

PROJECT AUTHORIZING RESOLUTION

(NY USLE Chasm Rd I, LLC Project)

A regular meeting of the County of Franklin Industrial Development Agency was convened on Wednesday, December 10, 2025.

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

Resolution No. 2025-11

RESOLUTION OF THE COUNTY OF FRANKLIN INDUSTRIAL DEVELOPMENT AGENCY (THE “AGENCY”) (i) APPOINTING NY USLE CHASM RD I, LLC (THE “COMPANY”) AS ITS AGENT TO UNDERTAKE A CERTAIN PROJECT (AS MORE FULLY DESCRIBED BELOW); (ii) AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGENT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, PAYMENT-IN-LIEU-OF-TAX AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT; (iii) AUTHORIZING THE PROVISION OF CERTAIN FINANCIAL ASSISTANCE TO THE COMPANY (AS FURTHER DEFINED HEREIN); (iv) ADOPTING FINDINGS WITH RESPECT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (“SEQRA”); AND (v) AUTHORIZING THE EXECUTION OF 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, as amended, and Chapter 453 of the Laws of 1970 of the State of New York, as amended (hereinafter collectively called the “Act”), the **COUNTY OF FRANKLIN INDUSTRIAL DEVELOPMENT AGENCY** (hereinafter called “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, **NY USLE CHASM RD I, LLC**, for itself and/or for an entity or entities to be formed (collectively, the “Company”), has submitted an application to the Agency requesting the Agency’s assistance with a certain project (the “Project”) consisting of (i) the acquisition by the Agency of a leasehold interest in an approximately 27 acre portion of an approximately 48 acre parcel of real property located at 142 Chasm Road in the Town of Chateaugay, New York (the “Land”, being more particularly described as a portion of tax parcel No. 60.00-2-7.200, as may be subdivided); (ii) the planning, design, construction and operation of a 4.0 MWac ground-mounted community solar power facility, including panel foundations, inverters, transformers,

interconnect wiring, on and offsite utility connections, sitework, landscaping, fencing, security and related improvements (collectively, the “Improvements”); (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the “Equipment” and, collectively with, the Land and the Improvements, the “Facility”); and (iv) entering into a straight lease transaction (within the meaning of subdivision (15) of Section 854 of the Act), pursuant to which the Agency will retain a leasehold interest in the Facility for a period of time and sublease such interest in the Facility back to the Company (the “Straight Lease Transaction”); and

WHEREAS, on April 10, 2024, the Agency adopted an initial resolution (the “Initial Project Resolution”) which (i) accepted the Company’s application, (ii) authorized the scheduling and conduct of a public hearing in compliance with the Act, (iii) described the contemplated forms of financial assistance to be provided by the Agency (the “Financial Assistance”, as described herein); and (iv) authorized the negotiation of an Agent and Financial Assistance and Project Agreement (the “Agent Agreement”), Lease Agreement (the “Lease Agreement”), Leaseback Agreement (the “Leaseback Agreement”) and Payment-in-lieu-of-Tax agreement (the “PILOT Agreement”) to be entered into with respect to the Project; and

WHEREAS, in accordance with the Initial Project Resolution, the Agency published and forwarded a Notice of Public Hearing to the Town of Chateaugay (the “Town”), the County of Franklin (the “County”), and the Chateaugay Central School District (the “School,” and together with the Town and County, the “Affected Tax Jurisdictions”) at least ten (10) days prior to said Public Hearing are attached hereto as **Exhibit A**; and

WHEREAS, pursuant to Section 859-a of the Act, the Agency held a public hearing on Wednesday, November 12, 2025 at 4:00 p.m. local time, at the Chateaugay Town Hall with respect to the Project (the “Public Hearing”) and the proposed Financial Assistance (as further defined herein) being contemplated by the Agency whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views, a copy of the minutes of the Public Hearing also being attached hereto within **Exhibit A**; and

WHEREAS, the Town Board of the Town of Chateaugay (the “Town Board”) reviewed the proposed Project as lead agency pursuant to the State Environmental Quality Review Act, as codified under Article 8 of the Environmental Conservation Law and Regulations adopted pursuant thereto by the Department of Environmental Conservation of the State (collectively, “SEQRA”) and related Environmental Assessment Form (“EAF”) and issued a negative declaration (the “Negative Declaration”), a copy of which, along with the EAF, are attached hereto as **Exhibit B**; and

WHEREAS, in furtherance of the foregoing, the Agency desires to authorize (i) the appointment of the Company as agent of the Agency to undertake the Project; (ii) the execution and delivery of the Agent Agreement, Lease Agreement, the Leaseback Agreement, the PILOT Agreement, and related documents; (iii) the provision of the Financial Assistance to the Company, which shall include (a) an exemption from all state and local sales and use taxes with respect to the qualifying personal property included in or incorporated into the Facility or used in

the construction and equipping of the Facility and (b) a partial real property tax abatement through the execution of an agreement with the Agency regarding payments in lieu of real property taxes to be made for the benefit of the Affected Tax Jurisdictions; and (iv) the review and ratification of findings pursuant to SEQRA in connection with the Project.

