

**Genesee County Economic Development Center  
Meeting Agenda**

Thursday, March 28, 2024

Location: 99 MedTech Drive, Innovation Zone

|                |             |   |               |
|----------------|-------------|---|---------------|
| <b>PAGE #</b>  | <b>1.0</b>  | <b>Call to Order</b>  | <b>4:00pm</b> |
|                | 1.1         | <b>Enter Executive Session</b>  | <b>4:00pm</b> |
|                |             | Motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105 for the following reasons:  |               |
|                |             | 1. The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.  |               |
|                |             | 2. Discussions regarding proposed, pending, or current litigation.  |               |
|                | 1.2         | <b>Enter Public Session</b>   | <b>4:40pm</b> |
|                | <b>2.0</b>  | <b>Chairperson's Report &amp; Activities</b>  | <b>4:40pm</b> |
|                | 2.1         | Upcoming Meetings:<br><b>Next Scheduled Board Meeting: Thursday, May 2nd at 4 p.m.</b><br>Audit & Finance Committee Meeting: Tuesday, April 30 <sup>th</sup> at 8:30 a.m.<br>STAMP Committee Meeting: Wednesday, May 1 <sup>st</sup> at 8 a.m.<br>Governance and Nominating Committee Meeting: Thursday, May 2 <sup>nd</sup> at 3:00 p.m. |               |
|                | 2.2         | Agenda Additions / Deletions / Other Business <b>**Vote</b>   |               |
|                | 2.3         | Minutes: March 7, 2024 <b>**Vote</b>  |               |
| <b>2-18</b>    | <b>3.0</b>  | <b>Report of Management –</b>   | <b>4:45pm</b> |
| <b>19-20</b>   | 3.1         | Leatherleaf Solar – Final Resolution  |               |
| <b>21-22</b>   |             | a. UTEP <b>**Vote</b> – C. Suozzi   |               |
| <b>23-62</b>   |             | b. Final Resolution <b>**Vote</b> – C. Suozzi   |               |
| <b>63-68</b>   | 3.2         | LNK Holdings Inc – Final Resolution   |               |
| <b>69-70</b>   |             | a. UTEP <b>**Vote</b> – C. Suozzi   |               |
| <b>71-86</b>   |             | b. Final Resolution <b>**Vote</b> – C. Suozzi   |               |
| <b>87</b>      | 3.3         | Public Authorities Annual Report <b>**Vote</b> – L. Farrell   |               |
|                | 3.4         | Recap March Workforce Madness Month – C. Suozzi   |               |
|                | 3.5         | GCEDC Annual Meeting – J. Krencik   |               |
|                | <b>4.0</b>  | <b>Audit &amp; Finance Committee – K. Manne</b>   | <b>5:00pm</b> |
|                | 4.1         | 12/31/2023 Audit <b>**Vote</b>  |               |
| <b>88-106</b>  | 4.2         | Mowing Bids <b>**Vote</b>   |               |
| <b>107-119</b> | 4.3         | Brush Hog and Mowing Contract for STAMP <b>**Vote</b>   |               |
|                | <b>5.0</b>  | <b>Governance &amp; Nominating Committee – C. Yunker</b>  | <b>5:10pm</b> |
| <b>120-122</b> | 5.1         | Mission Statement & Measurement Report <b>**Vote</b>  |               |
|                | <b>6.0</b>  | <b>STAMP Committee – P. Zelif</b>   | <b>5:15pm</b> |
| <b>123-130</b> | 6.1         | Access Agreement <b>**Vote</b>  |               |
|                | <b>7.0</b>  | <b>Employment &amp; Compensation Committee – M. Gray</b>  | <b>5:20pm</b> |
|                | 7.1         | Nothing at this time.   |               |
|                | <b>8.0</b>  | <b>Housing Committee – P. Battaglia</b>   | <b>5:20pm</b> |
|                | 8.1         | Nothing at this time.   |               |
|                | <b>9.0</b>  | <b>Other Business</b>   | <b>5:20pm</b> |
|                | 9.1         | Nothing at this time.   |               |
|                | <b>10.0</b> | <b>Adjournment</b>  | <b>5:20pm</b> |



**GCEDC Board Meeting  
Thursday, March 7, 2024  
Location: 99 MedTech Drive, Innovation Room  
4:00 PM**

**GCEDC MINUTES**

**Attendance**

- Board Members: C. Kemp, K. Manne, M. Clattenburg, P. Zeliff, M. Gray, P. Battaglia, C. Yunker (Video Conference\*)
- Staff: M. Masse, S. Hyde, L. Farrell, L. Casey, J. Krencik, C. Suozzi, P. Kennett, E. Finch
- Guests: M. Brooks (GGLDC Board Member), G. Torrey (GGLDC Board Member), D. Cunningham (GGLDC Board Member), S. Noble-Moag (GGLDC Board Member), J. Tretter (GGLDC Board Member), M. Fitzgerald (Phillips Lytle/ Video Conference), R. Gaenzle (Harris Beach/Video Conference), R. Crossen (Town of Alabama Supervisor), Matt Landers (Genesee County Manager), Tim Hens (Genesee County Highway Department Supervisor), Asher Syed (HP Hood), Bryan Beckwith (HP Hood), David Watkins (HP Hood), Joseph Blair (HP Hood), Tom Iomzzo (Neighbor to HP Hood)

Absent:

\*Attending from a physical location identified in the meeting notice as open to the public.

**1.0 Call to Order**

P. Zeliff called the meeting to order at 4:00 p.m. in the Innovation Zone.

**Presentation HP Hood** - Bryan Beckwith (Director of Project Management), Asher Syed (Quality Engineer), David Watkins (Director of Operations for Batavia Plant), and Joseph Blair (Director of Technical Services for Batavia Plant) attended the meeting to present the HP Hood Warehouse Expansion Project. HP Hood is looking to expand its fully automated cold storage warehouse to be able to accommodate an additional 7,500 pallets. The building would be constructed with a concrete foundation, structural steel, and a rubber roofing system, like the construction on sight today. The expanded space is going to be fully integrated with HP Hood's processing and warehouse operation automation system to allow HP Hood to better serve their customers and position themselves for upcoming projected volumes.

The Batavia plant recently celebrated its 5<sup>th</sup> year of production and employs about 450 individuals. HP Hood appreciates the support that they have been given from the Genesee County Economic Development Center and looks forward to continuing the partnership to allow growth and contribute to the community in a positive way. HP Hood has approximately 13 facilities in total, the Batavia facility being its largest.

All representatives from HP Hood and Tom Iomzzo (Neighbor to HP Hood) left the meeting at 4:07 p.m.

**1.1 Enter Executive Session**

P. Battaglia made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 4:07 p.m. for the following reasons:

1. The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.
2. Discussions regarding proposed, pending, or current litigation.

The motion was seconded by M. Clattenburg and approved by all members present.

M. Fitzgerald (Video Conference), M. Landers, T. Hens, R. Crossen and all staff, excluding M. Masse left the meeting at 4:40 p.m.

M. Masse left the meeting at 4:55 p.m.

**1.2 Enter Public Session**

M. Clattenburg made a motion to enter back into public session at 5:16 p.m., seconded by C. Kemp and approved by all members present.

Asher Syed (HP Hood), Bryan Beckwith (HP Hood), David Watkins (HP Hood), Joseph Blair (HP Hood), and all staff, excluding E. Finch, returned to the meeting at 5:16 p.m.

S. Noble-Moag left the meeting at 5:16 p.m.

**2.0 Chairman’s Report & Activities**

**2.1 Upcoming Meetings:**

**Next Scheduled Board Meeting: Thursday, March 28<sup>th</sup> at 4:00 p.m.**

Audit & Finance Committee Meeting: Thursday, March 28<sup>th</sup> at 3:00 p.m.

STAMP Committee Meeting: Wednesday, March 27<sup>th</sup> at 8:00 a.m.

*Employment & Compensation Committee Meeting will be added at the request of the Board.*

**2.2 Agenda Additions / Deletions / Other Business – Nothing at this time.**

**2.3 Minutes: February 1, 2024 –**

**K. Manne made a motion to accept the February 1, 2024 minutes as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:**

|                  |     |             |                         |
|------------------|-----|-------------|-------------------------|
| P. Battaglia -   | Yes | C. Yunker - | Yes (Video Conference*) |
| K. Manne -       | Yes | P. Zelif -  | Yes                     |
| M. Clattenburg - | Yes | M. Gray -   | Yes                     |
| C. Kemp -        | Yes |             |                         |

**The item was approved as presented.**

**3.0 Report of Management**

**3.1 MedTech Landing – Final Resolution** – MedTech Landing, LLC is proposing to develop 80 units of market-rate housing at 53 MedTech Drive in the Town of Batavia. The \$15 million project would construct seven apartment buildings totaling 100,000 sq. ft. and includes 6 six-car garages. The project anticipates creating two positions (2 FTE).

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$720,000, a property tax abatement estimated at \$3,031,048 via a fixed 10% 20-year PILOT (Housing PILOT for 20+ market-rate units), and a mortgage tax exemption estimated at \$120,000.

The project will also contribute \$50,000 per year for 20 years to the new Batavia Home Fund (BHF). The Town of Batavia, the City of Batavia and GCEDC have established this fund to enable housing development support in the City of Batavia. This will result in net savings to the project of \$2,871,480.

The project aligns with the Genesee County Economic Development Center's Housing Policy #1 and a recognized need for housing availability. The Genesee County Housing Needs Assessment identified that 4,800 units are needed in the next 20 years across single-family homes and rental units.

A public hearing was held on February 8, 2023. No written or oral comments were received.

**3.1a UTEP** - See the Statement of Compliance of Project Criteria listed in the Uniform Tax Exemption Policy (UTEP) attached to the minutes for additional Project details and Board approvals. The Board concurred with the UTEP.

**3.1b Final Resolution** -

Resolution No. 03/2024 - 01

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON FEBRUARY 8, 2024, WITH RESPECT TO THE MEDTECH LANDING, LLC (THE "COMPANY") PROJECT (THE "PROJECT"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION, AND EQUIPPING OF THE PROJECT, (B) A PARTIAL REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT AND (C) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION AS AUTHORIZED BY THE LAWS OF NEW YORK STATE; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT, MORTGAGE AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

**M. Clattenburg made a motion to accept Final Resolution #3/2024-01, authorizing the incentives as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:**

|                  |     |             |                         |
|------------------|-----|-------------|-------------------------|
| P. Battaglia -   | Yes | C. Yunker - | Yes (Video Conference*) |
| K. Manne -       | Yes | P. Zelif -  | Yes                     |
| M. Clattenburg - | Yes | M. Gray -   | Yes                     |
| C. Kemp -        | Yes |             |                         |

The item was approved as presented.

**3.2 HP Hood – Final Resolution** – HP Hood is planning to expand at the Ag Park in Batavia, NY. The \$120 million project consists of a 32,500 sq ft expansion to accommodate approximately 7,500 more pallet positions in its automatic storage and retrieval system (ASRS) refrigerated warehouse. The project will also include the addition of new batching and processing systems, along with other upgrades which will allow the company to increase capacity and production of additional extended-shelf-life (ESL) beverage products at the Batavia facility.

The project proposes creating 48 new full-time equivalent (FTE) positions and retaining 455 FTE's.

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$4,528,000, a property tax abatement estimated at \$549,705 based on incremental increase in assessed value via new traditional PILOT, and a mortgage tax exemption estimated at \$536,000.

A public hearing was held on September 28, 2023. No written or oral comments were received.

**3.2a UTEP** - See the Statement of Compliance of Project Criteria listed in the Uniform Tax Exemption Policy (UTEP) attached to the minutes for additional Project details and Board approvals. The Board concurred with the UTEP.

**3.2b Final Resolution** -

Resolution No. 03/2024 - 02

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON SEPTEMBER 28, 2023, WITH RESPECT TO THE HP HOOD LLC (THE "COMPANY") PROJECT (THE "PROJECT"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA (AS DEFINED BELOW); (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION, AND EQUIPPING OF THE PROJECT, (B) A PARTIAL REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT AND (C) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION AS AUTHORIZED BY THE LAWS OF NEW YORK STATE; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT, MORTGAGE AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

**P. Battaglia made a motion to accept Final Resolution #3/2024-02, authorizing the incentives as presented; the motion was seconded by K. Manne. Roll call resulted as follows:**

|                  |     |             |                         |
|------------------|-----|-------------|-------------------------|
| P. Battaglia -   | Yes | C. Yunker - | Yes (Video Conference*) |
| K. Manne -       | Yes | P. Zelif -  | Yes                     |
| M. Clattenburg - | Yes | M. Gray -   | Yes                     |
| C. Kemp -        | Yes |             |                         |

The item was approved as presented.

Asher Syed (HP Hood), Bryan Beckwith (HP Hood), David Watkins (HP Hood), and Joseph Blair (HP Hood) left the meeting.

**3.3 Countryside Apartments – Supplemental Final Resolution** – The Board approved Countryside Apartments, LLC Project in Pembroke on October 26, 2023. The approval was for the complete four-phased project in total with a capital investment of \$15.65 million, 96 units, 4 buildings.

The developer has determined that the Project is to be undertaken in four phases, with each phase consisting of the planning, design, construction, and operation of a twenty-four-unit market rate apartment building. Due to the multi-phased structure of the project, the developer is requesting that the GCEDC treat each phase as a distinct “project” and to allocate the original incentives and project fees in accordance with Exhibit A of the Supplemental Final Resolution.

**Action Requested:** Approval of the Supplemental Final Resolution designating the original approval into four separate projects.

**M. Clattenburg made a motion to accept Supplemental Final Resolution #3/2024-03, designating the original approval into four separate projects as outlined in Exhibit A; the motion was seconded by K. Manne. Roll call resulted as follows:**

|                  |     |             |                         |
|------------------|-----|-------------|-------------------------|
| P. Battaglia -   | Yes | C. Yunker - | Yes (Video Conference*) |
| K. Manne -       | Yes | P. Zelif -  | Yes                     |
| M. Clattenburg - | Yes | M. Gray -   | Yes                     |
| C. Kemp -        | Yes |             |                         |

**The item was approved as presented.**

**3.4 Leatherleaf Solar – Initial Resolution** - Leatherleaf Solar, LLC is proposing to construct a community solar farm project on 7501 Ivison Rd in the Town of Byron, NY. The project will utilize ground-mounted solar panels to convert the sun’s energy into 5 MW of AC power. The project will provide enhanced property tax payments via a 15-year PILOT that are significantly greater than the current agricultural-vacant land value of the project.

The project’s PILOT will contribute \$4,000/MWAC + a 2% annual escalator in payments to Genesee County and Byron-Bergen Central School District. The PILOT is estimated to generate \$345,868 in PILOT payments over the 15-year term. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County; and a separate host benefit agreement with the Town of Byron.

The project is aligned with New York's aggressive goals for renewable energy, energy efficiency and greenhouse gas reductions, and will offer customers a 10% discount vs average market rates for the generated power.

**M. Gray made a motion to accept Initial Resolution #03/2024-04, authorizing the acceptance of the application and scheduling of a public hearing as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:**

|                  |     |             |                         |
|------------------|-----|-------------|-------------------------|
| P. Battaglia -   | Yes | C. Yunker - | Yes (Video Conference*) |
| K. Manne -       | Yes | P. Zelif -  | Yes                     |
| M. Clattenburg - | Yes | M. Gray -   | Yes                     |
| C. Kemp -        | Yes |             |                         |

The item was approved as presented.

**3.5 Appointment of Member to NY Green** – The GCEDC Board is required to pass a resolution that designates an individual from the GCEDC to serve as a standing member to the NY Green Board of Directors as stated in the NY Green By-Laws.

The NY Green Board has requested that the GCEDC pass another resolution designating the representative from the GCEDC to serve on their Board of Directors.

**P. Battaglia made a motion to accept the resolution appointing M. Masse to the NY Green Board of Directors; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

|                  |     |             |                         |
|------------------|-----|-------------|-------------------------|
| P. Battaglia -   | Yes | C. Yunker - | Yes (Video Conference*) |
| K. Manne -       | Yes | P. Zeliff - | Yes                     |
| M. Clattenburg - | Yes | M. Gray -   | Yes                     |
| C. Kemp -        | Yes |             |                         |

The item was approved as presented.

**4.0 Audit & Finance Committee**

**4.1 Investment Report** – The Investment Report summarizes the GCEDC’s bank balances, general ledger balances and interest income as of 12/31/23. As of 12/31/23, cash balances were fully collateralized. The GCEDC generated close to \$290,000 in interest income in 2023. The report is required by PARIS and will be posted on the website.

The Bank of Castile listed in the Investment Reports should be changed to Tompkins Community Bank.

This was recommended for approval by the Committee with the above-mentioned change.

**K. Manne made a motion to approve the Investment Report with the above-mentioned change; the motion was seconded by M. Gray. Roll call resulted as follows:**

|                  |     |             |                         |
|------------------|-----|-------------|-------------------------|
| P. Battaglia -   | Yes | C. Yunker - | Yes (Video Conference*) |
| K. Manne -       | Yes | P. Zeliff - | Yes                     |
| M. Clattenburg - | Yes | M. Gray -   | Yes                     |
| C. Kemp -        | Yes |             |                         |

The item was approved as presented.

**4.2 Procurement Report** - Public Authorities are required to report all procurement transactions active during the reporting period that have an actual or estimated value of \$5,000 or more. This report will be submitted to the PARIS system and posted on the website. The board has already approved most expenses or contracts that exceed \$5,000. Therefore, the Committee has already seen and approved most of the information that is collectively stated in this report.

This was recommended for approval by the Committee.

**K. Manne made a motion to approve the Procurement Report as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

|                  |     |             |                         |
|------------------|-----|-------------|-------------------------|
| P. Battaglia -   | Yes | C. Yunker - | Yes (Video Conference*) |
| K. Manne -       | Yes | P. Zelif -  | Yes                     |
| M. Clattenburg - | Yes | M. Gray -   | Yes                     |
| C. Kemp -        | Yes |             |                         |

**The item was approved as presented.**

**4.3 Design and Engineering Contract for Roadway at Apple Tree Acres Park-** The GCEDC received a proposal for design, engineering, bidding, and construction inspection for a new roadway at Apple Tree Acres to support a new manufacturing facility.

**Fund Commitment:** \$279,065 from land sale proceeds of sale to new manufacturing facility at Apple Tree Acres.

**Board Action Request:** Approval of design, engineering, bidding and construction inspection contract for \$279,065.

This was recommended for approval by the Committee.

**K. Manne made a motion to approve the Design and Engineering Contract for the Roadway at Apple Tree Acres Corporate Park with CPL not to exceed \$279,065 as presented; the motion was seconded by M. Gray. Roll call resulted as follows:**

|                  |     |             |                         |
|------------------|-----|-------------|-------------------------|
| P. Battaglia -   | Yes | C. Yunker - | Yes (Video Conference*) |
| K. Manne -       | Yes | P. Zelif -  | Yes                     |
| M. Clattenburg - | Yes | M. Gray -   | Yes                     |
| C. Kemp -        | Yes |             |                         |

**The item was approved as presented.**

**4.4 Mowing for STAMP with Genesee County Highway Dept -** The GCEDC received a proposal for the mowing of the mitigation areas at STAMP for 2024 in accordance with the terms of the Part 182 Permit.

**Fund commitment:** \$2,000 from mitigation funds escrow of STAMP Part 182 Permit. This amount was included in the escrow estimate when the account was established.

**Board action request:** Approval of mowing contract for \$2,000 with Genesee County Highway Department.

This was recommended for approval by the Committee.

**K. Manne made a motion to approve the Mowing Contract for STAMP with the Genesee County Highway Dept not to exceed \$2,000 as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

|                |     |             |                         |
|----------------|-----|-------------|-------------------------|
| P. Battaglia - | Yes | C. Yunker - | Yes (Video Conference*) |
| K. Manne -     | Yes | P. Zelif -  | Yes                     |



M. Clattenburg – Yes  
C. Kemp - Yes

M. Gray - Yes

The item was approved as presented.

**4.5 Mowing for STAMP with Town of Alabama Highway Dept** - The GCEDC received a proposal for mowing of the stormwater pond and the open area from the substation to Crosby Road at STAMP for 2024, twice a year.

**Fund commitment:** \$8,000 from operational funds of STAMP.

**Board action request:** Approval of mowing contract for \$8,000 with Town of Alabama Highway Department.

This was recommended for approval by the Committee.

**K. Manne made a motion to approve the Mowing Contract for STAMP with the Town of Alabama Highway Dept not to exceed \$8,000 as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

|                  |     |             |                         |
|------------------|-----|-------------|-------------------------|
| P. Battaglia -   | Yes | C. Yunker - | Yes (Video Conference*) |
| K. Manne -       | Yes | P. Zelif -  | Yes                     |
| M. Clattenburg – | Yes | M. Gray -   | Yes                     |
| C. Kemp -        | Yes |             |                         |

The item was approved as presented.

**5.0 Governance & Nominating Committee – C. Yunker**

**5.1 Authority Self-Evaluation of Prior Year Performance** - Public Authorities are required to perform a self-evaluation of prior year's goals/measurements annually. This report shows the results against the goals and measurements that were set for 2023. This report will be posted to the website.

The Agency set a goal of capital investment commitment of \$47M for 2023. The actual result from projects was \$29M for 2023. If projects that exceed \$50M in capital investment were included (Nexgistics and Atlas Copco), the total for the year is \$257 million. The Agency also pledged to create 93 jobs from projects in 2023. These projects resulted in 2 jobs pledged in 2023. If projects that exceed \$50M in capital investment were included (Nexgistics and Atlas Copco), the total jobs pledged for the year is 348. The GCEDC collected \$1.6M in project origination fee revenue as compared to the \$450K budgeted for 2023.

This was recommended for approval by the Committee.

**P. Zelif made a motion to approve the Authority Self- Evaluation of Prior Year Performance as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:**

|                  |     |             |                         |
|------------------|-----|-------------|-------------------------|
| P. Battaglia -   | Yes | C. Yunker - | Yes (Video Conference*) |
| K. Manne -       | Yes | P. Zelif -  | Yes                     |
| M. Clattenburg – | Yes | M. Gray -   | Yes                     |
| C. Kemp -        | Yes |             |                         |

The item was approved as presented.

**5.2 Mission Statement & Measurement Report** – The agenda item was tabled. The Committee recommended that the goals should be analyzed to include an inflation factor. Staff will revise the 2024 goals and bring them forward at a subsequent Governance & Nominating Committee meeting.

**6.0 STAMP Committee – P. Zeliff**

**6.1 Design and Engineering Contract for Crosby Road Reconstruction and Extension of Hammerhead** - The Edwards Genesee project needs the design, engineering, and construction of certain onsite utilities to support their new facility at STAMP. These improvements will include roadways, water lines, onsite water storage tank and wastewater lines.

At the STAMP Committee meeting, Andrew Kosa of Clark Patterson Lee reviewed the engineering contract, which was included with the meeting materials, in detail with the Committee.

**Fund Commitment:** \$1,810,060 from the \$56 million NYS award or GCEDC matching funds.

**Committee Action request:** Recommend approval of the proposal from Clark Patterson Lee to prepare the design, engineering, bid packages and construction inspection for the reconstruction of Crosby Road from STAMP Drive north to Lewiston and the extension of the hammerhead.

This was recommended for approval by the Committee.

**P. Zeliff made a motion to approve the Design and Engineering Contract for Crosby Road Reconstruction and Extension of Hammerhead not to exceed \$1,810,060 as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:**

|                  |     |             |                         |
|------------------|-----|-------------|-------------------------|
| P. Battaglia -   | Yes | C. Yunker - | Yes (Video Conference*) |
| K. Manne -       | Yes | P. Zeliff - | Yes                     |
| M. Clattenburg - | Yes | M. Gray -   | Yes                     |
| C. Kemp -        | Yes |             |                         |

**The item was approved as presented.**

**6.2 First Amendment to Lease Agreement with Plug Power-** As part of their construction of their hydrogen facility, Plug Power would like to utilize the approximately 6.5-acre parcel directly to the south of their site as a construction parking area. Plug Power will be responsible for all DEC permits (except Part 182) and compliance. On April 10, 2023, Plug and the GCEDC signed this agreement. Plug is seeking an amendment to this agreement as the DEC has not issued the necessary permits through no fault of Plug's. The amendment would make the two-year lease agreement time frame start on the issuance of the DEC permits as well as making the payment due at that time.

**Fund Commitment:** None.

**Action Request:** Recommend approval of First Amendment to Access Agreement.

This was recommended for approval by the Committee.

**P. Zeliff made a motion to approve the First Amendment to the Lease Agreement with Plug Power as presented; the motion was seconded by M. Gray. Roll call resulted as follows:**

|                  |     |             |                         |
|------------------|-----|-------------|-------------------------|
| P. Battaglia -   | Yes | C. Yunker - | Yes (Video Conference*) |
| K. Manne -       | Yes | P. Zeliff - | Yes                     |
| M. Clattenburg - | Yes | M. Gray -   | Yes                     |
| C. Kemp -        | Yes |             |                         |

**The item was approved as presented.**

**6.3 Additional Work Related to Survey for STAMP Business Park Association** - The GCEDC previously went out to bid and was awarded survey work related to the formation of the business park association at STAMP. Once the survey work was completed, it was noted that there was some additional work that the legal firm is requiring for the formation that was not in the original bid.

**Fund Commitment:** \$3,000 from the \$33 million NYS award.

**Committee Action request:** Recommend approval of the proposal from Frandina for the additional survey work related to the business park association formation.

This was recommended for approval by the Committee.

**P. Zeliff made a motion to approve the additional survey work with Frandina Engineering for the STAMP Business Park Association not to exceed \$3,000 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:**

|                  |     |             |                         |
|------------------|-----|-------------|-------------------------|
| P. Battaglia -   | Yes | C. Yunker - | Yes (Video Conference*) |
| K. Manne -       | Yes | P. Zeliff - | Yes                     |
| M. Clattenburg - | Yes | M. Gray -   | Yes                     |
| C. Kemp -        | Yes |             |                         |

**The item was approved as presented.**

**6.4 CC Environment & Planning Proposal for STAMP Hedgerow Removal Mulching** – The GCEDC is required to add straw mulching to the area where the hedgerow was removed and will be seeded in accordance with the issuance of the Part 182 permit. CC Environment and Planning will complete this task under the review and approval of the DEC.

