

PAGE #	1.0 Call to Order	3:00pm
	1.1 Enter Executive Session Motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105 for the following reasons: <ol style="list-style-type: none"> 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. 	3:00pm
	1.2 Enter Public Session	3:30pm
	2.0 Chairperson's Report & Activities	3:30pm
	2.1 Upcoming Meetings: Next Scheduled Board Meeting: Thursday, September 5th at 4 p.m. Audit & Finance Committee Meeting: Tuesday, September 3 rd at 8:30 a.m. STAMP Committee Meeting: Wednesday, September 4 th at 8 a.m.	
	2.2 Agenda Additions / Deletions / Other Business **Vote	
	2.3 Minutes: July 11, 2024 **Vote	
	3.0 Report of Management –	3:35pm
	3.1 Graham Corporation – Final Resolution	
	a. UTEP **Vote – C. Suozzi b. Final Resolution **Vote – C. Suozzi	
	3.2 GE Bergen Owner, LLC – Final Resolution	
	a. UTEP **Vote – C. Suozzi b. Final Resolution **Vote – C. Suozzi	
	3.3 FFP NY Leroy Project 1 – Initial Resolution **Vote – C. Suozzi	
	3.4 FFP NY Leroy Project 2 – Initial Resolution **Vote – C. Suozzi	
	3.5 Batavia Solar – Assignment Authorization **Vote – M. Masse	
	4.0 Audit & Finance Committee – K. Manne	3:45pm
	4.1 June 2024 Financial Statements **Vote	
	4.2 2025 Budget Timeline	
	5.0 Governance & Nominating Committee – C. Yunker	3:50pm
	5.1 Nothing at this time.	
	6.0 STAMP Committee – P. Zeliff	3:50pm
	6.1 SEQR Approval Resolution **Vote	
	6.2 CPL Contract Force Main to Oakfield **Vote	
	6.3 CPL Contract for Onsite Water Tank **Vote	
	6.4 Cost Reimbursement Agreement with NYPA **Vote	
	7.0 Employment & Compensation Committee – M. Gray	4:00pm
	7.1 Nothing at this time.	
	8.0 Housing Committee – P. Battaglia	4:00pm
	8.1 Nothing at this time.	
	9.0 Other Business	4:00pm
	9.1 Nothing at this time.	
	10.0 Adjournment	4:00pm

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GCEDC Board Meeting
Thursday, July 11, 2024
Location: 99 MedTech Drive, Innovation Room
4:00 PM

GCEDC MINUTES

Attendance

Board Members: K. Manne, M. Clattenburg, C. Kemp, P. Battaglia, C. Yunker
 Staff: M. Masse, L. Farrell, E. Finch, P. Kennett, L. Casey
 Guests: M. Brooks (GGLDC Board Member), D. Cunningham (GGLDC Board Member),
 S. Maier (Harris Beach), J. Loewke (Loewke Brill Consulting), Matt Moses
 (Barclay Damon, LLP for Hecate Energy/Cider Solar)
 Absent: P. Zeliff, M. Gray

1.0 Call to Order

P. Battaglia called the meeting to order at 4:01 p.m. in the Innovation Zone.

Presentation: Jim Loewke from Loewke Brill Consulting Group attended the meeting to provide his recommendation on the local labor waiver request that the GCEDC received from Hecate Energy related to their 500 MW solar generation project in the Towns of Oakfield and Elba.

Due to the uncertainty around available labor in the area and the size of the project, it is unlikely that Hecate Energy will be able to achieve 90% local workers. This is due in part to:

- 1) There are almost 9,000 MW of solar facilities being constructed or in development in Western NY alone. This represents as many as 10,000 construction workers will be needed over the next 5 years.
- 2) This project during its peak buildout will require around 600 workers to meet the schedule.
- 3) The Carpenters union, which has a national agreement with Primoris, represents 2,000 workers. This includes all works at commercial and industrial build sites as well as workers performing solar racking installations.

Loewke Brill recommends approving the local labor waiver request for Hecate Energy. Loewke Brill stated that they would not be comfortable assigning a local labor percentage of participation for this project but would like to use it as a benchmark for similar projects going forward once their reporting is complete.

Jim Loewke left the meeting at 4:04 p.m.

1.1 Enter Executive Session

C. Yunker made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 4:04 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.

1.2 Enter Public Session

C. Yunker made a motion to enter back into public session at 4:26 p.m., seconded by K. Manne and approved by all members present.

2.0 Chairman’s Report & Activities

2.1 Upcoming Meetings:

Next Scheduled Board Meeting: Thursday, August 1st at 3:00 p.m. (Change in time due to GLOW Corporate Cup)

Audit & Finance Committee Meeting: Tuesday, July 30th at 8:30 a.m.

STAMP Committee Meeting: Wednesday, July 31st at 8:00 a.m.

L. Farrell stated that we will also try to schedule a Housing Committee meeting around these meetings as well.

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

2.3 Minutes: June 6, 2024 –

M. Clattenburg made a motion to accept the June 6, 2024 minutes as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
K. Manne -	Yes	P. Zelif -	Absent
M. Clattenburg -	Yes	M. Gray -	Absent
C. Kemp -	Yes		

The item was approved as presented.

3.0 Report of Management

3.1 Graham Corporation – Supplemental Authorizing Resolution – Graham Corporation is planning to expand its location in the City of Batavia. The \$17.6 million project consists of a 28,867 sq. ft. expansion for a new commercial production facility intended to reduce design and manufacturing costs and improve ship capabilities for their US defense sector. This was an amended application from what the Board previously approved.

The project will include a new building as well as new manufacturing equipment to grow Graham Corporation's workforce and production capabilities. The project proposes creating 24 new full-time equivalent (FTE) positions and retaining 340 FTEs.

The project is requesting assistance from the GCEDC with a sale tax exemption estimated at \$383,546 and a property tax abatement estimated at \$298,427 based on the incremental increase in assessed value via a new traditional 10-year PILOT.

Resolution No. 07/2024 - 01

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) AUTHORIZING A SUPPLEMENTAL PUBLIC HEARING WITH RESPECT TO THE AMENDED PROJECT, (ii) DESCRIBING THE FORMS OF MODIFIED FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY WITH RESPECT TO THE AMENDED PROJECT, AND (iii) RATIFYING AND CONFIRMING THE FINDINGS OF THE AGENCY MADE IN THE RESOLUTIONS PREVIOUSLY ADOPTED BY THE AGENCY ON DECEMBER 7, 2023

C. Yunker made a motion to approve Supplemental Authorizing Resolution #07/2024-01, authorizing the scheduling of the public hearing for Graham Corporation as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
K. Manne -	Yes	P. Zeliff -	Absent
M. Clattenburg -	Yes	M. Gray -	Absent
C. Kemp -	Yes		

The item was approved as presented.

3.2 Hecate Energy Cider Solar – Revised Application - Hecate Energy Cider Solar LLC is proposing to construct a utility scale solar farm project at various properties in the towns of Elba and Oakfield.

The \$550 million project will be located on 2,455 acres. The project will utilize solar panels mounted on tracking panel racks to convert the sun's energy into 500 MW of AC power and will be interconnected with the electric grid.

The GCEDC had previously approved an application for financial assistance for this project. Hecate Energy has sent a letter revising the job creation goal of 9 jobs as listed on the original application and reduced it to 0 job creation goal. The job creation goals were listed on the original board approved UTEP, however, those jobs were not used in the calculation of the economic impact for this project that showed a return of \$22 to the community for every \$1 in incentives. The Board approved this project based on the capital investment, real property payments and host payments that the communities will receive. Therefore, Hecate reducing the job creation goal for this project does not impact the main criteria that the Board used in making their approval. The UTEP will need to be amended to reflect this change. Criteria #1 because of this change is N/A.

Board action request: Approval of the revision in the Application for Financial Assistance for Hecate solar Energy changing the job creation goal for this project from 9 to 0.

C. Yunker stated that he would abstain from voting. He stated that there is no direct conflict, but he is a member of an LLC that participates in the project.

M. Clattenburg made a motion to approve the revised application for Hecate Cider Solar changing the job creation goal for this project from 9 to 0 and amending Criteria #1 in the UTEP to reflect this change; 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 - Abstain
P. Zeliff - Absent
M. Gray - Absent

The item was approved as presented.

3.3 Hecate Energy Cider Solar – Local Labor Waiver Request - Hecate Energy is looking to begin construction of their 500 MW solar generation project in the Towns of Oakfield and Elba. Since the project is planned to generate more than 5 MW of power, it is subject to our Local Labor Policy. In connection with the Local Labor Policy there is a waiver request process that can be made for certain contractors that do not have to be local. The situations that would allow a company to request a waiver are as follows:

“It is understood that at certain times, Workers residing within the Local Labor Area may not be available with respect to a Project. Under this condition, the Company is required to contact the Agency to request a waiver of the Local Labor Requirement (the “Local Labor Waiver Request”) based on the following circumstances: (i) warranty issues related to installation of specialized equipment or materials whereby the manufacturer requires installation by only approved installers; (ii) specialized construction for which qualified Local Labor Area Workers are not available; (iii) documented lack of Workers meeting the Local Labor Area requirement; or (iv) cost differentials in bids whereby use of local labor significantly increases the construction cost of the project. Prior to the granting of said waiver, the lowest bidding contractor which bid said construction project using local labor would have the right of first refusal to bid and match the lowest bid as a remedy to ensure compliance with this policy. Comprehensive documentation and justification will be required including documented evidence and verification by GCEDC staff or agents that the “right of first refusal” remedy has been affected unsuccessfully.

The Agency shall evaluate the Local Labor Waiver Request and make its determination related thereto based upon the supporting documentation received with such waiver request.”

Jim Loewke from Loewke Brill Consulting recommended that the GCEDC approve the waiver request for the reasons stated in his presentation at the beginning of the meeting.

Fund Commitment – None.

Board Action Request – Recommendation to approve local labor waiver request.

Resolution No. 07/2024 - 02

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") GRANTING HECATE ENERGY CIDER SOLAR LLC'S REQUEST FOR A WAIVER FROM CERTAIN LOCAL LABOR REQUIREMENTS.

C. Yunker stated that he would abstain from voting. He stated that there is no direct conflict, but he is a member of an LLC that participates in the project.

C. Kemp made a motion to approve Local Labor Waiver Request Resolution #07/2024-02, as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia - Yes

C. Yunker - Abstain

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

P. Zelif - Absent
M. Gray - Absent

The item was approved as presented.

4.0 Audit & Finance Committee

C. Yunker left the meeting at 4:36 p.m.

4.1 May 2024 Financial Statements – L. Farrell reviewed the significant items of the May 2024 financial statements.

- The FAST NY Reserve is \$5.3M. We are required to have \$5.27M as matching funds for the \$56M ESD grant award. These funds were internally reserved and are earning interest, so the balance is increasing.
- Accounts receivable decreased. The quarterly payment for the MedTech Centre Property Management Fee and Economic Development Support Grant from the GGLDC was received.
- On the P&L, there is normal monthly activity.

The May 2024 financial statements were recommended for approval by the Committee.

K. Manne made a motion to approve the May 2024 Financial Statements as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

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

C. Yunker - Absent
P. Zelif - Absent
M. Gray - Absent

The item was approved as presented.

C. Yunker returned to the meeting at 4:38 p.m.

4.2 PSA Amendment of GE Bergen, LLC – Oxbo has a PSA for a parcel at Apple Tree Acres Corporate Park that is being requested to be assigned to GE Bergen, LLC. GE Bergen, LLC is also asking for an amendment to the PSA to amend some of the terms and conditions in the original PSA.

At the GCEDC Audit and Finance Committee meeting held earlier in the week M. Masse reviewed some of the significant items included in the amendment:

- 1) The purchase price on the original PSA was \$1.5M. The purchase price in the amendment has been reduced to \$1.14M. In exchange, GE Bergen will install water and sewer connections as well as the roadway to Route 19. Based on our cost estimate, the \$360,000 is significantly less than what it would cost us to install that infrastructure for them. They are not required to do a subdivision approval because the original

subdivision was to potentially break out a roadway that they are not going to need anymore. They are also asking for a \$10,000 option on a couple of parcels to the east that the GCEDC has no use for. The purchase price would be \$10 for those parcels. They will also pay annual fees of \$2,000 for common area maintenance for those two parcels.

- 2) A request for a mutually agreed upon Access and Utility Easement covering the option property. This is in the process of being drafted. M. Masse asked if the committee would be comfortable if staff executes the agreement after it is reviewed by legal since the reasons for its purpose are included in the amendment.
- 3) Also included in the amendment is the acceptance of assignment. The GCEDC would have to consent to the assignment of the agreement from OXBO to GE Bergen, LLC. Geis Enterprises will be constructing the facility and leasing it to Oxbo with a long-term lease.

The Committee had questioned the rationale for the \$10 purchase price for the option property. The Committee also questioned if those parcels would be of interest to Liberty Pumps and asked about GE Bergen's intent for those parcels.

M. Masse had told the Committee that he believed their intent will be to bring the sewer line through to connect to the park. Those parcels will give them access to do so. They will bring the water off Route 19. M. Masse also stated that for financing reasons GE Bergen must show their lender that they had an established line to the property, which having an option on those two parcels gives them that. However, they found an agricultural cut off Route 19 that they are going to use instead.

The Committee tabled the agenda item and M. Masse stated that he would go back to GE Bergen, prior to Thursday's board meeting, and request \$10,000 to purchase the parcels and also ensure that Liberty Pumps has potential access to hook into the roadway in the future if they choose.

Since Audit and Finance met on Tuesday, GE Bergen responded that the reason for the option is to prevent DOT from denying access onto Route 19 because there is access to the park road. Therefore, the language in the amendment has changed and is as follows:

Seller agrees to grant an exclusive option to Buyer ("Buyer's Option") for Seller to sell and Buyer to purchase the Option Property in accordance with this Section. Buyer shall elect Buyer's Option within 180 days after the Closing Date, which may be extended by up to an additional 180 days in Buyer's sole discretion (the "Option Period").

Secondly, as a part of the purchase, GE Bergen would agree to work in good faith efforts if Liberty Pumps wanted access to their property via those parcels. The amendment now includes the following language:

Subject to Buyer, or its tenant's, development plan and operations at the Property and for the Option Property, and to the approval of Buyer's mortgagee, Buyer will agree to use commercially reasonable efforts to negotiate a mutually acceptable access agreement with the adjacent land user, Liberty Pumps, for all or portions of the Option Property.

M. Clattenburg made a motion to approve the GE Bergen PSA Amendment with the above-mentioned changes; the motion was seconded by K. Manne. Roll call resulted as follows:

P. Battaglia - Yes

C. Yunker - Yes

K. Manne - Yes
M. Clattenburg – Yes
C. Kemp - Yes

P. Zelif - Absent
M. Gray - Absent

The item was approved as presented.

The Board voted on agenda items 4.3 through 4.5 collectively. The approval for these items follows agenda item 4.5. The Committee recommended these items for approval.

4.3 Local Labor Contract – Countryside Apartments – Loewke Brill Consulting Group, Inc. has been the GCEDC’s consultant who assists with the monitoring and reporting of company’s compliance with the local labor policy. The Board has determined that companies need to provide the GCEDC with a deposit that will cover the costs of these services. Any amount not utilized will be returned to the company.

The following fee is based on the company’s project description and timeline as provided in the application for incentives.

Project: Countryside Apartments

Fund Commitment: \$5,290 per phase x 4 phases = \$21,160 total

Committee Action Request: Recommend to the full Board approval of the contract with Loewke Brill contingent upon receipt of the deposit from the project.

4.4 Local Labor Contract – MedTech Landing, LLC – Loewke Brill Consulting Group, Inc. has been the GCEDC’s consultant who assists with the monitoring and reporting of company’s compliance with the local labor policy. The Board has determined that companies need to provide the GCEDC with a deposit that will cover the costs of these services. Any amount not utilized will be returned to the company.

The following fee is based on the company’s project description and timeline as provided in the application for incentives.

Project: Med Tech Landing

Fund Commitment: \$21,960

Committee Action Request: Recommend to the full Board approval of the contract with Loewke Brill contingent upon receipt of the deposit from the project.

4.5 Local Labor Contract – Graham - Loewke Brill Consulting Group, Inc. has been the GCEDC’s consultant who assists with the monitoring and reporting of company’s compliance with the local labor policy. The Board has determined that companies need to provide the GCEDC with a deposit that will cover the costs of these services. Any amount not utilized will be returned to the company.

The following fee is based on the company’s project description and timeline as provided in the application for incentives.

Project: Graham

Fund Commitment: \$9,630

Committee Action Request: Recommend to the full Board approval of the contract with Loewke Brill contingent upon receipt of the deposit from the project.

K. Manne made a motion to approve the Loewke Brill Contracts for the MedTech Landing, Countryside Apartments, and Graham Corporation projects as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
K. Manne -	Yes	P. Zelif -	Absent
M. Clattenburg -	Yes	M. Gray -	Absent
C. Kemp -	Yes		

The item was approved as presented.

4.6 Batavia Home Fund Grant Award - The homeowner recently purchased this residence for their own use and is looking to make improvements to the exterior (new siding) which qualifies under Eligible Activities item #6 Grants to support owner occupied single family exterior rehabilitation (maximum award of \$10,000). They are seeking a grant of \$7,400 which is 40% of the total construction cost (maximum percentage allowed under the program) of \$18,500. This grant and homeowner improvement to the residence would improve the blighted look of this residence as compared to most of the homes in that area that have been recently renovated.

Fund commitment: \$7,400 from the Batavia Home Fund contingent upon all terms and conditions of the work being completed in accordance with the policy.

Committee action request: The Housing Oversight Committee of the Batavia Home Fund met and approved this application. Seeking Board authorization to release the funds in accordance with the terms and conditions of the Batavia Home Fund.

This was recommended for approval by the Committee.

K. Manne made a motion to approve the Loewke Brill Contract for the Batavia Home Fund Grant Award as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
K. Manne -	Yes	P. Zelif -	Absent
M. Clattenburg -	Yes	M. Gray -	Absent
C. Kemp -	Yes		

The item was approved as presented.

5.0 Governance & Nominating Committee – C. Yunker

5.1 Nothing at this time.

6.0 STAMP Committee – P. Zeliff

6.1 O’Connell Electric Proposal for Site Work and Installation of Control House – O’Connell Electric has prepared a proposal to complete the site work and installation for the control house on the high side of the substation (NYPA). The reasons for utilizing O’Connell for this work are as follows:

1. the Contractor is already on site performing related work,
2. the Contractor is already familiar with the required Services,
3. contracting with the Contractor will reduce or eliminate any delays with the construction of the Substation, and
4. National Grid has written a letter to the Agency dated July 1, 2024 encouraging the continued use of the Contractor by the Agency,
5. Certain confidential pricing information

Fund Commitment: \$1,247,400 to be included in the \$56 million FAST NY award and we would use operating funds to pay until FAST NY funds become available.

Board Action Request: Recommend approval to the full Board of O’Connell Electric contract not to exceed \$1,247,400.

Resolution No. 07/2024 - 03

RESOLUTION (i) TAKING OFFICIAL ACTION TOWARD AND APPROVING THE PROCUREMENT OF CONSTRUCTION SERVICES (THE “SERVICES”) RELATING TO THE AGENCY’S STAMP PROJECT, (ii) AUTHORIZING THE EXECUTION AND DELIVERY OF A CONSTRUCTION CONTRACT AND RELATED DOCUMENTS WITH RESPECT TO THE SERVICES (THE “CONTRACT”), (iii) AUTHORIZING THE EXPENDITURE OF THE NECESSARY FUNDS OF THE AGENCY WITH RESPECT TO THE SERVICES, AND (iv) AUTHORIZING THE TAKING OF OTHER ACTION IN CONNECTION THEREWITH.

This was recommended for approval by the Committee.

C. Yunker made a motion to approve the O’Connell Electric Proposal for Site Work and Installation of Control House not to exceed \$1,247,400 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
K. Manne -	Yes	P. Zeliff -	Absent
M. Clattenburg -	Yes	M. Gray -	Absent
C. Kemp -	Yes		

The item was approved as presented.

6.2 O’Connell Electric Proposal for Build out of Bay Service for Edwards- O’Connell Electric has prepared a proposal to complete the build out of the 115 kv bay to service the Edwards project at STAMP. The reasons for utilizing O’Connell for this work are as follows:

1. the Contractor is already on site performing related work,

- 2. the Contractor is already familiar with the required Services,
- 3. contracting with the Contractor will reduce or eliminate any delays with the construction of the Substation, and
- 4. the Agency has received the opinion letter dated June 13, 2024, to the effect that the costs of the Services proposed by the Contractor are “reasonable” and “align with industry standards”

Fund Commitment: \$1,598,810 to be included in the \$56 million FAST NY award and we would use operating funds to pay until FAST NY funds become available.

Board Action Request: Recommend approval to the full Board of O’Connell Electric contract not to exceed \$1,598,810.

Resolution No. 07/2024 - 04

RESOLUTION (i) TAKING OFFICIAL ACTION TOWARD AND APPROVING THE PROCUREMENT OF CONSTRUCTION SERVICES (THE “SERVICES”) RELATING TO THE AGENCY’S STAMP PROJECT, (ii) AUTHORIZING THE EXECUTION AND DELIVERY OF A CONSTRUCTION CONTRACT AND RELATED DOCUMENTS WITH RESPECT TO THE SERVICES (THE “CONTRACT”), (iii) AUTHORIZING THE EXPENDITURE OF THE NECESSARY FUNDS OF THE AGENCY WITH RESPECT TO THE SERVICES, AND (iv) AUTHORIZING THE TAKING OF OTHER ACTION IN CONNECTION THEREWITH.

This was recommended for approval by the Committee.

C. Yunker made a motion to approve the O’Connell Electric Proposal for Build out of Bay Service for Edwards not to exceed \$1,598,810 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Battaglia -	Yes	C. Yunker -	Yes
K. Manne -	Yes	P. Zeliff -	Absent
M. Clattenburg -	Yes	M. Gray -	Absent
C. Kemp -	Yes		

The item was approved as presented.

6.3 Marshaling Yard Agreement with National Grid - As part of their Line 112 rebuild project, as well as the Edwards transmission line construction, National Grid would like to utilize the previously constructed marshaling yard at the STAMP site for mobilization area and storage area for materials and supplies.

Fund Commitment: None.

Committee Action Request: Recommend approval of access agreement to receive payment of \$1,500 per month.

This was recommended for approval by the Committee.

M. Clattenburg made a motion to approve the Marshaling Yard Agreement with National Grid as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

DRAFT

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

C. Yunker - Yes
P. Zelif - Absent
M. Gray - Absent

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, K. Manne made a motion to adjourn at 4:46 p.m., which was seconded by C. Yunker and passed unanimously.

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6/28/

Customer Information

Potential Customer:	Graham Corporation	Opportunity Type:	Expansion
Project Street Address:	20 Florence Avenue	Opportunity Product:	Property & Sales Taxes Only
City/Town/Village:	City of Batavia//	Type of Project:	Expansion
Project Description:	Graham Corporation Expansion	New Jobs:	24
Total Capital Investment:	\$17,590,545	Retained Jobs:	367
Incentive Amount:	\$681,973	School District:	Batavia
Benefited Amount:	\$8,190,545	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
Initial Acceptance Date:	7/11/2024
Opportunity Summary:	Date of Public Hearing:
	Inducement Date:

Graham Corporation is planning to expand its location in the City of Batavia, NY. The \$17.6 million project consists of a 28,867 sq. ft. expansion for a new commercial production facility intended to reduce design and manufacturing costs and improving ship capabilities for their US defense sector. The project will include a new building as well as new manufacturing equipment to grow Graham Corporation's workforce and production capabilities. The project proposes creating 24 new full-time equivalent (FTE) positions and retain 340 FTEs. The project is requesting assistance from the GCEDC with a sale tax exemption estimated at \$383,546 and a property tax abatement estimated at \$298,427 based on the incremental increase in assessed value via a new traditional 10-year PILOT.

Economic Impact: The Fiscal impacts (discounted value) on Local Benefits totals \$19,503,750 (\$19,195,494 in payroll and \$308,255 to the public in tax revenues). For every \$1 of public benefit the company is investing \$42 into the local economy.

Project Detail (Total Capital Investment)

Building Cost (Construction):	\$7,990,545
Equipment (non-taxable):	\$9,400,000
Land Cost (Real Estate):	\$200,000
Total Capital Investment:	\$17,590,545

Estimated Benefits Provided

Sales Tax Exempt:	\$383,546 ✓
Property Tax Exempt:	\$298,427 ✓
Total Estimated Tax Incentives Provided:	\$681,973 ✓
Total Amount Finance:	\$13,581,178 ✓

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6/28/2

Genesee County Industrial Development Agency

MRB Cost Benefit Calculator

Date: November 17, 2023
 Project Title: Graham 2024 Expansion
 Project Location: Batavia, NY



Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

Project Total Investment
 \$13,900,000

	Temporary (Construction)		
	Direct	Indirect	Total
Jobs	22	7	29
Earnings	\$1,860,915	\$312,260	\$2,173,176
Local Spend	\$4,500,000	\$1,120,577	\$5,620,577

	Ongoing (Operations)		
	Direct	Indirect	Total
Jobs	24	6	30
Earnings	\$16,200,000	\$2,929,543	\$19,129,543

Figure 1

Net Benefits

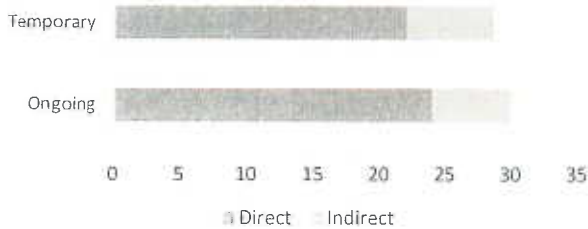


Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

Figure 3

Total Jobs



Total Earnings



3.1

14

Fiscal Impacts

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$298,429 ✓	\$272,889
Sales Tax Exemption	\$383,546 ✓	\$383,546
Local Sales Tax Exemption	\$191,773 ✓	\$191,773
State Sales Tax Exemption	\$191,773 ✓	\$191,773
Mortgage Recording Tax Exemption	\$0	\$0
Local Mortgage Recording Tax Exemption	\$0	\$0
State Mortgage Recording Tax Exemption	\$0	\$0
Total Costs	\$681,975	\$656,435

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$21,650,788	\$19,503,750 ✓
To Private Individuals	\$21,302,718	\$19,195,494 ✓
Temporary Payroll	\$2,173,176	\$2,173,176
Ongoing Payroll	\$19,129,543	\$17,022,319
Other Payments to Private Individuals	\$0	\$0
To the Public	\$348,070	\$308,255
Increase in Property Tax Revenue	\$198,951	\$173,887
Temporary Jobs - Sales Tax Revenue	\$15,212	\$15,212
Ongoing Jobs - Sales Tax Revenue	\$133,907	\$119,156
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$1,107,741	\$998,166
To the Public	\$1,107,741	\$998,166
Temporary Income Tax Revenue	\$97,793	\$97,793
Ongoing Income Tax Revenue	\$860,829	\$766,004
Temporary Jobs - Sales Tax Revenue	\$15,212	\$15,212
Ongoing Jobs - Sales Tax Revenue	\$133,907	\$119,156
Total Benefits to State & Region	\$22,758,530	\$20,501,915

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$19,503,750	\$464,662	42:1 ✓
State	\$998,166	\$191,773	5:1
Grand Total	\$20,501,915	\$656,435	31:1

*Discounted at 2%

Additional Comments from IDA

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

MRB Cost Benefit Calculator

Genesee County Industrial Development Agency

Date
 Project Title
 Project Location

Construction Phase - Project Assumptions

Project Costs

Project Costs
 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
Industrial Building Construction	236210	100%	\$4,500,000
[Not Applicable]	0		\$0
[Not Applicable]	0		\$0
		100%	\$4,500,000

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

Operation Phase - Project Assumptions

Jobs and Earnings from Operations

NAICS Lookup

Year 1 - Enter NAICS

	NAICS	Count	Per Job Annual Earnings	Total Earnings
Plate Work Manufacturing	332313	8	\$75,000	\$600,000
0				\$0
0				\$0
0				\$0
0				\$0
0				\$0
Total		8		\$600,000

Year 2

	NAICS	Count	Per Job Annual Earnings	Total Earnings
Plate Work Manufacturing	332313	16	\$75,000	\$1,200,000
0				\$0
0				\$0
0				\$0
0				\$0
0				\$0
Total		16		\$1,200,000

Year 3+ (Full Employment)

	NAICS	Count	Per Job Annual Earnings	Total Earnings
Plate Work Manufacturing	332313	24	\$75,000	\$1,800,000
0				\$0
0				\$0
0				\$0
0				\$0
0				\$0
Total		24		\$1,800,000

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%	\$383,546 ✓	Escalation Factor	<input type="text" value="0%"/>
State Sales Tax Rate	4.00%	\$191,773	Discount Factor	<input type="text" value="2%"/>
Mortgage Recording Tax Exemption				
Local	0.50%	\$0		
State	0.50%	\$0		
Total Costs		<input type="text" value="\$681,975"/> includes PILOT exemption, calculated below		

Other Benefits to Public and Private Individuals - If Applicable

Year #	Year	Other Local Municipal Revenue	Other Payments to Private Individuals
1	2026		
2	2027		
3	2028		
4	2029		
5	2030		
6	2031		
7	2032		
8	2033		
9	2034		
10	2035		
	-		
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	-		
Total		\$0	\$0

Notes

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

Yes



Project Name: Graham Corporation

Board Meeting Date: July 11, 2024

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

PROJECT DESCRIPTION:

Graham Corporation is planning to expand its location in the City of Batavia, NY.

