# FINAL

**PROJECT SUMMARY SHEET – UPDATED September 18 2020**

**Company Name:** GSPP 7024 Fox Road, LLC

**Project Address:** 7024 Fox Rd., Marcy NY

**Company Description:**

Green Street Power Partners ("GSPP") is a national developer, financier, owner and operator of solar energy systems for businesses, schools, nonprofits and municipalities expanding across the country. Our versatile team specializes in creatively structuring short- and long-term debt financing for solar assets, balancing the benefits to sponsor equity and tax equity investors with realized value for our clients. "The applicants are wholly owned subsidiaries of Green Street Power Partners and these projects will be added to the GSPP portfolio of owned projects. The CEO of GSPP is Scott Kerner and the President is Jason Kuflik. The company has offices in Stamford, CT, Boston, New York City and Tallahassee FL. The GSPP portfolio currently has projects in New York, Vermont, Massachusetts, Connecticut, Rhode Island, Delaware Minnesota, Delaware, Colorado and California. The applicant is working through Omni Navitas Holdings, LLC under the terms of a Development Services Agreement. Omni is responsible for the filing of the application on behalf of GSPP and for providing any and all information required by the IDA.

**Project Description:** **Total Project Cost: $8,833,950**

GSPP 7024 Fox Road, LLC intends to construct an approximately **Five(5) megawatt AC** solar facility (the "Solar Farm") at its sole cost and expense. The Solar Farm shall consist of racking and foundations; inverters and transformers; necessary electrical interconnections and all improvements and connections required to transfer and deliver generation offsite, including three (3) phase extensions and power box(es); security fencing and gating; safety signage and solar photo voltaic ("PV") panels (collectively the "Site Improvements and Infrastructure"). Landlord has no obligation to make improvements on the Leased Premises or Landlord Property to accommodate the Solar Farm. Preliminary Site Plan, Construction Plans. For any new construction on the Leased Premises, such construction shall be designed and built to all applicable minimum standards for any county, state and federal codes and requirements in effect at the time of construction, including without limitation, the applicable building and fire codes.

**Benefits being requested**

***PILOT VALUE**: $900,051 ($10,000 per MW, 15 years, 2% increase annually years 2-10, 5% increase years 11-15)*

NOTES FROM FAR:

NOTES FROM Inducement:

ONEIDA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

OCIDA

# APPLICATION FOR FINANCIAL ASSISTANCE


**Oneida County Industrial Development Agency**
584 Phoenix Drive
Rome, New York 13441-1405
(315) 338-0393 telephone
(315) 338-5694 fax

Shawna M. Papale, Executive Director


*A non-refundable application fee of $500.00 must be submitted at the time of application along with a $1,000 commitment fee; the $1,000 commitment fee will be applied to closing fees.*

*Please submit the original and two (2) copies of the **signed and notarized** application, and **signed** SEQR form with the above fees. A Cost Benefit Analysis (CBA) will be completed by the Agency based on information from this application. Consult with the Agency on the CBA before submitting the final application. Please also deliver an electronic copy of all.*

***All applications must be submitted at least 10 days prior to meeting.***

| GSPP - 7024 Fox Road, LLC | |
|---|---|
| Project Name | Project Number (to be provided by the agency) |

Date of Submission 7/31/20

REVISED 9-15-2020

## *Note to Applicant:*

The information requested by this application is necessary to determine the eligibility of your project for Agency benefits. Please answer **all** questions, inserting "none" or "not applicable" where appropriate. If you are providing an estimate, please indicate by inserting "est" after the figure. **Attach additional sheets if more space is needed for a response than is provided.**

Return the original signed and notarized application and two copies with a check in the amount of $1500.00 made payable to: **Oneida County Industrial Development Agency (OCIDA)**, 584 Phoenix Drive, Rome, New York 13441-1405, Attn.: Shawna M. Papale, Executive Director. $1000 will be applied at closing against the IDA legal fees. In addition, an electronic version of the application (signed), and SEQR form (signed), to spapale@mvedge.org.

Upon the submission of this application to OCIDA, this applicant becomes a public document. Be advised that any action brought before the OCIDA is public information. All agendas for OCIDA are issued prior to full agency meetings and posted in public domain. ***If there is information that the applicant feels is proprietary, please identity as such and that information will be treated confidentially to the extent permitted by law.***

By signing and submitting this Application, the Applicant acknowledges that it received a copy of the Uniform Tax Exemption Policy and the Oneida County IDA Penalty for Failure to Meet Employment Levels as adopted by the Agency and Agency Memorandums pertaining to the benefits of projects financed through the Agency.

A project financed through the Agency involves the preparation and execution of significant legal documents. Please consult with an attorney before signing any documents in connection with the proposed project. You will receive an engagement letter from the OCIDA legal counsel. You will be asked to sign the engagement letter acknowledging you will be responsible for all legal fees of OCIDA legal counsel and that you understand the process. Should you not close and legal services have been rendered by the OCIDA legal counsel, your company will be responsible for those costs.

If your project requires a public hearing, a representative of the applicant is required to be present. A date will be coordinated by the OCIDA legal counsel.

If you have questions how to calculate your company's IDA application fee please consult with the Memorandum to Companies Sale – Leaseback Transactions or please contact the IDA Executive Director.

## Part I: Applicant Information

**Note**: In responding to the following questions, please keep in mind that the Applicant will be party to all of the documents and is the individual or if entity will be formed which will receive the actual financial assistance from the Agency.

### Applicant

1(a) Applicant's Legal Name: GSPP 7024 Fox Road, LLC

1(b) Principal Address: 1 Landmark Square, Suite 320, Stamford, CT

1(c) Telephone/Facsimile Numbers:

1(d) Email Address: glenn.frank@omni-navitas.com

1(e) Federal Identification Number:

1(f) Contact Person: Glenn Frank

1(g) Is the Applicant a

- ☐ Corporation:
  If yes, Public ☐ Private ☐
  If public, on which exchange is it listed? _____
- ☐ Subchapter S
- ☐ Sole Proprietorship
- ☐ General Partnership
- ☐ Limited Partnership
- ■ Limited Liability Corporation/Partnership
- ☐ Single-Member LLC (name and EIN below):

  Name: _____

  EIN: _____
- ☐ DISC
- ☐ Other(specify) _____

1(h) State of Organization (if applicable) New York

**Applicant's Stockholders, Directors and Officers (or Partners)**

2(a) Provide the following information with respect to parties with 15% or more in equity holdings:

| Name | Address | Percentage of Ownership |
|---|---|---|
| GSPP Omni Holdco, LLC | | 100% |

2(b) Is the Applicant, or any of the individuals listed in 2(a) above, related directly or indirectly to any other entity by more than 50% common ownership? If so, indicate name of such entity and the relationship.

N/A

2(c) Is the Applicant affiliated with any other entity, directly or indirectly, other than as listed in the response to 2(a) above? If yes, please indicate name and relationship of such other entity and the address thereof:

N/A

## Applicant's Counsel and Accountant

3(a). Applicant's Attorney

Name/Title: Kevin R. McAuliffe

Firm: Barclay Damon

Address: 125 East Jefferson Street
Syracuse, NY 13202

Telephone/Fax: 315-425-2875

Email: KMcAuliffe@barclaydamon.com

3(b) Applicant's Accountant

Name/Title: George Moccia

Firm: Omni Navitas Holdings, LLC

Address: 75 Central Street 3rd Floor
Boston MA, 02109

Telephone/Fax: 617-680-9383

Email: george.moccia@omni-navitas.com

## Business Description

4(a) Describe the nature of your business and principal products and/or services. Attach additional sheets if necessary.

Green Street Power Partners ("GSPP") is a national developer, financier, owner and operator of solar energy systems for businesses, schools, nonprofits and municipalities expanding across the country. Our versatile team specializes in creatively structuring short- and long-term debt financing for solar assets, balancing the benefits to sponsor equity and tax equity investors with realized value for our clients.

GSPP 7024 Fox Road, LLC is a special purpose vehicle created by Green Street Power Partners ("GSPP") as its wholly owned subsidiary to own and operate the solar energy project located at 7024 Fox Road Marcy, NY. Through an Asset Purchase Agreement with GSPP, Omni Navitas Holdings, LLC has been authorized to act as the project developer on behalf of GSPP and is in accordance there with is responsible for obtaining the PILOT agreement from the Oneida County IDA. Pursuant to the terms described herein, Omni Navitas Holdings, LLC is submitting this PILOT application on behalf of GSPP and GSPP 7024 Fox Road, LLC

## Part II: Project Information

5(a) Explain your project in detail. This description should include explanation of all activities which will occur due to this project. Attach additional sheets if necessary.

GSPP 7024 Fox Road, LLC intends to construct an approximately Five(5) megawatt AC solar facility (the "Solar Farm") at its sole cost and expense. The Solar Farm shall consist of racking and foundations; inverters and transformers; necessary electrical interconnections and all improvements and connections required to transfer and deliver generation offsite, including three (3) phase extensions and power box(es); security fencing and gating; safety signage and solar photo voltaic ("PV") panels (collectively the "Site Improvements and Infrastructure"). Landlord has no obligation to make improvements on the Leased Premises or Landlord Property to accommodate the Solar Farm. Preliminary Site Plan, Construction Plans. For any new construction on the Leased Premises, such construction shall be designed and built to all applicable minimum standards for any county, state and federal codes and requirements in effect at the time of construction, including without limitation, the applicable building and fire codes.

## Reasons for Project

6(a) Please explain in detail why you want to undertake this project.

GSPP has been a developer, financier, owner and operator of solar energy systems for businesses, schools, nonprofits and municipalities expanding for several years and in a number of different jurisdictions. The Project described in this application is one of several new projects in the State of New York being undertaken by GSPP as its initial entry into the marketplace. GSPP believes solar development to be a socially conscious business opportunity and further believes that with the commitment of the State of New York to renewable energy, an expanding opportunity exists to enhance and grow GSPP's business while providing a well-documented service to the local communities through the reduction of green-house gasses as well as lower utility bills.

6(b) Why are you requesting the involvement of the Agency in your project?

GSPP 7024 Fox Road, LLC is requesting the IDA's involvement and help to condense and consolidate the process of obtaining a PILOT and sales tax exemptions for the project.

6(c) Please confirm by checking the box, below, if there is likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency?

☐ Yes ☒ No

If the Project could be undertaken without Financial Assistance provided by the Agency, then provide a statement in the space provided below indicating why the Project should be undertaken by the Agency:

How will the Applicant's plans be affected or scaled back if Agency approval is not granted?

The project would not be financially viable without the assistance from the the Agency

6(d) Is the proposed project reasonably necessary to discourage the Applicant from removing such other plant or facility to a location outside the State of New York?

☐ Yes ☒ No **If yes**, please explain briefly.

6(e) Will financing by the Agency result in the removal or abandonment of a plant or other facility of the applicant or any related entity presently located in another area of New York State?

☐ Yes ☒ No

**If yes**, is the proposed project reasonably necessary to preserve the competitive position of the Applicant in its respective industry? ☐ Yes ☐ No

**If yes**, please provide a statement and evidence supporting the same. Include the name of all taxing jurisdictions in which the abandoned facility or plant lies, and whether Applicant has had any discussions with said taxing jurisdictions regarding the abandonment. Please provide as much detail as possible.

6(f) Has the Applicant or any related entity previously secured financial assistance in Oneida County (whether through the Agency, the Empire State Development Corporation, or any other entity) ? [ ] Yes [■] No

**If yes**, please explain (indicate date of benefit, location of facility and outstanding balance).

6(g) Has the Applicant or any related entity secured financial assistance anywhere within the United States within the last 90 days or does the Applicant or any related entity anticipate receiving financial assistance within the next 90 days? [ ] Yes [■] No
**If yes**, please explain.

6(h) Check all categories best describing the type of project for all end users at project site **(you may check more than one; if checking more than one indicate percentage of square footage the use represents):**

| | | Please provide percentage of sq. footage for each use (if more than one category): |
|---|---|---|
| [ ] | Manufacturing | % |
| [ ] | Industrial Assembly or Service | % |
| [ ] | Back office operations | % |
| [ ] | Research and Development | % |
| [ ] | Technology/Cybersecurity | % |
| [ ] | Warehousing | % |
| [ ] | Commercial or Recreational | % |
| [ ] | Retail | % |
| [ ] | Residential housing (specify) _____ | % |
| [ ] | Pollution Control (specify) _____ | % |
| [ ] | Environmental (e.g., Brownfield) (specify) _____ | % |
| [ ] | Other (specify) Solar PV system _____ | 100 % |

# UPDATE 9-15-2020

6(i) Check all categories best describing the **scope of the project**:

- ☐ Acquisition of land
- ☐ Acquisition of existing building
- ☐ Renovations to existing building
- ☐ Construction of addition to existing building
- ☐ Demolition of existing building or part of building
- ☐ Construction of a new building
- ☐ Acquisition of machinery and/or equipment
- ☐ Installation of machinery and/or equipment
- ■ Other (specify) Construction of solar PV system

6(j) Please indicate the financial assistance you are requesting of the Agency, and provide the estimated value of said assistance. Attach a sheet labeled Annual PILOT that shows the annual utilization of the Real Property Tax Abatement by year and by taxing jurisdiction (PLEASE CONSULT WITH IDA STAFF ON PILOT CALCULATIONS).

| **Assistance Requested** | **Estimated Values** |
|---|---|
| ■ Real Property Tax Abatement (value of PILOT savings) | $ 900,051 |
| ☐ Mortgage Tax Exemption (.75%) | $ 0 |
| Amount of mortgage: | $ |
| ☐ Sales and Use Tax Exemption ** (8.75%) | $ 0 |
| Value of goods/services to be exempted from sales tax: | $ |
| ☐ Issuance by the Agency of Tax Exempt Bonds(bond dollar value) | $ |

**TOTAL EXEMPTION ASSISTANCE REQUESTED:** $ 900,051

Is the financial assistance requested by the Applicant consistent with the IDA's Uniform Tax Exemption Policy? Yes ■ No X

If no, please provide a written statement describing the financial assistance being requested and detailing the reasons the IDA should consider deviating from its Policy.