**Fund Commitment:** \$2,260 from the mitigation escrow funds.

**Action request:** Recommend approval of the proposal from CC Environment and Planning for the mulching of the area where the hedgerow was removed.

This was recommended for approval by the Committee.

**P. Zeliff made a motion to approve the CC Environment & Planning proposal for the mulching of the area where the hedgerow was removed not to exceed \$2,260 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:**

P. Battaglia - Yes  
K. Manne - Yes  
M. Clattenburg - Yes  
C. Kemp - Yes

C. Yunker - Yes (Video Conference\*)  
P. Zeliff - Yes  
M. Gray - Yes

The item was approved as presented.

**7.0 Employment & Compensation – M. Gray**

7.1 Nothing at this time.

**8.0 Housing Committee – P. Battaglia**

8.1 Nothing at this time

**9.0 Other Business**

9.1 Nothing at this time.

**10.0 Adjournment**

As there was no further business, P. Battaglia made a motion to adjourn at 5:34 p.m., which was seconded by M. Gray and passed unanimously.



Project Name: MedTech Landing, LLC

Board Meeting Date: January 11, 2024

## STATEMENT OF COMPLIANCE OF PROJECT CRITERIA LISTED IN UNIFORM TAX EXEMPTION POLICY (UTEP)

### PROJECT DESCRIPTION:

MedTech Landing, LLC is proposing to develop 80 units of market-rate housing at 53 MedTech Drive in the town of Batavia.

The \$15 million project would construct seven apartment buildings totaling 100,000 sq. ft. and includes 6 six-car garages. The project anticipates creating two positions (2 FTE).

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$720,000, a property tax abatement estimated at \$3,031,048 via a fixed 10% 20-year PILOT (Housing PILOT for 20+ market-rate units), and a mortgage tax exemption estimated at \$120,000.

The project will also contribute \$50,000 per year for 20 years to the new Batavia Home Fund (BHF). The Town of Batavia, the City of Batavia and GCEDC have established this fund to enable housing development support in the city.

This will result in a net savings to the project of \$2,871,480.

The project aligns with the Genesee County Economic Development Center's Housing Policy #1 and a recognized need for housing availability. The Genesee County Housing Needs Assessment identified that 4,800 units are needed in the next 20 years across single-family homes and rental units.

**Criteria #1** – The Project pledges to create and/or retain quality, good paying jobs in Genesee County.

**Project details:** The project is planning on creating 2 FTE direct jobs at \$52,000 annually plus benefits.

**Board Discussion:** None.

**P. Battaglia made a motion to concur with Criteria #1; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

|                  |     |             |                         |
|------------------|-----|-------------|-------------------------|
| P. Battaglia -   | Yes | C. Yunker - | Yes (Video Conference*) |
| T. Bender -      | Yes | P. Zelif -  | Yes                     |
| M. Clattenburg - | Yes | M. Gray -   | Yes                     |
| C. Kemp -        | Yes |             |                         |

**The item was approved as presented.**

Board Concurrence: **YES** NO If no, state justification:

**Criteria #2-** Completion of the Project will enhance the long-term tax base and/or make a significant capital investment.

**Project details:** The project will enhance long term tax base with an investment of \$15,000,000 and construct 100,000 sq. ft. and 80 units of market-rate housing.

**Board Discussion: None.**

**P. Battaglia made a motion to concur with Criteria #2; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

|                  |     |             |                         |
|------------------|-----|-------------|-------------------------|
| P. Battaglia -   | Yes | C. Yunker - | Yes (Video Conference*) |
| T. Bender -      | Yes | P. Zeliff - | Yes                     |
| M. Clattenburg - | Yes | M. Gray -   | Yes                     |
| C. Kemp -        | Yes |             |                         |

**The item was approved as presented.**

**Board Concurrence:**  YES  NO **If no, state justification:**

**Criteria #3-** The Project will contribute towards creating a “livable community” by providing a valuable product or service that is underserved in Genesee County.

**Project details:** Yes, the project will contribute towards a “livable community” as the housing shortage is outlined in Labella’s housing study of Genesee County 2018 report.

**Board Discussion: None.**

**P. Battaglia made a motion to concur with Criteria #3; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

|                  |     |             |                         |
|------------------|-----|-------------|-------------------------|
| P. Battaglia -   | Yes | C. Yunker - | Yes (Video Conference*) |
| T. Bender -      | Yes | P. Zeliff - | Yes                     |
| M. Clattenburg - | Yes | M. Gray -   | Yes                     |
| C. Kemp -        | Yes |             |                         |

**The item was approved as presented.**

**Board Concurrence:**  YES  NO **If no, state justification:**

**Criteria #4:** The Board will review the Agency’s Fiscal and Economic Impact analysis of the Project to determine if the Project will have a meaningful and positive impact on Genesee County. This calculation will include the estimated value of any tax exemptions to be provided along with the estimated additional sources of revenue for municipalities and school districts that the proposed project may provide.

The Fiscal impacts (discounted value) on Local Benefits totals \$34,480,522 (\$32,768,213 in payroll and \$1,712,309 to the public in tax revenues). See attached MRB Cost Benefit Calculator.

**Project details:** For every \$1 of public benefit the company is investing \$12 into the local economy.

**Board Discussion:** None.

**P. Battaglia made a motion to concur with Criteria #4; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

|                  |     |             |                         |
|------------------|-----|-------------|-------------------------|
| P. Battaglia -   | Yes | C. Yunker - | Yes (Video Conference*) |
| T. Bender -      | Yes | P. Zeliff - | Yes                     |
| M. Clattenburg - | Yes | M. Gray -   | Yes                     |
| C. Kemp -        | Yes |             |                         |

**The item was approved as presented.**

**Board Concurrence:**  YES  NO If no, state justification:

**Criteria #5:** The Project is included in one of the Agency's strategic industries: Agri-Business and Food Processing, Manufacturing, Advanced Manufacturing and Nano-Enabled Manufacturing, Life Sciences and Medical Device.

**Project details:** N/A

**Board Discussion:** None

**Criteria #6:** The Project will give a reasonable estimated timeline for the completion of the proposed project.

**Project details:** The project is planning to begin construction in late spring 2024 and be operational within 24 months.

**Board Discussion:** None.

**P. Battaglia made a motion to concur with Criteria #6; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

|                  |     |             |                         |
|------------------|-----|-------------|-------------------------|
| P. Battaglia -   | Yes | C. Yunker - | Yes (Video Conference*) |
| T. Bender -      | Yes | P. Zeliff - | Yes                     |
| M. Clattenburg - | Yes | M. Gray -   | Yes                     |
| C. Kemp -        | Yes |             |                         |

**The item was approved as presented.**

**Board Concurrence:**  YES  NO If no, state justification:



Project Name: HP Hood

Board Meeting Date: September 7, 2023

## STATEMENT OF COMPLIANCE OF PROJECT CRITERIA LISTED IN UNIFORM TAX EXEMPTION POLICY (UTEP)

### PROJECT DESCRIPTION:

HP Hood is planning to expand at the Ag Park in Batavia, NY.

The \$120 million project consists of a 32,500 sq ft expansion to accommodate approximately 7,500 more pallet positions in its automatic storage and retrieval system (ASRS) refrigerated warehouse. The project will also include the addition of new batching and processing systems, along with other upgrades which will allow the company to increase capacity and production of additional extended-shelf-life (ESL) beverage products at the Batavia facility.

The project proposes creating 48 new full-time equivalent (FTE) positions and retaining 455 FTE's.

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$4,528,000, a property tax abatement estimated at \$549,705 based on incremental increase in assessed value via new traditional PILOT, and a mortgage tax exemption estimated at \$536,000.

**Criteria #1** – The Project pledges to create and/or retain quality, good paying jobs in Genesee County.

**Project details:** The project is planning on creating 48 direct jobs between \$45,000-60,000 annual plus benefits and retaining 455 FTE's.

**Board Discussion:** None.

**M. Gray made a motion to concur with Criteria #1; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

|                  |     |             |                         |
|------------------|-----|-------------|-------------------------|
| P. Battaglia -   | Yes | C. Yunker - | Yes (Video Conference*) |
| T. Bender -      | Yes | P. Zelif -  | Yes                     |
| M. Clattenburg - | Yes | M. Gray -   | Yes                     |
| C. Kemp -        | Yes |             |                         |

**The item was approved as presented.**

Board Concurrence:  YES  NO If no, state justification:

**Criteria #2-** Completion of the Project will enhance the long-term tax base and/or make a significant capital investment.



**Project details:** The project will enhance long term tax base with an investment of \$120,000,000 and construct a 32,500 sq. ft. expansion to their refrigerated warehouse.

**Board Discussion:** None.

**M. Gray made a motion to concur with Criteria #2; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

|                  |     |             |                         |
|------------------|-----|-------------|-------------------------|
| P. Battaglia -   | Yes | C. Yunker - | Yes (Video Conference*) |
| T. Bender -      | Yes | P. Zelif -  | Yes                     |
| M. Clattenburg - | Yes | M. Gray -   | Yes                     |
| C. Kemp -        | Yes |             |                         |

**The item was approved as presented.**

**Board Concurrence:**  YES  NO If no, state justification:

**Criteria #3-** The Project will contribute towards creating a “livable community” by providing a valuable product or service that is underserved in Genesee County.

**Project details:** N/A

**Board Discussion:** None.

**Criteria #4:** The Board will review the Agency’s Fiscal and Economic Impact analysis of the Project to determine if the Project will have a meaningful and positive impact on Genesee County. This calculation will include the estimated value of any tax exemptions to be provided along with the estimated additional sources of revenue for municipalities and school districts that the proposed project may provide.

The Fiscal impacts (discounted value) on Local Benefits totals \$49,873,411 (\$49,140,810 in payroll and \$732,601 to the public in tax revenues). See attached MRB Cost Benefit Calculator.

**Project details:** For every \$1 of public benefit the company is investing \$16 into the local economy

**Board Discussion:** None.

**M. Gray made a motion to concur with Criteria #4; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

|                  |     |             |                         |
|------------------|-----|-------------|-------------------------|
| P. Battaglia -   | Yes | C. Yunker - | Yes (Video Conference*) |
| T. Bender -      | Yes | P. Zelif -  | Yes                     |
| M. Clattenburg - | Yes | M. Gray -   | Yes                     |
| C. Kemp -        | Yes |             |                         |

**The item was approved as presented.**

**Board Concurrence:**  YES  NO If no, state justification:

**Criteria #5:** The Project is included in one of the Agency's strategic industries: Agri-Business and Food Processing, Manufacturing, Advanced Manufacturing and Nano-Enabled Manufacturing, Life Sciences and Medical Device.

**Project details:** Yes, it is in the Food Processing industry.

**Board Discussion:** None.

**M. Gray made a motion to concur with Criteria #5; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

|                  |     |             |                         |
|------------------|-----|-------------|-------------------------|
| P. Battaglia -   | Yes | C. Yunker - | Yes (Video Conference*) |
| T. Bender -      | Yes | P. Zelif -  | Yes                     |
| M. Clattenburg - | Yes | M. Gray -   | Yes                     |
| C. Kemp -        | Yes |             |                         |

**The item was approved as presented.**

**Board Concurrence:**  YES  NO If no, state justification:

**Criteria #6:** The Project will give a reasonable estimated timeline for the completion of the proposed project.

**Project details:** The project is planning to begin construction in 2024 and be operational by the first quarter of 2025.

**Board Discussion:** None.

**M. Gray made a motion to concur with Criteria #6; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

|                  |     |             |                         |
|------------------|-----|-------------|-------------------------|
| P. Battaglia -   | Yes | C. Yunker - | Yes (Video Conference*) |
| T. Bender -      | Yes | P. Zelif -  | Yes                     |
| M. Clattenburg - | Yes | M. Gray -   | Yes                     |
| C. Kemp -        | Yes |             |                         |

**The item was approved as presented.**

**Board Concurrence:**  YES  NO If no, state justification:

MM  
2/29/24

**Customer Information**

|                           |                                    |                      |   |
|---------------------------|------------------------------------|----------------------|---|
| Potential Customer:       | Leatherleaf Solar LLC              | Opportunity Type:    | Attraction  |
| Project Street Address:   | 7501 Ivison Road                   | Opportunity Product: | Property Sales & Mortgage Recording Taxes Only  |
| City/Town/Village:        | //Byron                            | Type of Project:     | Attraction  |
| Project Description:      | LeatherLeaf Solar LLC - 5 MW Byron | New Jobs:            | N/A   |
| Total Capital Investment: | \$9,132,660                        | Retained Jobs:       | N/A   |
| Incentive Amount:         | \$1,600,284                        | School District:     | Byron- Bergen   |
| Benefited Amount:         | \$9,132,660                        | PILOT Applicable:    | Increase in assessed value of land and/or other buildings (pre-project value of land and or buildings excluded) |

**Project Information**

|                          |   |
|--------------------------|---|
| Organization:            | GCEDC   |
| Opportunity Source:      | 3rd Party Professional Date of Public Hearing: TBD  |
| Initial Acceptance Date: | 3/7/2024 Inducement Date: TBD   |
| Opportunity Summary:     | LeatherLeaf Solar, LLC is proposing to construct a community solar farm project on 7501 Ivison Rd in the Town of Byron, NY. |

The project will utilize ground-mounted solar panels to convert the sun's energy into 5 MW of AC power. The project will provide enhanced property tax payments via a 15-year PILOT that are significantly greater than the current agricultural-vacant land value of the project.

The project's PILOT will contribute \$4,000/MWAC + a 2% annual escalator in payments to Genesee County and Byron-Bergen Central School District. The PILOT is estimated to generate \$345,868 in PILOT payments over the 15-year term. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County; and a separate host benefit agreement with the Town of Byron.

The project is aligned with New York's aggressive goals for renewable energy, energy efficiency and greenhouse gas reductions, and will offer customers a 10% discount vs average market rates for the generated power.

**Economic Impact:** The 5 MW solar farm will generate \$571,973 in PILOT payments, host payments and real property taxes over the 15-year term, which is far greater than the current assessed value of this ag/vacant land. This calculates a fiscal impact rate of return of \$5.6 to \$1 compared to the property taxes under the land's current use.

**Project Detail (Total Capital Investment)**

|                                      |               |
|--------------------------------------|---------------|
| Equipment (non-taxable):             | \$7,832,596 ✓ |
| Other (Development, Interconnection) | \$1,300,064 ✓ |
| Total Capital Investment:            | \$9,132,660 ✓ |

**Estimated Benefits Provided**

|  |               |
|--|---------------|
| Sales Tax Exempt:                        | \$730,613 ✓   |
| Mortgage Tax Exempt:                     | \$91,327 ✓    |
| Property Tax Exempt:                     | \$778,344 ✓   |
| Total Estimated Tax Incentives Provided: | \$1,600,284 ✓ |

Total Amount Finance: \$0



|                      |                        |                       |
|----------------------|------------------------|-----------------------|
| Project:             | LeatherLeaf Solar, LLC | Town of Byron         |
| Capex:               | \$ 9,132,660           | Savings               |
| Sales Taxable (est.) | \$ 9,132,660           | \$ 730,613            |
| Mortgage (est.)      | \$ 9,132,660           | \$ 91,327 1% of 1.25% |
| Property Tax below   |                        | \$ 778,344            |
| Total                |                        | \$ 1,600,284          |

Note: Includes Town Host Agreement

|           |                    |       |                                     |                |
|-----------|--------------------|-------|-------------------------------------|----------------|
|           | Fixed \$ per MW AC | MW AC | from Assessor Assessed Value Per MW | Assessed Value |
| Escalator | \$ 4,000           | 5.0   | \$ 450,000.00                       | \$ 2,250,000   |
|           | 2.0%               |       |                                     |                |

|                   |  |
|-------------------|--|
|                   | Increase In PILOT Payment + Host Divided by Current Property |
| Fiscal Impact ROI | \$ 571,973 / \$ 5.63   |

| Year of Exemption | tax rate: \$ 3.92           | \$ 8.43       | \$ 20.96       | \$ 33.31            |                |  |  |                        |  |  |
|-------------------|-----------------------------|---------------|----------------|---------------------|----------------|--|--|------------------------|--|--|
|                   | Fixed Payment \$4000 per MW | Town of Byron | Genesee County | Byron Bergen School | Total Payments | Increase in property taxes due to loss of ag exemption | Total PILOT payments and property taxes to be received | Current property taxes | Total Payments to municipality upon project completion |  |
| 1                 | \$ 20,000                   | \$ 2,354      | \$ 5,062       | \$ 12,585           | \$ 20,000      | \$ 3,545   | \$ 23,545  | \$ 6,778               | \$ 30,323  |  |
| 2                 | \$ 20,400                   | \$ 2,401      | \$ 5,163       | \$ 12,837           | \$ 20,400      | \$ 3,545   | \$ 23,945  | \$ 6,778               | \$ 30,723  |  |
| 3                 | \$ 20,808                   | \$ 2,449      | \$ 5,266       | \$ 13,093           | \$ 20,808      | \$ 3,545   | \$ 24,353  | \$ 6,778               | \$ 31,131  |  |
| 4                 | \$ 21,224                   | \$ 2,498      | \$ 5,371       | \$ 13,355           | \$ 21,224      | \$ 3,545   | \$ 24,769  | \$ 6,778               | \$ 31,547  |  |
| 5                 | \$ 21,649                   | \$ 2,548      | \$ 5,479       | \$ 13,622           | \$ 21,649      | \$ 3,545   | \$ 25,193  | \$ 6,778               | \$ 31,971  |  |
| 6                 | \$ 22,082                   | \$ 2,599      | \$ 5,588       | \$ 13,895           | \$ 22,082      | \$ 3,545   | \$ 25,626  | \$ 6,778               | \$ 32,404  |  |
| 7                 | \$ 22,523                   | \$ 2,651      | \$ 5,700       | \$ 14,173           | \$ 22,523      | \$ 3,545   | \$ 26,068  | \$ 6,778               | \$ 32,846  |  |
| 8                 | \$ 22,974                   | \$ 2,704      | \$ 5,814       | \$ 14,456           | \$ 22,974      | \$ 3,545   | \$ 26,518  | \$ 6,778               | \$ 33,297  |  |
| 9                 | \$ 23,433                   | \$ 2,758      | \$ 5,930       | \$ 14,745           | \$ 23,433      | \$ 3,545   | \$ 26,978  | \$ 6,778               | \$ 33,756  |  |
| 10                | \$ 23,902                   | \$ 2,813      | \$ 6,049       | \$ 15,040           | \$ 23,902      | \$ 3,545   | \$ 27,447  | \$ 6,778               | \$ 34,225  |  |
| 11                | \$ 24,380                   | \$ 2,869      | \$ 6,170       | \$ 15,341           | \$ 24,380      | \$ 3,545   | \$ 27,925  | \$ 6,778               | \$ 34,703  |  |
| 12                | \$ 24,867                   | \$ 2,926      | \$ 6,293       | \$ 15,648           | \$ 24,867      | \$ 3,545   | \$ 28,412  | \$ 6,778               | \$ 35,190  |  |
| 13                | \$ 25,365                   | \$ 2,985      | \$ 6,419       | \$ 15,961           | \$ 25,365      | \$ 3,545   | \$ 28,910  | \$ 6,778               | \$ 35,688  |  |
| 14                | \$ 25,872                   | \$ 3,045      | \$ 6,548       | \$ 16,280           | \$ 25,872      | \$ 3,545   | \$ 29,417  | \$ 6,778               | \$ 36,195  |  |
| 15                | \$ 26,390                   | \$ 3,106      | \$ 6,679       | \$ 16,605           | \$ 26,390      | \$ 3,545   | \$ 29,934  | \$ 6,778               | \$ 36,712  |  |
| Total             | \$ 345,868                  | \$ 40,703     | \$ 87,531      | \$ 217,634          | \$ 345,868     | \$ 53,170  | \$ 399,038   | \$ 101,672             | \$ 500,711   |  |

\* no Pilots on Ad Valorem Taxes  
 Total tilable acres  
 Solar acres  
 Total Ag Exemption  
 % solar vs total ag land

|  |            |
|--|------------|
| The value of Ag Exemption elimination due to permanent conversion of farm land |            |
| Town Tax Rate  | \$ 3.92    |
| 171.2 Current ag exemption amount (add from OARS)                              | \$ 106,415 |
| 35 County and School Taxes on Ag Exemption                                     | \$ 3,128   |
| Town (only) Taxes on Ag Exemption  | \$ 417     |
| 20% Total taxes due based on the elimination of Ag Exemption                   | \$ 3,545   |

|        |                             |            |
|--------|-----------------------------|------------|
| 1.250% | GCEDC fee                   | \$ 114,158 |
|        | Workforce Community Benefit | \$ 25,000  |
|        | Subtotal                    | \$ 139,158 |
|        | GCEDC Legal                 | \$ 12,500  |
|        | Total Fee                   | \$ 151,658 |

Current Property Taxes on Property \$ 6,778

note: base land tax will remain the same and paid outside the PILOT

|  |              |
|--|--------------|
| Property Taxes at 100% assessed value (assessor) | \$ 74,948    |
| Term   | \$ 15        |
| Total PILOT                                      | \$ 1,124,213 |
| Savings  | \$ 778,344   |

Net Savings \$ 1,448,625

|                    |       |
|--------------------|-------|
| Fixed \$ per MW AC | MW AC |
| \$ 2,000           | 5.0   |
| Escalator          | 2.0%  |

| Town              | Escalator                   |
|-------------------|-----------------------------|
| Year of Exemption | Fixed Payment \$2000 per MW |
| 1                 | \$ 10,000                   |
| 2                 | \$ 10,200                   |
| 3                 | \$ 10,404                   |
| 4                 | \$ 10,612                   |
| 5                 | \$ 10,824                   |
| 6                 | \$ 11,041                   |
| 7                 | \$ 11,262                   |
| 8                 | \$ 11,487                   |
| 9                 | \$ 11,717                   |
| 10                | \$ 11,951                   |
| 11                | \$ 12,190                   |
| 12                | \$ 12,434                   |
| 13                | \$ 12,682                   |
| 14                | \$ 12,936                   |
| 15                | \$ 13,195                   |
| Total             | \$ 172,934                  |

MS  
2/29/24



Project Name: Leatherleaf Solar, LLC

Board Meeting Date: January 11, 2024

## STATEMENT OF COMPLIANCE OF PROJECT CRITERIA LISTED IN UNIFORM TAX EXEMPTION POLICY (UTEP)

### PROJECT DESCRIPTION:

Leatherleaf Solar, LLC is proposing to construct a community solar farm project on 7501 Ivison Rd in the Town of Byron, NY. The project will utilize ground-mounted solar panels to convert the sun's energy into 5 MW of AC power. The project will provide enhanced property tax payments via a 15-year PILOT that are significantly greater than the current agricultural-vacant land value of the project.

The project's PILOT will contribute \$4,000/MWAC + a 2% annual escalator in payments to Genesee County and Byron-Bergen Central School District. The PILOT is estimated to generate \$345,868 in PILOT payments over the 15-year term. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County; and a separate host benefit agreement with the Town of Byron.

The project is aligned with New York's aggressive goals for renewable energy, energy efficiency and greenhouse gas reductions, and will offer customers a 10% discount vs average market rates for the generated power.

**Criteria #1** – The Project pledges to create and/or retain quality, good paying jobs in Genesee County.

**Project details:** N/A

**Board Discussion:**

**Board Concurrence:** YES NO If no, state justification:

**Criteria #2**- Completion of the Project will enhance the long -term tax base and/or make a significant capital investment.

**Project details:** The project will enhance long term tax base with a planned new community solar farm and \$9,132,660 in capital investment. A fixed 15-year pilot with a 2% annual escalator priced at \$4,000/MWAC is proposed which is above the top end of the NYSERDA recommended range for projects located in National Grid territory in Western NY. The 5 MW solar farm will generate \$345,868 in PILOT payments over the 15-year term which is far greater than current assessed value of this Ag/Vacant land.

**Board Discussion:**

**Board Concurrence:** YES NO If no, state justification:

**Criteria #3-** The Project will contribute towards creating a “livable community” by providing a valuable product or service that is underserved in Genesee County.

**Project details:** The company is assisting with a \$25,000 payment for STEM oriented workforce training/county economic development programming to support STEM 2 STAMP workforce development programs/local economic development programming. Residents will be offered a 10% discount to average local market rates for solar energy.

**Board Discussion:**

**Board Concurrence:** YES NO If no, state justification:

**Criteria #4:** The Board will review the Agency’s Fiscal and Economic Impact analysis of the Project to determine if the Project will have a meaningful and positive impact on Genesee County. This calculation will include the estimated value of any tax exemptions to be provided along with the estimated additional sources of revenue for municipalities and school districts that the proposed project may provide.

The 5 MW solar farm will generate \$571,973 in PILOT payments, host payments and real property taxes over the 15-year term, which is far greater than the current assessed value of this ag/vacant land. This calculates a fiscal impact rate of return based on the original property taxes of \$5.6 to 1.

**Project details:** This project will generate \$5.6 of property tax-type payments for every \$1 of property taxes under the land’s current use.

**Board Discussion:**

**Board Concurrence:** YES NO If no, state justification:

**Criteria #5:** The Project is included in one of the Agency’s strategic industries: Agri-Business and Food Processing, Manufacturing, Advanced Manufacturing and Nano-Enabled Manufacturing, Life Sciences and Medical Device.

**Project details:** The company is a “downstream” developer/installer of Photovoltaic (solar) energy generation systems which is a target industry cluster / strategic industry focused on by the Agency to attract Photovoltaic (solar) manufacturing at STAMP.

**Board Discussion:**

**Board Concurrence:** YES NO If no, state justification:

**Criteria #6:** The Project will give a reasonable estimated timeline for the completion of the proposed project.

**Project details:** The project is planning to begin construction in Fall 2024 and be operational within 9 months.

**Board Discussion:**

**Board Concurrence:** YES NO If no, state justification:

MAY  
3/18/24

**FINAL RESOLUTION**  
*(Leatherleaf Solar, LLC)*

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, March 28, 2024.

