.25</u>
5.	Infrastructure Work:	<u>1,649,818.9</u>
6.	Furniture, Equipment, Machinery:	<u>6,434,293.71</u>
7.	Architectural/Engineering Fees:	<u>24,747.28</u>
8.	Applicant's Legal Fees:	<u>                    </u>
9.	Financial Fees:	<u>                    </u>
10.	Other Professional Fees:	<u>                    </u>
11.	Other Soft Costs (describe):	<u>                    </u>
12.	Other (describe):	<u>                    </u>
	Total Project Costs:	<u>\$ 11,697,215.99</u>

	Estimated Sources of Funds for Project Costs:	Source
1.	Tax-Exempt IDA Bonds:	<u>                                    </u>
2.	Taxable IDA Bonds:	<u>                                    </u>
3.	Conventional Mortgage Loans:	<u>                                    </u>
4.	SBA or other Governmental Financing	<u>                                    </u>
	Identify: <u>                                    </u>	
5.	Other Public Sources (e.g., grants, tax credits):	<u>                                    </u>
	Identify: <u>                                    </u>	
6.	Other Public Agency Loans:	<u>                                    </u>
7.	Other Private Loans:	<u>11,697,215.99</u>
8.	Equity Investment:	<u>                                    </u>
	(Excluding equity attributable to grants/tax credits)	
	Total Funding:	<u>\$ 11,697,215.99</u>

What percentage of the total project costs are funded/financed from public sector sources: 0.0 %

C. Requested Financial Assistance

Tax-Exempt Bonds:	\$ <u>                                    </u>
Taxable Bonds:	\$ <u>                                    </u>
Estimated Value of Sales Tax Benefit: (i.e., gross amount of cost of goods and services that are subject to state and local sales and use taxes multiplied by [8.0%])	\$ <u>450,000</u>
Estimated Value of Mortgage Tax Benefit: (i.e., principal amount of mortgage loans loans multiplied by [1.25%])	\$ <u>                                    </u>



Estimated CCIDA PILOT Property Tax Benefit:

Type: Solar Project PILOT

Term: 25

Schedule Requested: Standard

Deviation?      Yes       No

Will the proposed Project utilize a property tax exemption benefit other than from the Agency: No  
(if so, please describe requested type, term and schedule)

Existing Total Annual Property Taxes on Land and Building: \$ 717.98

Estimated Additional Property Taxes on completed Project over the requested PILOT term (without Agency financial assistance): \$ 1,500,000.00

Other (specify): \_\_\_\_\_

NOTE: Upon acceptance of this Application by the Agency, the Agency's staff will create a PILOT schedule and indicate the estimated amount of PILOT Benefit/Cost utilizing anticipated tax rates and assessed valuation, make an estimate of the allocation of PILOT payments among the affected tax jurisdictions, and attach such information as Exhibit A hereto.

The Applicant acknowledges that the transaction/bond documents may include a covenant by the Applicant to undertake and document the total amount of capital investment as set forth in this Application.

D.      Status of Expenses

Have any of the above costs been paid or incurred (including contracts of sale or purchase orders) as of the date of this application? If YES, describe particulars on a separate sheet.

YES            NO     

E.      Existing Operations

Does the Applicant or any User(s)/Tenant(s) currently operate in the County? If YES, describe such operations, including whether the proposed Project will result in the relocation or abandonment of such other operation(s).

No  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PART IV: COST-BENEFIT ANALYSIS**

Provide the current annual payroll in Chautauqua County. Then, estimate projected payroll in years 1, 2, and 3, after completion of Project.

	<u>Present</u>	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Full Time:	\$ _____	\$ _____	\$ _____	\$ _____
Part Time:	\$ _____	\$ _____	\$ _____	\$ _____

If the Applicant presently operates in Chautauqua County, provide the current number of employees in the following occupations. Then, estimate the projected Full Time Equivalent (“FTE”) employees as indicated following completion of the Project:

Current and Planned Occupations	Present Jobs Per Occupation	Est. FTEs Post-Completion:			Est. # of County Residents. by yr. 3
		1 year	2 years	3 years	
Management	_____	_____	_____	_____	_____
Professional	_____	_____	_____	_____	_____
Administrative	_____	_____	_____	_____	_____
Production	_____	_____	_____	_____	_____
Supervisor	_____	_____	_____	_____	_____
Laborer	_____	_____	_____	_____	_____
Independent Contractor	_____	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>
Other (describe)	_____	_____	_____	_____	_____

List the average salaries or provide ranges of salaries for the following categories of jobs (on a full-time equivalency basis) projected to be retained/created in Chautauqua County because of the proposed Project:

Category of Jobs to be Retained/Created:	Average Salary or Range of Salary:	Average Fringe Benefits or Range of Fringe Benefits:
Management		
Professional		
Administrative		
Production		
Supervisor		
Laborer		
Independent Contractor <sup>1</sup>	<b>\$60,000 - \$70,000</b>	<b>included in salary</b>
Other		

Please indicate the number of temporary construction jobs anticipated to be created in connection with the acquisition, construction, and/or renovation of the Project: <sup>50+</sup> \_\_\_\_\_

Please note that the Agency may utilize the foregoing employment projections, among other things, to determine the financial assistance that will be offered by the Agency to the Applicant. The Applicant acknowledges that the transaction/bond documents may include a covenant by the Applicant to retain the above number of jobs, types of occupations and amount of payroll with respect to the proposed project.

**SPV plans to utilize 50+ workers to complete the construction of the project. The applicant will retain the services of a specialized O&M provider to maintain the solar system. The independent O&M provider will be contracted out**

<sup>1</sup>NOTE: The Agency converts part-time jobs into FTE’s for evaluation and reporting purposes by dividing the number of part-time jobs by two (2).

<sup>2</sup>As used in this chart, this category includes employees of independent contractors.

What percentage of the Applicant's total dollar amount of production, sales or services (including production, sales or services rendered following completion of the Project) are made to customers outside the economic development region (i.e., Western New York)?

0 %

Describe any municipal revenues that will result from the Project (excluding any PILOT payments):

The Applicant will enter into a Host Community Agreement with the Town of Dunkirk that will make annual payments based on a dollar-per-megawatt basis that will escalate over a twenty-five (25) year term.

What is the estimated aggregate annual amount of goods and services to be purchased by the Applicant for each year after completion of the Project, and what portion will be sourced from businesses located in Chautauqua County and the State:

	Amount	% Sourced in Chautauqua County	% Sourced in State
Year 1	\$ _____	_____	_____
Year 2	\$ _____	_____	_____
Year 3	\$ _____	_____	_____

Describe, if applicable, other benefits to the Chautauqua County anticipated as a result of the Project, including a projected annual estimate of additional sales tax revenue generated, directly and indirectly, as a result of undertaking the project:

If applicable, has construction/reconstruction/renovation work on the Project begun? If YES, indicate the percentage of completion:

- 1. (a) Site clearance YES  NO  \_\_\_\_\_% complete
- (b) Environmental Remediation YES  NO  \_\_\_\_\_% complete
- (c) Foundation YES  NO  \_\_\_\_\_% complete
- (d) Footings YES  NO  \_\_\_\_\_% complete
- (e) Steel YES  NO  \_\_\_\_\_% complete
- (f) Masonry YES  NO  \_\_\_\_\_% complete
- (g) Interior YES  NO  \_\_\_\_\_% complete
- (h) Other (describe below): YES  NO  \_\_\_\_\_% complete

If NO to all of the above categories, what is the proposed date of commencement of construction, reconstruction, renovation, installation or equipping of the Project?

Provide an estimated time schedule to complete the Project and when first use of the Project is expected to occur:

To be completed in Q3 of 2025

**PART V: QUESTIONS**

Please answer the following questions. If the answer is "YES" to any question, please provide details in the space provided at the end of the section.

1. Is the Project reasonably necessary to preserve the competitive position of the Applicant, or of a proposed user, occupant or tenant of the Project, in its industry?

YES  NO

CCIDA incentives are necessary to make this project economically viable

2. Is the Project reasonably necessary to discourage the Applicant, or a proposed user, occupant or tenant of the Project, from removing such plant or facility to a location outside of the State of New York?

YES  NO

3. Is there a likelihood that the proposed Project would not be undertaken by the Applicant but for the granting of the financial assistance by the Agency? (If yes, explain; if no, explain why the Agency should grant the financial assistance with respect to the proposed Project).

YES  NO

CCIDA incentives are necessary to make this project economically viable

4. The Applicant certifies that the provisions of Section 862(1) of the General Municipal Law will not be violated if financial assistance is provided by the Agency for the proposed Project.

YES  NO

5. Is an environmental impact statement required by Article 8 of the N.Y. Environmental Conservation Law (i.e., the New York State Environmental Quality Review Act)? If "yes" please complete and attach to the Application.

YES  NO

\*\* Applicants should consult **Exhibit B** in order to determine which version of the New York State Environmental Assessment Form must be submitted with this Application.

6. Will customers personally visit the Project site for "retail sales" of Goods and/or Services? "Retail Sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State primarily engaged in the retail sale of tangible personal property, as defined in section 1101(b)(4)(i) of the Tax Law of the State, or (ii) sales of a service to such customers.

Sales of Goods: YES  NO   
Sales of Services: YES  NO

\*\* If the answer to both is "No" please continue to the next page; if the answer to either is "Yes" please answer the four (4) remaining questions.

7. What percentage of the cost of the Project (including that portion of the cost to be financed from equity or sources other than Agency financing) will be expended on such facilities or property primarily used in making retail sales of goods or services to customers who personally visit the Project?

%

8. Is the Project likely to attract a significant number of visitors from outside the economic development region (i.e., Western New York) in which the Project is or will be located?

YES  NO

9. Is the predominant purpose of the Project to make available goods or services which would not, but for the Project, be reasonably accessible to the residents of the city, town or village within which the Project will be located, because of a lack of reasonably accessible retail trade facilities offering such goods or services?

YES  NO

10. Will the Project be located in one of the following: (a) an area designated as an empire zone pursuant to Article 18-B of the General Municipal Law; or (b) a census tract or block numbering area (or census tract or block numbering area contiguous thereto) which, according to the most recent census data, has (i) a poverty rate of at least 20% for the year in which the data relates, or at least 20% of the households receiving public assistance, and (ii) an unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relates?

YES  NO

**CERTIFICATIONS AND ACKNOWLEDGMENTS**  
**OF THE APPLICANT**

The undersigned, being duly sworn, deposes and says, under penalties of perjury, as follows: that I am the chief executive officer or other representative authorized to bind the Applicant named in the attached application for financial assistance (“Application”) and that I hold the office specified below my signature at the end of this Certification and Agreement, that I am authorized and empowered to deliver this Certification and Agreement and the Application for and on behalf of the Applicant, that I am familiar with the contents of said Application (including all schedules, exhibits and attachments thereto), and that said contents are true, accurate and complete to the best of my knowledge and belief.

The grounds of my belief relative to all matters in the Application that are not based upon my own personal knowledge are based upon investigations I have made or have caused to be made concerning the subject matter of this Application, as well as upon information acquired in the course of my duties and from the books and records of the Applicant.

As an authorized representative of the Applicant, I acknowledge and agree on behalf of the Applicant that the Applicant hereby releases the County of Chautauqua Industrial Development Agency, its members, officers, servants, attorneys, agents and employees (collectively, the “Agency”) from, agrees that the Agency shall not be liable for and agrees to indemnify, defend (with counsel selected by the Agency) and hold the Agency harmless from and against any and all liability, damages, causes of actions, losses, costs or expenses incurred by the Agency in connection with: (A) examination and processing of, and action pursuant to or upon, the Application, regardless of whether or not the Application or the financial assistance requested therein are favorably acted upon by the Agency, (B) the acquisition, construction, reconstruction, renovation, installation and/or equipping of the Project by the Agency, and (C) any further action taken by the Agency with respect to the Project; including, without limiting the generality of the foregoing, (i) all fees and expenses of the Agency’s general counsel, bond counsel, economic development consultant, real property tax valuation consultant and other experts and consultants (if deemed necessary or advisable by the Agency), and (ii) all other expenses incurred by the Agency in defending any suits, actions or proceedings that may arise as a result of any of the foregoing. If, for any reason whatsoever, the Applicant fails to conclude or consummate necessary negotiations or fails within a reasonable or specified period of time to take reasonable, proper or requested action or withdraws, abandons, cancels, or neglects the Application or if the Applicant is unable to find buyers willing to purchase the total bond issue required or is unable to secure other third party financing or otherwise fails to conclude the Project, then upon presentation of an invoice by the Agency, its agents, attorneys or assigns, the Applicant shall pay to the Agency, its agents, attorneys or assigns, as the case may be, all fees and expenses reflected in any such invoice.

As an authorized representative of the Applicant, I acknowledge and agree on behalf of the Applicant that each of the Agency’s general counsel, bond counsel, economic development consultant, real property tax valuation consultant and other experts and consultants is an intended third-party beneficiary of this Certification and Agreement, and that each of them may (but shall not be obligated to) enforce the provisions of the immediately preceding paragraph, whether by lawsuit or otherwise, to collect the fees and expenses of such party or person incurred by the Agency (whether or not first paid by the Agency) with respect to the Application.

**FIRST:**

The Applicant hereby certifies that, if financial assistance is provided by the Agency for the proposed project, no funds of the Agency (i) shall be used in connection with the Project for the purpose of preventing the establishment of an industrial or manufacturing plant or for the purpose of advertising or promotional materials which depict elected or appointed government officials in either print or electronic media, (ii) be given to any group or organization which is attempting to prevent the establishment of an industrial or manufacturing plant within the State

**SECOND:**

The Applicant hereby certifies that no member, manager, principal, officer or director of the Applicant or any affiliate thereof has any blood, marital or business relationship with any member of the Agency (or any member of the family of any member of the Agency).

**THIRD:**

The Applicant hereby certifies that neither the Applicant nor any of its affiliates, nor any of their respective partners, members, shareholders or other equity owners (other than equity owners of publicly-traded companies), nor any of their respective employees, officers, directors, or representatives (i) is a person or entity with whom United States persons or entities are restricted from doing business under regulations of the Office of Foreign Asset Control (OFAC) of the Department of the Treasury, including those named on OFAC's Specially Designated and Blocked Persons List, or under any statute, executive order or other governmental action, or (ii) has engaged in any dealings or transactions or is otherwise associated with such persons or entities.

**FOURTH:**

The Applicant hereby acknowledges that the Agency shall obtain and hereby authorizes the Agency to obtain credit reports and other financial background information and perform other due diligence on the Applicant and/or any other entity or individual related thereto, as the Agency may deem necessary to provide the requested financial assistance.

**FIFTH:**

The Applicant hereby certifies, under penalty of perjury, that each owner, occupant or operator that would receive financial assistance with respect to the proposed Project is in substantial compliance with applicable federal, state and local tax, worker protection and environmental laws, rules and regulations.

**SIXTH:**

The Applicant hereby acknowledges that the submission to the Agency of any knowingly false or knowingly misleading information may lead to the immediate termination of any financial assistance and the recapture from the Applicant of an amount equal to all or any part of any tax exemption claimed by reason of the Agency's involvement in the Project.

**SEVENTH:**

The Applicant hereby certifies that, as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the General Municipal Law, including, but not limited to, the provisions of Section 859-a and Section 862(1) thereof.

**EIGHTH:**

Upon successful closing of the required bond issue or other form of financing or Agency assistance, the Applicant shall pay to the Agency an administrative fee set by the Agency (which amount is payable at closing) in accordance with the following schedule:

- (A) All Initial Transactions - One-Hundred basis points (1.00%) of Total Project Costs
  - a. This fee applies to all Initial Transactions except for certain small solar or wind energy systems or farm waste energy systems under RPTL §487, for which the Agency collects no fee (other than Counsel fees).
- (B) Refunding/Assumptions/Modifications: Agency fee shall be determined on a case-by-case basis.

The Agency's bond counsel fees and expenses are payable at closing and are based on the work performed in connection with the Project.

The Agency's bond counsel's fees, general counsel fee and the administrative fees may be considered as a cost of the Project and included as part of any resultant financing, subject to compliance with applicable law.

