

**FINAL RESOLUTION**  
*(Penn Yan Solar I LLC Project)*

A regular meeting of the Yates County Industrial Development Agency was convened on Wednesday, December 16, 2020.

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

Resolution No. 12/2020 - \_\_\_\_\_

RESOLUTION OF THE YATES COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON DECEMBER 14, 2020, WITH RESPECT TO THE PENN YAN SOLAR I LLC PROJECT (AS DESCRIBED BELOW); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA (AS DEFINED BELOW); (iii) APPOINTING PENN YAN SOLAR I LLC AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO PENN YAN SOLAR I LLC IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A PARTIAL REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT, AND (C) A MORTGAGE RECORDING TAX EXEMPTION AS PERMITTED BY LAW; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT, MORTGAGE AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York (the "State"), as amended, and Chapter 113 of the Laws of 1975 of the State of New York, as amended (hereinafter collectively called the "Act"), the **YATES COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, **PENN YAN SOLAR I LLC**, for itself and/or on behalf of an entity or entities to be formed (collectively, the "Company"), has submitted an application (the "Application") to the Agency requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (A) the acquisition by the Agency of a leasehold or other interest in approximately 25 acres of real property located at Hansen Point Road, Town of Torrey, Yates County, New York (the "Land", being more particularly described as a portion of tax parcel No. 52.03-1-20, as may be subdivided and assigned a new tax parcel ID and property address); (B) the planning, design, construction and operation of a 5MWac solar electrical generation system, including panel foundations, inverters, transformers, interconnect wiring, utility connections,

sitework, landscaping, fencing, security and related improvements (collectively, the "Improvements"); and (C) the acquisition and installation in and around the Improvements of certain items of equipment, machinery and other tangible personal property (the "Equipment"; and, collectively with the Land and the Improvements, the "Facility"); and

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

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

WHEREAS, on November 18, 2020, the Agency adopted a resolution (the "Initial Resolution") accepting the Application and directing that a public hearing be held; and

WHEREAS, pursuant to Section 859-a of the Act, on Monday, December 14, at 9:00 a.m., local time via video conference, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance being contemplated by the Agency (the "Public Hearing"), whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; a copy of the Notice of Public Hearing posted on the Agency's website, a certificate attesting to the posting of the Notice of Public Hearing on the Agency's website and Minutes of the Public Hearing are attached hereto as **Exhibit A**; and

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

WHEREAS, the Town of Torrey Zoning Board of Appeals (the "Zoning Board"), acting as "lead agency" (as such term is defined under SEQRA), undertook a "coordinated review" (as such term is defined under SEQRA) of the Project, determined that the Project was an "Unlisted Action" (as such term is defined under SEQRA) and on March 2, 2020, issued a "negative declaration" (as such term is defined under SEQRA) with respect to the Project (the "Negative Declaration"); and



WHEREAS, the Project Agreement, the Lease Agreement, the Leaseback Agreement, the Tax Agreement and related documents will be negotiated and presented to the Chairman, Vice Chairman or Chief Executive Officer of the Agency for approval and execution subject to the adoption of the resolutions herein.

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

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

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

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

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

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

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

(F) The Zoning Board has conducted a coordinated review of the Project pursuant to Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"). In addition to classifying the Project as an "Unlisted Action" pursuant to SEQRA, the Zoning Board issued a Negative Declaration on March 2, 2020, determining that the Project did not present a potential significant adverse environmental impact. The Agency, having reviewed the materials presented by the Company, further determines that the Project does not pose a potential significant adverse environmental impact and thus ratifies the Negative Declaration previously issued by the Zoning Board pursuant to 6 N.Y.C.R.R. § 617.7.

Section 2. The Public Hearing held by the Agency on December 14, 2020, concerning the Project and the Financial Assistance, was duly held in accordance with the Act, including, but not limited to, the giving of at least ten (10) days published notice of the Public Hearing (such notice also being provided to the Chief Executive Officer of each affected tax jurisdiction), affording interested parties a reasonable opportunity, both orally and in writing, to present their views with respect to the Project.