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

Resolution No. 03/2024 - \_\_\_\_\_

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON MARCH 26, 2024, WITH RESPECT TO THE LEATHERLEAF SOLAR, LLC (THE "PROJECT"); (ii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iii) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, RENOVATION AND EQUIPPING OF THE PROJECT, (B) A PARTIAL REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT AND (C) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION AS AUTHORIZED BY THE LAWS OF THE STATE OF NEW YORK; (iv) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT, MORTGAGE AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York (the "State"), as amended, and Chapter 565 of the Laws of 1970 of the State of New York, as amended (hereinafter collectively called the "Act"), the **GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY d/b/a GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER** (the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, **LEATHERLEAF SOLAR, LLC**, for itself or on behalf of an entity formed or to be formed by it or on its behalf (the "Company") has submitted an application (the "Application") to the Agency, a copy of which is on file with the Agency, requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold interest in approximately 35 acres located at 7501 Ivison Road in the Town of Byron, New York (the "Land", being more particularly described as a portion of tax parcel No. 9.-1-7.113, as may be subdivided); (ii) the planning, design, construction and operation of a 5MWac PV solar electrical generation system, including panel foundations, inverters, transformers, interconnect wiring, utility connections, sitework, landscaping, fencing, security and related improvements (collectively, the "Improvements"); (iii)

3.16

the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment" and, collectively with, the Land and the Improvements, the "Facility"); and

WHEREAS, it is contemplated that the Agency will (i) designate the Company as agent of the Agency for the purpose of undertaking the Project pursuant to a project agreement (the "Project Agreement"), (ii) negotiate and enter into a lease agreement (the "Lease Agreement"), a leaseback agreement (the "Leaseback Agreement"), a tax agreement (the "Tax Agreement") and related documents with the Company, (iii) take or title to or a leasehold interest in the Land, the Improvements, the Equipment and personal property constituting the Project (once the Lease Agreement, the Leaseback Agreement and the Tax Agreement have been negotiated), and (iv) provide financial assistance to the Company in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction and equipping of the Project, (b) a partial real property tax abatement structured through the Tax Agreement and (c) a partial mortgage recording tax exemption as authorized pursuant to the laws of the State of New York (collectively, the "Financial Assistance"); and

WHEREAS, on January 11, 2024, the Agency adopted a resolution (the "Initial Resolution") pursuant to which the Agency (i) accepted the Application of the Company, (ii) directed that a public hearing be held, and (iii) described the forms of financial assistance being contemplated by the Agency with respect to the Project; and

WHEREAS, pursuant to Section 859-a of the Act, on Tuesday, March 26, 2024, at 3:30 p.m., the Agency held a public hearing with respect to the Project and the proposed Financial Assistance being contemplated by the Agency (the "Public Hearing") whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views. A copy of the Notice of Public Hearing published and forwarded to the affected taxing jurisdictions at least ten (10) days prior to said Public Hearing are attached hereto as Exhibit A; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617, as amended (collectively referred to as "SEQRA"), the Agency must satisfy the applicable requirements set forth in SEQRA, as necessary, prior to making a final determination whether to undertake the Project; and

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

WHEREAS, the Project Agreement, the Lease Agreement, the Leaseback Agreement, the Tax Agreement and related documents will be negotiated and presented to the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency for approval and execution subject to adoption of the resolutions contained herein.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER AS FOLLOWS:



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

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

(B) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purposes of acquiring, constructing and equipping the Project; and

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

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

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

(F) The Town of Byron Planning Board (the "Planning Board") has conducted a review of the Project pursuant to Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"). In addition to classifying the Project as a "Type I" action pursuant to SEQRA, the Planning Board issued a Negative Declaration on July 13, 2023 (the "Negative Declaration"), determining that the Project does not pose a potential significant adverse environmental impact. The Agency, having reviewed the materials presented by the Company, including, but not limited to, the Full Environmental Assessment Form and the Negative Declaration, further determines that the Project does not pose a potential significant adverse environmental impact and thus ratifies the Negative Declaration previously issued by the Planning Board pursuant to 6 N.Y.C.R.R. Part 617.7. A copy of the Negative Declaration issued by the Planning Board is attached hereto as **Exhibit B**.

Section 2. The Public Hearing held by the Agency on Tuesday, March 26, 2024, at 3:30 p.m., concerning the Project and the Financial Assistance was duly held in accordance with the Act, including but not limited to the giving of at least ten (10) days published notice of the Public Hearing (such notice also provided to the Chief Executive Officer of each affected tax

jurisdiction), affording interested parties a reasonable opportunity, both orally and in writing, to present their views with respect to the Project.

Section 3. The Agency is hereby authorized to provide to the Company the Financial Assistance in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction, reconstruction, renovation and equipping of the Project, (b) a partial real property tax abatement structured through the Tax Agreement and (c) a partial mortgage recording tax exemption as authorized by the laws of the State.

Section 4. Based upon representations and warranties made by the Company in the Application, the Agency hereby authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project, that would otherwise be subject to State and local sales and use tax in an amount up to **\$9,132,660.00**, which result in State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed **\$730,613.00**. The Agency agrees to consider any requests by the Company for an increase to the amount of Sales and Use Tax Exemption Benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

Section 5. Pursuant to Section 875(3) of the Act, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any Sales and Use Tax Exemption Benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the Sales and Use Tax Exemption Benefits; (ii) the Sales and Use Tax Exemption Benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the Sales and Use Tax Exemption Benefits are for property or services not authorized by the Agency as part of the Project; or (iv) the Sales and Use Tax Exemption Benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project. As a condition precedent of receiving Sales and Use Tax Exemption Benefits, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, shall (i) cooperate with the Agency in its efforts to recover or recapture any Sales and Use Tax Exemption Benefits, and (ii) promptly pay over any such amounts to the Agency that the Agency demands.

Section 6. Subject to the Company executing the Project Agreement and the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, reconstruct, renovate and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in

whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; *provided, however*, the Project Agreement shall expire on **December 31, 2025** (unless extended for good cause by the President/CEO of the Agency) if the Lease Agreement, the Leaseback Agreement and the Tax Agreement contemplated have not been executed and delivered.

Section 7. The President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency are hereby authorized, on behalf of the Agency, to negotiate and enter into (A) the Project Agreement, (B) the Lease Agreement, pursuant to which the Company leases the Project to the Agency, (C) the related Leaseback Agreement, pursuant to which the Agency leases its interest in the Project back to the Company, and (D) the Tax Agreement; *provided, however*, (i) the rental payments under the Leaseback Agreement include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project and (ii) the terms of the Tax Agreement are consistent with the Agency's Uniform Tax Exemption Policy or the procedures for deviation have been complied with.

Section 8. The President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency are hereby authorized, on behalf of the Agency, to execute, deliver and record any mortgage, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the "Lender") (collectively, the "Mortgage") up to a maximum principal amount not to exceed **\$9,132,700.00**, to acquire the Facility and/or finance or refinance the Facility or equipment and other personal property and related transactional costs (hereinafter, with the Project Agreement, Lease Agreement, Leaseback Agreement, Tax Agreement and the Mortgage, collectively called the "Agency Documents"); and, where appropriate, the Secretary or Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency shall approve, the execution thereof by the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency's interest in the Project.

Section 9. The Agency is hereby authorized to provide the Company with an exemption from mortgage recording taxes as permitted by New York State law in an amount not to exceed Ninety-One Thousand Three Hundred Twenty-Seven and 00/100 Dollars (**\$91,327.00**).

Section 10. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of

the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 11. These Resolutions shall take effect immediately upon adoption.

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

|                      | <i>Yea</i> |   | <i>Nay</i> |   | <i>Absent</i> |   | <i>Abstain</i> |   |
|----------------------|------------|---|------------|---|---------------|---|----------------|---|
| Peter Zeliff         | [          | ] | [          | ] | [             | ] | [              | ] |
| Matthew Gray         | [          | ] | [          | ] | [             | ] | [              | ] |
| Paul Battaglia       | [          | ] | [          | ] | [             | ] | [              | ] |
| Craig Yunker         | [          | ] | [          | ] | [             | ] | [              | ] |
| Marianne Clattenburg | [          | ] | [          | ] | [             | ] | [              | ] |
| Chandy Kemp          | [          | ] | [          | ] | [             | ] | [              | ] |
| Kathleen Manne       | [          | ] | [          | ] | [             | ] | [              | ] |

The Resolutions were thereupon duly adopted.

**SECRETARY'S CERTIFICATION**

*(Leatherleaf Solar, LLC)*

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

I, the undersigned Secretary of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center, DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency"), including the resolution contained therein, held on March 28, 2024, with the original thereof on file in the offices of the Agency, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this \_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Secretary

**Exhibit A**

Notice Letter, Notice of Public Hearing,  
Affidavit of Publication of *The Batavia Daily News*  
and Minutes of Public Hearing

[Attached Hereto]



**PUBLIC HEARING NOTICE LETTER  
(Leatherleaf Solar, LLC)**

March 13, 2024

**To:** Chief Executive Officers Listed  
on Schedule A attached hereto

**Re:** Genesee County Industrial Development Agency d/b/a Genesee County  
Economic Development Center and Leatherleaf Solar, LLC

**Notice of Public Hearing and Inducement Resolution**

Ladies and Gentlemen:

On Tuesday, March 26, 2024, at 3:30 p.m., local time, at Byron Town Hall (Courtroom/Boardroom), at 7028 Byron Holley Road, Byron, New York 14422, the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") will conduct a public hearing regarding the above-referenced project. Attached is a copy of the Notice of Public Hearing describing the project and the financial assistance contemplated by the Agency. The Notice has been submitted to the *Daily News* for publication.

The Agency will broadcast the public hearing live at [www.vimeo.com/event/3477651](http://www.vimeo.com/event/3477651), and the public hearing video will be available for on-demand viewing on the Agency's website at [www.gcedc.com/projects](http://www.gcedc.com/projects).

You are welcome to attend such hearing at which time you will have an opportunity to review the project application and present your views, both orally and in writing, with respect to the project. We are providing this notice to you, pursuant to General Municipal Law Section 859-(a), as the chief executive officer of an affected tax jurisdiction within which the project is located.



On March 7, 2024, the Agency adopted an inducement resolution (the "Inducement Resolution") with respect to the Project. Pursuant to Chapter 766 of the Laws of 2022 of the State of New York, effective January 1, 2023, enclosed please find a copy of such as-adopted and certified Inducement Resolution.

Very truly yours,

GENESEE COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY d/b/a  
GENESEE COUNTY ECONOMIC  
DEVELOPMENT CENTER



**SCHEDULE A**

GENESEE COUNTY

**Certified Mail No.**

**9489-0090-0027-6556-7455-14**

Genesee County Manager  
Old Courthouse  
7 Main Street  
Batavia, New York 14020

**Certified Mail No.**

**9489-0090-0027-6556-7455-21**

Genesee County Legislature  
Attn: Chair  
Old Courthouse  
7 Main Street  
Batavia, New York 14020

TOWN OF BYRON

**Certified Mail No.**

**9489-0090-0027-6556-7455-38**

Town of Byron  
Attn: Supervisor  
7028 Byron Holley Road  
Byron, New York 14422

BYRON-BERGEN CENTRALS SCHOOLS

**Certified Mail No.**

**9489-0090-0027-6556-7455-45**

Byron-Bergen Central Schools  
Attn: Superintendent  
6917 West Bergen Road  
Bergen, New York 14416

**Certified Mail No.**

**9489-0090-0027-6556-7455-52**

Byron-Bergen Central Schools  
Attn: President of Board of Education  
6917 West Bergen Road  
Bergen, New York 14416

**Certified Mail No.**

**9489-0090-0027-6556-7455-69**

Byron-Bergen Central Schools  
Attn: District Clerk  
6917 West Bergen Road  
Bergen, New York 14416

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York General Municipal Law will be held by the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") on Tuesday, March 26, 2024, at 3:30 p.m., local time, at Byron Town Hall (Courtroom/Boardroom), at 7028 Byron Holley Road, Byron, New York 14422, in connection with the following matter:

**LEATHERLEAF SOLAR, LLC**, for itself or on behalf of an entity formed or to be formed by it or on its behalf (the "Company") has submitted an application (the "Application") to the Agency, a copy of which is on file with the Agency, requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold interest in approximately 35 acres located at 7501 Ivison Road in the Town of Byron, New York (the "Land", being more particularly described as a portion of tax parcel No. 9.-1-7.113, as may be subdivided); (ii) the planning, design, construction and operation of a 5MWac PV solar electrical generation system, including panel foundations, inverters, transformers, interconnect wiring, utility connections, sitework, landscaping, fencing, security and related improvements (collectively, the "Improvements"); (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment" and, collectively with, the Land and the Improvements, the "Facility").

The Agency will acquire title to, or a leasehold interest in, the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the lease. At the end of the lease term, the Company will purchase the Facility from the Agency, or if the Agency holds a leasehold interest, the leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance (the "Financial Assistance") to the Company in the form of sales and use tax exemptions, a partial mortgage recording tax exemption consistent with the policies of the Agency, and a partial real property tax abatement.

The Agency will broadcast the public hearing live at [www.vimeo.com/event/3477651](http://www.vimeo.com/event/3477651), and the public hearing video will be available for on-demand viewing on the Agency's website at [www.gcedc.com/projects](http://www.gcedc.com/projects).

A representative of the Agency will be at the above-stated time and place to present a copy of the Company's Project Application and hear and accept written and oral comments from all persons with views in favor of or opposed to or otherwise relevant to the proposed Financial Assistance.

Dated: March 13, 2024

GENESEE COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY D/B/A  
GENESEE COUNTY ECONOMIC  
DEVELOPMENT CENTER

**AFFIDAVIT OF PUBLICATION**  
**Batavia Daily News**

State of New York,  
County of, Genesee County,

The undersigned is the authorized designee of Batavia Daily News, a Daily Newspaper published in Genesee County, New York. I certify that the public notice, a printed copy of which is attached hereto, was printed and published in this newspaper on the following dates:

03/13/2024

This newspaper has been designated by the County Clerk of Genesee County, as a newspaper of record in this county, and as such, is eligible to publish such notices.

*Christina Henke Rea*

\_\_\_\_\_

Signature

Christina Henke Rea

\_\_\_\_\_

Printed Name

Subscribed and sworn to before me,

This 13 day of March 2024

\_\_\_\_\_

Notary Signature

Notary Public Stamp



Digitally signed  
by douglas w rea  
Date: 2024.03.13  
18:00:54 +00:00

**Exhibit B**

Negative Declaration of the Town of Byron Planning Board

[See Attached]

TOWN OF BYRON PLANNING BOARD RESOLUTION  
LEATHERLEAF SOLAR, LLC - SOLAR PROJECT  
7501 IVISON RD, BYRON, NY.  
PARCEL: 9.-1-7.113  
SPECIAL USE PERMIT & FINAL SITE PLAN APPLICATIONS  
PROJECT #PBA 2023-059

**SEQRA APPROVAL RESOLUTION**

**WHEREAS**, the Town of Byron Planning Board (hereinafter referred to as "Planning Board") has on May 3, 2023 declared its intent to act as Lead Agency under the New York State Environmental Quality Review Act (ECL Article 8 and its implementing regulations at 6 NYCRR Part 617, collectively "SEQRA") for the Special Use Permit and Site Plan Review application of Leatherleaf Solar/Cypress Creek Renewables LLC (hereinafter referred to as "Applicant") to construct and operate a 5 MW Utility-Scale Solar Energy System (hereinafter referred to as "Project") on a thirty-five (35) acre tract of land (Tax Map No. 9.-1-7.113) located along Ivison Road in the Town of Byron, Genesee County, New York; and

**WHEREAS**, the Planning Board determined that said the Project is classified as a Type 1 Action under the SEQRA Regulations; and

**WHEREAS**, the Planning Board determined that said Action is also subject to review and approval by other involved agencies under the SEQRA Regulations and conducted a coordinated review of the Action; and

**WHEREAS**, on or about May 3, 2023, the Planning Board delivered Notice of its Intent to be Lead Agency to the other involved and interested agencies in accordance with the SEQRA regulations and received no objection to same and the time to do so has expired; and

**WHEREAS**, the Planning Board has reviewed the SEQRA Full Environmental Assessment Form ("FEAF") Part I, prepared by the Applicant on the above-referenced Project; and

**WHEREAS**, upon review of the information recorded on the FEAF, as noted, plus additional supporting information, the comments of the public at the public hearing duly noticed and held on June 7, 2023, completion of the FEAF Part II, the criteria set forth in 6 NYCRR §617.7 (c), identified the relevant areas of environmental concern, has taken a hard look at these areas considering both the magnitude and importance of each identified potential impact, and made a reasoned elaboration of the basis for its determination as set forth on Part III of the FEAF as lead agency that the Project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared; and

**NOW BE IT RESOLVED**, that the Planning Board of the Town of Byron hereby:

1. Determines that the Planning Board shall be Lead Agency for the SEQRA proceeding; and
2. Classifies the Proposed Action as a Type 1 Action;
3. Adopts the Part II of the FEAF as attached hereto; and
4. Issues and adopts the Negative Declaration attached hereto as Exhibit A.
5. Authorizes and instructs the Chairman of the Planning Board to sign Part III of the FEAF issuing the Negative Declaration; and
6. Authorizes and directs the Clerk of the Board or Planning Board Chairman to file, distribute and publish notice of this Negative Declaration with the involved and interested agencies, in the Environmental Notice Bulletin and generally in accordance with 6 NYCRR § 617.12; and
7. Declares that this resolution shall take effect immediately.

TOWN OF BYRON PLANNING BOARD RESOLUTION  
LEATHERLEAF SOLAR, LLC - SOLAR PROJECT  
7501 IVISON RD, BYRON, NY.  
PARCEL: 9.-1-7.113  
SPECIAL USE PERMIT & FINAL SITE PLAN APPLICATIONS  
PROJECT #PBA 2023-059

**SEQRA APPROVAL RESOLUTION**

The above resolution was offered by CHRIS HILBERT and seconded by LAURA BESTEHORN at a meeting of the Planning Board held on July 13, 2023. Following discussion thereon, the following roll call vote was taken and recorded:

|                       |                |
|-----------------------|----------------|
| George Squires -      | <u>AYE</u> NAY |
| Laura Bestehorn -     | <u>AYE</u> NAY |
| Jason Jack -          | <u>AYE</u> NAY |
| Christopher Hilbert - | <u>AYE</u> NAY |
| Nathan Knickerbocker- | <u>AYE</u> NAY |

i. Patrick Carr, Clerk of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Byron Planning Board for the July 12, 2023 meeting.

Patrick W. Carr  
Patrick Carr, Clerk of the Board

TOWN OF BYRON PLANNING BOARD RESOLUTION  
LEATHERLEAF SOLAR, LLC - SOLAR PROJECT  
7501 IVISON RD, BYRON, NY.  
PARCEL: 9.-1-7.113  
SPECIAL USE PERMIT & FINAL SITE PLAN APPLICATIONS  
PROJECT #PBA 2023-059

SEQRA APPROVAL RESOLUTION

EXHIBIT A

**NEGATIVE DECLARATION**  
**Determination of NonSignificance**

**Lead Agency:** Town of Byron Planning Board

**Date:** July 13, 2023

This notice is issued pursuant to 6 NYCRR Part 617, the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law (collectively "SEQRA").

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

**Name of Action:** Leatherleaf Solar LLC Solar Energy Project.

**Location of Project Site:** on a 35-acre tract of land on Ivison Road in the Town of Byron, Genesee County, New York on lands (Tax Map No.: 9.-1-7.113)

**SEQRA Status:** Type I

**Description of Action:** The Applicant proposed to construct, operate and decommission a ±5 MW AC photo-voltaic solar energy system, including solar panel array, access road, collection lines and interconnection to the electrical grid, related site improvements and landscaping plantings.

**Reasons Supporting this Determination:**

Following the submission of the application in March 2023, the Planning Board (i) conducted a review of the civil site plan set and subsequent revisions thereto, the Full EAF as revised, a proposed Operations and Maintenance/Vegetative Management Plan, Decommissioning Plan and Estimate and form of decommissioning security, a copy of the interconnection agreement for the Project, the SWPPP for the Project, the NYSDAM Notice of Intent, among other materials. (ii) identified the relevant areas of environmental concern and (iii) has taken a hard look at each of the identified areas as required under SEQRA. The Town Board compared the Application with the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below in the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Planning Board hereby determines that the Proposed Action will not create any significant adverse environmental impacts and, therefore, the Proposed Action will not have a significant adverse impact on the environment.

A. As required by §617.7(a)(2), the Planning Board has determined that an Environmental Impact Statement is not required because any identified adverse environmental impacts will not be significant.

B. As required by §617.7(b), the Planning Board has:



TOWN OF BYRON PLANNING BOARD RESOLUTION  
LEATHERLEAF SOLAR, LLC - SOLAR PROJECT  
7501 IVISON RD, BYRON, NY.  
PARCEL: 9.-1-7.113  
SPECIAL USE PERMIT & FINAL SITE PLAN APPLICATIONS  
PROJECT #PBA 2023-059

**SEQRA APPROVAL RESOLUTION**

1. Considered the action as defined in subdivisions 617.2(b) and 617.3(g).
  2. Reviewed all revised civil plan sets, the revised Full EAF and all documentation required under the Solar Energy Law and supplemental submissions, responses to comments from the Planning Board, the Town's Designated Engineer, the MRB Group, and the public on the Proposed Action, the criteria identified in 617.7(c) and other supporting information to identify relevant areas of environmental concern.
  3. Analyzed the identified relevant areas of environmental concern to determine whether the action will have a significant adverse impact.
  4. Set forth herein its written Finding of No Significant Environmental Impact.
- C. The Planning Board has compared the impacts reasonably expected to result from the Application to the criteria listed in 617.7(c)(1) as indicators of significant adverse impacts:

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

**a. Traffic Impacts**

The Proposed Action will not have a significant adverse impact upon traffic or transportation. This action involves short-term impacts from traffic during the construction and decommissioning periods and traffic during operational period is insignificant. All such traffic will utilize the existing road network.

**b. Noise Impacts**

There will be no significant adverse noise impacts from the Proposed Action based upon the testimony provided by the Applicant. This action involves short-term impacts from noise during the construction and decommissioning periods and noise during operational period is insignificant.

**c. Air Quality Impacts**

The Proposed Action will not create any significant adverse impact to air quality, the only impacts will be short-term, temporary and reversible disturbances only occurring during construction and decommissioning. The project does not produce any air emissions.

**d. Wetland Impacts**

There are no wetlands impacts from the Proposed Action. The civil site plan set includes a wetlands delineation and demonstrates there will be no state or federal jurisdictional wetlands affected by the Proposed Action.

**e. Erosion and Drainage Impacts**

The Proposed Action will implement the SWPPP and comply with all applicable state and federal laws and regulations, including compliance with the Clean Water Act and the requirement to obtain applicable permits for stormwater discharges from construction activities.

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f. Solid Waste Production

The Proposed Action will not increase solid waste production. The decommissioned system and construction waste will be recycled and/or disposed of in accordance with the Decommissioning Plan and all applicable State and local regulations.

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

The site is currently an agricultural property. The loss of agricultural property, however, will not be permanent as site restoration (backed by a decommissioning agreement, plan and bond) will occur. The loss of the acreage for the Proposed Action compared to the volume and quality of Town and region's agricultural resources is minimal. There will be no interference with the movement of any resident or migratory fish or wildlife species. The property is not a significant habitat area and there will be no substantial adverse impacts on any threatened or endangered species of animal or plant, or the habitat of such a species, nor other significant adverse impacts to natural resources.

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

As demonstrated in the revised Full EAF for the Application, there are no Critical Environmental Areas within the Project area. Thus, there will be no impacts Critical Environmental Areas.

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

The Proposed Action is consistent with the Town's current plans and goals, which specifically authorizes solar projects in the zoning district where the Proposed action is located. The Board notes that the substantial landscaping plantings along the perimeter of the solar arrays will substantially mitigate views of the Proposed Action to the maximum extent practicable thus avoiding and/or minimizing the visual impacts represents a significant degree with of conformity with the Solar Energy Law regulating solar energy projects.

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

The Proposed Action includes a substantial mix of mitigation measures intended to avoid and/or minimize visual impacts to the maximum extent practicable. The Planning Board notes that the landscaping plantings along the perimeter of the solar arrays as shown on the civil plan set will substantially mitigate views of the Proposed Action to the maximum extent practicable and represents a significant degree with of conformity with the Solar Energy Law. The approved vegetative screening, landscaping and other mitigation measures must be maintained through the life of the Proposed Action and the replacement of dead or damaged plantings, or fencing, will be

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addressed in the final Operation and Maintenance Plan submitted prior to the issuance of a Certificate of Completions or Occupancy.

Finally, the Proposed Action is located in a zone designated by the Town Code as appropriate for solar and, in light of the substantial landscaping, vegetative and other screening, the Proposed Action will not negatively impact neighborhood character, and based on the above findings will not negatively impact the character or quality of important historical, archeological, architectural, or aesthetic resources.

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

There will be no negative impacts to energy because of the Proposed Action and, once constructed, the Proposed Action will generate electricity and increase the supply of renewable energy to the electrical grid.

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

There will be no such impacts as a result of the Proposed Action. The Planning Board notes the testimony provided by the Applicant that the solar panels are comprised of silicon, copper wires and glass, contain no liquids and do not emit any pollutants to the air, ground or water. None of the materials installed into the soils emit any pollutants nor cause any contamination of groundwater sources. During decommissioning, a new erosion and sediment control plan will be provided to ensure that no impacts to surface or groundwater supplies occurs.

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

The Proposed action will result in the placement of a solar energy facility in a field currently used for limited agricultural purposes. The Board notes that the open space surrounding the Project plays a role in the mitigation of views of the Proposed Action and preservation of the rural character of the area. Additionally, the Proposed Action does not represent a substantial change in the use or intensity of use of land from those allowed under the Town's current land use laws, the land will be returned to its current condition after decommissioning allowing agricultural use to resume.