Regardless of the success of this Application or whether the hoped-for Financial Assistance is realized, Applicant agrees to pay all costs in connection with any efforts by the Agency on behalf of the Applicant including any fees and expenses of the Agency's general counsel, bond counsel, and all applicable recording, filing or other related fees, taxes and charges upon receipt and review of the Application, securing necessary approvals, closing the necessary transaction, and/or terminating any transaction entered into by the Applicant and the Agency.

**NINTH:**

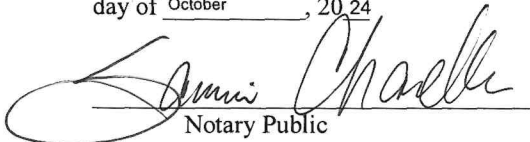
The Applicant authorizes the Agency to make inquiry of the United States Environmental Protection Agency, the New York State Department of Environmental Conservation or any other appropriate federal, state or local governmental agency or authority as to whether the Project site or any property adjacent to or within the immediate vicinity of the Project site is or has been identified as a site at which hazardous substances are being or have been used, stored, treated, generated, transported, processed, handled, produced, released or disposed of. The Applicant will be required to secure the written consent of the owner of the Project site to such inquiries (if the Applicant is not the owner), upon request of the Agency.

I further acknowledge and agree on behalf of the Applicant that, in the event the Agency shall have used all of its available tax-exempt bond financing allocation from the State of New York, if applicable, and shall accordingly be unable to obtain an additional allocation for the benefit of the Applicant, the Agency shall have no liability or responsibility as a result of the inability of the Agency to issue and deliver tax-exempt bonds for the benefit of the Applicant.



Name: LamPhung Ngo-Burns  
Title: Chief Financial Officer

Subscribed and affirmed to me this 14  
day of October, 2024



Sammie Chandler  
Notary Public



The Agency's acceptance of this Application for consideration does not constitute a commitment on the part of the Agency to undertake the proposed Project, to grant any financial assistance with respect to the proposed Project, or to enter into any negotiations with respect to the proposed Project.

Information provided herein may be subject to disclosure under the New York Freedom of Information Law (New York Public Officers Law § 84 et seq.) ("FOIL"). If the Applicant believes that a portion of the material submitted with this Application is protected from disclosure under FOIL, the Applicant should mark the applicable section(s) or page(s) as "confidential" and state the applicable exception to disclosure under FOIL.

October 14<sup>th</sup> 2024

**DATE**

<b>Dunkirk Solar 1</b>									
<b>3761 Lakeshore Drive East, Dunkirk, NY 14048</b>									
<b>Parcel ID(s) 80.01-1-5</b>									
<b>Total Project Cost \$11,697,216</b>									
Sales tax rate 8.00%									
Mtg recording rate 1.25%									
Years	Tax	Host Fee	PILOT	Savings	Savings with PILOT Only				
1	\$60,000	0	20,750	\$39,250	\$39,250				
2	\$61,200	0	21,165	\$40,035	\$40,035	TOTAL MW (AC)	5.000		
3	\$62,424	0	21,588	\$40,836	\$40,836				
4	\$63,672	0	22,020	\$41,652	\$41,652	Host Fee			
5	\$64,946	0	22,460	\$42,485	\$42,485	PILOT	4,150		
6	\$66,245	0	22,910	\$43,335	\$43,335				
7	\$67,570	0	23,368	\$44,202	\$44,202				
8	\$68,921	0	23,835	\$45,086	\$45,086				
9	\$70,300	0	24,312	\$45,988	\$45,988				
10	\$71,706	0	24,798	\$46,907	\$46,907				
11	\$73,140	0	25,294	\$47,846	\$47,846				
12	\$74,602	0	25,800	\$48,802	\$48,802				
13	\$76,095	0	26,316	\$49,778	\$49,778				
14	\$77,616	0	26,842	\$50,774	\$50,774	PILOT Host split	<b>Town of Dunkirk</b>		
15	\$79,169	0	27,379	\$51,790	\$51,790	TOWN	471	2%	
16	\$80,752	0	27,927	\$52,825	\$52,825	COUNTY	7,517	36%	
17	\$82,367	0	28,485	\$53,882	\$53,882	SCHOOL	12,762	62%	
18	\$84,014	0	29,055	\$54,959	\$54,959	TOTAL	20,750	100%	
19	\$85,695	0	29,636	\$56,059	\$56,059				
20	\$87,409	0	30,229	\$57,180	\$57,180	<b>2024 TAX RATES</b>			
21	\$89,157	0	30,833	\$58,323	\$58,323	SCHOOL	22.999754	62%	
22	\$90,940	0	31,450	\$59,490	\$59,490	COUNTY OF CHAUTAUQUA	13.547039	36%	
23	\$92,759	0	32,079	\$60,680	\$60,680	TOWN	0.848898	2%	
24	\$94,614	0	32,721	\$61,893	\$61,893	TOTAL	37.395691	100%	
25	\$96,506	0	33,375	\$63,131	\$63,131				
Total	\$1,921,818	\$0	\$664,629	\$1,257,189	\$1,257,189				
Total PILOT Savings	\$1,257,189								
Sales Tax from Application**	\$450,000								
Mortgage Tax from Application	\$0								
<b>SAVINGS</b>	<b>\$1,707,189</b>								
*\$4,150 per MW PILOT with 2% escalator									
**Refer to application - portions NYS tax exempt									
***Dependent on time and necessary requirements									
All Estimates									



## Exhibit B

### State Environmental Quality Review Act Compliance Checklist

The County of Chautauqua Industrial Development Agency (“CCIDA”), pursuant to the State Environmental Quality Review Act (“SEQRA”), must evaluate the environmental impacts of a project before deciding whether to undertake the project. The below checklist is intended to aid Applicants in determining which version of NYSDEC’s Environmental Assessment Form (“EAF”), available on NYSDEC’s website, to submit as a part of a complete application package to the CCIDA.

If one or more of the below items applies to the project, then a Full EAF must be prepared for submission. If none of the below items apply, then a Short EAF may be submitted. Please note that the below list is not exhaustive, and Applicants who have completed a short EAF may be required to fill out a Full EAF upon review of the project information by the CCIDA. Applicants should consult with their engineers and consultants to aid them in preparing the EAF.

Does the project involve:

- activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds:
  - a project or action that involves the physical alteration of 10 acres?
  - a project or action that would use ground or surface water in excess of 2,000,000 gallons per day?
  - parking for 500 vehicles?
  - a facility with more than 100,000 square feet of gross floor area?
- the expansion of existing nonresidential facilities that meet or exceed any of the following thresholds:
  - a project or action that involves the physical alteration of 5 acres?
  - a project or action that would use ground or surface water in excess of 1,000,000 gallons per day?
  - parking for 250 vehicles?
  - a facility with more than 50,000 square feet of gross floor area?

activities which meet at least one of the criteria in **both** Columns A **and** B below:

o Column A:

- occurring wholly or partially within an agricultural district certified by Agriculture and Markets?
- occurring wholly or partially within, or substantially contiguous to, any historic building, structure, facility, site or district or prehistoric site that is listed on the State or National Register of Historic Places, or has been determined by the Commissioner of the Office of Parks, Recreation and Historic Preservation to be eligible for listing?
- occurring wholly or partially within or substantially contiguous to any publicly owned or operated parkland, recreation area or designated open space, including any site on the Register of National Natural Landmarks?

o Column B:

- activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds:
  - a project or action that involves the physical alteration of 2.5 acres?
  - a project or action that would use ground or surface water in excess of 500,000 gallons per day?
  - parking for 125 vehicles?
  - a facility with more than 25,000 square feet of gross floor area?
- the expansion of existing nonresidential facilities that meet or exceed any of the following thresholds:
  - a project or action that involves the physical alteration of 1.25 acres?
  - a project or action that would use ground or surface water in excess of 250,000 gallons per day?
  - parking for 63 vehicles?
  - a facility with more than 12,500 square feet of gross floor area?

**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: Dunkirk Solar One , LLC (Parcel A)		
Project Location (describe, and attach a general location map): 3761 Shore Drive East		
Brief Description of Proposed Action (include purpose or need): Construction of a 5,000 kilowatt solar farm on 20.56 +/- acres of undeveloped land (portion of SBL 80.01-1-5) north of the rail road grade		
Name of Applicant/Sponsor: Metzger Civil Engineering, PLLC on behalf of Dunkirk Solar One, LLLC		Telephone: 607.592.7046
		E-Mail: dleary@ourgeneration.dev
Address: 87 Neds Mountain Road		
City/PO: Richfield	State: CT	Zip Code: 06877
Project Contact (if not same as sponsor; give name and title/role): Michael J. Metzger, PE		Telephone: 716.633.2601
		E-Mail: meteng@roadrunner.com
Address: 8245 Sheridan Drive		
City/PO: Williamsville	State: NY	Zip Code: 14221
Property Owner (if not same as sponsor): Lakeside Park, LLC		Telephone: 716.759.9700
		E-Mail: Ndill @ rockoak.com
Address: 9580 Main Street		
City/PO: Clarence	State: NY	Zip Code: 14031

**B. Government Approvals**

<b>B. Government Approvals, Funding, or Sponsorship.</b> (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Site Plan, Special use permit and subdivision	April 6, 2022
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Site Plan, Special use permit and subdivision	April 6, 2022
c. City, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Area Variance	April 6, 2022
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Chautauqua County IDA and Planning Board	April 6, 2022
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	OPRHP, NYSEDA	April 6, 2022
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	USACOE	April 6, 2022
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

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

**C.3. Zoning**

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

M2

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? Dunkirk School District

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

NYS Troopers

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

Dunkirk Fire Department, East Dunkirk Fire Department

d. What parks serve the project site?

Washington Park, Lake Erie State Park, Wright 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)? Solar Farm

b. a. Total acreage of the site of the proposed action? 20.56 +/- acres

b. Total acreage to be physically disturbed? 20.56 +/- acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 69.3 +/- 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)  
Solar farm

ii. Is a cluster/conservation layout proposed?  Yes  No

iii. Number of lots proposed? 3

iv. Minimum and maximum proposed lot sizes? Minimum 15.10 +/- Maximum 21.14 +/-

e. Will the proposed action be constructed in multiple phases?  Yes  No

i. If No, anticipated period of construction: 6 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.

	One Family	Two Family	Three Family	Multiple Family (four or more)
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 Solar Panels

ii. Dimensions (in feet) of largest proposed structure: 6.5' height; 1.5" width; and 3.2' length

iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,

i. Purpose of the impoundment: \_\_\_\_\_

ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_

iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_

iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres

v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes:

i. What is the purpose of the excavation or dredging? \_\_\_\_\_

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): \_\_\_\_\_
- Over what duration of time? \_\_\_\_\_

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_

iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_

v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres

vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres

vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet

viii. Will the excavation require blasting?  Yes  No

ix. Summarize site reclamation goals and plan: \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): Solar array would be placed in a federal wetland but is allowed under USACOE regulations.

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:

N/A

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 \_\_\_\_\_ acres (impervious surface)  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)  
 ii. Describe types of new point sources. \_\_\_\_\_  
 \_\_\_\_\_

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)?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 • 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 (CO<sub>2</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)  
 • \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)  
 • \_\_\_\_\_ 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:

- Monday - Friday: \_\_\_\_\_ 7-7 \_\_\_\_\_
- Saturday: \_\_\_\_\_ 7-7 \_\_\_\_\_
- Sunday: \_\_\_\_\_ 7-7 \_\_\_\_\_
- Holidays: \_\_\_\_\_ 7-7 \_\_\_\_\_

ii. During Operations:

- Monday - Friday: \_\_\_\_\_ Continuous \_\_\_\_\_
- Saturday: \_\_\_\_\_ Continuous \_\_\_\_\_
- Sunday: \_\_\_\_\_ Continuous \_\_\_\_\_
- Holidays: \_\_\_\_\_ Continuous \_\_\_\_\_



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:  
Typical construction noise \_\_\_\_\_  
 \_\_\_\_\_

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

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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: \_\_\_\_\_  
 \_\_\_\_\_

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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: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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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: \_\_\_\_\_  
 \_\_\_\_\_

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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

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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

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

If Yes:

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

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

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

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

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

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

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

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

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

a. Existing land uses.

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

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

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

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

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b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	1.0	+1.0
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	18.82	17.82	-1.0
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)	1.74	1.74	0
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

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

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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: \_\_\_\_\_  
\_\_\_\_\_

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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: \_\_\_\_\_  
\_\_\_\_\_

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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: \_\_\_\_\_  
\_\_\_\_\_

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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: \_\_\_\_\_  
\_\_\_\_\_

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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? \_\_\_\_\_ 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:

BrA - Barcelona silt loam	_____	40 %
Ca - Canadice silty clay loam	_____	30 %
Rna - Rhinebeck silt loam	_____	20 %

d. What is the average depth to the water table on the project site? Average: 0.5 feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained: 100 % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: 100 % of site  
 10-15%: \_\_\_\_\_ % 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 \_\_\_\_\_ Classification \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name Federal Wetland areas W-1,2,3,4,5 Approximate Size 2.132 ac.
- 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: \_\_\_\_\_  
 \_\_\_\_\_

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: \_\_\_\_\_

<p>m. Identify the predominant wildlife species that occupy or use the project site:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 30%;">Deer _____</td> <td style="width: 30%;">Squirrels _____</td> <td style="width: 40%;"></td> </tr> <tr> <td>Rabbits _____</td> <td>Typical bird species _____</td> <td></td> </tr> <tr> <td>Skunk _____</td> <td></td> <td></td> </tr> </table>	Deer _____	Squirrels _____		Rabbits _____	Typical bird species _____		Skunk _____			
Deer _____	Squirrels _____									
Rabbits _____	Typical bird species _____									
Skunk _____										
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>										
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p>										
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p>										
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p>										
<b>E.3. Designated Public Resources On or Near Project Site</b>										
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, provide county plus district name/number: _____</p>										
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? 20.56 +/- acres _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): County soil survey indicate soils on this property as prime farm land _____</p>										
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p>										
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>										

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

If Yes:

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

ii. Name: \_\_\_\_\_

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: Lake Erie

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

iii. Distance between project and resource: \_\_\_\_\_ 0.6 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.