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

Section 4. Based upon representations and warranties made by the Company in the Application, the Agency hereby authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project, that would otherwise be subject to State and local sales and use tax in an amount up to **\$1,000,000.00**, which result in State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed **\$80,000.00**. The Agency agrees to consider any requests by the Company for an increase to the amount of Sales and Use Tax Exemption Benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

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

Section 6. Subject to the Company executing the Project Agreement and the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with



the acquisition, construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, reconstruct, renovate and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; *provided, however*, the Project Agreement shall expire on **June 30, 2021** (unless extended for good cause by the Chief Executive Officer of the Agency) if the Lease Agreement, the Leaseback Agreement and the Tax Agreement contemplated have not been executed and delivered

Section 7. The Agency is hereby authorized to provide the Company with an exemption from mortgage recording taxes as permitted by New York State law in an amount not to exceed Forty-Eight Thousand Five Hundred Twenty and 00/100 Dollars (**\$48,520.00**).

Section 8. The Chairman, Vice Chairman or Chief Executive Officer of the Agency are hereby authorized, on behalf of the Agency, to negotiate and enter into (A) the Project Agreement, (B) the Lease Agreement, pursuant to which the Company leases the Project to the Agency, (C) the related Leaseback Agreement, pursuant to which the Agency leases its interest in the Project back to the Company, and (D) the Tax Agreement; *provided, however*, (i) the rental payments under the Leaseback Agreement include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project and (ii) the terms of the Tax Agreement are consistent with the Agency's Uniform Tax Exemption Policy or the procedures for deviation have been complied with.

Section 9. The Chairman, Vice Chairman or Chief Executive Officer of the Agency are hereby authorized, on behalf of the Agency, to execute, deliver and record any mortgage, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the "Lender") (collectively, the "Mortgage") up to a maximum principal amount necessary to undertake the Project, acquire the Facility and/or finance or refinance the Facility or equipment and other personal property and related transactional costs (hereinafter, with the Project Agreement, Lease Agreement, Leaseback Agreement, Tax Agreement and the Mortgage, collectively called the "Agency Documents"); and, where appropriate, the Secretary or Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the Chairman, Vice Chairman or Chief Executive Officer of the Agency shall approve, the execution thereof by the Chairman, Vice Chairman or Chief Executive Officer of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency's interest in the Project.

Section 10. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees,

charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

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

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

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Gene Pierce	[ X ]	[ ]	[ ]	[ ]
Rita Gow	[ X ]	[ ]	[ ]	[ ]
Ryan Hallings	[ X ]	[ ]	[ ]	[ ]
Dr. Kim Williams	[ ]	[ ]	[ X ]	[ ]
Sirene Garcia	[ X ]	[ ]	[ ]	[ ]
William Holgate	[ ]	[ ]	[ X ]	[ ]
Janice Gaub	[ X ]	[ ]	[ ]	[ ]

The Resolutions were thereupon duly adopted. \_\_\_\_\_



**SECRETARY'S CERTIFICATION**

*(Penn Yan Solar I Project)*

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

I, the undersigned Secretary of the Yates County Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Yates County Industrial Development Agency (the "Agency"), including the resolution contained therein, held on December 16, 2020, with the original thereof on file in the Agency's office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this 16th day of December, 2020.



\_\_\_\_\_  
Secretary

**Exhibit A**

Notice Letter, Notice of Public Hearing,  
of Publication of *The Chronicle Express* and Minutes of Public Hearing

[Attached Hereto]



**NOTICE LETTER  
AND  
NOTICE OF CONTEMPLATED DEVIATION  
PENN YAN SOLAR I LLC PROJECT**

November 25, 2020

**VIA CERTIFIED MAIL**

To: Chief Executive Officers of  
Affected Taxing Jurisdiction Listed on Attached Schedule A

Re: Yates County Industrial Development Agency and Penn Yan Solar I LLC:  
Public Hearing

Ladies and Gentlemen:

The Agency is contemplating providing financial assistance (the "Financial Assistance") to the Company in the form of (i) an exemption from mortgage recording taxes as permitted by New York State law, (ii) an exemption from sales and use taxes, each consistent with the Agency's Uniform Tax Exemption Policy (the "Policy"), and (iii) a partial tax abatement of real property taxes to be effectuated through the execution by the Agency and the Company of a payment-in-lieu-of-tax agreement (the "Tax Agreement").

On Monday, December 14, 2020, at 9:00 a.m., the Yates County Industrial Development Agency (the "Agency") will conduct a public hearing regarding the above-referenced project. Enclosed and attached hereto as **Exhibit A**, is a copy of the Notice of Public Hearing describing the project and the financial assistance being contemplated by the Agency. The Notice has been submitted to *The Chronicle-Express* for publication.