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

There will be no impacts from the Proposed Action attracting large numbers of people. The Proposed Action is located on private lands and is over 500 feet from the nearest road. The solar facility will be enclosed by a chain link fence in accordance with the NYS electrical code and will be locked to deter unauthorized entrants.

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

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There will be no impacts from the Proposed Action creating a material demand for other actions.

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

There will be no impacts from the Proposed Action which creates changes in two or more elements above that, taken together, would result in a significant adverse environmental impact.

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

There will be no significant adverse cumulative impacts resulting from the Proposed Action. The Planning Board notes the Genesee County Planning Board determined the Proposed Action will not have any significant county-wide or inter-municipal impact as well.

**For Further Information:**

Contact Person: George Squires, Planning Board Chairman

Address: Byron Town Offices  
7028 Byron Holley Road  
Byron, NY 14422

Telephone Number: (585) 548-7123

Email: [chairmanbyronplanningboards3@gmail.com](mailto:chairmanbyronplanningboards3@gmail.com)

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

|                                 |                                     |
|---------------------------------|-------------------------------------|
| Agency Use Only (If applicable) |                                     |
| Project:                        | FBA 2023-059 Leatherleaf Solar, LLC |
| Date:                           | June 7, 2023                        |

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

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

**Tips for completing Part 2:**

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

|   |                             |   |                                    |
|---|-----------------------------|---|------------------------------------|
| <b>1. Impact on Land</b>  |                             |   |                                    |
| Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)                          |                             |   |                                    |
| If "Yes", answer questions a - j. If "No", move on to Section 2.  |                             |   |                                    |
|   | <input type="checkbox"/> NO | <input checked="" type="checkbox"/> YES |                                    |
|   | Relevant Part I Question(s) | No, or small impact may occur           | Moderate to large impact may occur |
| a. The proposed action may involve construction on land where depth to water table is less than 3 feet.   | E2d                         | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| b. The proposed action may involve construction on slopes of 15% or greater.  | E2f                         | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.                  | E2a                         | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.  | D2n                         | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| e. The proposed action may involve construction that continues for more than one year or in multiple phases.  | D1e                         | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides). | D2e, D2q                    | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| g. The proposed action is, or may be, located within a Coastal Erosion hazard area.   | B1i                         | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| h. Other impacts: _____   |                             | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |

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**2. Impact on Geological Features**

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

NO

YES

*If "Yes", answer questions a - c. If "No", move on to Section 3.*

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

**3. Impacts on Surface Water**

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

NO

YES

*If "Yes", answer questions a - l. If "No", move on to Section 4.*

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

|                                  |                                     |                          |
|----------------------------------|-------------------------------------|--------------------------|
| l. Other impacts: _____<br>_____ | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----------------------------------|-------------------------------------|--------------------------|

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

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

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

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

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|                         |  |                          |                          |
|-------------------------|--|--------------------------|--------------------------|
| g. Other impacts: _____ |  | <input type="checkbox"/> | <input type="checkbox"/> |
|-------------------------|--|--------------------------|--------------------------|

|  |                                    |                                      |   |
|--|------------------------------------|--------------------------------------|---|
| <b>6. Impacts on Air</b><br>The proposed action may include a state regulated air emission source. <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span><br>(See Part 1. D.2.f., D.2.h, D.2.g)<br><i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i> |                                    |                                      |   |
|  | <b>Relevant Part I Question(s)</b> | <b>No, or small impact may occur</b> | <b>Moderate to large impact may occur</b> |
| a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:  |                                    |                                      |   |
| i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> )   | D2g                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O)  | D2g                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)  | D2g                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> )   | D2g                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| v. More than 1000 tons/year of carbon dioxide equivalent of hydrochlorofluorocarbons (HFCs) emissions  | D2g                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| vi. 43 tons/year or more of methane  | D2h                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.   | D2g                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.  | D2f, D2g                           | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.   | D2g                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.  | D2s                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| f. Other impacts: _____  |                                    | <input type="checkbox"/>             | <input type="checkbox"/>                  |

|  |                                    |                                      |   |
|--|------------------------------------|--------------------------------------|---|
| <b>7. Impact on Plants and Animals</b><br>The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <span style="float: right;"><input type="checkbox"/> NO <input checked="" type="checkbox"/> YES</span><br><i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i> |                                    |                                      |   |
|  | <b>Relevant Part I Question(s)</b> | <b>No, or small impact may occur</b> | <b>Moderate to large impact may occur</b> |
| a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.  | E2o                                | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                  |
| b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.  | E2o                                | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                  |
| c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.   | E2p                                | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                  |
| d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.  | E2p                                | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                  |



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

|  |                                    |                                      |   |
|--|------------------------------------|--------------------------------------|---|
| <b>8. Impact on Agricultural Resources</b>   |                                    |                                      |   |
| The proposed action may impact agricultural resources. (See Part I. E.3.a. and b.)   |                                    | <input type="checkbox"/> NO          | <input checked="" type="checkbox"/> YES   |
| <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>  |                                    |                                      |   |
|  | <b>Relevant Part I Question(s)</b> | <b>No, or small impact may occur</b> | <b>Moderate to large impact may occur</b> |
| a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.   | E2c, E3b                           | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                  |
| b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hay fields, pasture, vineyard, orchard, etc).   | E1a, E1b                           | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                  |
| c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.   | E3b                                | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                  |
| d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District. | E1b, E3a                           | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                  |
| e. The proposed action may disrupt or prevent installation of an agricultural land management system.  | E1 a, E1b                          | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                  |
| f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.   | C2c, C3, D2c, D2d                  | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                  |
| g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.   | C2c                                | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                  |
| h. Other impacts: 34.52 acres (26 acres prime farmland) of agricultural land removed from producti   |                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                  |

**9. Impact on Aesthetic Resources**  
 The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)  
*If "Yes", answer questions a - g. If "No", go to Section 10.*

NO       YES

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

**10. Impact on Historic and Archeological Resources**  
 The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)  
*If "Yes", answer questions a - e. If "No", go to Section 11.*

NO       YES

|   | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|---|-----------------------------|-------------------------------|------------------------------------|
| a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places. | E3e                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.  | E3f                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory.<br>Source: _____   | E3g                         | <input type="checkbox"/>      | <input type="checkbox"/>           |

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

**11. Impact on Open Space and Recreation**

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.  NO  YES

(See Part 1. C.2.c, E.1.c., E.2.q.)  
*If "Yes", answer questions a - e. If "No", go to Section 12.*

|   | Relevant Part I Question(s)       | No, or small impact may occur | Moderate to large impact may occur |
|---|-----------------------------------|-------------------------------|------------------------------------|
| a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat. | D2e, E1b, E2h, E2m, E2o, E2n, E2p | <input type="checkbox"/>      | <input type="checkbox"/>           |
| b. The proposed action may result in the loss of a current or future recreational resource.   | C2a, E1c, C2c, E2q                | <input type="checkbox"/>      | <input type="checkbox"/>           |
| c. The proposed action may eliminate open space or recreational resource in an area with few such resources.  | C2a, C2c, E1c, E2q                | <input type="checkbox"/>      | <input type="checkbox"/>           |
| d. The proposed action may result in loss of an area now used informally by the community as an open space resource.  | C2c, E1c                          | <input type="checkbox"/>      | <input type="checkbox"/>           |
| e. Other impacts: _____   |                                   | <input type="checkbox"/>      | <input type="checkbox"/>           |

**12. Impact on Critical Environmental Areas**

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)  NO  YES

*If "Yes", answer questions a - c. If "No", go to Section 13.*

|  | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|--|-----------------------------|-------------------------------|------------------------------------|
| a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA. | E3d                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.  | E3d                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| c. Other impacts: _____  |                             | <input type="checkbox"/>      | <input type="checkbox"/>           |

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

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

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

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

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

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

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

**16. Impact on Human Health**  NO  YES

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

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

**17. Consistency with Community Plans**

The proposed action is not consistent with adopted land use plans.  
(See Part 1. C.1, C.2. and C.3.)

NO

YES

*If "Yes", answer questions a - h. If "No", go to Section 18.*

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

**18. Consistency with Community Character**

The proposed project is inconsistent with the existing community character.  
(See Part 1. C.2, C.3, D.2, E.3)

NO

YES

*If "Yes", answer questions a - g. If "No", proceed to Part 3.*

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

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3.1b

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

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

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

**Reasons Supporting This Determination:**

To complete this section:

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

The Town of Byron Planning Board acknowledges the following based on our review of FEAF Part 1 and completion of FEAF Part 2:

- 1) There will be impacts on the land but with proper construction procedures, including stormwater management and erosion and sediment control practices (as required by coverage under NYSDEC permits) we consider all impacts to be minimal.
- 3) There may be impacts on surface water but with proper construction procedures, including stormwater management and erosion and sediment control practices (as required by coverage under NYSDEC permits) we consider all impacts to be minimal.
- 7) While threatened or endangered species have been identified in the area of the project site none have been identified on the actual site nor has significant habitat been identified. Our conclusion is any impact will be minimal or non-existent.
- 8) 34.52 acres of agricultural land, including 26 acres of prime farmland, will be removed from production. The Town of Byron Local Law #3 of 2020: A Local Law to Repeal and Replace Section 11.15 of the Zoning Law of the Town of Byron Relating to Solar Energy Systems Section 2.12.12 [g]iv. states "Tier 4 Solar Energy Systems shall not result in conversion of more than 10% of all prime farmland in the Town of Byron. Converted farmland includes both prime farmland inside any perimeter fencing associated with Tier 4 facilities, and any adjacent prime farmland that is no longer suitable for farming as a result of the Tier 4 facility. Prime farmland means prime farmland as defined by the United States Department of Agriculture, New York State, or the Natural Resources Conservation Service. A farmland "conversion" is defined by Section 301(8) of the Agricultural and Markets Law." The 26 acres of prime farmland removed from production falls within the threshold of 10% of all prime farmland in the Town of Byron (12,475 acres). We determine this impact to be minimal.
- 9) The proposed action is obviously different from, and in sharp contrast to, current agricultural land use patterns. With setback and visual screening requirements of the local law, as implemented by the proposed project, the Board considers the impacts to be minimal.
- 15) There may be noise impacts during the 16 to 20 weeks of construction generated by construction equipment. We doubt that the noise level will be significantly different than the operation of agricultural equipment common to the area. Construction activity is restricted to daytime hours. Our conclusion is this impact is minimal.
- 17 & 18) There is no doubt that a solar project will be different from the current agricultural and rural residential community landscape. With adherence to setback requirements and adequate visual screening these impacts should be significantly minimized.

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

SEQR Status:       Type 1                       Unlisted

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

Upon review of the information recorded on this EAF, as noted, plus this additional support information including the visual screening, proper construction practices, adherence to environmental permit requirements, landscaping and decommissioning plans

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the Town of Byron Planning Board has determined at it's June 7, 2023 meeting \_\_\_\_\_ as lead agency that:

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

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

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

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

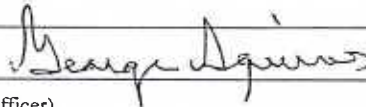
Name of Action: Negative Declaration

Name of Lead Agency: Town of Byron Planning Board

Name of Responsible Officer in Lead Agency: George Squires

Title of Responsible Officer: Chairman

Signature of Responsible Officer in Lead Agency:



Date: 7/13/23

Signature of Preparer (if different from Responsible Officer)

Date:

**For Further Information:**

Contact Person: George Squires

Address: PO Box 13, Byron, NY 14422

Telephone Number: 585-813-2463

E-mail: chairmanbyronplanningboardgs@gmail.com

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

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

Other involved agencies (if any)

Applicant (if any)

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

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Page 2 of 2



TOWN OF BYRON PLANNING BOARD RESOLUTION  
LEATHERLEAF SOLAR, LLC - SOLAR PROJECT  
7501 IVISON RD, BYRON, NY.  
PARCEL: 9.-1-7.113  
SPECIAL USE PERMIT & FINAL SITE PLAN APPLICATIONS

**SITE PLAN APPROVAL RESOLUTION**

**WHEREAS**, the Town of Byron Planning Board (hereinafter referred to as Planning Board) has received an application for Site Plan Approval to allow for Leatherleaf Solar, LLC (Solar Project) to develop a ground-mounted solar PV panel system which will involve driving posts approximately 6-10' into the ground, or at depths appropriate for frost conditions, every 12-16' and mounting panel racks to the posts. The project will occupy 35 acres of an approximately 180-acre parcel of land identified as Tax ID 9.-1-7.113 located within the Agricultural - Residential Zoning District with frontage along 7501 Ivison Road, Byron, NY as described in the Site Plans dated February 24, 2023 (the current application) and all other relevant information submitted and discussed at the April 5, 2023, June 7, 2023 and July 13, 2023 Byron Planning Board meetings; and

**WHEREAS**, this application was forwarded to Genesee County Planning Board for review (GCPD Referral ID T-02-BYR-04-23) and recommended approval with modifications (e.g., comply with NYSDAM Section 305 and amend the decommissioning plan to ensure appropriate decompaction and post-decommissioning monitoring); and

**WHEREAS**, on June 7, 2023, in compliance with NYS Town Law, the Byron Planning Board duly held a public hearing on the current application; and

**WHEREAS**, on or about June 23, 2023, the Town's Designated Engineer, the MRB Group, having reviewed the application provided a written comment letter dated June 23, 2023; and

**WHEREAS**, on or about July 10, 2023, the Applicant provided written responses to said comments together with supporting materials, including revised site plan sheets, proof of approval to interconnect the project to the electrical grid from the utility to the Planning Board and MRB; and

**WHEREAS**, prior to this resolution, the Planning Board, acting as SEQR Lead Agency, classified the above referenced Action to be a Type I Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

**WHEREAS**, on or about July 13, 2023, prior to this resolution, in compliance with NYS Town Law and the regulations of the State Environmental Quality Review Act (SEQRA), a determination of significance and a negative declaration was adopted by the Byron Planning Board; and

**NOW, THEREFORE, BE IT RESOLVED** that the Byron Planning Board hereby approves the requested Site Plan with the following conditions:

1. The Applicant shall obtain a Building Permit within twelve (12) months of such approvals or the approvals shall automatically terminate and be deemed null and void. Additionally, the Applicant shall complete construction of an approved (Site Plan and Special Use Permit) Type 4 Solar Energy System within twelve (12) months of obtaining such approvals or the approvals shall automatically terminate and be deemed null and void and be of no force an effect at law.
2. No signage associated with this project has been approved. Separate approval by the Planning Board is required for all signage.

TOWN OF BYRON PLANNING BOARD RESOLUTION  
LEATHERLEAF SOLAR, LLC - SOLAR PROJECT  
7501 IVISON RD, BYRON, NY.  
PARCEL: 9.-1-7.113  
SPECIAL USE PERMIT & FINAL SITE PLAN APPLICATIONS

**SITE PLAN APPROVAL RESOLUTION**

3. The site plans are conditioned on the Town Engineer completing a review of the application materials and signing the plans.
4. No permits shall be issued until the NYSDEC Acknowledgement letter from NYSDEC has been received by the Town of Byron Code Enforcement Officer.
5. Prior to obtaining a building permit, the Applicant must provide an irrevocable Letter of Credit ("LOC") acceptable to the Town of Byron for an amount estimated to be sufficient to conduct the decommissioning of the Solar Energy Systems ("System"), in the event the Applicant does not do so, in an amount estimated by an engineer acceptable to the Town of Byron Planning Board.
6. The LOC shall provide for an annual increase in the amount thereof shall be increased by three percent (3%) per year, compounded, for a period of five (5) years. After five (5) years an evaluation shall be conducted by an engineer, approved by the Planning Board to determine the current estimated cost of decommissioning the System whereupon the LOC shall be increased or decreased in accordance therewith and the rate of annual increase can be reduced but in no case less than two percent (2%) per year, compounded. This procedure shall be repeated every five (5) years during the operation of the System in order to maintain the amount of the LOC equal to the then-current estimated cost of decommissioning and removal of the System and restoring the land to a condition suitable for agricultural use.
7. After completion, the Applicant shall provide to the Town of Byron Code Enforcement Officer a post- construction certificate from a Professional Engineer registered in New York State that the project complies with all applicable codes and industry practices and has been constructed and is operating according to the design plans.
8. Prior to issuance of a building permit the applicant shall enter into a contract with the Town of Byron for payments in lieu of taxes (PILOT) pursuant to Real Property Tax Law §487 9(a).
9. Prior to any permits for any portion of the Project being issued, the Applicant shall provide a signed Plan for Decommissioning of the Project, addressing the comments from the Genesee County Planning Board as set forth in its recommendation, in a form acceptable to the Town of Byron Planning Board and/or its attorney.
10. If the use of an approved Solar Energy System is discontinued, the owner or operator shall provide written notice to the Code Enforcement Officer within thirty (30) days of such discontinuance. In any case, Solar Energy Systems are considered inoperative and abandoned after 180 days without electrical energy generation which is consumed onsite (or credit for onsite consumption is received) for Solar Energy Systems or without production of energy and offsite sale to and consumption by one or more customers for Solar Energy Systems.
11. If the Applicant violates any of the conditions of its Special Use Permit, Site Plan approval or violates any other local, state or federal laws, rules or regulations, such violation shall

TOWN OF BYRON PLANNING BOARD RESOLUTION  
LEATHERLEAF SOLAR, LLC - SOLAR PROJECT  
7501 IVISON RD, BYRON, NY.  
PARCEL: 9.-1-7.113  
SPECIAL USE PERMIT & FINAL SITE PLAN APPLICATIONS

**SITE PLAN APPROVAL RESOLUTION**

be grounds for revocation of the Special Use Permit or Site Plan Approval. Revocation may occur after the applicant is notified in writing of the violations and the Town of Planning Board holds a hearing on same as provided for herein.

12. All consultants' fees for review of application are to be reimbursed by the applicant to the Town of Byron prior to the issuance of building permits.
13. The owner/operator is responsible for maintaining and replacement of all trees and landscaping as depicted on the approved site plans for the life of the project. All identified trees and landscaping in need of replacement are to be replaced by the following growing season.
14. All contact information for the applicants, developers, and land owners are to be provided to the Town of Byron CEO prior to issuance of a building permit.
15. A preconstruction meeting with the Town of Byron, once all conditions of approval have been met, may be required prior to issuance of any building permits.
16. Battery Storage and associated site improvements are NOT approved for this project will require separate approval from the Town if requested.
17. The requirement of Section 2.12.8 of Town of Byron Local Law #3 of 2020:  
A Local Law to Repeal and Replace Section 11.15 of the Zoning Law of the Town of Byron Relating to Solar Energy Systems is hereby removed from this Site Plan and Special Use Permit.

The above resolution was offered by NATHAN KNICKERBOCKER and seconded by LAURE BESTEHORN at a meeting of the Planning Board held on July 13, 2023. Following discussion thereon, the following roll call vote was taken and recorded:

|                       |  |
|-----------------------|--|
| George Squires -      | <input checked="" type="radio"/> AYE / <input type="radio"/> NAY |
| Laura Bestehorn -     | <input checked="" type="radio"/> AYE / <input type="radio"/> NAY |
| Jason Jack -          | <input checked="" type="radio"/> AYE / <input type="radio"/> NAY |
| Christopher Hilbert - | <input checked="" type="radio"/> AYE / <input type="radio"/> NAY |
| Nathan Knickerbocker- | <input checked="" type="radio"/> AYE / <input type="radio"/> NAY |

I, Patrick Carr, Clerk of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Byron Planning Board for July 13, 2023 meeting.

Patrick W. Carr  
Patrick Carr, Clerk of the Board

TOWN OF BYRON PLANNING BOARD RESOLUTION  
LEATHERLEAF SOLAR, LLC - SOLAR PROJECT  
7501 IVISON RD, BYRON, NY.  
PARCEL: 9.-1-7.113  
SPECIAL USE PERMIT & FINAL SITE PLAN APPLICATIONS

**SUP APPROVAL RESOLUTION**

**WHEREAS**, the Town of Byron Planning Board (hereinafter referred to as Planning Board) has received an application for Special Use Permit Approval to allow for Leatherleaf Solar, LLC (Solar Project) to develop a ground-mounted solar PV panel system which will involve driving posts approximately 6-10' into the ground, or at depths appropriate for frost conditions, every 12-16' and mounting panel racks to the posts. The project will occupy 35 acres of an approximately 180-acre parcel of land identified as Tax ID 9.-1-7.113 located within the Agricultural - Residential Zoning District with frontage along 7501 Ivison Road, Byron, NY as described in the Site Plans dated February 24, 2023 (the current application) and all other relevant information submitted and discussed at the April 5, 2023, June 7, 2023 and July 13, 2023 Byron Planning Board meetings; and

**WHEREAS**, this application was forwarded to Genesee County Planning Board for review (GCPD Referral ID T-02-BYR-04-23) and recommended approval with modifications (e.g., comply with NYS DAM Section 305 and amend the decommissioning plan to ensure appropriate decompaction and post-decommissioning monitoring); and

**WHEREAS**, on June 7, 2023, in compliance with NYS Town Law, the Planning Board duly held a public hearing on the current application; and

**WHEREAS**, on or about June 23, 2023, the Town's Designated Engineer, the MRB Group, having reviewed the application, provided a written comment letter; and

**WHEREAS**, on or about July 10, 2023, the Applicant provided written responses to said comments together with supporting materials, including revised site plan sheets, proof of approval to interconnect the project to the electrical grid from the utility to the Planning Board and MRB; and

**WHEREAS**, prior to this resolution, the Planning Board, acting as SEQR Lead Agency, classified the above referenced Action to be a Type I Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

**WHEREAS**, on or about July 13, 2023, prior to this resolution, in compliance with NYS Town Law and the SEQR regulations, a determination of significance and a negative declaration was adopted by the Planning Board; and

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board does hereby approve the requested special use permit with the following conditions:

1. The special use permit shall remain in effect for the current owner of the premises/owner of the Project with no requirement for renewal, provided the use remains in compliance with the conditions of approval, Town Code, and Local Law No. 3 of 2020.
2. In the event of any complaints about the Special Use Permit being filed with the Code Enforcement Officer and failure to take corrective action by the applicant shall be brought to the attention of the Planning Board.
3. No signage associated with the Special Use Permit has been approved. Separate approval by the Planning Board is required for all signage.
4. Prior to obtaining a building permit, the Applicant must provide an irrevocable Letter of Credit ("LOC") acceptable to the Town of Byron for an amount estimated to be sufficient to conduct the decommissioning of the Solar Energy Systems ("System"), in the event the Applicant does not do so, in an amount estimated by an engineer acceptable to the Town of Byron Planning Board.

TOWN OF BYRON PLANNING BOARD RESOLUTION  
LEATHERLEAF SOLAR, LLC - SOLAR PROJECT  
7501 IVISION RD, BYRON, NY.  
PARCEL: 9.-1-7.113  
SPECIAL USE PERMIT & FINAL SITE PLAN APPLICATIONS

**SUP APPROVAL RESOLUTION**

5. The LOC shall provide for an annual increase in the amount thereof shall be increased by three percent (3%) per year, compounded, for a period of five (5) years, After five (5) years an evaluation shall be conducted by an engineer, approved by the Planning Board to determine the current estimated cost of decommissioning the System whereupon the LOC shall be increased or decreased in accordance therewith and the rate of annual increase can be reduced but in no case less than two percent (2%) per year, compounded. This procedure shall be repeated every five (5) years during the operation of the System in order to maintain the amount of the LOC equal to the then-current estimated cost of decommissioning and removal of the System and restoring the land to a condition suitable for agricultural use.
6. After completion, the Applicant shall provide to the Town of Byron Code Enforcement Officer a post- construction certificate from a Professional Engineer registered in New York State that the project complies with all applicable codes and industry practices and has been constructed and is operating according to the design plans.
7. Prior to issuance of a building permit the applicant shall enter into a contract with the Town of Byron for payments in lieu of taxes (PILOT) pursuant to Real Property Tax Law §487 9(a).
8. Prior to any building permits for any portion of the Project being issued, the Applicant shall provide a signed Plan for Decommissioning of the Project, in a form acceptable to the Town of Byron Town Board.
9. If the use of an approved Solar Energy System is discontinued, the owner or operator shall provide written notice to the Code Enforcement Officer within thirty (30) days of such discontinuance. In any case, Solar Energy Systems are considered inoperative and abandoned after 180 days without electrical energy generation which is consumed onsite (or credit for onsite consumption is received) for Solar Energy Systems or without production of energy and offsite sale to and consumption by one or more customers for Solar Energy Systems.
10. If the Applicant violates any of the conditions of its Special Use Permit, Site Plan approval or violates any other local, state or federal laws, rules or regulations, such violation shall be grounds for revocation of the Special Use Permit or Site Plan Approval. Revocation may occur after the applicant is notified in writing of the violations and the Town of Planning Board holds a hearing on same as provided for herein.
11. All consultants' fees for review of application are to be reimbursed by the applicant to the Town of Byron prior to the issuance of building permits.
12. The owner/operator is responsible for maintaining and replacement of all trees and landscaping as depicted on the approved site plans for the life of the project. All identified trees and landscaping in need of replacement are to be replaced by the following growing season.
13. All contact information for the applicants, developers, and land owners are to be provided to the Town of Byron CEO prior to issuance of a building permit.
14. A preconstruction meeting with the Town of Byron, once all conditions of approval have been met, may be required prior to issuance of any building permits.

TOWN OF BYRON PLANNING BOARD RESOLUTION  
LEATHERLEAF SOLAR, LLC - SOLAR PROJECT  
7501 IVISON RD, BYRON, NY.  
PARCEL: 9.-1-7.113  
SPECIAL USE PERMIT & FINAL SITE PLAN APPLICATIONS

**SITE PLAN APPROVAL RESOLUTION**

be grounds for revocation of the Special Use Permit or Site Plan Approval. Revocation may occur after the applicant is notified in writing of the violations and the Town of Planning Board holds a hearing on same as provided for herein.