***** Note that the estimate provided above will be provided to the New York State Department of Taxation and Finance. The Applicant acknowledges that the transaction documents will include a covenant by the Applicant that the estimate, above, represents the maximum amount of sales and use tax benefit currently authorized by the Agency with respect to this Application. The Agency may utilize the estimate, above, as well as the proposed total Project Costs as contained within this Application, to determine the Financial Assistance that will be offered.*** **It is the responsibility of the applicant to inform the IDA within 10 days if the project amount changes.**

## PAYMENT IN LIEU OF TAX BENEFIT VALUE CALCULATOR

To be used as guidance to calculate the PILOT Benefit value on Page 9 of application. Rates and assessments are for example only.

| Information on Real Property Proposed For PILOT | | | |
|---|---|---|---|
| Estimated Assessment in 1,000s | | $ 2,086 | (Provide) |

| Tax Rates Per 1k of Assessment at time of application* | | Full Payment | Rate Year | Muni | |
|---|---|---|---|---|---|
| Oneida County | $ 8.79 | $ 18,336 | 2020 | Oneida | (Provide) |
| City or Township** | $ 1.12 | $ 2,336 | | Marcy Hway | (Provide) |
| Village** | | $ - | | | (Provide) |
| School District | $ 29.43 | $ 61,391 | | Holland Patent | (Provide) |
| Total | $ 39.34 | $ 82,063 | | | |

*Do not include Special District Tax Rates **Verify equalization rates with jurisdiction for parity with other jurisdictions

Annual rate increase factor of 2% is used in calculator

| | | 1.02 | 1.05 | | | | PROPOSED | | |
|---|---|---|---|---|---|---|---|---|---|
| PILOT VALUE CALCULATOR VALUES | | Full | 485-b | IDA-Comm | IDA-Industrial | OTHER | at 10,000 Mw | Marcy |
| Year 1 Payment | $ 40.13 | $ 83,705 | $ 41,852 | $ 41,852 | $ 27,902 | 30,000 | 50,000 | |
| Year 2 Payment | $ 40.93 | $ 85,379 | $ 46,958 | $ 42,689 | $ 28,460 | 30,600 | 51,000 | 2% increase |
| Year 3 Payment | $ 41.75 | $ 87,086 | $ 52,252 | $ 65,315 | $ 29,029 | 31,212 | 52,020 | 2% increase |
| Year 4 Payment | $ 42.58 | $ 88,828 | $ 57,738 | $ 66,621 | $ 29,609 | 31,836.24 | 53,060 | 2% increase |
| Year 5 Payment | $ 43.43 | $ 90,604 | $ 63,423 | $ 67,953 | $ 30,201 | 32,472.96 | 54,122 | 2% increase |
| Year 6 Payment | $ 44.30 | $ 92,417 | $ 69,312 | $ 92,417 | $ 61,611 | 33,122.42 | 55,204 | 2% increase |
| Year 7 Payment | $ 45.19 | $ 94,265 | $ 75,412 | $ 94,265 | $ 62,843 | 33,784.86 | 56,308 | 2% increase |
| Year 8 Payment | $ 46.09 | $ 96,150 | $ 81,728 | $ 96,150 | $ 64,100 | 34,469.56 | 57,434 | 2% increase |
| Year 9 Payment | $ 47.01 | $ 98,073 | $ 88,266 | $ 98,073 | $ 65,382 | 35,158.77 | 58,583 | 2% increase |
| Year 10 Payment | $ 47.96 | $ 100,035 | $ 95,033 | $ 100,035 | $ 66,690 | 35,861.95 | 59,755 | 5% increase |
| Year 11 Payment | $ 48.91 | $ 102,035 | | | | | 62,743 | 5% increase |
| Year 12 Payment | $ 49.89 | $ 104,076 | | | | | 65,880 | 5% increase |
| Year 13 Payment | $ 50.89 | $ 106,158 | | | | | 69,174 | 5% increase |
| Year 14 Payment | $ 51.91 | $ 108,281 | | | | | 72,633 | 5% increase |
| Year 15 Payment | $ 52.95 | $ 110,446 | | | | | 76,264 | PILOT VALUE |
| Total Due: | | $ 1,447,537 | $ 671,974 | $ 765,370 | $ 465,827 | 328,519 | $547,486 | **$ 900,051** |

| Abatement Percentages | Full | 485-b | IDA-Comm | IDA-Industrial | OTHER |
|---|---|---|---|---|---|
| Year 1 | | 50 | 50 | 66.66666 | |
| Year 2 | | 45 | 50 | 66.66666 | |
| Year 3 | | 40 | 25 | 66.66666 | |
| Year 4 | | 35 | 25 | 66.66666 | |
| Year 5 | | 30 | 25 | 66.66666 | |
| Year 6 | | 25 | | 33.33333 | |
| Year 7 | | 20 | | 33.33333 | |
| Year 8 | | 15 | | 33.33333 | |
| Year 9 | | 10 | | 33.33333 | |
| Year 10 | | 5 | | 33.33333 | |

**Part III: Facility Information** (if project that you are applying for is a housing project please also complete questions 7(l) through7(p))

**Attach copies of the most recent real property tax bills. Include copies for all taxing jurisdictions for the site/ facility that IDA assistance is beingsought.**

**Facility (Physical Information) If multiple locations please provide information on all.**

7(a) Street Address of Facility:
7024 Fox Road

7(b) City, Town and/or Village (list ALL incorporated municipalities):
Marcy

7(c) School District:
Holland Patent

7(d) For what purpose was the facility site most recently used (i.e., light manufacturing, heavy manufacturing, assembly, etc.)?
Agricultural

7(e) Zoning Classification of location of the project:
Agricultural

7(f) Please describe in detail the facility to be acquired, constructed or renovated (including number of buildings, square footage, number of floors, type of construction,) and attach plot plans, photos or renderings, if available. If there are infrastructure improvements (water, sewer, gas, electrical, etc.) please provide details along with who will carry out those improvements and who will fund them. ***Please be as specific as possible***.

GSPP 7024 Fox Road, LLC intends to construct an approximately Five(5) megawatt AC solar facility (the "Solar Farm") at its sole cost and expense. The Solar Farm shall consist of racking and foundations; inverters and transformers; necessary electrical interconnections and all improvements and connections required to transfer and deliver generation offsite, including three (3) phase extensions and power box(es); security fencing and gating; safety signage and solar photo voltaic ("PV") panels (collectively the "Site Improvements and Infrastructure"). Landlord has no obligation to make improvements on the Leased Premises or Landlord Property to accommodate the Solar Farm. Preliminary Site Plan, Construction Plans. For any new construction on the Leased Premises, such construction shall be designed and built to all applicable minimum standards for any county, state and federal codes and requirements in effect at the time of construction, including without limitation, the applicable building and fire codes.

7(g) Has construction or renovation commenced? ☐ Yes ☒ No

**If yes**, please describe the work in detail that has been undertaken to date, including the date of commencement.

**If no**, indicate the estimated dates of commencement and completion:

Construction commencement: October 2020

Construction completion: February 2021

7(h) Will the construction or operation of the facility or any activity which will occur at the site require any local ordinance or variance to be obtained or require a permit or prior approval of any state or federal agency or body (other than normal occupancy and/or construction permits)?

☐ Yes ☒ No

If Yes, please describe.

Has the Project received site plan approval from the Planning Department?

☒ Yes ☐ No ☐ N/A

If Yes, please provide the Agency with a copy of the planning department approval along with the related State Environmental Quality Review (SEQR) determination. If no, please provide the status of approval:

7(i) Will the project have a significant effect on the environment? ☐ YES ☒ No

**Important: please attach and sign Part 1 of either the the long or short Environmental Assessment Form to this Application.**

7(j) What is the useful life of the facility? 25 years

7(k) Is the site in a former Empire Zone? ☐ Yes ☒ No

**If yes**, which Empire Zone: _____

Is project located in a Federal HUB Zone or distressed area: ☐ Yes ☒ No

Provide detail.

**Part IV: Housing Project Questionnaire**

**Complete the following questions only if your project is a Housing Project. Please reference the *Oneida County Industrial Development Agency Uniform Tax Exemption and Agency Benefits Policy Market Rate Rental Housing Development Initiatives.* (Add additional pages as needed).**

7(l) Describe the housing project to be constructed or renovated in detail (type of housing, number of units, etc.):

7 (m) Describe how you will change the current use of the facility or property being utilized for the project. To assist the IDA in their determination of an eligible vacant urban infill site project please provide an extensive explanation as well as photos of what is being removed or replaced with the new construction.

7 (n) Will the project have any impact on the existing infrastructure or upgrades to the current infrastructure (water, sewer, electrical, gas, etc.)? If yes please provide detail and who you are working with at the applicable organization.

7 (o) If your project is a multi-use facility please provide details of the project, project square footage breakdown of non-housing to housing usage, detail the job creation and retention associated with the non-housing component.

7 (p) Does the project provide a community benefit? If yes provide detail substantiating (reference the IDA policy).

ALL APPLICANTS ANSWER THE FOLLOWING

**Part V: Retail Project Questionnaire**

To ensure compliance with Section 862 of the New York General Municipal Law, the Agency requires additional information if the proposed Project is one where customers personally visit the Project site to undertake either a retail sale transaction or to purchase services.

**A.** Will any portion of the project (including that portion of the cost to be financed from equity or other sources) consist of facilities or property that are or will be primarily used in making sales of goods or services to customers who personally visit the project site?

☐ Yes or ■ No. If the answer is yes, please continue below. **IF NO, PROCEED TO SECTION Part VI ON PAGE 14.**

For purposes of Question A, the term "retail sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law), or (ii) sales of a service to customers who personally visit the Project.

**B.** What percentage of the cost of the Project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project? 0 %. **If the answer is less than 33% do not complete the remainder of the retail determination and proceed to next section Part VI Facility (Pg 14).**

**If the answer to A is Yes AND the answer to Question B is greater than 33.33%, indicate which of the following questions below apply to the project:**

**1.** Will the project be operated by a not-for-profit corporation ☐ Yes or ☐ No.

**2.** Is the Project location or facility likely to attract a significant number of visitors from outside Oneida County?

☐ Yes or ☐ No

**If yes**, please provide a third party market analysis or other documentation supporting your response.

**3.** Is the predominant purpose of the project to make available goods or services which would not, but for the project, be reasonably accessible to the residents of the municipality within which the proposed project would be located because of a lack of reasonably accessible retail trade facilities offering such goods or services?

☐ Yes or ☐ No

**If yes**, please provide a third party market analysis that demonstrates that a majority of the project's customers are expected to come from outside of Oneida County and the project will not directly compete with existing businesses located in Oneida County.

**Part VI: Facility (Legal Information)**

8(a) With respect to the **present owner** of the facility, please give the following information and provide a brief statement regarding the status of the acquisition.:

*(Note: the present owner is not necessarily the user of the facility, but that party which holds legal title to the facility.)*

Legal Name: Gavin Lloyd

Address: 7024 Fox Road
Marcy, NY 13403

Telephone:

Balance of Mortgage: N/A

Holder of Mortgage: N/A

If the Applicant is not the present owner of the facility, please attach any written agreements and contracts concerning the acquisition of the real property and/or equipment.

Mr. Lloyd is leasing a portion of his property to GSPP 7024 Fox Road, LLC

8(b) Is there a legal relationship, directly or indirectly, by virtue of common control or through related persons, between the Applicant and the present owner of the facility?
[■] Yes [ ] No. If yes, please explain.

Mr. Lloyd is leasing a portion of his property to GSPP 7024 Fox Road, LLC

8(c) Will a related real estate holding company, partnership or other entity, be involved in the ownership structure of the transaction?
[ ] Yes [■] No. If yes, please explain.

8(d) Will the title owner of the facility/property also be the user of the facility?
[ ] Yes [■] No If no, please explain.

Mr. Lloyd is leasing a portion of his property to GSPP 7024 Fox Road, LLC

8(e) Is the Applicant currently a tenant in the facility? ☐ Yes ■ No

8(f) Are you planning to use the entire proposed facility?
■ Yes ☐ No

**If no**, please give the following information with respect to tenant(s) which will remain in the facility after the completion of the project, including the square footage the Applicant will occupy:

| Name of Tenant | Floors Occupied | Sq. Ft. Occupied | Nature of Business |
|---|---|---|---|
| | | | |
| | | | |
| | | | |

8(g) Are any of the tenants related to the owner of the facility?
☐ Yes ■ No
**If yes**, please explain.

8(h) Will there be any other users utilizing the facility?
☐ Yes ■ No
**If yes**, please explain. Provide detail of the contractual arrangement including any financial exchange for the use of the site or property.

**Part VII: Equipment**

9(a) List the principal items or categories of equipment to be acquired as part of the project. If you are requesting sales tax exemption it is important to be as detailed as possible. (If a complete list is not available at time of application, as soon as one is available but prior to final authorizing resolution, please submit a detailed inventory of said equipment to be covered.) Attach a sheet if needed.

9(b) Please provide a brief description of any equipment which has already been purchased or ordered, attach all invoices and purchase orders, list amounts paid and dates of expected delivery. Attach a sheet if needed.

9(c) What is the useful life of the equipment? 15-25 years

## Part VIII: Employment Information

"FTE" shall mean a full time employee that has a minimum of thirty-five (35) scheduled hours per week, or any combination of two or more part-time employees that work a minimum of fifteen (15) scheduled hours per week, when combined together, constitute the equivalent of a minimum of thirty-five (35) scheduled hours per week, and whose workplace location is the project facility. For this purpose an employee shall include a leased employee regularly retained by the company.

10(a) Estimate how many construction jobs will be created or retained as a result of this project.

Construction Jobs: 25

10(b) Will the project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York?

☐ Yes or ■ No.

**If yes**, explain _____

10 (c) Have you experienced any employment changes (+ or -) in the last three (3) years?

☐ Yes or ☐ No.