At the public hearing referenced above, the Agency will consider the Project and the Financial Assistance, including the Tax Agreement, the terms of which are proposed to contain a deviation from the Agency's Policy. The Agency is contemplating a deviation from the Policy as follows: The Agency contemplates providing the Company with payments-in-lieu-of-taxes of \$4,225/MWac with a two percent (2%) increase per year for a period of twenty-five (25) years.

In accordance with Section 859-a of the Act, a representative of the Agency will be at the above-stated time and place to present a copy of the Company's project Application, which is also available for viewing on the Agency's website at: <https://www.fingerlakesedc.com/penn-yan-solar-i-llc>.

However, given the ongoing COVID-19 public health crisis and related Executive Orders issued by Governor Andrew M. Cuomo, the Agency will not be able to accommodate any in-person public attendance or participation at this hearing. Nonetheless, and in furtherance of the provisions of Section 859-a of the Act requiring interested parties be provided a reasonable opportunity, both orally and in writing, to present their views with respect to the Project, the

Agency will broadcast the Public Hearing live on a video conference <https://fingerlakeseconomicdevelopmentcenter.my.webex.com/fingerlakeseconomicdevelopmentcenter.my/j.php?MTID=m655867cf60b9febc9b4d4e4defb3733a>, with written comments accepted on that platform in real time. In addition, the Agency will provide public access to provide oral comments in real time via conference bridge at telephone number: +1-408-418-9388, passcode 132 441 8426. The Agency also encourages all interested parties to submit written comments to the Agency, which will be included within the public hearing record. Any written comments may be sent to the Agency, Attention: Steve Griffin, Chief Executive Officer, Yates County Industrial Development Agency, One Keuka Business Park, Suite 104, Penn Yan, New York 14527; Telephone: (315) 536-7328, no later than Tuesday, December 15, 2020.

The public hearing is being conducted pursuant to Section 859-a of the General Municipal Law. We are providing this notice to you, pursuant to General Municipal Law Section 859-a, as the chief executive officer of an affected tax jurisdiction within which the project is located.

Very truly yours,

YATES COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY

A handwritten signature in black ink, appearing to read 'Steve Griffin', with a stylized flourish extending to the right.

Steve Griffin  
CEO

Enclosure



Schedule A

Chief Executive Officers  
of Affected Tax Jurisdictions

Via Certified Mail

No. 7018 0360 0000 9156 7304

Winona Flynn  
Yates County Administrator/Treasurer  
417 Liberty Street, Suite 1002  
Penn Yan, New York 14527

Via Certified Mail

No. 7018 0360 0000 9156 7342

Yates County Legislature  
Attn: Douglas Paddock, Chairman  
417 Liberty Street  
Penn Yan, New York 14527

Via Certified Mail

No. 7018 0360 0000 9156 7311

Town of Torrey  
Attn: Patrick Flynn, Supervisor  
56 Geneva Street, P.O. Box 280  
Dresden, New York 14441

Via Certified Mail

No. 7018 0360 0000 9156 7359

Penn Yan Central School District  
Attn: David Willson, President School Board  
1 School Drive  
Penn Yan, New York 14527

Via Certified Mail

No. 7018 0360 0000 9156 7328

Penn Yan Central School District  
Attn: Howard Dennis, Superintendent  
1 School Drive  
Penn Yan, New York 14527

Via Certified Mail

7018 0360 0000 9156 7366

Penn Yan Central School District  
Attn: Cathleen Milliman  
Assistant Superintendent for Business  
1 School Drive  
Penn Yan, New York 14527

Via Certified Mail

No. 7018 0360 0000 9156 7335

Patricia Brede, Assessor  
Town of Torrey  
1000 Route 14A  
Penn Yan, NY

## NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that a public hearing pursuant to Article 18-A of the New York General Municipal Law (the "Act") will be held by the Yates County Industrial Development Agency (the "Agency") on Monday, December 14, 2020, at 9:00a.m., local time, in connection with the matter described below. **PLEASE NOTE THE SPECIAL PUBLIC HEARING LOGISTICS AND INSTRUCTIONS INCLUDED AT THE END OF THIS NOTICE.**

Penn Yan Solar I LLC, for itself and/or on behalf of an entity or entities to be formed (collectively, the "Company"), has submitted an application (the "Application") to the Agency requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (A) the acquisition by the Agency of a leasehold or other interest in approximately 25 acres of real property located at Hansen Point Road, Town of Torrey, Yates County, New York (the "Land", being more particularly described as a portion of tax parcel No. 52.03-1-20, as may be subdivided and assigned a new tax parcel ID and property address); (B) the planning, design, construction and operation of a 5MWac solar electrical generation system, including panel foundations, inverters, transformers, interconnect wiring, utility connections, sitework, landscaping, fencing, security and related improvements (collectively, the "Improvements"); and (C) the acquisition and installation in and around the Improvements of certain items of equipment, machinery and other tangible personal property (the "Equipment"; and, collectively with the Land and the Improvements, the "Facility").