The \$17.6 million project consists of a 28,867 sq. ft. expansion for a new commercial production facility intended to reduce design and manufacturing costs and improving ship capabilities for their US defense sector. The project will include a new building as well as new manufacturing equipment to grow Graham Corporation's workforce and production capabilities.

The project proposes creating 24 new full-time equivalent (FTE) positions and retain 367 FTEs.

The project is requesting assistance from the GCEDC with a sale tax exemption estimated at \$383,546 and a property tax abatement estimated at \$298,427 based on the incremental increase in assessed value via a new traditional 10-year PILOT.

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 24 direct jobs between \$75,000-85,000 annual plus benefits and retaining 367 FTE's.

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 \$17,590,545 and construct a 28,867 sq. ft. expansion on their campus in the City of Batavia.

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: 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 Fiscal impacts (discounted value) on Local Benefits totals \$19,503,750 (\$19,195,494 in payroll and \$308,255 to the public in tax revenues). See attached MRB Cost Benefit Calculator.

Project details: For every \$1 of public benefit the company is investing \$42 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, it is in the advanced manufacturing 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 Fall of 2024 and be operational in 24 months.

Board Discussion

Board Concurrence: YES NO If no, state justification:

MAN
7/23/24

FINAL RESOLUTION
(Graham Corporation Project)

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, August 1, 2024.

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

Resolution No. 08/2024 - _____

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACKNOWLEDGING THE SUPPLEMENTAL PUBLIC HEARING HELD BY THE AGENCY ON JULY 17, 2024, WITH RESPECT TO THE GRAHAM CORPORATION (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 AND (B) A PARTIAL REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, AMENDED AND RESTATED LEASE AGREEMENT, AMENDED AND RESTATED LEASEBACK AGREEMENT, TAX AGREEMENT 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 undertook a certain project (the "2020 Project") for the benefit of **GRAHAM CORPORATION** (the "Company") consisting of: (A) the acquisition by the Agency of a leasehold or other interest in certain land located at 20 Florence Avenue, City of Batavia, Genesee County, New York, and any lands located in Genesee County and occupied by license or easement during construction or improved by third parties for the benefit of the Project (the "Land") and the existing improvements located thereon, consisting principally of an approximately 76,332 square foot commercial building (the "2020 Existing Improvements"), (B) the renovation of approximately 4,000 square feet of the Existing Improvements to accommodate

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office space (the "Renovated Space"), (C) the construction of an approximately 4,000 square foot addition to the welding training center (the "Training Center Addition"), (D) the construction of an approximately 8,875 square foot building on the Land to store additional welding material and work in process (the "New Building"; and, collectively with the Renovated Space, the Training Center Addition and related improvements, including parking, the "2020 Improvements"), and € the acquisition and installation by the Company in and around the 2020 Existing Improvements and the 2020 Improvements of certain items of equipment and other tangible personal property, including, but not limited to, emergency electrical generation systems to maintain business functions in the event of a power outage (the "2020 Equipment"; and, collectively with the Land, the 2020 Existing Improvements and the 2020 Improvements, the "2020 Facility"); and

WHEREAS, in furtherance of the 2020 Project, the Agency and the Company entered into (i) a Project Agreement, dated September 5, 2019, (ii) a Lease Agreement, (iii) a Leaseback Agreement, (iv) a Tax Agreement, and (v) related documents (collectively, the "2020 Agency Documents"), whereby the Agency appointed the Company as agent of the Agency to undertake the 2020 Project and provided the Company with certain forms of financial assistance (the "2020 Financial Assistance"); and

WHEREAS, 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 and/or retention by the Agency of a leasehold or other interest in certain property located at 20 Florence Avenue, City of Batavia, Genesee County, New York and all other lands in the City of Batavia 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 described as a portion of tax parcel No. 84.016-1-15.1) and the existing improvements located thereon (the "Existing Improvements"); (ii) the planning, design, construction and operation of an approximately 29,000 square foot production facility, along with utility and site improvements, parking lots, access and egress improvements, signage, 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"), such Project to be undertaken by the Agency and the Company through a Project Agreement (the "Project Agreement") and the amendment of the 2020 Agency Documents; 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 an amended and restated lease agreement (the "Lease Agreement"), an amended and restated 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 and (b) a partial real property tax abatement structured through the Tax Agreement (collectively, the "Financial Assistance"); and

WHEREAS, on December 7, 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 Thursday, January 4, 2024, at 3:30 p.m., local time, at the Batavia City Hall (Council Board Room), One Batavia City Centre, Batavia, New York 14020, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance being contemplated by the Agency (the "Initial Public Hearing") whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

WHEREAS, following the Initial Public Hearing, and the adoption by the Agency of the Initial Resolution, the Company informed the Agency that the Project scope was expanded and requested an increase in the proposed Financial Assistance; and

WHEREAS, on July 11, 2024, the Agency adopted a resolution (the "Supplemental Authorizing Resolution") and, among other things, authorized the conduct of a supplemental public hearing with respect to the Project; and

WHEREAS, in connection therewith, and pursuant to Section 859-a of the Act, on Wednesday, July 17, 2024, at 3:30 p.m., the Agency held a supplemental public hearing with respect to the Project and the proposed Financial Assistance being contemplated by the Agency (the "Supplemental 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 Supplemental 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, and/or Vice Chair of the Agency for approval and execution subject to adoption of the resolutions contained herein; and

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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 Batavia Planning Board (the "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 1" action (as defined in SEQRA), the Board issued a Negative Declaration on June 18, 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 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 Board pursuant to 6 N.Y.C.R.R. Part 617.7. A copy of the Negative Declaration issued by the Board is attached hereto as Exhibit B.

Section 2. The Supplemental Public Hearing held by the Agency on Wednesday, July 17, 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 and (b) a partial real property tax abatement structured through the Tax Agreement.

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 **\$4,794,327.00**, which result in State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed **\$383,546.00**. 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, and/or Vice Chair 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, and/or Vice Chair of the Agency are hereby authorized, on behalf of the Agency, to execute, deliver and record the mortgage securing an aggregate principal necessary to undertake the Project, 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, and/or Vice Chair of the Agency shall approve, the execution thereof by the President/CEO, Chair, and/or Vice Chair 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 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 10. 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
(Graham Corporation 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 August 1, 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

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Exhibit A

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

[Attached Hereto]



NOTICE LETTER
SUPPLEMENTAL PUBLIC HEARING
(Graham Corporation – City of Batavia)

July 3, 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 Graham Corporation:
Supplemental Notice of Public Hearing**

Ladies and Gentlemen:

On Wednesday, July 17, 2024, at 3:30 p.m., local time, at Batavia City Hall (City Council Board Room), One Batavia City Centre, Batavia, New York 14020, the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") will conduct a *supplemental* public hearing (the "Supplemental Public Hearing") regarding the above-referenced Project. Attached is a copy of the Supplemental Notice of Public Hearing describing the Project and the Financial Assistance contemplated by the Agency. The Supplemental Notice of Public Hearing has been submitted to *The Daily News* for publication.

The Supplemental Public Hearing supplements the public hearing held by the Agency on January 4, 2024, with respect to the Financial Assistance and the Project. The Agency will broadcast the Supplemental Public Hearing live at www.vimeo.com/event/3477651, and the Supplemental Public Hearing video will be available for on-demand viewing on the Agency's website at www.gcedc.com.

You are welcome to attend such Supplemental Public 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.

Very truly yours,

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

SCHEDULE A

Chief Executive Officers
of Affected Tax Jurisdictions

GENESEE COUNTY

Certified Mail No.
9489 0090 0027 6423 6017 45

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

Certified Mail No.
9489 0090 0027 6423 6017 52

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

CITY OF BATAVIA

Certified Mail No.
9489 0090 0027 6423 6017 69

City of Batavia
Attn: City Manager
City Hall
One Batavia City Centre
Batavia, New York 14020

BATAVIA CITY SCHOOL DISTRICT

Certified Mail No.
9489 0090 0027 6423 6017 76

Batavia City School District
Attn: Superintendent
Administration Building
260 State Street
Batavia, New York 14020

Certified Mail No.
9489 0090 0027 6423 6017 83

Batavia City School District
Attn: President, Board of Education
260 State Street
Batavia, New York 14020

Certified Mail No.
9489 0090 0027 6423 6017 90

Batavia City School District
Attn: District Clerk
260 State Street
Batavia, New York 14020

SUPPLEMENTAL NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York General Municipal Law (the "Act") will be held by the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") on Wednesday, July 17, 2024, at 3:30 p.m., local time, at Batavia City Hall (City Council Board Room), One Batavia City Centre, Batavia, New York 14020, in connection with the matter described below.

Graham Corporation, for itself or on behalf of an entity formed or to be formed by it or on its behalf (the "Company"), previously submitted an application (the "Application") to the Agency requesting that the Agency provide to the Company certain Financial Assistance for a Project as more fully described in a Notice of Public Hearing published in the *Daily News* on December 19, 2023. A copy of the Notice of Public Hearing published in the *Daily News* on December 19, 2023 can be found on the Agency's website at: <http://www.gcedc.com/index.php/news/gcedc-approved-projects>.

The public hearing being held on July 17, 2024, supplements the public hearing held by the Agency on January 4, 2024, with respect to the Financial Assistance and the Project.

Subsequent to the public hearing held by the Agency on January 4, 2024, the Company requested the Agency (i) increase the amount of Financial Assistance being contemplated by the Agency for the benefit of the Company, and (ii) modify and supplement the definition of Project to consist of: (i) the acquisition by the Agency of a leasehold or other interest in certain property located at 20 Florence Avenue, City of Batavia, Genesee County, New York and all other lands in the City of Batavia 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 described as a portion of tax parcel No. 84.016-1-15.1) and the existing improvements located thereon (the "Existing Improvements"); (ii) the planning, design, construction and operation of an approximately 29,000 square foot production facility, along with utility and site improvements, parking lots, access and egress improvements, signage, 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 contemplates that it will provide financial assistance to the Company to acquire, construct and equip the Project 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 payment-in-lieu-of-tax agreement, and (c) a partial mortgage recording tax exemption as authorized by the laws of the State of New York.

The Agency will broadcast the public hearing live at 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. 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: July 5, 2024

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

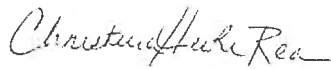
AFFIDAVIT OF PUBLICATION
Batavia Daily News

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:

07/05/2024

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.



Signature

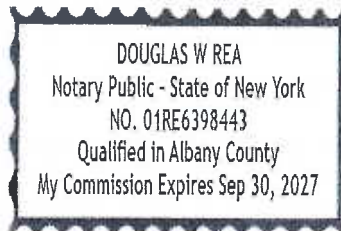
Christina Henke Rea

Printed Name

Subscribed and sworn to before me,

This 10 day of July 2024

Digitally signed
by douglas w rea
Date: 2024.07.10
14:32:24 +00:00



**GENESEE COUNTY
PUBLIC NOTICE
SUPPLEMENTAL NOTICE OF PUBLIC HEARING**

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Dated: July 5, 2024

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 GRAHAM CORPORATION ON WEDNESDAY, JULY 17, 2024, 3:30 P.M. AT THE CITY OF BATAVIA TOWN HALL, ONE BATAVIA CITY CENTRE BATAVIA, NEW YORK, GENESEE COUNTY, NEW YORK

I. ATTENDANCE

J. Krencik, Director of Marketing – GCEDC
Emma Finch, Operations Assistant – GCEDC
Robert N. Tatarka

II. CALL TO ORDER

The public hearing of Graham Corporation opened at 3:31 p.m. at the City of Batavia City Hall, One Batavia City Centre in Batavia, 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

The \$17.6 million project consists of a 28,867 sq. ft. expansion for a new commercial production facility intended to reduce design and manufacturing costs and improve ship capabilities for their US defense sector.

The project will include a new building as well as new manufacturing equipment to grow Graham Corporation's workforce and production capabilities.

The project proposes creating 24 new full-time equivalent (FTE) positions and retaining 340 FTEs.

The project is requesting assistance from the GCEDC with a sale tax exemption estimated at \$383,546 and a property tax abatement estimated at \$298,427 based on the incremental increase in assessed value via a new traditional 10-year PILOT.

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 at this time.

V. ADJOURNMENT

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

Genesee County Industrial Development Agency
d/b/a Genesee County Economic Development Center

Graham Corporation – City of Batavia

Public Hearing – Wednesday, July 17, 2024

3:30 PM

Batavia City Hall

One Batavia City Centre Batavia, NY

Print First & Last Name	Representing Leave blank if you prefer	Email Will be used to contact you with additional info - leave blank if preferred	Please check if you would like to speak
ROBERT N. TATARKA		BobT585@gmail.com	

Exhibit B

Negative Declaration of the Town of Batavia Planning Board

[Attached Hereto]

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

Instructions for Completing Part 1

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

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

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

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Graham Corporation Building 14		
Project Location (describe, and attach a general location map): 20 Florence Avenue, Batavia, NY 14020		
Brief Description of Proposed Action (include purpose or need): Graham Corporation proposes to construct a new building, building 14, which will be approximately 29,000 square feet and be located within their existing industrial property. The project will include the demolition of an existing parking lot where the building will be located, associated driveways, utilities, and stormwater management facilities.		
Name of Applicant/Sponsor: Graham Corporation		Telephone: (585) 343-2216
		E-Mail: JLuker@graham-mfg.com
Address: 20 Florence Avenue		
City/PO: Batavia	State: NY	Zip Code: 14020
Project Contact (if not same as sponsor; give name and title/role): Jeff Luker		Telephone: (585) 343-2216 x4361
		E-Mail: JLuker@graham-mfg.com
Address: 20 Florence Avenue		
City/PO: Batavia	State: NY	Zip Code: 14020
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

3.1b

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B. Government Approvals

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

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	City of Batavia Planning Board	May 2024
c. City, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	City of Batavia Zoning Board of Appeals	May 2024
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Genessee County Planning Board	May 2024
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC-SWPPP	May 2024
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.

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

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

C.2. Adopted land use plans.

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

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

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

3.16

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C.3. Zoning

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

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

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

C.4. Existing community services.

a. In what school district is the project site located? Batavia City School District

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

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

d. What parks serve the project site?
 DeWitt Recreation Area, Lions Park

D. Project Details

D.1. Proposed and Potential Development

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

b. a. Total acreage of the site of the proposed action? _____ 27.68 acres
 b. Total acreage to be physically disturbed? _____ ±3.5 acres
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 27.68 acres

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

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

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

3.1b

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

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

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures 1

ii. Dimensions (in feet) of largest proposed structure: 47 height; 116 width; and 250 length

iii. Approximate extent of building space to be heated or cooled: 29,000 square feet

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

i. Purpose of the impoundment: Stormwater Treatment and Storage

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

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

iv. Approximate size of the proposed impoundment. Volume: 0.7 million gallons; surface area: 0.57 acres

v. Dimensions of the proposed dam or impounding structure: 4 height; 250 length

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

D.2. Project Operations

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

If Yes:

i. What is the purpose of the excavation or dredging? _____

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

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

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

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

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

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

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

viii. Will the excavation require blasting? Yes No

ix. Summarize site reclamation goals and plan: _____

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

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

3.16

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

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No
If Yes, describe: _____

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

If Yes:

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

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

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

If Yes:

i. Total anticipated water usage/demand per day: _____ 1,597 gallons/day

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

If Yes:

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

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

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

- Source(s) of supply for the district: _____

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

If Yes:

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

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

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

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

If Yes:

i. Total anticipated liquid waste generation per day: _____ 1,597 gallons/day

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

Sanitary Wastewater, Flush Tank, parts cleaner

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

If Yes:

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

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

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or 2.7 acres (impervious surface)
 _____ Square feet or 27.68 acres (parcel size)
 ii. Describe types of new point sources: Building and driveways

 iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?
On-site stormwater management facilities

 • If to surface waters, identify receiving water bodies or wetlands: _____

 • Will stormwater runoff flow to adjacent properties? Yes No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)
General construction equipment during construction operations
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

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

3.1b

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

If Yes:

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

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

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

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

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

If Yes:

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

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

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

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

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

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

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

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

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

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____
930,000 KWH

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

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

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

i. During Construction:		ii. During Operations:	
• Monday - Friday:	6am - 5pm	• Monday - Friday:	7am-3:30pm & 4pm-2:30am
• Saturday:	N/A	• Saturday:	N/A
• Sunday:	N/A	• Sunday:	N/A
• Holidays:	N/A	• Holidays:	N/A

3.1b

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m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No
 If yes:
 i. Provide details including sources, time of day and duration:
 General noise and disturbances from construction vehicles during construction operations; 7am-5pm

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

n. Will the proposed action have outdoor lighting? Yes No
 If yes:
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:
 Lighting on exterior of building

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

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:
 General odors from construction vehicles during construction operations; 7am-5pm

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No
 If Yes:
 i. Product(s) to be stored _____
 ii. Volume(s) _____ per unit time _____ (e.g., month, year)
 iii. Generally, describe the proposed storage facilities: _____

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

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

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No
 If Yes:
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:
 • Construction: _____ tons per _____ (unit of time)
 • Operation : _____ tons per _____ (unit of time)
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:
 • Construction: _____
 • Operation: _____
 iii. Proposed disposal methods/facilities for solid waste generated on-site:
 • Construction: _____
 • Operation: _____

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

• _____ Tons/month, if transfer or other non-combustion/thermal treatment, or

• _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

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

Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	16.50	18.40	+1.9
• Forested	5.43	5.43	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: Grass Lawn	5.75	3.85	-1.9

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

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

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

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

 iii. Describe any development constraints due to the prior solid waste activities: _____

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

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
 If Yes:
 i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes - Spills Incidents database Provide DEC ID number(s): 920530, 0001811, 0404276
 Yes - Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
 ii. If site has been subject of RCRA corrective activities, describe control measures: _____

 iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
 If yes, provide DEC ID number(s): 819008, V00677, C819022
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
 920530, 0001811, & 0404276 - Listed as closed 819008 & V00677 - Listed as "N", No further action at this time
 C819022 - Listed as "A", Active and is located on the North side of E Main Street (22-40 Clinton Street)

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

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ >6.5 feet

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

c. Predominant soil type(s) present on project site: PhB - Palmyra Gravelly Loam 100 %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: _____ >6.5 feet

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

f. Approximate proportion of proposed action site with slopes: 0-10%: 100 % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

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

h. Surface water features.

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

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

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

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

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

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

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

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

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

If Yes: i. Name of aquifer: Principal Aquifer, Primary Aquifer

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m. Identify the predominant wildlife species that occupy or use the project site: _____
 Various Birds _____ Rodents, Squirrels, Other small animals _____

n. Does the project site contain a designated significant natural community? Yes No
 If Yes:
 i. Describe the habitat/community (composition, function, and basis for designation): _____
 ii. Source(s) of description or evaluation: _____
 iii. Extent of community/habitat:
 • Currently: _____ acres
 • Following completion of project as proposed: _____ acres
 • Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? Yes No
 If Yes:
 i. Species and listing (endangered or threatened): _____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? Yes No
 If Yes:
 i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? Yes No
 If yes, give a brief description of how the proposed action may affect that use: _____

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

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
 If Yes, provide county plus district name/number: _____

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

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? Yes No
 If Yes:
 i. Nature of the natural landmark: Biological Community Geological Feature
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? Yes No
 If Yes:
 i. CEA name: _____
 ii. Basis for designation: _____
 iii. Designating agency and date: _____

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

If Yes:

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

ii. Name: _____

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

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

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

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

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

If Yes:

i. Identify resource: _____

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

iii. Distance between project and resource: _____ miles.

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

If Yes:

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

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

F. Additional Information

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

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

G. Verification

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

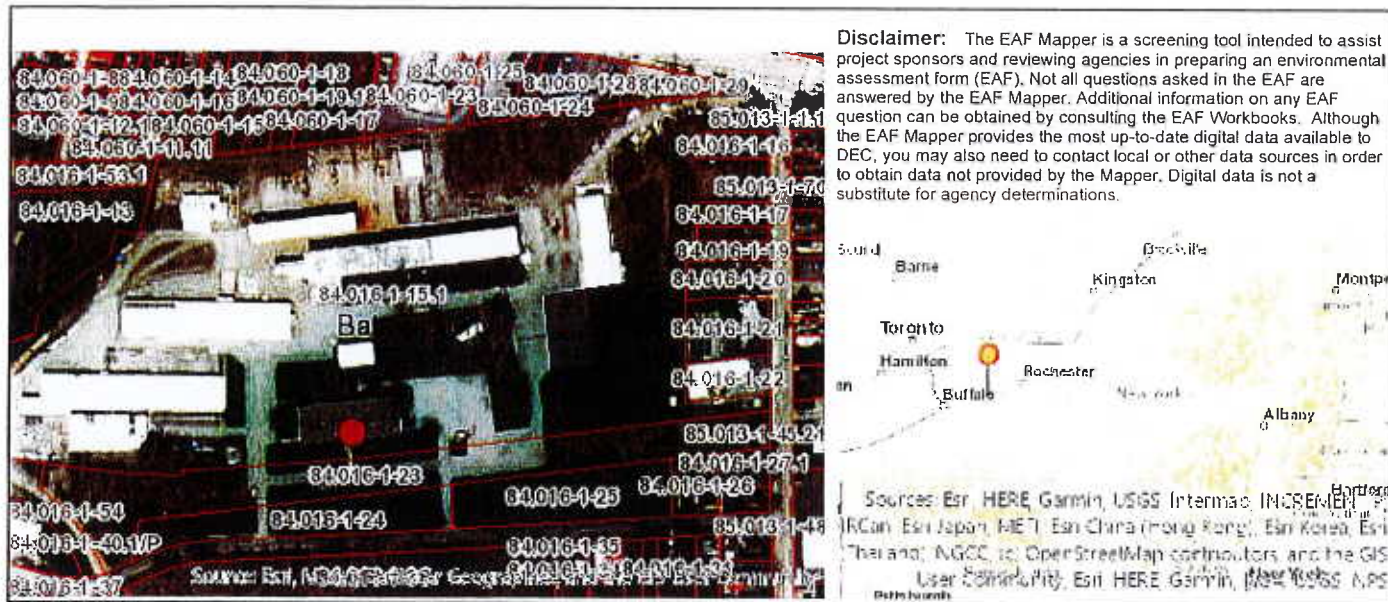
Applicant/Sponsor Name Jeffrey D. Luker Date May 28, 2024

Signature [Handwritten Signature] Title Manufacturing Facilities Engineering Manager

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B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	819008, V00677, C819022
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.j. [100 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer, Primary Aquifer

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

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

Agency Use Only [If applicable]

Project: Bldg. 14 Graham
 Date: 5/28/24

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.

1. Impact on Land	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES	
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1c	<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. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water

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

NO

YES

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

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

I. Other impacts: _____	<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)
If "Yes", answer questions a - h. If "No", move on to Section 5.

NO YES

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

5. Impact on Flooding

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

NO YES

	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: _____

6. Impacts on Air
 The proposed action may include a state regulated air emission source. NO YES
 (See Part 1. D.2.f., D.2.h, D.2.g)
 If "Yes", answer questions a - f. If "No", move on to Section 7.

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

7. Impact on Plants and Animals
 The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) NO YES
 If "Yes", answer questions a - j. If "No", move on to Section 8.

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

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

8. Impact on Agricultural Resources			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input 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 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 type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input 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 type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input 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 I. 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 type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources
 The proposed action may occur in or adjacent to a historic or archaeological resource. (Part I. 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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d. Other impacts: _____ _____		<input checked="" 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.
 (See Part 1. C.2.c, E.1.c., E.2.q.)
 If "Yes", answer questions a - e. If "No", go to Section 12.

NO YES

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

NO YES

	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 1. D.2.j)
 If "Yes", answer questions a - f. If "No", go to Section 14.

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

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

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

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

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

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

16. Impact on Human Health

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

NO YES

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

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

NO YES

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

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

NO YES

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

PRINT FULL FORM

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Project: Bldg. 14 Graham
 Date: 5/28/24

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

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

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

Reasons Supporting This Determination:

To complete this section:

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

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

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

3.16

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Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the Planning and Development Committee 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: Bldg. #14 Graham Mfg.

Name of Lead Agency: Planning and Development Committee

Name of Responsible Officer in Lead Agency: Duane Preston

Title of Responsible Officer: Chairman

Signature of Responsible Officer in Lead Agency: [Signature] Date: 6/18/24

Signature of Preparer (if different from Responsible Officer): [Signature] Date: 6/3/24

For Further Information:

Contact Person: Douglas Randall

Address: One Batavia City Centre, Batavia, NY 14020

Telephone Number: 585-345-6327

E-mail: drandall@batavia.newyork.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>

Posted on 6/19/24

PRINT FULL FORM

Opportunity Summary

Created On: 6/6/2024

Customer Information

Potential Customer:

GE Bergen Owner, LLC **Opportunity Type:**

Expansion

Project Street Address:

South Lake Road (Apple Tree Acres) **Opportunity Product:**

Property Sales & Mortgage

City/Town/Village:

Town of Bergen **Type of Project:**

Recording Taxes Only

Project Description:

GE Bergen Owner, LLC **New Jobs:**

Expansion

Total Capital Investment:

\$43,600,000 **Retained Jobs:**

60 ✓

Incentive Amount:

\$4,269,294 **School District:**

140 ✓

Benefited Amount:

\$43,600,000

Byron-Bergen

PILOT Applicable:

Pre-project value of land and/or buildings, plus added value of land and/or buildings that results from project improvements (total taxable value)

Project Information

Organization:

GCEDC

Opportunity Source:

Direct Personal Contact **Date of Public Hearing:**

TBD

Initial Acceptance Date:

6/6/2024 **Inducement Date:**

TBD

Opportunity Summary:

GE Bergen Owner, LLC is building a 196,000 square-foot facility at Apple Tree Acres in Bergen.

The \$43.6 million project proposes creating 60 new full-time equivalent (FTE) positions and retaining 140 FTE's.

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$1,752,000, a property tax abatement estimated at \$2,151,294 via new traditional PILOT, and a mortgage tax exemption estimated at \$366,000.

The project is pending subject to receiving Empire State Development incentives.

The fiscal impacts on local benefits total \$41,102,021, including \$39,464,662 in payroll and \$1,637,360 in tax revenues. For every \$1 of public benefit the company is investing \$13 into the local economy.