If yes, explain _____

10(c) Job Information related to project ***

Estimate below how many jobs will be created and retained as a result of this project, if OCIDA assistance is granted. **PLEASE MAKE SURE PART-TIME EMPLOYEES ARE TURNED INTO FULL TIME EQUIVALENTS (FTE) IN THE TOTALS ON THE BOTTOM-See Pg. 18.**

| | Number of Jobs BEFORE Project | Location 1 | Location 2 | Location 3 | Location 4 | Location 5 | Total |
|---|---|---|---|---|---|---|---|
| | Address in NYS | | | | | | |
| | Full-Time Company | | | | | | |
| | Full-Time Independent Contractors | | | | | | |
| | Full-Time Leased | | | | | | |
| A. | **Total Full-Time BEFORE** | | | | | | 0 |
| | Part-Time Company | | | | | | |
| | Part-Time Independent Contractors | | | | | | |
| | Part-Time Leased | | | | | | |
| B. | **Total Part-Time BEFORE** | | | | | | 0 |
| | **Total FTE BEFORE*** | | | | | | 0 |

**For **Total FTE BEFORE** add full-time employees (line A) plus part-time employees that have been converted to FTE (line B).*



Continued on next page

| | Number of Jobs AFTER Project (within 3 years of project completion) | Location 1 | Location 2 | Location 3 | Location 4 | Location 5 | Total |
|---|---|---|---|---|---|---|---|
| | Full-time Company | | | | | | |
| | Full-Time Independent Contractors | | | | | | |
| | Full-Time Leased | | | | | | |
| A. | **Total Full-Time AFTER** | | | | | | 0 |
| | Part-Time Company | | | | | | |
| | Part-Time Independent Contractors | | | | | | |
| | Part-Time Leased | | | | | | |
| B. | **Total Part-Time AFTER** | | | | | | 0 |
| | **Total FTE AFTER *** | | | | | | 0 |

**For **Total FTE AFTER** add full-time employees (line A) plus part-time employees that have been converted to FTE (line B).*

| Estimate the number of residents from the Labor Market Area** in which the Project is located that will fill the jobs created within three years of project completion | Location 1 | Location 2 | Location 3 | Location 4 | Location 5 | Total |
|---|---|---|---|---|---|---|
| Full-Time | | | | | | |
| Part-Time | | | | | | 0 |
| **Total AFTER** | | | | | | 0 |

** Labor Market Area includes Oneida, Lewis, Herkimer, and Madison Counties

Provide Any Notes To Job Information Below

*GSPP will hire 3rd party contractors, preferably from the local area, to perform annual maintenance and inspection for the solar array. This will include work to maintain the array, location, and grounds with an estimation of 300 hours for each (totaling an estimated 900 hours annually) which GSPP intends to higher individuals at the current market rates. This project, together with other projects in the area and throughout Oneida County will support several jobs in the community, jobs which will be required to be filled for the life of the projects (25-35 years)



Jobs Continued on next page

| | Retained Jobs | | Created Jobs | |
|---|---|---|---|---|
| **SALARY AND BENEFITS** | **Average Annual Salary *per employee*** | **Average Fringe Benefits (as a percentage of wages)** | **Average Annual Salary *per employee*** | **Average Fringe Benefits (as a percentage of wages)** |
| Management | $ | % | $ | % |
| Administrative | $ | % | $ | % |
| Production | $ | % | $ | % |
| Independent Contractor | $ | % | $ | % |
| Other | $ | % | $ | % |
| Overall Weighted Average | $ | % | $ | % |

*** By statute, Agency staff must project the number of Full-Time Jobs that would be retained and created if the request for Financial Assistance is granted. "FTE" shall mean a full time employee that has a minimum of thirty-five (35) scheduled hours per week, or any combination of two or more part-time employees that work a minimum of fifteen (15) scheduled hours per week, when combined together, constitute the equivalent of a minimum of thirt-five (35) scheduled hours per week, and whose workplace location is the project facility. For this purpose an employee shall include a leased employee regularly retained by the company.

10(c) Please list NAICS codes for the jobs affiliated with this project:

## Part IX: Estimated Project Cost and Financing

11(a) List the costs necessary for preparing the facility.

See Next Page

| | | |
|---|---|---|
| LAND Acquisition | $ | |
| Existing Building(s) ACQUISITION | $ | |
| Existing Building(s) RENOVATION | $ | |
| NEW Building(s) CONSTRUCTION | $ | |
| Site preparation/parking lot construction | $ | |
| Machinery & Equipment that is TAXABLE | $ | |
| Machinery & Equipment that is TAX-EXEMPT | $ | |
| Furniture & Fixtures | $ | |
| Installation costs | $ | |
| Architectural & Engineering | $ | |
| Legal Fees (applicant, IDA, bank, other counsel) | $ | |
| Financial (all costs related to project financing)* | $ | |
| Permits (describe below) | $ | |
| Other (describe below) | $ | |
| Subtotal | $ | 0 |
| Agency Fee[1] | $ | |
| **Total Project Cost** | $ | 8,833,950 |

* ***Bank fees, title insurance, appraisals, interest, environmental reviews, etc.***

[1] ***See Attached Fee Schedule (Page 25) for Agency Fee amount to be placed on this line.***

Permit Information

Other Information

BUDGET

| *Address* | ***Marcy NY*** | | | | |
|---|---|---|---|---|---|
| ***Utility info*** | ***Assumptions*** | | | | |
| ***Utility (Load Zone)*** | NGRID (C) | | | | |
| ***Project Size*** | | | | | |
| ***MW AC*** | 5.00 | | | | |
| ***MW DC*** | 6.25 | | | | |
| ***NYSERDA Block - Rebate*** | $0.17/Wdc | $1,062,500 | | | |
| ***Anticipated ITC*** | 26% | $1,235,813 | | | |
| ***Development Costs*** | | | | | Partial exemption |
| ***Panels*** | | $ 2,500,000 | $ 2,500,000 | $ | 100,000 |
| ***Panel Installation*** | | $ 625,000 | | | |
| ***Inverters*** | | $ 437,500 | $ 437,500 | $ | 17,500 |
| ***Racking*** | | $ 1,562,500 | $ 1,562,500 | $ | 62,500 |
| ***Racking Installation*** | | $ 937,500 | | | |
| ***BOS & ECS*** | | $ 312,500 | | | |
| ***Electrical*** | | $ 1,012,500 | $ 253,125 | $ | 10,125 |
| ***Site Work*** | | $ 625,000 | | | |
| ***Engineering & Permits*** | | $ 17,500 | | | |
| ***CESIR*** | | $ 10,000 | | | |
| ***Customer Acquisition Fee*** | | $ 337,500 | | | |
| ***Developers Fee*** | | $ 412,500 | | | |
| ***Agency Fee*** | | $ 43,950 | | | |
| ***Total Costs*** | | ***$ 8,833,950*** | $ 4,753,125 | $ | 190,125 |

11(b) **Sources of Funds for Project Costs**

See Attached costs sheet

Bank Financing: $_____

Equity (excluding equity that is attributed to grants/tax credits) $ _____

Tax Exempt Bond Issuance (if applicable) $ _____

Taxable Bond Issuance (if applicable) $ _____

Public Sources (Include sum total of all state and federal grants and tax credits) $ _____

Identify each state and federal grant/credit:

$ _____

$ _____

$ _____

$ _____

**Total Sources of Funds for Project Costs:** $ 8,833,950

**Real Estate Taxes**

12(a) For each tax parcel which comprises the facility, please provide the following information, using figures from the most recent tax year.

| Tax Map Parcel # | Current Assessed Value (Land) | Current Assessed Value (Building) | Current Total Assessment | Current Real Estate Taxes |
|---|---|---|---|---|
| 247.000-2-9 | | | | 146.1 |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

**Attach copies of the most recent real property tax bills. Include copies for all taxing jurisdictions for the site/ facility that IDA assistance is being sought.**

12(b) Address of Receiver of Town and/or Village Taxes (include all jurisdictions):
P.O. Box 220
Marcy, NY 13403

12(c) Address of Receiver of School Taxes:
P.O. Box 235, 9576 Main Street
Holland Patent, New York 13354

12(d) Will the completion of the proposed project result in the increase of the assessment of any of the parcels named above? [■] Yes [ ] No

**If yes,** please indicate which tax map parcel # will be affected and estimate of increase.

Unknown increase of assessed value of land due to solar

**Financial Information**

13(a) Has the Applicant contacted any bank, financial/lending institution or private investor with respect to the financing of the proposed project?
[ ] Yes [■] No

**If yes**, please provide details.

13(b) Has the Applicant received a commitment letter for said financing?
[ ] Yes [■] No

**If yes**, please submit a copy of said commitment letter along with this Application.

13(c) Please complete the Cost/Benefit Analysis form and attach to this Application. As you begin completing the form and have questions, please call the IDA office.

Marcy Supplement

Per Shawna Papale's email dated August 7, 2020, please find the Applicant's responses below:

a. A Host Community Agreement or a letter of project from the tax jurisdictions must accompany the application.

   Response: This is newly requested information. The Applicant is actively working to obtain letters in support of the project from the respective taxing jurisdictions.

b. You should address the energy cost savings to local businesses, and whether such savings is guaranteed by the developer?

   Response: The solar system will be producing electricity that will be fed into the grid and indirectly sold to consumers. These consumers can be homeowners or large users, such as a school, hospital, or municipal building. The electricity produced will be sold to consumers in the form of energy credits that can go towards offsetting a subscriber's monthly electricity bill. This process is referred to as community solar, as this solar system will be participating in New York State's Community Solar Program. Under the State's Community Solar Program, anywhere between 60%-100% of the electricity produced can be sold to residential customers. Up to 40% of the electricity produced can be sold to one or multiple large users (i.e. schools, hospitals, or municipal buildings). This proposed project is expected to generate 8,125,000 kilowatt hours in its first year of operation. Taking into account a minimum of 60%, and a maximum of 100% of this electricity being distributed to mass market customers, as well as the average use of 10,909 kilowatt hours per year for residential customers, there will be anywhere between 420 and 460 households participating in the community solar aspect of this project. These households can save anywhere from 5%-10% off their monthly electricity bill. On the other hand, less residential customers taking part doesn't mean that the electricity generated cannot still be distributed within the community. Again, up to 40% of the anticipated kilowatt hours produced can be distributed to larger uses in Oneida County. Depending on the usage of these larger users, these customers can also get anywhere from 5%-10% off their monthly electricity bill.

c. Is there a wholesale power purchase agreement with one of more users which support an Oneida County business?

   Response: Please refer to above.

d. Is the property owner required to pay any taxes or property fees?

   Response: The property owner will not be responsible for taxes and/or fees relating to the construction of the solar array and leased area.

e. Where are panels purchased?

Response: The solar panels can be purchased from various manufactures located in Canada, Asia, and the United States. As of submittal of this application, no panels have been purchased for this solar array location.

f. Is there a decommission plan?

Response: The developer and the local municipality will enter in to a mutually agreed upon decommissioning plan upon issuance of municipals building permit for the solar array.

## REPRESENTATIONS AND CERTIFICATION BY APPLICANT

The undersigned requests that this Application be submitted for review to the Oneida County Industrial Development Agency (the "Agency") and its Board of Directors.

Approval of the Application can be granted solely by this Agency's Board of Directors. The undersigned acknowledges that Applicant shall be responsible for all costs incurred by the Agency and its counsel in connection with the attendant negotiations whether or not the transaction is carried to a successful conclusion.

The Applicant further understands and agrees with the Agency as follows:

1. **Annual Sales Tax Filings**. In accordance with Section 858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant.

2. **Annual Employment, Tax Exemption & Bond Status Reports. T**he Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site as well as tax exemption benefits received with the action of the Agency. For Applicants not responding to the Agency's request for reports by the stated due date, a $500 late fee will charged to the Applicant for each 30-day period the report is late beyond the due date, up until the time the report is submitted. Failure to provide such reports as provided in the transaction documents will be an Event of Default under the Lease (or Leaseback) Agreement between the Agency and Applicant. In addition, a Notice of Failure to provide the Agency with an Annual Employment, Tax Exemption & Bond Status Report may be reported to Agency board members, said report being an agenda item subject to the Open Meetings Law.

3. **Absence of Conflict of Interest**. The Applicant has consulted the Agency website of the list of the Agency members, officers and employees of the Agency. No member, officer, or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as herein after described (if none, state "none"):

4. **Hold Harmless**. Applicant hereby releases the Agency and its members, officers, servants, agents and employees from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the Agency, (B) the Agency's acquisition, construction and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project; including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to reach final

agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

5. The Applicant acknowledges that the Agency has disclosed that the actions and activities of the Agency are subject to the Public Authorities Accountability Act signed into law January 13, 2006 as Chapter 766 of the 2005 Laws of the State of New York.

6. The Applicant acknowledges that the Agency is subject to New York State's Freedom of Information Law (FOIL). **Applicant understands that all Project information and records related to this application are potentially subject to disclosure under FOIL subject to limited statutory exclusions**.

7. The Applicant acknowledges that it has been provided with a copy of the Agency's recapture policy (the "Recapture Policy"). The Applicant covenants and agrees that it fully understands that the Recapture Policy is applicable to the Project that is the subject of this Application, and that the Agency will implement the Recapture Policy if and when it is so required to do so. The Applicant further covenants and agrees that its Project is potentially subject to termination of Agency financial assistance and/or recapture of Agency financial assistance so provided and/or previously granted.

8. The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:

> § 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

9. The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.

10. The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.

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

12. The Applicant and the individual executing this Application on behalf of the Applicant acknowledge that the Agency will rely on the representations made herein when acting on this Application and hereby represent that the statements made herein do not contain any untrue statement of a material

fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

STATE OF ~~NEW YORK~~ MA )
COUNTY OF ~~ONEIDA~~ SUFFOLK ) ss.:

Glenn Frank IC, being first duly sworn, deposes and says:

1. That I am the Attorney (Corporate Office) of GSPV Tony Fox Road LLC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.

2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.

(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury this 7th day of August, 2023

(Notary Public)

Derek Papagianopoulos
Notary Public
Commonwealth of Massachusetts
My Commission Expires
August 31, 2023

If the application has been completed by or in part by other than the person signing this application for the applicant please indicate who and in what capacity:

By:_____

Name: _____

Title: _____

Date:_____

Return the original signed and notarized application and two copies with a check in the amount of $1500.00 made payable to: **Oneida County Industrial Development Agency (OCIDA)**, 584 Phoenix Drive, Rome, New York 13441-1405, Attn.: Shawna M. Papale, Executive Director. $1000 will be applied at closing against the IDA closing fee. In addition, please send an electronic version of the application (signed), and SEQR form (signed), to spapale@mvedge.org.

## Agency Fee Schedule

Commitment Fee: $1,000 – due following the initial inducement but prior to scheduling of the public hearing; this amount is non-refundable if the applicant fails to close on the project before the IDA. Upon closing with the IDA this amount is applied to the closing fees.

Bond Fees: ½ of 1% of total bond amount

IDA Agency Fee: PILOT, Mortgage Recording Exemption, Sales Tax Exemption:

- Up to a $1.0 Million project - $5,000
- Above $1.0 Million project up to $10.0 Million project – ½ of 1% of total project cost.
- Above $10.0 Million project – ½ of 1% of total project cost up to $10.0 Million plus incremental increase of ¼ of 1% of total project above $10.0 Million.