The Agency will acquire a leasehold interest in the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the lease. At the end of the lease term, the leasehold interests will be terminated. The Agency contemplates that it will provide financial assistance to the Company in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction, and equipping of the Facility, (b) a partial real property tax abatement structured within a payment-in-lieu-of-tax agreement, and (c) a mortgage recording tax exemption for financing or re-financing related to the Project (collectively, the "Financial Assistance").

### **PLEASE NOTE SPECIAL PUBLIC HEARING CONDUCT INSTRUCTIONS AND INFORMATION:**

In accordance with Section 859-a of the Act, a representative of the Agency will be at the above-stated time and place to present a copy of the Company's project Application, which is also available for viewing on the Agency's website at: <https://www.fingerlakesedc.com/penn-yan-solar-i-llc>.


However, given the ongoing COVID-19 public health crisis and related Executive Orders issued by Governor Andrew M. Cuomo, the Agency will not be able to accommodate any in-person public attendance or participation at this hearing. Nonetheless, and in furtherance of the provisions of Section 859-a of the Act requiring interested parties be provided a reasonable opportunity, both orally and in writing, to present their views with respect to the Project, the Agency will broadcast the Public Hearing live on a video conference



<https://fingerlakeseconomicdevelopmentcenter.my.webex.com/fingerlakeseconomicdevelopmentcenter.my/j.php?MTID=m655867cf60b9f9bc9b4d4e4defb3733a>, with written comments accepted on that platform in real time. In addition, the Agency will provide public access to provide oral comments in real time via conference bridge at telephone number: +1-408-418-9388, passcode 132 441 8426. The Agency also encourages all interested parties to submit written comments to the Agency, which will be included within the public hearing record. Any written comments may be sent to the Agency, Attention: Steve Griffin, Chief Executive Officer, Yates County Industrial Development Agency, One Keuka Business Park, Suite 104, Penn Yan, New York 14527; Telephone: (315) 536-7328, no later than Tuesday, December 15, 2020.

Dated: November 25, 2020

YATES COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY

By:   
Name: Steve Griffin  
Title: Chief Executive Officer

**NOTICE OF PUBLIC HEARING**

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However, given the ongoing COVID-19 public health crisis and related Executive Orders issued by Governor Andrew M. Cuomo, the Agency will not be able to accommodate any in-person public attendance or participation at this hearing. Nonetheless, and in furtherance of the provisions of Section 859-a of the Act requiring interested parties be provided a reasonable opportunity, both orally and in writing, to present their views with respect to the Project, the Agency will broadcast the Public Hearing live on a video conference

<https://fingerlakesandcdevelopmentcenter.ny.waba.com/fingerlakesandcdevelopmentcenter.mv1.php?MTID=mg55867c160b1e6c9b444e4d913733a>, with written comments accepted on that platform in real time. In addition, the Agency will provide public access to provide oral comments in real time via conference bridge at telephone number: +1-408-419-9398, passcode 132 441 8426. The Agency also encourages all interested parties to submit written comments to the Agency, which will be included within the public hearing record. Any written comments may be sent to the Agency. Attention: Steve Griffin, Chief Executive Officer, Yates County Industrial Development Agency, One Keuka Business Park, Suite 104, Penn Yan, New York 14527; Telephone: (315) 536-7328, no later than Tuesday, December 15, 2020.

Dated: November 25, 2020

YATES COUNTY INDUSTRIAL DEVELOPMENT AGENCY

By:  
Name: Steve Griffin  
Title: Chief Executive Officer



**Public Hearing – Penn Yan Solar I LLC**

**Monday, December 14, 2020 – 9:00 A.M.**

Minutes of Proceedings

*As a result of the Novel Coronavirus (COVID-19) Emergency and the State ban on meetings or gatherings pursuant to Executive Order 220.10 issued on March 23, 2020, the suspension of the Open Meetings Law relating to public meetings pursuant to Executive Order 220.1 issued on March 12, 2020, as extended, and the authorization to hold public hearings by remote access pursuant to Executive Order 220.15 issued on April 9, 2020, as extended, the Public Hearing held on December 12, 2020 in connection with the matter described below was held electronically via conference call and video conference rather than in person.*

Present: Mike Lipari, Economic Development Specialist, Finger Lakes EDC, Mike Seppala, VP of Operations, Finger Lakes EDC.