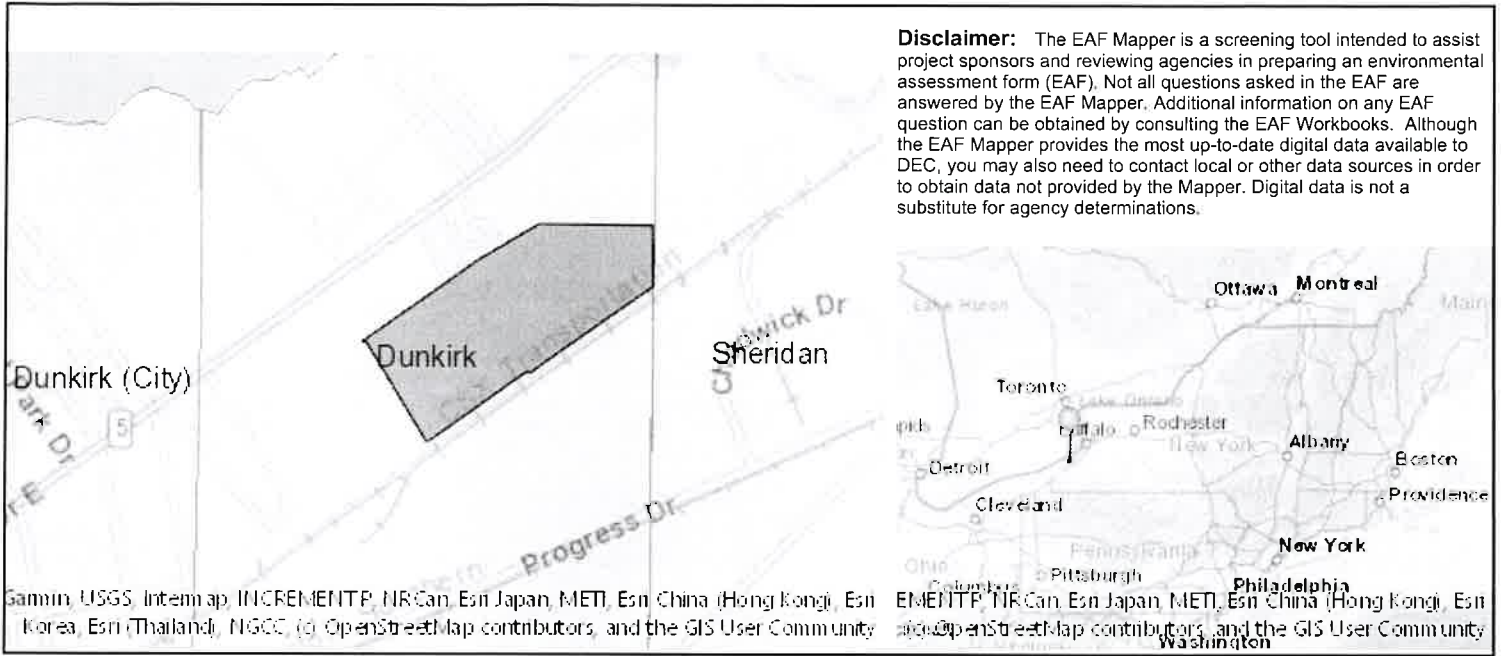
**G. Verification**

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

Applicant/Sponsor Name Michael J. Metzger, PE Date 04.18.23

Signature  Title Consultant / Agent





B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas:Concord Grape Belt Region
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]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
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.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
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



October 4, 2024

Dunkirk Solar One LLC & Dunkirk Solar Two LLC

800 Gessner Road, Suite 700

Houston, TX 77024

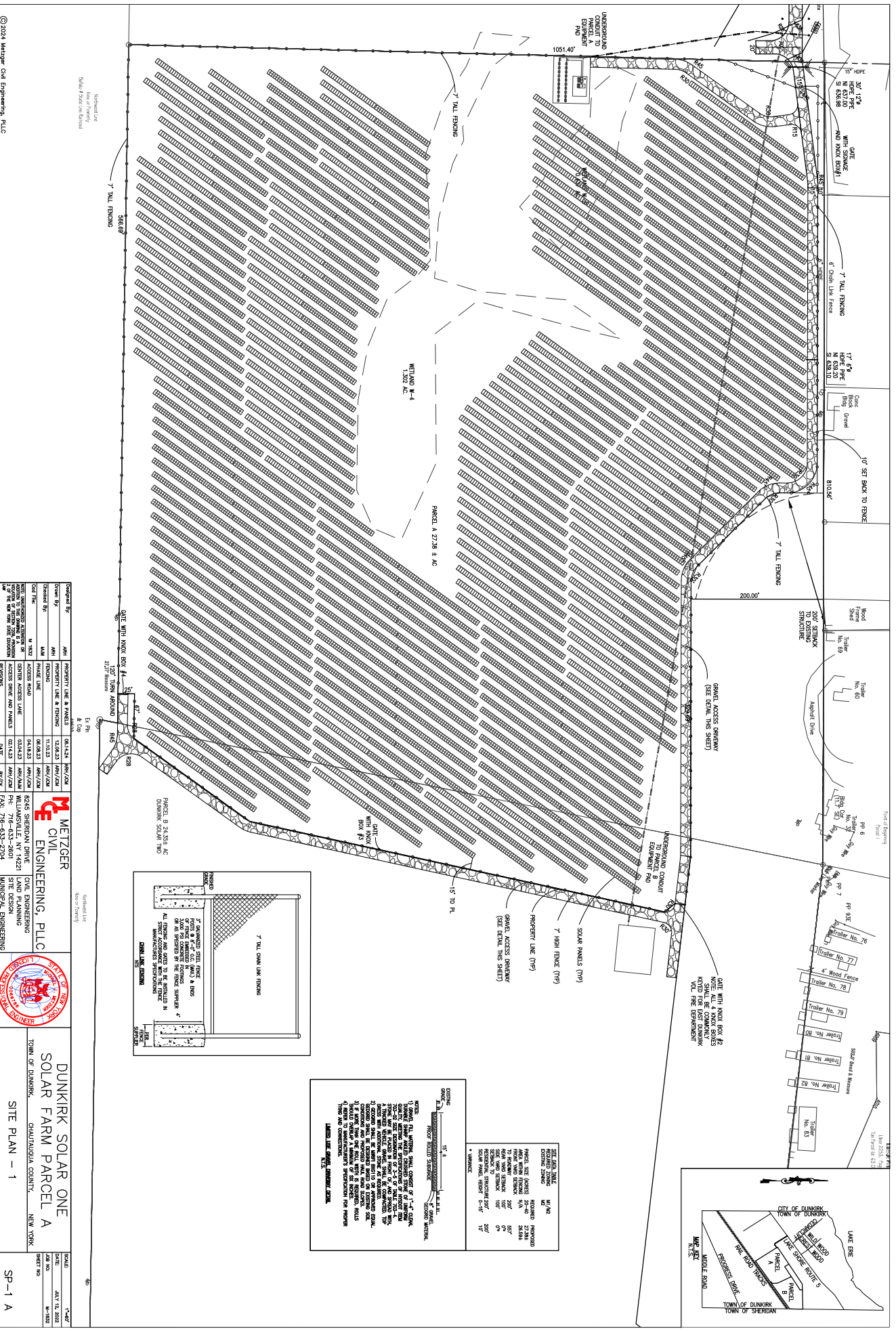
County of Chautauqua Industrial Development Agency

214 Central Avenue, Suite 144

Dunkirk, NY 14048

RE: Dunkirk Solar One LLC and Dunkirk Solar Two LLC - Application for Assistance. Supplemental Information – Item D - PART III. Capital Costs Of The Project

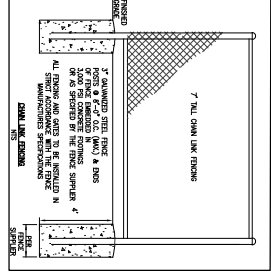
The applicant has extended payments associated with property due diligence and investigation in preparation for local environmental and municipal review and approvals. Additionally the Applicant has extended payments for the study of the project's electrical grid interconnection as well as made deposit towards the cost of upgrades required by the local utility in order for the project to interconnect with the grid.



Property No.	Area	Acres	Area/AC	Area/AC	Area/AC
1015.40	Parcel A	27.28 ±	110.00	110.00	110.00
1015.40	Parcel B	24.58 ±	110.00	110.00	110.00
1015.40	Parcel C	24.58 ±	110.00	110.00	110.00

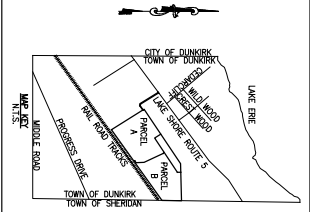
**METZGER CIVIL ENGINEERING, PLLC**  
 8245 SHERIDAN DRIVE  
 DUNKIRK, NY 14221  
 TEL: 716-433-2704  
 FAX: 716-433-2704

**DUNKIRK SOLAR ONE SOLAR FARM PARCEL A**  
 CHAUTAUGUA COUNTY, NEW YORK  
 SITE PLAN - 1



**NOTES:**  
 1. THE PROPOSED SOLAR PANELS SHALL BE INSTALLED IN ACCORDANCE WITH THE 2012 INTERNATIONAL BUILDING CODE (IBC) AND ALL APPLICABLE LOCAL ORDINANCES.  
 2. THE PROPOSED SOLAR PANELS SHALL BE INSTALLED IN ACCORDANCE WITH THE 2012 INTERNATIONAL BUILDING CODE (IBC) AND ALL APPLICABLE LOCAL ORDINANCES.  
 3. THE PROPOSED SOLAR PANELS SHALL BE INSTALLED IN ACCORDANCE WITH THE 2012 INTERNATIONAL BUILDING CODE (IBC) AND ALL APPLICABLE LOCAL ORDINANCES.  
 4. THE PROPOSED SOLAR PANELS SHALL BE INSTALLED IN ACCORDANCE WITH THE 2012 INTERNATIONAL BUILDING CODE (IBC) AND ALL APPLICABLE LOCAL ORDINANCES.  
 5. THE PROPOSED SOLAR PANELS SHALL BE INSTALLED IN ACCORDANCE WITH THE 2012 INTERNATIONAL BUILDING CODE (IBC) AND ALL APPLICABLE LOCAL ORDINANCES.

ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
1	SOLAR PANELS (H/P)	2000	SQ FT	1.50	3000.00
2	7' TALL CHAIN LINK FENCING	1000	LF	1.00	1000.00
3	10' SET BACK TO FENCE	1000	LF	1.00	1000.00
4	200' WIDE ROAD	1000	LF	1.00	1000.00
5	100' TURN AROUND	1000	LF	1.00	1000.00
6	100' TURN AROUND	1000	LF	1.00	1000.00
7	100' TURN AROUND	1000	LF	1.00	1000.00
8	100' TURN AROUND	1000	LF	1.00	1000.00
9	100' TURN AROUND	1000	LF	1.00	1000.00
10	100' TURN AROUND	1000	LF	1.00	1000.00





**APPLICATION FOR FINANCIAL ASSISTANCE**

Please respond to all questions in this Application for Financial Assistance (the "Application") by, as appropriate: filling in blanks; checking the applicable term(s); attaching additional text (with appropriate notations, such as "see Schedule 2(A), etc.); or writing "N.A.", signifying "not applicable".

The following amounts are payable to the County of Chautauqua Industrial Development Agency (the "Agency") at the time this Application is submitted to the Agency: (i) a \$1,000 non-refundable application fee (the "Application Fee"); and (ii) a \$1,000 expense deposit for the Agency's Transaction/Bond Counsel fees and expenses (the "Counsel Fee Deposit"). The Application Fee will not be credited against any other fees or expenses which are or become payable to the Agency in connection with this Application or the project contemplated herein (the "Project"). In the event that the subject transaction does not close for any reason, the Agency may use all or any part of the Counsel Fee Deposit, to defray the cost of Transaction/Bond Counsel fees and expenses with respect to the Project. In the event that the subject transaction closes, the Counsel Fee Deposit shall be credited against the applicable expenses incurred by the Agency with respect to the Project.

- Please contact the CCIDA Main Office @ (716) 661-8900 with any questions relative to the application content and/or process.

**PART I: APPLICANT**

**Name:** Dunkirk Solar Two LLC  
**Address:** 800 Gessner Road, Suite 700  
Houston, TX 77024  
**Phone:** 914-275-2831  
**NY State Dept. of Labor Reg #:** \_\_\_\_\_  
**Federal Employer ID #:** 88-1830810  
**NAICS Code #:** 221114  
**NAICS Sector:** Power  
**NAICS Industry:** Solar  
**Website:** www.catalyze.com

**Nature of business (goods to be sold, manufactured, assembled or processed, services rendered):**  
Solar energy generation for community subscribers

**Contact Name:** Matt Effler  
**Title:** Vice President  
**Phone Number:** 914-275-2831  
**E-Mail:** matt.effler@catalyze.com

- Business Type:**
- Sole Proprietorship
  - General Partnership
  - Limited Partnership
  - Limited Liability Company
  - Privately Held Corporation
  - Publicly Held Corporation
  - Not-for-Profit Corporation

**State/Year of Incorporation/Organization:** NY / 2022  
**Qualified to do Business in New York (Yes or No):** Yes

**Owners of 20% or more of Applicant:**

**Name**                      **%**                       
Catalyze GBH Developer, LLC

**PART II: PROJECT**

**Address of proposed project facility:** 3761 East Lake Road  
Dunkirk, NY 14048  
**Tax Map Parcel Number(s):** 63.03-1-23  
**City/Town/Village(s):** Town of Dunkirk  
**School District(s):** Dunkirk  
**Current Legal Owner:** Lakeside Park, LLC  
**Contract to purchase (Yes or No):** No  
**Date of purchase:** N/A  
**Purchase price:** \$ N/A

**Present use of the Project site:** Vacant field in manufacturing zone

**What are current real estate taxes on the Project site?**

**County/Town:** \$ 278.94  
**City/Village:** \$ \_\_\_\_\_  
**School:** \$ 447.42

**Are tax cert. proceedings currently pending with respect to the Project real property?**  
**YES**  **NO**

**Proposed User(s)/Tenant(s) of the Facility**  
 (Complete for each User/Tenant for additional User/Tenants of the Company, use space at the end of this section)

**Company Name:** Dunkirk Solar Two LLC  
**Address:** 800 Gessner Road, Suite 700  
**City/State/Zip:** Houston, TX 77024  
**Tax ID No.:** 88-1830810  
**Contact Name:** Matt Effler  
**Title:** Vice President  
**Phone Number:** 914-275-2831  
**E-Mail:** matt.effler@catalyze.com

**% of facility to be occupied by User/Tenant:**  
100

**Relationship to the Applicant:**  
Same

**OFFICERS OF APPLICANT**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Owners of 20% or more of User/Tenant:**

Name % Corporate Title

\_\_\_\_\_

\_\_\_\_\_

**APPLICANT'S LEGAL COUNSEL:**

Firm name: Hodgson Russ LLP

Address: 90 Linden Oaks Suite 110, Rochester, NY 14625

Contact: Brandon R. Cottrell

Phone: 585-613-3938

Fax: \_\_\_\_\_

E-Mail: bcottrel@hodgsonruss.com

Type of Proposed Project (check all that apply):

- New Construction of a Facility  
Square footage: 27.3 acres
- Addition to Existing Facility  
Square footage of existing facility: \_\_\_\_\_  
Square footage of addition: \_\_\_\_\_
- Renovation of Existing Facility  
Square footage of area renovated: \_\_\_\_\_  
Square footage of existing facility: \_\_\_\_\_
- Acquisition of Land/Building  
Acreage/square footage of land: \_\_\_\_\_  
Square footage of building: \_\_\_\_\_
- Acquisition of Furniture/Machinery/Equipment  
List principal items or categories:  
Solar energy equipment
- Other (specify): Community solar energy generation system

Briefly describe the purpose of the proposed Project, the reasons why the Project is necessary to the Applicant and why the Agency's financial assistance is necessary, and the effect the Project will have on the Applicant's business or operations:

This is a 4.8-MWac community solar project connecting to National Grid's distribution service. Once the project is complete it will deliver electric utility bill savings to area subscribers.

A negotiated PILOT and sales and use tax exemption rate provide confidence to the long term operating expenses of the project, against which its investors can provide the upfront investment

in materials, labor, and operations of the project. Without the ability to forecast project taxes and expenses the likelihood of the project moving forward is greatly diminished

Please list Affiliates/Parents/Subsidiary Entities to Applicant (attach organization chart if necessary)

CATALYZE GBH DEVELOPER, LLC owns Dunkirk Solar Two LLC

**PART III. CAPITAL COSTS OF THE PROJECT**

A. Provide an estimate of Project Costs of all items listed below:

	Item	Cost
1.	Land and/or Building Acquisition:	
2.	Building Demolition:	
3.	Construction/Reconstruction/Renovation:	<u>2,920,584.03</u>
4.	Site Work:	<u>336,990.47</u>
5.	Infrastructure Work:	<u>1,497,735.4</u>
6.	Furniture, Equipment, Machinery:	<u>5,841,168.07</u>
7.	Architectural/Engineering Fees:	<u>22,466.03</u>
8.	Applicant's Legal Fees:	<u>                    </u>
9.	Financial Fees:	<u>                    </u>
10.	Other Professional Fees:	<u>                    </u>
11.	Other Soft Costs (describe):	<u>                    </u>
12.	Other (describe):	<u>                    </u>
	Total Project Costs:	<u>\$ 10,618,944.00</u>

	Estimated Sources of Funds for Project Costs:	Source
1.	Tax-Exempt IDA Bonds:	<u>                                    </u>
2.	Taxable IDA Bonds:	<u>                                    </u>
3.	Conventional Mortgage Loans:	<u>                                    </u>
4.	SBA or other Governmental Financing	<u>                                    </u>
	Identify: <u>                                    </u>	
5.	Other Public Sources (e.g., grants, tax credits):	<u>                                    </u>
	Identify: <u>                                    </u>	
6.	Other Public Agency Loans:	<u>                                    </u>
7.	Other Private Loans:	<u>10,618,944.00</u>
8.	Equity Investment:	<u>                                    </u>
	(Excluding equity attributable to grants/tax credits)	
	Total Funding:	<u>\$ 10,618,944.00</u>

What percentage of the total project costs are funded/financed from public sector sources: 0.0 %

C. Requested Financial Assistance

Tax-Exempt Bonds:	\$ <u>                                    </u>
Taxable Bonds:	\$ <u>                                    </u>
Estimated Value of Sales Tax Benefit: (i.e., gross amount of cost of goods and services that are subject to state and local sales and use taxes multiplied by [8.0%])	\$ <u>450,000.00</u>

Estimated Value of Mortgage Tax Benefit: (i.e., principal amount of mortgage loans loans multiplied by [1.25%])	\$ <u>                                    </u>
---	--

Estimated CCIDA PILOT Property Tax Benefit:

Type: Solar Project PILOT

Term: 25

Schedule Requested: Standard

Deviation?      Yes       No

Will the proposed Project utilize a property tax exemption benefit other than from the Agency: No  
(if so, please describe requested type, term and schedule)

Existing Total Annual Property Taxes on Land and Building: \$ 726.36

Estimated Additional Property Taxes on completed Project over the requested PILOT term (without Agency financial assistance): \$ 1,440,000.00

Other (specify): \_\_\_\_\_

NOTE: Upon acceptance of this Application by the Agency, the Agency's staff will create a PILOT schedule and indicate the estimated amount of PILOT Benefit/Cost utilizing anticipated tax rates and assessed valuation, make an estimate of the allocation of PILOT payments among the affected tax jurisdictions, and attach such information as Exhibit A hereto.