Transaction Counsel/Agency Counsel fee:
Set by Bond/Transaction Counsel based upon the nature and complexity of the transaction. This applies to bond and non-bond transactions (leasebacks, sale-leasebacks, etc).

Transaction Counsel/Agency Counsel fees for bond transactions typically will not exceed 2% of the bond amount or project costs. Transaction Counsel/Agency Counsel fees for a sale-leaseback/lease-leaseback transaction are typically $8,500 to $10,000 if no commercial financing is involved or $10,000 to $12,000 if commercial financing is involved. You will receive an engagement letter with a quote based upon the scope of your project.

Annual Fee:
For the term in which the property remains in the IDA's name, an annual lease payment is due in the amount of $750. The first payment is due at closing and subsequent payments are due each January 1. For annual fees not paid and delinquent, a late charge of $50 per month will be levied until such time the fee plus late charges are paid.

Other fees:
If Applicant requests the IDA enter into subsequent transactions following closing (i.e., a facility refinance), the IDA will charge a closing fee equal to 1/8 of one percent of the total reissuance, redemption, new or revised mortgage, refinancing, spreading agreement or other transaction with a minimum payment due of $500. Applicant will also be responsible to pay any legal fees the IDA incurs in connection with said transaction.

Revised 7-12-16

**Please complete EITHER a Short Environmental Assessment Form (EAF) or Full Environmental Assessment Form (EAF) and submit the applicable form with your application. Consult with your project engineer or architect if you have any questions which form is appropriate for your project.**

Anthony J. Picente Jr.
County Executive

David Grow
Chairman

Natalie Brown
Vice Chairman

Shawna M. Papale
Executive Director/Secretary

ONEIDA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
OCIDA

153 Brooks Road, Rome, New York 13441-4105
(315) 338-0393, fax (315) 338-5694
info@mvedge.org www.mvedge.org

Ferris Betrus
Michael Fitzgerald
Eugene Quadraro
Michael Valentine
Steven Zogby

# MEMORANDUM TO COMPANIES
# SALE-LEASEBACK TRANSACTIONS

1. When a Company decides that a sale-leaseback transaction may suit its particular needs, the first order of business is for the Company to complete an Application for Financial Assistance, together with an Environmental Impact Questionnaire, Cost/Benefit Analysis and Statement of the Project Applicant (referred to collectively as the "Application"). The Application is submitted to Agency Counsel for a formal decision as to whether or not the project qualifies as a "project," as defined by law.

2. No action can be taken until the Application is completed and submitted to the Agency and approved by Agency Counsel.

3. Upon completion of the Application and approval by Agency Counsel, the Agency will meet for the purpose of adopting an Inducement Resolution and reviewing the Environmental Impact Questionnaire, Cost/Benefit Analysis and Statement of the Project Applicant. At this time a Resolution may be adopted by the Agency concerning the environmental impact. **Please note that the Agency is subject to the Open Meetings Law, and all meetings will be open to the public, *including news media*.**

4. The Company is expected and encouraged to have its own counsel. The Company is also required to reimburse the Agency for all legal expenses incurred in furtherance of a proposed transaction, whether or not that transaction is completed. This includes all fees and disbursements of Agency Counsel.

5. The Company will be asked to sign an Inducement Agreement, which sets forth the terms of the proposed transaction and the obligations of the parties in furtherance of the same. The Company will also be asked to provide Agency Counsel with certain

information concerning the formation of the corporation or partnership, a survey of the property, title insurance, insurance certificates, etc. before the transaction can close. All matters in connection with the transfer of the real estate will be handled primarily by Company Counsel with the assistance of Agency Counsel.

6. A Public Hearing may be required in accordance with the New York State General Municipal Law, after which the Oneida County Executive must approve or disapprove the issue. Notice of the Public Hearing must be published at least thirty (30) days prior to the Hearing in the newspaper where the project is located. The highest elected official of each affected taxing jurisdiction must also receive thirty day written notice of the Hearing.

No financial benefits may be granted by the Agency to the Company until after the Public Hearing if required.

7. Agency Counsel has certain requirements as to those documents which must be included in the transaction and the content thereof, including but not limited to requiring environmental impact surveys, environmental indemnifications and general indemnifications.

8. The fee schedule is attached, covering the Agency fee, the Agency's work with respect to the project and the work of Agency Counsel.

The estimated fees for Agency Counsel may vary depending on the nature of the project. The initial fee quote assumes that the transaction closes within ninety (90) days from the date of the inducement, that there will be no unusual questions of law or prolonged negotiations regarding the documents, and that the involvement or assistance from other agencies will not require substantial modifications to the typical structure and documentation of similar transactions. The fee quote also assumes that Agency Counsel will not be called upon to coordinate with any lender, as the Agency is not issuing bonds. The fee quote assumes that closing will take place by mail and will not necessitate attending meetings with the Company or any lender.

9. Once the terms and conditions of the transaction are fairly well established, Agency Counsel prepares preliminary drafts of the financing documents and distributes them to all parties for review and comment. Comments accepted by all counsel will result in redrafting of documents. The parties establish a mutually agreeable closing date, and final documents for execution are prepared.

10. The Agency then conducts a meeting whereby it adopts an Authorizing Resolution, under which the Agency approves of the form of the documents and authorizes the Chairman to execute the same.

11. The closing takes place.

12. Some of the benefits available to a company under a sale-leaseback transaction are as follows:

⇒ Exemption from New York State mortgage recording tax
⇒ Exemption from New York State sales tax for materials used in construction
⇒ Real property tax abatement on the value added to the project (for more information, please see the Uniform Tax Exemption Policy enclosed herewith)

c:1997/ocida/irbmemo3.doc/lsr_pc

# MEMORANDUM TO APPLICANTS FINANCING AN IDA PROJECT THROUGH A COMMERCIAL LENDER

We have found it helpful to outline at the onset of a transaction the basic structure of financing when an industrial development agency ("IDA") has a fee or leasehold interest in a property and is party to a mortgage or other financing instrument. **Please give a copy of this memorandum to your lender as early in the financing process as possible.**

An IDA is party to a financing instrument purely as a conduit for financial assistance (in the case of granting exemptions from mortgage recording tax) and to grant its interest in the facility to the lender. To preserve the passive nature of its role, the IDA cannot assume any obligations or make any representations that a traditional Borrower would make to a lender. It has been our experience that the easiest way to accomplish this is to define the Borrower as the "Borrower," define the IDA as the "Agency," and only include the Agency in the granting clause and with respect to the assignment of rents, inasmuch as those are the only reasons that the Agency is party to this document.

Furthermore, because PILOT Payments are contractual obligations and are not given the same high priority as tax payments, we crafted some language that will restore the taxing jurisdictions to the same position they would have been but not for the IDA involvement in the project. While it is not disputed that is an equitable arrangement, certain lenders have expressed concern that, because the requirement to pay PILOT Payments is contained in a private contract, there is no prescribed process to avoid significant delinquencies as there is under a tax foreclosure. It has been our experience the easiest way to accomplish this is for a lender to escrow PILOT Payments so it is has the assurance that payments are made in a timely manner. If a lender does not wish to escrow PILOT Payments, an alternative is for the IDA to record a PILOT Mortgage that would be given first priority over the lender's mortgage, similar to the priority taxes have.

Below are certain provisions we require be incorporated into each financing document to which the IDA is a party (please modify capitalized terms accordingly):

## 1. AGENCY PROVISIONS.

a. Agency makes no covenants other than to mortgage all of its interest in the Premises excepting its Unassigned Rights (as said term is defined in the Leaseback Agreement).

b. **NO RECOURSE AGAINST AGENCY**: Lender agrees that Lender will not look to the Agency or any principal, member, director, officer or employee of the Agency with respect to the Indebtedness or any covenant, stipulation, promise, agreement or obligation contained in this Mortgage. In enforcing its rights and remedies under this Mortgage, Lender will look solely to the Premises for the payment of the Indebtedness and for the performance of the provisions hereof. Lender will not seek a deficiency or other money judgment against the Agency or any principal, member, director, officer or employee of the Agency and will not institute any separate action against the Agency by reason of any default which may occur in the performance of any of the terms and conditions of any documents evidencing the Indebtedness.

c. **HOLD HARMLESS**: Borrower and Lender agree that the Agency, its directors, members, officers, agents (except the Borrower) and employees shall not be liable for and Borrower agrees to defend, indemnify, release and hold the Agency, its directors, members, officers, agents (except the Borrower) and employees harmless from and against any and all (i) liability for loss or damage to Property or injury to or death of any and all Persons that may be occasioned by, directly or indirectly, any

cause whatsoever pertaining to the Facility or arising by reason of or in connection with the occupation or the use thereof or the presence of any Person or Property on, in or about the Facility or the Land or (ii) liability arising from or expense incurred by the Agency's financing, acquiring, constructing, renovating, equipping, owning and leasing of the Facility, including without limiting the generality of the foregoing, all claims arising from the breach by the Borrower of any of their respective covenants contained herein and all causes of action and attorneys' fees and any other expenses incurred in defending any claims, suits or actions which may arise as a result of any of the foregoing, provided that any such losses, damages, liabilities or expenses of the Agency are not incurred or do not result from the gross negligence or intentional or willful wrongdoing of the Agency, or any of its directors, members, agents (except the Borrower) or employees. The foregoing indemnities shall apply notwithstanding the fault or negligence in part of the Agency or any of its members, directors, officers, agents or employees and irrespective of the breach of a statutory obligation or the application of any rule of comparative or apportioned liability.

d. **SPECIAL OBLIGATION**. The obligations of the Agency under the Mortgage and Financing Documents constitute a special obligation of the Agency, and all charges payable pursuant to or expenses or liabilities incurred thereunder shall be payable solely out of the revenues and other moneys of the Agency derived and to be derived from the leasing of the Facility, any sale or other disposition of the Equipment and as otherwise provided in the Authorizing Resolution, the Leaseback Agreement and the PILOT Agreement. Neither the members, officers, agents (except the Borrower) or employees of the Agency, nor any person executing the Mortgage and Financing Documents on behalf of the Agency, shall be liable personally or be subject to any personal liability or accountability by reason of the leasing, construction, renovation, equipping or operation of the Facility. The obligations of the Agency under the Financing Documents are not and shall not be an obligation of the State or any municipality of the State and neither the State nor any such municipality (including, without limitation, the County of Oneida), shall be liable thereon.

e. **SUBORDINATION TO PILOT AGREEMENT**: This Mortgage shall be subject and subordinate to any PILOT Agreement between the Borrower and the Agency with respect to the payments in lieu of taxes assessed or imposed upon the Premises, and by accepting this Mortgage, Lender acknowledges and agrees that such PILOT payments shall have the same force, priority and effect as a real property tax lien under New York State law against the Premises.

If a lender chooses to escrow PILOT Payments, we will incorporate the following provisions into the Leaseback (or Lease) Agreement:

Section 9.13 Subordination to Mortgage. This Leaseback Agreement and the rights of the Company and the Agency hereunder (other than with respect to the Unassigned Rights) are subject and subordinate to the Lien of the Mortgage, and all extensions, renewals or amendments thereof. The subordination of this Leaseback Agreement to the Mortgage shall be automatic, without execution of any further subordination agreement by the Company or the Agency. Nonetheless, if the Bank requires a further written subordination agreement, the Company and the Agency hereby agree to execute, acknowledge and deliver the same.

Section 9.14 Rights of Bank.

(a) Bank is hereby given the right by the Agency, in addition to any other rights herein granted, without any requirement to obtain the Agency's consent, to mortgage the mortgagors' respective interests in the Facility and, in the case of the Company, to assign and grant a security interest in the Company's rights under the Company Documents as collateral security for its obligations to the Bank, upon the condition that all rights acquired by Bank shall be subject to all rights and interests of the

Agency herein and in the other Company Documents, none of which covenants, conditions or restrictions is or shall be waived by the Agency by reason of this right to mortgage or grant a security interest in the Facility and the Company Documents, including Unassigned Rights.

(b) There shall be no renewal, cancellation, surrender, acceptance of surrender, material amendment or material modification of this Leaseback Agreement or any other Company Document by joint action of the Agency and the Company alone, without, in each case, the prior consent in writing of Bank, nor shall any merger result from the acquisition by, or devolution upon, any one entity of any fee and/or leasehold estates or other lesser estates in the Facility. Failure of the Bank to consent to a modification of this Leaseback Agreement by the Agency shall constitute an Event of Default.

(c) If the Agency serves a notice of default upon the Company, it shall also serve a copy of such notice upon Bank at the address set forth in Section 9.1.

(d) In the event of any default by the Company under this Leaseback Agreement or any other Company Document, the Bank shall have fifteen (15) days for a monetary default and thirty (30) days in the case of any other default, after notice to the Company and the Bank of such default to cure or to cause to be cured the default complained of and the Agency shall accept such performance by or at the instigation of Bank as if same had been done by the Company. The Agency in its sole discretion will determine whether such action by the Bank amounts to a cure.

(e) Except where Bank or its designee or nominee has succeeded to the interest of the Company in the Facility, no liability for any payments to be made pursuant to this Agreement or the performance of any of the Company's covenants and agreements under this Agreement shall attach to or be imposed upon the Bank, and if the Bank or its nominee or designee succeeds to the interest of the Company in the Project, all of the obligations and liabilities of the Bank or its nominee or designee shall be limited to such entity's interest in the Facility and shall cease and terminate upon assignment of this Leaseback Agreement by the Bank; provided however, that the Bank or its nominee or designee shall pay all delinquent PILOT Payments, if any, prior to said assignment.

(g) Notwithstanding any provision of this Leaseback Agreement or any other Company Document to the contrary, foreclosure of a mortgage or any sale of the Company's interest in this Leaseback Agreement and/or the Facility in connection with a foreclosure, whether by judicial proceedings, or any conveyance of the Company's interest in this Agreement and/or the Facility to Bank by virtue of or in lieu of foreclosure or other appropriate proceedings, or any conveyance of the Company's interest in this Leaseback Agreement and/or the Facility by Bank shall not require the consent or approval of the Agency and failure to obtain the Agency's consent shall not be a default or Event of Default hereunder.