12. All consultants' fees for review of application are to be reimbursed by the applicant to the Town of Byron prior to the issuance of building permits.
13. The owner/operator is responsible for maintaining and replacement of all trees and landscaping as depicted on the approved site plans for the life of the project. All identified trees and landscaping in need of replacement are to be replaced by the following growing season.
14. All contact information for the applicants, developers, and land owners are to be provided to the Town of Byron CEO prior to issuance of a building permit.
15. A preconstruction meeting with the Town of Byron, once all conditions of approval have been met, may be required prior to issuance of any building permits.
16. Battery Storage and associated site improvements are NOT approved for this project will require separate approval from the Town if requested.
17. The requirement of Section 2.12.8 of Town of Byron Local Law #3 of 2020:  
A Local Law to Repeal and Replace Section 11.15 of the Zoning Law of the Town of Byron Relating to Solar Energy Systems is hereby removed from this Site Plan and Special Use Permit.

The above resolution was offered by Chris HILBERT and seconded by MATHAN KNICKERBOCKER at a meeting of the Planning Board held on July 13, 2023. Following discussion thereon, the following roll call vote was taken and recorded:

|                       |           |
|-----------------------|-----------|
| George Squires -      | (AYE) NAY |
| Laura Bestehorn -     | (AYE) NAY |
| Jason Jack -          | (AYE) NAY |
| Christopher Hilbert - | (AYE) NAY |
| Nathan Knickerbocker- | (AYE) NAY |

I, Patrick Carr, Clerk of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Byron Planning Board for July 13, 2023 meeting.

Patrick W. Carr  
Patrick Carr, Clerk of the Board

*Handwritten:* 4/27/23

**Customer Information**

|                           |                              |                      |   |
|---------------------------|------------------------------|----------------------|---|
| Potential Customer:       | LNK Holdings, Inc.           | Opportunity Type:    | Expansion   |
| Proj. St. Address:        | 7100 Apple Tree Av           | Opportunity Product: | Property Sales & Mortgage Recording Taxes Only  |
| City/Town/Village:        | //Bergen                     | Type of Project:     | Expansion   |
| Proj. Description:        | 2023 Craft Cannery expansion | New Jobs:            | 4   |
| Total Capital Investment: | \$1,465,000                  | Retained Jobs:       | 6   |
| Incentive Amount:         | \$70,413                     | School District:     | Byron- Bergen   |
| Benefited Amount:         | \$1,465,000                  | PILOT Applicable:    | Increase in assessed value of land and/or other buildings (pre-project value of land and or buildings excluded) |

**Project Information**

|                          |   |
|--------------------------|---|
| Organization:            | GCEDC   |
| Opportunity Source:      | Direct/Personal Contact Date of Public Hearing: TBD |
| Initial Acceptance Date: | 5/4/2023 Inducement Date:                           |

**Opportunity Summary:** LNK Holdings, Inc. is acquiring 7100 Apple Tree Ave 5000 sq. ft. facility at Apple Tree Acres in Bergen. The company is planning to expand the facility by constructing another 4000 sq. ft. Thus, the facility will total 9,000 sq. ft. after the addition is completed.

In 2022, Craft Cannery won \$500,000 at Grow-NY Global Food and Agriculture Business Competition

The total capital investment is \$1,465,000 and plans to create 4 FTE's and Retain 6 FTE's.

LNK Holdings, Inc is first requesting to transfer the existing PILOT with 6 years remaining on the existing 5,000 sq. ft. facility.

In addition, LNK Holdings, Inc. is requesting assistance from the GCEDC with a sales tax exemption estimated at \$36,000, mortgage recording tax \$4,000, and a property tax abatement estimated at \$30,413 over 10 years with New Traditional PILOT format on the expansion only.

**Economic Impact:** For every \$1 of public benefit, the company is investing \$64 into the local economy

**Project Detail (Total Capital Investment)**

|                               |             |  |     |
|-------------------------------|-------------|--|-----|
| Building Cost (Construction): | \$750,000   | Capital Improvements:                        | \$0 |
| Equipment (non-taxable):      | \$250,000   | Equipment (Taxable) / Other Proj Investment: | \$0 |
| Land Cost (Real Estate):      | \$465,000   |  |     |
| Total Capital Investment:     | \$1,465,000 |  |     |

**Estimated Benefits Provided**

|  |           |
|--|-----------|
| Sales Tax Exempt:                        | \$36,000  |
| Mortgage Tax Exempt:                     | \$4,000   |
| Property Tax Exempt:                     | \$30,413  |
| Total Estimated Tax Incentives Provided: | \$70,413  |
| Total Amount Finance:                    | \$400,000 |

new  
4/27

# Genesee County Industrial Development Agency

## MRB Cost Benefit Calculator



Date: May 4, 2023  
 Project Title: Craft Cannery- LNK Holdings, Inc.  
 Project Location: Bergen, NY

### Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

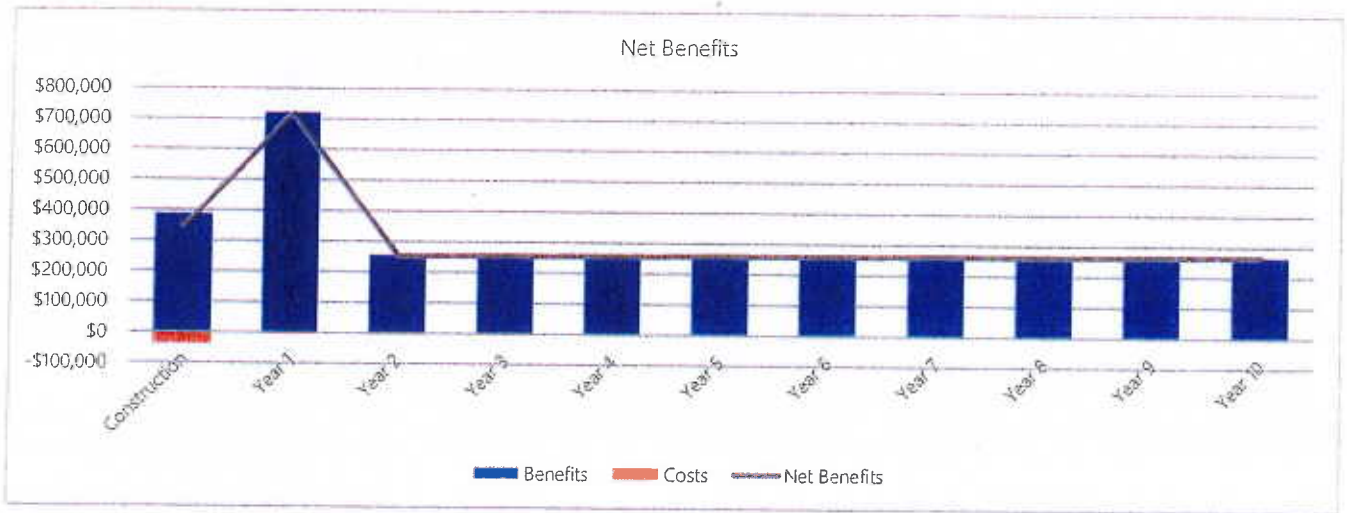
Project Total Investment  
 \$1,465,000

| Temporary (Construction) |           |           |           |
|--------------------------|-----------|-----------|-----------|
|                          | Direct    | Indirect  | Total     |
| Jobs                     | 4         | 1         | 5         |
| Earnings                 | \$313,964 | \$51,998  | \$365,962 |
| Local Spend              | \$750,000 | \$185,800 | \$935,800 |

| Ongoing (Operations)             |             |           |             |
|----------------------------------|-------------|-----------|-------------|
| Aggregate over life of the PILOT |             |           |             |
|                                  | Direct      | Indirect  | Total       |
| Jobs                             | 4           | 1         | 5           |
| Earnings                         | \$1,600,000 | \$772,681 | \$2,372,681 |

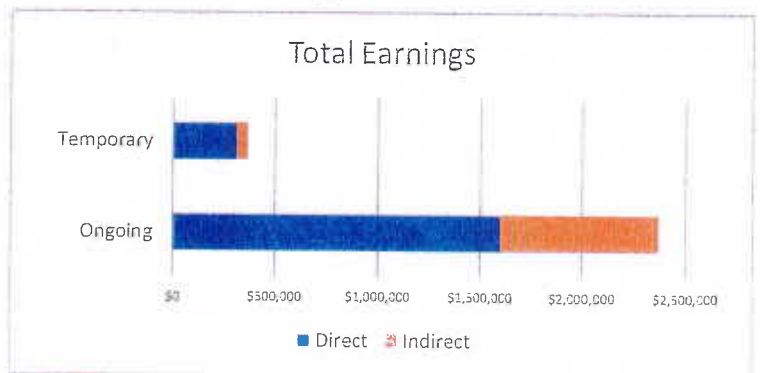
Figure 1



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

Figure 2

Figure 3



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Ongoing earnings are all earnings over the life of the PILOT.



# Fiscal Impacts

## Estimated Costs of Exemptions

|  | Nominal Value   | Discounted Value* |
|--|-----------------|-------------------|
| Property Tax Exemption                 | \$30,415        | \$27,812          |
| Sales Tax Exemption                    | \$36,000        | \$36,000          |
| Local Sales Tax Exemption              | \$18,000        | \$18,000          |
| State Sales Tax Exemption              | \$18,000        | \$18,000          |
| Mortgage Recording Tax Exemption       | \$4,000         | \$4,000           |
| Local Mortgage Recording Tax Exemption | \$2,000         | \$2,000           |
| State Mortgage Recording Tax Exemption | \$2,000         | \$2,000           |
| <b>Total Costs</b>                     | <b>\$70,415</b> | <b>\$67,812</b>   |

## State and Local Benefits

|   | Nominal Value      | Discounted Value*  |
|---|--------------------|--------------------|
| <b>Local Benefits</b>                       | <b>\$3,327,951</b> | <b>\$3,063,361</b> |
| <b>To Private Individuals</b>               | <b>\$3,203,643</b> | <b>\$2,953,125</b> |
| Temporary Payroll                           | \$365,962          | \$365,962          |
| Ongoing Payroll                             | \$2,372,681        | \$2,131,281        |
| Other Payments to Private Individuals       | \$465,000          | \$455,882          |
| <b>To the Public</b>                        | <b>\$124,308</b>   | <b>\$110,236</b>   |
| Increase in Property Tax Revenue            | \$20,275           | \$17,721           |
| Temporary Jobs - Sales Tax Revenue          | \$2,562            | \$2,562            |
| Ongoing Jobs - Sales Tax Revenue            | \$16,609           | \$14,919           |
| Other Local Municipal Revenue               | \$84,862           | \$75,034           |
| <b>State Benefits</b>                       | <b>\$142,409</b>   | <b>\$129,857</b>   |
| <b>To the Public</b>                        | <b>\$142,409</b>   | <b>\$129,857</b>   |
| Temporary Income Tax Revenue                | \$16,468           | \$16,468           |
| Ongoing Income Tax Revenue                  | \$106,771          | \$95,908           |
| Temporary Jobs - Sales Tax Revenue          | \$2,562            | \$2,562            |
| Ongoing Jobs - Sales Tax Revenue            | \$16,609           | \$14,919           |
| <b>Total Benefits to State &amp; Region</b> | <b>\$3,470,360</b> | <b>\$3,193,218</b> |

## Benefit to Cost Ratio

|                    | Benefit*           | Cost*           | Ratio       |
|--------------------|--------------------|-----------------|-------------|
| Local              | \$3,063,361        | \$47,812        | 64:1        |
| State              | \$129,857          | \$20,000        | 6:1         |
| <b>Grand Total</b> | <b>\$3,193,218</b> | <b>\$67,812</b> | <b>47:1</b> |

\*Discounted at 2%

### Additional Comments from IDA

Existing PILOT on original building has 6 years left and payments were made to other municipal revenues plus fire district fee

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

Yes

May 4/21

## MRB Cost Benefit Calculator

Genesee County Industrial Development Agency

Date:

Project Title:

Project Location:

### Construction Phase - Project Assumptions

**Project Costs**

Project Costs Value

Enter total project costs:

Local Construction Spending\*

% of locally sourced materials and labor

In-region construction spending

**Construction Economic Impacts**

| Industry   | NAICS  | % of Total Investment | Investment by Type |
|--|--------|-----------------------|--------------------|
| Commercial and Institutional Building Construction | 236220 | 100%                  | \$750,000          |
| (Not Applicable)                                   | 0      |                       | \$0                |
| (Not Applicable)                                   | 0      |                       | \$0                |
|  |        | 100%                  | \$750,000          |

*Most projects will only have one line related to construction type.*

### Operation Phase - Project Assumptions

**Jobs and Earnings from Operations**

Year 1 - Enter NAICS

| NAICS Lookup                             | NAICS  | Count | Per Job Annual Earnings | Total Earnings |
|--|--------|-------|-------------------------|----------------|
| Mayonnaise, Dressing, and Other Prepared | 311941 | 4     | \$40,000                | \$160,000      |
|  | 0      |       |                         | \$0            |
|  | 0      |       |                         | \$0            |
|  | 0      |       |                         | \$0            |
|  | 0      |       |                         | \$0            |
|  | 0      |       |                         | \$0            |
| Total                                    |        | 4     |                         | \$160,000      |

Year 2

| NAICS                                    | NAICS  | Count | Per Job Annual Earnings | Total Earnings |
|--|--------|-------|-------------------------|----------------|
| Mayonnaise, Dressing, and Other Prepared | 311941 | 4     | \$40,000                | \$160,000      |
|  | 0      |       |                         | \$0            |
|  | 0      |       |                         | \$0            |
|  | 0      |       |                         | \$0            |
|  | 0      |       |                         | \$0            |
|  | 0      |       |                         | \$0            |
| Total                                    |        | 4     |                         | \$160,000      |

Year 3+ (Full Employment)

| NAICS                                    | NAICS  | Count | Per Job Annual Earnings | Total Earnings |
|--|--------|-------|-------------------------|----------------|
| Mayonnaise, Dressing, and Other Prepared | 311941 | 4     | \$40,000                | \$160,000      |
|  | 0      |       |                         | \$0            |
|  | 0      |       |                         | \$0            |
|  | 0      |       |                         | \$0            |
|  | 0      |       |                         | \$0            |
|  | 0      |       |                         | \$0            |
| Total                                    |        | 4     |                         | \$160,000      |

### Fiscal Impact Assumptions

**Estimated Costs of Incentives**

|                                  |       |                 |   |                    |                                 |
|----------------------------------|-------|-----------------|---|--------------------|---------------------------------|
| Sales Tax Exemption              | %     | Value           |   | PILOT Term (Years) | <input type="text" value="10"/> |
| Local Sales Tax Rate             | 4.00% | \$18,000        |   | Escalation Factor  | <input type="text" value="0%"/> |
| State Sales Tax Rate             | 1.00% | \$18,000        |   | Discount Factor    | <input type="text" value="5%"/> |
| Mortgage Recording Tax Exemption |       | Value           |   |                    |                                 |
| Local                            | 0.50% | \$1,000         |   |                    |                                 |
| State                            | 0.50% | \$1,000         |   |                    |                                 |
| <b>Total Costs</b>               |       | <b>\$70,000</b> | <i>includes PILOT exemption, calculated below</i> |                    |                                 |

3.2

66





MAN  
4/27/23



Project Name: LNK Holdings, Inc (Craft Cannery)

Board Meeting Date: May 4, 2023

## STATEMENT OF COMPLIANCE OF PROJECT CRITERIA LISTED IN UNIFORM TAX EXEMPTION POLICY (UTEP)

### PROJECT DESCRIPTION:

LNK Holdings, Inc. is acquiring 7100 Apple Tree Ave 5000 sq. ft. facility at Apple Tree Acres in Bergen. The company is planning to expand the facility by constructing another 4000 sq. ft. Thus, the facility will total 9,000 sq. ft. after the addition is completed.

In 2022, Craft Cannery won \$500,000 at Grow-NY Global Food and Agriculture Business Competition

The total capital investment is \$1,465,000 and plans to create 4 FTE's and Retain 6 FTE's.

LNK Holdings, Inc is first requesting to transfer the existing PILOT with 6 years remaining on the existing 5,000 sq. ft. facility.

In addition, LNK Holdings, Inc. is requesting assistance from the GCEDC with a sales tax exemption estimated at \$36,000, mortgage recording tax \$4,000, and a property tax abatement estimated at \$30,413 over 10 years with a New Traditional PILOT format on the expansion only.

**Criteria #1** – The Project pledges to create and/or retain quality, good paying jobs in Genesee County.

**Project details:** The project is planning on retaining 6 FTEs and creating 4 FTEs between \$40,000 - \$65,000 annual plus benefits.

**Board Discussion:**

**Board Concurrence:** YES NO If no, state justification:

**Criteria #2-** Completion of the Project will enhance the long -term tax base and/or make a significant capital investment.

**Project details:** The project will enhance long term tax base with an investment of \$1.465 million and adding 4,000 sq. ft. to their existing 5,000 sq. ft. building.

**Board Discussion:**

**Board Concurrence:** YES NO If no, state justification:

3.2a

**Criteria #3-** The Project will contribute towards creating a “livable community” by providing a valuable product or service that is underserved in Genesee County.

**Project details:** N/A

**Board Discussion:**

**Board Concurrence:** YES NO If no, state justification:

**Criteria #4:** The Board will review the Agency’s Fiscal and Economic Impact analysis of the Project to determine if the Project will have a meaningful and positive impact on Genesee County. This calculation will include the estimated value of any tax exemptions to be provided along with the estimated additional sources of revenue for municipalities and school districts that the proposed project may provide.

The economic impacts (discounted value) on Local Benefits totals \$3,063,361 (\$2,953,125 in payroll and \$110,236 to the public in tax revenues). See attached MRB Cost Benefit Calculator.

**Project details:** For every \$1 of public benefit the company is investing \$64 into the local economy

**Board Discussion:**

**Board Concurrence:** YES NO If no, state justification:

**Criteria #5:** The Project is included in one of the Agency’s strategic industries: Agri-Business and Food Processing, Manufacturing, Advanced Manufacturing and Nano-Enabled Manufacturing, Life Sciences and Medical Device.

**Project details:** Yes, the project is in the Food Processing industry

**Board Discussion:**

**Criteria #6:** The Project will give a reasonable estimated timeline for the completion of the proposed project.

**Project details:** The project is planning to begin construction in 2023 and be operational in 2024.

**Board Discussion**

**Board Concurrence:** YES NO If no, state justification:

May  
3/18/24

**FINAL RESOLUTION**  
*(LNK Holdings, Inc. Project)*

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, March 28, 2024.

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

Resolution No. 03/2024 - \_\_\_\_\_

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON MAY 23, 2023, WITH RESPECT TO THE LNK HOLDINGS, INC. (THE "COMPANY") PROJECT (THE "PROJECT"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA (AS DEFINED BELOW); (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, RENOVATION AND EQUIPPING OF THE PROJECT; (B) A PARTIAL REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT AND (C) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION AS AUTHORIZED BY THE LAWS OF THE STATE OF NEW YORK; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT, MORTGAGE AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York (the "State"), as amended, and Chapter 565 of the Laws of 1970 of the State of New York, as amended (hereinafter collectively called the "Act"), the **GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY d/b/a GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER** (the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, the Agency previously appointed ADVJ Realty, LLC (the "Assignor") as agent to undertake a certain project (the "2018 Project") consisting of: (i) the acquisition by the Agency of a leasehold interest in an approximately 3-acre parcel of land located at Apple Tree Avenue, in the Town of Bergen, Genesee County, New York (being tax map number 13.-1-58.21) (the "Land"); (ii) the construction of an approximately 5,000 square-foot building for food processing, storage, offices and related improvements (the "2018 Improvements"); and (iii) the acquisition and installation in and around the 2018 Improvements of certain items of equipment,

3.26

machinery and other tangible personal property (the "2018 Equipment", and collectively with the Land and the 2018 Improvements, the "2018 Facility"); and

WHEREAS, in connection with the 2018 Project, the Agency and the Assignor entered into certain agreements, including, but not limited to: (i) a certain Agent, Financial Assistance and Project Agreement, dated as of February 20, 2018 (the "2018 Project Agreement"); (ii) a certain Lease Agreement, dated as of February 20, 2018, a memorandum of which was recorded in the Office of the Genesee County Clerk on February 21, 2018 at Instrument No. DE2018-260 (the "2018 Lease Agreement"); (iii) a certain Leaseback Agreement, dated as of February 20, 2018, a memorandum of which was recorded in the Office of the Genesee County Clerk on February 21, 2018 at Instrument No. DE2018-261 (the "2018 Leaseback Agreement"); (iv) a certain Tax Agreement, dated as of February 20, 2018 (the "2018 Tax Agreement"); and (v) related documents (collectively, the "2018 Agency Documents"); and

WHEREAS, by resolution adopted by the Agency on May 4, 2023 (the "Assignment Authorizing Resolution"), the Agency authorized (i) the transfer of ownership of the 2018 Project from Assignor to LNK Holdings, Inc. and (ii) the assignment of the 2018 Agency Documents to LNK Holdings, Inc.; and

WHEREAS, **LNK HOLDINGS, INC.**, for itself or on behalf of an entity formed or to be formed by it or on its behalf (the "Company") has submitted an application (the "Application") to the Agency, a copy of which is on file with the Agency, requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (i) the retention by the Agency of a leasehold or other interest in certain property located on Apple Tree Avenue, Town of Bergen, Genesee County, New York and all other lands in the Town of Bergen where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land", being more particularly identified as tax parcel numbers 13.-1-58.21 and 13.-1-58.21/P) and the 2018 Improvements and 2018 Equipment constituting the 2018 Facility (collectively, the "Existing Improvements"); (ii) the planning, design, construction and operation of an approximately 4,000 square foot addition to the Existing Improvements, together with utility and site improvements, parking lots, access and egress improvements, curbage, landscaping and stormwater retention improvements (collectively, the "Improvements"); and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land, the Existing Improvements and the Improvements, the "Facility"); and

WHEREAS, it is contemplated that the Agency will (i) designate the Company as agent of the Agency for the purpose of undertaking the Project pursuant to a project agreement (the "Project Agreement"), (ii) negotiate and enter into a lease agreement (the "Lease Agreement"), a leaseback agreement (the "Leaseback Agreement"), a tax agreement (the "Tax Agreement") and related documents with the Company, (iii) take title to or a leasehold interest in the Land, the Improvements, the Equipment and personal property constituting the Project (once the Lease Agreement, the Leaseback Agreement and the Tax Agreement have been negotiated), and (iv) provide financial assistance to the Company in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction and equipping of the Project, (b) a partial real property tax abatement structured through the Tax Agreement and (c) a partial



mortgage recording tax exemption as authorized by the laws of the State of New York (collectively, the "Financial Assistance"); and

WHEREAS, on May 4, 2023, the Agency adopted a resolution (the "Initial Resolution") pursuant to which the Agency (i) accepted the Application of the Company, (ii) directed that a public hearing be held, and (iii) described the forms of financial assistance being contemplated by the Agency with respect to the Project; and

WHEREAS, pursuant to Section 859-a of the Act, on Tuesday, May 23, 2023, at 3:30 p.m., the Agency held a public hearing with respect to the Project and the proposed Financial Assistance being contemplated by the Agency (the "Public Hearing") whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views. A copy of the Notice of Public Hearing published and forwarded to the affected taxing jurisdictions at least ten (10) days prior to said Public Hearing are attached hereto as Exhibit A; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617, as amended (collectively referred to as "SEQRA"), the Agency must satisfy the applicable requirements set forth in SEQRA, as necessary, prior to making a final determination whether to undertake the Project; and

WHEREAS, the Town of Bergen Planning Board (the "Planning Board"), acting as "lead agency" (as such term is defined under SEQRA), undertook an "uncoordinated review" (as such term is defined under SEQRA) of the Project, determined that the Project was an "Unlisted Action" (as such term is defined under SEQRA) and on March 7, 2024, issued a "negative declaration" (as such term is defined under SEQRA) with respect to the Project (the "Negative Declaration"); and

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

WHEREAS, the Project Agreement, the Lease Agreement, the Leaseback Agreement, the Tax Agreement and related documents will be negotiated and presented to the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency for approval and execution subject to adoption of the resolutions contained herein.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER AS FOLLOWS:

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

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

powers granted to it under the Act; and

(B) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purposes of acquiring, constructing and equipping the Project; and

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

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

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

(F) The Town of Bergen Planning Board (the "Planning Board") has conducted a review of the Project pursuant to Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"). The Planning Board issued a Negative Declaration on March 7, 2024 (the "Negative Declaration"), determining that the Project does not pose a potential significant adverse environmental impact. The Agency, having reviewed the materials presented by the Company, including, but not limited to, the Short Environmental Assessment Form and the Negative Declaration, further determines that the Project does not pose a potential significant adverse environmental impact and thus ratifies the Negative Declaration previously issued by the Planning Board pursuant to 6 N.Y.C.R.R. § 617.7. A copy of the Negative Declaration issued by the Planning Board is attached hereto as Exhibit B.

Section 2. The Public Hearing held by the Agency on Tuesday, May 23, 2023, at 3:30 p.m., concerning the Project and the Financial Assistance was duly held in accordance with the Act, including but not limited to the giving of at least ten (10) days published notice of the Public Hearing (such notice also provided to the Chief Executive Officer of each affected tax jurisdiction), affording interested parties a reasonable opportunity, both orally and in writing, to present their views with respect to the Project.

Section 3. The Agency is hereby authorized to provide to the Company the Financial Assistance in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction, reconstruction, renovation and equipping of the Project, (b) a partial real property tax abatement structured through the Tax Agreement and (c) a partial mortgage recording tax exemption as authorized pursuant to the laws of the State of New York.

Section 4. Based upon representations and warranties made by the Company in the Application, the Agency hereby authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project, that would otherwise be subject to State and local sales and use tax in an amount up to \$450,000.00, which result in State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed \$36,000.00. The Agency agrees to consider any requests by the Company for an increase to the amount of Sales and Use Tax Exemption Benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

Section 5. Pursuant to Section 875(3) of the Act, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any Sales and Use Tax Exemption Benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the Sales and Use Tax Exemption Benefits; (ii) the Sales and Use Tax Exemption Benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the Sales and Use Tax Exemption Benefits are for property or services not authorized by the Agency as part of the Project; or (iv) the Sales and Use Tax Exemption Benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project. As a condition precedent of receiving Sales and Use Tax Exemption Benefits, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, shall (i) cooperate with the Agency in its efforts to recover or recapture any Sales and Use Tax Exemption Benefits, and (ii) promptly pay over any such amounts to the Agency that the Agency demands.