The Public Hearing on the proposed straight leaseback transaction by the Finger Lakes Economic Development Center on behalf of Penn Yan Solar I LLC was held remotely via Cisco WebEx on Monday, December 14, 2020 at 9:00 A.M. Members of the public were able to listen to, view and participate in the Public Hearing and comment on the Project and the financial assistance requested by the Project applicant from the Agency by dialing in by telephone number: +1-408-418-9388 and entering access code 132 441 8426 or by joining this Public Hearing from your computer, tablet, or smartphone via <https://fingerlakeseconomicdevelopmentcenter.my.webex.com/fingerlakeseconomicdevelopmentcenter.my/j.php?MTID=m655867cf60b9feb9b4d4e4defb3733a>.

The Public Hearing notice was published in the legal section of The Chronicle Express on December 2, 2020. The Notice of Public Hearing was also posted on the bulletin board on the Yates County Courthouse on November 25, 2020 and the Town of Torrey Town Hall bulletin board on November 27, 2020. Copies of the Notice of Public Hearing were mailed to the taxing jurisdictions (Yates County, Town of Torrey, Penn Yan Central School District) on November 25, 2020. The Notice of Public Hearing was also posted to the Finger Lakes Economic Development Center website on November 25, 2020.

Mike Lipari, Economic Development Specialist for the Finger Lakes Economic Development Center, called the Public Hearing to order at 9:00 A.M.

Mr. Lipari gave an overview of the Penn Yan Solar I LLC project. ***After completing the initial overview of the project, Mr. Lipari realized that his microphone was on mute. Mr. Lipari unmuted his microphone and gave the overview of the project again.***

Mr. Lipari reported that his microphone was on mute and that anyone participating would not have been able to hear him. Mr. Lipari reported that he would be starting over and would provide the overview again.

Mr. Lipari reported that the public hearing for Penn Yan Solar I LLC was called to order at 9:00 A.M. Penn Yan Solar I LLC is an entity created and owned by C2 Energy Development LLC out of New York City. C2 Energy is a renewable energy investment & development firm specializing in community solar projects in New York State for commercial, residential and low-income customers. Penn Yan Solar I LLC has submitted an application for straight lease back of a proposed 5-megawatt solar project in the town of

Torrey, located off of Route 14 at 511 Hansen Point Rd. Penn Yan Solar I LLC is leasing 25 acres of land and will use about 15.3 acres to construct their 5-megawatt solar farm. The total projected capital investment of this project is \$7,052,000. The application for straight leaseback includes, a sales and use tax exemption, which is projected to save \$80,000, a mortgage recording tax exemption projected to save \$48,520 and a proposed PILOT that is projected to save \$1,098,801. The total projected savings is \$1,227,321. The proposed PILOT is a 25-year PILOT. The PILOT deviates from our normal PILOT structure. As a result of the potential deviation, we have notified each of the affected tax jurisdictions and provided opportunity for comment. No written or verbal comments on the deviation have been received. The proposed PILOT is a 25-year PILOT, the proposed payments are \$4,225 per megawatt and includes a 2% increase to the PILOT payment each year. Over the 25 years, the projected PILOT payment is \$676,640. The project proposes to create 35 construction jobs. There are no full-time positions being created once the project is complete, therefore, no salaries or wages are factored into the total economic benefit of the project. The total economic benefit of the project is the total capital investment of \$7,052,000 plus the total PILOT payment of \$676,400 for a total economic benefit of \$7,728,640. Comparing this to the total community investment or projected savings of \$1,227,321 this equals a 6:1 private to public investment ratio. The proposed project is a community solar project, any energy produced will be marketed and sold to local businesses and residents. Mr. Lipari reported that the total incentives are over \$100,000 requiring us to hold the Public Hearing.

Mr. Lipari opened the hearing for any public comment. Mr. Lipari noted that comments could be made verbally through the virtual meeting or through the chat feature.

Mr. Lipari reported that there were no prior written comments received.

There being no other comments the Public Hearing was closed at 9:25 A.M. by Mr. Lipari.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mike Lipari", with a stylized flourish at the end.