Economic Impact:

Project Detail (Total Capital Investment)

Building Cost (Construction):

\$36,500,000 ✓

Other (Soft Costs):

\$5,600,000 ✓

Land Cost (Real Estate):

\$1,500,000 ✓

Total Capital Investment:

\$43,600,000 ✓

Estimated Benefits Provided

Sales Tax Exempt:

\$1,752,000 ✓

Mortgage Tax Exempt:

\$366,000 ✓

Property Tax Exempt:

\$2,151,294 ✓

Total Estimated Tax

\$4,269,294 ✓

Incentives Provided:

Total Amount Finance:

\$43,600,000

Mortgage Amount:

\$36,600,000 ✓

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mm
5/3/24

Genesee County Economic Development Center MRB Cost Benefit Calculator

Date: May 27, 2024
Project Title: GE Bergen Owner, LLC
Project Location: Apple Tree Acres Bergen

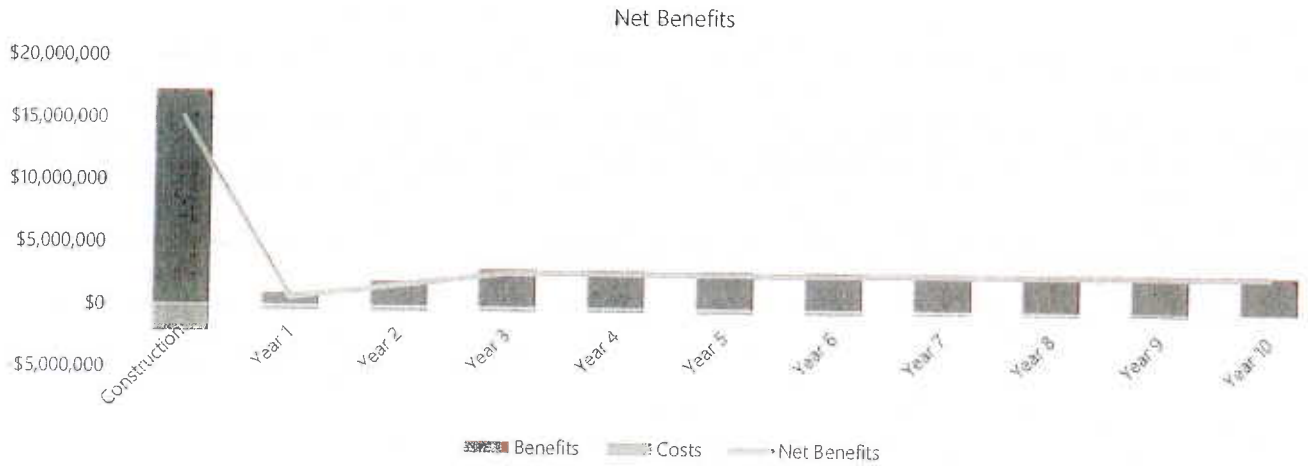
Economic Impacts

Summary of Economic Impacts over the Life of the PILOT
Project Total Investment
\$43,600,000

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	90	43	133
Earnings	\$13,978,406	\$2,343,017	\$16,321,424
Local Spend	\$36,600,000	\$8,353,317	\$44,953,317

Ongoing (Operations) Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	60	32	92
Earnings	\$18,900,000	\$7,108,182	\$26,008,182

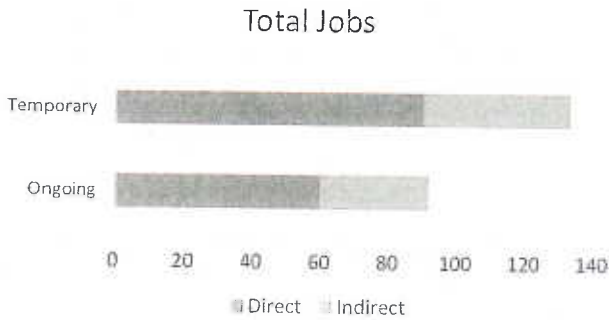
Figure 1



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

Figure 2

Figure 3



3.2

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Fiscal Impacts

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$2,151,294	\$1,967,183
Sales Tax Exemption	\$1,752,000	\$1,752,000
Local Sales Tax Exemption	\$876,000	\$876,000
State Sales Tax Exemption	\$876,000	\$876,000
Mortgage Recording Tax Exemption	\$366,000	\$366,000
Local Mortgage Recording Tax Exemption	\$366,000	\$366,000
State Mortgage Recording Tax Exemption	\$0	\$0
Total Costs	\$4,269,294	\$4,085,183

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$44,179,889	\$41,102,021 ✓
To Private Individuals	<u>\$42,329,606</u>	<u>\$39,464,662</u> ✓
Temporary Payroll	\$16,321,424	\$16,321,424
Ongoing Payroll	\$26,008,182	\$23,143,238
Other Payments to Private Individuals	\$0	\$0
To the Public	<u>\$1,850,283</u>	<u>\$1,637,360</u> ✓
Increase in Property Tax Revenue	\$1,434,196	\$1,253,514
Temporary Jobs - Sales Tax Revenue	\$114,250	\$114,250
Ongoing Jobs - Sales Tax Revenue	\$182,057	\$162,003
Other Local Municipal Revenue	\$119,780	\$107,593
State Benefits	\$2,201,139	\$2,052,162
To the Public	<u>\$2,201,139</u>	<u>\$2,052,162</u>
Temporary Income Tax Revenue	\$734,464	\$734,464
Ongoing Income Tax Revenue	\$1,170,368	\$1,041,446
Temporary Jobs - Sales Tax Revenue	\$114,250	\$114,250
Ongoing Jobs - Sales Tax Revenue	\$182,057	\$162,003
Total Benefits to State & Region	\$46,381,028	\$43,154,184

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$41,102,021	\$3,209,183	13:1 ✓
State	\$2,052,162	\$876,000	2:1
Grand Total	\$43,154,184	\$4,085,183	11:1

*Discounted at 2%

Additional Comments from IDA

A fixed traditional 10 year Pilot, included is fire district fee for local municipality

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

MRB Cost Benefit Calculator

Genesee County Economic Development Center

Date
 Project Title
 Project Location

Construction Phase - Project Assumptions

Project Costs

Project Costs Value

Enter total project costs:
 Local Construction Spending
 In-region construction spending

Construction Economic Impacts

Industry	NAICS	% of Total Investment	Investment by Type
Industrial Building Construction	236210	100%	\$36,600,000
[Not Applicable]	0		\$0
[Not Applicable]	0		\$0
		100%	\$36,600,000

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

New Household Spending - Residential and Mixed-Use Projects Only

Unit Types and Household Income Brackets

Unit Type 1

Description

Unit Count Enter Unit Count

Target Income (HH)

Unit Type 2

Description

Unit Count

Target Income (HH)

% Net New (See Instructions)

Total Units

Total Local Household Spending

Operation Phase - Project Assumptions

Jobs and Earnings from Operations

NAICS Lookup

Year 1 - Enter NAICS	NAICS	Count	Per Job Annual Earnings	Total Earnings
Farm Machinery and Equipment Manufactu	✓ 333111	20	✓ \$35,000	\$700,000
0				\$0
0				\$0
0				\$0
0				\$0
0				\$0
Total		20		\$700,000

Year 2	NAICS	Count	Per Job Annual Earnings	Total Earnings
Farm Machinery and Equipment Manufactu	✓ 333111	40	✓ \$35,000	\$1,400,000
0				\$0
0				\$0
0				\$0
0				\$0
0				\$0
Total		40		\$1,400,000

Year 3+ (Full Employment)	NAICS	Count	Per Job Annual Earnings	Total Earnings
Farm Machinery and Equipment Manufactu	333111	60	\$35,000	\$2,100,000
0	0			\$0
0	0			\$0
0	0			\$0
0	0			\$0
0	0			\$0
	Total	60		\$2,100,000

Fiscal Impact Assumptions

Estimated Costs of Incentives

	%	Value	
Sales Tax Exemption		\$1,752,000	
Local Sales Tax Rate	4.00%	\$876,000	✓
State Sales Tax Rate	4.00%	\$876,000	✓
Mortgage Recording Tax Exemption		\$366,000	✓
Local	1.00%	\$366,000	
State	0.00%	\$0	
Total Costs		\$4,269,294	<i>Includes PILOT exemption, calculated below</i>

PILOT Term (Years)	10
Escalation Factor	0%
Discount Factor	2%

MM
5/30/24



Genesee
County
Economic
Development
Center

Project Name: GE Bergen Owner, LLC

Board Meeting Date: June 6, 2024

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

PROJECT DESCRIPTION:

GE Bergen Owner, LLC is building a 196,000 sf facility at Apple Tree Acres in Bergen.

The \$43.6 million project proposes creating 60 new full-time equivalent (FTE) positions and retaining 140 FTE's.

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$1,752,000, a property tax abatement estimated at \$2,151,294 via new traditional PILOT, and a mortgage tax exemption estimated at \$366,000.

The project is pending subject to receiving Empire State Development incentives.

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 60 direct jobs between \$35,000-100,000 annual plus benefits and retaining 140 FTE's.

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 \$43.6M and construct a new 196,000 sq. ft. facility.

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: 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 Fiscal impacts (discounted value) on Local Benefits totals \$41,102,021 (\$39,464,662 in payroll and \$1,637,360 to the public in tax revenues). See attached MRB Cost Benefit Calculator.

Project details: For every \$1 of public benefit the company is investing \$13 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, it in the Agri-Business and Manufacturing Industries.

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 the fall 2024 and be operational by 2026.

Board Discussion

Board Concurrence: YES NO If no, state justification:

max
7/15/24

FINAL RESOLUTION
(GE Bergen Owner, LLC Project)

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, August 1, 2024.

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

Resolution No. 08/2024 - _____

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 JUNE 25, 2024, WITH RESPECT TO THE GE BERGEN OWNER, 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.

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, **GE BERGEN OWNER, 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 or other interest in approximately 50 acres of real property located at S. Lake Road in the 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

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more particularly described as all or a portion of tax parcel No. 13.-1-63.1); (ii) the planning, design, construction and operation of an approximately 196,000 square foot agricultural manufacturing facility and office related space, along with utility and site improvements, parking lots, access and egress improvements, signage, 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 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 pursuant to the laws of New York State (collectively, the "Financial Assistance"); and

WHEREAS, on June 6, 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, June 25, 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, and/or Vice Chair 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 "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 1" action (as defined in SEQRA), the Board issued a Negative Declaration on June 27, 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 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 Board pursuant to 6 N.Y.C.R.R. Part 617.7. A copy of the Negative Declaration issued by the Board is attached hereto as Exhibit B.

Section 2. The Public Hearing held by the Agency on Tuesday, June 25, 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 pursuant to the laws of New York 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 \$21,900,000.00, which result in State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed \$1,752,000.00. 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, 2026 (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, and/or Vice Chair 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, and/or Vice Chair 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 \$36,600,000.00, 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, and/or Vice Chair of the Agency shall approve, the execution thereof by the President/CEO, Chair, and/or Vice Chair 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 Three Hundred Sixty-Six Thousand and 00/100 Dollars (\$366,000.00).

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
(GE Bergen Owner, LLC 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 August 1, 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
(GE Bergen Owner, LLC)

June 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 GE Bergen Owner LLC

Notice of Public Hearing and Inducement Resolution

Ladies and Gentlemen:

On Tuesday, June 25, 2024, at 3:30 p.m., local time, at Bergen Town Hall (Courtroom), at 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 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.

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.

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, June 25, 2024, at 3:30 p.m., local time, at Bergen Town Hall (Courtroom), at 10 Hunter Street, Bergen, New York 14416, in connection with the following matter:

GE BERGEN OWNER, 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 or other interest in approximately 52.2 acres of real property located at S. Lake Road and Apple Tree Avenue, each in the 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 described as all or a portion of tax parcel Nos. 13.-1-61.12, 13.-1-63.1 and 13.-1-58.22, as may be merged); (ii) the planning, design, construction and operation of an approximately 196,000 square foot agricultural manufacturing facility and office related space, along with utility and site improvements, parking lots, access and egress improvements, signage, 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 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 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, and the public hearing video will be available for on-demand viewing on the Agency's website at 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: June 10, 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:

06/12/2024

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

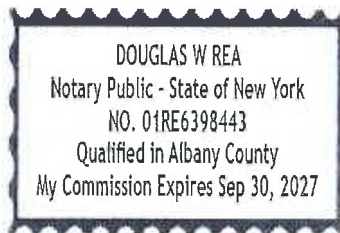
Christina Henke Rea

Printed Name

Subscribed and sworn to before me,

This 13 day of June 2024

Digitally signed
by douglas w rea
Date: 2024.06.13
18:48:49 +00:00



**GENESEE COUNTY
PUBLIC NOTICE
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, June 25, 2024, at 3:30 p.m., local time, at Bergen Town Hall (Courtroom), at 10 Hunter Street, Bergen, New York 14416, in connection with the following matter:

GE BERGEN OWNER, 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 or other interest in approximately 52.2 acres of real property located at S. Lake Road and Apple Tree Avenue, each in the 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 described as all or a portion of tax parcel Nos. 13.-1-61.12, 13.-1-63.1 and 13.-1-58.22, as may be merged); (ii) the planning, design, construction and operation of an approximately 196,000 square foot agricultural manufacturing facility and office related space, along with utility and site improvements, parking lots, access and egress improvements, signage, 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 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 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, and the public hearing video will be available for on-demand viewing on the Agency's website at 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: June 10, 2024

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

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REPORT OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY'S PUBLIC HEARING OF GE BERGEN OWNER, LLC ON TUESDAY, JUNE 25, 2024, 3:30 P.M. AT THE TOWN OF BERGEN TOWN HALL, 10 HUNTER STREET, BERGEN, NEW YORK, GENESEE COUNTY, NEW YORK

I. ATTENDANCE

Chris Suozzi, VP of Business & Workforce Development – GCEDC
Emma Finch, Operations Assistant – GCEDC
Karen Ely, Bergen Town Board Member

II. CALL TO ORDER

The public hearing of GE Bergen Owner, LLC opened at 3:31 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

GE Bergen Owner, LLC is building a 196,000-sf facility at Apple Tree Acres in Bergen.

The \$43.6 million project proposes creating 60 new full-time equivalent (FTE) positions and retaining 140 FTE's.

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$1,752,000, a property tax abatement estimated at \$2,151,294 via new traditional PILOT, and a mortgage tax exemption estimated at \$366,000.

The project is pending subject to receiving Empire State Development incentives.

IV. COMMENTS

C. Suozzi 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.

K. Ely is wondering about the tax abatements for 10 years.

C. Suozzi states it is a Sales Tax Exemption, Property Tax Abatement, and a Mortgage Recording Tax Exemption is what is included in the incentives. The Property Tax Abatement is a 10-year schedule which ramps up over 10 years and is basically a 60% savings over 10 years to the applicant.

K. Ely wonders if the town receives any of the tax money. C. Suozzi states they do, and it is proportionate to the schedule. When it ramps up it starts at 20% for 3 years and eventually gets to 100% after 10 years.

K. Ely states that she is new to the town governance and does not understand the decision-making of how the GCEDC is able to have public forums in Bergen that the Town Board and Planning Board is not, how

do you connect with the Town Board and the Planning Board?

C. Suozzi states there is a great connection because the incentives only come in front of our Board to finalize once the SEQR is signed. SEQR is the State Environmental Quality Review Act which is part of the permitting process which the town controls. Once that is signed, that means that the town has signed off on it and then it can come to our Board for approval. We are in the middle of that right now with this project. Once we have the signed SEQR, we will bring it to the Board.

K. Ely is wondering if the Village Board, the Town Board and the GCEDC ever schedule a time to sit down to talk. C. Suozzi states that we talk all of the time, but it's not scheduled because a lot of the time it's based on the situation and what is going on. For this project specifically we had to talk to the Village because of the municipal electric. We work with the customers to make sure they understand the demand and caseload and what it takes for the Village to make sure they have the right infrastructure in place. Economic Development is a team sport, we all work together to ultimately bring in some great companies and increase the tax base. We have to do it on a schedule because it is very costly to do business and this project is investing \$43M so this is a way the town and the community help put this together to make this work.

K. Ely asks if the road at Appletree Acres is going to connect back into the development from Route 19. C. Suozzi states it's not planned to, it's just a driveway off of 19 currently but it could connect in the future.

The video is muted as there are no questions at this time.

K. Ely asks when companies go through GCEDC and the 10 years is up on the Tax Abatement, can they apply for an extended break if the company grows the workforce and size of the building. C. Suozzi states that it is project specific, so the tenure is based on the project at hand, in this case 196,000 square feet. If they are looking to expand, they can come back for another project, and we would love to help them grow and we have done that multiple times with companies like Liberty Pumps. Every time there has been an addition, we are there with our incentives to help them with that project specific. Once it is on the tax rolls at 100% then it stays there but the new incremental increase for the assessed value is what we deem as the next project. It does not come back to zero.

V. ADJOURNMENT

As there were no other comments, the public hearing was closed at 3:42 p.m.

Exhibit B

Negative Declaration of the Town of Bergen Planning Board

[Attached Hereto]

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

Agency Use Only [If applicable]

Project:

Date:

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

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

Tips for completing Part 2:

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

1. Impact on Land		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input 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. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water

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

NO

YES

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

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

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l. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
	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 checked="" type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
	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"/>
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6. Impacts on Air			
The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. 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 ₂)	D2g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. More than 3.5 tons/year of nitrous oxide (N ₂ O)	D2g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. More than .045 tons/year of sulfur hexafluoride (SF ₆)	D2g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
vi. 43 tons/year or more of methane	D2h	<input checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

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

8. Impact on Agricultural Resources
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) NO YES
If "Yes", answer questions a - h. If "No", move on to Section 9.

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

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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 type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

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. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

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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. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	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.) <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

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

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

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

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input checked="" 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 checked="" type="checkbox"/>
e. Other Impacts: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input 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"/>

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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			
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.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES 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, E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____			

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

NO YES

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

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

NO YES

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

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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.

There will be bulk storage of gasoline, diesel fuel and hydraulic fluid on site. However, the quantities will be limited to a small amount as will be needed for the short duration of use and will be properly contained and protected in full compliance with all regulations.

There will be a need to upgrade the existing electrical substation serving the facility and there will be heating and cooling of a building in excess of 100,000 square feet. However, modern energy saving components will be used throughout the facility to ensure that the least amount of energy will be used in the operation. Further, the owner and the Town are fully coordinating with the village of Bergen on the upgrade to their existing substation to be in compliance with the latest standards. Energy conserving building design and construction practices will be followed to be in compliance with the latest energy code.

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

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Upon review of the information recorded on this EAF, as noted, plus this additional support information including the project plans, site plan application, Engineers Report, SWPPP, wetland delineation, Traffic Impact study, archaeological data and 100 year floodplain maps.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the Town of Bergen Planning Board 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)).

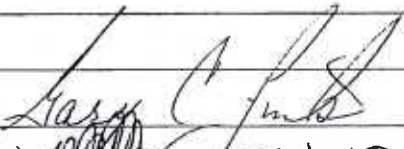
C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration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

Name of Action: Oxbo Manufacturing Facility


Name of Lead Agency: Town of Bergen Planning Board

Name of Responsible Officer in Lead Agency: Gary Fink

Title of Responsible Officer: Planning Board Chairperson

Signature of Responsible Officer in Lead Agency: 

Date: 6/27/24

Signature of Preparer (if different from Responsible Officer) 

Michael J. Metzger Date: 6/27/24

For Further Information:

Contact Person: Gary Fink

Address: 10 Hunter Street, Bergen, NY 14416

Telephone Number: 585-355-0135

E-mail: gcfink@hotmail.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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Customer Information

Potential Customer:	FFP NY Leroy Project1, LLC	Opportunity Type:	Attraction
Project Street Address:	8518 Lake Street Road	Opportunity Product:	Property & Sales Taxes Only
City/Town/Village:	//LeRoy	Type of Project:	Attraction
Project Description:	5 MW Community Solar	New Jobs:	N/A
Total Capital Investment:	\$13,541,127	Retained Jobs:	N/A
Incentive Amount:	\$1,919,009	School District:	LeRoy
Benefited Amount:	\$13,541,127	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:	Other Date of Public Hearing: TBD
Initial Acceptance Date:	8/1/2024 Inducement Date: TBD

Opportunity Summary: FFP NY Leroy Project1 is proposing to construct a solar farm project on 8518 Lake St Rd in the Town of Leroy, NY. The project proposes to utilize ground-mounted solar panels to generate 5 megawatts of AC power (MWAC).

A PILOT on these improvements will contribute \$4,000/MWAC + a 2% annual escalator in payments to Town of Leroy, Genesee County and Leroy School District for a total of \$345,868 over 15 years. This new revenue is significantly greater than the current agricultural-vacant land value of the project site.

FFP NY Leroy Project1 will also generate \$2000/MWAC + a 2% escalator in host benefit agreement payments to the Town of Leroy. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County.

Economic Impact: The 5 MW solar farm will generate \$566,261 in combined PILOT payments, host payments, and increases to real property taxes over the 15-year term, which is far greater than the current assessed value of this ag/vacant land. This calculates to a fiscal impact rate of return based on the original property taxes of \$23.74 to 1.

Project Detail (Total Capital Investment)

Equipment (non-taxable):	\$12,474,765
Other (Development, Permits, Legal, Interconnection, etc.):	\$1,066,362
Total Capital Investment:	\$13,541,127

Estimated Benefits Provided

Sales Tax Exempt:	\$1,083,290
Property Tax Exempt:	\$835,719
Total Estimated Tax Incentives Provided:	\$1,919,009

Total Amount Finance: \$13,541,127

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Project:	Route 19 N&W	Town of Leroy
Capex:	\$ 13,541,127 ✓	Savings
Sales Taxable (est.):	\$ 13,541,127 ✓	\$ 1,083,290 ✓
Mortgage (est.):		\$ - 1% of 1.25%
Property Tax:	below	\$ 835,719
Total:		\$ 1,919,009

Note: Includes Town Host Agreement

	Fixed \$ per MW AC	MW AC	from Assessor Assessed Value	Assessed Value	Increase in PILOT Payment + Host Divided by Current Property
Escalator	\$ 4,000	5.0	\$ 450,000.00	\$ 2,250,000	
	2.0%				

Fiscal Impact ROI \$ 566,261 ✓
\$ 23.74 ✓

Year of Exemption	tax rate:	\$ 1.09	\$ 10.54	\$ 23.38	\$ 35.01					
	Fixed Payment \$4000 per MW	Town of Leroy	Genesee County	Leroy 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	\$ 623	\$ 6,021	\$ 13,356	\$ 20,000	\$ 3,164	\$ 23,164	\$ 1,590	\$ 24,754	
2	\$ 20,400	\$ 635	\$ 6,142	\$ 13,623	\$ 20,400	\$ 3,164	\$ 23,564	\$ 1,590	\$ 25,154	
3	\$ 20,808	\$ 648	\$ 6,264	\$ 13,896	\$ 20,808	\$ 3,164	\$ 23,972	\$ 1,590	\$ 25,562	
4	\$ 21,224	\$ 661	\$ 6,390	\$ 14,174	\$ 21,224	\$ 3,164	\$ 24,388	\$ 1,590	\$ 25,978	
5	\$ 21,649	\$ 674	\$ 6,517	\$ 14,457	\$ 21,649	\$ 3,164	\$ 24,813	\$ 1,590	\$ 26,403	
6	\$ 22,082	\$ 687	\$ 6,648	\$ 14,746	\$ 22,082	\$ 3,164	\$ 25,245	\$ 1,590	\$ 26,836	
7	\$ 22,523	\$ 701	\$ 6,781	\$ 15,041	\$ 22,523	\$ 3,164	\$ 25,687	\$ 1,590	\$ 27,277	
8	\$ 22,974	\$ 715	\$ 6,916	\$ 15,342	\$ 22,974	\$ 3,164	\$ 26,138	\$ 1,590	\$ 27,728	
9	\$ 23,433	\$ 730	\$ 7,055	\$ 15,649	\$ 23,433	\$ 3,164	\$ 26,597	\$ 1,590	\$ 28,187	
10	\$ 23,902	\$ 744	\$ 7,196	\$ 15,962	\$ 23,902	\$ 3,164	\$ 27,066	\$ 1,590	\$ 28,656	
11	\$ 24,380	\$ 759	\$ 7,340	\$ 16,281	\$ 24,380	\$ 3,164	\$ 27,544	\$ 1,590	\$ 29,134	
12	\$ 24,867	\$ 774	\$ 7,487	\$ 16,607	\$ 24,867	\$ 3,164	\$ 28,031	\$ 1,590	\$ 29,622	
13	\$ 25,365	\$ 790	\$ 7,636	\$ 16,939	\$ 25,365	\$ 3,164	\$ 28,529	\$ 1,590	\$ 30,119	
14	\$ 25,872	\$ 806	\$ 7,789	\$ 17,278	\$ 25,872	\$ 3,164	\$ 29,036	\$ 1,590	\$ 30,626	
15	\$ 26,390	\$ 822	\$ 7,945	\$ 17,623	\$ 26,390	\$ 3,164	\$ 29,553	\$ 1,590	\$ 31,144	
Total	\$ 345,868	\$ 10,768	\$ 104,126	\$ 230,974	\$ 345,868	\$ 47,458	\$ 393,326	\$ 23,852	\$ 417,179	

* no Pilots on Ad Valerom Taxes

Total tilable acres	56.25	Current ag exemption amount (add from OARS)	\$ 90,371 ✓
Solar acres	36	County and School Taxes on Ag Exemption	\$ 3,065 ✓
Total Ag Exemption	\$ 141,204	Town (only) Taxes on Ag Exemption	\$ 99 ✓
% solar vs total ag land	64%	Total taxes due based on the elimination of Ag Exemption	\$ 3,164 ✓
		Current Property Taxes on Property	\$ 1,590 ✓

1.25% GCEDC fee	\$ 169,264 ✓
Workforce Community Benefit	\$ 25,000 ✓
Subtotal	\$ 194,264 ✓
GCEDC Legal	\$ 12,500 ✓
Total Fee	\$ 206,764 ✓

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

Property Taxes at 100% assessed value (assessor)	\$ 78,773 ✓
Term	15 ✓
Total PILOT	\$ 1,181,588 ✓
Savings	\$ 835,719 ✓

Net Savings \$ 1,712,245 ✓

Fixed \$ per MW AC MW AC
 \$ 2,000 5.0
 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

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Project Name: FFP NY Leroy Project1, LLC

Board Meeting Date: August 1, 2024

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

PROJECT DESCRIPTION:

FFP NY Leroy Project1 is proposing to construct a solar farm project on 8518 Lake St Rd in the Town of Leroy, NY. The project proposes to utilize ground-mounted solar panels to generate 5 megawatts of AC power (MWAC).

A PILOT on these improvements will contribute \$4,000/MWAC + a 2% annual escalator in payments to Town of Leroy, Genesee County and Leroy School District for a total of \$345,868 over 15 years. This new revenue is significantly greater than the current agricultural-vacant land value of the project site.

FFP NY Leroy Project1 will also generate \$2000/MWAC + a 2% escalator in host benefit agreement payments to the Town of Leroy. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County.

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 \$13,541,127 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 \$566,261 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 \$23.74 to 1.

Project details: This project will generate \$23.74 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 May 2025 and be operational within 5 months.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

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INITIAL RESOLUTION
(FFP NY LeRoy Project1, LLC Project)

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, August 1, 2024.

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

Resolution No. 08/2024 - _____

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION OF FFP NY LEROY PROJECT1, LLC WITH RESPECT TO A CERTAIN PROJECT (AS DEFINED BELOW, THE "PROJECT"), (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE PROJECT, AND (iii) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY WITH RESPECT TO THE PROJECT.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 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, **FFP NY LEROY PROJECT1, 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 or other interest in certain property located at Lake Street Road, Genesee County, New York and all other lands in the Town of LeRoy 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 described as a portion of tax parcel No. 25.-1-1.11); (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 (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 and the Improvements, the "Facility"); and

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

WHEREAS, it is contemplated that the Agency will (i) hold a public hearing, (ii) designate the Company as agent of the Agency for the purpose of undertaking the Project pursuant to a project agreement (the "Project Agreement"), (iii) 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, (iv) take a leasehold interest in the Land, the Improvements, the Equipment and the personal property constituting the Project (once the Lease Agreement, the Leaseback Agreement and the Tax Agreement have been negotiated), and (v) 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, reconstruction, renovation and equipping of the Facility, (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 New York State (collectively, the "Financial Assistance").

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 a commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the 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.

Section 2. The Agency is hereby authorized to conduct a public hearing in compliance with the Act.

Section 3. 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 4. These Resolutions shall take effect immediately.

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

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

The Resolutions were thereupon duly adopted.

CERTIFICATION
(FFP NY LeRoy Project1, LLC 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 August 1, 2024, with the original thereof on file at the Agency's office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

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

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

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

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

Secretary

MM
7/24/

Customer Information

Potential Customer:	FFP NY Leroy Project2, LLC	Opportunity Type:	Attraction
Project Street Address:	8600 Lake Street Road	Opportunity Product:	Property & Sales Taxes Only
City/Town/Village:	//LeRoy	Type of Project:	Attraction
Project Description:	2 MW Community Solar	New Jobs:	N/A
Total Capital Investment:	\$6,540,322	Retained Jobs:	N/A
Incentive Amount:	\$857,514	School District:	LeRoy
Benefited Amount:	\$6,540,322	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:	Other Date of Public Hearing: TBD
Initial Acceptance Date:	8/1/2024 Inducement Date: TBD

Opportunity Summary: FFP NY Leroy Project2 is proposing to construct a solar farm project on 8600 Lake St Rd in the Town of Leroy, NY. The project proposes to utilize ground-mounted solar panels to generate 2 megawatts of AC power (MWAC).