## Oneida County Industrial Development Agency Recapture Policy
## (Effective April 25, 2017)

### DEFINITIONS:

| | |
|---|---|
| "Company" | is the entity that applied for and received a benefit from the Agency. |
| "Agency" | is the Oneida County Industrial Development Agency. |
| "AER" | is the Company's annual report of employment required to be provided to the Agency. |
| "Employment Obligation Term" | shall mean the period during which the Company is receiving a benefit in the form of lower payment in lieu of taxes than their real estate taxes would be. |
| "Employment Obligation" | shall mean the number of FTEs employed by the Company in Oneida County and selected by the Agency as the Company's obligation. |
| "FTE" | shall mean a full time employee that has a minimum of thirty-five (35) scheduled hours per week, or any combination of two or more part-time employees that work a minimum of fifteen (15) scheduled hours per week, when combined together, constitute the equivalent of a minimum of thirty-five (35) scheduled hours per week, and whose workplace location is the project facility. For this purpose an employee shall include a leased employee regularly retained by the Company. |
| "Benefit" | shall mean the amount the Company saved by making payments in lieu of real property taxes in a particular year. For example, if a Company's PILOT payment is equal to 75% of normal real property taxes, then the Company's Benefit for that year would be an amount equal to 25% of normal real property taxes. |
| "Per Employee Amount" | shall mean an amount equal to the Benefit for the year after the year of the Shortfall divided by the "Employment Obligation". |
| "Shortfall" | shall mean the difference between the Employment Obligation and the actual number of FTEs per the AER for the applicable year. |
| "Major Shortfall" | shall mean having FTEs that are less than 50% of the Employment Obligation. |
| "Minimum Standard" | shall mean a Company whose AER shows that they are short of meeting its Employment Obligation by 20%. |
| "Initial Benefit" | shall be the amount of savings the Company received through the Agency, in the form of Mortgage Recording Tax and New York State Sales Tax. |
| "Cure Period" | shall mean the period ending June 30th of the year following the Major Shortfall. |

1. **Job Creation and Retention Obligations.**

After the expiration of the Employment Obligation Term, the Company shall have no further obligation with respect to the Employment Obligation and shall not be liable for any of the payments described below.

The failure of the Company to satisfy the Employment Obligation can subject the Company to payments to the Agency. The Company shall be required to make payments if it fails to attain the Minimum Standard.

If the Company falls below the Minimum Standard, the Agency will notify the Company in writing of the Agency's intention to recapture Financial Assistance. The Company will have thirty (30) days to respond to the letter and may include a request to appear before the Agency. The Agency will determine, in its sole discretion, if a valid exemption exists and potentially reduce the remedies described below.

2. **Projects with less than Ten Years Employment Obligation Term.**

(a) Shortfall Payments.

(1) If, during the first three (3) years of the Employment Obligation Term a Company fails to achieve the Minimum Standard, then the Company shall pay to the Agency an amount equal to (a) the Per Employee Amount multiplied by (b) the Shortfall and then multiplied by (c) 1.5.

(2) If, after the first (3) years, of the Employment Obligation Term a Company fails to achieve the Minimum Standard, then the Company shall pay to the Agency an amount equal to (a) the Per Employee Amount multiplied by (b) the Shortfall.

(b) Major Shortfall Payment.

(1) If a Company shall incur a Major Shortfall; then, the Company shall pay to the Agency as an additional one-time payment an amount as set forth in the schedule below (such payment shall be referred to as the "Major Shortfall Payment").

| Major Shortfall Occurs: | Percentage of Initial Benefit |
|---|---|
| Year 1 | 100% |
| Year 2 | 80% |
| Year 3 | 60% |
| Year 4 | 40% |
| Any Subsequent Year | 20% |

(2) Notwithstanding any of the foregoing, the Company shall not be liable for a Major Shortfall Payment unless the number of FTEs remains at less than 65% of the Employment Obligation at the expiration of a Cure Period. The Company shall have the opportunity at any time before the expiration of a Cure Period to provide additional information to the Agency regarding the Major Shortfall, and to request a waiver or amendment of this provision.

(3) Notwithstanding any of the foregoing, a Major Shortfall shall not apply where the Shortfall is a result of a major casualty to or condemnation of the facility. In the event of such major casualty or condemnation, the Company shall have no obligation to pay the Major Shortfall Payment.

(4) Qualification for a waiver of either (2) or (3) above shall be at the sole discretion of the Agency.

3. **Projects with Ten Years or Longer Employment Obligation Term.**

(a) Shortfall Payments.

(1) If, during the first five (5) years of the Employment Obligation Term a Company fails to achieve the Minimum Standard, then the Company shall pay to the Agency an amount equal to (a) the Per Employee Amount multiplied by (b) the Shortfall and then multiplied by (c) 1.5.

(2) If, after the first five (5) years of the Employment Obligation Term a Company fails to achieve the Minimum Standard, then the Company shall pay to the Agency an amount equal to (a) the Per Employee Amount multiplied by (b) the Shortfall.

(b) Major Shortfall Payment.

(1) If a Company shall incur a Major Shortfall, then the Company shall pay to the Agency as an additional one-time payment an amount as set forth in the schedule below.

| Major Shortfall Occurs: | Percentage of Initial Benefit |
|---|---|
| Year 1 | 100% |
| Year 2 | 90% |
| Year 3 | 80% |
| Year 4 | 70% |
| Year 5 | 60% |
| Year 6 | 50% |
| Year 7 | 45% |
| Year 8 | 40% |
| Year 9 | 35% |
| Year 10 | 30% |

(2) Notwithstanding any of the foregoing, the Company shall not be liable for a Major Shortfall Payment unless the number of FTEs remains at less than 65% of the Employment Obligation at the expiration of a Cure Period. The Company shall have the opportunity at any time before the expiration of a Cure Period to provide additional information to the Agency regarding the Major Shortfall, and to request a waiver or amendment of this provision.

(3) Notwithstanding any of the foregoing, a Major Shortfall shall not apply where the Shortfall is as a result of a major casualty to or condemnation of the facility. In the event of such major casualty or condemnation, the Company shall have no obligation to pay the Major Shortfall Payment.

(4) Qualification for a waiver of either (2) or (3) above shall be at the sole discretion of the Agency.

4. **Shift of Employment**. If the Shortfall or Major Shortfall is as a result of the Company shifting employment away from Oneida County, then the Agency will require the value of the Benefit and the Initial Benefit utilized to date to be repaid, with interest (determined as the New York State legal interest rate).

5. **Mandatory Recapture**. The Agency is mandated to recapture New York State sales tax benefits where:

a. The Project is not entitled to receive those benefits.

b. The exemptions exceed the amount authorized, or are claimed for unauthorized property or services.

c. The Company fails to use property or services in the manner required by the Leaseback Agreement.

6. **Return of Recaptured Funds.** If the Agency recaptures Initial Benefits or Benefits from a Company, the Agency shall return the recaptured funds promptly to the affected taxing jurisdiction, unless otherwise agreed to by the taxing jurisdiction, in accordance with the General Municipal Law.

**The Agency shall have the right to reduce any payment required under this Policy, in extraordinary circumstances, in its sole discretion.**

Anthony J. Picente Jr.
County Executive

Shawna M. Papale
Secretary/
Executive Director

James P. Castilla
Treasurer

ONEIDA COUNTY INDUSTRIAL
DEVELOPMENT AGENCY
OCIDA

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# ONEIDA COUNTY INDUSTRIAL DEVELOPMENT AGENCY UNIFORM TAX EXEMPTION POLICY

**Adopted by the Oneida County Industrial Development Agency on January 28, 1994, amended on December 21, 1998 and April 30, 2009**

The Oneida County Industrial Development Agency (the "Agency") has adopted the following uniform tax exemption policies. These policies will be used for all projects for which the Agency may provide financial assistance, including bond (taxable and/or tax exempt) issuances and straight lease transactions. Final determinations regarding the extent to which financial assistance, if any, will be granted are solely within the discretion of the Agency.

## I. Project Eligibility Criteria

### *(a) General Requirements*

The Agency considers the following general factors in determining whether a project is eligible for financial assistance:

- The nature of the proposed project (e.g., manufacturing, commercial, civic).
- The nature of the property before the project begins (e.g., vacant land, vacant buildings).
- The economic condition of the area at the time of the application.
- The extent to which a project will create or retain permanent, private sector jobs.
- The estimated value of tax exemptions to be provided.
- The impact of the project and the proposed tax exemptions on affected tax jurisdictions.
- The impact of the proposed project on existing and proposed businesses and economic development projects in the County.
- The amount of private sector investment generated or likely to be generated by the proposed project.
- The likelihood of accomplishing the proposed project in a timely fashion.
- The effect of the proposed project upon the environment.

- The extent to which the proposed project will provide additional sources of revenue for municipalities and school districts in which the project is located.
- The extent to which the proposed project will provide a benefit (economic or otherwise) not otherwise available within the County of Oneida.

***(b) Industrial and Manufacturing Projects***

(1) Industrial and manufacturing projects generally qualify for financial assistance, subject to the eligibility criteria set forth in Part I (a) of this Policy.

(2) Due to the nature of the work, companies performing back-office operations that are regional or national in nature and a majority of which operations support activities outside of Oneida County will qualify as industrial and manufacturing. Research and development facilities and distribution centers that locate in Oneida County may also qualify as industrial and manufacturing.

***(c) Retail Projects***

The Agency will provide financial assistance to retail facilities only in accordance with the restrictions contained in New York State General Municipal Law Section 862(2), and subject to the eligibility criteria set forth in Part I (a) of this Policy. The Agency will also consider the competitive impact of the project.

Retail projects are generally not eligible for Agency assistance, with the following exceptions:

(i) Retail businesses that primarily serve customers located in Oneida County are generally not eligible for financial assistance unless located in a "highly distressed area" as defined in General Municipal Law §854(18), which includes projects located in an economic development zone or Empire Zone (as defined in New York State statute or regulation), or the project meets one of the other requirements of this paragraph (c);

(ii) Retail projects operated by not-for-profit corporations may be eligible for financial assistance;

(iii) Retail projects may be eligible for financial assistance provided an appropriate market analysis demonstrates that a majority of the project's customers are expected to come from outside of Oneida County and the project will not directly compete with existing businesses located in Oneida County; and

(iv) Retail businesses that primarily provide a product or a service that is otherwise not reasonably available in Oneida County may be eligible for financial assistance.

***(d) Other Non-Industrial/Commercial Projects***

Non-industrial/commercial projects may qualify for financial assistance at the discretion of the Agency, based upon its evaluation of the eligibility requirements set forth in Part I (a) of this Policy. The Agency confirms the following specific policies:

(i) Mixed or Multiple-Use Projects qualify for financial assistance, only with respect to that portion of the project that is used for purposes that qualify for financial assistance under this Policy.

(ii) Housing projects are generally not eligible for benefits, unless they

*(a)* service the elderly, low-income, assisted living or other groups with special needs; *or*

(b) promote employment opportunities and prevent economic deterioration, as confirmed by an appropriate market analysis, and such a determination is made by the Agency based upon all of the relevant facts.

II. **Real Property Tax Abatements**

If the Agency determines that a project will receive real property tax abatements, a Payment-In-Lieu-Of-Tax Agreement (the "PILOT") will be negotiated with each project owner (the "Company") and will substantially follow the following guidelines with final determinations to be made by the Agency.

(i) Real Property Acquired by Company as part of Project. If the Company is acquiring real property as part of the Agency project, then the Agency's real property tax exemption will be available with respect to all real property acquired by the Company as part of the project and improvements thereto.

(ii) Substantial Improvements to Existing Real Property Owned by Company. If the Company is making "Substantial Improvements" (as defined below) to existing real property owned by the Company, then the Agency's real property tax exemption will apply to both the existing real property and the improvements.

(iii) Non-Substantial Improvements to Existing Real Property. If the improvements to existing real property owned by the Company are not Substantial Improvements, then the Agency's tax exemption shall apply only to the increase in assessment resulting from improvements constructed or installed as part of the project and the Company shall pay PILOT payments equal to the full amount of taxes on the existing real property.

The term "Substantial Improvements" means the value of the improvements constructed or installed as part of the project equals at least 50% of the value of the real property prior to construction or installation of the improvements, as determined by an independent valuation acceptable to the Agency.

*(a)* ***Industrial and Manufacturing Projects***

The Company shall pay a percentage of the taxes that would otherwise be payable if the project was not tax exempt, to each taxing jurisdiction in which the project is located, as follows:

1. 33 1/3% of such taxes through the fifth (5th) year of the exemption;

2. 66 2/3% of such taxes from the sixth (6th) through tenth (10th) year of the exemption;

3. 100% of such taxes after the tenth (10th) year of the exemption.

***(b) Retail Projects***

The Company shall pay a percentage of the taxes that would otherwise be payable if the project was not tax exempt, to each taxing jurisdiction in which the project is located, as follows:

1. 50% of such taxes through the second (2nd) year of the exemption;

2. 75% of such taxes from the third (3rd) through the fifth (5th) year of the exemption;

3. 100% of such taxes after the fifth (5th) year of the exemption.

***(c) OtherNon-Industrial/Commercial Projects***

The Company shall pay a percentage of the taxes that would otherwise be payable if the project was not tax exempt, to each taxing jurisdiction in which the project is located, as follows:

1. 50% of such taxes through the second (2nd) year of the exemption.

2. 75% of such taxes from the third (3rd) through fifth (5th) year of the exemption.

3. 100% of such taxes after the fifth (5th) year of the exemption.

The Agency reserves the right to deviate from the real property tax abatement policy on a case by case basis at its sole discretion.

## III. Sales Tax Exemptions

If, based on the eligibility criteria described in Part I of this Policy, the Agency determines a project is eligible for financial assistance, the Agency's financial assistance will include exemption from sales and use tax for costs of constructing, renovating and equipping the project.

Sales and use tax exemption, when available, will be authorized for the duration of the acquisition, construction and equipping of the project as described in the application for financial assistance. The Agency shall deliver a sales tax exemption letter which will expire one (1) year from the date of the project inducement. If construction, renovation or equipping is not complete at the expiration of the original sales tax exemption letter, upon request by the Company, the sales tax exemption letter may be extended at the discretion of the Agency.

All Companies receiving sales and use tax exemption benefits will be required to supply the Agency with a list of all contractors and sub-contractors that have been authorized to use the sales tax exemption letter. This list will be appended to the sales tax exemption letter by the Agency.

The Company must keep a record of the usage of the sales tax exemption letter, and must supply the Agency with the total amount of sales and use tax exemptions claimed by the project for each calendar year. The Company must submit this report to the Agency by February 1st of each year, until the exempt period comes to a conclusion. The company shall also file all reports as may be required by applicable law, including Form ST-340 which shall be filed with the New York State Department of Taxation and Finance.

The Agency reserves the right to deviate from the sales tax exemption policy on a case by case basis at its sole discretion.