The Applicant acknowledges that the transaction/bond documents may include a covenant by the Applicant to undertake and document the total amount of capital investment as set forth in this Application.

D.      Status of Expenses

Have any of the above costs been paid or incurred (including contracts of sale or purchase orders) as of the date of this application? If YES, describe particulars on a separate sheet.

YES            NO     

E.      Existing Operations

Does the Applicant or any User(s)/Tenant(s) currently operate in the County? If YES, describe such operations, including whether the proposed Project will result in the relocation or abandonment of such other operation(s).

**No**

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

**PART IV: COST-BENEFIT ANALYSIS**

Provide the current annual payroll in Chautauqua County. Then, estimate projected payroll in years 1, 2, and 3, after completion of Project.

	<u>Present</u>	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Full Time:	\$ _____	\$ _____	\$ _____	\$ _____
Part Time:	\$ _____	\$ _____	\$ _____	\$ _____

If the Applicant presently operates in Chautauqua County, provide the current number of employees in the following occupations. Then, estimate the projected Full Time Equivalent (“FTE”) employees as indicated following completion of the Project:

Current and Planned Occupations	Present Jobs Per Occupation	Est. FTEs Post-Completion:			Est. # of County Residents. by yr. 3
		1 year	2 years	3 years	
Management	_____	_____	_____	_____	_____
Professional	_____	_____	_____	_____	_____
Administrative	_____	_____	_____	_____	_____
Production	_____	_____	_____	_____	_____
Supervisor	_____	_____	_____	_____	_____
Laborer	_____	_____	_____	_____	_____
Independent Contractor	_____	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>
Other (describe)	_____	_____	_____	_____	_____

List the average salaries or provide ranges of salaries for the following categories of jobs (on a full-time equivalency basis) projected to be retained/created in Chautauqua County because of the proposed Project:

Category of Jobs to be Retained/Created:	Average Salary or Range of Salary:	Average Fringe Benefits or Range of Fringe Benefits:
Management		
Professional		
Administrative		
Production		
Supervisor		
Laborer		
Independent Contractor <sup>1</sup>	<b>\$60,000 - \$70,000</b>	<b>included in salary</b>
Other		

Please indicate the number of temporary construction jobs anticipated to be created in connection with the acquisition, construction, and/or renovation of the Project: <sup>50+</sup> \_\_\_\_\_

Please note that the Agency may utilize the foregoing employment projections, among other things, to determine the financial assistance that will be offered by the Agency to the Applicant. The Applicant acknowledges that the transaction/bond documents may include a covenant by the Applicant to retain the above number of jobs, types of occupations and amount of payroll with respect to the proposed project.

**SPV plans to utilize 50+ workers to complete the construction of the project. The applicant will retain the services of a specialized O&M provider to maintain the solar system. The independent O&M provider will be contracted out**

<sup>1</sup>NOTE: The Agency converts part-time jobs into FTE’s for evaluation and reporting purposes by dividing the number of part-time jobs by two (2).

<sup>2</sup>As used in this chart, this category includes employees of independent contractors.

What percentage of the Applicant's total dollar amount of production, sales or services (including production, sales or services rendered following completion of the Project) are made to customers outside the economic development region (i.e., Western New York)?

0 %

Describe any municipal revenues that will result from the Project (excluding any PILOT payments):

The Applicant will enter into a Host Community Agreement with the Town of Dunkirk that will make annual payments based on a dollar-per-megawatt basis that will escalate over a twenty-five (25) year term.

What is the estimated aggregate annual amount of goods and services to be purchased by the Applicant for each year after completion of the Project, and what portion will be sourced from businesses located in Chautauqua County and the State:

	Amount	% Sourced in Chautauqua County	% Sourced in State
Year 1	\$ _____	_____	_____
Year 2	\$ _____	_____	_____
Year 3	\$ _____	_____	_____

Describe, if applicable, other benefits to the Chautauqua County anticipated as a result of the Project, including a projected annual estimate of additional sales tax revenue generated, directly and indirectly, as a result of undertaking the project:

If applicable, has construction/reconstruction/renovation work on the Project begun? If YES, indicate the percentage of completion:

- 1. (a) Site clearance YES  NO  \_\_\_\_\_% complete
- (b) Environmental Remediation YES  NO  \_\_\_\_\_% complete
- (c) Foundation YES  NO  \_\_\_\_\_% complete
- (d) Footings YES  NO  \_\_\_\_\_% complete
- (e) Steel YES  NO  \_\_\_\_\_% complete
- (f) Masonry YES  NO  \_\_\_\_\_% complete
- (g) Interior YES  NO  \_\_\_\_\_% complete
- (h) Other (describe below): YES  NO  \_\_\_\_\_% complete

If NO to all of the above categories, what is the proposed date of commencement of construction, reconstruction, renovation, installation or equipping of the Project?

Provide an estimated time schedule to complete the Project and when first use of the Project is expected to occur:

To be completed in Q3 of 2025



**PART V: QUESTIONS**

Please answer the following questions. If the answer is "YES" to any question, please provide details in the space provided at the end of the section.

1. Is the Project reasonably necessary to preserve the competitive position of the Applicant, or of a proposed user, occupant or tenant of the Project, in its industry?

YES  NO

CCIDA incentives are necessary to make this project economically viable

2. Is the Project reasonably necessary to discourage the Applicant, or a proposed user, occupant or tenant of the Project, from removing such plant or facility to a location outside of the State of New York?

YES  NO

3. Is there a likelihood that the proposed Project would not be undertaken by the Applicant but for the granting of the financial assistance by the Agency? (If yes, explain; if no, explain why the Agency should grant the financial assistance with respect to the proposed Project).

YES  NO

CCIDA incentives are necessary to make this project economically viable

4. The Applicant certifies that the provisions of Section 862(1) of the General Municipal Law will not be violated if financial assistance is provided by the Agency for the proposed Project.

YES  NO

5. Is an environmental impact statement required by Article 8 of the N.Y. Environmental Conservation Law (i.e., the New York State Environmental Quality Review Act)? If "yes" please complete and attach to the Application.

YES  NO

\*\* Applicants should consult **Exhibit B** in order to determine which version of the New York State Environmental Assessment Form must be submitted with this Application.

6. Will customers personally visit the Project site for "retail sales" of Goods and/or Services? "Retail Sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State primarily engaged in the retail sale of tangible personal property, as defined in section 1101(b)(4)(i) of the Tax Law of the State, or (ii) sales of a service to such customers.

Sales of Goods: YES  NO   
Sales of Services: YES  NO

\*\* If the answer to both is "No" please continue to the next page; if the answer to either is "Yes" please answer the four (4) remaining questions.

7. What percentage of the cost of the Project (including that portion of the cost to be financed from equity or sources other than Agency financing) will be expended on such facilities or property primarily used in making retail sales of goods or services to customers who personally visit the Project?

%

8. Is the Project likely to attract a significant number of visitors from outside the economic development region (i.e., Western New York) in which the Project is or will be located?

YES  NO

9. Is the predominant purpose of the Project to make available goods or services which would not, but for the Project, be reasonably accessible to the residents of the city, town or village within which the Project will be located, because of a lack of reasonably accessible retail trade facilities offering such goods or services?

YES  NO

10. Will the Project be located in one of the following: (a) an area designated as an empire zone pursuant to Article 18-B of the General Municipal Law; or (b) a census tract or block numbering area (or census tract or block numbering area contiguous thereto) which, according to the most recent census data, has (i) a poverty rate of at least 20% for the year in which the data relates, or at least 20% of the households receiving public assistance, and (ii) an unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relates?

YES  NO

**CERTIFICATIONS AND ACKNOWLEDGMENTS**  
**OF THE APPLICANT**

The undersigned, being duly sworn, deposes and says, under penalties of perjury, as follows: that I am the chief executive officer or other representative authorized to bind the Applicant named in the attached application for financial assistance (“Application”) and that I hold the office specified below my signature at the end of this Certification and Agreement, that I am authorized and empowered to deliver this Certification and Agreement and the Application for and on behalf of the Applicant, that I am familiar with the contents of said Application (including all schedules, exhibits and attachments thereto), and that said contents are true, accurate and complete to the best of my knowledge and belief.

The grounds of my belief relative to all matters in the Application that are not based upon my own personal knowledge are based upon investigations I have made or have caused to be made concerning the subject matter of this Application, as well as upon information acquired in the course of my duties and from the books and records of the Applicant.

As an authorized representative of the Applicant, I acknowledge and agree on behalf of the Applicant that the Applicant hereby releases the County of Chautauqua Industrial Development Agency, its members, officers, servants, attorneys, agents and employees (collectively, the “Agency”) from, agrees that the Agency shall not be liable for and agrees to indemnify, defend (with counsel selected by the Agency) and hold the Agency harmless from and against any and all liability, damages, causes of actions, losses, costs or expenses incurred by the Agency in connection with: (A) examination and processing of, and action pursuant to or upon, the Application, regardless of whether or not the Application or the financial assistance requested therein are favorably acted upon by the Agency, (B) the acquisition, construction, reconstruction, renovation, installation and/or equipping of the Project by the Agency, and (C) any further action taken by the Agency with respect to the Project; including, without limiting the generality of the foregoing, (i) all fees and expenses of the Agency’s general counsel, bond counsel, economic development consultant, real property tax valuation consultant and other experts and consultants (if deemed necessary or advisable by the Agency), and (ii) all other expenses incurred by the Agency in defending any suits, actions or proceedings that may arise as a result of any of the foregoing. If, for any reason whatsoever, the Applicant fails to conclude or consummate necessary negotiations or fails within a reasonable or specified period of time to take reasonable, proper or requested action or withdraws, abandons, cancels, or neglects the Application or if the Applicant is unable to find buyers willing to purchase the total bond issue required or is unable to secure other third party financing or otherwise fails to conclude the Project, then upon presentation of an invoice by the Agency, its agents, attorneys or assigns, the Applicant shall pay to the Agency, its agents, attorneys or assigns, as the case may be, all fees and expenses reflected in any such invoice.

As an authorized representative of the Applicant, I acknowledge and agree on behalf of the Applicant that each of the Agency’s general counsel, bond counsel, economic development consultant, real property tax valuation consultant and other experts and consultants is an intended third-party beneficiary of this Certification and Agreement, and that each of them may (but shall not be obligated to) enforce the provisions of the immediately preceding paragraph, whether by lawsuit or otherwise, to collect the fees and expenses of such party or person incurred by the Agency (whether or not first paid by the Agency) with respect to the Application.

**FIRST:**

The Applicant hereby certifies that, if financial assistance is provided by the Agency for the proposed project, no funds of the Agency (i) shall be used in connection with the Project for the purpose of preventing the establishment of an industrial or manufacturing plant or for the purpose of advertising or promotional materials which depict elected or appointed government officials in either print or electronic media, (ii) be given to any group or organization which is attempting to prevent the establishment of an industrial or manufacturing plant within the State

**SECOND:**

The Applicant hereby certifies that no member, manager, principal, officer or director of the Applicant or any affiliate thereof has any blood, marital or business relationship with any member of the Agency (or any member of the family of any member of the Agency).

**THIRD:**

The Applicant hereby certifies that neither the Applicant nor any of its affiliates, nor any of their respective partners, members, shareholders or other equity owners (other than equity owners of publicly-traded companies), nor any of their respective employees, officers, directors, or representatives (i) is a person or entity with whom United States persons or entities are restricted from doing business under regulations of the Office of Foreign Asset Control (OFAC) of the Department of the Treasury, including those named on OFAC's Specially Designated and Blocked Persons List, or under any statute, executive order or other governmental action, or (ii) has engaged in any dealings or transactions or is otherwise associated with such persons or entities.

**FOURTH:**

The Applicant hereby acknowledges that the Agency shall obtain and hereby authorizes the Agency to obtain credit reports and other financial background information and perform other due diligence on the Applicant and/or any other entity or individual related thereto, as the Agency may deem necessary to provide the requested financial assistance.

**FIFTH:**

The Applicant hereby certifies, under penalty of perjury, that each owner, occupant or operator that would receive financial assistance with respect to the proposed Project is in substantial compliance with applicable federal, state and local tax, worker protection and environmental laws, rules and regulations.

**SIXTH:**

The Applicant hereby acknowledges that the submission to the Agency of any knowingly false or knowingly misleading information may lead to the immediate termination of any financial assistance and the recapture from the Applicant of an amount equal to all or any part of any tax exemption claimed by reason of the Agency's involvement in the Project.

**SEVENTH:**

The Applicant hereby certifies that, as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the General Municipal Law, including, but not limited to, the provisions of Section 859-a and Section 862(1) thereof.

**EIGHTH:**

Upon successful closing of the required bond issue or other form of financing or Agency assistance, the Applicant shall pay to the Agency an administrative fee set by the Agency (which amount is payable at closing) in accordance with the following schedule:

- (A) All Initial Transactions - One-Hundred basis points (1.00%) of Total Project Costs
  - a. This fee applies to all Initial Transactions except for certain small solar or wind energy systems or farm waste energy systems under RPTL §487, for which the Agency collects no fee (other than Counsel fees).
- (B) Refunding/Assumptions/Modifications: Agency fee shall be determined on a case-by-case basis.

The Agency's bond counsel fees and expenses are payable at closing and are based on the work performed in connection with the Project.

The Agency's bond counsel's fees, general counsel fee and the administrative fees may be considered as a cost of the Project and included as part of any resultant financing, subject to compliance with applicable law.

Regardless of the success of this Application or whether the hoped-for Financial Assistance is realized, Applicant agrees to pay all costs in connection with any efforts by the Agency on behalf of the Applicant including any fees and expenses of the Agency's general counsel, bond counsel, and all applicable recording, filing or other related fees, taxes and charges upon receipt and review of the Application, securing necessary approvals, closing the necessary transaction, and/or terminating any transaction entered into by the Applicant and the Agency.

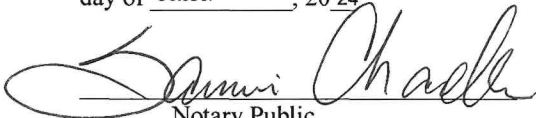
**NINTH:**

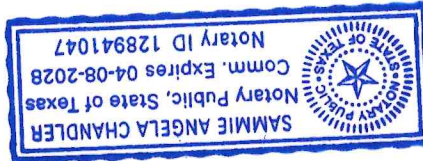
The Applicant authorizes the Agency to make inquiry of the United States Environmental Protection Agency, the New York State Department of Environmental Conservation or any other appropriate federal, state or local governmental agency or authority as to whether the Project site or any property adjacent to or within the immediate vicinity of the Project site is or has been identified as a site at which hazardous substances are being or have been used, stored, treated, generated, transported, processed, handled, produced, released or disposed of. The Applicant will be required to secure the written consent of the owner of the Project site to such inquiries (if the Applicant is not the owner), upon request of the Agency.