A PILOT on these improvements will contribute \$4,000/MWAC + a 2% annual escalator in payments to Town of Leroy, Genesee County and Leroy School District for a total of \$138,347 over 15 years. This new revenue is significantly greater than the current agricultural-vacant land value of the project site.

FFP NY Leroy Project1 will also generate \$2000/MWAC + a 2% escalator in host benefit agreement payments to the Town of Leroy. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County.

Economic Impact: The 2 MW solar farm will generate \$229,119 in combined PILOT payments, host payments, and increases to real property taxes over the 15-year term, which is far greater than the current assessed value of this ag/vacant land. This calculates to a fiscal impact rate of return based on the original property taxes of \$8.03 to 1.

Project Detail (Total Capital Investment)

Equipment (non-taxable):	\$5,808,643 ✓
Other (Development, Permits, Legal, Interconnection, etc.):	\$731,679 ✓
Total Capital Investment:	\$6,540,322 ✓
Estimated Benefits Provided	
Sales Tax Exempt:	\$523,226 ✓
Property Tax Exempt:	\$334,288 ✓
Total Estimated Tax Incentives Provided:	\$857,514

Total Amount Finance: \$6,540,322

7/24/2



Project:	Route 19 N&W	Town of Leroy
Capex:	\$ 6,540,322	Savings
Sales Taxable (est.)	\$ 6,540,322	\$ 523,226
Mortgage (est.)		\$ - 1% of 1.25%
Property Tax	below	\$ 334,288
Total		\$ 857,513

Note: Includes Town Host Agreement

	Fixed \$ per MW AC	MW AC	from Assessor Assessed Value Per MW	Assessed Value	Increase In PILOT Payment + Host Divided by Current Property
Escalator	\$ 4,000	2.0	\$ 450,000.00	\$ 900,000	
	2.0%				

Fiscal Impact ROI \$ 229,119 8.03

Year of Exemption	tax rate:	\$ 1.09	\$ 10.54	\$ 23.38	\$ 35.01					
	Fixed Payment \$4000 per MW	Town of Leroy	Genesee County	Leroy 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	\$ 8,000	\$ 249	\$ 2,408	\$ 5,342	\$ 8,000	\$ 1,440	\$ 9,440	\$ 1,901	\$ 11,341	
2	\$ 8,160	\$ 254	\$ 2,457	\$ 5,449	\$ 8,160	\$ 1,440	\$ 9,600	\$ 1,901	\$ 11,501	
3	\$ 8,323	\$ 259	\$ 2,506	\$ 5,558	\$ 8,323	\$ 1,440	\$ 9,763	\$ 1,901	\$ 11,665	
4	\$ 8,490	\$ 264	\$ 2,556	\$ 5,669	\$ 8,490	\$ 1,440	\$ 9,930	\$ 1,901	\$ 11,831	
5	\$ 8,659	\$ 270	\$ 2,607	\$ 5,783	\$ 8,659	\$ 1,440	\$ 10,099	\$ 1,901	\$ 12,001	
6	\$ 8,833	\$ 275	\$ 2,659	\$ 5,899	\$ 8,833	\$ 1,440	\$ 10,272	\$ 1,901	\$ 12,174	
7	\$ 9,009	\$ 280	\$ 2,712	\$ 6,016	\$ 9,009	\$ 1,440	\$ 10,449	\$ 1,901	\$ 12,351	
8	\$ 9,189	\$ 286	\$ 2,767	\$ 6,137	\$ 9,189	\$ 1,440	\$ 10,629	\$ 1,901	\$ 12,531	
9	\$ 9,373	\$ 292	\$ 2,822	\$ 6,260	\$ 9,373	\$ 1,440	\$ 10,813	\$ 1,901	\$ 12,715	
10	\$ 9,561	\$ 298	\$ 2,878	\$ 6,385	\$ 9,561	\$ 1,440	\$ 11,001	\$ 1,901	\$ 12,902	
11	\$ 9,752	\$ 304	\$ 2,936	\$ 6,512	\$ 9,752	\$ 1,440	\$ 11,192	\$ 1,901	\$ 13,093	
12	\$ 9,947	\$ 310	\$ 2,995	\$ 6,643	\$ 9,947	\$ 1,440	\$ 11,387	\$ 1,901	\$ 13,288	
13	\$ 10,146	\$ 316	\$ 3,055	\$ 6,776	\$ 10,146	\$ 1,440	\$ 11,586	\$ 1,901	\$ 13,487	
14	\$ 10,349	\$ 322	\$ 3,116	\$ 6,911	\$ 10,349	\$ 1,440	\$ 11,789	\$ 1,901	\$ 13,690	
15	\$ 10,556	\$ 329	\$ 3,178	\$ 7,049	\$ 10,556	\$ 1,440	\$ 11,996	\$ 1,901	\$ 13,897	
Total	\$ 138,347	\$ 4,307	\$ 41,650	\$ 92,390	\$ 138,347	\$ 21,598	\$ 159,945	\$ 28,522	\$ 188,467	

* no Pilots on Ad Valerom Taxes

The value of Ag Exemption elimination due to permanent conversion of farm land	
Town Tax Rate	\$ 1.09
Total titable acres	67.5
Solar acres	14.7
Total Ag Exemption	\$ 188,847
% solar vs total ag land	22%
Current ag exemption amount (add from OARS)	\$ 41,127
County and School Taxes on Ag Exemption	\$ 1,395
Town (only) Taxes on Ag Exemption	\$ 45
Total taxes due based on the elimination of Ag Exemption	\$ 1,440
Current Property Taxes on Property without fire district	\$ 1,901

1.25% GCEDC fee	\$ 81,754
Workforce Community Benefit	\$ 25,000
Subtotal	\$ 106,754
GCEDC Legal	\$ 12,500
Total Fee	\$ 119,254

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

Property Taxes at 100% assessed value (assessor)	\$ 31,509
Term	15
Total PILOT	\$ 472,635
Savings	\$ 334,288

Net Savings \$ 738,259

Fixed \$ per MW AC ✓ MW AC ✓
 \$ 2,000 2.0
 2.0%

Town	Escalator
Year of Exemption	Fixed Payment \$2000 per MW
1	\$ 4,000
2	\$ 4,080
3	\$ 4,162
4	\$ 4,245
5	\$ 4,330
6	\$ 4,416
7	\$ 4,505
8	\$ 4,595
9	\$ 4,687
10	\$ 4,780
11	\$ 4,876
12	\$ 4,973
13	\$ 5,073
14	\$ 5,174
15	\$ 5,278
Total	\$ 69,174 ✓

MSM 7/24/24



Project Name: FFP NY Leroy Project2, LLC

Board Meeting Date: August 1, 2024

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

PROJECT DESCRIPTION:

FFP NY Leroy Project2 is proposing to construct a solar farm project on 8600 Lake St Rd in the Town of Leroy, NY. The project proposes to utilize ground-mounted solar panels to generate 2 megawatts of AC power (MWAC).

A PILOT on these improvements will contribute \$4,000/MWAC + a 2% annual escalator in payments to Town of Leroy, Genesee County and Leroy School District for a total of \$138,347 over 15 years. This new revenue is significantly greater than the current agricultural-vacant land value of the project site.

FFP NY Leroy Project1 will also generate \$2000/MWAC + a 2% escalator in host benefit agreement payments to the Town of Leroy. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County.

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 \$6,540,322 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 2 MW solar farm will generate \$138,347 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 2 MW solar farm will generate \$229,119 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 \$8.03 to 1.

Project details: This project will generate \$8.03 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 May 2025 and be operational within 5 months.

Board Discussion:

Board Concurrence: YES NO If no, state justification:

MAN
7/24/24

INITIAL RESOLUTION
(FFP NY LeRoy Project2, LLC Project)

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, August 1, 2024.

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

Resolution No. 08/2024 - _____

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION OF FFP NY LEROY PROJECT2, LLC WITH RESPECT TO A CERTAIN PROJECT (AS DEFINED BELOW, THE "PROJECT"), (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE PROJECT, AND (iii) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY WITH RESPECT TO THE PROJECT.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 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, **FFP NY LEROY PROJECT2, 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 or other interest in certain property located at Lake Street Road, Genesee County, New York and all other lands in the Town of LeRoy 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 described as a portion of tax parcel No. 25.-1-3.11); (ii) the planning, design, construction and operation of a 2MWac PV solar electrical generation system, including panel foundations, inverters, transformers, interconnect wiring, utility connections, sitework, landscaping, fencing, security and related improvements (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 and the Improvements, the "Facility"); and

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

WHEREAS, it is contemplated that the Agency will (i) hold a public hearing, (ii) designate the Company as agent of the Agency for the purpose of undertaking the Project pursuant to a project agreement (the "Project Agreement"), (iii) 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, (iv) take a leasehold interest in the Land, the Improvements, the Equipment and the personal property constituting the Project (once the Lease Agreement, the Leaseback Agreement and the Tax Agreement have been negotiated), and (v) 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, reconstruction, renovation and equipping of the Facility, (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 New York State (collectively, the "Financial Assistance").

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 a commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the 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.

Section 2. The Agency is hereby authorized to conduct a public hearing in compliance with the Act.

Section 3. 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 4. These Resolutions shall take effect immediately.

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

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

The Resolutions were thereupon duly adopted.

CERTIFICATION
(FFP NY LeRoy Project2, LLC 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 August 1, 2024, with the original thereof on file at the Agency's office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

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

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

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

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

Secretary

July 26, 2024

Genesee County Economic Development Center
99 MedTech Drive, Suite 106
Batavia, New York
Attn: Mark Masse, Sr. VP of Operations

Batavia Solar Project

Dear Mr. Masse:

As you know, Bullrock-NxtGenREA, LLC, an affiliate of Bullrock Renewables LLC ("Bullrock"), is current the owner of all of the membership interests in Batavia Solar, LLC, a New York limited liability company ("Batavia") that owns a photovoltaic solar energy generation facility being construction on property located at 99 MedTech Drive in Batavia, New York (the "Project"). Effective on January 27, 2023, the Genesee County Economic Development Center ("GCEDC") closed on the PILOT agreement and related documentation to provide financial benefits in connection with the construction and operation of the Project.

In conjunction with an equity investor closing, Bullrock is now requesting GDEDC's approval to assign all of its the ownership interests in Batavia to at entity known as Batavia Solar Holdings, LLC, a Missouri limited liability company ("Hold Co") owned 1% by Bullrock and 99% by TCF RM-LUXTCF, LLC, a Missouri limited liability company ("Investor"), after which Investor will remain the 99% owner for approximately five years, at which time Bullrock will purchase the 99% ownership back and will again become the full owner of Batavia (the "Transaction"). The purpose of the Transaction is to assist Batavia in financing the construction and operations of the Project.

In accordance with the terms of the PILOT, we hereby request GDEDC's approval to proceed with the Transaction.

Thank you for your assistance in this regard. Please let me know if the GDEDC has any questions or concerns.

Sincerely yours,


Sasha Conroy

**Genesee County Economic Development Center
Dashboard - June 2024
Balance Sheet - Accrual Basis**

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	6/30/24	5/31/24	[Per Audit] 12/31/23
ASSETS:			
Cash - Unrestricted (1)(2)	\$ 4,984,483	\$ 5,610,964	\$ 10,846,767
Cash - Restricted (A)(2)	7,023,934	7,273,933	7,706,743
Cash - Reserved (B) (3)	5,371,063	5,363,395	672
Cash - Subtotal	<u>17,379,480</u>	<u>18,248,292</u>	<u>18,554,182</u>
Grants Receivable (4)	67,046	63,730	78,079
Accounts Receivable (5)	100,246	68,307	71,433
Interest Receivable	49,308	23,741	51,255
Deposits	2,832	2,832	2,832
Prepaid Expense(s) (6)	38,875	55,121	46,848
Loans Receivable - Current	53,612	50,431	55,005
Total Current Assets	<u>17,691,399</u>	<u>18,512,454</u>	<u>18,859,634</u>
Land Held for Dev. & Resale (7)	24,453,539	24,219,184	24,143,667
Furniture, Fixtures & Equipment	71,257	71,257	71,257
Total Property, Plant & Equip.	<u>24,524,796</u>	<u>24,290,441</u>	<u>24,214,924</u>
Less Accumulated Depreciation	(70,166)	(70,111)	(69,838)
Net Property, Plant & Equip.	<u>24,454,630</u>	<u>24,220,330</u>	<u>24,145,086</u>
Loans Receivable- Non-current (Net of \$47,429 Allow. for Bad Debt)	53,979	58,519	81,163
Right to Use Assets, Net of Accumulated Amortization	32,431	32,431	32,431
Other Assets	<u>86,410</u>	<u>90,950</u>	<u>113,594</u>
TOTAL ASSETS	<u>42,232,439</u>	<u>42,823,734</u>	<u>43,118,314</u>
DEFERRED OUTFLOWS OF RESOURCES			
Deferred Pension Outflows (12)	392,573	392,573	392,573
Deferred Outflows of Resources	<u>392,573</u>	<u>392,573</u>	<u>392,573</u>
LIABILITIES:			
Accounts Payable (8)	37,052	28,758	466,773
Loan Payable - Genesee County - Current (9)	325,000	325,000	315,000
Accrued Expenses	32,119	20,406	34,859
Lease Payable - Current	12,307	12,307	12,307
Customer Deposits - Local Labor Reporting	40,465	40,465	18,505
Unearned Revenue (10)	5,985,151	6,243,986	6,291,340
Total Current Liabilities	<u>6,432,094</u>	<u>6,670,922</u>	<u>7,138,784</u>
Loans Payable - ESD (11)	5,196,487	5,196,487	5,196,487
Loan Payable - Genesee County - Noncurrent (9)	2,185,000	2,185,000	2,510,000
Lease Payable - Noncurrent	5,604	5,604	5,604
Net Pension Liability (12)	512,048	512,048	512,048
Total Noncurrent Liabilities	<u>7,899,139</u>	<u>7,899,139</u>	<u>8,224,139</u>
TOTAL LIABILITIES	<u>14,331,233</u>	<u>14,570,061</u>	<u>15,362,923</u>
DEFERRED INFLOWS OF RESOURCES			
Deferred Pension Inflows (12)	40,527	40,527	40,527
Deferred Inflows of Resources	<u>40,527</u>	<u>40,527</u>	<u>40,527</u>
NET ASSETS	<u>\$ 28,253,252</u>	<u>\$ 28,605,719</u>	<u>28,107,437</u>

Significant Events:

- Unrestricted Cash - Decrease from last month due to payment of FAST NY Grant 1% commitment fee (\$560K).
- Unrestricted & Reserved Cash YTD - \$5.27M has been internally reserved as matching funds related to the FAST NY grant supporting STAMP development.
- Restricted Cash - Includes cash deposited by ESD into imprest accounts related to the \$8M and \$33M STAMP grants. Expenditures out of these accounts are pre-authorized by ESD.
- Grants Receivable - National Grid grants support marketing and development activities for STAMP and the LeRoy Food & Tech Park.
- Accounts Receivable - Econ. Dev. Program Support Grant, MedTech Centre Property Management, misc.
- Prepaid Expense(s) - Workers compensation, cyber, D&O, life, umbrella, general liability insurance, misc.
- Land Held for Dev. & Resale - Additions are related to STAMP development costs.
- Accounts Payable - e3communications, interest earned on imprest accounts that will be remitted to ESD, misc.
- Loan Payable - Genesee County (Current & Noncurrent) - Per a Water Supply Agreement with Genesee County, the County remitted \$4M to the GCEDC to put towards water improvements located in the Town of Alabama and the Town of Pembroke and other Phase II improvements as identified by the County. GCEDC started making annual payments to the County of \$448,500 beginning in January 2020.
- Unearned Revenue - Genesee County contributions and interest received in advance; Funds received from municipalities to support park development; Funds received to support workforce development; ESD Grant funds to support STAMP development, not actually earned until eligible expenditures are incurred.
- Loans Payable - ESD - Loans from ESD to support STAMP land acquisition and related soft costs.
- Deferred Pension Outflows / Deferred Pension Inflows / Net Pension Liability - Accounts related to implementation of GASB 68.

(A) Restricted Cash = GAIN! Loan Funds, Municipal Funds, Grant Funds Received in Advance.

4.1

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**Genesee County Economic Development Center
Dashboard - June 2024
Profit & Loss - Accrual Basis**

	Month to Date		YTD		2024	2024
	6/30/24	6/30/23	2024	2023	Board Appr. <u>Budget</u>	YTD % <u>of Budget</u>
<u>Operating Revenues:</u>						
Genesee County	\$ 19,459	\$ 19,459	\$ 116,755	\$ 116,755	\$ 233,513	50%
Genesee County - WFD	2,083	2,083	12,499	12,499	25,000	50%
Fees - Projects (1)	20,563	17,500	357,040	162,438	488,000	73%
Fees - Services	7,347	7,262	44,083	43,572	88,168	50%
Interest Income on Loans	134	183	866	1,157	1,590	54%
Rent	8,229	-	8,729	7,507	28,809	30%
Common Area Fees - Parks	-	-	803	391	410	196%
Grants (2)	262,038	1,000	853,471	1,001,360	9,104,847	9%
GGLDC Grant - Econ. Dev. Program Support	25,000	25,000	150,000	150,000	300,000	50%
BP ² Revenue	-	7,503	5,632	7,503	70,864	8%
Other Revenue	50	-	5,762	5,246	5,800	99%
Total Operating Revenues	344,903	79,990	1,555,640	1,508,428	10,347,001	15%
<u>Operating Expenses</u>						
General & Admin (3)	702,879	107,131	1,373,729	753,701	1,675,970	82%
Professional Services	5,000	8,492	53,975	46,085	172,770	31%
Site Maintenance/Repairs	5,830	-	17,815	2,236	38,500	46%
Property Taxes/Special District Fees	-	-	4,186	5,275	5,615	75%
BP ² Expense	-	-	-	-	31,432	0%
PIF Expense	-	-	63,017	48,162	156,294	40%
Grant Expense - Batavia Home Fund	-	-	2,750	-	-	N/A
Site Development Expense (4)	25,000	-	159,830	160,652	8,333,123	2%
Real Estate Development (5)	234,355	-	309,872	487,736	300,377	103%
Balance Sheet Absorption	(234,355)	-	(309,872)	(487,736)	-	N/A
Total Operating Expenses	738,709	115,623	1,675,302	1,016,111	10,714,081	16%
Operating Revenue (Expense)	(393,806)	(35,633)	(119,662)	492,317	(367,080)	
<u>Non-Operating Revenue</u>						
Other Interest Income (6)	41,339	37,854	265,477	98,378	128,000	207%
Total Non-Operating Revenue	41,339	37,854	265,477	98,378	128,000	207%
Change in Net Assets	(352,467)	2,221	145,815	590,695	\$ (239,080)	
Net Assets - Beginning	28,605,719	22,576,914	28,107,437	21,988,440		
Net Assets - Ending	\$ 28,253,252	\$ 22,579,135	\$ 28,253,252	\$ 22,579,135		

Significant Events:

1. Fees Projects - LNK Holdings, Inc; YTD includes MedTech Landing and Oak Orchard Solar project origination fees.
2. Grants - PIF from RJ Properties (Liberty Pumps) supports Apple Tree Acres Infrastructure improvements; PIF from Yancey's Fancy supports Infrastructure Fund Agreement with the Town of Pembroke; \$448K Community Benefit Agreement payment dedicated to STAMP by sourcing debt service payments to the County; National Grid grant supports marketing and development activities for STAMP; ESD \$33M & \$8M Grants support STAMP engineering, environmental, legal, infrastructure, etc.
3. Includes FAST NY Grant 1% commitment fee (\$560K).
4. Site Development Expense - Installation of, or improvements to, infrastructure that is not owned by the GCEDC, or will be dedicated to a municipality in the foreseeable future, is recorded as site development expense when costs are incurred.
5. Real Estate Development Costs - Includes STAMP development costs.
6. Other Interest Income - Interest rates have increased substantially; invested funds into CDs for additional interest income.

Genesee County Economic Development Center
June 2024 Dashboard
Statement of Cash Flows

DRAFT







	June 2024	YTD
CASH FLOWS USED BY OPERATING ACTIVITIES:		
Genesee County	\$ 21,428	\$ 150,682
Fees - Projects	20,563	425,040
Fees - Services	-	22,042
Interest Income on Loans	135	955
Rent	8,229	8,729
Common Area Fees - Parks	-	803
Grants	-	538,798
BP ² Revenue	-	5,632
GGLDC Grant - Economic Development Program Support	-	75,000
Other Revenue	50	5,762
Repayment of Loans	1,359	28,577
Customer Deposit	-	21,960
General & Admin Expense	(674,513)	(1,369,898)
Professional Services	(5,000)	(92,740)
Site Maintenance/Repairs	(5,830)	(17,815)
Site Development	(25,000)	(259,449)
Property Taxes/Special District Fees	-	(4,186)
Grant Expense	-	(2,750)
PIF Expense	(2,440)	(63,017)
Improv/Additions/Adj to Land Held for Development & Resale	(234,355)	(621,992)
Net Cash Used By Operating Activities	(895,374)	(1,147,867)
CASH FLOWS USED BY NONCAPITAL FINANCING ACTIVITIES:		
Principal Payments on Loan	-	(315,000)
Net Cash Used By Noncapital Financing Activities	-	(315,000)
CASH FLOWS PROVIDED BY INVESTING ACTIVITIES:		
Interest Income (Net of Remittance to ESD)	26,562	288,165
Net Change in Cash	(868,812)	(1,174,702)
Cash - Beginning of Period	18,248,292	18,554,182
Cash - End of Period	\$ 17,379,480	\$ 17,379,480
RECONCILIATION OF NET OPERATING EXPENSE TO NET CASH USED BY OPERATING ACTIVITIES:		
Operating Expense	\$ (393,806)	\$ (119,662)
Depreciation Expense	55	328
Increase in Operating Accounts/Grants Receivable	(35,255)	(17,780)
Decrease in Prepaid Expenses	16,246	7,973
Decrease in Loans Receivable	1,359	28,577
Increase in Land Held for Development & Resale	(234,355)	(309,872)
Decrease in Operating Accounts Payable	(2,496)	(450,462)
Increase (Decrease) in Accrued Expenses	11,713	(2,740)
Decrease in Unearned Revenue	(258,835)	(306,189)
Increase in Customer Deposits	-	21,960
Total Adjustments	(501,568)	(1,028,205)
Net Cash Used By Operating Activities	\$ (895,374)	\$ (1,147,867)

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Budget Timeline

Genesee County Economic Development Center

-  June/July
-  July 30
 - Planning Assumptions / Preliminary Inputs
 - Budget Workshop - Audit & Finance Committee Meeting
 - *Review / Discuss Budget Assumptions and Preliminary Inputs
-  Sept 3
 - Audit & Finance Committee Review of Draft Budget & Recommendation
-  Sept 5
-  Sept 6
-  By Nov 1
 - Board Review & Approval
 - Submission to Genesee County Manager
 - Budget to ABO/Post on GCEDC Web Site

SEQR for STAMP for Certain Proposed Infrastructure Projects

Discussion: See the attached resolution for the timeline and record of previous action taken on SEQR by the GCEDC as Lead Agency. The attached resolution also describes the scope of the items analyzed under this SEQR review.

Having considered the Environmental Information, STAMP Environmental Record, and having considered the relevant environmental impacts, associated with the Current Proposed STAMP Development, and having weighed and balanced the relevant impacts with social, economic and other considerations, the Agency recertifies that:

- (i) The requirements of 6 N.Y.C.R.R. Part 617 have been met; and
- (ii) Consistent with the social, economic and other essential considerations from among the reasonable alternatives available, the Project remains one which avoids or minimizes adverse environmental effects to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

Fund commitment: None.

Committee action request: Recommend to the full Board that the Agency adopt by a majority vote the Negative Declaration (as defined in 6 N.Y.C.R.R. 617.2(y)), and is issued by the Agency pursuant to and in accordance with SEQRA, shall take effect immediately.

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") was convened in public session at 99 MedTech Drive, Suite 106, Batavia, New York 14020, on August 1, 2024, at 4:00 pm local time.

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

PRESENT:

Peter Zeliff, Chairman
Matthew Gray, Vice Chair
Paul Battaglia
Marianne Clattenburg
Chandy Kemp
Kathleen Manne
Craig Yunker

ABSENT:

THE FOLLOWING PERSONS WERE ALSO PRESENT:

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT
AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER TO
ISSUE A NEGATIVE DECLARATION PURSUANT TO THE STATE
ENVIRONMENTAL QUALITY REVIEW ACT CONCERNING CERTAIN
INFRASTRUCTURE MODIFICATION AT THE WESTERN NEW YORK SCIENCE &
TECHNOLOGY ADVANCED MANUFACTURING PARK

Project Name: STAMP 2024 Modifications
Location: Town of Alabama, Genesee County, NY

WHEREAS, the Genesee County Industrial Development Agency d/b/a the Genesee County Economic Development Center ("**GCEDC**" or "**Agency**"), in conjunction with the Genesee Gateway Local Development Corporation ("**GGLDC**"), the non-profit real estate affiliate of the GCEDC, STAMP Water Works, Inc., and STAMP Sewer Works, Inc. ("**STAMP Sewer**") have been working for well over a decade on the development of the Western New York Science & Technology Advanced Manufacturing Park ("**STAMP**" or the "**Project**"), an advanced manufacturing technology campus on approximately 1,262 acres located on the west side of New York State Route 63/77, approximately five miles north of the I-90/New York State Thruway ("**STAMP Site**") in the Town of Alabama, New York ("**Town**"), and

WHEREAS, the Agency is authorized and empowered by the provisions of Chapter 1030 of the Laws of 1969 of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "**Enabling Act**") and Chapter 71 of the 1972 Laws of New York, as amended, constituting Section 895-e of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "**Act**") to promote, develop, encourage and assist in the acquiring, constructing, renovating, improving, maintaining, equipping and furnishing of commercial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

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

WHEREAS, in accordance with Article 8 of the New York State Environmental Conservation Law and the regulations promulgated under Article 8 and set forth at Part

617 of Title 6 of the New York Code of Rules and Regulations (collectively referred to as "SEQR"), the Agency, acting as Lead Agency conducting a coordinated environmental review, commenced preparation of a generic environmental impact statement for STAMP consisting of the Draft Generic Environmental Impact Statement ("DGEIS") accepted by the Agency on April 14, 2011 and the Final Generic Environmental Impact Statement ("FGEIS") accepted by the Agency on January 19, 2012, followed by a written Findings Statement ("2012 GCEDC Findings") issued by the Agency on March 12, 2012 approving the Project and committing to undertake it; and

WHEREAS, the Agency's SEQRA determinations have been updated and amended regularly by the Agency in connection with changes and modifications to planned infrastructure for STAMP as well as for specific developments proposed within STAMP to ensure that there are no significant adverse impacts associated with the development of STAMP that were not addressed or not adequately addressed in 2012 GCEDC Findings (collectively, the DGEIS, the FGEIS, 2012 GCEDC Findings, and all subsequent SEQRA determinations by the Agency are referred to as the "GEIS"); and

WHEREAS, the purposes of the GEIS were to identify and evaluate the potential significant adverse environmental impacts of STAMP, compare the reasonable alternatives, and, where applicable, to identify reasonable mitigation measures to reduce the effect of those impacts to the maximum extent practicable, while weighing the substantial potential social and economic benefits of STAMP; and

WHEREAS, the GEIS analyzed the impacts from full build out of STAMP consisting of rezoning the entire STAMP Site from agricultural/residential use to industrial/advanced manufacturing use, and with constructing and operating 6,130,000 square feet of advanced technology manufacturing uses at full build-out, providing direct employment for over 9,000 people and--certified that, consistent with social, economic and other essential considerations from among reasonable alternatives evaluated, STAMP avoided or minimized adverse environmental impacts to the maximum extent practicable; and

WHEREAS, the Agency prepared a smart growth impact statement ("SGIS") pursuant to the State Smart Growth Public Infrastructure Policy Act separately from the GEIS in February, 2012; and

WHEREAS, NYSDEC has issued various permits relating to the Project, including certain Incidental Take Permits pursuant to Part 182 ("Take Permit"), the latest of which was issued on July 17, 2023 which authorized the Agency to develop the STAMP Site including the incidental take of certain species ("Winter Raptors") as described therein subject to the Agency implementing a Net Conservation Benefit Plan as described in the Take Permit; and

WHEREAS, the Agency has implemented the Net Conservation Benefit Plan and no further mitigation or environmental investigation relative to Winter Raptors is warranted or required; and