## IV. Mortgage Recording Tax Exemption

If, based on the project eligibility criteria described in Part I of this Policy, the Agency determines a project is eligible for financial assistance, the Agency will provide an exemption from New York State mortgage recording tax for the financing of project costs.

The Agency reserves the right to deviate from the mortgage recording tax exemption policy on a case by case basis at its sole discretion.

## V. Recapture

Agency financial assistance is granted based upon the Company's representation that the project will create and/or maintain the employment levels described in its application for financial assistance (the "Employment Obligation"). If a Company fails to achieve and/or maintain its Employment Obligation, it could result in recapture of all or a portion of tax benefits granted by the Agency.

## VI. Deviations

Deviations from this Policy shall be infrequent. The Agency reserves the right, at its sole discretion, to deviate from this Policy on a case by case basis. The Agency will provide written notice to the chief executive officer of each affected tax jurisdiction of any deviation from this Policy and will comply with the deviation requirements of the General Municipal Law.

# Oneida County Industrial Development Agency
# Uniform Tax Exemption and Agency Benefits Policy
# Market Rate Rental Housing Development Initiatives
# (Effective March 1, 2015 and revised on April 20, 2018)

## 1. Overview :

In furtherance of the Oneida County Vision 2020 – "Path Toward Prosperity Initiative," the Oneida County Industrial Development Agency ("OCIDA") has created the following Uniform Tax Exemption and Agency Benefits Policy (the "Policy") to encourage development of specific types of market rate rental housing. The expansion of OCIDA's policy to support eligible market rate rental housing is largely driven by the anticipated employment opportunities that will be created by the nanotechnology and emerging innovation economy where a segment of the new work force that will be attracted to these type of jobs prefer market rate rental housing and unique urban living lifestyles.

The purpose of this Policy is to assist OCIDA in determining whether a housing project promotes employment opportunities and prevents economic deterioration in the area served by OCIDA, consistent with New York State Controller's Opinion No. 85-51 and the New York State General Municipal Law. This Policy is intended to be annexed to and made a part of OCIDA's Uniform Tax Exemption Policy adopted on January 28, 1994, amended on December 21, 1998 and April 30, 2009 (the "UTEP"). OCIDA reserves the right to deviate from this Policy at its discretion and in accordance with the General Municipal Law. This Policy is intended to terminate on December 31, 2023.

## 2. Eligible Housing Projects:

The types of housing eligible for OCIDA consideration include market rate (rental only): ***apartments, townhouses, condominiums, loft-style housing and new urbanism type of housing developments.***[1] ***In order to be considered for OCIDA financial assistance pursuant to this Policy,*** *projects must have a minimum of five (5) units in a renovation or conversion of a building* and twenty-four (24) units for new construction, and achieve the minimum number of points to qualify for incentives in accordance with this Policy.

In addition, all applications for consideration must have a minimum project investment of $400,000 in renovation/construction projects and $1.2 Million for new construction rental housing projects.

All projects shall be subject to and in compliance with the New York State General Municipal Law and the UTEP. OCIDA's UTEP requires all applicants to file a Cost/Benefit Analysis that is deemed acceptable to OCIDA.

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[1] **New Urbanism** is an urban design movement which promotes walkable neighborhoods containing a range of housing and job types.

3. **Eligible Areas:**

OCIDA's Uniform Policy for Tier 1, Tier 2 and Tier 3 benefits are targeted for projects that lie in the defined areas of the cities of Rome, Sherrill and Utica and 2010 Census Urbanized Areas and incorporated villages, as shown on the maps that are annexed hereto and made a part of this Policy. Projects that lie outside the three cities or the historic villages but lie within the urbanized area must have water and sewer service in place in order to qualify for OCIDA consideration.

Eligible projects within the defined Eligible Areas will be considered for benefits provided the application can achieve the required minimum number of points.

4. **Criteria:**

OCIDA will entertain applications for assistance that fall within the following criteria, using the following 100 point scoring system for each application received:

| Criteria | Description of Criteria | Points |
|---|---|---|
| Adaptive Reuse Projects | Projects that propose a change in use to an existing building (e.g., reuse of vacant or underutilized facility) or propose development on a vacant urban infill site[2] that is being repurposed or redeveloped for an eligible housing project. | 25 |
| Eligible Area Locations | Projects located within *Eligible Areas* (see attached map) that have a minimum of 5 units in a renovation or conversion of a building and 24 units for new construction, except for urban infill development projects where the IDA will entertain applications for projects located on a vacant urban infill site that has less than 24 units of eligible housing. | 20 |
| Utilizes Existing Infrastructure | Projects that ***utilize existing infrastructure*** (i.e. utilizing both existing sewer and water services and do not require system expansion. Modernizations, such as replacing existing pipes where service is already provided, are viewed favorably). | 20 |
| Community Benefits | Projects that create other benefits that inure to the benefit of the community that may include: rebuilding community infrastructure, pays sewer credits, creates or contributes to a community amenity, dedicates land to a municipality for a public improvement which benefits health and safety, removes slums and blighting influences (e.g., demolition or supports in-fill development within a neighborhood, commercial corridor, downtown, or main street area), provides an environmental enhancement (e.g., flooding wetlands creation/restoration, is part of a Brownfield, utilizes federal/state historic tax credit programs, provides mixed income rental units to support workforce housing, or provides other benefits deemed important and relevant by OCIDA. | 5 |

[2] Urban infill site would include infill rental housing being constructed on vacant or underutilized property.

| | | |
|---|---|---|
| Green Projects | (1) Projects to be constructed on a New York State or federal defined Brownfield, such as a site designated as a federal or state Superfund site; a participant in the State Voluntary Cleanup Program; a former, verified Manufacturing Gas Plant, or within a Brownfield Opportunity Area; or (2) Projects whose plans qualify for a LEED Certification from the US Green Building Council (final certification required prior to commencement of the PILOT Agreement); or (3) Projects that incorporate geothermal technologies that are projected to make a significant impact on the stability, reliability and resilience of the grid. The physical geothermal plant providing energy to the Project must be located within Oneida County, turned on and connected to the grid, the energy generated must provide at least fifty percent (50%) of the energy needs for the Project, and more than fifty percent (50%) of the energy generated must be used in Oneida County. | **10** |
| Mixed Use Development Projects | Projects that are mixed use development with housing being at least –50% or more of a building's total area and the project induces job growth (mixed use development project proposes direct job creation with non-residential uses). To reach 20 points, must create at least 2 FTEs. | **20** |
| **Total Points:** | | **100** |

5. **Scoring of Housing Applications:**

OCIDA shall use this scoring system to determine the level of Agency benefits:

- Tier 1 Benefits: projects that score at least 60 points may receive abatement of real property taxes, exemptions from sales taxes and exemptions from mortgage recording taxes
- Tier 2 Benefits: projects that score between 50 to 59 points may receive abatement of real property taxes, exemptions from sales taxes and exemptions from mortgage recording taxes
- Tier 3 Benefits: projects that score 40 to 49 points may receive exemptions from sales taxes and exemptions from mortgage recording taxes (not eligible for abatement of real property taxes)

| Term of PILOT Exemption Schedule | Tier 1 – PILOT Exemption Schedule | Tier 2 – PILOT Exemption Schedule |
|---|---|---|
| 1 | 100% | 75% |
| 2 | 100% | 75% |
| 3 | 100% | 75% |
| 4 | 100% | 75% |
| 5 | 75% | 50% |
| 6 | 50% | 25% |
| 7 | 50% | |
| 8 | 25% | |
| 9 | 10% | |
| 10 | 10% | |

Applicants will pay 100% of all taxes due and owed until a Certificate of Occupancy is issued for a project, and then the first exemption year in the schedule will begin effective the first taxable status date after a Certificate of Occupancy is issued.

6. **Ineligible Housing Projects:**

OCIDA will not consider housing applications that propose new suburban subdivisions that serve single family detached housing or projects that are not located within the eligible areas as referenced in Section 3 and included on the map, which is attached hereto and made a part of this policy.

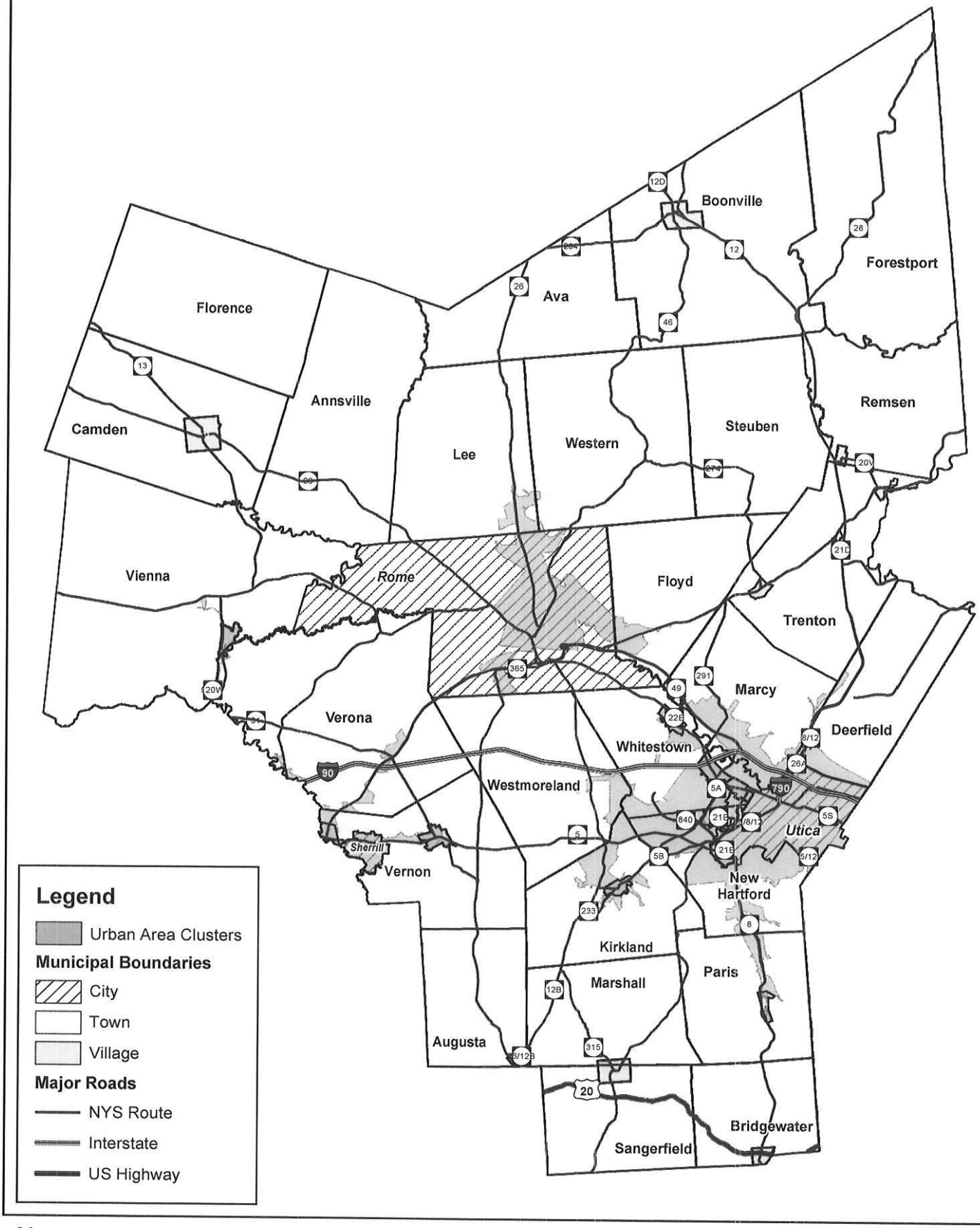
7. **Sunset Provision:**

The effective date of this policy will commence on the first day of the month following the date in which this Policy is formally approved in accordance with requirements set forth under Article 18A of the General Municipal Law and shall remain in effect for a period of five years, unless OCIDA elects to extend or modify the Policy.

All applicants who are granted approval during this time period will have twenty-four (24) months to complete their project, which shall be evidenced by issuance of a Certificate of Occupancy by the applicable local codes officer for the political subdivision where the project is situated. Receipt of a Certificate of Occupancy is required in order to receive all tax benefits that were granted in the final authorizing resolution approved by OCIDA.

8. **Agency Fees:**

The applicant will be required to remit to OCIDA all applicable fees (see fee schedule), including payment of all OCIDA legal costs associated with the project and an annual rent payment of $750, which is due as part of the lease agreement with OCIDA. A copy of the applicable fee schedule is included with the application package. When the application is submitted, the applicant shall submit a check for $1,500 which includes a non-refundable application fee of $500 and a commitment fee of $1,000 that will be applied at closing; if the project does not close the $1,000 is applied to legal fees incurred in connection with the application. Other than the application fee and the annual rent payment, all other fees shall be due and paid at closing.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Updated: August 2017

## 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 1is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

| | | |
|---|---|---|
| Name of Action or Project:<br>Marcy Fox Road Solar Project | | |
| Project Location (describe, and attach a general location map):<br>7024 Fox Rd, Marcy, NY 13403 | | |
| Brief Description of Proposed Action (include purpose or need):<br>NSG Fund 1, LLC, proposes the construction of a 5 MW ground-mounted solar array system and energy storage within the project area located at 7024 Fox Rd, in the Town of Marcy in Oneida County, New York. The project area is located on an approximately 99.6-acre parcel of land that consists primarily of forest lot and agricultural land. | | |
| Name of Applicant/Sponsor:<br>NSG Fund 1, LLC | Telephone: (401) 862-5932<br>E-Mail: joseph.mendelsohn@omni-navitas.com | |
| Address: 75 Central Street, 3rd Floor | | |
| City/PO: Boston | State: MA | Zip Code: 02109 |
| Project Contact (if not same as sponsor; give name and title/role):<br>Rachel Silva - Environmental Consultant | Telephone: 716-221-4037<br>E-Mail: RSilva@trccompanies.com | |
| Address:<br>2801 Wehrle Dr, Suite 8 | | |
| City/PO:<br>Williamsville | State:<br>NY | Zip Code:<br>14221 |
| Property Owner (if not same as sponsor):<br>Gavin Lloyd | Telephone: 315-865-4790<br>E-Mail: | |
| Address:<br>7024 Fox Rd | | |
| City/PO: Marcy | State: NY | Zip Code: 13403 |

