Application for Financial Assistance
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Note: All of the above forms must be completed in their entirety to be considered an acceptable application.

# Attachments

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<td><em>(Required if over $5 million in capital investment of facility construction)</em></td>
<td></td>
</tr>
</tbody>
</table>

Effective February 4, 2016
## I. Applicant Information

<table>
<thead>
<tr>
<th>Company Name:</th>
<th>3104 Batavia Solar, LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>101 Summer Street, 3rd Floor</td>
</tr>
<tr>
<td></td>
<td>Boston MA 02110</td>
</tr>
<tr>
<td>Phone No.:</td>
<td>518-320-6183</td>
</tr>
<tr>
<td>Email Address:</td>
<td><a href="mailto:am@nexamp.com">am@nexamp.com</a></td>
</tr>
</tbody>
</table>

NAICS Code ([http://www.naics.com](http://www.naics.com)): 221114  

Contact Person: Jennifer DeLaney  

Principal Owners / Officers / Directors: (list owners with 15% or more in equity holdings with percentage of ownership)

<table>
<thead>
<tr>
<th>Name &amp; Title</th>
<th>Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Green Eagle Solar VI, LLC</td>
<td></td>
</tr>
</tbody>
</table>

Corporate Structure (attach schematic if Applicant is a subsidiary or otherwise affiliated with another entity)

<table>
<thead>
<tr>
<th>Form of Entity</th>
<th>C Corp</th>
<th>S Corp</th>
<th>Partnership</th>
<th>LLC</th>
</tr>
</thead>
</table>

If a corporation, partnership, limited liability company/partnership or Not for Profit:  

Date of establishment September 12, 2018, place of organization Delaware, and, if a foreign organization, is the Applicant authorized to do business in the State of New York?

### Applicant’s Counsel:

Nicholas Kamphaus

<table>
<thead>
<tr>
<th>Address:</th>
<th>101 Summer Street, 3rd Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phone No.:</td>
<td>646-465-2450</td>
</tr>
</tbody>
</table>

Effective February 4, 2016
II. Project Information

A) Detailed Description of Project (including type, location and purpose of project):
Installing a community solar system of 4.491 MW DC (3 MWAC) at 3104 West Main Street Rd, Batavia, NY 14020.

Is any of the information contained herein considered trade secrets? Yes No
Note: AGENCY will project said trade secret information herein but reserves the right to disclose certain summary information from this application (i.e. total facility s/f, total capital investment, total job creation, top level wage information etc. etc.) As a part of its project summary disclosure related to the AGENCY board's public vote required and resulting from said application.

B) Location of Project / Project Address: 3104 West Main Street Rd, Batavia 14020

C) Current Assessed Value of Property $ Tax Map #: 10-2-25.1
(not required if project is for equipment purchases only)

D) Square footage of existing building $/F Square footage of new / renovated build $/F
Total Square Footage $/F $/F

<table>
<thead>
<tr>
<th>Estimated Project Costs / Project Capital Investment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Cost</td>
</tr>
<tr>
<td>$ 0 (new building construction cost or existing building expansion construction cost)</td>
</tr>
<tr>
<td>Land and Building</td>
</tr>
<tr>
<td>$ 0 (purchase value of land and/or building including engineering, architect and blue print fees)</td>
</tr>
<tr>
<td>Production Equipment</td>
</tr>
<tr>
<td>$ 3,401,812 ($ value of production equipment that is not sales taxable)</td>
</tr>
<tr>
<td>Other Equipment</td>
</tr>
<tr>
<td>$ 76,023.00 ($ value of production equipment that is sales taxable, like furniture/fixtures, computers, lockers, etc.)</td>
</tr>
<tr>
<td>Other</td>
</tr>
<tr>
<td>$ 0 describe:</td>
</tr>
<tr>
<td>Total Capital Investment:</td>
</tr>
<tr>
<td>$ 3,477,835 (sum all lines above)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Estimated Public and Private Sources of Funds for Project Costs:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grants: $ 0</td>
</tr>
<tr>
<td>Bonds: $ 0</td>
</tr>
<tr>
<td>GCEDC/GGLDC Loan Fund: $ 0 Bank Financing: $ 0</td>
</tr>
<tr>
<td>Other: $ 0 Equity: $ 3,477,835</td>
</tr>
<tr>
<td>Total of all sources of funds: $ 3,477,835</td>
</tr>
<tr>
<td>Mortgage Amount on this Project: $ 0</td>
</tr>
<tr>
<td>Total Amount Financed: $ 0 Describe:</td>
</tr>
<tr>
<td>Estimated % of costs financed from public sector (grants, bonds, and GCEDC/GGLDC loan fund divided by total of all sources of funds: 0</td>
</tr>
</tbody>
</table>

Effective February 4, 2016
A) Project Employment Information

**Note:** Please use full-time equivalents. Approximately Two part-time is equivalent to One full-time. (Attach additional sheets as necessary)

E1) Current number of full time equivalent employees (prior to project): 0

E2) Estimate how many full time/ part-time jobs will be retained as a result of this Project over the next three years:

<table>
<thead>
<tr>
<th>Full-Time (FT)</th>
<th>Part-Time (PT)</th>
<th><strong>Total Full Time Equivalents (FTE)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

*Please note retained jobs should be based upon the most recent NYS MN-45 quarterly report, a copy of which should be attached to this application.*

E3) What is the average estimated (annual) salary range of jobs to be retained 0 to 0 (at current market rates)

<table>
<thead>
<tr>
<th>Job Title</th>
<th>Number of Jobs</th>
<th>Estimated salary/range</th>
<th>Hours per week</th>
</tr>
</thead>
</table>

|          |                |                        |                |
|          |                |                        |                |

E4) Estimate how many full time/ part-time jobs will be created as a result of this Project over the next three years:

<table>
<thead>
<tr>
<th>Full Time (FT)</th>
<th>Part-Time (PT)</th>
<th><strong>Total Full Time Equivalents (FTE)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

E5) What is the planned average hourly wage for the FTE jobs to be created $ 0

E6) What is the average estimated annual salary range of FTE jobs to be created $ 0 to $ 0

E7) What is the planned average annual benefits paid in $$ per FTE job to be created $ 0

E8) Is the Project Commercial in nature (Sales Tax Generating for Community)? YES or NO YES

E9) If yes, what is the estimated annual total Sales Tax to be generated from this project at full build-out? $ 12,000

E10) If Any, expected commencement date for Project (month/year) April 2020

E11) Expected timeframe for Project to achieve completion (in months) 7

E12) Estimate of the number of residents of the Labor Market Area (as defined in N.Y. GML Sec. 859-a(4)(f)) to fill created jobs n/a

Effective February 4, 2016
B) Representations by the Applicant

- Is the company delinquent in the payment of any state or municipal property taxes? □ Yes □ No
- Is the company delinquent in the payment of any income tax obligation? □ Yes □ No
- Is the company delinquent in the payment of any loans? □ Yes □ No
- Is the company currently in default on any of its loans? □ Yes □ No
- Are there currently any unsatisfied judgments against the company? □ Yes □ No
- Are there currently any unsatisfied judgments against any of the company's principals? □ Yes □ No
- Has the company ever filed for bankruptcy? □ Yes □ No
- Have any of the company's principals ever personally filed for bankruptcy, or in any way sought protection from creditors? □ Yes □ No

If the answer to any of the questions above is "Yes," please provide additional comments in the space below and on additional pages if necessary.