WHEREAS, in order to ensure adequate water pressure for fire suppression systems, the Agency is proposing a 0.50 million gallon concrete onsite water storage tank, approximately 48 feet diameter, 40 foot sidewall height and 50 feet at the center of the dome and additional related infrastructure, including an access driveway, control building, and water main installation (collectively, the "**Water Tank**"), to be located adjacent to the Edwards Vacuum development on the Northeast portion of the STAMP Site ("**Edwards Vacuum Site**") and serviced by the Genesee County water main entering the STAMP Site from the south; and

WHEREAS, in order to ensure that a wastewater treatment system will be available for Plug Power and Edwards Vacuum, the Agency and SSW propose to construct a sanitary sewer force main ("**Oakfield Force Main**") which will transport wastewater from STAMP to the Village of Oakfield Waste Water Treatment Plant ("**Oakfield WWTP**"), which has capacity well in excess of STAMP's current needs; and

WHEREAS, the Oakfield Force Main is proposed to travel from a main pump station located on the Stamp Site, north along Crosby Road to STAMP Drive, where it will continue east and cross Alleghany Road (NYS Route 63) then continue along Ham Road to Knowlsville Road (C.R. 23) where it will discharge into the wet well of the Intermediate Pump Station, after which it will continue east along Ham Road to Macomber Road, and then continue north along Macomber Road in the Town of Oakfield to Lewiston Road, where it will head southeast to Maltby Road at which it will continue east to North Pearl Street, where it will head south into the Village of Oakfield and connect to the 12" diameter Village of Oakfield collection system ("**Force Main Route**"); and

WHEREAS, the Agency is also proposing to construct a modification to the Crosby Road / Lewiston Road intersection by installing a traffic circle ("**Roundabout**") which will also connect to a to-be-constructed bypass road in order to improve traffic geometry and safety at this intersection at the request of the Town; and

WHEREAS, by letter dated July 1, 2024, the Agency circulated a notice of intent to re-establish itself as lead agency for STAMP to all potentially Interested and Involved Agencies ("**Notice**") in conjunction with the above modifications to STAMP infrastructure, including (1) the Water Tank; (2) the Oakfield Force Main; and (3) the Roundabout (collectively 1-3, the "**2024 Modifications**"); and

WHEREAS, no interested or involved agency objected within 30 days to the re-establishment of the GCEDC as lead agency and thus, the GCEDC has properly been re-established as the lead agency for STAMP; and

WHEREAS, NYSDEC, SHPO, and GCEDC have entered into a 2021 Letter of Resolution ("**LOR**") which requires the Agency to prepare an initial assessment of each project at STAMP that requires any permitting from NYSDEC for potential impacts to the Nation's Territory as a potential Traditional Cultural Property of religious and cultural significance based on the National Register Criteria for eligibility ("**TCP**"); and

WHEREAS, on July 1, 2024, the Agency circulated to the Nation an Initial Assessment prepared for the 2024 Modifications pursuant to the LOR ("**Initial Assessment**") for review and comment, with no comments received to date from the Nation; and

WHEREAS, to aid the Agency in evaluating the significance of potential environmental impacts associated with the 2024 Modifications, the Agency has completed, received and/or reviewed:

- 1) the GEIS;
 - 2) Full Environmental Assessment Form for the Water Tank, Oakfield Force Main, and Roundabout (with attachments thereto) (the "**EAF**");
 - 3) Village of Oakfield Wastewater Treatment Facility Proposed Connection of STAMP Force Main Basis of Design Report prepared by CPL, dated June 2024 ("**Oakfield BODR**");
 - 4) Traffic Model Report Memo for the Roundabout, prepared by CPL and dated June 28, 2024 ("**Traffic Report**");
 - 5) Archeological Report for the Oakfield Force Main, prepared by Deuel Archaeology and dated May 15, 2024 ("**Archeology Report**");
 - 6) Visualizations of the Water Tank, prepared by Saratoga Associates ("**Tank Visualizations**");
 - 7) Hydrology Study of the Oakfield Force Main, prepared by J.M. Davidson Engineering and dated April 19, 2024 ("**Hydro Study**");
 - 8) Preliminary Engineering Report for the Water Tank, prepared by CPL and dated April 2024 ("**Water Tank BODR**");
 - 9) Pre-Construction Notice regarding the Oakfield Water Main, prepared by CC Environment and Planning dated June 2024 ("**Oakfield PCN**");
 - 10) Concept Plan of the Roundabout, dated November 2023 ("**Roundabout Plan**");
 - 11) Initial Assessment of Impacts to the Nation's Territory ("**Initial Assessment**");
- and

12) other relevant environmental information (collectively, 1-11, together with all analysis and supporting documentation referenced therein or relied upon thereby, are incorporated by reference herein in their entirety and shall be referred to as the “**Environmental Information**”); and

WHEREAS, while the Agency is not a “state agency” within the meaning of the Climate Leadership and Community Protection Act (“**CLCPA**”), the Agency has nevertheless evaluated potential environmental impacts on disadvantaged communities and air emissions as set forth more fully below; and

WHEREAS, a thorough analysis of the Environmental Information and potential environmental impacts reveals that it is appropriate that the Agency issue a negative declaration pursuant to 6 N.Y.C.R.R. § 617.10(d)(3) with respect to potential environmental impacts associated with the 2024 Modifications; and

WHEREAS, a thorough analysis of the Environmental Information and potential environmental impacts reveals that the 2024 Modifications will not have any potentially significant adverse environmental impacts that were not addressed in the GEIS.

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

Section 1. Based upon a thorough review and examination of the 2024 Modifications and the Environmental Information, and upon the Agency’s knowledge of the area surrounding the STAMP Site and such further investigation of the 2024 Modifications and their environmental effects as the Agency has deemed appropriate, the Agency makes the following findings with respect to the 2024 Modifications:

- (A) The Project remains a Type I Action;
- (B) The Agency, as Lead Agency for the Project, has undertaken a coordinated review of the 2024 Modifications in accordance with SEQR and the STAMP GEIS, as amended; and

Section 2. Based upon the Agency’s review of the Environmental Information and investigations of the potential environmental impacts associated with the 2024 Modifications, considering both the magnitude and importance of such potential environmental impact, and upon the Agency’s knowledge of the STAMP Site and surrounding area and such further investigations of the 2024 Modifications and their environmental effects as the Agency has deemed appropriate, the Agency has determined that, while the potential environmental impacts associated with the 2024

Modifications were not addressed or not adequately addressed in the STAMP GEIS, the Environmental Information demonstrates that potential environmental impacts associated with the 2024 Modifications will not result in any potential significant adverse environmental impacts, and thus, issuance of a negative declaration pursuant to 6 N.Y.C.R.R. § 617.10(d)(3) with respect to such potential impacts is appropriate. The Agency bases this determination upon the following findings with respect to the 2024 Modifications:

A. Impact on Land:

i. Water Tank

The 2024 Modifications in their entirety will create approximately 5.2 acres of impervious surfaces, including 0.5 acres attributable to the Water Tank. The Water Tank will be constructed entirely within the STAMP Site, adjacent to the Edwards Vacuum Site, which is currently under construction. The impacts to the development of land within this area were thoroughly analyzed under the GEIS.

As detailed in the Water Tank BODR, the area around the Water Tank will be graded to drain runoff away from the Water Tank and the associated driveway and control building. Additionally, the Water Tank design calls for an overflow catch basin which will drain through a new 12-inch drain line. As the Water Tank will be sited on the land adjacent to Edwards Vacuum, the minimal stormwater runoff from the Water Tank will be adequately managed by the stormwater controls on the Water Tank site. Additionally, no mining, dredging, or excavation will be required during construction.

Construction of the Water Tank will be in controlled areas within STAMP Site which is generally a sufficient distance with large boundary setbacks from the surrounding communities to minimize disturbance. Construction will generally take place Monday to Friday from 7:00 a.m. to 7:00 p.m. when noise sensitivity is lowest. Furthermore, the Water Tank site is not located in a coastal erosion hazard area and construction will be implemented with appropriate erosion control measures to limit any associated stormwater impacts.

ii. Oakfield Force Main

The Oakfield Force Main entails the installation of approximately 45,000 linear feet of new 12-inch diameter PVC DR-18 sanitary force main, metering vaults, and maintenance manholes within existing roadside ROWs along the Force Main Route. Construction of the Oakfield Force Main will result in a maximum temporary area of disturbance of 12.9 acres. As detailed in the Oakfield PCN, the Oakfield Force Main will traverse primarily open space and rural land including farmland, forests, and single-family residences. The majority of the project area is upland consisting of previously disturbed areas including road shoulders, mowed lawn, cropland, and excavated

ditches. While some forest is present along the Force Main Route, the road shoulder is wide enough that tree cutting will not be necessary for installation.

Additionally, the Oakfield Force Main will include two pump stations along the route. As detailed in the Oakfield BODR, the Main Pump Station ("MPS") will be located within the STAMP Site and consists of an approximately 10 foot diameter concrete structure with a storage volume of approximately 2,719 gallons and a wet well with an operating depth of approximately 7.63 feet. The Intermediate Pump Station ("IPS"), responsible for carrying wastewater from the MPS to the Oakfield WWTP, will be located at the intersection of Ham Road and Knowlesville Road and will be of similar size to the MPS.

Maintenance manholes will be installed at each high point along the Force Main Route as well. These manholes consist of a 5-foot diameter concrete structure, buried underground, with a 24-inch-wide cast iron lid set flush with existing grade. Some manholes will have an accompanying 2-inch-wide steel vent located adjacent, which will extend 2 feet above ground and will be painted to blend in with its surroundings. According to the Oakfield BODR, valve boxes will also be installed adjacent to the manholes, which consist of 8-inch-wide concrete boxes mounted flush with existing grade.

As detailed below under Impacts to Surface Waters, construction of the Oakfield Force Main is planned to take place primarily during the summer months when surface water flows are generally low, reducing the potential for erosion and sediment transfer. Notwithstanding, appropriate dewatering techniques and erosion control measures will be implemented to limit any associated stormwater impacts including in the event that construction will occur in winter months.

Native soils will be used as backfill material and all disturbed areas will be seeded and mulched with an approved seed mix. Restoration of surfaces will take place immediately after the work in an area is completed. Stream crossing will generally only require 1-3 working days to complete.

The Oakfield Force Main will not be located in a coastal erosion hazard area. As mentioned above, the proposed action will not result in a significant increase in impervious surfaces and will generally only have temporary impacts to approximately 12.9 acres of previously disturbed land. In addition, appropriate soil and erosion control measures during construction will be implemented. Furthermore, as detailed in the Oakfield PCN, the Oakfield Force Main will be revisited at the completion of installation to identify any areas that need additional seeding and mulching and again approximately one year after substantial completion. If there are any areas where the growth of vegetation is covering less than 90 percent of the disturbed area, reseeding will occur.

iii. Roundabout

The STAMP Master Plan includes a bypass road connecting from Stamp Drive to Crosby Road near Route 77. The 2024 Project Modifications include the reconstruction of the intersection of Crosby Road with Route 77 with a roundabout so that the future bypass road can be connected directly into that intersection. The Roundabout would shift the intersection slightly to the southeast and provide four approaches. The installation of the Roundabout will result in the temporary disturbance of approximately 3.5 acres with a minor permanent increase in impervious surfaces over current conditions. The Roundabout will be constructed in the corner of a farm field at the edge of the STAMP Site. Appropriate erosion control measures will be employed during construction to limit any associated stormwater impacts.

iv. Conclusion:

The 2024 Modifications do not include any new potentially significant adverse impacts to land resources or land use that were not analyzed in the STAMP GEIS. Overall, the Current 2024 Modifications will involve a relatively small amount of construction in the context of the overall STAMP Site, with the addition of only 5.2 acres of impervious surface in total. Overall, the 2024 Modifications will have a minimal increase in development, well below the thresholds for development of STAMP set out in the GEIS. Additionally, while the Oakfield Force Main will require disturbance of land along the 45,000 linear feet of the Force Main Route, impacts to land will be generally temporary, lasting only during installation, and impacting lands within existing rights of way. Permanent disturbance that will be caused by the Oakfield Force Main will be limited to the installation of the two pump stations and the manholes along the Force Main Route. Furthermore, the 2024 Modifications will be implemented with appropriate erosion control measures to limit any associated stormwater impacts. Based on these facts, the 2024 Modifications will not have any significant adverse impacts on land that were not analyzed in the STAMP GEIS.

B. Impact on Geological Features:

The STAMP Site does not contain, and is not adjacent to, any unique geologic features or National Natural Landmarks. Furthermore, according to the Archaeology Report, the Oakfield Force Main will not pass through or near any unique geologic features or National Natural Landmarks off-Site. Accordingly, the 2024 Modifications are not anticipated to create any potentially significant adverse impacts to geological features that were not analyzed in the STAMP GEIS.

C. Impact on Surface Water:

i. Water Tank

As detailed in the Water Tank BODR, the area of disturbance with respect to the Water Tank and associated infrastructure does not contain any surface water resources or wetlands. Proper erosion and sediment control measures will be installed along the area of disturbance to avoid stormwater impacts during construction or operation of the Water Tank. Accordingly, the Water Tank will not disturb any surface water resources or wetlands.

ii. Oakfield Force Main

As discussed above, the Oakfield Force Main will cross 7 streams. The wetland delineation included as Appendix J of the Oakfield BODR identifies these to include 3 Class C streams ("**Named Streams**"), and 4 unnamed streams ("**Unnamed Streams**"). In addition, the Oakfield Force Main will also be installed adjacent to a non-jurisdictional wetland on the STAMP Site, wetland W47, along Allegany Road.

The Oakfield Force Main will be installed via Horizontal Directional Drilling ("**HDD**") for the Named Streams and Unnamed Streams. Under this method, a directional drilling launching pad will be constructed on one side of the stream crossing, outside of the banks of the stream. The pad consists of a temporary gravel pad to support the HDD machine while it is working. The pad will be fully removed at the completion of the crossing. The HDD machine will install the pipe a minimum of 10 feet below the bottom of the stream bed. All disturbance and all work will take place outside of the banks of the creek, eliminating any impacts to the natural stream bed. The Oakfield BODR explains that one of the Named Streams, Brinningstool Creek was successfully crossed via HDD with a water main, installed approximately 6 feet below the stream bed. In comparison, and based on the recommendations of the geotechnical assessment attached as Appendix K to the Oakfield BODR, the crossings by HDD will occur at a depth of 10 feet under the stream bed, to minimize the risk of frac-out.

Prior to installation of the Oakfield Force Main, out of an abundance of caution, additional geotechnical investigations will be performed to confirm the soil conditions in these areas are conducive to HDD methods without impacting the environment. As detailed above, a previously-installed water main project did not encounter complications during HDD crossings. Nevertheless, the Agency shall implement the policies and procedures found in the Frac Out Plan previously prepared by the Agency and approved by NYSDEC (as the same has been amended). In the unlikely event that the additional geotechnical investigations determine that there is more than a remote possibility of frac-out, the crossings will be made by open cut installation methods. To complete the work associated with open cut crossings, a temporary coffer dam with a temporary culvert pipe will be constructed to provide a continuous flow of water to the extent that work is taking place when flows are present. The temporary culvert pipe

will be bulkheaded into the existing culvert pipe to prevent backflow from downstream. Turbidity curtains will be installed upstream and downstream of the crossing to prevent the transportation of sediment outside of the work area.

Construction will take place during the summer months when flows are low, reducing the potential for sediment transfer. Notwithstanding, dewatering will be required during crossing operations. Water from the work area will be pumped into a filter bag to contain any sediment and allow the water to disperse on the ground naturally. Crossings via open cut/coffer dam are anticipated take approximately 2-3 working days per each crossing.

In terms of the single non-jurisdictional wetland, crossing of this wetland will be accomplished via the open cut method. The Oakfield BODR states that proper erosion and sediment control measures will be installed along the area of disturbance and native soils will be used as backfill material and all disturbed areas will be seeded and mulched with an approved wetland seed mix. This crossing is expected to take 1 to 2 working days and restoration of surfaces will take place immediately after the work in this area is completed.

Once the Oakfield Force Main is installed and flowing, its operation is not anticipated to have significant impacts on surface water resources. The Oakfield Force Main will be interconnected to the Oakfield WWTP, which operates under a SPDES permit which has a flow limit of 0.5 million gallons per day ("mgd"). As detailed in the Oakfield BODR, the Oakfield WWTP has an operating efficiency of 95-99%, based on removal of suspended solids and carbonaceous oxygen demand. The current average daily flow to the Oakfield WWTP is 0.127 mgd. The Proposed initial daily flows to the Oakfield WWTP via the Oakfield Force Main amount to the addition of 20,000 gallons per day of sanitary wastewater from STAMP. Therefore, total flows, when combined with the existing total daily flows, would be well within the capacity of the Oakfield WWTP and its SPDES permit. Further, as detailed in the BODR, improvements to the Oakfield WWTP will be made to reduce phosphorus discharges from the Oakfield WWTP.

iii. Roundabout

The Roundabout will be constructed in the corner of a farm field at the edge of the STAMP Site. This area does not contain any surface water resources or wetlands. Appropriate erosion control measures will be employed during construction to limit any associated stormwater impacts. Accordingly, the Roundabout will not disturb any surface water resources or wetlands.

i. Conclusion:

The 2024 Modifications do not include any new potentially significant adverse impacts to surface waters that were not analyzed in the STAMP GEIS. Overall, the STAMP

GEIS has contemplated an impact of 9.54 acres to low-medium quality wetlands across the STAMP Site, which is far more than what is proposed compared to the 2024 Modifications. The temporary impact to the non-jurisdictional wetland during construction of the Oakfield Force Main will have negligible impacts based on the design specifications for the Project which include appropriate restoration plans. Furthermore, the Oakfield WWTP has adequate capacity and is operating at sufficient efficiency to handle the additional proposed flows from STAMP in compliance with its SPDES permit. In fact, there will be a significant reduction in phosphorous discharges associated with the Project as Oak Orchard Creek is an impaired water body for phosphorous, the Project will actually improve water quality in Oak Orchard Creek. Based on these facts, the 2024 Modifications will not have any significant adverse impacts on surface water that were not previously considered in the STAMP GEIS.

D. Impact on Groundwater:

None of the 2024 modifications entail the types of activities, such as the storage of hazardous materials, which would pose a risk to groundwater. No groundwater will be withdrawn; excavations will not extend substantially into the groundwater table; and no groundwater discharge is proposed. In addition, stormwater management for each specific component shall be implemented to manage surface water flow and allow groundwater infiltration. Furthermore, construction of the 2024 Modifications shall follow the best management regarding stormwater runoff practices laid out in the GEIS. The Oakfield Force Main will transport sanitary wastewater to the Oakfield WWTP for treatment and discharge in compliance with that facility's SPDES permit, and all flows will be monitored by magnetic flow meters within the Main Pump Station ("MPS") and Intermediate Pump Station ("IPS") to ensure no loss of flow from the Oakfield Force Main. Lastly, the 2024 Modifications do not involve the use or storage of any hazardous wastes or materials which would pose a risk to groundwater resources.

Based on these facts, the 2024 Modifications will not have any significant adverse impacts on groundwater that were not analyzed in the STAMP GEIS.

E. Impact on Flooding:

The STAMP Site does not contain, and is not adjacent to, a designated floodway, a 100-year floodplain, or a 500-year floodplain. Accordingly, the 2024 Modifications are not anticipated to create any potentially significant adverse impacts to flooding that were not analyzed in the STAMP GEIS. Additionally, as outlined in the Environmental Information, construction of the Oakfield Force Main includes certain additional environmental controls such as working in periods of low flow conditions, working within continuous operation, practices to minimize erosion, the use of flume pipes to divert water flow during construction, being careful to store debris outside of stream corridors, utilizing temporary bridges, and locating construction staging areas 50 feet

away from all streams where practicable. Additionally, the Oakfield Force Main installation will utilize specific controls when dewatering any streams for open cut/coffer dam crossings which will mitigate any short term impacts, including use of turbidity curtains, timing of work during low flows, filtration and dispersal controls, and limiting work to very short durations. In addition, the Hydro Study confirms that the addition of the proposed flows from STAMP to the Oakfield WWTP will not result in flooding downstream. Based on these facts, the 2024 Modifications will not have any significant adverse impacts on flooding that were not analyzed in the STAMP GEIS.

F. Impact on Air:

The only source of air emissions relating to the 2024 Modifications will result from construction vehicles, as none of the 2024 Modifications will result in increased traffic or new sources of emissions. The construction vehicle emissions related to the 2024 Modifications will result in minor temporary increases in greenhouse gas emissions. The GEIS specifically contemplated the temporary air impacts that are likely to occur during the construction phases of STAMP, and such impacts here are minor in nature and do not rise to the level of requiring any federal or state permits.

Based on these facts, the 2024 Modifications will not have any significant adverse impacts on air that were not analyzed in the STAMP GEIS.

G. Impact on Plants and Animals

i. Water Tank and Roundabout

The site where the Water Tank will be located is largely undeveloped farmland at this point in time. The Roundabout will be constructed in the corner of a farm field at the edge of the STAMP Site adjacent to the intersection of Crosby Road and Route 77. Both sites contain communities of white-tailed deer, common songbirds, and small mammals. The sites were previously identified by NYSDEC as occupied habitat for two New York State threatened or endangered species: the northern harrier and the short-eared owl. As detailed in the Environmental Information, there have been limited observances of the northern harrier in the vicinity of the Water Tank site. GCEDC previously mitigated the loss of all potentially occupied habitat on the STAMP Site for winter raptors through prior environmental reviews and permitting processes with NYSDEC, culminating in the issuance of a Part 182 Incidental Take Permit ("Take Permit"). As detailed therein, and as explained in greater detail in the 2023 Negative Declaration, GCEDC has implemented a Net Conservation Benefit Plan to provide for permanent protection of sufficient acreage of suitable habitat for these species, including a NYSDEC-approved monitoring and habitat restoration plan. The sites are not currently used for hunting, trapping, fishing, or shell fishing. Any potential impacts to terrestrial and aquatic ecologies shall be avoided and/or minimized to the maximum

extent practicable by implementation of the Land Management Plan associated with the STAMP Site as well as the Best Management Practices and the Stormwater Mitigation Measures.

ii. Oakfield Force Main

The Oakfield Force Main will permanently develop a small amount of land at the STAMP Site for the MPS, and a small area along the Force Main Route for the IPS. The Force Main Route is mapped by NYSDEC as potentially occupied habitat for three New York State threatened or endangered species: the northern harrier, short-eared owl, and the sedge wren. Notwithstanding, the majority of construction and accompanying temporary impacts from the Oakfield Force Main will occur in roadside adjacent ROWs, which is not typically used by these species due to the regular disturbance, thus any potential impacts will be minor. These impacts will be temporary, occurring primarily during construction. Any disturbed vegetation will be reseeded immediately following construction, allowing for restoration of potential habitat.

As explained in the Oakfield PCN, review of USFWS' Information for Planning and Consultation (IPaC) identified three federally listed or eligible species as potentially occurring within the Force Main Route. These include the northern long-eared bat ("NLEB"); the tricolored bat; and the monarch butterfly. Of these, only the NLEB is a federally listed endangered species, whereas the tricolored bat is a proposed endangered species and the monarch butterfly is a candidate species for federal listing. The NLEB and tricolored bats are primarily a forest-dependent species that utilize a variety of forest habitats for roosting, foraging, and rearing young. Decline of these species is primarily attributed to disease and not habitat loss.

As detailed in the Oakfield PCN, the USFWS has indicated that there are no known NLEB maternity roost trees within 1.5 miles or winter hibernacula within 5 miles of the Force Main Route and there are no known occurrences of the species in the nearby vicinity. The NLEB range-wide key within IPaC was consulted to determine the likelihood of potential "take" of the species and, based on the submission, a determination of "No Effect" was reached. Additionally, no tree cutting is proposed for the Oakfield Force Main, and impacts to culverts, which may serve as habitat to NLEB and tri-colored bats, will be isolated and temporary, generally lasting only one day per stream crossing.

Tri-colored bats have not been formally listed at this time, but a listing decision is expected to occur in summer 2024, however, based on the above, there are no expected impacts to the tri-colored bat from the Oakfield Force Main.

The monarch butterfly, as a candidate species, is not listed and thus impacts to the species do not need to be formally evaluated. Notwithstanding, the Force Main Route,

being in adjacent ROWs, is regularly disturbed by vehicles and scheduled mowing, and would not provide adequate habitat for the monarch butterfly. Accordingly, impacts to this species are not expected to be significant.

iii. Conclusion

As detailed above, all development on the STAMP Site has already been mitigated through GCEDC's implementation of the Net Conservation Benefit Plan for any threatened/endangered species which could be impacted by the 2024 Modifications. Since NYSDEC's initial determination that portions of the STAMP Site constitute potentially occupied habitat for the species in question, the STAMP Site has seen significant changes to the on-the-ground conditions of the area considered by the NYSDEC to be occupied habitat. Specifically, the majority of the open space on the STAMP Site (consisting of approximately 665 acres) is now in row crops while a relatively small portion remains as hay or fallow fields. The approximately 170 acres of hay fields that were primarily used by bird species during the previous winter were converted to row crops (by way of the Ag. Exemption) or developed in 2022. In total, four short-eared owls and five northern harriers were documented at STAMP during the "wintering season" which is November through April. These birds have only been observed foraging on the STAMP Site, and no breeding activity has ever been observed on the STAMP Site (as confirmed by separate, breeding season surveys undertaken pursuant to NYSDEC guidance). Furthermore, there has been monitoring and surveying for the wintering raptors regularly at the STAMP Site since the STAMP Site was granted a Take Permit under Part 182.

The development off site of the Oakfield Force Main will occur in previously disturbed lands which provide unsuitable habitat for the species discussed above. Furthermore, the majority of land disturbance related to the Oakfield Force Main, will be temporary and fully mitigated.

Based on these facts, the 2024 Modifications will not have any significant adverse impacts on plants or animals not previously considered in the STAMP GEIS.

H. Impact on Agricultural Land Resources:

i. Water Tank

The Water Tank will be located to the north of the Edwards Vacuum Site within STAMP, the development of which was already determined to not have a significant impact on agricultural land. The development of the Water Tank will disturb approximately .5 acres.

ii. Oakfield Force Main

The Oakfield Force Main will largely result in temporary impacts along the entirety of the Force Main Route. Permanent disturbance will be limited to the approximately 10 foot diameter MPS and IPS, as well as associated manholes. Aside from the small portion installed on the STAMP Site, the Oakfield Force Main will be installed in roadside ROWs along the Force Main Route not available for agricultural use. Furthermore, installation of the Oakfield Force Main will not prevent the use of lands adjacent to the Force Main Route from being utilized for agricultural uses.

iii. Roundabout

The Roundabout will occupy a portion of the STAMP Site directly adjacent to the Edwards Vacuum Site composed of approximately 3.5 acres of undeveloped farmland, development of which was previously contemplated in the GEIS.

iv. Conclusion

The GEIS contemplated that full development of the STAMP Site will result in a loss of agricultural use. The potential loss of future agriculture use of the Project Site represents less than 1% of the total crop land acres located in Genesee County (i.e., 0.65%), and approximately 1.7% of total cropland acres located in Agricultural District No. 2. There are approximately 148,584.30 acres of crop land located in Genesee County, with approximately 120,365 acres of this total classified as prime farmland. Agricultural District No. 2 encompasses 55,143.18 acres of land located in the towns of Alabama, Batavia, Elba, Oakfield, and Pembroke. Based on the available information, approximately 900 acres of the STAMP Site are currently being used for farming. The total area of prime farmland located within the STAMP Site is approximately 275 acres, representing 0.23% of the total prime farmland located in Genesee County and 0.49% of the total prime farmland acreage located in Agricultural District No. 2.

Here, the 2024 Modifications propose the development of approximately 5.2 acres which is far less than what was contemplated in the STAMP GEIS, much of which is already unavailable for agricultural use or was previously contemplated for development under the GEIS and subsequent negative declarations. Based on these facts, the 2024 Modifications will not have any significant adverse impacts on agricultural land resources that were not analyzed in the STAMP GEIS.