Mike Lipari



**Exhibit B**

Negative Declaration of Zoning Board

[Attached Hereto]

**Town of Torrey Zoning Board of Appeals**  
Regular Meeting minutes  
March 2, 2020

Present: Vice Chairman Tony Cannizzaro, Mark Gifford, Bob Constantine  
George Dowse- alt.  
Excused: Chris Hansen

**Area Variance Application 20-1** Chris Hansen/Jason Shoff property at Hansen Point Rd. to install solar array exceeding maximum lot coverage allowed in an Ag/Res District.

**Motion** by Tony 2<sup>nd</sup> Mark to accept the application as complete, carried.

Brief discussion, that the area variance is asking for a 2% variance to the law.

**Motion** by Mark 2<sup>nd</sup> Bob to grant the Area Variance # 20-1 by roll call vote  
Cannizzaro- Aye, Gifford- Aye, Constantine- Aye, Dowse- Aye carried 4-0  
Granted with no stipulations.

**Special Use Permit # 20-2** Chris Hansen/Jason Shoff property at Hansen Point Rd. Commercial business of solar energy farm in an Ag/Res District.

**Motion** by George 2<sup>nd</sup> Bob to accept application as complete, carried.

Tony declared the Zoning Board as lead agency on the short form of SEQR" State Environmental Quality Review"

Tony read each question aloud to the members for decision. on each item a negative finding was determined.

**Motion** by Bob 2<sup>nd</sup> Mark to accept the completed SEQRA and its finding a negative declaration, that the proposed action will not result in any significant adverse environmental impacts. Carried by all.

Declaration vote- Cannizzaro Aye, Gifford Aye, Constantine-Aye, Dowse-Aye  
4 Ayes 0 Nays

Brief discussion on site, if in future if solar farms becomes inactive if plans are in place to return site back to agricultural. Chris stated there is a plan in place.

**Motion** by Tony, 2<sup>nd</sup> Mark to Grant the Special Use Permit # 20-2 to Chris Hansen and Jason Shoff to operate a Commercial Solar business in an Ag/Res District on Hansen Point Rd.

This by roll call vote:

Cannizzaro- Aye, Gifford- Aye, Constantine- Aye, Dowse- Aye carried 4-0

**Special Use Application # 20-2 is hereby Granted with no stipulations.**

Tony made a motion to adjourn, 2<sup>nd</sup> Mark carried ay 7:35

Respectfully submitted,



# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. 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.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: <b>Hansen Point Rd. Solar Site</b>			
Project Location (describe, and attach a location map): <b>Hansen Point Rd. Tax map No. 52.03 -1-20</b>			
Brief Description of Proposed Action: <b>Proposing a 7 mw solar array on recently acquired tilled land. Environmental impact in terms of construction is minimal. Posts for solar panels are driven. The only excavation will be the ditch dug for conduit around half of the perimeter of the array.</b>			
Name of Applicant or Sponsor: <b>Chris Hansen</b>		Telephone: <b>(607) 745-0221</b>	
		E-Mail: <b>chrishansen26@gmail.com</b>	
Address: <b>515 Hansen Point Rd.</b>			
City/PO: <b>Penn Yan</b>		State: <b>NY</b>	Zip Code: <b>14527</b>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO	YES
<b>Yates County, Town of Torrey ZBA</b>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		<u>20</u> acres	
b. Total acreage to be physically disturbed?		<u>.2</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>40</u> acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			



		NO	YES	N/A
5. Is the proposed action,	a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: <u>NA</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>NA</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. 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?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	



14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

Shoreline
  Forest
  Agricultural/grasslands
  Early mid-successional  
 Wetland
  Urban
  Suburban

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor/name: Christopher Hansen Date: 2-4-2020

Signature: [Handwritten Signature] Title: Partner

**ENLIGHTEN  
HOOSICK, LLC**

**FRANK  
ENGINEERING, PLLC**  
COMMERCIAL, RESIDENTIAL, AND MUNICIPAL SERVICES  
1000 NORTH 10TH STREET  
SUITE 200  
WYOMING, WY 83401  
PHONE: 307.442.8888  
WWW.FRANKENGINEERING.COM