I further acknowledge and agree on behalf of the Applicant that, in the event the Agency shall have used all of its available tax-exempt bond financing allocation from the State of New York, if applicable, and shall accordingly be unable to obtain an additional allocation for the benefit of the Applicant, the Agency shall have no liability or responsibility as a result of the inability of the Agency to issue and deliver tax-exempt bonds for the benefit of the Applicant.

  
Name: LamPhung Ngo-Burns  
Title: Chief Financial Officer

Subscribed and affirmed to me this 14  
day of October, 2024

  
Notary Public



The Agency's acceptance of this Application for consideration does not constitute a commitment on the part of the Agency to undertake the proposed Project, to grant any financial assistance with respect to the proposed Project, or to enter into any negotiations with respect to the proposed Project.

Information provided herein may be subject to disclosure under the New York Freedom of Information Law (New York Public Officers Law § 84 et seq.) ("FOIL"). If the Applicant believes that a portion of the material submitted with this Application is protected from disclosure under FOIL, the Applicant should mark the applicable section(s) or page(s) as "confidential" and state the applicable exception to disclosure under FOIL.

October 14<sup>th</sup>, 2024

**DATE**

<b>Dunkirk Solar 2</b>									
<b>3761 Lakeshore Drive East, Dunkirk, NY 14048</b>									
<b>Parcel ID(s) 63.03-1-23</b>									
<b>Total Project Cost \$10,618,944</b>									
Sales tax rate 8.00%									
Mtg recording rate 1.25%									
Years	Tax	Host Fee	PILOT	Savings	Savings with PILOT Only				
1	\$57,600	0	19,920	\$37,680	\$37,680				
2	\$58,752	0	20,318	\$38,434	\$38,434	TOTAL MW (AC)	4.800		
3	\$59,927	0	20,725	\$39,202	\$39,202				
4	\$61,126	0	21,139	\$39,986	\$39,986	Host Fee	0		
5	\$62,348	0	21,562	\$40,786	\$40,786	PILOT	4,150		
6	\$63,595	0	21,993	\$41,602	\$41,602				
7	\$64,867	0	22,433	\$42,434	\$42,434				
8	\$66,164	0	22,882	\$43,282	\$43,282				
9	\$67,488	0	23,339	\$44,148	\$44,148				
10	\$68,837	0	23,806	\$45,031	\$45,031				
11	\$70,214	0	24,282	\$45,932	\$45,932				
12	\$71,618	0	24,768	\$46,850	\$46,850				
13	\$73,051	0	25,263	\$47,787	\$47,787				
14	\$74,512	0	25,769	\$48,743	\$48,743	PILOT Host split	<b>Town of Dunkirk</b>		
15	\$76,002	0	26,284	\$49,718	\$49,718	TOWN	452	2%	
16	\$77,522	0	26,810	\$50,712	\$50,712	COUNTY	7,216	36%	
17	\$79,072	0	27,346	\$51,727	\$51,727	SCHOOL	12,252	62%	
18	\$80,654	0	27,893	\$52,761	\$52,761	TOTAL	19,920	100%	
19	\$82,267	0	28,451	\$53,816	\$53,816				
20	\$83,912	0	29,020	\$54,893	\$54,893	<b>2024 TAX RATES</b>			
21	\$85,591	0	29,600	\$55,990	\$55,990	SCHOOL	22.999754	62%	
22	\$87,302	0	30,192	\$57,110	\$57,110	COUNTY OF CHAUTAUQUA	13.547039	36%	
23	\$89,048	0	30,796	\$58,253	\$58,253	TOWN	0.848898	2%	
24	\$90,829	0	31,412	\$59,418	\$59,418	TOTAL	37.395691	100%	
25	\$92,646	0	32,040	\$60,606	\$60,606				
Total	\$1,844,945	\$0	\$638,044	\$1,206,902	\$1,206,902				
Total PILOT Savings	\$1,206,902								
Sales Tax from Application**	\$450,000								
Mortgage Tax from Application	\$0								
<b>SAVINGS</b>	\$1,656,902								
*\$4,150 per MW PILOT with 2% escalator									
**Refer to application - portions NYS tax exempt									
***Dependent on time and necessary requirements									
All Estimates									

## Exhibit B

### State Environmental Quality Review Act Compliance Checklist

The County of Chautauqua Industrial Development Agency (“CCIDA”), pursuant to the State Environmental Quality Review Act (“SEQRA”), must evaluate the environmental impacts of a project before deciding whether to undertake the project. The below checklist is intended to aid Applicants in determining which version of NYSDEC’s Environmental Assessment Form (“EAF”), available on NYSDEC’s website, to submit as a part of a complete application package to the CCIDA.

If one or more of the below items applies to the project, then a Full EAF must be prepared for submission. If none of the below items apply, then a Short EAF may be submitted. Please note that the below list is not exhaustive, and Applicants who have completed a short EAF may be required to fill out a Full EAF upon review of the project information by the CCIDA. Applicants should consult with their engineers and consultants to aid them in preparing the EAF.

Does the project involve:

- activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds:
  - a project or action that involves the physical alteration of 10 acres?
  - a project or action that would use ground or surface water in excess of 2,000,000 gallons per day?
  - parking for 500 vehicles?
  - a facility with more than 100,000 square feet of gross floor area?
- the expansion of existing nonresidential facilities that meet or exceed any of the following thresholds:
  - a project or action that involves the physical alteration of 5 acres?
  - a project or action that would use ground or surface water in excess of 1,000,000 gallons per day?
  - parking for 250 vehicles?
  - a facility with more than 50,000 square feet of gross floor area?

activities which meet at least one of the criteria in **both** Columns A **and** B below:

○ Column A:

- occurring wholly or partially within an agricultural district certified by Agriculture and Markets?
- occurring wholly or partially within, or substantially contiguous to, any historic building, structure, facility, site or district or prehistoric site that is listed on the State or National Register of Historic Places, or has been determined by the Commissioner of the Office of Parks, Recreation and Historic Preservation to be eligible for listing?
- occurring wholly or partially within or substantially contiguous to any publicly owned or operated parkland, recreation area or designated open space, including any site on the Register of National Natural Landmarks?

○ Column B:

- activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds:
  - a project or action that involves the physical alteration of 2.5 acres?
  - a project or action that would use ground or surface water in excess of 500,000 gallons per day?
  - parking for 125 vehicles?
  - a facility with more than 25,000 square feet of gross floor area?
- the expansion of existing nonresidential facilities that meet or exceed any of the following thresholds:
  - a project or action that involves the physical alteration of 1.25 acres?
  - a project or action that would use ground or surface water in excess of 250,000 gallons per day?
  - parking for 63 vehicles?
  - a facility with more than 12,500 square feet of gross floor area?

**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: Dunkirk Solar Two , LLC (Parcel B)		
Project Location (describe, and attach a general location map): 3761 Shore Drive East		
Brief Description of Proposed Action (include purpose or need): Construction of a solar farm on 21.14 +/- acres of undeveloped land ( [REDACTED] 63.03-1-23) north of the rail road grade <p style="text-align: center;">Dan Leary - 10/4/2024 see updated lot deeds</p>		
Name of Applicant/Sponsor: Metzger Civil Engineering, PLLC on behalf of Dunkirk Solar Two, LLLC		Telephone: 607.592.7046 E-Mail: dleary@ourgeneration.dev
Address: 87 Neds Mountain Road		
City/PO: Richfield	State: CT	Zip Code: 06877
Project Contact (if not same as sponsor; give name and title/role): Michael J. Metzger, PE		Telephone: 716.633.2601 E-Mail: meteng@roadrunner.com
Address: 8245 Sheridan Drive		
City/PO: Williamsville	State: NY	Zip Code: 14221
Property Owner (if not same as sponsor): Lakeside Park, LLC		Telephone: 716.759.9700 E-Mail: Ndill @ rockoak.com
Address: 9580 Main Street		
City/PO: Clarence	State: NY	Zip Code: 14031



**B. Government Approvals**

<b>B. Government Approvals, Funding, or Sponsorship.</b> (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Site Plan, Special use permit and subdivision	April 6, 2022
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Site Plan, Special use permit and subdivision	April 6, 2022
c. City, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Area Variance	April 6, 2022
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Chautauqua County IDA and Planning Board	April 6, 2022
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	OPRHP, NYSEDA	April 6, 2022
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	USACOE	April 6, 2022
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

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



**C.3. Zoning**

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

M2

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? Dunkirk School District

b. What police or other public protection forces serve the project site?  
NYS Troopers

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

d. What parks serve the project site?  
Washington Park, Lake Erie State Park, Wright 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)? Solar Farm

b. a. Total acreage of the site of the proposed action? 21.14 +/- acres

b. Total acreage to be physically disturbed? 21.14 +/- acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 69.3 +/- 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)  
Solar farm

ii. Is a cluster/conservation layout proposed?  Yes  No

iii. Number of lots proposed? 3

iv. Minimum and maximum proposed lot sizes? Minimum 15.10 +/- Maximum 21.14 +/-

e. Will the proposed action be constructed in multiple phases?  Yes  No

i. If No, anticipated period of construction: 6 months

ii. If Yes:

- Total number of phases anticipated \_\_\_\_\_
- Anticipated commencement date of phase I (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 Solar Panels

ii. Dimensions (in feet) of largest proposed structure: 6.5' height; 1.5" width; and 3.2' length

iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,

i. Purpose of the impoundment: \_\_\_\_\_

ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_

iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_

iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres

v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes:

i. What is the purpose of the excavation or dredging? \_\_\_\_\_

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): \_\_\_\_\_
- Over what duration of time? \_\_\_\_\_

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_

iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_

v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres

vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres

vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet

viii. Will the excavation require blasting?  Yes  No

ix. Summarize site reclamation goals and plan: \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): Solar array would be placed in a federal wetland but is allowed under USACOE regulations.

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:

N/A

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 \_\_\_\_\_ acres (impervious surface)  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)  
 ii. Describe types of new point sources. \_\_\_\_\_  
 \_\_\_\_\_

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)?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 • 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 (CO<sub>2</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)  
 • \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)  
 • \_\_\_\_\_ 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 ½ 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:	_____ 7-7	• Monday - Friday:	_____ Continuous
• Saturday:	_____ 7-7	• Saturday:	_____ Continuous
• Sunday:	_____ 7-7	• Sunday:	_____ Continuous
• Holidays:	_____ 7-7	• Holidays:	_____ Continuous

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:  
Typical construction noise \_\_\_\_\_  
 \_\_\_\_\_

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

---

n. Will the proposed action have outdoor lighting?  Yes  No  
 If yes:  
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
 \_\_\_\_\_  
 \_\_\_\_\_

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

---

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

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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 Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	1.0	+1.0
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	20.74	19.74	-1.0
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)	0.4	0.4	0
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

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

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

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

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

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

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



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

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

---

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

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ 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:

BrA - Barcelona silt loam	_____	40 %
Ca - Canadice silty clay loam	_____	30 %
Rna- Rhinebeck silt loam	_____	20 %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ 0.5 feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained \_\_\_\_\_ 100 % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ 100 % of site  
 10-15%: \_\_\_\_\_ % 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 \_\_\_\_\_ Classification \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name Federal Wetland areas W-1,2,3,4,5 Approximate Size 2.132 ac.
- 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: \_\_\_\_\_

---

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: \_\_\_\_\_

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>Deer _____ Squirrels _____</p> <p>Rabbits _____ Typical bird species _____</p> <p>Skunk _____</p>	
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p>ii. Source(s) of description or evaluation: _____</p> <p>iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Species and listing: _____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p>	
<p><b>E.3. Designated Public Resources On or Near Project Site</b></p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>i. If Yes: acreage(s) on project site? 21.14+/- acres _____</p> <p>ii. Source(s) of soil rating(s): County soil survey indicate soils on this property as prime farm land _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p>ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. CEA name: _____</p> <p>ii. Basis for designation: _____</p> <p>iii. Designating agency and date: _____</p>	

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

If Yes:

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

ii. Name: \_\_\_\_\_

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: Lake Erie

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

iii. Distance between project and resource: \_\_\_\_\_ 0.6 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.

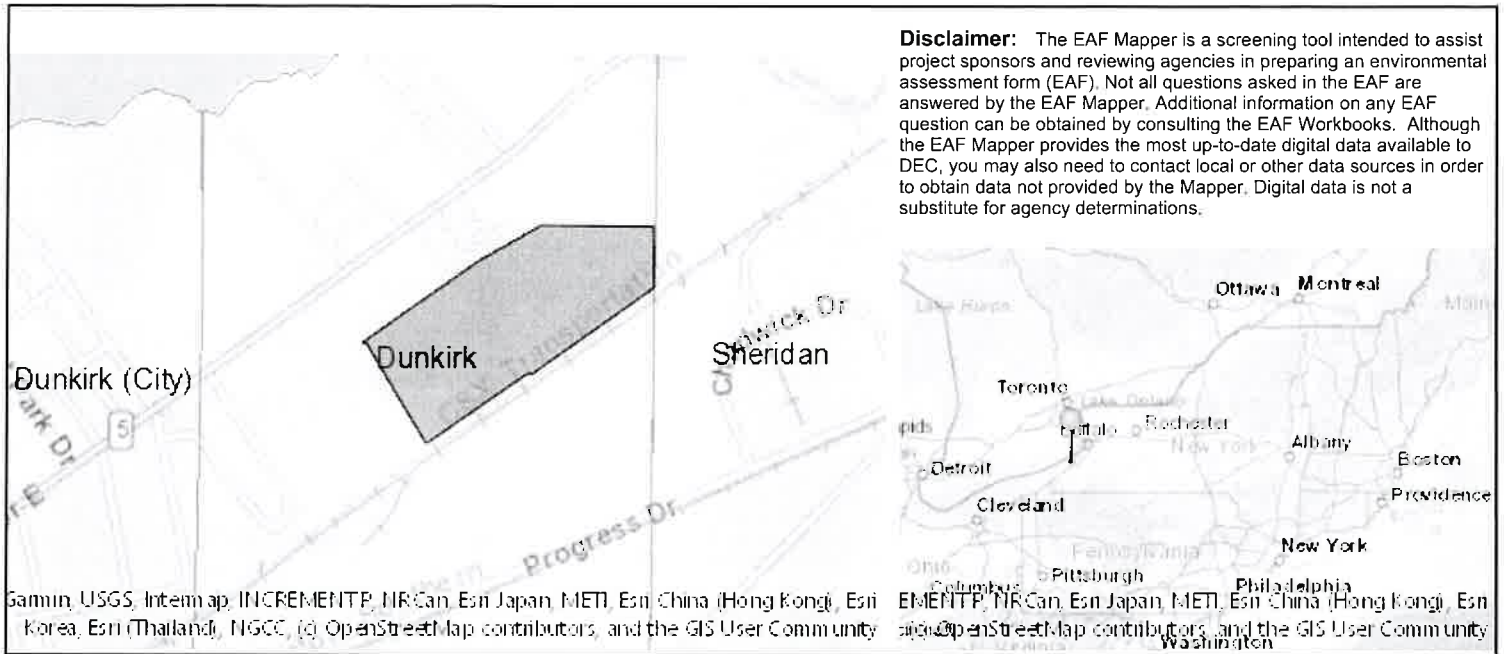
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

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

Applicant/Sponsor Name Michael J. Metzger, PE Date 04.18.23

Signature  Title Consultant / Agent



B.1.i [Coastal or Waterfront Area]	No
B.1.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas:Concord Grape Belt Region
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]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
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.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
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

October 4, 2024

Dunkirk Solar One LLC & Dunkirk Solar Two LLC

800 Gessner Road, Suite 700

Houston, TX 77024

County of Chautauqua Industrial Development Agency

214 Central Avenue, Suite 144

Dunkirk, NY 14048

RE: Dunkirk Solar One LLC and Dunkirk Solar Two LLC - Application for Assistance. Supplemental Information – Item D - PART III. Capital Costs Of The Project

The applicant has extended payments associated with property due diligence and investigation in preparation for local environmental and municipal review and approvals. Additionally the Applicant has extended payments for the study of the project's electrical grid interconnection as well as made deposit towards the cost of upgrades required by the local utility in order for the project to interconnect with the grid.