I. Impact on Aesthetic Resources:

i. Water Tank

The Water Tank is comprised of a 0.50 million gallon concrete onsite water storage tank, approximately 48 feet in diameter, 40 foot sidewall height and 50 feet at the center of the

dome, to be located on the Edwards Vacuum Site. The nearest officially designated and publicly accessible federal, state, or local scenic or aesthetic resources (Iroquois National Wildlife Refuge and the John White Game Farm), as well as the Nation's territory are separated from the proposed development by substantial distance as well as significant existing vegetative screening. In order to assess the potential visual impacts of the Water Tank, Saratoga Associates has prepared the Tank Visualizations which include all current and proposed development associated with STAMP. As depicted in the Tank Visualizations, the above-ground components of the Water Tank will be well-screened by the substantial existing vegetation on the STAMP Site as well as the significant setbacks to adjacent land uses. Furthermore, the Water Tank will have a single, dark sky compliant light mounted at the door of the control building, and no lighting will be required on the Water Tank itself.

ii. Oakfield Force Main

The Oakfield Force Main is composed of a buried 45,000 foot 12 inch sanitary wastewater main, the MPS and IPS, manholes, and vents. With the exception of the vents and pump stations, all structures composing the Oakfield Force Main will be installed either well below the ground surface, or flush with the existing grade. The vents will be small in size, 2 inches wide and two feet tall, installed in the ROWs along the Force Main Route, and painted to match their surroundings. Overall, the existence of the Oakfield Force Main will be largely imperceptible.

iii. Roundabout

The Roundabout will replace the existing intersection at Crosby Road and Lewiston Road. The Roundabout will be largely installed flush with surrounding roadway with the addition of some accompanying curbing.

iv. Conclusion

The 2024 Modifications will largely be imperceptible to surrounding uses, as the Oakfield Force Main and Roundabout will be constructed flush with the surrounding ground or below grade. Although the 2024 Modifications will create new structures on the STAMP Site, most notable the Water Tank, development has been designed in a low-density campus setting, meaning that development is respectful and complements the STAMP Site's natural landscape. The STAMP Site as a whole is surrounded by foliage that creates a natural barrier to visual impacts.

Additionally, a 400-foot perimeter will be maintained around the perimeter of the STAMP Site to mitigate any aesthetic impacts from permanent structures. Lastly, a minimum 500-foot buffer will be maintained along the STAMP Site' boundary adjoining the John White Wildlife Management Area, in addition to the minimum 500' (and in

some places extending up to approximately 1,200') buffer surrounding the border of the western boundary of the STAMP Site where it abuts the Nation's territory. These buffers have been put in place to mitigate any aesthetic impacts from the development of the STAMP Site may have. Regarding the 2024 Modifications, the STAMP GEIS has planned for STAMP's development and has contemplated the possible aesthetic impact to the surrounding communities. Notably, none of the projects referenced above will exceed the height limitation set forth in the STAMP GEIS (110').

Additionally, the Tank Visualizations confirm that the Water Tank will be well-screened by the substantial existing vegetation on the STAMP Site as well as the significant setbacks to adjacent land uses.

Based on these facts, the 2024 Modifications will not have any significant adverse impacts on aesthetic resources that were not analyzed in the STAMP GEIS.

J. Impact on Historic and Archeological Resources:

The STAMP Site does not contain, nor is it adjacent to, a building, or district which is listed on, or that has been nominated to the State or National Register of Historic Places. The STAMP Site does abut the Nation's Territory to the west, and impacts to historic and archaeological resources are analyzed extensively in the GEIS, and the GEIS details that (under the supervision of the USACE) the Agency has comprehensively cleared the relevant portions of the STAMP Site of archaeological resources.

i. Water Tank

The Edwards Vacuum Site, where the Water Tank will be constructed, is located in or adjacent to an area designated as sensitive for archeological sites by the State Historic Preservation Office. In order to analyze potential impacts of the Edwards Vacuum project upon historic and archeological resources, a Phase I, II, and III Cultural Resource Investigation was undertaken for the STAMP Site. As detailed in the GEIS, the Cultural Resource Investigation documented that the Water Tank site is not near or contains an archeological site or district which is listed on the national or state register of historic places or that has been determined by the commissioner of the New York State Office of Parks, Recreation and Historic Preservation to be eligible for listing on the state register of historic places.

ii. Oakfield Force Main

The Oakfield Force Main will be located within a small portion of the STAMP Site, as well as previously disturbed ROWs along the Force Main Route. As detailed in the Archaeology Report, there are no map-documented structures within the anticipated area of effect of the Oakfield Force Main. Notwithstanding, the Fore Main Route is

located in an archaeologically sensitive zone.

However, the Archaeology Report explains that past Phase IA and IB cultural resource investigations along the Force Main Route for other related and unrelated projects did not identify any archaeological sites. Based on these results, as well as field reconnaissance along the Force Main Route, the Archaeology Report concluded that no cultural resources will be impacted by Oakfield Force Main, and that no further investigation was required. Nevertheless, the Agency shall undertake additional Phase IA and IB investigations prior to construction to insure that any potential archaeological resources are appropriately addressed.

iii. Roundabout

The Roundabout will be constructed within an existing, previously disturbed paved roadway intersection and as well as land adjacent to the Edwards Vacuum Site previously analyzed for impacts to historical and archaeological resources as discussed above with regards to the Water Tank. As detailed in the 2023 Negative Declaration, the Cultural Resource Investigation documented that the Edwards Vacuum Site, including the area to be developed by the Roundabout, is not near or contains an archeological site or district which is listed on the national or state register of historic places or that has been determined by the commissioner of the New York State Office of Parks, Recreation and Historic Preservation to be eligible for listing on the state register of historic places.

iv. Conclusion

In order to address any potential impacts associated with the future development of a specific use at the STAMP Site, the GCEDC is a part to both a Programmatic Agreement and Letter of Resolution with the USACE, NYSDEC, and SHPO in accordance with the STAMP GEIS. Pursuant to these agreements, GCEDC has undertaken the above-referenced archaeological investigation in order to clear the STAMP Site of archaeological resources.

In addition, the Programmatic Agreement and Letter of Resolution provide for procedures for USACE or NYSDEC (depending on permitting authority) to assess potential impacts on the Nation's territory as a property of religious and cultural significance pursuant to the National Historic eligibility criteria. As detailed herein, the 2024 Modifications are not anticipated to be appreciably seen, heard, smelled, or otherwise have any impact on the Nation's territory, all as documented in Environmental Information, including the IA.

Based on these and the above facts, the 2024 Modifications will not have any significant adverse impacts on cultural resources.

K. Impact on Open Space and Recreation:

i. Water Tank

The construction of the Water Tank will not result in a loss of recreational opportunities or a reduction in open space sources because the site where it will be located is not currently used for hunting, fishing, trapping, or shell trapping.

In terms of off-site recreational resources, the closest is the Iroquois National Wildlife Refuge (federal) and the John White Game Farm (New York State wildlife management area) which are both approximately 2 miles away, and also will be unaffected by the Water Tank.

ii. Oakfield Force Main

The Oakfield Force Main will not result in a loss of recreational opportunities or a reduction in open space sources because the Force Main Route is not currently used for hunting, fishing, trapping, or shell trapping.

Furthermore, no off-site recreational resources, will be effected by the Oakfield Force Main. The Oakfield Force Main will facilitate initial flows from STAMP of up to 20,000 gallons per day of sanitary wastewater to the Oakfield WWTP, which outfalls to Oak Orchard Creek, a Class C stream. Per NYSDEC regulations, a Class C stream is appropriate for fishing but not direct water contact recreation. The Oakfield PCN indicates that Oakfield WWTP has capacity to receive the proposed wastewater flows from the Oakfield Force Main, and can efficiently process these flows in compliance with its SPDES permit, protective of the stream classification. In addition, the Oakfield BODR proposes upgrades to the Oakfield WWTP which would allow it to treat for phosphorus removal not currently required under the SPDES permit, but which may be required by NYSDEC in the future. Accordingly, the additional flows to the Oakfield WWTP from the Oakfield Force Main, would not impact recreation in Oak Orchard Creek.

iii. Roundabout

The Roundabout will not result in a loss of recreational opportunities or a reduction in open space sources because site where it will be constructed is not currently used for hunting, fishing, trapping, or shell trapping and will not impact off-site recreation opportunities.

iv. Conclusion

Although there is hunting that takes place directly to the west of the STAMP Site on the Nation's land, there will be no tangible impacts to this area due to the precautions the 2024 Modifications have contemplated such as the boundary buffer, dark sky compliant lighting, and lack of odors (discussed below) emanating from the 2024 Modifications (it is also noted that prevailing winds carry odors away from the Nation's territory rather than to it from the STAMP Site).

The 2024 Modifications will not result in a loss of recreational opportunities or a reduction in open space sources because the STAMP Site and Force Main Route are not open to the public or utilized by the public for any outdoor activities. Based on these facts, the 2024 Modifications will not have any significant adverse impacts on open spaces and recreation that were not analyzed in the STAMP GEIS.

L. Impact on Critical Environmental Areas:

There are no Critical Environmental Areas as described in subdivision 6 N.Y.C.R.R. 617.14(g) on the STAMP Site or in proximity to the STAMP Site, the Force Main Route, or the Roundabout. Accordingly, the 2024 Modifications will not have a significant adverse impacts upon Critical Environmental Areas that were not analyzed in the STAMP GEIS.

M. Impact on Transportation:

i. Water Tank

The Water Tank will not increase traffic or create a new demand for transportation facilities or services with the peak traffic being in the morning and the evening. The Water Tank includes the creation of new driveway to access the Water Tank, which will provide ample off street parking for workers servicing the Water Tank equipment.

ii. Oakfield Force Main

The Oakfield Force Main, being limited to the installation of a sanitary wastewater force main, will not increase traffic or create a new demand for transportation facilities or services with the peak traffic being in the morning and the evening. Furthermore, the Oakfield Force Main will not create or modify parking spaces and does not include the modification of roads and creation of new roads.

iii. Roundabout

The Roundabout will not increase traffic or create a new demand for transportation facilities or services with the peak traffic being in the morning and the evening. The Roundabout includes the modification of roads and creation of new roads by replacing

the existing three way intersection at Crosby Road and Lewiston Road with a traffic circle. The Roundabout is proposed at the request of the Town in order to improve existing traffic geometry at this intersection.

As detailed in the Traffic Report, this intersection has not been identified as having any traffic concerns but the Roundabout would alleviate the geometric challenges with the existing three way intersection and could accommodate the proposed bypass road through STAMP at such time it is constructed. The Traffic Report goes on to explain that Roundabouts, such as this one, efficiently distribute traffic through intersections and concluded that the Roundabout would be expected to function at a high level of service.

iv. Conclusion

The GEIS analyzed a full build out of the STAMP Site regarding traffic and peak congestion of the surrounding roads. Although the continual build out of the STAMP Site will increase traffic, the STAMP GEIS contemplated this when it was completed in 2012, thus a partial build out will be within the parameters of the STAMP GEIS. The STAMP GEIS (as well as the GCEDC Findings Statement) provided that no additional traffic study need be prepared until the development of the site has resulted in over 1,925 trips during the peak PM hour.

The 2024 Modifications will have no increase traffic or create a new demand for transportation facilities or services with the peak traffic being in the morning and the evening and therefore, do not violate the STAMP GEIS threshold of 1,424 vehicle trips. Furthermore, the development of the Roundabout will have an increase in the efficiency and safety of existing traffic moving through the Crosby/Lewiston Road intersection. Accordingly, the 2024 Modifications will not have significant adverse impacts upon Transportation that were not analyzed in the STAMP GEIS.

N. Impact on Energy:

The Water Tank and Oakfield Force Main will generate a minor new demand for energy. Cumulatively, the 2024 Modifications will require 25,000 kW. No update to the substation is required for the 2024 Modifications. The source of the power will be from the local utility, which has ample capacity.

A partial build out of the STAMP Site will utilize less energy than the full build out contemplated in the GEIS from 2012 (185 MW, which has since be updated to 600 MW after the construction of the STAMP substation). The 2024 Modifications are estimated to consume approximately 25,000kW of energy, which, in addition to the accepted 276.5 MW for current tenants of the STAMP Site is still far below the current GEIS threshold of 600 MW. Accordingly, the 2024 Modifications will not have a significant

adverse impact upon energy that were not analyzed in the STAMP GEIS.

O. Impact on Noise, Odor, and Light:

i. Water Tank

The Water Tank will have minor temporary impacts on noise. More specifically, the construction of the Water Tank will exceed the ambient noise levels because of typical construction noises such as trucks and excavators. The Water Tank operations are not anticipated to appreciably increase ambient noise conditions at the border of the STAMP Site or exceed the STAMP boundary noise limits set in the GEIS.

The Water Tank will not have an effect on odor on the STAMP Site because the project does not include any processes or substances that result in odors migrating off the site.

The Water Tank will have a minor effect on light due to a single overhead light mounted at the door of the control building. As mentioned above, no light will be mounted atop the Water Tank itself which will be dark sky compliant. Furthermore, as discussed above, the Water Tank and the associated light mounted on the control building, are substantially set back from surrounding uses and have significant vegetative screening.

ii. Oakfield Force Main

The Oakfield Force Main will have minor temporary impacts on noise. Specifically, the construction of the Oakfield Force Main will exceed the ambient noise levels because of typical construction noises such as trucks and excavators. The Oakfield Force Main operations are not anticipated to appreciably increase ambient noise conditions at the border of the STAMP Site or along the Force Main Route, or exceed the STAMP boundary noise limits set in the GEIS. While the Oakfield Force Main MPS and IPS will operate mechanical pumps, these will be buried underground and are not expected to be noticeably perceptible. The Oakfield BODR also indicates that operation during a power failure will be enabled by a standby diesel-fueled generator located in a sound-attenuating enclosure.

The Oakfield Force Main is not expected to have an effect on odor along the Force Main Route because it is designed as a fully enclosed, underground system. Notwithstanding, the Oakfield BODR provides that odor control provisions, likely in the form of chemical addition, will be provided for initial low flow conditions due to the potential for septic conditions with extended detention times in the Oakfield Force Main.

The MPS and IPS will have minor warning lights on the exterior of the structures,

however, these lights will only be activated in the event of an alarm triggering and will not include strobing features.

iii. Roundabout

The Roundabout will have minor and temporary impacts on noise. More specifically, the construction of the Roundabout will exceed the ambient noise levels because of typical construction noises such as trucks and excavators.

The Roundabout will not have an effect on odor on because the project does not include any processes or substances that result in odors migrating off the site.

There is no lighting proposed for the Roundabout beyond typical street lighting found throughout the adjacent roadways.

iv. Conclusion

Potential impacts during construction and operation of the Project to noise have been assessed according to NYSDEC guidelines. The Town does not have a noise control ordinance that applies to STAMP. NYSDEC's published guidance "Assessing and Mitigating Noise Impacts" (NYSDEC, 2001) establishes a basis to assess the Project's potential for those impacts.

Taking the NYSDEC guidelines into consideration, the Project will limit noise at the STAMP boundary to an LEQ of 65 dBa during the day and 45 dBa at night. NYSDEC guidelines state that noise sources should not increase levels above 65 dBa in non-industrial areas. The proposed property line requirement of 65 dBa during the day and 45 dBa at night will ensure that the 65 dBa level referenced by NYSDEC for non-industrial areas is not exceeded. The resulting maximum Project level of 65 dBa generally does not exceed maximum existing average baseline noise levels documented within the vicinity of the Project, which range from 63 dBa to 73 dBa.

The 2024 Modifications will generally not involve operations, processes, or substances that have odor impacts. While the Oakfield Force Man will convey sanitary wastewater, it will do so in a fully enclosed underground system which does not emit odors. Furthermore, the only potential odor emissions from the Oakfield Force Main which could occur during the initial low flow conditions will be fully mitigated.

The 2024 Modifications involve the addition of only a single light (excluding roadway lighting), which will be dark sky compliant and well screened from surrounding uses.

Accordingly, the 2024 Modifications will not have significant adverse impacts upon

noise, odor, and light that were not analyzed in the STAMP GEIS.

P. Impact on Public Health:

i. Water Tank

The construction of the 2024 Modifications is expected to take approximately one year, with the potential for all phases proceeding simultaneously.

During the construction phases of the Water Tank, construction personnel are likely to encounter a number of physical hazards that are typically associated with commercial construction. All Water Tank construction will take place within the boundaries of the Edwards Vacuum Project. Because it is located within the STAMP Site, the general public's exposure to any hazards will be limited. Additional fencing signs and barriers will be utilized around the Water Tank construction area and, where necessary, will delineate excavations and prevent the entry to the Water Tank of unauthorized personnel. Appropriate signs will be posted to inform those entering the Edwards Vacuum project of potential construction hazards and appropriate actions to be taken while on the Edwards Vacuum project. Additionally, the Water Tank will minimize risks to construction personnel by fully complying with applicable OSHA and New York State Labor Law requirements. Thus, it is anticipated that the construction work associated with the Water Tank will not have a significant impact on public health and safety.

Furthermore, there will be no commercial generation, treatment, or disposal of hazardous waste at the Water Tank site. Additionally, there will be no pesticides used during construction or operation of the Water Tank.

No construction of, or modification to, any solid waste management facility will be necessary to accommodate the Water Tank. While hazardous waste is not anticipated to be unearthed during construction or operation of the Water Tank, any such materials (if unearthed) will be disposed of in accordance with all applicable federal, state, and local rules and regulations.

Finally, the Water Tank is being constructed for the express purpose of ensuring there is adequate water pressure for STAMP tenants' fire suppression systems.

ii. Oakfield Force Main

During the construction phases of the Oakfield Force Main, construction personnel are likely to encounter a number of physical hazards that are typically associated with commercial construction. All Oakfield Force Main construction will take place within the boundaries of the STAMP Site and within the ROWs located along the Force Main

Route. Where it is located within the STAMP Site, the general public's exposure to any hazards associated with construction of the Oakfield Force Main will be limited. Additional fencing signs and barriers will be utilized along the Force Main Route and, where necessary, will delineate excavations and prevent the entry to the Force Main Route of unauthorized personnel. Appropriate signs will be posted to inform those entering the Force Main Route of potential construction hazards and appropriate actions to be taken while on the project. Additionally, the Oakfield Force Main will minimize risks to construction personnel by fully complying with applicable OSHA and New York State Labor Law requirements. Thus, it is anticipated that the construction work associated with the Oakfield Force Main will not have a significant impact on public health and safety.

Furthermore, there will be no commercial generation, treatment, or disposal of hazardous waste from the Oakfield Force Main. Additionally, there will be no pesticides used during construction or operation of the Oakfield Force Main. While the Oakfield Force Main will transport sanitary wastewater to the Oakfield WWTP, as discussed above, the Oakfield WWTP has ample capacity and operates at adequate efficiency to prevent any potential negative health impacts from the additional flows. Furthermore, as explained in the Oakfield BODR, additional treatment for removal of phosphorus at the Oakfield WWTP, which is not currently occurring and which is proposed for the Oakfield Force Main, will further serve to reduce impacts to human health.

No construction of, or modification to, any solid waste management facility will be necessary to accommodate the Oakfield Force Main beyond potential voluntary improvements to the Oakfield WWTP. While hazardous waste is not anticipated to be unearthed during construction or operation of the Oakfield Force Main, any such materials (if unearthed) will be disposed of in accordance with all applicable federal, state, and local rules and regulations.

iii. Roundabout

During the construction phases of the Roundabout, construction personnel are likely to encounter a number of physical hazards that are typically associated with commercial construction. All Roundabout construction will take place within the boundaries of the intersection of Crosby Road and Lewiston Road as well as portions of the STAMP Site adjacent to the Edwards Vacuum Site. Because the construction is isolated to a single intersection and the STAMP Site, the general public's exposure to any hazards will be limited. Additional fencing signs and barriers will be utilized around the Roundabout construction area and, where necessary, will delineate excavations and prevent the entry to the Roundabout construction area of unauthorized personnel. Appropriate signs will be posted to inform those entering the Roundabout construction area of potential construction hazards and appropriate actions to be taken. Furthermore, there

is ample detour alternatives to conveniently reroute traffic around the Roundabout as needed.

Additionally, the Roundabout will minimize risks to construction personnel by fully complying with applicable OSHA and New York State Labor Law requirements. Thus, it is anticipated that the construction and demolition work associated with the Roundabout will not have a significant impact on public health and safety.

Furthermore, there will be no commercial generation, treatment, or disposal of hazardous waste at the Roundabout. Additionally, there will be no pesticides used during construction or operation of the Roundabout.

No construction of, or modification to, any solid waste management facility will be necessary to accommodate the Roundabout. While hazardous waste is not anticipated to be unearthed during construction or operation of the Roundabout, any such materials (if unearthed) will be disposed of in accordance with all applicable federal, state, and local rules and regulations.

Finally, the Roundabout is being constructed at the request of the Town to improve traffic geometry. As explained in the Traffic Report, the Roundabout will increase the safety and efficiency of vehicles moving through the intersection.

iv. Conclusion

As discussed above, the 2024 Modifications will not involve the generation, treatment, or disposal of hazardous waste nor will pesticides be used during construction. The 2024 Modifications will not involve construction or modification of any solid waste management facility and while no hazardous waste is anticipated to be unearthed during construction, if it is encountered it will be disposed of in accordance with all applicable rules and regulations.

Finally, the 2024 Modifications will generally enhance public health and safety by facilitating adequate fire protection, sanitary wastewater treatment, and traffic circulation. Accordingly, the 2024 Modifications will not have significant adverse impacts upon public health that were not analyzed in the STAMP GEIS.

Q. Impact on Character and Community Plans:

i. Water Tank

As determined by the 2023 Negative Declaration, the Edwards Vacuum project is in line with the Genesee County Smart Growth Plan ("GCSGP") and the land use plan for the STAMP Site. As the Water Tank is being built to directly support Edwards Vacuum

and the other STAMP Tenants, it is also in line with these community plans. The plot of the STAMP Site where the Water Tank is going to be built is zoned as Technology District 1 (“TD-1”), and the Water Tank is an accessory use consistent with the underlying zoning designation of TD-1. Further, as detailed above, the Water Tank is not anticipated to be appreciably seen, heard, or smelled from neighboring properties.

ii. Oakfield Force Main

The GCSGP identifies the STAMP Site as a priority development area, encouraging the development of the same in lieu of non-priority areas elsewhere. As the Oakfield Force Main directly facilitates the development of the STAMP Site in accordance with the land use plans for the STAMP Site, it is directly in line with the GCSGP. Further, as detailed above, the project is not anticipated to be appreciably seen, heard, or smelled from neighboring properties. Furthermore, the Oakfield Force Main is also intended to serve the Town in furtherance of commitments made from the GCEDC in the Incentive Zoning Agreement and associated amendments, which is in accordance with recommendations in the Town comprehensive plan.

iii. Roundabout

The Roundabout is being constructed at the request of the Town to improve traffic geometry and safety and the intersection of Crosby Road and Lewiston Road. The Roundabout does not implicate the GCSGP and there is no specific recommendation with regards to this intersection in the Town comprehensive plan. Further, as detailed above, the project is not anticipated to be appreciably seen, heard, or smelled from neighboring properties.

iv. Conclusion

The STAMP GEIS extensively analyzes the development of STAMP and potential impacts on surrounding communities. As the 2024 Modifications are otherwise entirely consistent with the thresholds and mitigation measures set forth in the STAMP GEIS, and there are no inconsistent or significant impacts associated with the same that were not previously analyzed in the STAMP GEIS.

R. Impact on Disadvantaged Communities

New York’s Climate Justice Working Group (“CJWG”) in its official map of Disadvantaged Communities (“DACs”) has identified the Nation’s Territory (Census Tract 36037940100) and large portions of Genesee County (including the Town, Census Tract 36037950300) as DACs. As early as 2012, the GCEDC Findings Statement which followed the issuance of the GEIS included a detailed explanation of the public need

and benefit achieved through the development of STAMP. As detailed in the 2012 Findings Statement:

The Project's central purpose is to play a significant role in reversing a trend of economic stagnation that has affected the Western New York region in recent years. The need for reversing this trend may be seen locally in 2010 US Census figures indicating declines in population for both the Town of Alabama and Genesee County over the past ten (10) years. STAMP will result in a number of benefits that have the potential to mitigate this trend in a substantial way.

While not specifically called out as such in the GEIS, all mitigative measures associated with STAMP are inherently geared towards achieving the benefits of STAMP while reducing any potential adverse impacts on surrounding DACs to the maximum extent practicable. As detailed extensively herein, the 2024 Modifications will not result in any tangible impacts on either the Nation's Territory or the Town. In fact, the construction of the Roundabout is anticipated to improve traffic conditions in the Town, without adversely impacting the Nation's Territory. Accordingly, the 2024 Modifications are entirely consistent with the thresholds and mitigation measures set forth in the STAMP GEIS, and there are no inconsistent or significant impacts associated with the same that were not previously analyzed in the STAMP GEIS.

Section 3. Having considered the Environmental Information, STAMP Environmental Record, and having considered the relevant environmental impacts, associated with the 2024 Modifications, and having weighed and balanced the relevant impacts with social, economic and other considerations, the Agency recertifies that:

- (i) The requirements of 6 N.Y.C.R.R. Part 617 have been met; and
- (ii) Consistent with the social, economic and other essential considerations from among the reasonable alternatives available, the Project remains one which avoids or minimizes adverse environmental effects to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

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

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

Section 5. This Resolution, which is adopted by a majority vote of the Agency, shall serve as a Negative Declaration (as defined in 6 N.Y.C.R.R. 617.2(y)), and is issued by the Agency pursuant to and in accordance with SEQR, shall take effect immediately.

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

Mark Masse
99 MedTech Drive, Suite 106
Batavia, New York 14020
Phone: 585-343-4866
Email: mmasse@gcedc.com

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	[]	[]	[]	[]
Marianne Clattenburg	[]	[]	[]	[]
Chandy Kemp	[]	[]	[]	[]
Kathleen Manne	[]	[]	[]	[]
Craig Yunker	[]	[]	[]	[]

The Resolution was thereupon duly adopted.

CERTIFICATION

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

I, the undersigned [Asst.] Secretary of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on August 1, 2024, with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, except for the Executive Session, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting and said Executive Session.

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this _____ day of August 1, 2024.

Secretary

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Clark Patterson Lee Proposal for preparation of design, engineering, and permitting for a force main to the Oakfield WWTF

Discussion: The Edwards Genesee project is in need of 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.

Fund Commitment: \$1,961,925 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, and permitting for a force main to the Oakfield WWTF



July 11, 2024

Mr. Mark Masse, CPA
Senior Vice President of Operations
GCEDC
99 MedTech Drive, Suite 106
Batavia, New York 14020

**RE: STAMP OAKFIELD FORCE MAIN DESIGN
PROPOSAL FOR ENGINEERING SERVICES**

Dear Mark:

CPL is pleased to submit our proposal for civil engineering design and permitting services related to the design of a new force main from the STAMP site to the Village of Oakfield Wastewater Treatment Facility (WWTF).

Project Understanding

Our proposal is based on our intimate knowledge of the STAMP project and our significant involvement in its development over the past fifteen years. This proposal addresses the need for a new sanitary sewer force main related to STAMP development and other potential tenants on the site. The new force main will be designed from the STAMP site, along Ham Road, Macomber Road and Lewiston Road to the Oakfield WWTF. The force main will connect to an existing sanitary sewer system in front of the Oakfield-Alabama Elementary School. The force main is approximately 47,000 linear feet and will be installed mostly within the road right-of-way. The design will include a main pump station located on the STAMP site and an intermediate pump station along the force main route to include other areas within the Town that may require sanitary sewer service in the future.

The tasks performed as part of this proposal will be completed in accordance with similar tasks performed by CPL for other STAMP subprojects and other GCEDC/GGLDC Shovel Ready projects.

Program Management and Coordination

Provide meetings and coordination with the Project Team (CPL, GCEDC & Tech Team), municipalities, agencies, and other stakeholders as well as the internal CPL team. Provide budgeting, scheduling, strategy, and funding support to GCEDC.



Survey and Mapping

As part of this project, CPL will coordinate with a surveyor to complete a field topographical survey and base mapping suitable for the design of the project. CPL will supplement this information with record mapping from previous water projects, aerials, and tax map information. Utility information will be obtained from available utility records and field survey and plotted on the base mapping. All elevations will be based on USGS datum.

Highway rights-of-way and adjacent tax parcels will be plotted based on record information available from the NYSDOT, Genesee County, and the Town. Easements will be developed as required throughout the project.

Preliminary Design

CPL will work closely with the GCEDC to ensure that all portions of the project meet the needs and expectations of the GCEDC, and that the project objectives are met. We will provide the required plans, technical specifications, and contract documents to the level of detail required for the construction of the recommended project improvements. Force main design will include the following items:

- Route Analysis to ensure that an appropriate path is selected for the force main.
- Pipeline preliminary sizing and route design.
- Preliminary plan and profile.
- Pump stations (Main and Intermediate) preliminary design.
- Geotechnical: We will coordinate with a qualified geotechnical engineering subconsultant to perform necessary soil borings, test pits or infiltration tests at selected locations to determine soil and asphalt conditions, groundwater depths and the presence of bedrock, if any, within anticipated excavation limits.