**B. Government Approvals**

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

| Government Entity | If Yes: Identify Agency and Approval(s) Required | Application Date (Actual or projected) |
|---|---|---|
| a. City Counsel, Town Board, or Village Board of Trustees ☐Yes ☑No | | |
| b. City, Town or Village Planning Board or Commission ☑Yes ☐No | Site plan approval | August 2019 |
| c. City, Town or Village Zoning Board of Appeals ☐Yes ☑No | | |
| d. Other local agencies ☐Yes ☑No | | |
| e. County agencies ☑Yes ☐No | Oneida Co Planning Dept, Oneida Co Agricultural Data Statement (see attached); Rd Access Permit | August 2019 |
| f. Regional agencies ☐Yes ☑No | | |
| g. State agencies ☑Yes ☐No | NYSDEC SPDES GP-0-15-002 | September 2019 |
| h. Federal agencies ☐Yes ☑No | | |

i. Coastal Resources.
*i.* Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes ☑No

*ii.* Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes ☑No

*iii.* Is the project site within a Coastal Erosion Hazard Area? ☐Yes ☑No

**C. Planning and Zoning**

**C.1. Planning and zoning actions.**

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

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

**C.2. Adopted land use plans.**

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

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

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

If Yes, identify the plan(s):

NYS Heritage Areas:Mohawk Valley Heritage Corridor

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

If Yes, identify the plan(s):

**C.3. Zoning**

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

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? Holland Patent Central School District

b. What police or other public protection forces serve the project site?
New York State Police

c. Which fire protection and emergency medical services serve the project site?
Maynard Fire Department, Stittville Fire Department, and Oneida County Department of Emergency Services

d. What parks serve the project site?
Marcy Town Park, Link Park, and Lock 20 Park

**D. Project Details**

**D.1. Proposed and Potential Development**

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

b. a. Total acreage of the site of the proposed action? 19.50 acres
b. Total acreage to be physically disturbed? 1.02 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 99.6 acres

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

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

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

f. Does the project include new residential uses? ☐ Yes ☑ No

If Yes, show numbers of units proposed.

| | One Family | Two Family | Three Family | Multiple Family (four or more) |
|---|---|---|---|---|
| Initial Phase | | | | |
| At completion of all phases | | | | |

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

If Yes,

*i.* Total number of structures 3

*ii.* Dimensions (in feet) of largest proposed structure: 15 height; 10 width; and 4 length

*iii.* Approximate extent of building space to be heated or cooled: N/A square feet

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

If Yes,

*i.* Purpose of the impoundment:

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

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

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

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

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

**D.2. Project Operations**

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

If Yes:

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

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

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

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

*iv.* Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No

If yes, describe.

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

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

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

*viii.* Will the excavation require blasting? ☐ Yes ☐ No

*ix.* Summarize site reclamation goals and plan:

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

If Yes:

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

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

_____

_____

_____

_____

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

If Yes, describe: _____

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

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

_____

- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

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

_____

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

If Yes:

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

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

If Yes:

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

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

If Yes:

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

_____

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

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

If, Yes:

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

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

_____

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

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

If Yes:

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

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

_____

_____

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

If Yes:

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

- Do existing sewer lines serve the project site? ☐Yes ☐No
- Will a line extension within an existing district be necessary to serve the project? ☐Yes ☐No

If Yes:

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

*iv.* Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes ☐No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

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

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

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☑Yes ☐No

If Yes:

*i.* How much impervious surface will the project create in relation to total size of project parcel?

1,200 Square feet or _____ acres (impervious surface)

_____ Square feet or 99.6 acres (parcel size)

*ii.* Describe types of new point sources. No new point sources.

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

Water quality treatment for impervious area will be an infiltration trench.

- If to surface waters, identify receiving water bodies or wetlands: _____
- Will stormwater runoff flow to adjacent properties? ☐Yes ☑No

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

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐Yes ☑No

If Yes, identify:

*i.* Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

*ii.* Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

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

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐Yes ☑No

If Yes:

*i.* Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes ☐No

*ii.* In addition to emissions as calculated in the application, the project will generate:

- _____Tons/year (short tons) of Carbon Dioxide ($CO_2$)
- _____Tons/year (short tons) of Nitrous Oxide ($N_2O$)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride ($SF_6$)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

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

If Yes:

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

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

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

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

_____

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

If Yes:

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

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

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

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

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

_____

*vi.* Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

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

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

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

If Yes:

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

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

_____

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

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

*i.* During Construction:

- Monday - Friday: 7 am to 7 pm
- Saturday: 7 am to 7 pm (weather dependent)
- Sunday: 7 am to 7 pm (weather dependent)
- Holidays: 7 am to 7 pm (weather dependent)

*ii.* During Operations:

- Monday - Friday: 24 hours
- Saturday: 24 hours
- Sunday: 24 hours
- Holidays: 24 hours

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:

Noise levels will exceed ambient levels during construction activities from use of heavy equipment, including: pile drivers, excavators, forklifts, and skid steer loaders. During operations, inverters will produce low level noise that will not exceed ambient levels at the fence line.

*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:

Temporary lighting will be required where equipment is to be stored during construction. No lighting will be required following completion of construction.

*ii.* Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☑ No

Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☑ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

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

If Yes:

*i.* Product(s) to be stored _____

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

*iii.* Generally, describe the proposed storage facilities: _____

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

If Yes:

*i.* Describe proposed treatment(s):

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

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

If Yes:

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

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

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

- Construction: _____
- Operation: _____

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

- Construction: _____
- Operation: _____

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

If Yes:

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

*ii.* Anticipated rate of disposal/processing:

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

*iii.* If landfill, anticipated site life: _____ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: _____

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

## E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

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

*ii.* If mix of uses, generally describe:

Agricultural land surrounded by rural development and forested areas.

b. Land uses and covertypes on the project site.

| Land use or Covertype | Current Acreage | Acreage After Project Completion | Change (Acres +/-) |
|---|---|---|---|
| • Roads, buildings, and other paved or impervious surfaces | 0.00 | 0.02 | 0.02 |
| • Forested | 30.90 | 30.32 | -0.58 |
| • Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural) | 9.49 | 7.20 | -2.29 |
| • Agricultural (includes active orchards, field, greenhouse etc.) | 59.40 | 33.78 | -16.62 |
| • Surface water features (lakes, ponds, streams, rivers, etc.) | 0.20 | 0.20 | N/A |
| • Wetlands (freshwater or tidal) | 25.10 | 0.00 | N/A |
| • Non-vegetated (bare rock, earth or fill) | N/A | N/A | N/A |
| • Other Describe: Solar Power Facility | 0.00 | 19.50 | 19.50 |

c. Is the project site presently used by members of the community for public recreation? ☐Yes ☑No

*i.* If Yes: explain: _____

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

If Yes,

*i.* Identify Facilities:

_____

_____

e. Does the project site contain an existing dam? ☐Yes ☑No

If Yes:

*i.* Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

*ii.* Dam's existing hazard classification: _____

*iii.* Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐Yes ☑No

If Yes:

*i.* Has the facility been formally closed? ☐Yes ☐ No

- If yes, cite sources/documentation: _____

*ii.* Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

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

_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐Yes ☑No

If Yes:

*i.* Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐Yes ☑ No

If Yes:

*i.* Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐Yes ☐No

☐ Yes – Spills Incidents database Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____

☐ Neither database

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

_____

_____

*iii.* Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐Yes ☑No

If yes, provide DEC ID number(s): _____

*iv.* If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____

_____

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

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

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? >6.7 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:

| | |
|---|---|
| Kendaia Silt Loam, 3-8 % slope | 28.0 % |
| Kendaia Silt Loam, 0-3% slope | 27.5 % |
| Lyons Soils, 0-3 % slope | 19 % |

d. What is the average depth to the water table on the project site? Average: 1.1 feet

e. Drainage status of project site soils:

| | | |
|---|---|---|
| ☐ | Well Drained: | 0 % of site |
| ☑ | Moderately Well Drained: | 18.5 % of site |
| ☑ | Poorly Drained | 81.5 % 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 876-524 Classification C
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters, NYS Wetland, Federal Waters, Fe... Approximate Size NYS Wetland (in a...
- Wetland No. (if regulated by DEC) OR-9

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

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

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

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

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

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

*i.* Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site:
Squirrels | Birds | White-Tailed Deer
Raccoons | Voles | Chipmunks
Bats

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): _____

Northern Long-eared Bat Myotis septentrionalis - 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: ONEI007

b. Are agricultural lands consisting of highly productive soils present? ☑Yes ☐No
*i.* If Yes: acreage(s) on project site? 27.8
*ii.* Source(s) of soil rating(s): NYSDEC Soil Group Numbers (2019)

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 fives 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.

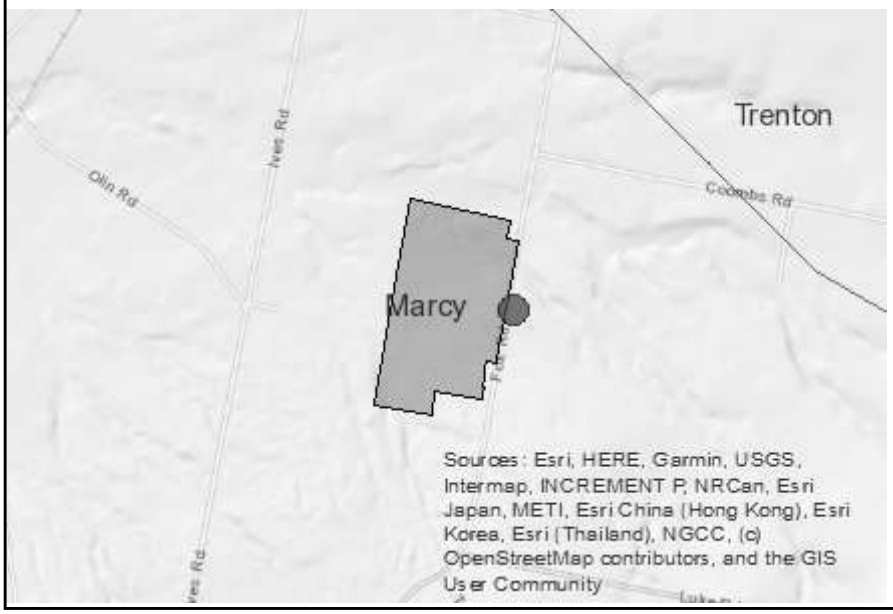
Applicant/Sponsor Name NSG Fund 1, LLC Date 8/5/19

Signature _____ Title Principal

**PRINT FORM**

# EAF Mapper Summary Report

Monday, June 24, 2019 3:12 PM




**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.




| | |
|---|---|
| B.i.i [Coastal or Waterfront Area] | No |
| B.i.ii [Local Waterfront Revitalization Area] | No |
| C.2.b. [Special Planning District] | Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook. |
| C.2.b. [Special Planning District - Name] | NYS Heritage Areas:Mohawk Valley Heritage Corridor |
| E.1.h [DEC Spills or Remediation Site - Potential Contamination History] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.1.h.i [DEC Spills or Remediation Site - Listed] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.1.h.iii [Within 2,000' of DEC Remediation Site] | No |
| E.2.g [Unique Geologic Features] | No |
| E.2.h.i [Surface Water Features] | Yes |
| E.2.h.ii [Surface Water Features] | Yes |
| E.2.h.iii [Surface Water Features] | Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook. |
| E.2.h.iv [Surface Water Features - Stream Name] | 876-524 |
| E.2.h.iv [Surface Water Features - Stream Classification] | C |
| E.2.h.iv [Surface Water Features - Wetlands Name] | Federal Waters, NYS Wetland |
| E.2.h.iv [Surface Water Features - Wetlands Size] | NYS Wetland (in acres):35.4 |
| E.2.h.iv [Surface Water Features - DEC Wetlands Number] | OR-9 |

| | |
|---|---|
| E.2.h.v [Impaired Water Bodies] | No |
| E.2.i. [Floodway] | No |
| E.2.j. [100 Year Floodplain] | No |
| E.2.k. [500 Year Floodplain] | No |
| E.2.l. [Aquifers] | No |
| E.2.n. [Natural Communities] | No |
| E.2.o. [Endangered or Threatened Species] | No |
| E.2.p. [Rare Plants or Animals] | No |
| E.3.a. [Agricultural District] | Yes |
| E.3.a. [Agricultural District] | ONEI007 |
| E.3.c. [National Natural Landmark] | No |
| E.3.d [Critical Environmental Area] | No |
| E.3.e. [National or State Register of Historic Places or State Eligible Sites] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.3.f. [Archeological Sites] | No |
| E.3.i. [Designated River Corridor] | No |

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

Agency Use Only [If applicable]

Project : OMNI NAVITAS Solar - Lloyd Property

Date : 10/21/19

**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**

Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) ☑ NO ☐ YES

*If "Yes", answer questions a - j. If "No", move on to Section 2.*

| | 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 | ☐ | ☐ |
| b. The proposed action may involve construction on slopes of 15% or greater. | E2f | ☐ | ☐ |
| c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface. | E2a | ☐ | ☐ |
| d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material. | D2a | ☐ | ☐ |
| e. The proposed action may involve construction that continues for more than one year or in multiple phases. | D1e | ☐ | ☐ |
| f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides). | D2e, D2q | ☐ | ☐ |
| g. The proposed action is, or may be, located within a Coastal Erosion hazard area. | B1i | ☐ | ☐ |
| h. Other impacts: _____ | | ☐ | ☐ |

**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 | ☐ | ☐ |
| b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____ | E3c | ☐ | ☐ |
| c. Other impacts: _____ _____ | | ☐ | ☐ |

**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 | ☐ | ☐ |
| 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 | ☐ | ☐ |
| c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body. | D2a | ☐ | ☐ |
| 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 | ☐ | ☐ |
| e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments. | D2a, D2h | ☐ | ☐ |
| f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water. | D2c | ☐ | ☐ |
| g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s). | D2d | ☐ | ☐ |
| 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 | ☐ | ☐ |
| i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action. | E2h | ☐ | ☐ |
| j. The proposed action may involve the application of pesticides or herbicides in or around any water body. | D2q, E2h | ☐ | ☐ |
| k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities. | D1a, D2d | ☐ | ☐ |

| | | | |
|---|---|---|---|
| l. Other impacts: _____ | | ☐ | ☐ |

**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) ☑ NO ☐ YES

*If "Yes", answer questions a - h. If "No", move on to Section 5.*

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|---|---|---|---|
| a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells. | D2c | ☐ | ☐ |
| 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 | ☐ | ☐ |
| c. The proposed action may allow or result in residential uses in areas without water and sewer services. | D1a, D2c | ☐ | ☐ |
| d. The proposed action may include or require wastewater discharged to groundwater. | D2d, E2l | ☐ | ☐ |
| 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 | ☐ | ☐ |
| f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer. | D2p, E2l | ☐ | ☐ |
| 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 | ☐ | ☐ |
| h. Other impacts: _____ | | ☐ | ☐ |