**Public Hearing**  
**Dunkirk Solar One, LLC**  
**Town of Dunkirk**  
**4737 Willow Road**  
**Dunkirk, NY 14048**  
**November 12, 2024**  
**11:00 AM**



County of Chautauqua Industrial Development Agency

### Public Hearing Attendance Sheet

Project: Dunkirk Solar One LLC and Dunkirk Solar Two LLC

Public Hearing Location: Dunkirk Town Hall, 4737 Willow Road, Dunkirk, NY 14048

Public Hearing Date and Time: November 12, 2024 11:00 and 11:15 a.m.

Full Name (Please Print)

Signature

Affiliation

- | Full Name (Please Print)  | Signature            | Affiliation            |
|---------------------------|----------------------|------------------------|
| 1. <u>Rosi Strandburg</u> | <u>R. Strandburg</u> | <u>CCIDA</u>           |
| 2. <u>Shari Miller</u>    | <u>Shari Miller</u>  | <u>Town of Dunkirk</u> |
| 3. <u>GREG PETERSEN</u>   | <u>Greg Petersen</u> | <u>Phillips Lytle</u>  |
| 4. _____                  | _____                | _____                  |
| 5. _____                  | _____                | _____                  |
| 6. _____                  | _____                | _____                  |
| 7. _____                  | _____                | _____                  |
| 8. _____                  | _____                | _____                  |
| 9. _____                  | _____                | _____                  |
| 10. _____                 | _____                | _____                  |
| 11. _____                 | _____                | _____                  |
| 12. _____                 | _____                | _____                  |
| 13. _____                 | _____                | _____                  |



MS. STRANDBURG: Good morning. My name is Rosemarie Strandburg. I am a Project Manager and a duly authorized hearing officer of the County of Chautauqua Industrial Development Agency (the “Agency”) and I have been authorized to hold a public hearing pursuant to Section 859-a of the New York General Municipal Law, as amended (the “Act”).

Today is November 12, 2024 and the time is now 11:01 a.m. We are at 4737 Willow Road, Town of Dunkirk, County of Chautauqua, New York.

The Agency has received an application for financial assistance in connection with the following matter:

DUNKIRK SOLAR ONE LLC, a limited liability company organized and existing under the laws of the New York, on behalf of itself and/or the principals of Dunkirk Solar One LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the “Applicant”), presented an application for financial assistance (the “Application”) to the Agency, which Application requested that the Agency consider undertaking a project (the “Project”) consisting of the following: (A)(1) the acquisition of an interest in an approximately 20.56 acre portion of a 29.5 acre parcel of land located at 3761 East Lake Road, Town of Dunkirk, County of Chautauqua, New York (the “Land”), (2) the acquisition, construction, installation, and equipping on the Land of: (i) solar photovoltaic modules mounted on tracking steel structure, (ii) inverters and transformers, (iii) underground and overhead electrical lines, (iv) fencing, and (v) a system of access roads, parking, landscaping and related improvements to the Land (collectively, the “Improvements”), and (3) the acquisition and installation of certain furniture, fixtures, machinery and equipment necessary for the completion thereof (the “Equipment” and together with the Land and the Improvements, collectively, the “Project Facility”), all of the foregoing for use by the Applicant and/or its affiliates as an approximately 5.0 megawatt A/C solar-powered electrical generation facility; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing in the form of potential exemptions or partial exemptions from real property taxes and sales and use taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase), license or sale of the Project Facility to the Applicant or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency.

The Project Facility would be initially owned, operated and/or managed by the Applicant (or such other designated entity(ies)).

The Applicant (or such other designated entity(ies)) would receive the Financial Assistance from the Agency in the form of potential exemptions or partial exemptions from real property taxes and sales and use taxes.

Notice of this public hearing was published in *The Observer* on November 2, 2024 and provided to the Chief Executive Officer of each affected tax jurisdiction within which the Project Facility is or will be located by letter dated November 1, 2024.

The purpose of this public hearing is to provide an opportunity for all interested parties to present their views, both orally and in writing, with respect to the granting of the Financial Assistance contemplated by the Agency or the location or nature of the Project. As set forth in the notice of this public hearing, comments may also be submitted to the Agency in writing or electronically at the following email address: [strandbr@chqgov.com](mailto:strandbr@chqgov.com).

Subject to applicable law, copies of the Application, including an analysis of the costs and benefits of the Project, are available for review by the public online at [www.ccida.com](http://www.ccida.com).

This public hearing is being streamed on the Agency's website in real-time and a video recording of this public hearing is being made and will be posted on the Agency's website, all in accordance with Section 857 of the New York General Municipal Law, as amended. In addition, a report or summary of this hearing will be made and such report or summary of all comments received by the Agency shall be provided to the Agency's members and posted on the Agency's website. Comments received in writing will be also be included in the report and any summary of this public hearing.

Is there anyone wishing to be heard with respect to the Project or the Financial Assistance?

MS. STRANDBURG: It is now 11:06 a.m. Let the record show that, no members of the public have indicated a desire to comment with respect to the Project or the Financial Assistance. No written comments have been received by the Agency with respect to the Project or the Financial Assistance. I therefore call this hearing to a close.

(TIME NOTED: 11:06 a.m.)

**Public Hearing**  
**Dunkirk Solar Two, LLC**  
**Town of Dunkirk**  
**4737 Willow Road**  
**Dunkirk, NY 14048**  
**November 12, 2024**  
**11:15 AM**



County of Chautauqua Industrial Development Agency

### Public Hearing Attendance Sheet

Project: Dunkirk Solar One LLC and Dunkirk Solar Two LLC

Public Hearing Location: Dunkirk Town Hall, 4737 Willow Road, Dunkirk, NY 14048

Public Hearing Date and Time: November 12, 2024 11:00 and 11:15 a.m.

Full Name (Please Print)

Signature

Affiliation

- | Full Name (Please Print)  | Signature            | Affiliation            |
|---------------------------|----------------------|------------------------|
| 1. <u>Rosi Strandburg</u> | <u>R. Strandburg</u> | <u>CCIDA</u>           |
| 2. <u>Shari Miller</u>    | <u>Shari Miller</u>  | <u>Town of Dunkirk</u> |
| 3. <u>GREG PETERSEN</u>   | <u>Greg Petersen</u> | <u>Phillips Lytle</u>  |
| 4. _____                  | _____                | _____                  |
| 5. _____                  | _____                | _____                  |
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| 10. _____                 | _____                | _____                  |
| 11. _____                 | _____                | _____                  |
| 12. _____                 | _____                | _____                  |
| 13. _____                 | _____                | _____                  |

MS. STRANDBURG: Good morning. My name is Rosemarie Strandburg. I am a Project Manager and a duly authorized hearing officer of the County of Chautauqua Industrial Development Agency (the “Agency”) and I have been authorized to hold a public hearing pursuant to Section 859-a of the New York General Municipal Law, as amended (the “Act”).

Today is November 12, 2024 and the time is now 11:15 a.m. We are at 4737 Willow Road, Town of Dunkirk, County of Chautauqua, New York.

The Agency has received an application for financial assistance in connection with the following matter:

DUNKIRK SOLAR TWO LLC, a limited liability company organized and existing under the laws of the New York, on behalf of itself and/or the principals of Dunkirk Solar Two LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the “Applicant”), presented an application for financial assistance (the “Application”) to the Agency, which Application requested that the Agency consider undertaking a project (the “Project”) consisting of the following: (A)(1) the acquisition of an interest in an approximately 21.14 acre portion of a 27.3 acre parcel of land located at 3761 East Lake Road, Town of Dunkirk, County of Chautauqua, New York (the “Land”), (2) the acquisition, construction, installation, and equipping on the Land of: (i) solar photovoltaic modules mounted on tracking steel structure, (ii) inverters and transformers, (iii) underground and overhead electrical lines, (iv) fencing, and (v) a system of access roads, parking, landscaping and related improvements to the Land (collectively, the “Improvements”), and (3) the acquisition and installation of certain furniture, fixtures, machinery and equipment necessary for the completion thereof (the “Equipment” and together with the Land and the Improvements, collectively, the “Project Facility”), all of the foregoing for use by the Applicant and/or its affiliates as an approximately 4.8 megawatt A/C solar-powered electrical generation facility; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing in the form of potential exemptions or partial exemptions from real property taxes and sales and use taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase), license or sale of the Project Facility to the Applicant or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency.

The Project Facility would be initially owned, operated and/or managed by the Applicant (or such other designated entity(ies)).

The Applicant (or such other designated entity(ies)) would receive the Financial Assistance from the Agency in the form of potential exemptions or partial exemptions from real property taxes and sales and use taxes.

Notice of this public hearing was published in *The Observer* on November 2, 2024 and provided to the Chief Executive Officer of each affected tax jurisdiction within which the Project Facility is or will be located by letter dated November 1, 2024.

The purpose of this public hearing is to provide an opportunity for all interested parties to present their views, both orally and in writing, with respect to the granting of the Financial Assistance contemplated by the Agency or the location or nature of the Project. As set forth in the notice of this public hearing, comments may also be submitted to the Agency in writing or electronically at the following email address: [strandbr@chqgov.com](mailto:strandbr@chqgov.com).

Subject to applicable law, copies of the Application, including an analysis of the costs and benefits of the Project, are available for review by the public online at [www.ccida.com](http://www.ccida.com).

This public hearing is being streamed on the Agency's website in real-time and a video recording of this public hearing is being made and will be posted on the Agency's website, all in accordance with Section 857 of the New York General Municipal Law, as amended. In addition, a report or summary of this hearing will be made and such report or summary of all comments received by the Agency shall be provided to the Agency's members and posted on the Agency's website. Comments received in writing will be also be included in the report and any summary of this public hearing.

Is there anyone wishing to be heard with respect to the Project or the Financial Assistance?

MS. STRANDBURG: It is now 11:19 a.m. Let the record show that, no members of the public have indicated a desire to comment with respect to the Project or the Financial Assistance. No written comments have been received by the Agency with respect to the Project or the Financial Assistance. I therefore call this hearing to a close.

(TIME NOTED: 11:20 a.m.)



**SL Jamestown Due Diligence Resolution**

A regular meeting of the County of Chautauqua Industrial Development Agency (the “Agency”) was convened in public session on November 19, 2024, at 10:30 A.M., local time, at the offices of the Agency located at 201 West 3rd Street, Jamestown, County of Chautauqua, New York (the “IDA Office”).

The meeting was called to order by the \_\_\_\_\_ and, upon roll being called, the following members of the Agency were:

**PRESENT:**

- |                       |               |
|-----------------------|---------------|
| Gary Henry            | Chairman      |
| Bradley Walters       | Vice Chairman |
| Sagan Sheffield-Smith | Treasurer     |
| Daniel Heitzenrater   | Secretary     |
| Amy Harding           | Member        |
| Daniel DeMarte        | Member        |
| Tom Harmon            | Member        |
| Kevin Muldowney       | Member        |

**NOT PRESENT:**

**THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:**

- |                           |                             |
|---------------------------|-----------------------------|
| Mark Geise                | Administrative Director/CEO |
| Richard E. Dixon          | Chief Financial Officer     |
| Milan K. Tyler, Esq.      | Counsel                     |
| Gregory L. Peterson, Esq. | Counsel                     |

The attached resolution no. 11-19-24-10 was offered by \_\_\_\_\_, seconded by \_\_\_\_\_:

Resolution No. 11-19-24-9

RESOLUTION APPROVING UNDERTAKING DUE DILIGENCE FOR A CERTAIN PROJECT FOR SL JAMESTOWN, LLC AND/OR ITS AFFILIATES AND AUTHORIZING THE EXECUTION AND DELIVERY OF A DUE DILIGENCE AGREEMENT WITH RESPECT TO SUCH TRANSACTION

WHEREAS, the County of Chautauqua Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws 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 (the “Enabling Act”), and Chapter 71 of the 1972 Laws of New York, as amended, constituting Section 895-h 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, industrial and commercial 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, SL JAMESTOWN, LLC, a limited liability company duly organized and existing under the laws of the State of Delaware and qualified to do business in the State of New York as a foreign limited liability company (the “Applicant”), presented an application for financial assistance (the “Application”) to the Agency, which Application requested that the Agency consider undertaking a project (the “Project”) consisting of the following: (A)(1) the acquisition of an interest in an approximately 10.912 acre portion of a 70 acre parcel of land located at 1192 Orr Street Extension, Jamestown, Town of Busti, Chautauqua County, New York (collectively, the “Land”), (2) the acquisition, construction, installation, and equipping on the Land of: (i) solar photovoltaic modules mounted on a 1-axis tracking steel structure, (ii) inverters and transformers, (iii) underground and overhead electrical lines, (iv) fencing, and (v) a system of access roads, parking, landscaping and related improvements to the Land (collectively, the “Improvements”), and (3) the acquisition and installation of certain furniture, fixtures, machinery and equipment necessary for the completion thereof (the “Equipment” and together with the Land and the Improvements, collectively, the “Project Facility”), all of the foregoing for use by the Applicant and/or its affiliates as an approximately 3.0 megawatt A/C solar-powered electrical generation facility; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing in the form of potential exemptions or partial exemptions from real property taxes and sales and use taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase),

license or sale of the Project Facility to the Applicant or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency; and

WHEREAS, the Agency has given due consideration to the Application and to the representations made by the Applicant therein, in certain supplemental documents and at this meeting, including, without limitation, representations of the Applicant that: (A) the granting by the Agency of the Financial Assistance with respect to the Project will be an inducement to the Applicant to undertake the Project in the County of Chautauqua, New York; (B) the completion of the Project and the leasing and operation of the Project Facility by the Applicant and/or its related designee will not result in the removal of a facility or plant of the Applicant, such related designee or any other occupant of the Project Facility from one area of the State of New York (the "State") to another area of the State or in the abandonment of one or more plants or facilities of the Applicant, such related designee or any other occupant of the Project Facility in the State; (C) the Project Facility will 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; (D) the Project will serve the public purposes of the Act by preserving permanent, private sector jobs and increasing the overall number of permanent, private sector jobs in the State; and (E) the granting of the Financial Assistance by the Agency will promote the job opportunities, health, general prosperity and economic welfare of the inhabitants of the County of Chautauqua, New York, and improve their standard of living, and prevent unemployment and economic deterioration, and thereby serve the public purposes of the Act; and

WHEREAS, any approval of the Project is contingent upon, among other things, a final determination by the members of the Agency to proceed with the Project following determinations by the Agency that: (A) the public hearing and notice requirements and other procedural requirements contained in the Act relating to the Project and the Financial Assistance have been satisfied; and (B) the undertaking of the Project by the Agency and the granting of the Financial Assistance are and will be in compliance with all other applicable requirements of the Act, Article 8 of the Environmental Conservation Law (the "SEQR Act") and the regulations adopted pursuant thereto (the "Regulations" and together with the SEQR Act, collectively, "SEQRA"), and all other statutes, codes, laws, rules and regulations of any governmental authority having jurisdiction over the Project or the Project Facility (collectively, the "Applicable Laws"); and

WHEREAS, the Agency desires to encourage the Applicant to preserve and advance the job opportunities, health, general prosperity and economic welfare of the people of the County of Chautauqua, New York, and to prevent unemployment and economic deterioration, by undertaking the Project in the County of Chautauqua, New York; and

WHEREAS, although a resolution authorizing the undertaking of the Project has not yet been submitted for approval by the Agency, a due diligence agreement (the "Due Diligence Agreement") relative to the proposed undertaking of the Project by the Agency has been presented for approval by the Agency;

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

Section 1. The Agency hereby authorizes the Administrative Director/CEO of the Agency, prior to the granting of any Financial Assistance with respect to the Project: (A) to establish a time, date and place (if applicable) for a public hearing (the “Public Hearing”) of the Agency to hear all persons interested in the location and nature of the Project and the proposed Financial Assistance being contemplated by the Agency with respect to the Project, said Public Hearing to be held in the city, town or village within which the Project Facility is or will be located, subject to Applicable Laws; (B) to cause notice of said Public Hearing to be given to the public by publishing a notice of said Public Hearing in a newspaper of general circulation available to residents of the governmental units within which the Project Facility is or will be located, such notice to comply with the requirements of and to be published in accordance with the requirements of the Act; (C) to cause notice of said Public Hearing, pursuant to the Act, to be given to the chief executive officer of the County of Chautauqua, New York, and of each city, town, village, school district and other affected tax jurisdiction in which the Project Facility is or will be located; (D) to conduct the Public Hearing or to authorize a hearing officer to conduct the Public Hearing in accordance with the Act; (E) to cause a report of the Public Hearing fairly summarizing the views presented at said Public Hearing to be promptly prepared and cause copies of said report to be made available to the members of the Agency; and (F) to otherwise comply with all other procedural and other requirements imposed on the Agency pursuant to Applicable Laws with respect to the Project and/or the Financial Assistance.