Please initial each item where indicated

**Job Listings** - 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 Financial Assistance from the AGENCY, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JPTA") in which the Project is located.

**Applicant's Initials**

**First Consideration for Employment** - 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 Financial Assistance from the AGENCY, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in JTPA programs who shall be referred by the JPTA Entities for new employment opportunities created as a result of the Project.

**Applicant's Initials**

**Annual Sales Tax Fillings** - In accordance with Section 874(8) of the 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, an Annual Report of Sales and Use Tax Exemptions (Form ST-340) by the last day of February following applicable calendar year (with a copy to the AGENCY), describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant.

**Applicant's Initials**

**Employment Reports** - The 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 quarterly basis, copies of form NYS-45-MN Quarterly Combined Withholding, Wage Reporting, and Unemployment Insurance Returns filed with the Department of Labor applicable to the project site.

**Applicant's Initials**

**AGENCY Reports** – The 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, a certified Annual Project Report (to be mailed to the Applicant) due by the last day of February following applicable calendar year, for a period of time not to exceed 4 years post financial assistance.

**Applicant's Initials**

Effective February 4, 2016
Absence of Conflicts of Interest - The Applicant has received from the AGENCY a list of the members, officers, and employees of the AGENCY. No member, officers or employee of the AGENCY has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:


Applicant's Initials

Recapture Provision/Uniform Tax Exemption Policy ("UTEP") – Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law, that any New York State and local sales and use tax exemption claimed by Applicant and approved by the Agency in connection with the Project may be subject to recapture by the Agency under such terms and conditions as will be set forth in the Agent Agreement to be entered into by and between the Agency and the Applicant. Recapture provisions would be invoked under Section 875(3) of the New York General Municipal Law if it is determined that: (i) the Company is not entitled to the Sales and Use Tax Exemption Benefits; (ii) the Sales and Use Tax Exemption Benefits are in excess of the amounts authorized by the Agency to be taken by the Company; (iii) the Sales and Use Tax Exemption Benefits are for property or services not authorized by the Agency as part of the Project; or (iv) the Sales and Use Tax Exemption Benefits are taken in cases where the Company fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project. The Applicant further represents and warrants that the information contained in this Application, including without limitation information regarding the amount of New York State and local sales and use tax exemption benefits, is true, accurate and complete. The Applicant further represents and warrants that the information contained in this Application, including without limitation information regarding the amount of New York State and local sales and use tax exemption benefits, is true, accurate and complete, to the best of the Applicant's knowledge. Applicant hereby further represents and warrants that it has reviewed the Agency’s UTEP and understands and agrees that under such UTEP, the Agency has the right to recapture all or a portion of any financial assistance provided by the Agency to the Company, including, but not limited to, sales and mortgage tax exemptions and real property tax abatements upon the occurrence of certain events as set forth in the UTEP.


Applicant's Initials

No Violation of Section 862(1) of the General Municipal Law – In accordance with Section 862(1) of the General Municipal Law, the applicant understands and agrees that the Project will not (a) 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 (b) result in the abandonment of one or more plant facilities of the Project occupant located within the state. If the Project will result in (a) or (b), the applicant agrees that the requested financial assistance is necessary to prevent the Project from relocating out of the state, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry.


Applicant's Initials

Financial Assistance Necessary – The applicant represents that the project would not likely occur without the financial assistance provided by the AGENCY.


Applicant's Initials

Compliance – The applicant receiving financial assistance is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.


Applicant's Initials

Effective February 4, 2016
The Applicant and the individual executing this Application on behalf of the Applicant acknowledge that:

A) 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.

B) Failure of the Applicant to file appropriate Sales Tax and Employment reports will result in the revocation of tax benefits and require repayment of benefits previously claimed.

C) If the Applicant submits knowingly false or knowingly misleading information this may lead to the immediate termination of any financial assistance and the reimbursement of an amount equal to all or part of any tax exemptions claimed by reason of the AGENCY’s involvement in the Project and may also lead to potential criminal penalties and/or civil liabilities for perjury.

(Applicant Signature)

(Print Name)

Title

Company Name

This Application should be submitted along with the items listed in Exhibit A to:

Genesee County Economic Development Center
99 MedTech Drive, Suite 106
Batavia, New York 14020
(Attn: President & Chief Executive Officer)

Effective February 4, 2016
D) Hold Harmless Agreement

Applicant hereby releases Genesee County Economic Development Center and the members, officers, servants, agents and employees thereof (the "AGENCY") 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 the 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.

Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law, that any New York State and local sales and use tax exemption claimed by Applicant and approved by the Agency in connection with the Project may be subject to recapture by the Agency under such terms and conditions as will be set forth in the agreements to be entered into by and between the Agency and the Applicant. The Applicant further represents and warrants that the information contained in this Application, including without limitation information regarding the amount of New York State and local sales and use tax exemption benefits, is true, accurate and complete.

(Applicant-Signature)  
James M. Murphy  
(Print Name)  
SVP  
Title  
3104 Belknap St., LLC  
Company Name

Sworn to before me this 4th day of February, 2020

Natasha Meehan  
Notary Public

Effective February 4, 2016
EXHIBIT A

INSURANCE COVERAGE

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

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

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

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

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

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

Effective February 4, 2016
Exhibit B

To be completed / calculated by AGENCY

Type of Project:
- Attraction
- Expansion
- Retention
- Infrastructure
- Workforce

Offerings: 
- SLB
- Bond
- Grant
- Consulting

Estimated Financial Assistance to be provided via AGENCY participation – subject to AGENCY Board Approval

1) Estimated Sales Tax Exemption (8%) $6,082
2) Estimated Mortgage Tax Exemption (1%) $1,374
3) Estimated Property Tax Abatement $2,500
4) Estimated Total Tax Savings (1+2+3): $305,763
5) Estimated Tax-Exempt Interest Cost Savings (via Tax-Exempt Bond) $200
6) Grant Type or name of grant (__________________________________________)
   $200
7) Estimated total Company Savings (4+5+6): $305,763
8) Benefited Project Amount (the capital investment directly related to the benefits received)
   $3,474,635
9) Bond Amount $____________
10) Mortgage Amount $____________
11) GCEDC/GGLDC Revolving Loan Fund $____________
12) Loan Secured $____________
   Source of loan (__________________________________________)
13) Total Amount Financed / Loan Funds Secured $____________ (Sum of lines 9-12)

Proposed PILOT structure: $2,000.00 (M) fixed for 15 years with 0% escrow

* Estimated Value of Goods and Services to be exempt from sales and use tax as a result of the Agency's involvement in the Project. PLEASE NOTE: These amounts will be verified and there is a potential for a recapture of sales tax exemptions (see "Recapture Provision" on page 7).