**HANSEN POINT ROAD  
SOLAR SITE PLAN**

TOWN OF TOWN  
WAYNE COUNTY

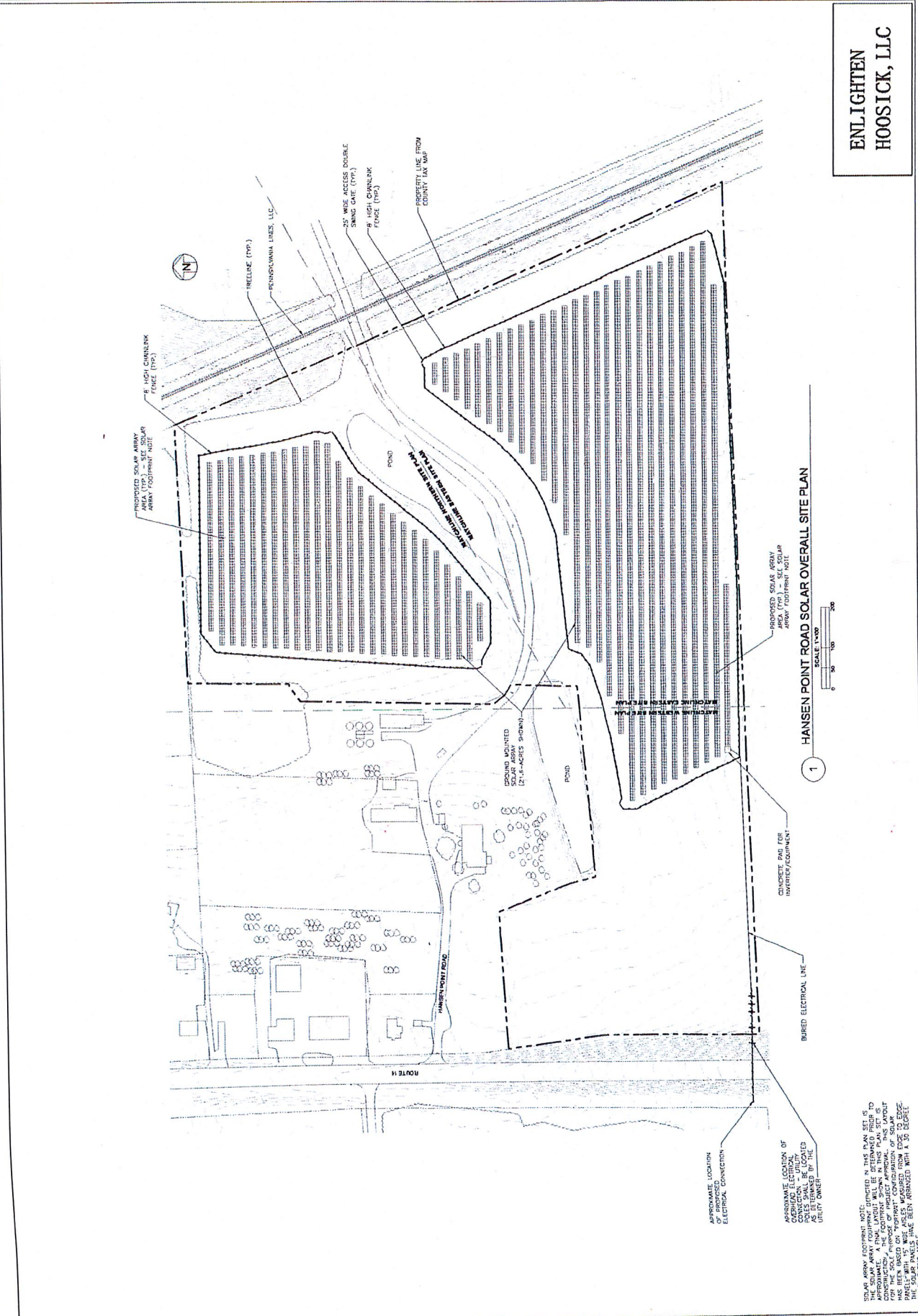
NEW YORK STATE

ALTON B. WALKER  
REGISTERED PROFESSIONAL ENGINEER  
NO. 13517

PRELIMINARY

REV.	DATE	COMMENTS
1	10/08	REVISED SOLAR ARRAY LAYOUT

UNAPPROVED ATTEMPT TO AMEND  
APPROVED SOLAR ARRAY LAYOUT  
AND/OR REVISIONS TO A  
PREVIOUS PLAN SHEET  
DATE: 10/19  
SCALE:  
OVERALL SHEET  
PLAN SHEET  
AS SHOWN  
INDICATE ON THE DOCUMENT BY A  
NOTATION TO THE NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION FOR REVIEW AND  
APPROVAL. THE LOCATION AND THE  
LOCATION OF THE SOLAR ARRAY  
SHOWN ON THIS SHEET IS NOT  
TO BE CONSIDERED AS A  
WARRANTY OR GUARANTEE OF THE  
ACCURACY OF THE INFORMATION  
PROVIDED HEREON.  
20190513