Section 6. Subject to the Company executing the Project Agreement and the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, reconstruct, renovate and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; *provided, however*, the Project Agreement shall expire on December 31, 2024 (unless extended for good cause by the President/CEO of the Agency) if the Lease Agreement, the Leaseback Agreement and the Tax Agreement contemplated have not been executed and delivered.

Section 7. The President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency are hereby authorized, on behalf of the Agency, to negotiate and enter into (A) the Project Agreement, (B) the Lease Agreement, pursuant to which the Company leases the Project to the Agency, (C) the related Leaseback Agreement, pursuant to which the Agency leases its interest in the Project back to the Company, and (D) the Tax Agreement; *provided, however,* (i) the rental payments under the Leaseback Agreement include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project and (ii) the terms of the Tax Agreement are consistent with the Agency's Uniform Tax Exemption Policy or the procedures for deviation have been complied with.

Section 8. The President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency are hereby authorized, on behalf of the Agency, to execute, deliver and record the Mortgage securing an aggregate principal amount not to exceed **\$400,000.00**, and any security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the "Lender") to assist with the undertaking of the Project, the acquisition of the Facility and/or the finance or re-finance the Facility or equipment and other personal property and related transactional costs (hereinafter, with the Project Agreement, Lease Agreement, Leaseback Agreement, Tax Agreement and the Mortgage, collectively called the "Agency Documents"); and, where appropriate, the Secretary or Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency shall approve, the execution thereof by the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency's interest in the Project.

Section 9. The Agency is hereby authorized to provide the Company with an exemption from mortgage recording taxes as permitted by New York State law in an amount not to exceed Four Thousand and 00/100 Dollars (**\$4,000.00**).

Section 10. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 11. These Resolutions shall take effect immediately upon adoption.

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

|                      | <i>Yea</i> | <i>Nay</i> | <i>Absent</i> | <i>Abstain</i> |
|----------------------|------------|------------|---------------|----------------|
| Peter Zeliff         | [ ]        | [ ]        | [ ]           | [ ]            |
| Matthew Gray         | [ ]        | [ ]        | [ ]           | [ ]            |
| Paul Battaglia       | [ ]        | [ ]        | [ ]           | [ ]            |
| Craig Yunker         | [ ]        | [ ]        | [ ]           | [ ]            |
| Kathleen Manne       | [ ]        | [ ]        | [ ]           | [ ]            |
| Chandy Kemp          | [ ]        | [ ]        | [ ]           | [ ]            |
| Marianne Clattenburg | [ ]        | [ ]        | [ ]           | [ ]            |

The Resolutions were thereupon duly adopted.

SECRETARY'S CERTIFICATION  
(LNK Holdings, Inc. Project)

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

I, the undersigned Secretary of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center, DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency"), including the resolution contained therein, held on March 28, 2024, with the original thereof on file in the offices of the Agency, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this \_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Secretary

3.26

Exhibit A

Notice Letter, Notice of Public Hearing,  
Affidavit of Publication of *The Batavia Daily News*  
and Minutes of Public Hearing

[Attached Hereto]



PUBLIC HEARING NOTICE LETTER  
(LNK HOLDINGS, INC. PROJECT)

May 10, 2023

To: Chief Executive Officers and School District Clerk  
Listed on Schedule A attached hereto

Re: Genesee County Industrial Development Agency d/b/a Genesee County  
Economic Development Center and LNK Holdings, Inc.

Notice of Public Hearing and Disposition of Inducement Resolution

Ladies and Gentlemen:

On Tuesday, May 23, 2023, at 3:30 p.m., local time, at Town of Bergen Town Hall (Courtroom), 10 Hunter Street, Bergen, New York 14416, the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") will conduct a public hearing regarding the above-referenced project. Attached is a copy of the Notice of Public Hearing describing the project and the financial assistance contemplated by the Agency. The Notice has been submitted to *The Daily News* for publication.

The Agency will broadcast the public hearing live at on the Agency's website at [www.gcedc.com](http://www.gcedc.com).

You are welcome to attend such hearing at which time you will have an opportunity to review the project application and present your views, both orally and in writing, with respect to the project. We are providing this notice to you, pursuant to General Municipal Law Section 859-(a), as the chief executive officer of an affected tax jurisdiction within which the Project is located.

3.26

79





On May 4, 2023, the Agency adopted an inducement resolution (the "Inducement Resolution") with respect to the Project. pursuant to Chapter 766 of the Laws of 2022 of the State of New York, effective January 1, 2023, enclosed please find a copy of such as-adopted and certified Inducement Resolution.

Very truly yours,

GENESEE COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY d/b/a  
GENESEE COUNTY ECONOMIC  
DEVELOPMENT CENTER



SCHEDULE A

GENESEE COUNTY

Certified Mail No. / Return Receipt

#9489-0090-0027-6390-0154-84

Genesee County Manager  
Old Courthouse  
7 Main Street  
Batavia, New York 14020

Certified Mail No. / Return Receipt

#9489-0090-0027-6390-0154-91

Genesee County Legislature  
Attn: Chair  
Old Courthouse  
7 Main Street  
Batavia, New York 14020

TOWN OF BYRON

Certified Mail No. / Return Receipt

#9489-0090-0027-6423-6042-41

Town of Bergen  
Attn: Town Supervisor  
10 Hunter Street  
Bergen, New York 14416

BYRON BERGEN CENTRAL SCHOOLS

Certified Mail No. / Return Receipt

#9489-0090-0027-6423-6042-58

Byron-Bergen Central Schools  
Attn: Superintendent  
6917 West Bergen Road  
Bergen, New York 14416

Certified Mail No. / Return Receipt

#9489-0090-0027-6423-6042-65

Byron-Bergen Central Schools  
Attn: President of the Board of Education  
6917 West Bergen Road  
Bergen, New York 14416

Certified Mail No. / Return Receipt

#9489-0090-0027-6423-6042-72

Byron-Bergen Central Schools  
Attn: District Clerk  
6917 West Bergen Road  
Bergen, New York 14416

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York General Municipal Law will be held by the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") on Tuesday, May 23, 2023, at 3:30 p.m., local time, at Town of Bergen Town Hall (Courtroom), 10 Hunter Street, Bergen, New York 14416, in connection with the following matter:

LNK Holdings, Inc., for itself or on behalf of an entity formed or to be formed (the "Company"), has submitted an application (the "Application") to the Agency requesting the Agency's assistance with a certain project (the "Project") consisting of: (i) the retention by the Agency of a leasehold or other interest in (A) certain property located on Apple Tree Avenue, Town of Bergen, Genesee County, New York and all other lands in the Town of Bergen where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land", being more particularly identified as tax parcel numbers 13.-1-58.21 and 13.-1-58.21/P), and (B) the existing approximately 5,000 square-foot building located on the Land used for food processing, storage and offices and the items of machinery, equipment and other tangible personal property located thereon and therein (together, the "Existing Improvements"); (ii) the planning, design, construction and operation of an approximately 4,000 square foot addition to the Existing Improvements, together with utility and site improvements, parking lots, access and egress improvements, curbage, landscaping and stormwater retention improvements (collectively, the "Improvements"); and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land, the Existing Improvements and the Improvements, the "Facility").

The Agency will retain and acquire a leasehold interest or other interest in the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the lease. At the end of the lease term, the Company will purchase the Facility from the Agency, or if the Agency holds a leasehold interest, the leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance (the "Financial Assistance") to the Company in the form of sales and use tax exemptions, a mortgage recording tax exemption consistent with the policies of the Agency, and a partial real property tax abatement.

The Agency will broadcast the public hearing live at on the Agency's website at [www.gcedc.com](http://www.gcedc.com).

A representative of the Agency will be at the above-stated time and place to present a copy of the Company's Project Application and hear and accept written and oral comments from all persons with views in favor of or opposed to or otherwise relevant to the proposed Financial Assistance.

Dated: May 12, 2023

GENESEE COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY D/B/A  
GENESEE COUNTY ECONOMIC  
DEVELOPMENT CENTER

REPORT OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY'S PUBLIC HEARING OF LNK HOLDINGS, INC. ON TUESDAY, MAY 23, 2023 3:30 P.M. AT THE TOWN OF BERGEN TOWN HALL, 10 HUNTER STREET, BERGEN, NEW YORK, GENESEE COUNTY, NEW YORK

**I. ATTENDANCE**

Jim Krencik, Director of Marketing and Communications – GCEDC  
Lauren Casey, Finance Assistant – GCEDC

**II. CALL TO ORDER**

The public hearing of LNK Holdings, Inc. opened at 3:30 p.m. at the Bergen Town Hall, 10 Hunter Street, in Bergen, New York, Genesee County, New York.

A notice of this public hearing describing the project was published in the Batavia Daily News, a copy of which is attached and is an official part of this transcript.

**III. PROJECT SUMMARY**

LNK Holdings, Inc. is acquiring 7100 Apple Tree Ave 5000 sq. ft. facility at Apple Tree Acres in Bergen. The company is planning to expand the facility by constructing another 4000 sq. ft. Thus, the facility will total 9,000 sq. ft. after the addition is completed.

In 2022, Craft Cannery won \$500,000 at Grow-NY Global Food and Agriculture Business Competition. The total capital investment is \$1,465,000 and plans to create 4 FTE's and Retain 6 FTE's. LNK Holdings, Inc is first requesting to transfer the existing PILOT with 6 years remaining on the existing 5,000 sq. ft. facility.

In addition, LNK Holdings, Inc. is requesting assistance from the GCEDC with a sales tax exemption estimated at \$36,000, mortgage recording tax \$4,000, and a property tax abatement estimated at \$30,413 over 10 years with New Traditional PILOT format on the expansion only.

**IV. COMMENTS**

J. Krencik began the public hearing by providing a summary of the above-outlined project. The purpose of the public hearing is to solicit comments and feedback from the public regarding the proposed incentives for the above-outlined project. There were no written comments received ahead of time to be included with the written record.

There was no public comment.

**V. ADJOURNMENT**

As there were no other comments, the public hearing was closed at 3:40 p.m.

Exhibit B

Negative Declaration of the Town of Bergen Planning Board

[Attached Hereto]

## Short Environmental Assessment Form Part 2 - Impact Assessment

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

|  | No, or small impact may occur       | Moderate to large impact may occur |
|--|-------------------------------------|------------------------------------|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| 2. Will the proposed action result in a change in the use or intensity of use of land?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| 3. Will the proposed action impair the character or quality of the existing community?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?            | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| 7. Will the proposed action impact existing:   |                                     |                                    |
| a. public / private water supplies?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| b. public / private wastewater treatment utilities?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| 11. Will the proposed action create a hazard to environmental resources or human health?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |

## Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

|  |  |
|--|--|
| <input type="checkbox"/>                                 | Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required. |
| <input checked="" type="checkbox"/>                      | Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.   |
| <u>TOWN OF BERGEN PLANNING</u>                           | <u>3/7/2024</u>  |
| Name of Lead Agency                                      | Date   |
| <u>GARY C. FINK</u>                                      | <u>CHAIRMAN</u>  |
| Print or Type Name of Responsible Officer in Lead Agency | Title of Responsible Officer   |
| <u>Gary C. Fink</u>                                      |  |
| Signature of Responsible Officer in Lead Agency          | Signature of Preparer (if different from Responsible Officer)  |

PRINT FORM

## Report of Management

March 28, 2024

### March Workforce Madness Recap

We just had our biggest and most beneficial March Workforce Madness. Over 1,800 students attended three major events GCEDC staff lead, organize, sponsor or participate in.

#### Genesee County Youth Conference - Sharing Career Paths with 300 7<sup>th</sup> and 8<sup>th</sup> Grade Students



#### Tech Wars - Turning STEM Learning into Mechatronics Careers for 900 Students



#### GLOW With Your Hands: Healthcare - 600 Students Discover the Careers Paths that Serve our Community





## Approval of mowing contract for GCEDC properties

**Discussion:** The GCEDC asked five companies for bids to mow the properties we have acquired at STAMP and the entrance sign to STAMP. The results of the bids are as follows based on 16 mows in the season:

1. Declined to bid – Bubba’s Landscaping.
2. \$6,610 – Craig’s Mowing and Landscaping
3. \$10,400 – S&S Excavating & Blacktop
4. \$11,200 – Fava Brothers Lawn Care

**Fund Commitment:** \$6,610.

**Board Action Request:** Approval of mowing contract for STAMP properties to Craig’s Mowing & Landscaping for \$6,610.

4.2

budgeted  
7,100

| Mowing Bids 2024              | Quote Amount (GCEDC)   | Quote Amount (GGLDC) | Contact  |
|-------------------------------|------------------------|----------------------|--|
| Craig's Mowing and Landscape  | \$6160/385 per mow     | \$3760/\$235 per mow | <a href="mailto:cmlandscapes@yahoo.com">cmlandscapes@yahoo.com</a>             |
| S&S Excavating & Blacktop Inc | \$10,400/\$650 per mow | \$6400/\$400 per mow | <a href="mailto:ssexcavatingseptic@gmail.com">ssexcavatingseptic@gmail.com</a> |
| Scalia's Landscape            | \$7120/\$390 per mow   | \$3920/\$245 per mow | <a href="mailto:coltoncole7@outlook.com">coltoncole7@outlook.com</a>           |
| Fava Brothers                 | \$11,200/\$700 per mow | \$9900/\$400 per mow | <a href="mailto:favalawncare@yahoo.com">favalawncare@yahoo.com</a>             |



GCEDC quote request for mowing at the STAMP site and in Alabama, NY:

Contractor will mow the following:

1. Property at 805 Lewiston Road, mow bi weekly starting April 1 through October 31 (16 times)
2. Properties at 6725, 6620, 6608, 6590, 6576 and 6561 Crosby Road, mow bi weekly starting April 1 through October 31



GGLDC quote request for mowing at MedTech and Ag Park:

Contractor will mow the following:

1. Property located at 8750 Ag Park Drive, mow bi weekly starting April 1 through October 31
2. Mowing of the green space around 99 MedTech Drive, the Upstate MedTech Centre, weekly (as needed) starting April 1 through October 31

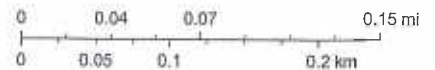
# ArcGIS Web Map



1/25/2024, 1:47:16 PM

|                                |                   |                   |                   |                   |
|--------------------------------|-------------------|-------------------|-------------------|-------------------|
| City & Villages (Large Scale)  | 13031E107659N.sid | 12450E108451N.sid | 12291E104491N.sid | 11948E111091N.sid |
| Towns                          | Red: Band_1       | Red: Band_1       | Red: Band_1       | Red: Band_1       |
| Water (Large Scale)            | Green: Band_2     | Green: Band_2     | Green: Band_2     | Green: Band_2     |
| 2523 Tax Parcels               | Blue: Band_3      | Blue: Band_3      | Blue: Band_3      | Blue: Band_3      |
| Streams (Large Scale)          | 12925E104227N.sid | 12397E110827N.sid | 12265E104491N.sid | 12450E108451N.sid |
| Active Railroads (Large Scale) | Red: Band_1       | Red: Band_1       | Red: Band_1       | Red: Band_1       |
| Roads (Large Scale)            | Green: Band_2     | Green: Band_2     | Green: Band_2     | Green: Band_2     |
| Address Points                 | Blue: Band_3      | Blue: Band_3      | Blue: Band_3      | Blue: Band_3      |
|                                | 12819E110827N.sid | 12397E110827N.sid | 11975E107395N.sid |                   |
|                                | Red: Band_1       | Red: Band_1       | Red: Band_1       |                   |
|                                | Green: Band_2     | Green: Band_2     | Green: Band_2     |                   |
|                                | Blue: Band_3      | Blue: Band_3      | Blue: Band_3      |                   |

1:4,514

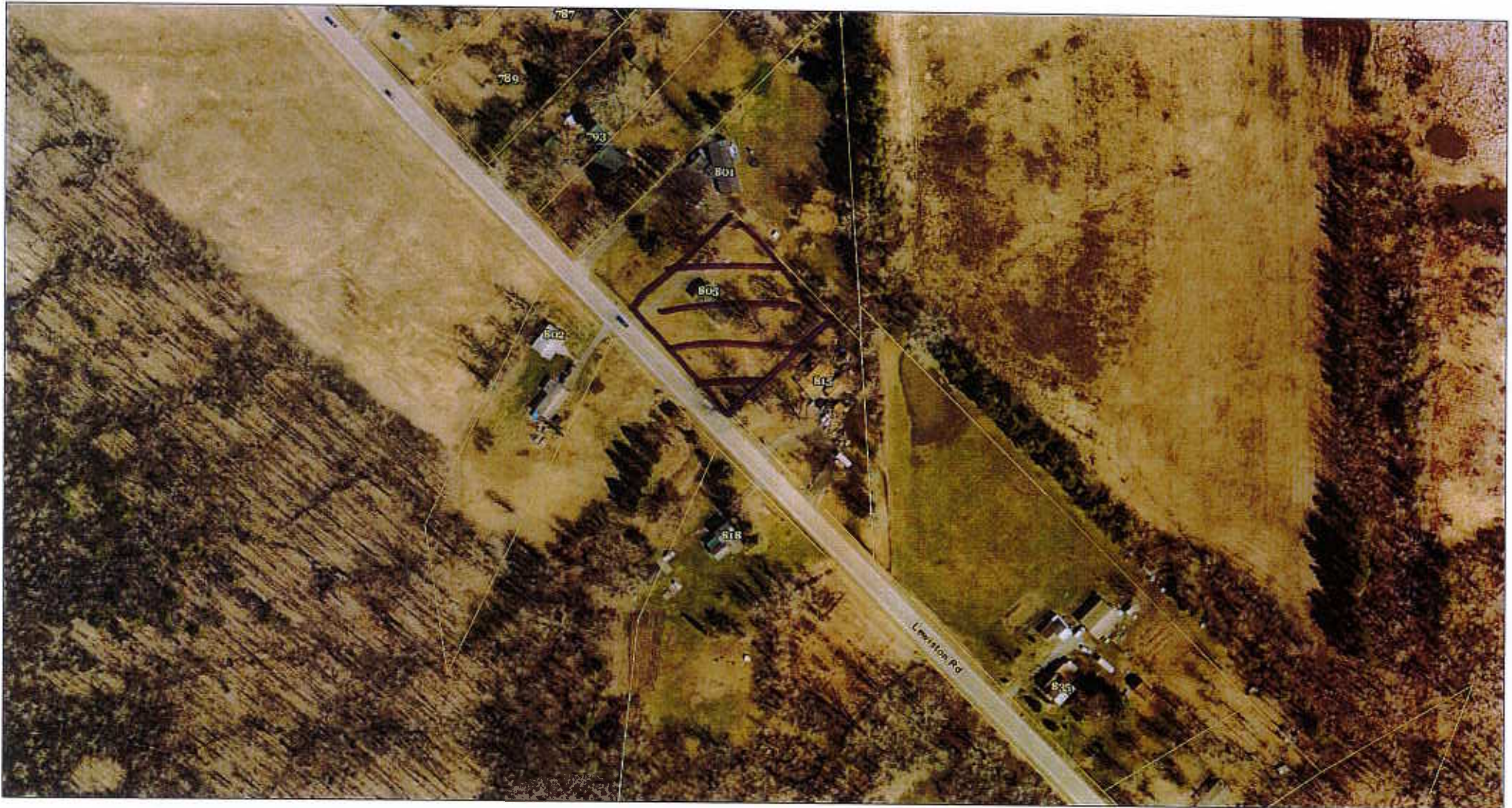


Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, M.S. OS, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin,

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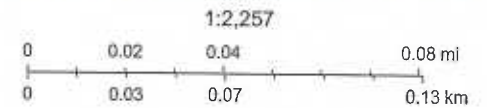
91

# ArcGIS Web Map



1/25/2024, 1:49:53 PM

|                                |                   |                   |                   |                   |                   |                   |
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| Towns                          | 13031E107659N.sid | Red: Band_1       | Red: Band_1       | Red: Band_1       | Red: Band_1       | Red: Band_1       |
| Water (Large Scale)            | Red: Band_1       | Green: Band_2     | Green: Band_2     | Green: Band_2     | Green: Band_2     | Green: Band_2     |
| 2023 Tax Parcels               | Green: Band_2     | Blue: Band_3      | Blue: Band_3      | Blue: Band_3      | Blue: Band_3      | Blue: Band_3      |
| Streams (Large Scale)          | Blue: Band_3      | 12819E110827N.sid | 12397E110827N.sid | 12291E104491N.sid | 11975E107395N.sid | 12450E108451N.sid |
| Active Railroads (Large Scale) | Red: Band_1       | Red: Band_1       | Red: Band_1       | Red: Band_1       | Red: Band_1       | Red: Band_1       |
| Roads (Large Scale)            | Green: Band_2     | Green: Band_2     | Green: Band_2     | Green: Band_2     | Green: Band_2     | Green: Band_2     |
|                                | Blue: Band_3      | Blue: Band_3      | Blue: Band_3      | Blue: Band_3      | Blue: Band_3      | Blue: Band_3      |



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin,

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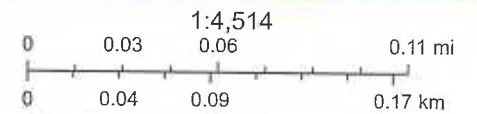
92

# ArcGIS Web Map



1/25/2024, 1:55:39 PM

|                                |                   |                   |                   |                   |                   |                   |
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| Towns                          | 13031E107659N.sid | Red: Band_1       | Red: Band_1       | Red: Band_1       | Red: Band_1       | Red: Band_1       |
| Water (Large Scale)            | Red: Band_1       | Green: Band_2     | Green: Band_2     | Green: Band_2     | Green: Band_2     | Green: Band_2     |
| 2023 Tax Parcels               | Green: Band_2     | Blue: Band_3      | Blue: Band_3      | Blue: Band_3      | Blue: Band_3      | Blue: Band_3      |
| Streams (Large Scale)          | Blue: Band_3      | 12819E110827N.sid | 12397E110827N.sid | 12291E104491N.sid | 11975E107395N.sid | 12450E108451N.sid |
| Active Railroads (Large Scale) | Red: Band_1       | Red: Band_1       | Red: Band_1       | Red: Band_1       | Red: Band_1       | Red: Band_1       |
| Roads (Large Scale)            | Green: Band_2     | Green: Band_2     | Green: Band_2     | Green: Band_2     | Green: Band_2     | Green: Band_2     |
|                                | Blue: Band_3      | Blue: Band_3      | Blue: Band_3      | Blue: Band_3      | Blue: Band_3      | Blue: Band_3      |



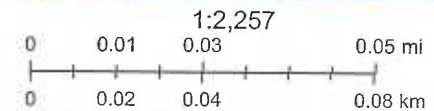
Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph.

# ArcGIS Web Map



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|                                |                   |                   |                   |                   |                   |                   |
|--------------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| City & Villages (Large Scale)  | Address Points    | 12925E104227N.sld | 12450E108451N.sld | 12397E110827N.sld | 12265E104491N.sld | 11948E111091N.sld |
| Towns                          | 13031E107659N.sld | Red: Band_1       | Red: Band_1       | Red: Band_1       | Red: Band_1       | Red: Band_1       |
| Water (Large Scale)            | Red: Band_1       | Green: Band_2     | Green: Band_2     | Green: Band_2     | Green: Band_2     | Green: Band_2     |
| 2023 Tax Parcels               | Green: Band_2     | Blue: Band_3      | Blue: Band_3      | Blue: Band_3      | Blue: Band_3      | Blue: Band_3      |
| Streams (Large Scale)          | Blue: Band_3      | Blue: Band_3      | Blue: Band_3      | Blue: Band_3      | Blue: Band_3      | Blue: Band_3      |
| Active Railroads (Large Scale) | Red: Band_1       | Red: Band_1       | Red: Band_1       | Red: Band_1       | Red: Band_1       | Red: Band_1       |
| Roads (Large Scale)            | Green: Band_2     | Green: Band_2     | Green: Band_2     | Green: Band_2     | Green: Band_2     | Green: Band_2     |
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Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph.