$76,023 (to be used on the NYS ST-60)

Effective February 4, 2016
Fees to be Paid by the Applicant:

Genesee County Economic Development Center $43,473 (Per the attached Pricing & Fee Policy) the AGENCY will collect a 1.25% fee. The AGENCY will collect its participation fee at the time of closing, based upon the company provided realistic capital investment costs of this project stated in this application. (Should the actual costs exceed those estimated, an additional fee will apply.) In addition, the Applicant will reimburse the Agency for any direct expenses incurred in connection with this Project, including costs related to holding a public hearing.

The AGENCY will collect an annual administration fee. Projects with a capital investment of less than $5 million will be charged a $500 annual fee for each year of benefits provided. For projects with a capital investment of $5 million or greater, there will be a $1,000 annual fee charged.

Harris Beach, LLP $7,000 (Estimated fee for legal services required in connection with the financial assistance provided by the Genesee County Economic Development Center). Applicant may be required to pay additional out-of-pocket expenses and applicable filing or recording fees.

**Financial incentives are public information and will be released to the media upon board approval**

Community Benefit Agreement $25,000  Total Fees $75,473

(Applicant Signature)  
John T. Noeby
(Print Name)
SVP
Title 304 Betzua Solar, LLC
Company Name

Effective February 4, 2016
**Full Environmental Assessment Form**  
**Part I - Project and Setting**

**Instructions for Completing Part I**

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

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

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

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

<table>
<thead>
<tr>
<th>Name of Action or Project:</th>
<th>3104 West Main Street Road, Batavia, NY Solar Farm</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Location (describe, and attach a general location map):</td>
<td>3104 West Main Street Road, Batavia, NY, 14020</td>
</tr>
<tr>
<td>Brief Description of Proposed Action (include purpose or need):</td>
<td>Construct and operate a 5.0 Mw (DC) ground mounted, utility grade solar energy system.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name of Applicant/Sponsor:</th>
<th>Borrego Solar Systems, Inc. [Steve Long, PE point-of-contact]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone:</td>
<td>(978) 221-3086</td>
</tr>
<tr>
<td>E-Mail:</td>
<td><a href="mailto:slong@borregosolar.com">slong@borregosolar.com</a></td>
</tr>
<tr>
<td>Address:</td>
<td>55 Technology Drive, Suite 102</td>
</tr>
<tr>
<td>City/PO:</td>
<td>Lowell</td>
</tr>
<tr>
<td>State:</td>
<td>MA</td>
</tr>
<tr>
<td>Zip Code:</td>
<td>01851</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project Contact (if not same as sponsor; give name and title/role):</th>
<th>Marc Kenward, PE, Erdman Anthony Consulting Engineers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone:</td>
<td>(585) 427-8888 x1012</td>
</tr>
<tr>
<td>E-Mail:</td>
<td><a href="mailto:kenwardmd@erdmananthony.com">kenwardmd@erdmananthony.com</a></td>
</tr>
<tr>
<td>Address:</td>
<td>145 Culver Road, Suite 200</td>
</tr>
<tr>
<td>City/PO:</td>
<td>Rochester</td>
</tr>
<tr>
<td>State:</td>
<td>New York</td>
</tr>
<tr>
<td>Zip Code:</td>
<td>14620</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Property Owner (if not same as sponsor):</th>
<th>Fred Bowman, Mary Anne Forgigie, &amp; Dawn Shaw</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone:</td>
<td>(585) 409-5489 (M. A. Forgigie)</td>
</tr>
<tr>
<td>E-Mail:</td>
<td><a href="mailto:ma4gie@hotmail.com">ma4gie@hotmail.com</a></td>
</tr>
<tr>
<td>Address:</td>
<td>3235 West Main Street Road</td>
</tr>
<tr>
<td>City/PO:</td>
<td>Batavia</td>
</tr>
<tr>
<td>State:</td>
<td>NY</td>
</tr>
<tr>
<td>Zip Code:</td>
<td>14020</td>
</tr>
</tbody>
</table>
### B. Government Approvals

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

<table>
<thead>
<tr>
<th>Government Entity</th>
<th>If Yes: Identify Agency and Approval(s) Required</th>
<th>Application Date (Actual or projected)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. City Counsel, Town Board, or Village Board of Trustees</td>
<td>☐ Yes ☒ No</td>
<td>Town of Batavia Planning Board: Special Use Permit and Site Plan Approval</td>
</tr>
<tr>
<td>b. City, Town or Village Planning Board or Commission</td>
<td>☒ Yes ☐ No</td>
<td>Town of Batavia Building Inspector: Zoning Permit</td>
</tr>
<tr>
<td>c. City, Town or Village Zoning Board of Appeals</td>
<td>☐ Yes ☒ No</td>
<td>Genesee County Planning Board</td>
</tr>
<tr>
<td>d. Other local agencies</td>
<td>☒ Yes ☐ No</td>
<td>NYSDEC GP 0-15-002 for Stormwater Discharges</td>
</tr>
<tr>
<td>e. County agencies</td>
<td>☒ Yes ☐ No</td>
<td></td>
</tr>
<tr>
<td>f. Regional agencies</td>
<td>☐ Yes ☒ No</td>
<td></td>
</tr>
<tr>
<td>g. State agencies</td>
<td>☒ Yes ☐ No</td>
<td></td>
</tr>
<tr>
<td>h. Federal agencies</td>
<td>☐ Yes ☒ No</td>
<td></td>
</tr>
</tbody>
</table>

**i. Coastal Resources.**

- Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐ Yes ☒ No
- Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐ Yes ☒ No
- 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. Adapted land use plans.**

- 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

- 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):

- 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):
    - Genesee County Smart Growth Plan
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?
   Agricultural - Residential
   Genesee County Smart Growth Area

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
   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? Pembroke Central School District

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

c. Which fire protection and emergency medical services serve the project site?
   East Pembroke Volunteer Fire Department, Mercy Flight

d. What parks serve the project site?
   None

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)? Utility grade solar energy project construction and operation

b. a. Total acreage of the site of the proposed action? 36.266 acres
   b. Total acreage to be physically disturbed? 1.255 acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 56.331 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
   i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
   ii. Is a cluster/conservation layout proposed? ☑ Yes ☐ No
   iii. Number of lots proposed? ________
   iv. Minimum and maximum proposed lot sizes? Minimum ________ Maximum ________

e. Will the proposed action be constructed in multiple phases? ☑ Yes ☐ No
   i. If No, anticipated period of construction: ________ months
   ii. If Yes:
      • Total number of phases anticipated
      • 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?  
If Yes, show numbers of units proposed.  

<table>
<thead>
<tr>
<th>One Family</th>
<th>Two Family</th>
<th>Three Family</th>
<th>Multiple Family (four or more)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial Phase</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>At completion of all phases</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

g. Does the proposed action include new non-residential construction (including expansions)?  
If Yes,  

i. Total number of structures  

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

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

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  
If Yes,  

i. Purpose of the impoundment:  

ii. If a water impoundment, the principal source of the water:  

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)  
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?  
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?  