Section 2. The Applicant is hereby authorized to conduct such environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary or convenient to enable the Agency to make its determination whether to proceed with the Project and to grant the Financial Assistance; provided, however, that such authorization shall not entitle or permit the Applicant to commence the acquisition, construction, installation or equipping of the Project Facility unless and until the Agency shall determine that all requirements of Applicable Laws have been fulfilled. The officers, agents and employees of the Agency are hereby directed to proceed to do such things or perform such acts as may allow the Agency to proceed to its final consideration of the Project. This Resolution constitutes an authorization to conduct concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning with respect to the Project within the meaning of Section 617.3(c)(2) of the Regulations and a determination of compliance with technical requirements within the meaning of Section 617.3(c)(2) of the Regulations and does not constitute, and shall not be deemed to constitute, either an approval by the Agency of the Project for the purposes of the Act or SEQRA or a commitment by the Agency to approve the Project or to grant the Financial Assistance.

Section 3. Any expenses incurred by the Agency with respect to the Project and the financing thereof shall be paid by the Applicant as set forth in the Due Diligence Agreement.

Section 4. The findings of the Agency set forth herein are expressly conditioned upon full compliance of the Applicant, the Project and the Project Facility with all Applicable

Laws, and the Applicant shall be required to provide evidence of same satisfactory to the Agency prior to the granting of any Financial Assistance.

Section 5. If, following full compliance with all Applicable Laws, the Agency adopts a future resolution (the “Future Resolution”) determining to proceed with the Project and to grant the Financial Assistance, or any portion thereof, with respect to the Project and the Applicant complies with all conditions set forth in the Due Diligence Agreement and the Future Resolution, then the Agency will (A) acquire an interest in the Project Facility pursuant to a deed, lease agreement, assignment of lease, license, bill of sale and/or other documentation to be negotiated between the Agency and the Applicant (the “Company Lease”); (B) lease (with the obligation to purchase), license or sell the Project Facility to the Applicant or related designee pursuant to an agency lease agreement or an installment sale agreement (the “Agency Lease”) to be negotiated between the Agency and the Applicant; and (C) provide the Financial Assistance with respect to the Project, all as contemplated by the Due Diligence Agreement and the Future Resolution.

Section 6. The form, terms and substance of the Due Diligence Agreement (in substantially the form presented at this meeting) are in all respects approved, and the Chairman, Vice Chairman, Administrative Director/CEO and Chief Financial Officer of the Agency are each hereby authorized, empowered and directed, acting individually or jointly, to execute and deliver said Due Diligence Agreement in the name and on behalf of the Agency, with such changes therein as shall be approved by the officer executing same on behalf of the Agency, the execution thereof by such officer to constitute conclusive evidence of such officer’s approval of any and all changes or revisions therein from the form now before this meeting, and the Agency hereby ratifies and approves any action heretofore taken by the Agency with respect to the Due Diligence Agreement.

Section 7. From and after the execution and delivery of the Due Diligence Agreement, the officers, agents and employees of the Agency are hereby authorized, empowered and directed, acting individually or jointly, to proceed with the undertakings provided for therein on the part of the Agency, and are further authorized to do all such acts and things and to execute all such documents as may be necessary or convenient to carry out and comply with the terms and provisions of the Due Diligence Agreement as and when executed.

Section 8. The law firm of Phillips Lytle LLP, Jamestown, New York, is hereby appointed Counsel to the Agency with respect to all matters in connection with the Project. Counsel for the Agency is hereby authorized, at the expense of the Applicant, to work with the Applicant, counsel to the Applicant, and others to prepare, for submission to the Agency, all documents necessary to effect the transactions contemplated by this Resolution.

Section 9. The Chairman, Vice Chairman, Administrative Director/CEO and Chief Financial Officer of the Agency are each hereby authorized and directed to distribute copies of this Resolution to the Applicant and to the affected tax jurisdictions to the extent required by Applicable Laws and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

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:

Gary Henry	VOTING
Bradley Walters	VOTING
Sagan Sheffield-Smith	VOTING
Dan Heitzenrater	VOTING
Kevin Muldowney	VOTING
Amy Harding	VOTING
Daniel DeMarte	VOTING
Tom Harmon	VOTING

The foregoing resolution was thereupon declared duly \_\_\_\_\_.

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

WE, the undersigned officers of the County of Chautauqua Industrial Development Agency (the “Agency”), DO HEREBY CERTIFY that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on November 19, 2024 with the original thereof on file in our offices, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

WE 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”), said meeting was open to the general public at both locations at which members of the Agency were present, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; (D) there was a quorum of the members of the Agency present throughout said meeting; and (E) the meeting was recorded and the recording has been or will be posted on the public website of the Agency pursuant to the Open Meetings Law.

WE 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, we have hereunto set our hand this 19th day of November, 2024.

\_\_\_\_\_  
[Assistant] Secretary

\_\_\_\_\_  
[Vice] Chairman

**SL Jamestown II Due Diligence Resolution**

A regular meeting of the County of Chautauqua Industrial Development Agency (the “Agency”) was convened in public session on November 19, 2024, at 10:30 A.M., local time, at the offices of the Agency located at 201 West 3rd Street, Jamestown, County of Chautauqua, New York (the “IDA Office”).

The meeting was called to order by the \_\_\_\_\_ and, upon roll being called, the following members of the Agency were:

**PRESENT:**

Gary Henry	Chairman
Bradley Walters	Vice Chairman
Sagan Sheffield-Smith	Treasurer
Daniel Heitzenrater	Secretary
Amy Harding	Member
Daniel DeMarte	Member
Tom Harmon	Member
Kevin Muldowney	Member

**NOT PRESENT:**

**THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:**

Mark Geise	Administrative Director/CEO
Richard E. Dixon	Chief Financial Officer
Milan K. Tyler, Esq.	Counsel
Gregory L. Peterson, Esq.	Counsel

The attached resolution no. 11-19-24-11 was offered by \_\_\_\_\_, seconded by \_\_\_\_\_:



Resolution No. 11-19-24-10

RESOLUTION APPROVING UNDERTAKING DUE DILIGENCE FOR A CERTAIN PROJECT FOR SL JAMESTOWN II, LLC AND/OR ITS AFFILIATES AND AUTHORIZING THE EXECUTION AND DELIVERY OF A DUE DILIGENCE AGREEMENT WITH RESPECT TO SUCH TRANSACTION

WHEREAS, the County of Chautauqua Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws 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 (the “Enabling Act”), and Chapter 71 of the 1972 Laws of New York, as amended, constituting Section 895-h 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, industrial and commercial 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, SL JAMESTOWN II, LLC, a limited liability company duly organized and existing under the laws of the State of Delaware and qualified to do business in the State of New York as a foreign limited liability company (the “Applicant”), presented an application for financial assistance (the “Application”) to the Agency, which Application requested that the Agency consider undertaking a project (the “Project”) consisting of the following: (A)(1) the acquisition of an interest in an approximately 17.337 acre portion of a 70 acre parcel of land located at 1192 Orr Street Extension, Jamestown, Town of Busti, Chautauqua County, New York (collectively, the “Land”), (2) the acquisition, construction, installation, and equipping on the Land of: (i) solar photovoltaic modules mounted on a 1-axis tracking steel structure, (ii) inverters and transformers, (iii) underground and overhead electrical lines, (iv) fencing, and (v) a system of access roads, parking, landscaping and related improvements to the Land (collectively, the “Improvements”), and (3) the acquisition and installation of certain furniture, fixtures, machinery and equipment necessary for the completion thereof (the “Equipment” and together with the Land and the Improvements, collectively, the “Project Facility”), all of the foregoing for use by the Applicant and/or its affiliates as an approximately 4.75 megawatt A/C solar-powered electrical generation facility; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing in the form of potential exemptions or partial exemptions from real property taxes and sales and use taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to

purchase), license or sale of the Project Facility to the Applicant or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency; and

WHEREAS, the Agency has given due consideration to the Application and to the representations made by the Applicant therein, in certain supplemental documents and at this meeting, including, without limitation, representations of the Applicant that: (A) the granting by the Agency of the Financial Assistance with respect to the Project will be an inducement to the Applicant to undertake the Project in the County of Chautauqua, New York; (B) the completion of the Project and the leasing and operation of the Project Facility by the Applicant and/or its related designee will not result in the removal of a facility or plant of the Applicant, such related designee or any other occupant of the Project Facility from one area of the State of New York (the "State") to another area of the State or in the abandonment of one or more plants or facilities of the Applicant, such related designee or any other occupant of the Project Facility in the State; (C) the Project Facility will 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; (D) the Project will serve the public purposes of the Act by preserving permanent, private sector jobs and increasing the overall number of permanent, private sector jobs in the State; and (E) the granting of the Financial Assistance by the Agency will promote the job opportunities, health, general prosperity and economic welfare of the inhabitants of the County of Chautauqua, New York, and improve their standard of living, and prevent unemployment and economic deterioration, and thereby serve the public purposes of the Act; and

WHEREAS, any approval of the Project is contingent upon, among other things, a final determination by the members of the Agency to proceed with the Project following determinations by the Agency that: (A) the public hearing and notice requirements and other procedural requirements contained in the Act relating to the Project and the Financial Assistance have been satisfied; and (B) the undertaking of the Project by the Agency and the granting of the Financial Assistance are and will be in compliance with all other applicable requirements of the Act, Article 8 of the Environmental Conservation Law (the "SEQR Act") and the regulations adopted pursuant thereto (the "Regulations" and together with the SEQR Act, collectively, "SEQRA"), and all other statutes, codes, laws, rules and regulations of any governmental authority having jurisdiction over the Project or the Project Facility (collectively, the "Applicable Laws"); and

WHEREAS, the Agency desires to encourage the Applicant to preserve and advance the job opportunities, health, general prosperity and economic welfare of the people of the County of Chautauqua, New York, and to prevent unemployment and economic deterioration, by undertaking the Project in the County of Chautauqua, New York; and

WHEREAS, although a resolution authorizing the undertaking of the Project has not yet been submitted for approval by the Agency, a due diligence agreement (the "Due Diligence Agreement") relative to the proposed undertaking of the Project by the Agency has been presented for approval by the Agency;

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

Section 1. The Agency hereby authorizes the Administrative Director/CEO of the Agency, prior to the granting of any Financial Assistance with respect to the Project: (A) to establish a time, date and place (if applicable) for a public hearing (the “Public Hearing”) of the Agency to hear all persons interested in the location and nature of the Project and the proposed Financial Assistance being contemplated by the Agency with respect to the Project, said Public Hearing to be held in the city, town or village within which the Project Facility is or will be located, subject to Applicable Laws; (B) to cause notice of said Public Hearing to be given to the public by publishing a notice of said Public Hearing in a newspaper of general circulation available to residents of the governmental units within which the Project Facility is or will be located, such notice to comply with the requirements of and to be published in accordance with the requirements of the Act; (C) to cause notice of said Public Hearing, pursuant to the Act, to be given to the chief executive officer of the County of Chautauqua, New York, and of each city, town, village, school district and other affected tax jurisdiction in which the Project Facility is or will be located; (D) to conduct the Public Hearing or to authorize a hearing officer to conduct the Public Hearing in accordance with the Act; (E) to cause a report of the Public Hearing fairly summarizing the views presented at said Public Hearing to be promptly prepared and cause copies of said report to be made available to the members of the Agency; and (F) to otherwise comply with all other procedural and other requirements imposed on the Agency pursuant to Applicable Laws with respect to the Project and/or the Financial Assistance.

Section 2. The Applicant is hereby authorized to conduct such environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary or convenient to enable the Agency to make its determination whether to proceed with the Project and to grant the Financial Assistance; provided, however, that such authorization shall not entitle or permit the Applicant to commence the acquisition, construction, installation or equipping of the Project Facility unless and until the Agency shall determine that all requirements of Applicable Laws have been fulfilled. The officers, agents and employees of the Agency are hereby directed to proceed to do such things or perform such acts as may allow the Agency to proceed to its final consideration of the Project. This Resolution constitutes an authorization to conduct concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning with respect to the Project within the meaning of Section 617.3(c)(2) of the Regulations and a determination of compliance with technical requirements within the meaning of Section 617.3(c)(2) of the Regulations and does not constitute, and shall not be deemed to constitute, either an approval by the Agency of the Project for the purposes of the Act or SEQRA or a commitment by the Agency to approve the Project or to grant the Financial Assistance.

Section 3. Any expenses incurred by the Agency with respect to the Project and the financing thereof shall be paid by the Applicant as set forth in the Due Diligence Agreement.

Section 4. The findings of the Agency set forth herein are expressly conditioned upon full compliance of the Applicant, the Project and the Project Facility with all Applicable

Laws, and the Applicant shall be required to provide evidence of same satisfactory to the Agency prior to the granting of any Financial Assistance.

Section 5. If, following full compliance with all Applicable Laws, the Agency adopts a future resolution (the “Future Resolution”) determining to proceed with the Project and to grant the Financial Assistance, or any portion thereof, with respect to the Project and the Applicant complies with all conditions set forth in the Due Diligence Agreement and the Future Resolution, then the Agency will (A) acquire an interest in the Project Facility pursuant to a deed, lease agreement, assignment of lease, license, bill of sale and/or other documentation to be negotiated between the Agency and the Applicant (the “Company Lease”); (B) lease (with the obligation to purchase), license or sell the Project Facility to the Applicant or related designee pursuant to an agency lease agreement or an installment sale agreement (the “Agency Lease”) to be negotiated between the Agency and the Applicant; and (C) provide the Financial Assistance with respect to the Project, all as contemplated by the Due Diligence Agreement and the Future Resolution.

Section 6. The form, terms and substance of the Due Diligence Agreement (in substantially the form presented at this meeting) are in all respects approved, and the Chairman, Vice Chairman, Administrative Director/CEO and Chief Financial Officer of the Agency are each hereby authorized, empowered and directed, acting individually or jointly, to execute and deliver said Due Diligence Agreement in the name and on behalf of the Agency, with such changes therein as shall be approved by the officer executing same on behalf of the Agency, the execution thereof by such officer to constitute conclusive evidence of such officer’s approval of any and all changes or revisions therein from the form now before this meeting, and the Agency hereby ratifies and approves any action heretofore taken by the Agency with respect to the Due Diligence Agreement.

Section 7. From and after the execution and delivery of the Due Diligence Agreement, the officers, agents and employees of the Agency are hereby authorized, empowered and directed, acting individually or jointly, to proceed with the undertakings provided for therein on the part of the Agency, and are further authorized to do all such acts and things and to execute all such documents as may be necessary or convenient to carry out and comply with the terms and provisions of the Due Diligence Agreement as and when executed.

Section 8. The law firm of Phillips Lytle LLP, Jamestown, New York, is hereby appointed Counsel to the Agency with respect to all matters in connection with the Project. Counsel for the Agency is hereby authorized, at the expense of the Applicant, to work with the Applicant, counsel to the Applicant, and others to prepare, for submission to the Agency, all documents necessary to effect the transactions contemplated by this Resolution.

Section 9. The Chairman, Vice Chairman, Administrative Director/CEO and Chief Financial Officer of the Agency are each hereby authorized and directed to distribute copies of this Resolution to the Applicant and to the affected tax jurisdictions to the extent required by Applicable Laws and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

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:

Gary Henry	VOTING
Bradley Walters	VOTING
Sagan Sheffield-Smith	VOTING
Dan Heitzenrater	VOTING
Kevin Muldowney	VOTING
Amy Harding	VOTING
Daniel DeMarte	VOTING
Tom Harmon	VOTING

The foregoing resolution was thereupon declared duly \_\_\_\_\_.