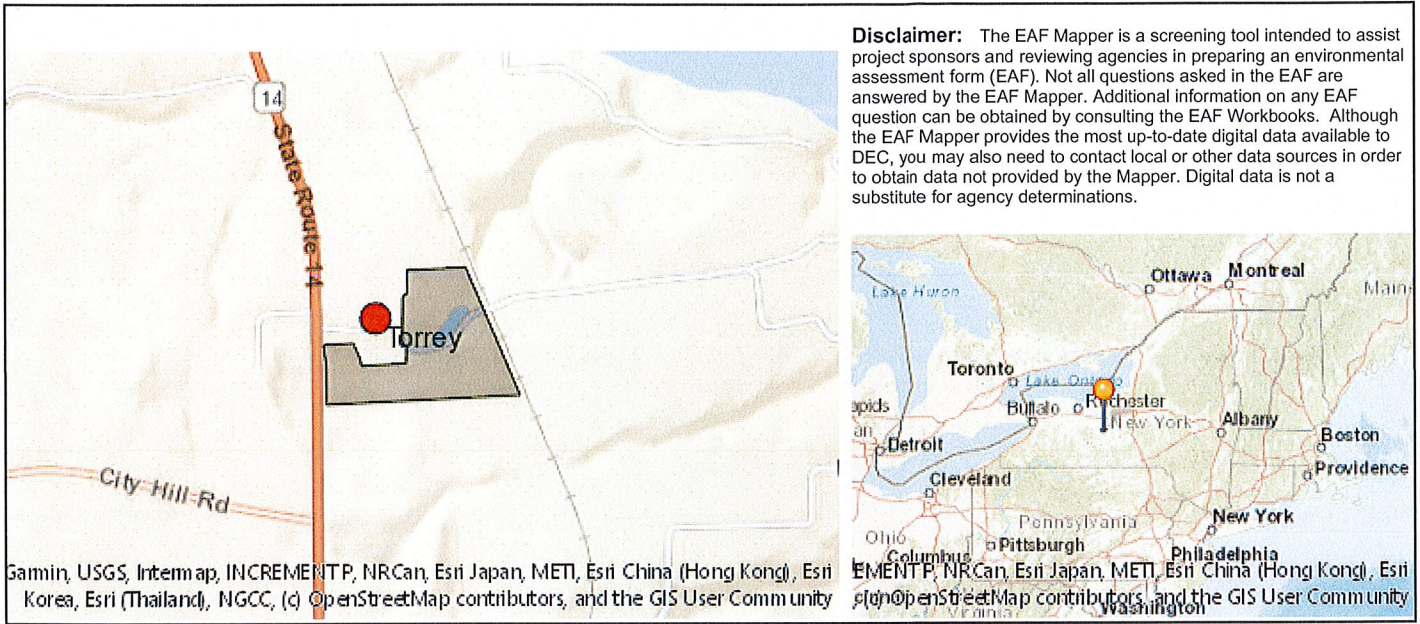


**1 HANSEN POINT ROAD SOLAR OVERALL SITE PLAN**

**NOTE:** THIS SOLAR ARRAY EQUIPMENT LAYOUT IS AN APPROXIMATE REPRESENTATION OF THE SOLAR ARRAY LAYOUT. THE ACTUAL LAYOUT OF THE SOLAR PANELS WILL BE DETERMINED BY THE UTILITY OWNER. THE SOLAR PANELS WILL BE ARRANGED WITH A 30 DEGREE SOUTH FACING PALETTE.



# EAF Mapper Summary Report



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

E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	YATE001
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No



Project: Hansen SP  
 Date:

**Short Environmental Assessment Form  
 Part 2 - Impact Assessment**

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

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

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



Project:

[Empty box for Project]

Date:

[Empty box for Date]

### Short Environmental Assessment Form Part 3 Determination of Significance

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

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Torrey

Name of Lead Agency

3-2-20

Date

Anthony J. Cannizzaro

Print or Type Name of Responsible Officer in Lead Agency

co-chairman

Title of Responsible Officer

Anthony J. Cannizzaro

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)