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?  
If Yes:  

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

   On-site drainage ditches delineated as wetlands, Federal Jurisdictional Determination pending.
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:

Proposed access drive will require pipe culvert and filling for crossing on-site drainage ditches at two locations. The total impacted area will be <0.1 acres.

Up to two other temporary crossings of on-site drainage ditches via (temporary) culverts will be warranted during construction.

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

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

   - 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:

   Culverts will be installed beneath access drive at each location to allow drainage to continue along the same path as in existing conditions.

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

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

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

   - 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?
   If Yes:
   □ Yes □ No

   - 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?
   If, Yes:
   □ Yes □ No

   - 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?
   If Yes:
   □ Yes □ No

   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?
   If Yes:
   □ Yes □ No

   - 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:

vii. Describe any new or existing wetlands on-site or off-site:

viii. 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
  i. How much impervious surface will the project create in relation to total size of project parcel?
     ___ 450 ___ Square feet or 0.010 ___ acres (impervious surface)
     ___ Square feet or 0.061 ___ acres (parcel size)
  ii. Describe types of new point sources. Electrical Equipment Pads and equipment. Note that solar arrays are considered disconnected rooftop draining onto grass meadow. New access drive is permeable stone. See attached Stormwater Narrative.

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)?
    Sheet flow across grass meadow to on-site ditches draining culvert under West Main Street Road (north end) and on-site and off-site wetlands (south & west ends). Overall, stormwater run-off is equal compared to existing conditions, with the land remaining primarily non-grazed meadow with a run-off CN of 76.
    • If to surface waters, identify receiving water bodies or wetlands:
      Unnamed wetlands on-site and off-site to the south and west, along with unnamed wetlands off-site to the north (at outlet of culvert under West Main Street Road). Wetlands appear to be headwaters of unnamed tributaries to Bowen Creek (south & west) and Tonawanda Creek (north).
    • Will stormwater runoff flow to adjacent properties? ☐ Yes ☐ No

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

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

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐ Yes ☐ No
  If Yes:
  i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐ Yes ☐ No
  ii. In addition to emissions as calculated in the application, the project will generate:
      • ________ Tons/year (short tons) of Carbon Dioxide (CO₂)
      • ________ Tons/year (short tons) of Nitrous Oxide (N₂O)
      • ________ Tons/year (short tons) of Perfluorocarbons (PFCs)
      • ________ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
      • ________ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
      • ________ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)
h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? □ Yes □ No
   If Yes:
   i. Estimate methane generation in tons/year (metric): ____________
   ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _______________________________________________________________________________________________

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? □ Yes □ No
   If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _______________________________________________________________________________________________

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? □ Yes □ No
   If Yes:
   i. When is the peak traffic expected (Check all that apply): □ Morning □ Evening □ Weekend
      □ Randomly between hours of _________ to _________.
   ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): ____________

   iii. Parking spaces: Existing _________ Proposed _________ Net increase/decrease _________
   iv. Does the proposed action include any shared use parking? □ Yes □ No
   v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:
   vi. Are public/private transportation service(s) or facilities available within 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: 7:00 am - 6:00 pm
      - Saturday:
      - Sunday:
      - Holidays:
   ii. During Operations:
      - Monday - Friday: Daylight hours
      - Saturday:
      - Sunday:
      - Holidays:

Page 7 of 13
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:
      ____________________________________________________________

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

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

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

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

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

t. 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

i. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous □ Yes ☑ No waste?
   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 in a rural area including agriculture, residences, and forested areas

b. Land uses and covertypes on the project site. [Note: Includes only project area on north parcel]

<table>
<thead>
<tr>
<th>Land use or Covertype</th>
<th>Current Acreage</th>
<th>Acreage After Project Completion</th>
<th>Change (Acres +/-)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roads, buildings, and other paved or impervious surfaces</td>
<td>0</td>
<td>0.010</td>
<td>+0.010</td>
</tr>
<tr>
<td>Forested</td>
<td>5.606</td>
<td>(Note: overlaps with wetland areas)</td>
<td>5.606</td>
</tr>
<tr>
<td>Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)</td>
<td>0</td>
<td>29.765</td>
<td>+29.765</td>
</tr>
<tr>
<td>Agricultural (includes active orchards, field, greenhouse etc.)</td>
<td>30.660</td>
<td>(Note: overlaps with wetland areas)</td>
<td>0</td>
</tr>
<tr>
<td>Surface water features (lakes, ponds, streams, rivers, etc.)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Wetlands (freshwater or tidal)</td>
<td>1.060</td>
<td>1.037</td>
<td>-0.023</td>
</tr>
<tr>
<td>Non-vegetated (bare rock, earth or fill)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
<td>0.885</td>
<td>+0.885</td>
</tr>
</tbody>
</table>

Describe: Pervious Gravel Surface
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, □ Yes □ No
      or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?
   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 – Spills Incidents database
         □ Yes – Environmental Site Remediation database
         □ 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?  
   >6.67 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:  
   - Canandaigua silt loam, 0 to 2% slopes  
     28.9%  
   - Lima silt loam, 0 - 3% & 3 - 8% slopes  
     47.1%  
   - Mohawk Channery silt loam, 2 - 15% slopes  
     22.9%  

d. What is the average depth to the water table on the project site?  
   Average: 0-2 feet  

e. Drainage status of project site soils:  
   ✔ Well Drained: 22.9% of site  
   ✔ Moderately Well Drained: 46.2% of site  
   ☐ Poorly Drained 28.9% of site  

f. Approximate proportion of proposed action site with slopes:  
   ✔ 0-10%: 93.5% of site  
   ✔ 10-15%: 6.5% of site  
   ☐ 15% or greater:  

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

h. Surface water features.  
   i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  
     ✔ Yes ☐ No  
   ii. Do any wetlands or other waterbodies adjoin the project site?  
     ☐ Yes ☐ No  
     If Yes to either i or ii, continue. If No, skip to E.2.i.  
   iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  
     ☐ Yes ☐ No  

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:  
   - Streams: Name __________ Classification __________  
   - Lakes or Ponds: Name __________ Classification __________  
   - Wetlands: Name __________ Federal Waters, NYS Wetland, Federal Waters, Fed... Approximate Size NYS Wetland (in a...)  