Preliminary Investigations and Route Analysis

CPL will prepare a route analysis along the proposed route of the new force main. This analysis will include analyzing route alternatives, a geotechnical evaluation based on existing USGS data or information gathered from past water main projects and a hydraulic analysis of the Village of Oakfield's gravity system to ensure adequate capacity at the connection point downstream to the WWTF. We have assumed that the Village will be able to provide the current capacity of the system through existing flow monitoring.

Oakfield WWTF Coordination & Review

CPL will coordinate directly with the Village of Oakfield WWTF and appropriate staff to understand the existing WWTF and limitations. CPL will conceptually prepare a plant expansion review and make recommendations based on feedback from the



Village staff. This proposal does not include a detailed review of all processes at the WWTF. It is our understanding that this effort and responsibility will be determined at a later date.

Geotechnical Investigation

CPL will team with Foundation Design for the completion of soil borings as necessary for a full design assessment. This assessment will address potential issues that could develop during infrastructure improvements, mass grading, and construction of new structures. The overall intent of the geotechnical investigations during this phase of the project is to identify the depth to bedrock, depth to the water table, provide a preliminary understanding of the general composition of the soil, and to provide preliminary design recommendations for future infrastructure.

A detailed program will be developed during the design phase to ensure that all NYSDEC and regulatory agency requirements are satisfactorily met. The information prepared will be based on previous and current projects for STAMP with NYSDEC involvement.

Cultural Resource Investigation

CPL will team with Deuel Archeology to coordinate a Phase 1 Cultural Resource Investigation including completion of Phase 1A and 1B investigations, artifact analysis, and preparation of a report for the full force main route. Phase 1A involves background, site file and historic map research. Phase 1B will involve shovel testing the existing ground cover. Our team will coordinate with the NY State Historic Preservation Office (SHPO) for project review and SHPO clearance. We have assumed that only a portion of the route will require additional shovel testing due to previous utility projects within the area and ongoing coordination with SHPO. Our fees may be adjusted accordingly based on the actual area that will require shovel testing.

Permits and Approvals

We will prepare all necessary permit applications required by federal, state, and local regulations, including all required supporting documentation. We have assumed that the GCEDC would be responsible for any required permit fees. Necessary permits may include, but are not limited to, the following:

- Town of Alabama Plan/Route Approval.
- Town/Village of Oakfield Plan/Route Approval.
- Genesee County Highway Approval.
- NYS Department of Environmental Conservation Storm Water Pollution Prevention Plan (SWPPP).
- NYSDOT Utility Permit and Approval.
- NYSDEC Sanitary Sewer Approval.
- NYSDEC Wetland and Crossings.
- NYSDOH/Genesee County DOH Approval.
- SHPO Review and Clearance.



Final Design

Prepare detailed final plans and specifications for the work. All work will be in accordance with the standards of the Town of Alabama, Genesee County, NYSDOT, and the requirements of the regulatory agencies. The final design items will include:

- Pipeline final design.
- Final pipeline plan and profile.
- Pump stations (Main and Intermediate) final design.
- Final easements and easement descriptions. (Does not include filing easements.)

Bidding

Provide electronic copy of plans, specifications, and contract documents to be issued to prospective bidders.

During the bidding period, we will respond to bidders' questions and issue any addenda required for the interpretation and clarification of the bidding documents.

We will attend the bid opening, review bids for compliance with the bid requirements and mathematical correctness, prepare a bid tabulation, investigate bidders' qualifications, and prepare a written recommendation for the award of the contract.

Construction Administration

Provide construction administration services which include shop drawing review, processing of payment requests, preconstruction and project meetings, schedule coordination, preparation of change orders, coordination with the Contractor, GCEDC, Town, and regulatory agencies, final inspection and punch list, and preparation of record drawings based upon information provided by the Contractor.

Provide coordination with the Contractor, GCEDC, Town of Alabama, Town of Oakfield, Village of Oakfield, Genesee County Highway, NYSDOT, and regulatory agencies.

Provide administration services relating to funding and regulating agency requirements which include NYSES, NYSDEC, USACE, NYSDOT, and MWBE.

CPL will assist in providing as-built drawings and close out paperwork as necessary to complete the construction. CPL will complete a final project walkthrough and issue a final punch list for completion. With assistance from the contractor, CPL will gather all cut sheets, submittals and manuals and complete all required close out forms for a final submission package.

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Construction Observation

Provide a qualified NYSDOT approved Resident Engineer to monitor the construction and the Contractor's compliance with the Contract Documents. The Resident Engineer will serve as GCEDC's representative on the project, maintain detailed records of the work performed, document payments to the contractor, handle concerns and complaints from residents affected by the project, and coordinate with regulatory agencies and utilities. We have assumed a 12-month construction for the force main outlined in this proposal.

Excluded Services

The following items have been excluded from our proposal:

- Preparation of legal descriptions.
- Special Use Permits/Zoning Variances.
- Lot combinations or Subdivisions.
- Preparation of an Environmental Impact Statement (EIS).
- Wetland mitigation plans.
- Visual studies.
- Phase 2 Cultural Resource Investigations.
- Floodplain investigations.
- Stream protection application and permits.
- Threatened and/or Endangered Species-specific surveys and studies.
- Application, licensing or filing fees.
- Gas, cable, and telecommunication design or coordination.
- Offsite improvements including traffic mitigation, utility upgrades and coordination.

Fee

Our fee proposal to complete the work described above is as follows:

<u>Task</u>	<u>Fee</u>
<i>CPL Design Scope</i>	
Project and Program Management	\$87,650
Survey and Mapping	\$53,580
Preliminary Investigations & Route Analysis	\$65,120
Oakfield WWTF Coordination & Review	\$73,355
Pipeline Preliminary Design	\$219,395
Pump Stations Preliminary Design	\$112,455
Permits and Approvals	\$103,940
Pipeline Final Design	\$190,980
Pump Stations Final Design	\$125,790
Subtotal	\$1,032,265

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Mr. Mark Masse
GCEDC
July 11, 2024
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<i>CPL Bidding and Construction Scope</i>	
Bidding	\$31,700
Construction Administration	\$251,800
Construction Observation	\$396,160
Subtotal	\$679,660

<i>Subconsultants (budget)</i>	
Topographic Survey	\$75,000
Cultural Resource Investigation Phase 1A/1B	\$50,000
Geotechnical Investigation	\$50,000
Miscellaneous	\$75,000
Subtotal	\$250,000

TOTAL \$1,961,925

Enclosed for your information is a summary of the hours and direct costs necessary to complete the work as described above. We propose to provide these services on a lump sum and percentage complete basis, except for the Construction Observation which will be completed on an hourly not-to-exceed basis. Construction Observation will be billed at \$150/hour, and we have assumed a 2,160-hour construction schedule for an onsite observer. Subcontractor costs will be invoiced as direct costs incurred without markup.

We appreciate the opportunity to submit our proposal and look forward to working with all those involved. If you have any questions or require additional information, we would be happy to meet with you at any time to discuss our approach and qualifications in detail. Please contact me at (585) 402-7506 or akosa@cplteam.com should you have any questions or require additional information.

Very truly yours,

CPL

Andrew R. Kosa, P.E.
Engineering Associate Principal

Enclosures

Proposal Accepted By:

Signature: _____ Date: _____
GCEDC

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Tasks	Man-Hours					Fee
	Principal	Project Manager	Engineer	Drafts	Inspector	
CPL Design Scope						
1. Project & Program Management						
Team Meetings & Coordination	8	40	40			\$ 17,400.00
Coordination & Meetings with municipalities, agencies & involved parties	8	40	40	12		\$ 16,700.00
CPL Internal Meetings & Coordination	8	24	24			\$ 12,400.00
Budgeting, Scheduling & Funding Assistance	8	12	8			\$ 7,040.00
Subcontractor Coordination	8	16	20	4		\$ 7,620.00
Overall Project Engineering, Coordination, Strategies, Budgeting, RFIs, Concepts, & Site Visits	8	30	40	80		\$ 24,400.00
Subtotal	42	163	176	104	8	\$ 87,560.00
2. Survey & Mapping						
Base Mapping Preparation & Coordination with Surveyor						
	4	24	100	200		\$ 52,540.00
Subtotal	4	24	100	200	0	\$ 52,540.00
3. Preliminary Investigations & Route Analysis						
Design Meetings & Coordination	8	8				\$ 4,360.00
Evaluate Route Alternatives	2	8	16	24		\$ 7,570.00
Develop Conceptual Plans	4	8	24	40		\$ 11,280.00
Geotechnical evaluation based on USGS soil data & other available data	2	8	8			\$ 3,610.00
Hydrologic Analysis for Village system	16	24	40	40		\$ 21,000.00
Existing constraints identification	2	4	4	4		\$ 2,090.00
Summary Report	4	16	24	24		\$ 11,180.00
Construction, Engineering & Timeline Estimates	4	4	4	6		\$ 3,470.00
Subtotal	42	88	124	136	8	\$ 65,120.00
4. Oakfield WWTP Coordination & Review						
Coordination & Meetings with Oakfield, Curran & Project Team	4	24	16	16		\$ 10,820.00
Wastewater Capacity & Evaluation	4	24	40	16		\$ 14,420.00
Plant Expansion Review	4	16	40	160		\$ 30,250.00
Inflow Rate Analysis	4	12	16	16		\$ 8,180.00
Summary Report	4	16	30	24		\$ 12,060.00
Subtotal	24	92	128	241	0	\$ 73,350.00
5. Pipeline Preliminary Design						
Design Meetings & Coordination	8	8	8			\$ 5,880.00
Field Investigations	4	8	16			\$ 4,100.00
Design Criteria Development	2	8	8			\$ 4,260.00
Onsite Utility Coordination & Planning	2	8	16	16		\$ 5,600.00
Update Engineering Basis of Design Report	4	10	24	4		\$ 5,890.00
Trail Base Coordination	2	4	8	4		\$ 2,190.00
Pipeline Plan & Profile Sheets	8	40	240	480		\$ 102,600.00
WYSDOT Crossing Plan, Profile, & Detail Sheets	4	20	24	40		\$ 13,800.00
Sewer Crossing Report & Details	2	40	60	120		\$ 32,600.00
Cover, General Notes & Detail Sheets	1	8	8	16		\$ 3,120.00
SWPPP	2	16	40	40		\$ 14,770.00
Specifications - Contractual Front End & Technical	2	8	8			\$ 3,610.00
Permit, ROW & Easement Identification & Update	4	24	24			\$ 10,160.00
Construction, Engineering & Timeline Estimates	4	4	8	8		\$ 3,610.00
Subtotal	47	216	492	728	8	\$ 210,320.00
6. Pump Station Preliminary Design (Main and Intermediate)						
Design Meetings & Coordination	4	4	8			\$ 3,380.00
Field Investigations	4	8	16	24		\$ 5,220.00
Design Criteria Development	4	6	32	40		\$ 12,030.00
Update Engineering Basis of Design Report	4	8	16	4		\$ 5,920.00
Pump Station Site Plan Sheets	4	12	40	60		\$ 16,840.00
Pump Station Plan & Profile Sheets	2	24	60	120		\$ 35,400.00
MEP Design & Detail Sheets	2	24	60	100		\$ 28,730.00
Cover, General Notes & Detail Sheets	1	4	4	4		\$ 2,200.00
Specifications - Contractual Front End & Technical	2	4	8	4		\$ 3,100.00
Material Procurement Bid Specifications	2	4	8			\$ 2,730.00
Construction, Engineering & Timeline Estimates	2	4	8			\$ 2,730.00
Subtotal	31	102	260	388	8	\$ 102,450.00
7. Permits & Approvals						
Design Meetings & Coordination	4	16	8			\$ 6,020.00
WYSDOT Utility Permits	4	12	16	24		\$ 9,160.00
Town/County Highway Permits	4	16	24	24		\$ 11,180.00
WYDECC Sewer Plan Approval	8	40	40	40		\$ 32,600.00
WYDECC SWPPP	4	16	24	40		\$ 13,820.00
WYDECC Wastwater & Storm Crossing Permit	2	16	40	40		\$ 14,770.00
Village of Oakfield Plan Approval	2	8	16	8		\$ 5,730.00
Coordination with Utilities	4	24	24	40		\$ 14,780.00
Respond to Agency Comments	2	4	16	24		\$ 7,340.00
Subtotal	36	152	228	380	8	\$ 163,960.00
8. Pipeline Final Design						
Design Meetings & Coordination	8	8	8			\$ 5,980.00
Field Investigations	8	24	40	40		\$ 14,680.00
Onsite Utility coordination & planning	2	8	16	16		\$ 6,620.00
Update Engineering Basis of Design Report	2	8	16	24		\$ 7,570.00
Pipeline Plan & Profile Sheets	8	60	200	300		\$ 80,300.00
WYSDOT Crossing Plan, Profile, & Detail Sheets	4	16	40	60		\$ 17,720.00
Sewer Crossing Report & Details	4	16	40	80		\$ 15,400.00
Cover, General Notes & Detail Sheets	4	8	8	16		\$ 3,100.00
SWPPP	4	16	40	24		\$ 13,580.00
Specifications - Contractual Front End & Technical	2	8	16			\$ 4,840.00
Permit, ROW & Easement Identification & Update	4	16	24	24		\$ 11,180.00
Construction, Engineering & Timeline Estimates	2	4	8			\$ 3,610.00
Subtotal	62	156	428	544	8	\$ 184,980.00
9. Pump Stations Final Design (Main and Intermediate)						
Design Meetings & Coordination	8	8	16			\$ 4,780.00
Update Engineering Basis of Design Report	2	8	16	24		\$ 7,570.00
Pump Station Site Plan Sheets	8	20	120	140		\$ 41,100.00
Pump Station Plan & Profile Sheets	4	16	40	80		\$ 20,020.00
MEP Design & Detail Sheets	4	80	80	100		\$ 38,000.00
Cover, General Notes & Detail Sheets	2	2	2	8		\$ 2,310.00
Specifications - Contractual Front End & Technical	2	4	8	8		\$ 3,650.00
Material Procurement Bid Specifications	2	4	8	4		\$ 2,160.00
Construction, Engineering & Timeline Estimates	2	4	8	4		\$ 3,190.00
Subtotal	34	128	298	368	8	\$ 125,760.00
Total Design Hours	308	1160	2294	2911	8	
CPL Design Subtotal (Items 1 - 9)						\$ 1,632,340.00
CPL Bidding & Construction Scope						
10. Bidding						
Bidding Administration	8	80	80	80		\$ 31,700.00
Subtotal	8	88	88	80	0	\$ 31,700.00
11. Construction Administration						
Contract Administration	30	160	240	200		\$ 103,890.00
Coordination, RFIs & Site Visits	30	160	240	230		\$ 106,250.00
Project Closeout and As-Built Drawings	8	60	80	120		\$ 41,600.00
Subtotal	68	380	560	550	0	\$ 251,740.00
12. Construction Observation Budget Estimate - Bidlet Hourly						
On Site Inspection (based on 12 month construction schedule)	8	140	240	28	2190	\$ 396,190.00
Subtotal	8	140	240	28	2190	\$ 396,190.00
CPL Bidding & Construction Subtotal (Items 10-12)						\$ 679,630.00
Total Hours	382	1730	3188	3531	2160	
Total CPL Fees (Items 1 - 12)						\$ 1,711,970.00
13. Subcontractor Budget Estimate - Bidlet at Cost						
A. Topographical Survey (Easements, Detailed Crossings, Supplemental Elevation data, etc.)						\$ 75,000.00
B. Cultural Resource Investigation Phase 1A/1B (Duel Archeology)						\$ 50,000.00
C. Geotechnical Investigation						\$ 50,000.00
D. Microbrewn (Flow monitoring, sampling, etc.)						\$ 75,000.00
Subcontractor Subtotal (Item 13)						\$ 250,000.00
Total Fee (Items 1 - 13)						\$ 1,961,970.00

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Clark Patterson Lee Proposal for preparation of design, engineering, bid packages and construction inspection for a 500,000 gallon water storage tank to support Edwards, Plug and other tenants at the STAMP site

Discussion: The Edwards Genesee project is in need of 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.

Fund Commitment: \$316,470 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 a 500,000 gallon water storage tank to support Edwards, Plug and other tenants at the STAMP site.



February 28, 2024

Mr. Mark Masse, CPA
Senior Vice President of Operations
CCEDC
99 MedTech Drive, Suite 106
Batavia, New York 14020

**RE: STAMP FIRE WATER STORAGE TANK INFRASTRUCTURE
PROPOSAL FOR ENGINEERING SERVICES**

Dear Mark:

CPL is pleased to submit our proposal for civil engineering, permitting, and construction services related to the design and construction of an onsite fire water storage tank infrastructure related to the Edwards Vacuum development for the STAMP site located in the Town of Alabama. We have enclosed a Concept Map and Preliminary Cost Estimate of the proposed Fire Water Storage Tank (Part A) and Water Mains (Part B – not in this proposal) for your reference.

Project Understanding

Our proposal is based on our intimate knowledge of the STAMP project and our significant involvement in its development over the past twenty years. This proposal addresses the need for new onsite infrastructure related to Edwards Vacuum and other potential tenants interested in locating within STAMP. Our proposal assumes that an approximately 500,000-gallon fire water storage tank and related site/controls infrastructure will be constructed at this time. Included in this will be an access driveway and control vault/building for the necessary valves and appurtenances. There will be some tank site water main installation associated with the 12" inlet and 24" outlet piping through the tank foundation.

We also understand that the domestic water supply via 12" water main to the tank site, and the tank outlet piping shall be 24" water main (to private fire pump inlets) will be covered under a separate proposal (Part B), along with overall Project Management and State Environmental Quality Review (SEQR) aspects.

The tasks performed as part of this proposal will be completed in accordance with similar tasks performed by CPL for other STAMP subprojects and other CCEDC/GGLDC Shovel Ready projects.

Scope of Work

Our project team has extensive experience in planning and designing the required aspects of similar projects throughout the State. These services have included assistance with site selection, site planning, assistance with marketing efforts, SEQR, and the design and construction of infrastructure. For this project, our team will provide the following detailed scope of work:



Survey and Mapping

As part of this project, CPL will coordinate with a surveyor to complete a field topographical survey and base mapping suitable for the design of the project. Utility information will be obtained from available utility records and field survey and plotted on the base mapping. All elevations will be based on USGS datum.

Highway rights-of-way and adjacent tax parcels will be plotted based on record information available from the Genesee County and the Town. It is anticipated that no easements will be required.

However, under the Crosby Road, Water and Sewer proposal, a utility parcel will be surveyed and created for subdivision that includes a path for the 12-inch inlet and 24-inch outlet water mains and the access driveway to the tank site. This specific portion of the design work will be covered under the Crosby Road and Edwards Infrastructure proposal.

Preliminary Design

CPL will work closely with the GCEDC to ensure that all portions of the project meet the needs and expectations of the GCEDC, and that the project objectives are met. We will provide the required plans, technical specifications, and contract documents to the level of detail required for the construction of the recommended project improvements. Preliminary design will include the following items:

- Complete topographical survey and base mapping suitable for design of the project. Processing the field data and points files into base mapping suitable for the preparation of design plans.
 - The topographical and boundary survey will be completed by a sub-consultant under the other contract.
- Coordinate geotechnical borings to determine general soil conditions, groundwater depths, and the presence of bedrock, if any, within anticipated excavation areas. Review the geotechnical and foundation design report prepared by a sub-consultant.
 - The Geotechnical Investigation will be covered under the Crosby Road and Edwards Infrastructure proposal.
- Preparation of a Basis of Design Report that outlines the design requirements for the project.
- Prepare construction drawings, specifications, contract documents, and cost estimates for the project. All work will be in accordance with the standards of the Town of Alabama, GCEDC, STAMP Water Works Corporation (SWWC), 10-State Standards, NYS DOH, and the requirements of the regulatory agencies. Submissions will be made to the SWWC at 75% and 95%, prior to formal submission to the NYSDOH, NYSEFC, and any other potential funding or review agencies. We will also have meetings with the SWWC to review the design documents at each phase.
- Manage and coordinate the M/WBE sub-consultants to meet all participation requirements and goals, as required for funding compliance.
- Preparation of the preliminary construction Storm Water Pollution Prevention Plan (SWPPP) for the project.
- Preparation of preliminary cost estimates and project schedule based on the preliminary plans.



Permits and Approvals

We will prepare all necessary permit applications required by federal, state, and local regulations, including all required supporting documentation. We have assumed that the GCEDC would be responsible for any required permit fees. Necessary permits may include, but are not limited to, the following:

- Town of Alabama Site Plan Approval.
- Genesee County Highway Approval.
- NYS Department of Environmental Conservation Storm Water Pollution Prevention Plan (SWPPP).
- NYSDOH/Genesee County DOH Plan Approval.

Final Design

Prepare detailed final plans and specifications for the work. All work will be in accordance with the standards of the Town of Alabama, GCEDC, SWWC, and the requirements of the regulatory agencies.

- Prepare easement maps and descriptions for the GCEDC Attorney's use in obtaining any easements that may be required for the project.
- Complete any necessary revisions to the final detailed construction drawings, specifications, contract documents, and cost estimates for the project described above in accordance with agency comments to obtain required approvals and permits in preparation for bidding the project. The final design will also result in the preparation of a final SWPPP, cost estimate, and construction schedule.
- CPL will obtain the permits and approvals that will be required including contract documents approval from the funding source (if required) and the plan approval from the NYS DOH. CPL will be responsible for ensuring all approvals are obtained prior to bidding, which will ensure the project funding is not jeopardized.

Bidding

During the bidding period, we will:

- We have assumed that the project will be bid in two separate prime contracts (General Construction and Electrical) to comply with Wicks Law.
- Assist the GCEDC in advertising for and obtaining bids for the work, maintain a record of prospective bidders to whom bidding documents have been issued, and receive and process contractor deposits for the bidding documents.
- Coordinate printing of the plans with a MWBE sub-consultant printing company. It is assumed that 20 sets of the bid documents will be sufficient.
- Ensure the bidding documents comply with funding agency requirements.
- Coordinating and holding a pre-bid meeting for the bidders to ask questions and to provide them with an overview of the project.
- Issue addenda as appropriate to clarify, correct, or change the bidding documents.
- Attend the bid opening, review bids for compliance with the bid requirements and mathematical correctness, prepare bid tabulation sheets, investigate bidders' qualifications, and prepare a written recommendation for the award of the contract(s).
- Submission of the bid results to NYS EFC, as required.
- Preparation of the agreements and other documents required for the project award.



Construction Administration

Provide construction administration services which include shop drawing review, processing of payment requests, preconstruction and project meetings, schedule coordination, preparation of change orders, coordination with the Contractor, GCEDC, Town, and regulatory agencies, final inspection and punch list, and preparation of record drawings based upon information provided by the Contractor.

Provide coordination with the Contractor, GCEDC, Town of Alabama, Genesee County DOH, NYSDOH, and regulatory agencies.

Provide administration services relating to funding and regulating agency requirements which include NYSDOH, NYSESD, and MWBE.

Construction Observation

Provide a qualified Resident Engineer to monitor the construction and the Contractor's compliance with the Contract Documents. The Resident Engineer will serve as GCEDC's representative on the project, maintain detailed records of the work performed, document payments to the contractor, handle concerns and complaints from residents affected by the project, and coordinate with regulatory agencies and utilities. We have assumed a 6-month schedule for the new fire water storage tank, site improvements and access road.

Project Closeout

- Assist the GCEDC and SWWC with the close out of project with the contractor and funding agencies.
- Prepare redline record drawings (in ACAD format if required) with all electronic files provided to the SWWC. The record drawings will be based on information from the suppliers, contractors, our field observer, and supplemented with surveys where needed.
- Provide to the SWWC the operation and maintenance manuals for each piece of equipment supplied by the contractors. This will include manuals, fire tank insulation and heating control documents, and maintenance requirements.



Excluded Services

The following items have been excluded from our proposal:

- Property survey for the purpose of purchasing property (ALTA) or obtaining easements or rights-of-way.
- Topography Survey – this work is included in the Crosby Road contract and proposal.
- Phase 1 Environmental Assessment.
- Special Use Permits/Zoning Variances.
- Lot combinations or Subdivisions.
- Preparation of an Environmental Impact Statement (EIS).
- Performing wetland delineations, permitting, and mitigation plans.
- Threatened and/or Endangered Species surveys and studies.
- Performing Archaeological or Cultural Resource Surveys/Investigations, if they are required by the NYS Office of Parks, Recreation and Historic Preservation.
- Visual studies.
- Floodplain investigations.
- Stream protection application and permits.
- Application, licensing or filing fees.
- Any structural analysis or recommendations based on geotechnical borings.
- Lighting and Landscaping plans.
- Gas, cable, and telecommunication design or coordination.
- Geotechnical Investigation – this work is included in the Crosby Road contract and proposal.

If it is determined that these items are needed, CPL will work with the GCEDC to develop a specific scope and budget for them.

Fee

Our fee proposal to complete the work described above is as follows:

<u>Task</u>	<u>Fee</u>
<i>CPL Design Scope</i>	
Survey and Mapping	\$5,890
Preliminary & Final Design	\$132,120
Permits and Approvals	\$57,580
Subtotal	\$195,590
<i>CPL Bidding and Construction Scope</i>	
Bidding	\$10,410
Construction Administration & Close Out	\$38,470
Construction Observation	\$72,000
Subtotal	\$120,880
TOTAL	\$316,470

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Mr. Mark Masse
GCEDC
February 28, 2024
Page 6 of 6

Enclosed for your information is a summary of the hours and direct costs necessary to complete the work as described above. We propose to provide these services on a lump sum and percentage complete basis, except for the Construction Observation which will be completed on an hourly not-to-exceed basis. Construction Observation will be billed at \$150/hour, and we have assumed a 480-hour construction schedule (a mix of full-time and part-time).

We appreciate the opportunity to submit our proposal and look forward to working with all those involved. If you have any questions or require additional information, we would be happy to meet with you at any time to discuss our approach and qualifications in detail. Please contact me at (585) 402-7506 or akosa@cplteam.com should you have any questions or require additional information.