Web AppBuilder for ArcGIS

Esri, CGIAR, USGS | Esri, TomTom, Garmin, SafeGraph, FAO, MET/NASA, USGS, EPA, NPS, USFWS |

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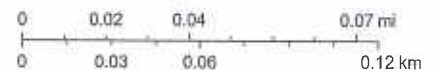
# ArcGIS Web Map



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| Towns                          | Red: Band_1       | Red: Band_1       | Red: Band_1       | Red: Band_1       |
| Water (Large Scale)            | Green: Band_2     | Green: Band_2     | Green: Band_2     | Green: Band_2     |
| 2023 Tax Parcels               | Blue: Band_3      | Blue: Band_3      | Blue: Band_3      | Blue: Band_3      |
| Streams (Large Scale)          | 12925E104227N.sid | 12397E110827N.sid | 12265E104491N.sid | 12450E108451N.sid |
| Active Railroads (Large Scale) | Red: Band_1       | Red: Band_1       | Red: Band_1       | Red: Band_1       |
| Roads (Large Scale)            | Green: Band_2     | Green: Band_2     | Green: Band_2     | Green: Band_2     |
| Address Points                 | Blue: Band_3      | Blue: Band_3      | Blue: Band_3      | Blue: Band_3      |
|                                | 12819E110827N.sid | 12397E110827N.sid | 11975E107395N.sid |                   |
|                                | Red: Band_1       | Red: Band_1       | Red: Band_1       |                   |
|                                | Green: Band_2     | Green: Band_2     | Green: Band_2     |                   |
|                                | Blue: Band_3      | Blue: Band_3      | Blue: Band_3      |                   |

1:2,257



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodataslystelsen, Rijkswaterstaaf, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin,

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Craig's Mowing & Landscape

6 Gibson ST  
Oakfield NY 14125

# Estimate

|          |            |
|----------|------------|
| Date     | Estimate # |
| 3/7/2024 | 74         |

|   |
|---|
| Name / Address  |
| Genesse County Economic development Centr<br>Emma Finch |

|                                    |     |                | Project    |
|------------------------------------|-----|----------------|------------|
| Description                        | Qty | Rate           | Total      |
| Mowing 805 leweston per trip       | 1   | 80.00          | 80.00      |
| Mowing 6725 Crosby per trip        | 1   | 45.00          | 45.00      |
| Mowing 6620 Crosby per trip        | 1   | 55.00          | 55.00      |
| Mowing 6608 Crosby per trip        | 1   | 50.00          | 50.00      |
| Mowing 6590 Crosby per trip        | 1   | 50.00          | 50.00      |
| Mowing 6576 Crosby per trip        | 1   | 45.00          | 45.00      |
| Mowing 6561 Crosby per trip        | 1   | 60.00          | 60.00      |
| Mowing 8750 Ag Park Drive per trip | 1   | 95.00          | 95.00      |
| Mowing 99 MedTech Drive per trip   | 1   | 140.00         | 140.00     |
| Brush Hogging 35 acres             | 1   | 3,300.00       | 3,300.00   |
| Brush Hogging 16 acres             | 1   | 1,500.00       | 1,500.00   |
|                                    |     | <b>\$ 4800</b> |            |
| <b>Subtotal</b>                    |     |                | \$5,420.00 |
| <b>Sales Tax (8.0%)</b>            |     |                | \$0.00     |
| <b>Total</b>                       |     |                | \$5,420.00 |

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S & S EXCAVATING & BLACKTOP, INC.  
 2164 ANGLING ROAD  
 CORFU, NY 14036

# Estimate

| Name/Address   |
|--|
| gcedc<br>99 med tech dr.<br>suite 106<br>batavia, ny 14020 |

| Date     | Estimate No. | Project |
|----------|--------------|---------|
| 03/15/24 | 339          |         |

| Item         | Description  | Quantity | Cost         | Total  |
|--------------|--|----------|--------------|--------|
| LAWN SERVICE | JOB DESCRIPTION: QUOTE- GCEDC<br><br>BID REQUEST STAMP APRIL 1ST THROUGH<br>OCTOBER 31ST<br><br>ADDRESS<br><br>Main entrance to STAMP project, Alleghany rd<br><br>Both sides of old Patterson rd entrance<br><br>-6608 CROSBY RD. BASOM NY<br><br>-6561 CROSBY RD, BASOM NY<br><br>-6576 CROSBY RD. BASOM NY<br><br>-6590 CROSBY RD. BASOM NY<br><br>-6620 CROSBY RD. BASOM NY<br><br>-6725 CROSBY RD. BASOM NY<br><br>ALL BIDS PER MOW |          | 650.00       | 650.00 |
| LAWN SERVICE | GGLDC quote request for mowing at MedTech and  |          | 400.00       | 400.00 |
|              |  |          | <b>Total</b> |        |

S & S EXCAVATING & BLACKTOP, INC.  
 2164 ANGLING ROAD  
 CORFU, NY 14036

# Estimate

|  |
|--|
| Name/Address   |
| gcedc<br>99 med tech dr.<br>suite 106<br>batavia, ny 14020 |

| Date     | Estimate No. | Project |
|----------|--------------|---------|
| 03/15/24 | 339          |         |

| Item | Description   | Quantity | Cost  | Total      |
|------|---|----------|-------|------------|
|      | Ag Park<br>-99 MEDTECH \$200.00 PER MOW<br>-8750 AG PARK \$200.00 PER MOW |          | 8.00% | 0.00       |
|      |   |          | Total | \$1,050.00 |

## Emma Finch

---

**From:** Jesse Stocking <ssexcavatingseptic@gmail.com> on behalf of Jesse Stocking  
**Sent:** Tuesday, March 19, 2024 2:31 PM  
**To:** Emma Finch  
**Subject:** Re: gcedc LAWN BIDS (UPDATED)

Per trip so  
\$650 x 16 = \$10,400.00 stamp  
\$400 x 16 = \$6,400.00 med tech , ag park

Brush hogging  
\$4,850.00 per mow stamp

I can revise if you would like me to

Jesse Stocking

On Tue, Mar 19, 2024 at 2:26 PM Emma Finch <[efinch@gcedc.com](mailto:efinch@gcedc.com)> wrote:

Good Afternoon,

Just to confirm, is this pricing for all 16 trips or per trip.

Thank you!

Emma Jane Finch

Operations Assistant

Genesee County Economic Development Center

99 MedTech Drive Batavia, NY 14020

Office: (585)343-4866 x10 Fax: (585)343-0848

Email: [efinch@gcedc.com](mailto:efinch@gcedc.com) Website: [www.gcedc.com](http://www.gcedc.com)



Genesee  
County  
Economic  
Development  
Center

---

From: [ssexcavatingseptic@gmail.com](mailto:ssexcavatingseptic@gmail.com) <[ssexcavatingseptic@gmail.com](mailto:ssexcavatingseptic@gmail.com)>

Sent: Monday, March 18, 2024 3:52 PM

To: Emma Finch <[efinch@gcedc.com](mailto:efinch@gcedc.com)>

Subject: gcedc LAWN BIDS (UPDATED)

The estimate you requested is attached. Please review it and feel free to contact us if you have any questions. We look forward to working with you.

Sincerely,

S & S EXCAVATING & BLACKTOP, INC.

C2 Enterprise LLC  
Dba Scalia's Landscape  
8106 State Street Road  
Batavia, New York 14020  
585-343-3106  
[coltoncole7@outlook.com](mailto:coltoncole7@outlook.com)  
[laurie.graham@rochester.rr.com](mailto:laurie.graham@rochester.rr.com)

---

| CONTRACT SUBMITTED TO:   | PHONE:         | DATE:  |
|--|----------------|--------|
| GCE Development Center<br>99 Med Tech Dr. Suite 106<br>Batavia, New York 14020<br>Attn: efinch@gcedc.com | (585) 343-4866 | 3/5/24 |

Re: Lawn Maintenance 2024 – Stamp Site

---

WE HEREBY SUBMIT SPECIFICATIONS AND ESTIMATES FOR:

Lawn mowing and weed whacking and brush hogging the following properties throughout the 2024 lawn maintenance season April - October

|                   |                 |
|-------------------|-----------------|
| - 805 Lewiston Rd | \$60.00 per mow |
| - 6608 Crosby Rd. | \$55.00 per mow |
| - 6561 Crosby Rd. | \$55.00 per mow |
| - 6576 Crosby Rd. | \$55.00 per mow |
| - 6590 Crosby Rd. | \$55.00 per mow |
| - 6620 Crosby Rd. | \$55.00 per mow |
| - 6725 Crosby Rd. | \$55.00 per mow |

- Per furnished map

- Pink area (Aprox. 16 acres) \$1600.00 - per

-Yellow area (Aprox. 35 acres) \$ 2500.00 – per brush hogging

---

WE HEREBY PROPOSE TO FURNISH MATERIAL AND LABOR IN COMPLETE ACCORDANCE WITH THE ABOVE SPECIFICATIONS FOR THE AMOUNT OF As stated above.

SALES TAX WILL BE ADDED WHERE APPLICABLE UNLESS OTHERWISE STATED.

SUM: per mowing / brush hogging

PAYMENT AS FOLLOWS: Monthly net 30 days.

---

ALL MATERIAL IS GUARANTEED TO BE AS SPECIFIED. ALL WORK WILL BE COMPLETED IN A WORKMANLIKE MANNER ACCORDING TO STANDARD PRACTICES. ANY ALTERATIONS OR DEVIATION FROM THE ABOVE SPECIFICATIONS INVOLVING EXTRA COSTS WILL BE EXECUTED ONLY UPON WRITTEN CHANGE ORDER AND WILL BECOME AN EXTRA CHARGE OVER AND ABOVE THIS ESTIMATE. ALL AGREEMENTS ARE CONTINGENT UPON STRIKES, ACCIDENTS OR DELAYS BEYOND OUR CONTROL. THE OWNER WILL CARRY FIRE, TORNADO AND OTHER NECESSARY INSURANCE. OUR WORKERS ARE FULLY COVERED BY WORKMAN'S COMPENSATION INSURANCE AND A CERTIFICATE WILL BE PROVIDED FOR YOU UPON REQUEST.

ACCEPTANCE OF CONTRACT: THE ABOVE PRICES, SPECIFICATIONS AND CONDITIONS ARE SATISFACTORY AND ARE HEREBY ACCEPTED. YOU ARE AUTHORIZED TO DO THE WORK AS SPECIFIED. PAYMENT WILL BE MADE AS OUTLINED ABOVE.

SCALIA'S LANDSCAPE: Colton Cole

CUSTOMER SIGNATURE: \_\_\_\_\_

ACCEPTANCE DATE: \_\_\_\_\_

C2 Enterprise LLC  
DbA Scalia's Landscape  
8106 State Street Road  
Batavia, New York 14020  
585-343-3106  
[coltoncole7@outlook.com](mailto:coltoncole7@outlook.com)  
[laurie.graham@rochester.rr.com](mailto:laurie.graham@rochester.rr.com)

---

| CONTRACT SUBMITTED TO:  | PHONE:         | DATE:  |
|---|----------------|--------|
| GGL Development Corp.<br>99 Med Tech Dr. Suite 106<br>Batavia, New York 10420<br>Attn: efinch@gcedc.com | (585) 343-4866 | 3/5/24 |

Re: Lawn Maintenance 2024 - Med Tech / Ag Park

---

WE HEREBY SUBMIT SPECIFICATIONS AND ESTIMATES FOR:

Lawn mowing and weed whacking the following properties throughout the 2024 lawn maintenance season as needed April - October

99 Med Tech Center \$170.00 Per Mow

8750 Ag Park Dr \$75.00 per mow

---

WE HEREBY PROPOSE TO FURNISH MATERIAL AND LABOR IN COMPLETE ACCORDANCE WITH THE ABOVE SPECIFICATIONS FOR THE AMOUNT OF As stated above.

SALES TAX WILL BE ADDED WHERE APPLICABLE UNLESS OTHERWISE STATED.

SUM: Per mowing

PAYMENT AS FOLLOWS: Net 30 Days

---

ALL MATERIAL IS GUARANTEED TO BE AS SPECIFIED. ALL WORK WILL BE COMPLETED IN A WORKMANLIKE MANNER ACCORDING TO STANDARD PRACTICES. ANY ALTERATIONS OR DEVIATION FROM THE ABOVE SPECIFICATIONS INVOLVING EXTRA COSTS WILL BE EXECUTED ONLY UPON WRITTEN CHANGE ORDER AND WILL BECOME AN EXTRA CHARGE OVER AND ABOVE THIS ESTIATE. ALL AGREEMENTS ARE CONTINGENT UPON STRIKES, ACCIDENTS OR DELAYS BEYOND OUR



CONTROL. THE OWNER WILL CARRY FIRE, TORNADO AND OTHER NECESSARY INSURANCE. OUR WORKERS ARE FULLY COVERED BY WORKMAN'S COMPENSATION INSURANCE AND A CERTIFICATE WILL BE PROVIDED FOR YOU UPON REQUEST.

ACCEPTANCE OF CONTRACT: THE ABOVE PRICES, SPECIFICATIONS AND CONDITIONS ARE SATISFACTORY AND ARE HEREBY ACCEPTED. YOU ARE AUTHORIZED TO DO THE WORK AS SPECIFIED. PAYMENT WILL BE MADE AS OUTLINED ABOVE.

SCALIA'S LANDSCAPE: Colton Cole

CUSTOMER SIGNATURE: \_\_\_\_\_

ACCEPTANCE DATE: \_\_\_\_\_

Fava Brothers Lawn Care Svc.  
 5438 School Road  
 Byron, NY 14422  
 5852608391  
 favalawncare@yahoo.com

**ADDRESS**

Mr. Mark Masse  
 GCEDC  
 99 Med Tech Drive, Suite 106  
 Batavia, NY 14020

**Estimate 1420**

**DATE** 03/15/2024

**EXPIRATION DATE** 04/15/2024

| DATE       | ACTIVITY  | ACTIVITY           | AMOUNT    |
|------------|---|--------------------|-----------|
| 03/15/2024 | GGLDC: 8750 Ag Park Dr.- Bi-weekly mowing (April 1-October 31, 2024), 16 @ \$150.00   | Mow/Trim           | 2,400.00T |
| 03/15/2024 | GGLDC: 99 MedTech Dr.- Weekly mowing or as needed basis (April 1-October 31, 2024), 30 @ \$250.00   | Mow/Trim           | 7,500.00T |
| 03/15/2024 | GCEDC: 805 Lewiston Rd.- Bi-weekly mowing (April 1-October 31, 2024), 16 @ \$100.00   | Mow/Trim           | 1,600.00T |
| 03/15/2024 | GCEDC: 6725, 6620, 6608, 6590, 6576, 6561 Crosby Rd.- Bi-weekly mowing (April 1-October 31, 2024), 16 @ \$600.00  | Mow/Trim           | 9,600.00T |
| 03/15/2024 | GCEDC: Mowing/ Brushhogging of STAMP site in Alabama NY- Pink area on map mowed (approx 16 acres) + yellow area on map brush hogged (approx 35 acres), 1 @ \$5,800.00 | Landscape services | 5,800.00T |

Thank you for your business!

SUBTOTAL 26,900.00  
 TAX (0%) 0.00

Terms/ Conditions: If after 30 days, no payment is received, a standard late fee of \$15.00 will be assessed to any outstanding balance every month until a payment has been received. Partial payments are acceptable. If no payment is received for an extended period of time (determined by Fava Bros.), notice will be made of legal action to be acquired which will force a hearing in a court of law. Court fees along with a \$100.00 company fee and any late fees will be affixed to any small claims court filing. A check processed as insufficient will be considered as a late payment, processing charges will be affixed.

**TOTAL \$26,900.00**

\*\*\*\*Please make checks payable to Fava Bros. Lawn Care Svc. \*\*\*\* We Accept Credit Card Payments

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Accepted By

Accepted Date

\*\*\*\*Please make checks payable to Fava Bros. Lawn Care Svc. \*\*\*\* We Accept Credit Card Payments

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**GCEDC**  
**Audit & Finance Committee Meeting Report**

**Brush hog and mowing contract for STAMP**

**Discussion:** The GCEDC Received a proposal for brush hogging and mowing an open area at the STAMP site for 2024. This property had been rented out for farming in previous years, however, the farmer did not farm it. When we tried to rent this area to a different farming in 2023 he could not get his plow through it as it had overgrown so much. Once the brushhogging is complete the farmer can go back and plow and farm the area to keep it in order.

Following are the bids received:

1. Alleghany Construction - \$12,000
2. Spurline Construction - \$17,000
3. Craig's Mowing and Landscape - \$4,800
4. S&S Excavating & Blacktop - \$4,850
5. Scalia's Landscape - \$4,100

**Fund commitment:** \$4,100 from operational funds of STAMP.

**Board action request:** Approval of brush hogging and mowing contract for \$4,100 with Scalia's Landscape.

| Brush Hogging STAMP           | Quote Amount | Contact  |
|-------------------------------|--------------|--|
| Alleghany                     | \$12,000.00  | <a href="mailto:ssimon@alleghanyervices.com">ssimon@alleghanyervices.com</a>   |
| Spurline                      | \$17,000.00  | <a href="mailto:ap@spurlineconstruction.com">ap@spurlineconstruction.com</a>   |
| Craig's Mowing and Landscape  | \$4,800.00   | <a href="mailto:cmlandscapes@yahoo.com">cmlandscapes@yahoo.com</a>             |
| S&S Excavating & Blacktop Inc | \$4,850.00   | <a href="mailto:ssexcavatingseptic@gmail.com">ssexcavatingseptic@gmail.com</a> |
| Scalia's Landscape            | \$4,100.00   | <a href="mailto:coltoncole7@outlook.com">coltoncole7@outlook.com</a>           |



GCEDC quote request for mowing/brush hogging at the STAMP site in Alabama, NY:

Contractor will mow the following:

1. Area outlined in pink on the attached map will be mowed (approximately 16 acres)
2. Area outline in yellow will be brush hogged (approximately 35 acres)

All areas are east of the power line. There is no mowing or brush hogging allowed on the western side of the power line.

Contractor will need to meet with CC Environment and Planning on site to ensure that the wetland area and buffer are not mowed or brush hogged




0 0.2 0.4 0.8 Miles

Source: SWI, Mosaic, Earthstar Geographics, and the GIS User Community

**Areas to be Brush Hogged**  
 Science and Technology Advanced Manufacturing Park  
 Town of Alabama, Genesee County, New York

Mow  
 Brush Hog  
 STAMP Boundary


 K. Hojnacki, Date: 1/22/2024

**Figure 1**  
 1

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## EXHIBIT A

### INSURANCE COVERAGE

1. Requirements. The Company shall maintain or cause to be maintained insurance against such risks and for such amounts as are customarily insured against by businesses of like size and type paying, as the same become due and payable, all premiums in respect thereto, including, but not necessarily limited to:

(a) (i) Insurance against loss or damage by fire, lightning and other casualties, with a uniform standard extended coverage endorsement, such insurance to be in an amount not less than the full replacement value of the Project, exclusive of excavations and foundations, as determined by a recognized appraiser or insurer selected by the Company or (ii) as an alternative to the above requirements (including the requirement of periodic appraisal), the Company may insure the Project under a blanket insurance policy or policies covering not only the Project but other properties as well.

(b) Workers' compensation insurance, disability benefits insurance, and each other form of insurance which the Agency or the Company is required by law to provide, covering loss resulting from injury, sickness, disability or death of employees of the Company who are located at or assigned to the Project.

(c) Insurance against loss or losses from liabilities imposed by law or assumed in any written contract and arising from personal injury and death or damage to the property of others caused by any accident or occurrence, with limits of not less than **\$1,000,000** per accident or occurrence on account of personal injury, including death resulting there from, and **\$1,000,000** per accident or occurrence on account of damage to the property of others, excluding liability imposed upon the Company by any applicable workers' compensation law; and a blanket excess liability policy in the amount not less than **\$3,000,000**, protecting the Company against any loss or liability or damage for personal injury or property damage.

2. Additional Provisions Respecting Insurance. (a) **All insurance required shall name the Agency as a named insured and all other insurance required by Section 4 hereof shall name the Agency as an additional insured.** All insurance shall be procured and maintained in financially sound and generally recognized responsible insurance companies selected by the Company and authorized to write such insurance in the State. Such insurance may be written with deductible amounts comparable to those on similar policies carried by other companies engaged in businesses similar in size, character and other respects to those in which the Company is engaged. All policies evidencing such insurance shall provide for (i) payment of the losses of the Company and the Agency as their respective interest may appear, and (ii) at least thirty (30) days' prior written notice of the cancellation thereof to the Company and the Agency.

(b) All such policies of insurance, or a certificate or certificates of the insurers that such insurance is in force and effect, shall be deposited with the Agency on the date hereof. Prior to expiration of any such policy, the Company shall furnish the Agency evidence that the policy has been renewed or replaced or is no longer required by this Agent Agreement.

Effective February 4, 2016





March 19, 2024

**Proposal For:**

Genesee County Economic Development Center

**Job Name:** Mowing & Brush Hogging

**Job Location:** Alabama, NY

**Anticipated Start date:** TBD – Spring 2024

**Anticipated Completion:** TBD – Spring 2024

**SCOPE OF WORK**

- Mow approximately 16 acres as per map provided.
- Brush hog approximately 35 acres as per map provided.

**Total Price**.....\$12,000.00

**TERMS & CONDITIONS**

Total price is to mow and brush hog areas indicated on the provided map. All debris will remain onsite in work areas as it falls. No clean up or haul off of any debris. No erosion control measures or restoration of any kind. All material pricing for the Project is valid for 30 days from the date of this Proposal. Due to supplier/trucking logistics delays, extensive shipping challenges, and extensive material delivery delays, material pricing is only valid for 30 days. All materials will be re-quoted at the time of actual purchase to reflect changes. Fuel surcharges will be applied if fuel costs rise more than 7% above current fuel rates of 3/19/24, for on road and off-road fuel.

Payment Terms & Conditions are as follows:

The project will be invoiced upon project completion. Payment is expected within 30 days of date on invoice. Interest on past due accounts will be at 2% per month or at the maximum legal rate whichever is greater. Owner will not hold retainage on any amount due to Alleghany Construction, Corp. Owner will be responsible for payment of reasonable attorney fees required for the collection of past due or disputed accounts. Our cost proposal is based on providing our standard insurance unless specifically stated otherwise. All payments, including progress payments, payments for change orders and extra work, and final payment are the sole responsibility of the Owner and shall be paid according to the terms of payment stipulated herein and on invoice documents. **Receipt of payment from any**

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*funding agency, local, state, or federal by the Owner is specifically not a condition precedent to payment for payments due to Alleghany Construction Corp. by the Owner.*

Sincerely submitted,

*Scott Simon*

Scott Simon, Director of Construction  
Alleghany Construction Corporation  
ssimon@alleghanyervices.com



11171 Alley Road  
Alden, NY 14004

# SLCGCEDC030124

TO: Emma Finch

PHONE #: (585)343-4866, ext. 10

EMAIL: [efinch@gcedc.com](mailto:efinch@gcedc.com)

JOB DESCRIPTION: Mowing / Brush Hogging at the STAMP Site

LOCATION: Alabama, NY

**WE HEREBY SUBMIT THE FOLLOWING PROPOSAL:**  
 AS PER YOUR REQUEST, WE HAVE COMPILED A WORK SCOPE FOR YOUR CONSIDERATION:

WORK SCOPE:

Contractor will mow the following:

- Area outlined in pink on the attached map will be mowed (approximately 16 acres)
- Area outlined in yellow on the attached map will be brush hogged (approximately 35 acres)

NOTES:

- Nonorganic debris can be hauled off at an additional disposal cost, or left behind if needed

**WE HEREBY SUBMIT PRICING BASED ON THE WORK SCOPE ABOVE:**

JOB COST TOTAL (NOT INCLUDING SALES TAX): \$17,000.00

IF TAX EXEMPT PLEASE SUBMIT CERTIFICATE TO [ap@spurlineconstruction.com](mailto:ap@spurlineconstruction.com) WITH SIGNED PROPOSAL.

PAYMENT TO BE MADE AS FOLLOWS:

TERMS: DUE UPON RECEIPT OF INVOICE

**Accepted PROPOSAL**

SPUR LINE CONSTRUCTION IS AUTHORIZED TO COMPLETE THE WORK OUTLINED IN THE ABOVE PROPOSAL AND AT THE PRICING INCLUDED.

AUTHORIZED SIGNATURE: \* PLEASE ATTACH A COPY OF PO IF APPLICABLE

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0 0.2 0.4 0.8 Miles

Source: East Africa, Rollins Corporation, and Co. 2011, this Community

**Areas to be Brush Hogged**  
 Science and Technology Advanced Manufacturing Park  
 Town of Alabama, Genesee County, New York

- Man
- Brush Hog
- STAMP Boundary

K. Hojnacki, Date: 1/22/2021

Figure 1

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Craig's Mowing & Landscape

6 Gibson ST  
Oakfield NY 14125

# Estimate

|          |            |
|----------|------------|
| Date     | Estimate # |
| 3/7/2024 | 74         |

|   |
|---|
| Name / Address  |
| Genesee County Economic development Centr<br>Emma Finch |

|         |
|---------|
| Project |
|         |

| Description                        | Qty | Rate                    | Total      |
|------------------------------------|-----|-------------------------|------------|
| Mowing 805 leweston per trip       | 1   | 80.00                   | 80.00      |
| Mowing 6725 Crosby per trip        | 1   | 45.00                   | 45.00      |
| Mowing 6620 Crosby per trip        | 1   | 55.00                   | 55.00      |
| Mowing 6608 Crosby per trip        | 1   | 50.00                   | 50.00      |
| Mowing 6590 Crosby per trip        | 1   | 50.00                   | 50.00      |
| Mowing 6576 Crosby per trip        | 1   | 45.00                   | 45.00      |
| Mowing 6561 Crosby per trip        | 1   | 60.00                   | 60.00      |
| Mowing 8750 Ag Park Drive per trip | 1   | 95.00                   | 95.00      |
| Mowing 99 MedTech Drive per trip   | 1   | 140.00                  | 140.00     |
| Brush Hogging 35 acres             | 1   | 3,300.00                | 3,300.00   |
| Brush Hogging 16 acres             | 1   | 1,500.00                | 1,500.00   |
|                                    |     | <b>\$4800</b>           |            |
|                                    |     | <b>Subtotal</b>         | \$5,420.00 |
|                                    |     | <b>Sales Tax (8.0%)</b> | \$0.00     |
|                                    |     | <b>Total</b>            | \$5,420.00 |

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S & S EXCAVATING & BLACKTOP, INC.  
 2164 ANGLING ROAD  
 CORFU, NY 14036

# Estimate

| Name/Address   |
|--|
| gcedc<br>99 med tech dr.<br>suite 106<br>batavia, ny 14020 |

| Date     | Estimate No. | Project |
|----------|--------------|---------|
| 03/15/24 | 340          |         |

| Item         | Description  | Quantity | Cost         | Total             |
|--------------|--|----------|--------------|-------------------|
| LAWN SERVICE | GCEDC quote request for mowing/brush hogging at the STAMP site in Alabama, NY: Contractor will mow the following: 1. Area outlined in pink on the attached map will be mowed (approximately 16 acres) 2. Area outline in yellow will be brush hogged (approximately 35 acres) All areas are east of the power line. There is no mowing or brush hogging allowed on the western side of th power line. Contractor will need to meet with CC Environment and Planning on site to ensure that the wetland area and buffer are not mowed or brush hogged |          | 4,850.00     | 4,850.00          |
|              | FIELD IS EXTREMELY RUTTED LOOKS TO BE A FIELD THAT WAS PLOWED AND NEVER DISC WILL TAKE DOUBLE THE TIME TO MOW.   |          | 8.00%        | 0.00              |
|              |  |          | <b>Total</b> | <b>\$4,850.00</b> |

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C2 Enterprise LLC  
DbA Scalia's Landscape  
8106 State Street Road  
Batavia, New York 14020  
585-343-3106  
[coltoncole7@outlook.com](mailto:coltoncole7@outlook.com)  
[laurie.graham@rochester.rr.com](mailto:laurie.graham@rochester.rr.com)

---

| CONTRACT SUBMITTED TO:   | PHONE:         | DATE:  |
|--|----------------|--------|
| GCE Development Center<br>99 Med Tech Dr. Suite 106<br>Batavia, New York 14020<br>Attn: efinch@gcedc.com | (585) 343-4866 | 3/5/24 |

Re: Lawn Maintenance 2024 – Stamp Site

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WE HEREBY SUBMIT SPECIFICATIONS AND ESTIMATES FOR:

Lawn mowing and weed whacking and brush hogging the following properties throughout the 2024 lawn maintenance season April - October

|                   |                 |
|-------------------|-----------------|
| - 805 Lewiston Rd | \$60.00 per mow |
| - 6608 Crosby Rd. | \$55.00 per mow |
| - 6561 Crosby Rd. | \$55.00 per mow |
| - 6576 Crosby Rd. | \$55.00 per mow |
| - 6590 Crosby Rd. | \$55.00 per mow |
| - 6620 Crosby Rd. | \$55.00 per mow |
| - 6725 Crosby Rd. | \$55.00 per mow |

- Per furnished map

- Pink area (Aprox. 16 acres) \$1600.00 - per

- Yellow area (Aprox. 35 acres) \$ 2500.00 – per brush hogging

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WE HEREBY PROPOSE TO FURNISH MATERIAL AND LABOR IN COMPLETE ACCORDANCE WITH THE ABOVE SPECIFICATIONS FOR THE AMOUNT OF As stated above.