**5. Impact on Flooding**

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) ☑ NO ☐ YES

*If "Yes", answer questions a - g. If "No", move on to Section 6.*

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

| | | | |
|---|---|---|---|
| g. Other impacts: _____ _____ | | ☐ | ☐ |

**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) ☑NO ☐YES

*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 ($CO_2$) | D2g | ☐ | ☐ |
| ii. More than 3.5 tons/year of nitrous oxide ($N_2O$) | D2g | ☐ | ☐ |
| iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) | D2g | ☐ | ☐ |
| iv. More than .045 tons/year of sulfur hexafluoride ($SF_6$) | D2g | ☐ | ☐ |
| v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions | D2g | ☐ | ☐ |
| vi. 43 tons/year or more of methane | D2h | ☐ | ☐ |
| 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 | ☐ | ☐ |
| 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 | ☐ | ☐ |
| d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above. | D2g | ☐ | ☐ |
| e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour. | D2s | ☐ | ☐ |
| f. Other impacts: _____ _____ | | ☐ | ☐ |

**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 | ☐ | ☐ |
| 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 | ☐ | ☐ |
| 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 | ☐ | ☐ |
| 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 | ☐ | ☐ |

| | | | |
|---|---|---|---|
| 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 | ☐ | ☐ |
| f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____ | E2n | ☐ | ☐ |
| 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 | ☐ | ☐ |
| 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 | ☐ | ☐ |
| i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides. | D2q | ☐ | ☐ |
| j. Other impacts: _____ _____ | | ☐ | ☐ |

**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 | ☐ | ☐ |
| b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc). | E1a, Elb | ☐ | ☐ |
| c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land. | E3b | ☐ | ☐ |
| 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 | ☐ | ☐ |
| e. The proposed action may disrupt or prevent installation of an agricultural land management system. | El a, E1b | ☐ | ☐ |
| f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland. | C2c, C3, D2c, D2d | ☐ | ☐ |
| g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan. | C2c | ☐ | ☐ |
| h. Other impacts: _____ | | ☐ | ☐ |

**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.)

☐ NO ☑ YES

*If "Yes", answer questions a - g. If "No", go to Section 10.*

| | 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 | ☑ | ☐ |
| b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views. | E3h, C2b | ☑ | ☐ |
| c. The proposed action may be visible from publicly accessible vantage points:<br>i. Seasonally (e.g., screened by summer foliage, but visible during other seasons)<br>ii. Year round | E3h | ☑<br>☑ | ☐<br>☐ |
| d. The situation or activity in which viewers are engaged while viewing the proposed action is:<br>i. Routine travel by residents, including travel to and from work<br>ii. Recreational or tourism based activities | E3h<br>E2q,<br>E1c | ☑<br>☑ | ☐<br>☐ |
| e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource. | E3h | ☑ | ☐ |
| f. There are similar projects visible within the following distance of the proposed project:<br>0-1/2 mile<br>½ -3 mile<br>3-5 mile<br>5+ mile | D1a, E1a, D1f, D1g | ☑ | ☐ |
| g. Other impacts: General visual impact on rural landscape character in rural part of town | | ☑ | ☐ |

**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.)

☑ NO ☐ YES

*If "Yes", answer questions a - e. If "No", go to Section 11.*

| | 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 or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places. | E3e | ☐ | ☐ |
| 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 | ☐ | ☐ |
| c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory.<br>Source: | E3g | ☐ | ☐ |

| | | | |
|---|---|---|---|
| d. Other impacts: _____ | | ☐ | ☐ |
| 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 | ☐ | ☐ |
| ii. The proposed action may result in the alteration of the property's setting or integrity. | E3e, E3f, E3g, E1a, E1b | ☐ | ☐ |
| 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 | ☐ | ☐ |

**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.)

☑ NO ☐ YES

*If "Yes", answer questions a - e. If "No", go to Section 12.*

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

**12. Impact on Critical Environmental Areas**

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)

☑ NO ☐ YES

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

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

**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 | ☐ | ☐ |
| b. The proposed action may result in the construction of paved parking area for 500 or more vehicles. | D2j | ☐ | ☐ |
| c. The proposed action will degrade existing transit access. | D2j | ☐ | ☐ |
| d. The proposed action will degrade existing pedestrian or bicycle accommodations. | D2j | ☐ | ☐ |
| e. The proposed action may alter the present pattern of movement of people or goods. | D2j | ☐ | ☐ |
| f. Other impacts: _____ | | ☐ | ☐ |

**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 | ☐ | ☐ |
| 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 | ☐ | ☐ |
| c. The proposed action may utilize more than 2,500 MWhrs per year of electricity. | D2k | ☐ | ☐ |
| d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed. | D1g | ☐ | ☐ |
| e. Other Impacts: _____ | | | |

**15. Impact on Noise, Odor, and Light**
The proposed action may result in an increase in noise, odors, or outdoor lighting. ☑ NO ☐ YES
(See Part 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 | ☐ | ☐ |
| 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 | ☐ | ☐ |
| c. The proposed action may result in routine odors for more than one hour per day. | D2o | ☐ | ☐ |

| | | | |
|---|---|---|---|
| d. The proposed action may result in light shining onto adjoining properties. | D2n | ☐ | ☐ |
| e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions. | D2n, E1a | ☐ | ☐ |
| f. Other impacts: _____ _____ | | ☐ | ☐ |

**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.) ☑ NO ☐ YES

*If "Yes", answer questions a - m. If "No", go to Section 17.*

| | Relevant Part I Question(s) | No,or small impact may cccur | 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 | ☐ | ☐ |
| b. The site of the proposed action is currently undergoing remediation. | E1g, E1h | ☐ | ☐ |
| 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 | ☐ | ☐ |
| 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 | ☐ | ☐ |
| 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 | ☐ | ☐ |
| 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 | ☐ | ☐ |
| g. The proposed action involves construction or modification of a solid waste management facility. | D2q, E1f | ☐ | ☐ |
| h. The proposed action may result in the unearthing of solid or hazardous waste. | D2q, E1f | ☐ | ☐ |
| i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste. | D2r, D2s | ☐ | ☐ |
| 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 | ☐ | ☐ |
| k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures. | E1f, E1g | ☐ | ☐ |
| l. The proposed action may result in the release of contaminated leachate from the project site. | D2s, E1f, D2r | ☐ | ☐ |
| m. Other impacts: _____ _____ | | | |

**17. Consistency with Community Plans**

The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) ☐ NO ☑ YES

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

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|---|---|---|---|
| a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s). | C2, C3, D1a E1a, E1b | ☑ | ☐ |
| 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 | ☑ | ☐ |
| c. The proposed action is inconsistent with local land use plans or zoning regulations. | C2, C2, C3 | ☑ | ☐ |
| d. The proposed action is inconsistent with any County plans, or other regional land use plans. | C2, C2 | ☑ | ☐ |
| 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 | ☑ | ☐ |
| 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 | ☑ | ☐ |
| g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action) | C2a | ☑ | ☐ |
| h. Other: Project contrasts with current land use in the area.and may strand some investment in sewer infrastructure | | ☐ | ☐ |

**18. Consistency with Community Character**

The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) ☐ NO ☑ YES

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

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|---|---|---|---|
| a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community. | E3e, E3f, E3g | ☑ | ☐ |
| b. The proposed action may create a demand for additional community services (e.g. schools, police and fire) | C4 | ☑ | ☐ |
| 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 | ☑ | ☐ |
| d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources. | C2, E3 | ☑ | ☐ |
| e. The proposed action is inconsistent with the predominant architectural scale and character. | C2, C3 | ☑ | ☐ |
| f. Proposed action is inconsistent with the character of the existing natural landscape. | C2, C3 E1a, E1b E2g, E2h | ☑ | ☐ |
| g. Other impacts: Review with fire department to determine any significant issues | | ☐ | ☐ |

PRINT FULL FORM

Agency Use Only [IfApplicable]

Project : OMNI NAVITAS Solar - Lloyd Property

Date : 11/18/19

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

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

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

**Reasons Supporting This Determination:**

To complete this section:

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

The concerns identified during the site plan review have largely been addressed or mitigated with the revised plans. Revisions in response to fire department comments address the public safety issues. The placement of the project and underground electric service minimize the visual impacts, and no one from the community commented on this potential concern at the hearing. Conditions for adjustment to storm water management and SWPPP measures will mitigate runoff and erosion issues. The required development agreement will address adverse fiscal impacts upon the town.

## Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☐ Type 1 ☑ Unlisted

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

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

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the Marcy 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.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: Site Plan Review: OMNI NAVITAS Solar - Lloyd Property

Name of Lead Agency: Marcy Planning Board

Name of Responsible Officer in Lead Agency: Robert Lambe

Title of Responsible Officer: Chair

Signature of Responsible Officer in Lead Agency: Robert Lambe Date: 11/13/19

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

**For Further Information:**

Contact Person: Lori Wrobel

Address: 8801 Paul Becker Road, Marcy NY 13043

Telephone Number: 315-769-4800 x231

E-mail: planningboard@townofmarcy.org

**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

PRINT FULL FORM

**ONEIDA COUNTY INDUSTRIAL DEVELOPMENT AGENCY** 15-Sep-20
**COST/BENEFIT ANALYSIS**
**Required by §859-a(3) of the**
**New York General Municipal Law**

Name of Applicant: GSPP -7024 Fox Road, LLC

Description of Project: Marcy 5 MW Solar Facility

Name of All Sublessees or Other Occupants of Facility:

Principals or Parent of Applicant:

Products or Services of Applicant to be produced or carried out at facility:

Estimated Date of Completion of Project: Feb-21

Type of Financing/ Structure:

| | |
|---|---|
| | Tax-Exempt Financing |
| | Taxable Financing |
| X | Sale/ Leaseback |
| | Other |

Type of Benefits being Sought by Applicant:

| | |
|---|---|
| | Taxable Financing |
| | Tax-Exempt Bonds |
| | Sales Tax Exemption on Eligible Expenses Until Completion |
| | Mortgage Recording Tax Abatement |
| X | Real Property Tax Abatement |

C

**Project Costs**

| | | | |
|---|---|---|---|
| Land Acquisition | $ | - | |
| Existing Building(s) ACQUISITION | $ | - | |
| Existing Building(S) RENOVATOIN | $ | - | |
| NEW Building(s) CONSTRUCTION | $ | - | |
| Installation Costs | $ | 1,562,500 | |
| Site Preparation/Parking Lot Construction | $ | 625,000 | |
| Machinery & Equipment (other than furniture) | $ | 4,500,000 | |
| Furniture & Fixtures | $ | - | |
| Architectural & Engineering | $ | 17,500 | |
| Legal Fees (applicant, IDA, bank, other counsel) | | | |
| Financial (all costs related to project financing) | $ | 760,000 | |
| Permits | $ | - | included with engineering |
| Other | $ | 1,325,000 | See application budget (electrical and BOS/ECS) |
| Agency Fee | $ | 43,950 | |
| **TOTAL COST OF PROJECT** | $ | 8,833,950 | |

**Assistance Provided by the Following:**

| | |
|---|---|
| EDGE Loan: | |
| MVEDD Loan: | |
| Grants - Please indicate source & Amount: | |
| Other Loans - Please indicate source & Amount: | |

**Company Information**

| | | Average Salary of these Positions |
|---|---|---|
| Existing Jobs | 0 | $ - |
| Created Jobs FTE (over three years) | 0 | $ - |
| Retained Jobs | 0 | $ - |

**Earnings Information for Oneida County**

| | |
|---|---|
| Average Salary of Direct Jobs for Applicant | $ - |
| Average of County Indirect Jobs | $ 25,000 |
| Average of Construction Jobs | $ 32,000 |

Note: $1,000,000 in construction expenditures generates 15 person - years of employment

| | |
|---|---|
| Construction Person Years of Employment: | 11 |

**Calculation of Benefits (3 Year Period)**

| | | Total Earnings | Revenues |
|---|---|---|---|
| Direct Jobs | | | |
| | Created | $ - | $ - |
| | Existing | $ - | $ - |
| Indirect Jobs | | | |
| | Created | $ - | $ - |
| | Existing | 0 | 0 |
| Construction - only one year | | | |
| | Person Years | $ 350,000 | $ 14,875 |
| **TOTALS Calculation of Benefits (3 Yr Period)** | | $ 350,000 | $ 14,875 |

**TAXABLE GOODS & SERVICES**

| | | Spending Rate | Expenditures | State & Local Sales Tax Revenues |
|---|---|---|---|---|
| Direct Jobs | | | | |
| | Created | 36% | $ - | $ - |
| | Existing | 0.36 | $ - | $ - |
| Indirect Jobs | | | | |
| | Created | 0.36 | $ - | $ - |
| | Existing | 0.36 | $ - | $ - |
| Construction - only one year | | | | |
| | Person Years | 0.36 | $ 126,000 | $ 12,285 |
| **TOTAL TAXABLE GOODS & SERVICES** | | | $ 126,000 | $ 12,285 |

Local (3 year) real property tax benefit (assuming 60% of jobs existing and the remainder of jobs existing created pay real property taxes through rent based on an average assessment per apartment of $50,000.

| | | Municipality | |
|---|---|---|---|
| Tax Rate for School District where facility is located: | 31.113572 | Whitesboro | 2021 |
| Tax Rate for Municipality where facility is located: | 1.116893 | Marcy | 2020 |
| Tax Rate for County: | 8.78552 | Oneida | 2020 |
| Total Rate: | 41.015985 | | |
| Real Property Taxes Paid: | $ - | | |

**COSTS: IDA BENEFITS** 0

| | | |
|---|---|---|
| Real Property Taxes Abatement | $ 900,051 | Using 10k per MW |
| Mortgage Tax Abated (.75%) | $ - | |
| Estimated Sales Tax Abated During Construction Period (8.75%) | $ - | |
| Total: | $ 900,051 | |

NOTE: If there is a tax-exempt financing of all or a portion of the project cost, there is a neutral cost/benefit because of lower interest rates by reason of exclusion of interest from gross income of bondholders for purposes of Federal and State income taxes. Taxable financing carries the same cost/benefit for State Income Tax purposes. Such cost/benefits cannot be quantified.