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:  

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n. Does the project site contain a designated significant natural community?
   □ Yes □ No
   i. Describe the habitat/community (composition, function, and basis for designation):

   ii. Source(s) of description or evaluation:

   iii. Extent of community/habitat:
   • Currently: __________________________ acres
   • Following completion of project as proposed: __________________________ acres
   • Gain or loss (indicate + or -): __________________________ acres

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

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

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

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

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?
   □ Yes □ No
   If Yes, provide county plus district name/number: GENE002

b. Are agricultural lands consisting of highly productive soils present?
   □ Yes □ No
   i. If Yes: acreage(s) on project site? 30.660
   ii. Source(s) of soil rating(s): USDA NRCS Soil Survey (website)

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
   ☐ Yes ☐ No 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?
   If Yes:
   i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District
   ii. Name: ____________________________
   iii. Brief description of attributes on which listing is based:

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

   g. Have additional archaeological or historic site(s) or resources been identified on the project site?
      ☐ Yes ☑ No
      If Yes:
      i. Describe possible resource(s):
      ii. Basis for identification: ____________________________

   h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local
      scenic or aesthetic resource?
      ☑ Yes ☐ No
      If Yes:
      i. Identify resource:
      ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway,
         etc.):
      iii. Distance between project and resource: ____________________________ miles.

   i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers
      Program 6 NYCRR 666?
      ☑ Yes ☐ No
      If Yes:
      i. Identify the name of the river and its designation:
      ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?
         ☐ Yes ☑ No

**F. Additional Information**
Attach any additional information which may be needed to clarify your project.

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

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

Applicant/Sponsor Name  Marc Kenward                       Date  January 28, 2019

Signature  [Signature]

Title  Senior Associate

Erdman Anthony Consulting Engineers
145 Culver Road, Suite 200
Rochester, NY 14620  (585) 427-8888
Kenwardmd@erdmananthony.com
### B.i.i [Coastal or Waterfront Area]
No

### B.i.ii [Local Waterfront Revitalization Area]
No

### C.2.b. [Special Planning District]
Digital mapping data are not available or are incomplete. Refer to EAF Workbook.

### E.1.h [DEC Spills or Remediation Site - Potential Contamination History]
Digital mapping data are not available or are incomplete. Refer to EAF Workbook.

### E.1.h.i [DEC Spills or Remediation Site - Listed]
Digital mapping data are not available or are incomplete. Refer to EAF Workbook.

### E.1.h.ii [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 - Wetlands Name]
Federal Waters, NYS Wetland

### E.2.h.iv [Surface Water Features - Wetlands Size]
NYS Wetland (in acres): 139.7

### E.2.h.iv [Surface Water Features - DEC Wetlands Number]
AX-7

### E.2.h.v [Impaired Water Bodies]
No

### E.2.i. [Floodway]
Digital mapping data are not available or are incomplete. Refer to EAF Workbook.

### E.2.j. [100 Year Floodplain]
Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>E.2.k.</td>
<td>[500 Year Floodplain]</td>
<td>Digital mapping data are not available or are incomplete. Refer to EAF Workbook.</td>
</tr>
<tr>
<td>E.2.l.</td>
<td>[Aquifers]</td>
<td>No</td>
</tr>
<tr>
<td>E.2.n.</td>
<td>[Natural Communities]</td>
<td>No</td>
</tr>
<tr>
<td>E.2.o.</td>
<td>[Endangered or Threatened Species]</td>
<td>No</td>
</tr>
<tr>
<td>E.2.p.</td>
<td>[Rare Plants or Animals]</td>
<td>No</td>
</tr>
<tr>
<td>E.3.a.</td>
<td>[Agricultural District]</td>
<td>Yes</td>
</tr>
<tr>
<td>E.3.a.</td>
<td>[Agricultural District]</td>
<td>GENE002</td>
</tr>
<tr>
<td>E.3.c.</td>
<td>[National Natural Landmark]</td>
<td>No</td>
</tr>
<tr>
<td>E.3.d.</td>
<td>[Critical Environmental Area]</td>
<td>No</td>
</tr>
<tr>
<td>E.3.e.</td>
<td>[National Register of Historic Places]</td>
<td>Digital mapping data are not available or are incomplete. Refer to EAF Workbook.</td>
</tr>
<tr>
<td>E.3.f.</td>
<td>[Archeological Sites]</td>
<td>Yes</td>
</tr>
<tr>
<td>E.3.l.</td>
<td>[Designated River Corridor]</td>
<td>No</td>
</tr>
</tbody>
</table>
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.

<table>
<thead>
<tr>
<th>1. Impact on Land</th>
<th>Relevant Part I Question(s)</th>
<th>No, or small impact may occur</th>
<th>Moderate to large impact may occur</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)</td>
<td>E2d</td>
<td>✓</td>
<td>□</td>
</tr>
<tr>
<td>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</td>
<td>E2f</td>
<td>✓</td>
<td>□</td>
</tr>
<tr>
<td>a. The proposed action may involve construction on land where depth to water table is less than 3 feet.</td>
<td>E2a</td>
<td>✓</td>
<td>□</td>
</tr>
<tr>
<td>b. The proposed action may involve construction on slopes of 15% or greater.</td>
<td>D2a</td>
<td>✓</td>
<td>□</td>
</tr>
<tr>
<td>c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.</td>
<td>D2e, D2q</td>
<td>✓</td>
<td>□</td>
</tr>
<tr>
<td>d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.</td>
<td>B1i</td>
<td>✓</td>
<td>□</td>
</tr>
<tr>
<td>e. The proposed action may involve construction that continues for more than one year or in multiple phases.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>g. The proposed action is, or may be, located within a Coastal Erosion hazard area.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>h. Other impacts:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
2. **Impact on Geological Features**
   The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual landforms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)
   
   If "Yes", answer questions a - c. If "No", move on to Section 3.

<table>
<thead>
<tr>
<th>Relevan t Part I Question(s)</th>
<th>No, or small impact may occur</th>
<th>Moderate to large impact may occur</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Identify the specific land form(s) attached: ___________________________</td>
<td>E2g</td>
<td>□</td>
</tr>
<tr>
<td>b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: ___________________________</td>
<td>E3c</td>
<td>□</td>
</tr>
<tr>
<td>c. Other impacts: ___________________________</td>
<td></td>
<td>□</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Relevant Part I Question(s)</th>
<th>No, or small impact may occur</th>
<th>Moderate to large impact may occur</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. The proposed action may create a new water body.</td>
<td>D2b, D1h</td>
<td>□</td>
</tr>
<tr>
<td>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.</td>
<td>D2b</td>
<td>□</td>
</tr>
<tr>
<td>c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.</td>
<td>D2a</td>
<td>□</td>
</tr>
<tr>
<td>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.</td>
<td>E2h</td>
<td>□</td>
</tr>
<tr>
<td>e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.</td>
<td>D2a, D2h</td>
<td>□</td>
</tr>
<tr>
<td>f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.</td>
<td>D2c</td>
<td>□</td>
</tr>
<tr>
<td>g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).</td>
<td>D2d</td>
<td>□</td>
</tr>
<tr>
<td>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.</td>
<td>D2e</td>
<td>□</td>
</tr>
<tr>
<td>i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.</td>
<td>E2h</td>
<td>□</td>
</tr>
<tr>
<td>j. The proposed action may involve the application of pesticides or herbicides in or around any water body.</td>
<td>D2q, E2h</td>
<td>□</td>
</tr>
<tr>
<td>k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.</td>
<td>D1a, D2d</td>
<td>□</td>
</tr>
</tbody>
</table>
4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)

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

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

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2)