SALES TAX WILL BE ADDED WHERE APPLICABLE UNLESS OTHERWISE STATED.

SUM: per mowing / brush hogging

PAYMENT AS FOLLOWS: Monthly net 30 days.

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ALL MATERIAL IS GUARANTEED TO BE AS SPECIFIED. ALL WORK WILL BE COMPLETED IN A WORKMANLIKE MANNER ACCORDING TO STANDARD PRACTICES. ANY ALTERATIONS OR DEVIATION FROM THE ABOVE SPECIFICATIONS INVOLVING EXTRA COSTS WILL BE EXECUTED ONLY UPON WRITTEN CHANGE ORDER AND WILL BECOME AN EXTRA CHARGE OVER AND ABOVE THIS ESTIMATE. ALL AGREEMENTS ARE CONTINGENT UPON STRIKES, ACCIDENTS OR DELAYS BEYOND OUR CONTROL. THE OWNER WILL CARRY FIRE, TORNADO AND OTHER NECESSARY INSURANCE. OUR WORKERS ARE FULLY COVERED BY WORKMAN'S COMPENSATION INSURANCE AND A CERTIFICATE WILL BE PROVIDED FOR YOU UPON REQUEST.

ACCEPTANCE OF CONTRACT: THE ABOVE PRICES, SPECIFICATIONS AND CONDITIONS ARE SATISFACTORY AND ARE HEREBY ACCEPTED. YOU ARE AUTHORIZED TO DO THE WORK AS SPECIFIED. PAYMENT WILL BE MADE AS OUTLINED ABOVE.

SCALIA'S LANDSCAPE: Colton Cole

CUSTOMER SIGNATURE: \_\_\_\_\_

ACCEPTANCE DATE: \_\_\_\_\_



**Local Public Authority Name:** Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (GCEDC)

**Fiscal Year:** January 1, 2024 – December 31, 2024

**Enabling Legislation** (enables Local Public Authority Mission Statement): Industrial development agencies (“IDAs”) are formed under Article 18-A of New York State General Municipal Law, as public benefit corporations. IDAs were created to actively promote, encourage, attract and develop job and recreational opportunities and economically-sound commerce and industry in cities, towns, villages and counties throughout New York State (the “State”). IDAs are empowered to provide financial assistance to private entities through tax incentives in order to promote the economic welfare, prosperity and recreational opportunities for residents of a municipality (“Benefited Municipality”).

**Mission Statement:** The GCEDC is the primary economic development agency in Genesee County, NY. The GCEDC’s mission is to facilitate local economic growth and development which fosters investment and job creation for the benefit of our residents and children. We do this by offering financial assistance, real estate solutions, workforce development programming and placemaking options in order to build back local and regional manufacturing and by supporting the continued growth and success of our local businesses all across Genesee County.

**2024 Measurements:**

1. Secure capital / business investment commitments of \$48 million (not including any project over \$50 million in capital investment).
2. Secure pledges to create 93 jobs.
3. Achieve the GCEDC 2024 budget from a bottom-line financial operation performance standpoint.
4. Continue an active outreach campaign. Continue engagements with state, federal, regional, local, and educational partners focused on advancing the GCEDC’s development strategy enabling local/regional economic growth and quality job opportunities for our residents and children.
5. Continue site development activities at the tech and industrial parks which facilitates achievement of our jobs and investment goals. Initiate environmental scan for potential next generation shovel ready park development.
6. Continue active participation with the City of Batavia, Batavia Development Corp., County, School districts, Finger Lakes REDC, New York State and related community partners with respect to revitalization activities and projects in the City of Batavia to include development and implementation of the Batavia DRI Strategic Investment Plan. This will include the importance of the development and support of Placemaking activities/housing.
7. Continue active sales and marketing efforts focused on company attractions, expansions, and retentions to achieve our investment and jobs goals and continued focus on economic expansion.
8. Continue workforce development activities with our education partners focused on worker pipeline enhancement enabling growth by our existing base of businesses and supporting company attractions to the community/region.

**Authority Stakeholder(s):** Genesee County Legislature

**Authority Beneficiaries:** The residents and taxing jurisdictions of Genesee County

**Authority Customers:** The Business Community of Genesee County

**Authority self-evaluation of prior year performance** (based upon established measurements): To Be provided by March 31, 2024 related to 2023 performance.

**Governance Certification:**

1. Have the board members acknowledged that they have read and understood the mission of the public authority?

Board of Directors Response: Yes

2. Who has the power to appoint management of the public authority?

Board of Directors Response: The Board of Directors

3. If the Board appoints management, do you have a policy you follow when appointing the management of the public authority.

Board of Directors Response: The Board has not adopted a final, written policy; however, the Board follows the prudent and reasonable past practice of appointing responsible individuals.

4. Briefly describe the role of the Board and the role of management in the implementation of the mission.

Board of Directors Response: The role of the Board regarding the implementation of the public authority's mission is to provide strategic input, guidance, oversight, mission authorization, policy setting and validation of the authority's mission, measurements and results. The role of management is to collaborate with the Board in strategy development / strategy authorization and to implement established programs, processes, activities and policies to achieve the public authority's mission.

5. Has the Board acknowledged that they have read and understood the response to each of these questions?

Board of Directors Response: Yes

As of 12/31/23 Final year end numbers

Calculation using historic core project data: Source = GCEDC Activity Tracking Database (does not include major projects over \$10 m or mega projects over \$50 m)

| Year | Pledged Job Creation | Number of projects | Jobs Retained | Capital Investment |
|------|----------------------|--------------------|---------------|--------------------|
| 2007 | 44                   | 6                  | 534           | \$ 14,690,000      |
| 2008 | 150                  | 18                 | 545           | \$ 60,000,000      |
| 2009 | 40                   | 5                  | 119           | \$ 52,200,000      |
| 2010 | 36                   | 23                 | 475           | \$ 21,600,000      |
| 2011 | 120                  | 28                 | 671           | \$ 17,800,000      |
| 2012 | 241                  | 37                 | 526           | \$ 18,400,000      |
| 2013 | 270                  | 28                 | 1,295         | \$ 29,940,000      |
| 2014 | 91                   | 17                 | 594           | \$ 37,401,000      |
| 2015 | 158                  | 18                 | 822           | \$ 32,950,000      |
| 2016 | 28                   | 16                 | 553           | \$ 21,500,000      |
| 2017 | 40                   | 14                 | 771           | \$ 18,100,000      |
| 2018 | 99                   | 16                 | 620           | \$ 33,800,000      |
| 2019 | 150                  | 22                 | 836           | \$ 39,000,000      |
| 2020 | 78                   | 18                 | 7             | \$ 83,000,000      |
| 2021 | 53                   | 5                  | 75            | \$ 21,677,000      |
| 2022 | 16                   | 9                  | 13            | \$ 32,565,000      |
| 2023 | 2                    | 8                  | 21            | \$ 29,900,000      |

UMMC - \$16.71 m, Empire pipeline - \$29.1 m, Target - \$14.2 m, Darien Lake \$109 m not included  
 No core projects in excess of \$10 m capex or \$50 m capex  
 UMMC \$18m and Kreher \$12m not included  
 No core projects in excess of \$10 m capex or \$50 m capex  
 Alpina - \$17.5 m capex, Oatka - \$16 m capex not included  
 Muller Quaker Dairy, LLC - \$206 m capex  
 No major or mega projects  
 Yancey's Fancy \$20.7 million capex  
 Oatka \$20.99 million capex

Bonduelle and IIP Hood removed

Calculation using historic major or mega project data: Source = GCEDC Activity Tracking Database (only includes major projects over \$10 m or mega projects over \$50 m)

| Year | Pledged Job Creation | Number of projects | Jobs Retained | Capital Investment |
|------|----------------------|--------------------|---------------|--------------------|
| 2007 | 138                  | 4                  | 69            | \$ 169,010,000     |
| 2008 | -                    | -                  | -             | -                  |
| 2009 | 12                   | 2                  | 630           | \$ 30,000,000      |
| 2010 | -                    | -                  | -             | -                  |
| 2011 | 52                   | 2                  | 315           | \$ 33,500,000      |
| 2012 | 186                  | 1                  | 0             | \$ 206,250,000     |
| 2013 | -                    | -                  | -             | -                  |
| 2014 | 50                   | 1                  | 108           | \$ 20,671,000      |
| 2015 | 21                   | 1                  | 334           | \$ 20,990,000      |
| 2016 | 41                   | 2                  | 0             | \$ 63,360,000      |
| 2017 | 248                  | 2                  | 0             | \$ 222,200,000     |
| 2018 | 0                    | 0                  | 0             | -                  |
| 2019 | 50                   | 1                  | 0             | \$ 22,000,000      |
| 2020 | 0                    | 0                  | 0             | -                  |
| 2021 | 118                  | 3                  | 0             | \$ 321,837,000     |
| 2022 | 101                  | 2                  | 0             | \$ 64,525,000      |
| 2023 | 346                  | 2                  | 0             | \$ 226,850,000     |

UMMC - \$16.71 m, Empire pipeline - \$29.1 m, Target - \$14.2 m, Darien Lake \$109 m  
 No core projects in excess of \$10 m capex or \$50 m capex  
 UMMC \$18m and Kreher \$12m  
 No core projects in excess of \$10 m capex or \$50 m capex  
 Alpina - \$17.5 m capex, Oatka - \$16 m capex  
 Muller Quaker Dairy, LLC - \$206 m capex

Yancey's Fancy  
 Oatka  
 Kreher's \$35.36m ESD STAMP grant \$28m  
 Bonduelle and IIP Hood

Upstate purchase of Alpina building

Plug Power, Ellicott Station, and Liberty Pumps  
 RRI and YMCA Healthy Living Campus  
 Nexgistics and Atlas Copco

Totals of core projects, major projects and mega projects by year

| Year | Pledged Job Creation | Number of projects | Jobs Retained | Capital Investment |
|------|----------------------|--------------------|---------------|--------------------|
| 2007 | 182                  | 10                 | 603           | \$ 183,700,000     |
| 2008 | 150                  | 18                 | 545           | \$ 60,000,000      |
| 2009 | 52                   | 7                  | 749           | \$ 82,200,000      |
| 2010 | 36                   | 23                 | 475           | \$ 21,600,000      |
| 2011 | 172                  | 30                 | 986           | \$ 51,300,000      |
| 2012 | 427                  | 38                 | 526           | \$ 224,650,000     |
| 2013 | 270                  | 28                 | 1,295         | \$ 29,940,000      |
| 2014 | 141                  | 18                 | 702           | \$ 58,072,000      |
| 2015 | 179                  | 19                 | 1,156         | \$ 53,940,000      |
| 2016 | 69                   | 18                 | 553           | \$ 84,860,000      |
| 2017 | 288                  | 16                 | 771           | \$ 240,300,000     |
| 2018 | 99                   | 16                 | 620           | \$ 33,800,000      |
| 2019 | 200                  | 23                 | 836           | \$ 61,000,000      |
| 2020 | 78                   | 18                 | 7             | \$ 83,000,000      |
| 2021 | 171                  | 8                  | 75            | \$ 343,514,000     |
| 2022 | 117                  | 12                 | 13            | \$ 97,090,000      |
| 2023 | 348                  | 10                 | 21            | \$ 256,750,000     |

\$ 1,124,362,000 Total capex  
 2,065 Total job commitment

Totals of all projects (adjusted to remove large attraction projects, or large non-recurring projects):

| Year | Pledged Job Creation | Number of projects | Jobs Retained | Capital Investment |
|------|----------------------|--------------------|---------------|--------------------|
| 2007 | 26                   | 7                  | 208           | \$ 31,400,000      |
| 2008 | 150                  | 18                 | 545           | \$ 60,000,000      |
| 2009 | 52                   | 7                  | 749           | \$ 82,200,000      |
| 2010 | 36                   | 23                 | 475           | \$ 21,600,000      |
| 2011 | 137                  | 29                 | 475           | \$ 33,800,000      |
| 2012 | 241                  | 37                 | 1,301         | \$ 18,400,000      |
| 2013 | 150                  | 27                 | 1,295         | \$ 22,940,000      |
| 2014 | 141                  | 18                 | 702           | \$ 58,072,000      |
| 2015 | 179                  | 19                 | 1,156         | \$ 53,940,000      |
| 2016 | 19                   | 17                 | 553           | \$ 19,800,000      |
| 2017 | 58                   | 13                 | 463           | \$ 20,000,000      |
| 2018 | 99                   | 16                 | 620           | \$ 33,800,000      |
| 2019 | 150                  | 22                 | 836           | \$ 39,000,000      |
| 2020 | 78                   | 18                 | 7             | \$ 83,000,000      |
| 2021 | 103                  | 7                  | 75            | \$ 57,804,000      |
| 2022 | 16                   | 9                  | 13            | \$ 32,565,000      |
| 2023 | 2                    | 8                  | 21            | \$ 29,900,000      |

(Removed Target, Empire Pipeline and Darien Lake)  
 (Removed Alpina)  
 (Removed Muller Quaker Dairy)  
 (Removed Dicks Sporting Goods, 120 jobs, \$7 million capex, can no longer assist ret.  
 (Removed Kreher's and ESD STAMP grant)  
 (Removed HP Hood)  
 (Removed Upstate purchase of Alpina building)  
 (Removed Plug Power)  
 (Removed RRI and YMCA Healthy Living Campus)  
 (Removed Nexgistics and Atlas Copco)

|                | Jobs Created | Capital Investment |
|----------------|--------------|--------------------|
| 8 year average | 66           | \$ 39,483,625      |
| 4 year average | 50           | \$ 50,817,250      |

Prior approved Board Goals Budgets:

| Year | Job Creation | Capital Investment |
|------|--------------|--------------------|
| 2011 | 100          | \$ 13,800,000      |
| 2012 | 126          | \$ 18,690,000      |
| 2013 | 132          | \$ 19,250,000      |
| 2014 | 200          | \$ 32,000,000      |
| 2015 | 205          | \$ 35,000,000      |
| 2016 | 360          | \$ 140,000,000     |
| 2017 | 122          | \$ 39,000,000      |
| 2018 | 125          | \$ 40,000,000      |
| 2019 | 90           | \$ 32,000,000      |
| 2020 | 90           | \$ 32,000,000      |
| 2021 | 90           | \$ 35,000,000      |
| 2022 | 90           | \$ 45,000,000      |
| 2023 | 93           | \$ 47,000,000      |

Note: The Board chose to set a different goal than the calculated three year rolling average for 2011. This goal of 100 jobs created was higher than the calculated goal of 79 jobs. The Board feels that 100 jobs is a better goal because the 2009 and 2010 actual job creation numbers were very low due to the downturn in the economy.

2012 goals based on a 5% increase to 2011 actual core project job creation and capital investment numbers

Core projects only. Board also set a goal of one major project with a \$10 m capx and job creation goal of 50.

(210 from core projects and 150 from one mega project) (\$40m in core projects and \$100m from one mega project)

Recommended goals for 2024:

|      |    |               |                        |
|------|----|---------------|------------------------|
| 2024 | 93 | \$ 48,410,000 | 3% cost inflation used |
|------|----|---------------|------------------------|

Mark Masse

**STAMP Committee**

**March 27, 2024**

**Review of Access License Agreement for Project Emporium and/or affiliates for due diligence work**

**Discussion:** Phillips Lytle has reviewed for the GCEDC an Access License Agreement to allow Project Emporium and their agents to enable their due diligence on GCEDC owned property for their proposed facility until that work is complete or a Purchase and Sale Agreement is executed. Any contractors would be required to sign indemnity agreements, provide proof of insurance and list the GCEDC as an additional insured on their policy with the applicable coverage limits as set forth by the GCEDC.

**Fund Commitment:** None.

**Committee Action Request:** Recommend approval of Access License Agreement.

## ACCESS AGREEMENT

**THIS ACCESS AGREEMENT** (this “**Agreement**”) is made and entered into as of the Effective Date (as hereinafter defined) by [REDACTED], a [REDACTED] (“**Developer**”), and [REDACTED], a [REDACTED] (“**Owner**”). As used herein, the “**Effective Date**” shall be the last date set forth on the signature page of this Agreement for Developer’s and Owner’s execution.

### WITNESSETH:

**WHEREAS**, Owner is the record title holder of that certain real estate located in Genesee County, New York known as tax parcel(s) [REDACTED], which are [depicted and outlined in red/crosshatched] on Exhibit A, attached hereto and by this reference incorporated herein (the “**Property**”);

**WHEREAS**, Developer wishes to conduct various property inspections, including but not limited to physical inspections, testing, studies, surveys, investigations, and environmental and engineering and geotechnical inspections at the Property (collectively, the “**Inspections**”) in order to assist in determining if Developer desires to acquire the Property from Owner; and

**WHEREAS**, Owner has agreed to allow Developer to conduct the Inspections, subject to Developer entering into this Agreement and complying with the conditions set forth in this Agreement.

**NOW THEREFORE**, in consideration of the covenants, promises and undertakings set forth herein, and for good and valuable consideration, receipt of which is hereby acknowledged, Owner and Developer hereby agree as follows:

Owner agrees to allow Developer, including Developer’s employees, agents, consultants, contractors, and representatives (the foregoing, collectively, “**Developer Representatives**”), to access the Property for the limited purpose of conducting the Inspections, subject to the following terms and conditions:

1. Owner represents and warrants to Developer that Owner owns the Property and has good right and authority to enter into this Agreement and to grant the rights to Developer granted herein.

2. Developer and the Developer Representatives are hereby granted the right to enter upon the Property at any time, and from time to time, to perform the Inspections, which shall be at Developer’s sole cost and expense. The right to perform Inspections includes, without limitation, the right to assess environmental conditions, including taking of soil, groundwater, and surface water samples. Developer shall conduct its Inspections in accordance with all applicable laws and regulations and will make reasonable efforts to minimize any interference with, or disruption of, existing operations on the Property as a result of the Inspections. All work product or materials derived from the Inspections shall be the sole property of Developer.

Developer shall, at its expense, repair any material physical damage to the Property caused by any Inspection on the Property, and shall restore the Property substantially to the condition in which it existed prior to such Inspection; provided, however, that Developer shall have no obligation to repair damage caused by the acts or omissions of Owner or its employees, agents, consultants, contractors, and representatives or to restore, remediate, remove, contain, abate, or control any condition of the Property that existed prior to Developer's entry thereon.

3. Unless disclosure is required by law, Owner shall not disclose to any third party the existence of, or the terms and conditions of, this Agreement or any possible transaction that is the subject of this Agreement, without the prior written consent of Developer, which may be withheld in Developer's sole and absolute discretion. The provisions of this paragraph shall survive the termination of this Agreement.

4. To the extent permitted by law, Developer agrees to indemnify and hold Owner free and harmless from and against any and all losses, damages, claims, liens, costs, expenses (including reasonable outside attorneys' fees), liabilities, and judgments (generally, "**Damages**") arising from (a) actual physical damage to the Property or injury to persons resulting from the entry onto the Property by Developer Representatives in connection with this Agreement, or (b) Developer's breach of any of the terms of this Agreement, including being responsible for the cost of damage to planted crops on the Property, not to exceed \$1,000 per acre of damage, as calculated by Developer's surveyor. Without limiting the generality of the foregoing indemnity, Developer shall keep the Property free and clear of any mechanic's or other lien which may be recorded or threatened against the Property by any party providing labor, materials, or services in connection with the Inspections. Notwithstanding the foregoing, nothing contained in this indemnity shall be interpreted as imposing any liability or obligation on the part of Developer with respect to (i) any Damages incurred or caused by the acts of Owner or its employees, agents, consultants, contractors, and representatives; (ii) any pre-existing conditions of the Property, including without limitation any existing environmental condition; (iii) the diminution of fair market value of the Property resulting from the information disclosed by any of the Inspections; and/or (iv) any Damages other than actual damages (such non-indemnified damages to include, without limitation, consequential damages, lost profits, special damages, or punitive damages). Further, nothing contained in this Agreement shall be interpreted as imposing any liability or obligation on the part of Developer with respect to loss of or damage to crops or loss of rental income from the Property. The obligations set forth in this paragraph shall survive the termination of this Agreement for a period of six (6) months.

5. Owner represents and warrants that Owner has all right, title and interest in the Property free from any rights of others for the sale or transfer of any interest in the Property of any nature, whether by purchase, option, right of first refusal, lease, or otherwise.

6. Owner acknowledges that Developer will incur certain expenses related to the Inspections; therefore, Owner agrees, while this Agreement remains in effect, not to engage in any negotiations or enter into any agreement with any other party relating to the sale or transfer of any interest in any portion of the Property of any nature, whether by purchase, option, right of first refusal, lease, or otherwise.

7. In connection with the negotiation and performance of this Agreement, Owner, on behalf of itself and its affiliates, employees, agents, consultants, contractors, and representatives,

represents, warrants and covenants that they have complied and shall continue to comply with all applicable anti-corruption laws, rules, and regulations. Owner represents that the performance of any obligations under this Agreement does not require Developer to submit any bid or otherwise participate in any procurement process of the County or to undertake any other obligations required by procurement laws and regulations of the County.

8. All notices and other communications given pursuant to this Agreement shall be in writing and shall be (a) mailed by first class, United States mail, postage prepaid, certified, with return receipt requested, and addressed to the parties hereto at the address listed below, (b) hand delivered to the intended addressee, (c) sent by nationally recognized overnight courier, or (d) or by electronic mail with a confirming copy being forwarded by a reputable overnight courier service within 24 hours thereafter to the recipient at the mailing address set forth below. If notice is given by U.S. Certified Mail, then the notice shall be deemed to have been given on the second Business Day (defined below) after the date the envelope containing the notice is deposited in the U.S. Mail, properly addressed to the party to whom it is directed, postage prepaid. Notice made by personal delivery, overnight delivery or electronic mail shall be deemed given when received. The parties hereto may change their addresses by giving notice thereof to the other in conformity with this provision.

**OWNER:**

[Redacted signature area for Owner]

**DEVELOPER:**

[Redacted signature area for Developer]

9. This Agreement may be executed in two (2) or more counterparts and each of such counterparts, for all purposes, shall be deemed to be an original but all such counterparts together shall constitute but one and the same instrument, binding upon all parties hereto, notwithstanding that all of such parties may not have executed the same counterpart. Electronic signatures (including via DocuSign, EchoSign, or a similar program) shall be binding.

10. Except for those provisions expressly stated to survive the termination of this Agreement, this Agreement shall terminate on the earlier to occur of (a) the full execution of a purchase and sale agreement for the Property between Developer and Owner; or (b) 180 days after the Effective Date.

11. Nothing in this Agreement shall be construed by the parties hereto or by any third party to create the relationship of principal and agent, or of partnership, or of joint venture, or of any other association of a similar nature, nor shall anything in this Agreement be construed as

imposing any obligation on the part of Developer to purchase the Property.

12. This Agreement shall be freely assignable by Developer to an affiliate, an entity under common control, a subsidiary, or a parent entity without Owner's consent. Assignment to any other party shall require Owner's prior written consent, not to be unreasonably withheld, conditioned, or delayed.

13. This Agreement shall be governed by and construed in accordance with the laws of the State of New York (without giving effect to the principles thereof relating to conflicts of law) applicable to contracts negotiated, executed and performed entirely within the State of New York (the "**State**"). Owner consents to the jurisdiction of the federal and State courts located in Genessee County, New York, and irrevocably waive any objection to the exercise of jurisdiction by such courts on the grounds of the inconvenience of the forum.

14. As used herein, the term "**Business Day**" shall mean a day that is not a Saturday, Sunday or legal holiday in the State. In the event that the date for the performance of any covenant or obligation under this Agreement shall fall on a Saturday, Sunday or legal holiday under the laws of the State, the date for performance thereof shall be extended to the next Business Day.

15. This Agreement may not be modified, except by written agreement signed and duly authorized by Owner and Developer. Nothing in this Agreement shall be construed to require Owner to sell, lease, or otherwise convey the Property to Developer, or to grant any approvals, permits, or other entitlements regarding the acquisition of the Property or any future use of the Property.

16. This Agreement represents the entire agreement of the Owner and Developer with respect to the matters contained herein, and no prior oral or written representation shall serve to modify or amend this Agreement.

17. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

[Signatures appear on following page]



**IN WITNESS HEREOF**, the parties hereto have duly executed this Agreement as of the Effective Date.

**DEVELOPER:**

\_\_\_\_\_, a \_\_\_\_\_

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

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

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

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

[Signatures continue on next page]

**OWNER:**

\_\_\_\_\_ , a \_\_\_\_\_

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

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

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

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

EXHIBIT A  
PROPERTY DEPICTION

6.1