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

WE, the undersigned officers of the County of Chautauqua Industrial Development Agency (the “Agency”), DO HEREBY CERTIFY that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on November 19, 2024 with the original thereof on file in our offices, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

WE 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”), said meeting was open to the general public at both locations at which members of the Agency were present, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; (D) there was a quorum of the members of the Agency present throughout said meeting; and (E) the meeting was recorded and the recording has been or will be posted on the public website of the Agency pursuant to the Open Meetings Law.

WE 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, we have hereunto set our hand this 19th day of November, 2024.

\_\_\_\_\_  
[Assistant] Secretary

\_\_\_\_\_  
[Vice] Chairman

**Monofrax Rail Grant -  
SEQRA and Approving Resolution**

A regular meeting of the County of Chautauqua Industrial Development Agency (the "Agency") was convened in public session on November 19, 2024, at 10:30 A.M., local time, at the offices of the Agency located at 201 West 3rd Street, Jamestown, County of Chautauqua, New York (the "IDA Office").

The meeting was called to order by the \_\_\_\_\_ and, upon roll being called, the following members of the Agency were:

PRESENT:

Gary Henry	Chairman
Bradley Walters	Vice Chairman
Sagan Sheffield-Smith	Treasurer
Daniel Heitzenrater	Secretary
Amy Harding	Member
Daniel DeMarte	Member
Tom Harmon	Member
Kevin Muldowney	Member

NOT PRESENT:

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Mark Geise	Administrative Director/CEO
Richard E. Dixon	Chief Financial Officer
Milan K. Tyler, Esq.	Counsel

The attached resolution no. \_\_-24-\_\_ was offered by \_\_\_\_\_, seconded by \_\_\_\_\_:

**Resolution No. ~~\_\_-24-\_\_~~**

RESOLUTION OF THE COUNTY OF CHAUTAUQUA INDUSTRIAL  
DEVELOPMENT AGENCY PURSUANT TO THE STATE  
ENVIRONMENTAL QUALITY REVIEW ACT CONCERNING THE  
DETERMINATION OF SIGNIFICANCE FOR A CERTAIN PROJECT FOR  
MONOFRAX, LLC AND/OR ITS AFFILIATES

**Name of Project:** Monofrax Rail Grant

**Location:** 1870 New York Avenue, Falconer, NY 14733

**SEQR Status:** Unlisted

**Determination  
of Significance:** Negative Declaration

WHEREAS, the County of Chautauqua Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of 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 (the "Enabling Act") and Chapter 71 of the 1972 Laws of New York, as amended, constituting Section 895-h 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, renovating, improving, maintaining, equipping and furnishing of commercial 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, among other things, (i) acquire by purchase, lease, gift, bequest, devise or otherwise real or personal property or interests therein; and (ii) 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, MONOFRAX, LLC, a limited liability company and leading producer of fused cast refractory materials, mainly used within the construction of furnaces for glass manufacturing and other industries (the "Applicant"), presented an application for financial assistance ("Application") to the Agency, which Application



requested that the Agency submit a grant request (“Rail Grant”) to New York State Department of Transportation’s (“NYSDOT”) Passenger and Freight Rail Assistance Program (“PFRAP”) to provide funding to Applicant for the replacement, repair, and relocation of its current rail line (the “Project”) at its manufacturing facility (“Facility”) located at 1870 New York Avenue, Falconer, NY 14733 (the “Site”); and

WHEREAS, the Rail Grant was approved by NYSDOT on March 1, 2024 and a grant agreement between the Agency and NYSDOT (Contract No. DR39104, Project No. 5936.89.301) (the “Grant Agreement”) has been drafted and negotiated; and

WHEREAS, the Agency shall first instance 100% of the approved Project expenses and adhere to the terms of the Grant Agreement as required by applicable law; and

WHEREAS, pursuant to Article 8 of the New York 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 (“NYSDEC”), being 6 NYCRR Part 617, et. seq., as amended (the “Regulations” and collectively with the SEQR Act, “SEQRA”), the Agency must satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Project; and

WHEREAS, pursuant to SEQRA, to aid the Agency in determining whether the Project may have a significant adverse impact upon the environment, the Agency has received and reviewed: (1) Part 1 of a Short Environmental Assessment Form dated November 6, 2024 (collectively, the “EAF”); (2) a narrative supplement to the EAF describing the Project (“Project Summary”); (3) Project design plans dated October 4, 2024 (the, Plans”); (4) NYSDEC’s Environmental Resource Mapper (“NYSDEC Mapper”); (5) NYSDEC’s Info Locator Mapper (“Info Locator”); (6) New York State Department of Parks, Recreation, and Historic Preservation, Cultural Resource Information System Mapper (“CRIS Mapper”); NYSDEC’s Environmental Remediation Database, and; (8) other relevant information (collectively, 1-8 the “Environmental Information”); and

WHEREAS, prior to making a recommendation about the potential environmental significance of the Project, the Agency has reviewed the Environmental Information, consulted various information sources, and considered the list of activities which are Type I Actions outlined in Section 617.4 of the SEQRA regulations, the list of activities that are Type II Actions outlined in Section 617.5 of the SEQRA regulations and the criteria for determining significance outlined in Section 617.7 of the SEQRA regulations; and

WHEREAS, a thorough analysis of the Environmental Information and potential environmental impacts associated with the Project reveals that the Project will not have any potentially significant adverse environmental impacts; and

WHEREAS, it is appropriate that the Agency issue a negative declaration pursuant to SEQRA for the Project.

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

**Section 1.** Based upon a thorough review and examination of the Project and Environmental Information, and upon the Agency's knowledge of the area surrounding the Site 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 is an Unlisted Action pursuant to SEQRA
- (B) No potentially significant adverse impacts on the environment are noted in the Environmental Information and none are known to the Agency.

**Section 2.** Based upon the Agency's review of the Environmental Information and investigations of the potential environmental impacts associated with the Project, considering both the magnitude and importance of each potential environmental impact indicated, and upon the Agency's knowledge of the Site and surrounding area and such further investigations of the Project and its environmental effects as the Agency has deemed appropriate, the Agency has determined that the Project will not have a significant adverse impact upon the environment. The reasons supporting this determination are as follows:

1. Impact on Land. The Project consists of the repair, replacement, and relocation of existing rail track serving the Site to service increased production capabilities at the existing Facility. The Project will disturb approximately 1,120 square feet, or .02 acres, of previously developed and disturbed area on the Site. The Site is zoned industrial and the Project is consistent with the classification, and will not impact or deter existing or future adjacent land use. The Project will not increase the footprint of the Facility or impact previously undisturbed lands.

The Project does not involve any substantial excavation, mining or dredging and will be completed in a single phase. Additionally, while there will be temporary runoff during construction, it will be discharged onsite and controlled by stormwater and sediment/erosion control best management practices. Additionally, the Project is not within a Coastal Area, a waterfront area of a

Designated Inland Waterway, an area with an approved Local Waterfront Revitalization Program or a Coastal Erosion Hazard Area.

Based on the foregoing, the Project will not create any potentially significant adverse impacts to land resources or land use.

2. Impact on Geological Features. The Project does not contain and is not adjacent to any unique geologic features or National Natural Landmarks. Accordingly, the Project will not create any potentially significant adverse impacts to geological features.
3. Impact on Surface Water. The EAF and NYSDEC Mapper indicate there are no identified surface water bodies located on the Site. The Project is in close proximity to the adjacent area of Clay Pond and NYSDEC regulated wetland JA-3. However, per the Plans, there will be no disturbance of lands within the adjacent area or any regulated wetlands and disturbance of the Project will occur only on existing and previously disturbed areas. Accordingly, the Project will not create any significant adverse impacts on surface water.
4. Impact on Groundwater. As noted above, there will be very little disturbance to the land associated with construction of the Project, amounting to approximately only .02 acres. This disturbance will not require substantial excavation which would impact groundwater, but rather is limited to replacement, repair, and relocation of rail track on previously disturbed lands, all of which are above or at grade. In addition, the EAF demonstrates that the Project will not create a new demand for water, generate or discharge liquid wastes, or involve new bulk storage of chemicals or production of hazardous waste or any other activities that would pose a threat to groundwater. Accordingly, the Project is not anticipated to create any significant adverse impacts to groundwater.
5. Impact on Flooding. The EAF states that the Project will not result in the development of lands which are subject to flooding and does not include the impoundment of water. The Project is not within a designated floodway or floodplain. Accordingly, the Project is not anticipated to create any significant adverse impacts to flooding.
6. Impact on Air. The Project will not include or create significant sources of air emissions, and it does not entail the types of activities or operations that require the Applicant to obtain air registration permits or that are associated with a significant potential for air emissions. Given the limited disturbance of the Project, any impacts to air quality from construction activities will be minor and temporary in nature. Accordingly, the Project is not anticipated to create any significant adverse impacts to air resources.

7. Impact on Plants and Animals. The Project will result in disturbance to only .02 acres of existing and previously disturbed land. As noted in the EAF, there are no known state or federally listed threatened or endangered species located on the Site, and the Site, as an industrial Facility, does not provide potential suitable habitat for significant natural communities. The NYSDEC Mapper indicates the Site is in the vicinity of rare freshwater mussels, and dragonflies and damselflies, which it indicates are not listed threatened or endangered species in New York. Notwithstanding, as the Project will be limited to existing disturbed areas including an existing railway, impacts to any rare species is not expected. Accordingly, the Project is not anticipated to create any significant adverse impacts to plants or animals.
8. Impact on Agricultural Land Resources. The Project is not located in a designated agricultural district, and will not result in the conversion of farmland. The Site does not contain any present or potential agricultural lands, but rather consists of existing industrial operations. As the Project will not have any other significant adverse impacts to water, air, health, the Project will not indirectly impact any existing nearby agricultural operations. Accordingly, the Project will not create any significant adverse impacts to agricultural land.
9. Impact on Aesthetic Resources. The Project is not located on or adjacent to any officially designated and publicly accessible federal, state or local scenic or aesthetic resources. Indeed, the Project, consisting of the repair and replacement of existing rail track and relocation of rail track on existing industrial property at or slightly above existing grade, will not be significantly visible to the public at all. Thus, any resulting visual impacts will be minor in nature, since the Project does not have a large visual profile and is otherwise aesthetically unobtrusive. Further limiting any impacts to aesthetic resources, existing vegetative buffers and mature trees will be retained to provide natural screening. Based on the foregoing, the Project is not anticipated to create any significant adverse impacts to aesthetic resources.
10. Impact on Historic and Archaeological Resources. According to the CRIS Mapper, there are no known historic or archaeological resources located on or substantially contiguous to the Site. Additionally, the Project involves disturbance to existing disturbed lands used for industrial operations at the Facility and therefore, the likelihood of encountering any unknown historic or archaeological resources is low. Additionally, the Project involves relatively little actual land disturbance, amounting to approximately, .02 acres. Accordingly, the Project will not create any significant impacts to historic or archeological resources.

11. Impact on Open Space and Recreation. The Site is not used by members of the community for public recreation, and is not used, or could be used, for hunting, trapping, fishing or shell fishing. Accordingly, the Project will not create any significant impacts to open space or recreational resources.
12. Impact on Critical Environmental Areas. According to the EAF, the Project is not located in or substantially contiguous to any Critical Environmental Areas. Accordingly, the Project will not create any significant impacts to Critical Environmental Areas.
13. Impact on Transportation. The Project does not involve the types of activities or operations that would be associated with an increased flow of traffic. Accordingly, the Project is not anticipated to create any significant adverse impacts on transportation.
14. Impact on Energy. The Project does not involve any activities which would substantially increase energy demand by the Applicant or any other party, and is conducted merely to ensure the continued efficient operation of the Facility. Accordingly, the Project will not create any significant adverse impacts on energy.
15. Impact on Noise, Odor and Light. The Project does not involve the construction or operation of any actions which appreciably create odors or excessive lighting. The Project is expected to increase noise levels during construction on Monday through Friday during the hours of 7:00 AM to 5:00 PM and during operations from dawn to dusk. However, any impacts to noise or odor from construction activities will be minor given the limited size of the Project and will be temporary in nature.

The purpose of the Project is to ensure the rail track servicing the Facility can continue to support the 286,000 pound industry standard rail cars used in the Facility's manufacturing operations rather than to significantly increase rail trips to the Site. Therefore, operation of the Facility following completion of the Project is not expected to have a significant increase in noise impacts. Accordingly, the Project will not create any significant adverse impacts on noise, odor or light.

16. Impact on Public Health. The Project does not involve the types of activities or operations that are associated with a significant potential for affecting public health, including the use, creation, disposal or storage of a hazardous or toxic substance. Further, any solid waste generated at the Site will be properly disposed of pursuant to Federal, State and local laws and regulations.

The EAF acknowledges the past occurrence of solid hazardous waste disposal adjacent to the Site ("Disposal Site"). According to the Info Locator, the Disposal Site was entered into the New York State Superfund program, with the identification number 907001. The NYSDEC's Environmental Remediation Database for the Disposal Site indicates it was remediated in 1996-97 and no further action is needed at this time. The Project will not disturb any portion of the Disposal Site or affect any future remediation if required. Accordingly, the Project is not anticipated to create any significant adverse impact to public health.

17. Impact on Character of the Community and Community Plans. The Project is consistent with the Site's zoning classification and will not have any other significant environmental impacts to the surrounding community as described above. Project is not anticipated to result in secondary development effects or significant population growth. In sum, the Project is limited to repair, replacement, and minor relocation of existing rail track currently used and serving the Site. Accordingly, the Project will not create any significant adverse impacts to the character of the community or community plans.

**Section 3.** Since the Project will not have a significant adverse impact on the environment, a negative declaration ("Negative Declaration") pursuant to SEQRA is hereby issued, and the EAF Parts II and III prepared by the Town are hereby adopted by the Agency. This Negative Declaration has been prepared pursuant to and in accordance with the requirements of SEQRA.

**Section 4.** The Grant Agreement is hereby approved. The Chairman, the Vice Chairman, the Chief Executive Officer and the Chief Financial Officer are each individually authorized to negotiate, execute and deliver the Grant Agreement and any actions previously taken by any such officers and hereby ratified and approved.

**Section 5.** The Chairman, the Vice Chairman, the Chief Executive Officer and the Chief Financial Officer of the Agency are hereby further authorized on behalf of the Agency, or acting together or individually, to distribute copies of this Resolution to the Applicant and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

**Section 6.** This Resolution, which is adopted by a majority vote of the Agency, shall serve as the Negative Declaration (as defined in 6 NYCRR 617.2(z)) for the Project, and is issued by the Agency pursuant to and in accordance with SEQRA in connection with the Agency's environmental impact review, shall take effect immediately.

**Section 7.** For further information on this Negative Declaration contact:

County of Chautauqua Industrial Development Agency  
201 West 3rd Street, Suite 115  
Jamestown, New York 14701-6902  
ATTN: Mark Geise, Administrative Director/CEO  
Phone: 716-661-8900  
Fax: 716-664-4515

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

Gary Henry	VOTING
Bradley Walters	VOTING
Sagan Sheffield-Smith	VOTING
Dan Heitzenrater	VOTING
Amy Harding	VOTING
Daniel DeMarte	VOTING
Kevin Muldowney	VOTING
Tom Harmon	VOTING

The foregoing Resolution was thereupon declared \_\_\_\_\_.

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

WE, the undersigned officers of the County of Chautauqua Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on November 19, 2024 with the original thereof on file in our offices, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

WE 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"), said meeting was open to the general public at both locations at which members of the Agency were present, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; (D) the meeting was duly held by videoconferencing in compliance with the requirements of Section 103-a of the Open Meetings Law, including, but not limited to, the notice provisions of such Section; (E) there was a quorum of the members of the Agency present throughout said meeting and the minimum number of members required for a quorum was physically present at one of the locations specified in the notice of the meeting, (F) the meeting was recorded and the recording has been or will be posted on the public website of the Agency pursuant to the Open Meetings Law; (G) members of the public were permitted to view such meeting via video and to participate in the proceedings via videoconference in real time to the same extent that that public participation was permitted to members of the public present in person.

WE 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, we have hereunto set our hand this 19th day of  
November, 2024.

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[Assistant] Secretary

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[Vice] Chairman