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

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

*If “Yes”, answer questions a - f. If “No”, move on to Section 7.*

<table>
<thead>
<tr>
<th>Relevant Part I Question(s)</th>
<th>No, or small impact may occur</th>
<th>Moderate to large impact may occur</th>
</tr>
</thead>
<tbody>
<tr>
<td>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:</td>
<td>D2g</td>
<td>□</td>
</tr>
<tr>
<td>i. More than 1000 tons/year of carbon dioxide (CO₂)</td>
<td>D2g</td>
<td>□</td>
</tr>
<tr>
<td>ii. More than 3.5 tons/year of nitrous oxide (N₂O)</td>
<td>D2g</td>
<td>□</td>
</tr>
<tr>
<td>iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)</td>
<td>D2g</td>
<td>□</td>
</tr>
<tr>
<td>iv. More than .045 tons/year of sulfur hexafluoride (SF₆)</td>
<td>D2g</td>
<td>□</td>
</tr>
<tr>
<td>v. More than 1000 tons/year of carbon dioxide equivalent of hydrochlorofluorocarbons (HFCs) emissions</td>
<td>D2h</td>
<td>□</td>
</tr>
<tr>
<td>vi. 43 tons/year or more of methane</td>
<td>D2g</td>
<td>□</td>
</tr>
<tr>
<td>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.</td>
<td>D2g</td>
<td>□</td>
</tr>
<tr>
<td>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.</td>
<td>D2f, D2g</td>
<td>□</td>
</tr>
<tr>
<td>d. The proposed action may reach 50% of any of the thresholds in “a” through “c”, above.</td>
<td>D2g</td>
<td>□</td>
</tr>
<tr>
<td>e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.</td>
<td>D2s</td>
<td>□</td>
</tr>
<tr>
<td>f. Other impacts:</td>
<td>□</td>
<td>□</td>
</tr>
</tbody>
</table>

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.)

*If “Yes”, answer questions a - j. If “No”, move on to Section 8.*

<table>
<thead>
<tr>
<th>Relevant Part I Question(s)</th>
<th>No, or small impact may occur</th>
<th>Moderate to large impact may occur</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>E2o</td>
<td>□</td>
</tr>
<tr>
<td>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.</td>
<td>E2o</td>
<td>□</td>
</tr>
<tr>
<td>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.</td>
<td>E2p</td>
<td>□</td>
</tr>
<tr>
<td>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.</td>
<td>E2p</td>
<td>□</td>
</tr>
</tbody>
</table>
e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.

f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community.

Source:

<table>
<thead>
<tr>
<th></th>
<th>E3c</th>
<th></th>
<th></th>
</tr>
</thead>
</table>

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.

<table>
<thead>
<tr>
<th></th>
<th>E2m</th>
<th></th>
<th></th>
</tr>
</thead>
</table>

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:

<table>
<thead>
<tr>
<th></th>
<th>E1b</th>
<th></th>
<th></th>
</tr>
</thead>
</table>

i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.

<table>
<thead>
<tr>
<th></th>
<th>D2q</th>
<th></th>
<th></th>
</tr>
</thead>
</table>

j. Other impacts:

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
</thead>
</table>

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8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)

If "Yes", answer questions a - h. If "No", move on to Section 9.

<table>
<thead>
<tr>
<th>Relevant Part I Question(s)</th>
<th>No, or small impact may occur</th>
<th>Moderate to large impact may occur</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.</td>
<td>E2c, E3b</td>
<td>✓</td>
</tr>
<tr>
<td>b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.).</td>
<td>E1a, E1b</td>
<td>✓</td>
</tr>
<tr>
<td>c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.</td>
<td>E3b</td>
<td>✓</td>
</tr>
<tr>
<td>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.</td>
<td>E1b, E3a</td>
<td>✓</td>
</tr>
<tr>
<td>e. The proposed action may disrupt or prevent installation of an agricultural land management system.</td>
<td>E1a, E1b</td>
<td>✓</td>
</tr>
<tr>
<td>f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.</td>
<td>C2c, C3, D2c, D2d</td>
<td>✓</td>
</tr>
<tr>
<td>g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.</td>
<td>C2c</td>
<td>✓</td>
</tr>
<tr>
<td>h. Other impacts:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
9. **Impact on Aesthetic Resources**

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)

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

<table>
<thead>
<tr>
<th>Relevan Part I Question(s)</th>
<th>No, or small impact may occur</th>
<th>Moderate to large impact may occur</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.</td>
<td>E3h</td>
<td>✅</td>
</tr>
<tr>
<td>b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.</td>
<td>E3h, C2b</td>
<td>✅</td>
</tr>
<tr>
<td>c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round</td>
<td>E3h</td>
<td>✅</td>
</tr>
<tr>
<td>d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities</td>
<td>E3h, E2q, E1c</td>
<td>✅</td>
</tr>
<tr>
<td>e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.</td>
<td>E3h</td>
<td>✅</td>
</tr>
<tr>
<td>f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile ½ - 3 mile 3-5 mile 5+ mile</td>
<td>D1a, E1a, D1f, D1g</td>
<td>✅</td>
</tr>
<tr>
<td>g. Other impacts:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

10. **Impact on Historic and Archeological Resources**

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)

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

<table>
<thead>
<tr>
<th>Relevan Part I Question(s)</th>
<th>No, or small impact may occur</th>
<th>Moderate to large impact may occur</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.</td>
<td>E3e</td>
<td>✅</td>
</tr>
<tr>
<td>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.</td>
<td>E3f</td>
<td>✅</td>
</tr>
<tr>
<td>c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: SHPO study is being conducted - pending SHPO approval</td>
<td>E3g</td>
<td>✅</td>
</tr>
</tbody>
</table>
11. Impact on Open Space and Recreation
The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c, E.2.q.)
If "Yes", answer questions a - e. If "No", go to Section 12.

<table>
<thead>
<tr>
<th>a. The proposed action may result in an impairment of natural functions, or &quot;ecosystem services&quot;, provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.</th>
<th>Relevant Part I Question(s)</th>
<th>No, or small impact may occur</th>
<th>Moderate to large impact may occur</th>
</tr>
</thead>
<tbody>
<tr>
<td>D2e, E1b, E2h, E2m, E2o, E2n, E2p</td>
<td>□</td>
<td>□</td>
<td></td>
</tr>
</tbody>
</table>

| 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) 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 |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>E3d</td>
<td>□</td>
<td>□</td>
</tr>
</tbody>
</table>

| 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. (See Part 1. D.2.j)

If "Yes", answer questions a - f. If "No", go to Section 14.

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

The proposed action may cause an increase in the use of any form of energy. (See Part 1. D.2.k)

If "Yes", answer questions a - e. If "No", go to Section 15.

<table>
<thead>
<tr>
<th>Relevant Part I Question(s)</th>
<th>No, or small impact may occur</th>
<th>Moderate to large impact may occur</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. The proposed action will require a new, or an upgrade to an existing, substation.</td>
<td>D2k</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td>D1f, D1q, D2k</td>
<td></td>
</tr>
<tr>
<td>c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.</td>
<td>D2k</td>
<td></td>
</tr>
<tr>
<td>d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.</td>
<td>D1g</td>
<td></td>
</tr>
<tr>
<td>e. Other Impacts: ____________________________</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 15. Impact on Noise, Odor, and Light
The proposed action may result in an increase in noise, odors, or outdoor lighting. (See Part 1. D.2.m, n., and o.)