Very truly yours,

CPL

Andrew R. Kosa, P.E.
Engineering Associate Principal

Enclosures

Proposal Accepted By:

Signature: _____ Date: _____
GCEDC

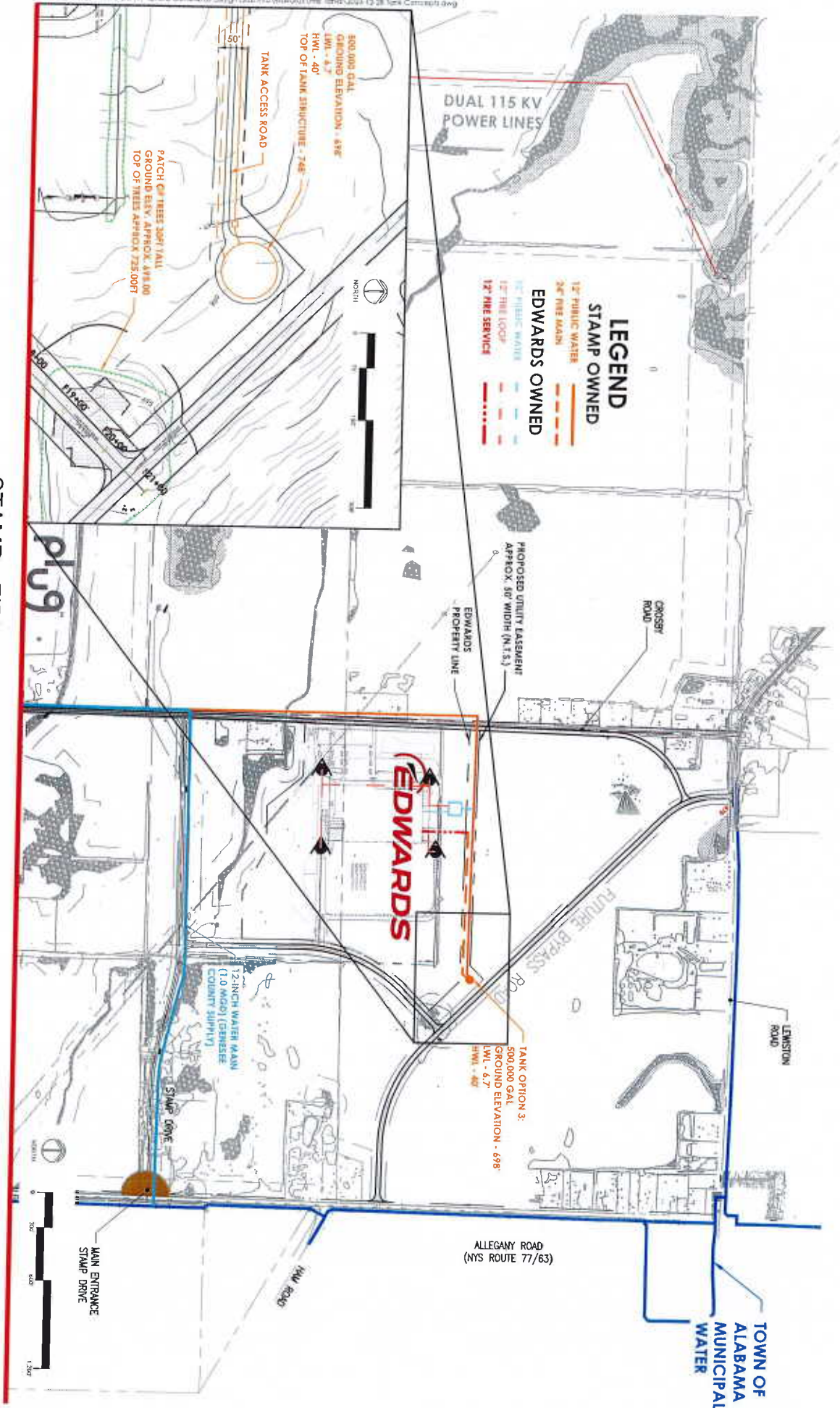
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Tasks	Man-Hours							Fee
	Principal	Project Manager	Engineer	Drafter	MEPS Engineer	Admin. Assist & Support	Inspector	
1. Project & Program Management (Included w/in Crosby Road, Water & Sewer)	\$325	\$215	\$145	\$110	\$175	\$75	\$150	
Team Meetings & Coordination	0	0	0	0	0	0	0	\$ -
Subtotal	0	0	0	0	0	0	0	\$ -
2. Survey & Mapping								
Base Mapping Preparation & Coordination with Surveyor	2	4	12	24	0	0	0	\$ 5,890.00
Subtotal	2	4	12	24	0	0	0	\$ 5,890.00
3. Fire Water Storage Tank Construction Preliminary & Final Design								
Design Meetings & Coordination	8	8	8		4			\$ 6,180.00
Geotech Coordination	2	2	8	4	8			\$ 4,080.00
Tank Design, Site Water Mains, Control Vault/Building, Grading/Drainage, Driveway Design	4	12	120	160	20	4		\$ 42,880.00
Electrical Service, HVAC, & Utility Service Applications	2	4	4	40	96	20		\$ 24,790.00
Stormwater Pollution Prevention Plan (SWPPP)	8	16	40	80				\$ 20,640.00
Tank & Driveway Details, Profiles, & Cross Sections	2	8	12	40				\$ 8,510.00
Erosion & Sediment Control	4	4	4	6				\$ 3,400.00
Cover, General Notes & Details Sheets	4	8	8	8	8			\$ 6,460.00
Specifications - Contractual Front End & Technical	4	16	24	16	24	16		\$ 15,380.00
Subtotal	38	78	228	354	160	40	0	\$ 132,120.00
4. Permits & Approvals								
Town of Alabama Site Plan Approval	2	16	24	24		2		\$ 10,360.00
NYSDEC SWPPP	2	16	40	32		2		\$ 13,560.00
NYSDOH & GCDOH	4	12	24	32	8	2		\$ 12,430.00
Genesee County Highway Permits & Approvals	2	4	8	16		2		\$ 4,580.00
Coordination/Response to Agency Comments	4	24	24	40		2		\$ 14,490.00
Public Meeting/Site Plan Approval	4	4						\$ 2,150.00
Subtotal	18	76	120	144	8	10	0	\$ 57,580.00
CPL Design Subtotal (Items 1 - 4)								\$ 195,590.00
Bidding & Construction								
5. Bidding								
Bidding Administration	4	16	30	12				\$ 10,410.00
Subtotal	4	16	30	12	0	0	0	\$ 10,410.00
6. Construction Administration								
Contract Administration	4	24	40	12	8	12		\$ 15,880.00
Coordination, RFIs & Site Visits	4	16	32	24	8	12		\$ 14,320.00
Project Closeout	2	8	16	8	12	8		\$ 8,270.00
Subtotal	10	48	88	44	28	32	0	\$ 38,470.00
7. Construction Observation Budget Estimate - Billed Hourly								
On Site Inspection (based on 20 week construction schedule, FT & PT)							480	\$ 72,000.00
Subtotal	0	0	0	0	0	0	480	\$ 72,000.00
CPL Bidding & Construction Subtotal (Items 5-7)								\$ 120,880.00
Total Hours	72	222	478	578	196	82	480	
Total CPL Fees (Items 1 - 7)								\$ 316,470.00
8. Subconsultant Budget Estimate - Billed at Cost (Included w/in Crosby Road, Water & Sewer)								
A. Topographical Survey (Frandina) - Easements & Property Survey								\$ -
B. Geotechnical Investigation (Foundation Design)								\$ -
C. Miscellaneous								\$ -
Subconsultant Subtotal (Item 8)								\$ -
Total Fee (Items 1 - 8)								\$ 316,470.00

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STAMP - FIRE FLOW TANK CONCEPT

WNY SCIENCE AND TECHNOLOGY ADVANCED MANUFACTURING PARK (STAMP)
 JANUARY 2024

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**STAMP - FIRE TANK CONCEPT
PRELIMINARY COST ESTIMATE
February 20, 2024**

Part A - Shared 500,000 Gal. Ground Fire Tank (Near Edwards)					
	Quantity	Unit	Estimated Unit Cost	Total	
Mobilization/Demobilization	1	LS	\$ 50,000.00	\$	50,000.00
Tank					
500,000-gallon Concrete Tank	1	EA	\$ 950,000.00	\$	950,000.00
Tank Accessories	1	LS	\$ 40,000.00	\$	40,000.00
Insulation	1	LS	\$ 160,000.00	\$	160,000.00
Heater	2	EA	\$ 5,000.00	\$	10,000.00
Interior Piping	1	LS	\$ 15,000.00	\$	15,000.00
Tank Nozzle	8	EA	\$ 500.00	\$	4,000.00
Level Indicator	1	LS	\$ 3,000.00	\$	3,000.00
FM Certification	1	LS	\$ 15,000.00	\$	15,000.00
Control Vault/Building (Altitude Valve & Backflow)	1	LS	\$ 150,000.00	\$	150,000.00
Electrical Service	1	LS	\$ 75,000.00	\$	75,000.00
Site Work (Grading, Driveway)	1	LS	\$ 250,000.00	\$	250,000.00
			Subtotal	\$	1,722,000.00
			Contingency (20%)	\$	344,400.00
			Soft Costs (25%)	\$	430,500.00
			Total Part A	\$	2,496,900.00
Part B - Water Mains					
Mobilization/Demobilization	1	LS	\$ 27,000.00	\$	27,000.00
Water Main					
12-Inch (Public Water Supply to Tank - Crosby)	3800	LF	\$ 95.00	\$	361,000.00
Gate Valve (12-Inch)	4	EA	\$ 5,000.00	\$	20,000.00
Hydrant	8	EA	\$ 6,500.00	\$	52,000.00
Road Crossing	1	LS	\$ 30,000.00	\$	30,000.00
12-Inch (Public Water Supply to Edwards - Lateral)	100	LF	\$ 95.00	\$	9,500.00
Gate Valve (12-Inch)	1	EA	\$ 5,000.00	\$	5,000.00
Fire Main					
24-Inch	1050	LF	\$ 350.00	\$	367,500.00
Gate Valve (24-Inch)	3	EA	\$ 25,000.00	\$	75,000.00
12-Inch (Fire Water Supply to Edwards - Lateral)	100	LF	\$ 95.00	\$	9,500.00
Gate Valve (12-Inch)	1	EA	\$ 5,000.00	\$	5,000.00
			Subtotal	\$	961,500.00
			Contingency (20%)	\$	192,300.00
			Soft Costs (25%)	\$	240,375.00
			Total Part B	\$	1,394,175.00
			Grand Total (Part A & B)	\$	3,891,075.00

Notes:

1. Use of Glass Lined Steel Tank deduct \$150,000.00 (\$800,000.00 Tank & Foundation).
2. Potable service and fire service to be completed by Edwards. Work completed by Edwards not included in this estimate.

Cost Reimbursement Agreement with NYPA

Discussion: Attached is a Cost Reimbursement Agreement (CRA) with NYPA for the review of the design and engineering for the control house on the NYPA side of the substation at the STAMP site.

Fund commitment: \$250,000 included in the \$56 million.

Committee action request: Recommend approval to sign CRA not to exceed \$250,000.

DRAFT Q#s 0580 & 1484 GCEDC NEW LOAD COST REIMBURSEMENT AGREEMENT

THIS COST REIMBURSEMENT AGREEMENT (the "*Agreement*"), made and entered into as of this [MONTH] __, [YEAR] (the "*Effective Date*"), by and between **Genesee County Economic Development Center**, having an office and place of business at _____ organized and existing under the laws of the State of _____ ("**GCEDC**" or "**Developer**"), and , **NEW YORK POWER AUTHORITY**, a corporate municipal instrumentality of the State of New York having an office and place of business at 123 Main Street ("**NYPA**" or the "**Company**"). **WNY STAMP and Company** may be referred to hereunder, individually, as a "*Party*" or, collectively, as the "*Parties*".

WITNESSETH

WHEREAS, the **GCEDC** is constructing a new load project located in Genesee County, New York connecting into NYPA's Dysinger to station 255 transmission line ("*Project*"); and

WHEREAS, **GCEDC** intends to enter into a development agreement ("*DA*") with NYPA and the National Grid ("*National Grid*") for purposes of connecting the Project into NYPA's Dysinger to station 255 transmission line; and

WHEREAS, NYPA and **GCEDC** desire to set forth the terms, conditions, and costs for conducting certain preliminary engineering, design, procurement, and project management activities specified in Attachment A to this Agreement related to the preparation of the DA (the "*Work*"); and

WHEREAS, NYPA will incur costs in providing the services identified in Attachment A support to **GCEDC** per this Agreement that NYPA otherwise would not be obliged to incur; and

WHEREAS, **GCEDC** shall be responsible for all of NYPA's costs arising from such Work; and

WHEREAS, the NYPA is willing to perform the Work, subject to the terms and conditions of this Agreement so long as the parties continue to negotiate a development agreement in good faith; and

WHEREAS, for this Agreement, NYPA's Work will be related to the control house for the Project, if NYPA's costs to perform the Work associated with the control house will exceed the prepayments made by **GCEDC** under this Agreement the parties will endeavor to discuss an amendment to this Agreement; and

NOW, THEREFORE, in consideration of the premises and the mutual covenants set forth herein, the Parties agree as follows:

1. Term. This Agreement shall become effective as of the Effective Date and shall remain in full force and effect until NYPA's delivery to Developer of NYPA's duly executed, written acknowledgement that all of its Reimbursable Costs (as hereinafter defined) have been paid in full by Developer as contemplated by this Agreement and this Agreement is otherwise terminated in accordance with its terms, provided that no such termination shall affect or excuse the performance by either Party of its obligations under any provision of this Agreement that, by its terms, survives any such termination.
2. Work. NYPA shall use reasonable efforts to perform the Work in accordance with Good Utility Practice. "Good Utility Practice" means any of the practices, methods, and acts engaged in or approved by a significant portion of the electric utility industry during the relevant time period, or any of the practices, methods, and acts which, in the exercise of reasonable judgment in light of the facts known at the time the decision was made, could have been expected to accomplish the desired result at a reasonable cost consistent with good business practices, reliability, safety, and expedition. Good Utility Practice is not intended to be limited to the optimum practice, method, or act, to the exclusion of all others, but rather to refer to acceptable practices, methods, or acts generally accepted in the region in which the Project is located during the relevant time period. Good Utility Practice shall include, but not be limited to, NERC, NPCC, NYISO, and NYSRC criteria, rules, guidelines, and standards, where applicable, and as they may be amended from time to time, including the rules, guidelines, and criteria of any successor organization to the foregoing entities.
3. Changes in Work. Developer may from time to time submit to NYPA written requests for changes in the Work. If the Parties agree to a change in the Work, such change will be set forth in a written change order, and the Work schedule shall be extended or otherwise adjusted as agreed by the Parties pursuant to such change order, which shall constitute an amendment to the scope of work set forth in Attachment A hereto. Any additional costs arising from such change shall also be reflected in such change order and will become part of the Reimbursable Costs to be paid by Developer pursuant to this Agreement.
4. Estimate Only; Developer Obligation to Pay NYPA Reimbursable Costs. The Estimated Cost of Work and any other estimates provided under or in connection with this Agreement or the Work shall not limit Developer's obligation to pay NYPA for all Reimbursable Costs necessarily and otherwise reasonably incurred by NYPA in connection with the performance of the Work. "**Reimbursable Costs**" means the actual costs and expenses necessarily and otherwise reasonably incurred by NYPA in connection with performance of the Work. Without limiting the foregoing, Reimbursable Costs shall include the costs and expenses necessarily and otherwise reasonably incurred by NYPA for labor (including internal labor), services, materials, contracts, subcontracts, and equipment and other costs and expenses necessarily and otherwise reasonably incurred by NYPA in connection with the execution of the Work.
5. Payment. Developer will reimburse NYPA for all Reimbursable Costs incurred by NYPA in connection with the performance of the Work.

- a. Developer shall provide NYPA with a prepayment of Two-Hundred Fifty Thousand (\$250,000.00) ("Initial Prepayment"), such amount representing NYPA's current estimate of Work to be performed by NYPA while NYPA and Developer negotiate a development agreement to complete the Project. NYPA shall invoice Developer for the Initial Prepayment; Customer shall pay such amount to Company within thirty (30) Days of the invoice date. Unless it elects to do so in its sole discretion, NYPA shall not be obligated to commence any Work under this Agreement prior to NYPA's receipt of the Initial Prepayment. NYPA will endeavor to provide notice to Developer if NYPA Reimbursable Costs are going to meet or exceed the Initial Prepayment of \$250,000. NYPA shall have the right to stop Work if Reimbursable Costs exceed the Initial Prepayment of \$250,000 until such time as the Parties execute an amendment to this Agreement or enter into a development agreement for completion of the Work.
- b. Upon completion of portions of the Work, from time to time, NYPA will submit to Developer an invoice for Reimbursable Costs, and except as otherwise expressly provided in this Agreement, all invoices shall be due and payable within 30 days following Developer's receipt thereof. All such NYPA's invoices shall be sent to Developer to the attention of the individual specified below at the address specified below or to such other individual at such other address as Developer may designate from time to time by written notice to NYPA:

GCEDC Contact Info

Mark A. Masse
99 MedTech Drive
Suite 106
Batavia, NY 14020
mmasse@gcedc.com

Payments to NYPA shall be made by:

Wire: (Preferred Method)
 New York Power Authority
 Operating Fund c/o
 J.P. Morgan Chase, N.A.
 ABA No. 021000021
 Account No. 573-804206

- c. Within one hundred and eighty (180) Days following the earlier of (i) the completion of the Work, or (ii) the effective early termination or cancellation date of this Agreement in accordance with any of the provisions hereof, NYPA shall perform an overall reconciliation of the total of all Reimbursable Costs to the invoiced costs previously paid to NYPA by Developer under this Agreement ("Total Payments Made"). If the total of all Reimbursable Costs actually incurred is greater than the Total Payments Made, the NYPA shall provide a final invoice to Developer for the balance due to NYPA under this Agreement (the "Balance Amount"). If the Total Payments Made is greater than the total of all Reimbursable Costs actually incurred, Company shall reimburse the difference to Customer ("Refund Amount"). The Refund Amount or Balance Amount, as applicable, shall be due and payable upon final reconciliation but no later than sixty (60) Days after such reconciliation.

6. Developer's Responsibilities. Developer shall cooperate with NYPA as necessary to facilitate NYPA's performance of the Work. NYPA will have no responsibility or liability under this Agreement for any delay in the performance of the Work or any defective performance or nonperformance thereof to the extent that such delay in performance, defective performance or nonperformance is caused by the inability or failure of (a) Developer to cooperate with NYPA as necessary to facilitate NYPA's performance the Work or to perform any tasks or responsibilities to be otherwise performed or undertaken by Developer under this Agreement or (b) Developer and NYPA to reach agreement on any matter requiring their agreement under the terms of this Agreement.
7. Disclaimers. Any warranties provided by original manufacturers, licensors, or providers of material, equipment, services or other items provided or used in connection with the Work, including items incorporated into the Work (collectively, "Third-Party Warranties"), are not to be considered warranties of NYPA, and NYPA makes no representations, guarantees, or warranties as to the applicability or enforceability of any such Third-Party Warranties.
- a. DEVELOPER ACKNOWLEDGES THAT NYPA IS NOT IN THE BUSINESS OF PERFORMING DESIGN, ENGINEERING OR CONSTRUCTION SERVICES FOR PROFIT AND IS NOT RECEIVING ANY FEE OR PROFIT (AS CONTRASTED WITH COST REIMBURSEMENT) FOR ITS PERFORMANCE UNDER OR IN CONNECTION WITH THIS AGREEMENT. THE EXCLUSIVE REMEDY GRANTED TO DEVELOPER FOR ANY ALLEGED FAILURE OF NYPA TO MEET THE REQUIREMENTS CONTAINED IN THIS AGREEMENT IS TO REQUEST THAT NYPA PROMPTLY CORRECT, REPAIR OR REPLACE SUCH DEFECTIVE WORK. NYPA MAKES NO WARRANTIES, REPRESENTATIONS, OR GUARANTEES IN CONNECTION WITH THIS AGREEMENT, THE EXISTING FACILITIES, THE NEW FACILITIES, THE PROJECT, OR ANY NYPA WORK, WHETHER WRITTEN OR ORAL, STATUTORY, EXPRESS OR IMPLIED, INCLUDING, WITHOUT LIMITATION, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, ALL OF WHICH ARE HEREBY EXPRESSLY EXCLUDED AND DISCLAIMED.
- b. Notwithstanding any other provision of this Agreement to the contrary, this Section 7 shall survive the termination, cancellation or expiration of this Agreement.
8. NYPA's Reservation of Certain Rights. NYPA reserves all of its rights to intervene, participate and comment in any legal or regulatory proceedings regarding the Project and/or the Work.

9. Confidentiality. Unless otherwise required by applicable law, rule, tariff or regulation, Developer and NYPA agree to maintain the confidentiality of this Agreement and any and all information and data provided by a Party hereunder, including Critical Energy Infrastructure Information ("CEII") (the "Confidential Information"), during the term of this Agreement and for a period of five (5) years following the expiration or any termination of this Agreement, except that Developer and NYPA may disclose any and all Confidential Information provided by a Party hereunder on a need-to-know basis to its employees, agents, representatives and affiliates (and its affiliates' employees, agents and representatives) who have first been advised of the confidentiality provisions of this Agreement. Each Party shall be responsible for the unauthorized disclosure of the Confidential Information by the Party's respective representatives. Notwithstanding the above or any expiration or express termination of this Agreement's terms, the receiving Party's obligations under this Section 9 to protect any CEII provided by the disclosing Party under this Agreement, shall continue until the information is no longer designated as CEII by the disclosing Party.
- a. If a Party receives a subpoena or other validly issued administrative or judicial process requesting Confidential Information or is required by law, rule, tariff or regulation to disclose the Confidential Information, such Party will, to the extent permitted by applicable law or regulation, promptly notify the other Party, and if requested by the other Party reasonably cooperate (at the other Party's expense) in the defense or opposition of such demand. However, nothing in this Agreement shall require NYPA to take any action that conflicts with New York Freedom of Information Law ("FOIL") as set forth in Article 6 of the New York Public Officers Law or the procedures set forth in NYPA's regulations, provided that Developer is provided reasonable notice by NYPA of any FOIL request for Confidential Information. Any final determination on the disclosure (or non-disclosure) of Confidential Information shall be made by NYPA, or where appropriate by a court of competent jurisdiction.
 - b. Each Party hereby acknowledges and agrees (a) that the Confidential Information of the other Party is a valuable trade secret of the other Party and that any unauthorized disclosure thereof could cause irreparable harm and loss to the other Party, and (b) that money damages may not be a sufficient remedy for any breach of this Agreement and that each Party shall be entitled to seek specific performance and/or injunctive relief as a remedy for any such breach. Such remedy shall not be deemed to be the exclusive remedy for any such breach of this Agreement but shall be in addition to all other remedies available at law or in equity. For purposes of this section, any disclosure of Confidential Information that is made pursuant to a FOIL request shall not be deemed an unauthorized disclosure.
 - c. This Agreement imposes no obligations with respect to information that: (i) was in the receiving Party's possession without a duty of confidentiality to the disclosing Party before receipt from the disclosing Party, provided, however, that the fact the disclosing Party disclosed the information to receiving Party shall be kept strictly confidential; (ii) is or becomes a matter of public knowledge through no act or omission of receiving Party; (iii) is rightfully received by receiving Party from a third party without such third party's breaching a duty of confidentiality; or (iv) is disclosed by receiving Party with the disclosing Party's prior written approval.

10. Liability and Indemnification.

- a. To the fullest extent allowed by law, Developer will indemnify, and at NYPA's option, defend NYPA's employees and representatives (each, individually, an "Indemnified Party" and, collectively, the "Indemnified Parties"), from and against any and all direct actions, causes of action, claims, demands, damages, judgments, lawsuits, liabilities, liens, losses, penalties, and other costs and expenses (including but not limited to reasonable attorneys' fees and disbursements) of every nature, including but not limited to claims brought by third parties for personal injury and/or property damage (collectively, "Damages"), suffered or incurred by any Indemnified Party and caused by, or otherwise arising from, the negligent or unlawful acts, errors, omissions, or intentional misconduct of Developer or any of its "affiliates" (used here and elsewhere in this Agreement as defined by the Securities and Exchange Commission in Rule 12b-2 under the Securities Exchange Act of 1934, as amended) or third-party contractors or any of their respective directors, officers, employees, agents, or other representatives in connection with the performance of this Agreement, except to the extent that such Damages are determined by a court of competent jurisdiction to have been caused by the negligent or unlawful acts, errors, omissions or intentional misconduct of NYPA or any of its affiliates or contractors or any of their respective directors, officers, employees, agents, or other representatives or any other person or entity for whom or which NYPA is legally responsible.
- b. NYPA's total cumulative liability to Developer for all claims of any kind, whether based upon contract, tort (including negligence and strict liability), or otherwise, for any Damages resulting from, or otherwise relating to, the performance of this Agreement shall not exceed the aggregate amount of all payments made by Developer to NYPA for Reimbursable Costs under this Agreement.
- c. Neither Party shall be liable to the other Party for incidental, indirect, multiple, punitive, or other consequential or special damages (including but not limited to, any loss of property or equipment, loss of profits or revenue, lost market opportunity, loss of use of equipment or power systems, cost of capital, cost of purchased or replacement power or temporary equipment, including additional expenses incurred in using existing facilities, attorneys' fees and other costs of litigation) in connection with, or related to, this Agreement, including but not limited to damage claims based on causes of action for breach of contract, tort (including negligence), or any other theory of recovery, regardless of whether (i) such damages were reasonably foreseeable or (ii) the Parties were advised or otherwise aware that such damages might be suffered or incurred.
- d. Notwithstanding any other provision of this Agreement to the contrary, this Section 10 shall survive the termination, cancellation or expiration of this Agreement.

11. Safety. Each Party shall be solely responsible for the safety and supervision of its own employees, representatives and contractors involved with the Work or on the sites where the Work is to be performed (the "Site(s)"). Each Party shall comply, and shall require its employees, representatives and contractors involved with the Work to comply, with all applicable federal, state and local health and safety requirements, rules, regulations, laws and ordinances. Developer shall be solely responsible for the maintenance and safety of its Site(s) and shall ensure that they are and remain in compliance with all applicable federal, state and local health and safety requirements, rules, regulations, laws and ordinances.
12. Independent Contractor; No Utility Services. NYPA and Developer shall be independent contractors, and neither Party shall be deemed to be an agent of the other Party. This Agreement is not an agreement to provide or take utility services of any kind, including, without limitation, power, interconnection or other electric transmission services.
13. Governing Law. This Agreement is made under, and shall be interpreted, construed, governed, and enforced in accordance with, the laws of the State of New York. Each of the Parties shall submit to the personal jurisdiction of the courts of the State of New York, or the Federal District Court for the Southern District of New York, located in the County of Westchester, as permitted by law, with respect to any matter or dispute arising out of this Agreement.
14. Miscellaneous
 - a. Compliance with Law. Each Party shall comply, and shall ensure that its subcontractors comply, at all times with all applicable federal, state, and local laws, rules, codes, regulations, and ordinances in connection with this Agreement and the performance of the Work. Such compliance shall include, but shall not be limited to, compliance with all applicable wage and hour laws and regulations and all other laws and regulations dealing with, or relating to, the employment of persons and the payment of contributions, premiums, and taxes required by such laws and regulations. Neither Party shall be required to undertake or complete any action or performance under this Agreement that is inconsistent with such Party's standard safety practices, its material and equipment specifications, its design criteria and construction procedures, its labor agreements, Good Utility Practice or any applicable laws or regulations.
 - b. Incorporation of Recitals, Schedules and Exhibits. The recitals, schedules, attachments and exhibits referenced in, and attached to, this Agreement are incorporated into, and form an integral part of, this Agreement.
 - c. Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original. The exchange of copies of this Agreement and signature pages hereto by facsimile or other electronic transmission (including but not limited to e-mailed PDF) shall constitute effective execution and delivery of this Agreement by the Parties and shall be deemed to be originals for all purposes. Signatures of the Parties transmitted by facsimile or other electronic means (including but not limited to e-mailed PDF) shall be deemed to be original signatures for all purposes.

IN WITNESS WHEREOF, each Party has caused this Agreement to be executed by its duly authorized representative as of the Effective Date.

NEW YORK POWER AUTHORITY

By: _____
Name: John Canale
Title: VP Strategic Supply Management

Genesee County Economic Development Center

By: _____
Name:
Title:

DRAFT

ATTACHMENT A: SCOPE OF WORK

TO

Q0580 & 1484 GCEDC COST REIMBURSEMENT AGREEMENT

NYPA's scope of work includes project management, and preliminary engineering and design support services associated with the review and approval of the proposed Q#s **0580 & 1484 STAMP Project** development agreement ("DA"), among to rebuild and modify assets owned and operated by NYPA to support Q#s **0580 & 1484 STAMP Project**. NYPA shall review draft versions of the DA and associated documents and work papers in connection with the Project's proposed interconnection with NYPA's Transmission Facilities.

NYPA services may include but are not limited to:

- Review and provide feedback on Q#s **0580 & 1484 GCEDC** engineering, design, procurement specifications, construction oversight and other documents, work papers in connection with Developer's proposed Q#s **0580 & 1484** load interconnection.
- Review and provide feedback on DA Connecting Transmission Owner ("CTO") Network Upgrade Facilities, Attachment Facilities, CTO System Upgrade Facilities, and CTO Stand Alone System Upgrade Facilities scope of work, responsibilities, milestones, and cost estimates and other work papers in connection with the Developer's proposed Q#s **0580 & 1484** Interconnection.
- Participation in Project meetings in person and teleconferences
- Support resolution of Developer, NYISO, or other transmission owner comments

The work contemplated by this Attachment and this Agreement does not include any permitting activities or any construction, relocations, alterations, modifications, or upgrades with respect to any Company, Developer or third party facilities or the Interconnection Project ("Implementation Work"), nor does Company make any commitment to undertake such Implementation Work. If the Parties elect, in their respective sole discretion, to proceed with any Implementation Work: (i) such Implementation Work would be performed pursuant to a separate, detailed, written, and mutually acceptable DA to be entered into by the Parties and the National Grid, in accordance with the applicable provisions of the NYISO Open Access Transmission Tariff and (ii) payment of all actual costs incurred by Company or its Affiliates in connection with or related to such Implementation Work shall be the responsibility of Developer and Developer shall reimburse Company for all such costs.

The Company Work may be performed in any order as determined by the Company. For the avoidance of doubt: the Company shall not have any responsibility for seeking or acquiring any real property rights in connection with the Company Work, the Project, the Interconnection Project or this Agreement including, without limitation, licenses, consents, permissions, certificates, approvals, or authorizations, or fee, easement or right of way interests. Neither this

Agreement nor the Company Work include granting, securing or arranging for Developer or any third party to have access rights in, through, over or under any real property owned or controlled by the Company; any such access rights would be the subject of separate written agreements.

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