If "Yes", answer questions a - f. If "No", go to Section 16.

<table>
<thead>
<tr>
<th>Relevant Part I Question(s)</th>
<th>No, or small impact may occur</th>
<th>Moderate to large impact may occur</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. The proposed action may produce sound above noise levels established by local regulation.</td>
<td>D2m</td>
<td></td>
</tr>
<tr>
<td>b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.</td>
<td>D2m, E1d</td>
<td></td>
</tr>
<tr>
<td>c. The proposed action may result in routine odors for more than one hour per day.</td>
<td>D2o</td>
<td></td>
</tr>
</tbody>
</table>
d. The proposed action may result in light shining onto adjoining properties.  

<table>
<thead>
<tr>
<th></th>
<th>D2n</th>
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</table>

e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.  

<table>
<thead>
<tr>
<th></th>
<th>D2n, Ela</th>
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</table>

f. Other impacts:  

<p>| | | | |</p>
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</table>

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

<table>
<thead>
<tr>
<th>Question(s)</th>
<th>Relevant Part I Question(s)</th>
<th>No, or small impact may occur</th>
<th>Moderate to large impact may occur</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.</td>
<td>E1d</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. The site of the proposed action is currently undergoing remediation.</td>
<td>E1g, Elh</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.</td>
<td>E1g, Elh</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).</td>
<td>E1g, Elh</td>
<td></td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td>E1g, Elh</td>
<td></td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td>D2t</td>
<td></td>
<td></td>
</tr>
<tr>
<td>g. The proposed action involves construction or modification of a solid waste management facility.</td>
<td>D2q, Elf</td>
<td></td>
<td></td>
</tr>
<tr>
<td>h. The proposed action may result in the unearthing of solid or hazardous waste.</td>
<td>D2q, Elf</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.</td>
<td>D2r, D2s</td>
<td></td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td>Elf, E1g, Elh</td>
<td></td>
<td></td>
</tr>
<tr>
<td>k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.</td>
<td>Elf, E1g</td>
<td></td>
<td></td>
</tr>
<tr>
<td>l. The proposed action may result in the release of contaminated leachate from the project site.</td>
<td>D2s, Elf, D2r</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

m. Other impacts:  

<p>| | | | |</p>
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<tr>
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</thead>
</table>
17. Consistency with Community Plans

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

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

<table>
<thead>
<tr>
<th>Relevant Part I Question(s)</th>
<th>No, or small impact may occur</th>
<th>Moderate to large impact may occur</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. The proposed action’s land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).</td>
<td>C2, C3, D1a, E1a, E1b</td>
<td>□</td>
</tr>
<tr>
<td>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%.</td>
<td>C2</td>
<td>□</td>
</tr>
<tr>
<td>c. The proposed action is inconsistent with local land use plans or zoning regulations.</td>
<td>C2, C2, C3</td>
<td>□</td>
</tr>
<tr>
<td>d. The proposed action is inconsistent with any County plans, or other regional land use plans.</td>
<td>C2, C2</td>
<td>□</td>
</tr>
<tr>
<td>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.</td>
<td>C3, D1c, D1d, D1f, D1d, E1b</td>
<td>□</td>
</tr>
<tr>
<td>f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.</td>
<td>C4, D2c, D2d, D2j</td>
<td>□</td>
</tr>
<tr>
<td>g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)</td>
<td>C2a</td>
<td>□</td>
</tr>
<tr>
<td>h. Other:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

18. Consistency with Community Character

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

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

<table>
<thead>
<tr>
<th>Relevant Part I Question(s)</th>
<th>No, or small impact may occur</th>
<th>Moderate to large impact may occur</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.</td>
<td>E3c, E3f, E3g</td>
<td>✓</td>
</tr>
<tr>
<td>b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)</td>
<td>C4</td>
<td>✓</td>
</tr>
<tr>
<td>c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.</td>
<td>C2, C3, D1f, D1g, E1a</td>
<td>✓</td>
</tr>
<tr>
<td>d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.</td>
<td>C2, E3</td>
<td>✓</td>
</tr>
<tr>
<td>e. The proposed action is inconsistent with the predominant architectural scale and character.</td>
<td>C2, C3</td>
<td>✓</td>
</tr>
<tr>
<td>f. Proposed action is inconsistent with the character of the existing natural landscape.</td>
<td>C2, C3, E1a, E1b, E2g, E2h</td>
<td>✓</td>
</tr>
<tr>
<td>g. Other impacts: 9’ tall solar panels will be screened with fence and plantings</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

PRINT FULL FORM

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Full Environmental Assessment Form

Part 3 - Evaluation of the Magnitude and Importance of Project Impacts

and

Determination of Significance

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

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

Reasons Supporting This Determination:

To complete this section:

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

---

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status:  
- [ ] Type 1  
- [x] Unlisted

Identify portions of EAF completed for this Project:  
- [x] Part 1  
- [x] 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 as lead agency that:

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

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

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

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

Name of Action: Construct and install a 5.00 Mw (DC) ground mounted utility grade solar energy system - 3104 West Main St. Rd.

Name of Lead Agency: Town of Batavia Planning Board

Name of Responsible Officer in Lead Agency: Kathleen Jasinski

Title of Responsible Officer: Planning Board Chairman

Signature of Responsible Officer in Lead Agency: [Signature]

Date: 4/2/2019

Signature of Preparer (if different from Responsible Officer)

Date: 

For Further Information:

Contact Person: Daniel Lang, Zoning Enforcement Officer

Address: 3833 West Main St. Rd., Batavia, New York 14020

Telephone Number: 585-343-1729 Ext. 222

E-mail: DLang@townofbatavia.com

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

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

Other involved agencies (if any)

Applicant (if any)

### Financial Assistance - Tax Savings***

<table>
<thead>
<tr>
<th>Offering / Activity</th>
<th>Fees</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lease - Lease Back (SLB)</strong> or similar</td>
<td><strong>$250 Non-Refundable Application Fee</strong></td>
<td>Eligible to businesses with Capital Investments of $50,000 or greater which meet the criteria as set forth in the GCEDC’s Uniform Tax Exemption Policy.</td>
</tr>
<tr>
<td>Including any / all of the following:</td>
<td><strong>Direct Sales Project</strong>: 1.25% of total capital investment/benefited project amount</td>
<td></td>
</tr>
<tr>
<td>1. PILOT</td>
<td><strong>Administration fee</strong>: For projects with a capital investment of less than $5 million, there will be a $500 annual fee charged for each year of benefits provided. For projects with a capital investment of $5 million or greater, there will be a $1,000 annual fee charged.</td>
<td></td>
</tr>
<tr>
<td>2. Sales Tax Exemption</td>
<td><strong>Legal Fees</strong>: Legal transaction fees associated with a project will be estimated to each client on a case by case basis.</td>
<td></td>
</tr>
<tr>
<td>3. Mortgage Tax Exemption</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum fee of $2,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Sales Tax Exemption Only</strong></td>
<td><strong>$250 Non-Refundable Application Fee</strong></td>
<td>Eligible to businesses with Capital Investments of $50,000 or greater which meet the criteria as set forth in the GCEDC’s Uniform Tax Exemption Policy.</td>
</tr>
<tr>
<td>Minimum fee of $1,000</td>
<td><strong>Direct Sales Project</strong>: 1.25% of total capital investment/benefited project amount</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Administration fee</strong>: There will be a $500 annual fee charged.</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Legal Fees</strong>: Legal transaction fees associated with a project will be estimated to each client on a case by case basis.</td>
<td></td>
</tr>
<tr>
<td><strong>Mortgage Tax Exemption Only</strong></td>
<td><strong>$250 Non-Refundable Application Fee</strong></td>
<td>Eligible to businesses with Capital Investments of $50,000 or greater which meet the criteria as set forth in the GCEDC’s Uniform Tax Exemption Policy.</td>
</tr>
<tr>
<td>Minimum fee of $2,000</td>
<td><strong>GCEDC Fees</strong>: 0.4% of amount financed</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Legal Fees</strong>: Legal transaction fees associated with a project will be estimated to each client on a case by case basis.</td>
<td></td>
</tr>
</tbody>
</table>
# Financing

<table>
<thead>
<tr>
<th>Offering / Activity</th>
<th>Fees</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bond: Taxable or Tax Exempt</td>
<td>$250 Non-Refundable Application Fee</td>
<td>Range varies based on GCEDC involvement, term of bond (equip only vs. real property) and spread between taxable and tax exempt yield curves. The shorter the term and / or lower the spread between yield curves requires lower fees to remain competitive vs. commercial lending sources.</td>
</tr>
<tr>
<td>1. Financing transaction only</td>
<td>Financing Transaction Only</td>
<td></td>
</tr>
<tr>
<td>2. Financing included with SLB</td>
<td>Direct Sales Project: 1.25% of total bond amount</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Applicant must pay NYS Bond Issuance cost plus legal fees.</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Legal Fees:</strong> Legal transaction fees associated with a project will be estimated to each client on a case by case basis.</td>
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</tr>
</tbody>
</table>

*** NOTE – If a company wants to have a lease-leaseback transaction with a tax exempt financing component the total fee charged would be 1.75% of Capital investment.

Any deviation from the above listed fee schedule must be explained in writing to the Board by the CEO prior to (or simultaneously with) the approval of the Company’s application and must be approved by the Board.

# Financing/ Grants/ Consulting

<table>
<thead>
<tr>
<th>Offering / Activity</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Grants</td>
<td>$250 Non-Refundable Application Fee</td>
<td>Generally established and parameters set by Grantor. Negotiations, based on EDC involvement, occur on occasion. Project fee negotiated between grantee and GCEDC will be agreed to in a memorandum of understanding.</td>
</tr>
<tr>
<td></td>
<td><strong>Program Administration Fees:</strong> Allowable program administration and delivery fees associated with the grant will be collected by the GCEDC.</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Legal Fees:</strong> Legal transaction fees associated with a project will be estimated to each client on a case by case basis.</td>
<td></td>
</tr>
</tbody>
</table>
ATTACHMENT TO APPLICATION FOR FINANCIAL ASSISTANCE

Local Labor Workforce Certification

Project applicants (the "Company"), with projected / committed capital investment for facility construction of greater than or equal to $5,000,000, as a condition to receiving Financial Assistance (including a sales tax exemption, mortgage recording tax exemption, real property tax abatement, and/or bond proceeds) from the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency"), will be required to utilize qualified Local Labor, as defined below, for all projects involving the construction, expansion, equipping, demolition and/or remediation of new, existing, expanded or renovated facilities (collectively, the "Project Site").

Local Labor Defined

Local Labor is defined as individuals residing in the following Counties: Genesee, Orleans, Monroe, Wyoming, Livingston, Wayne, Ontario, Seneca, Yates, Niagara, Erie, Chautauqua, Cattaraugus and Allegany (collectively, the "Local Labor Area").

Local Labor Requirement

At least 90% of the total number of Project employees, excluding construction project management, of the general contractor, subcontractor, or subcontractor to a subcontractor (collectively, the "Workers") working on the Project Site must reside within the Local Labor Area. Companies do not have to be local companies as defined herein, but must employ local Workers residing within the Local Labor Area to qualify under the 90% local labor criteria.

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

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

Local Labor Reporting Requirement

Companies authorized to receive Financial Assistance from the Agency will be required to file or cause to be filed a Local Labor Utilization Report (the "Report") on such form as made available by the Agency, and as directed by the Agency, which will identify, for each Worker, the city, town, or village and associated zip code that each such Worker is domiciled in. The Report shall be submitted to the Agency or its designated agents as follows: (i) immediately prior to commencement of construction activities; and (ii) on or by the next following quarterly dates of January 1, April 1, July 1, and October 1 and each quarterly date thereafter through the construction completion date.

The Agency, or its designated agents, shall have the right, during normal business hours, to examine and copy the applicable books and records of the Company and to perform spot checks of all Workers at the Project site to verify compliance with the Local Labor Requirement throughout the construction period.

Enforcement

If Agency staff determines that: (i) the Local Labor Requirement is not being met; or (ii) upon use of its reasonable discretion, discovers or becomes aware of a compliance issue related to the Local Labor Requirement, then written notice delivered by Certified Mail of said Local Labor Requirement violation (the "Notice of Violation") shall be provided to the Company.
The Company shall have 10 business days thereafter to either:

(i) provide written confirmation to the Agency indicating that it has cured the violation and is now in compliance with the Local Labor Requirement;
(ii) submit the Local Labor Waiver Request as described above; or
(iii) confirm in writing its inability to meet the Local Labor Requirement.

If the Company does not respond to the Agency’s Notice of Violation, or if the Company confirms its inability to meet the Local Labor Requirement then the Agency shall immediately terminate any and all Financial Assistance being provided to the Project in accordance with the terms of the underlying agreements between the Agency and the Company with respect to the Project. If a Local Labor Waiver Request is submitted and the Agency declines to issue the requester waiver, then the Company shall have 10 business days after receipt of the notice of the waiver request denial to provide written confirmation to the Agency indicating that it has cured the violation and is now in compliance with the Local Labor Requirement. If the Agency does not receive such confirmation, the Agency shall then immediately terminate any and all Financial Assistance being provided to the Project in accordance with the terms of the underlying agreements between the Agency and the Company with respect to the Project.

The foregoing terms have been read, reviewed and understood by the Company and all appropriate personnel. The undersigned agrees and understands that the information contained herein must be transmitted and conveyed in a timely fashion to all applicable subcontractors, suppliers and materialmen. Furthermore, the undersigned realized and understands that failure to abide by the terms herein could result in the Agency revoking all or any portion of Financial Assistance, whether already received or to be received by the Company, as it deems reasonable in its sole discretion for any violation hereof.

COMPANY CERTIFICATION
By: __________________________
Name: _________________________

Title: __________________________

Sworn to before me this _________ day
of ________________________, 20__

______________________________
Notary Public