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

Section 1. 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 (i) acquire title to or other interest in the Land, Improvements and the Equipment constituting the Facility, (ii) lease or sell the Agency's interest in the Land, Improvements and Equipment constituting the Facility to the Company pursuant to a lease agreement or sale agreement, and (iii) enter into a Straight Lease Transaction with the Company; and

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

(D) The Project will not result in the removal of a facility or plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company's 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 facility or plant 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

(E) Based upon a review of the Application and the EAF provided by the Company, the Agency hereby:

- (i) consents to and affirms the status of the Town Board as Lead Agency for review of the Facility, within the meaning of, and for all purposes of complying with SEQRA; and
- (ii) ratifies the proceedings undertaken by the Town Board under SEQRA with respect to the construction and equipping of the Facility pursuant to SEQRA; and

- (iii) based upon the review by the Agency of the EAF, Negative Declaration and related documents delivered by the Company to the Agency and other representations made by the Company to the Agency in connection with the Project, the Agency hereby finds that (a) the Project will result in no major impacts and, therefore, is one which may not cause significant damage to the environment; (b) the Project will not have a “significant effect on the environment” (as such quoted term is defined under SEQRA); and (c) no “environmental impact statement” (as such quoted term is defined under SEQRA) need be prepared for this action. This determination constitutes a “negative declaration” (as such quoted terms are defined under SEQRA) for purposes of SEQRA.

Section 2. Subject to (i) the Company executing the Agent Agreement and Leaseback Agreement, and (ii) 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, renovation, construction, reconstruction, rehabilitation and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, construct 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 on its own behalf; *provided, however*, the Agent Agreement shall expire on December 31, 2026 (*unless extended for good cause by the Executive Director or Chief Executive Officer of the Agency*).

Section 3. Based upon the representation and warranties made by the Company the Application, the Agency hereby authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount up to approximately \$6,565,342.00, which result in New York State and local sales and use tax exemption benefits (“sales and use tax exemption benefits”) not to exceed \$525,227.36. The Agency agrees to consider any requests by the Company for 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, and, to the extent required, the Agency authorizes and conducts any supplemental public hearing(s).

Section 4. 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; (iv) the Company has made a material false statement on its application for financial assistance; (v) 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; and/or (vi) the Company obtains mortgage recording tax benefits and/or real property tax abatements and 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 (collectively, items (i) through (vi) hereby defined as a “Recapture Event”).

As a condition precedent of receiving sales and use tax exemption benefits and real property tax abatement benefits, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, must (i) if a Recapture Event determination is made by the Agency, cooperate with the Agency in its efforts to recover or recapture any sales and use tax exemption benefits, mortgage recording tax benefits and/or real property tax abatements abatement benefits, and (ii) promptly pay over any such amounts to the Agency that the Agency demands, if and as so required to be paid over as determined by the Agency.

Section 5. The Chairman, Vice Chairman the Executive Director and/or the Chief Executive Officer of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver the Agent Agreement, Lease Agreement, Leaseback Agreement, PILOT Agreement, PILOT Mortgage, and related documents with such changes as shall be approved by the Chairman, Vice Chairman, the Executive Director and/or the Chief Executive Officer and counsel to the Agency upon execution.

Section 6. The Chairman, Vice Chairman, the Executive Director and/or the Chief Executive Officer of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver any mortgage, assignment of leases and rents, 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”) up to a maximum principal amount necessary to undertake the Project, acquire the Facility and/or finance or refinance equipment and other personal property and related transactional costs (hereinafter with the Straight Lease Documents, 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, the Executive Director and/or the Chief Executive Officer of the Agency shall approve, the execution thereof by the Chairman, Vice Chairman, the Executive Director and/or the Chief Executive Officer of the Agency to constitute conclusive evidence of such approval; provided, that, in all events, recourse against the Agency is limited to the Agency's interest in the Project.

Section 7. 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 8. 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>NEA</i>	<i>ABSTAIN</i>	<i>ABSENT</i>
James Ellis	[✓]	[]	[]	[]
Sherry Boyea	[✓]	[]	[]	[]
Nick Russell	[]	[]	[]	[✓]
Melissa Mills	[✓]	[]	[]	[]
Scott Gordon	[✓]	[]	[]	[]
Nate Monette	[]	[]	[]	[✓]
Clyde Rabideau	[✓]	[]	[]	[]

The Resolution was thereupon duly adopted.

STATE OF NEW YORK)
COUNTY OF FRANKLIN) SS:

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

That I have compared the annexed extract of minutes of the meeting of the County of Franklin Industrial Development Agency (the "Agency"), including the resolution contained therein, held on December 10, 2025, with the original thereof on file in my 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 10th day of December, 2025.

Nicholas Russell
Nicholas Russell (Dec 10, 2025 17:22:01 EST)

Secretary

[SEAL]

EXHIBIT A

PUBLIC HEARING MATERIALS

PUBLIC HEARING AGENDA
COUNTY OF FRANKLIN INDUSTRIAL DEVELOPMENT AGENCY

NY USLE CHASM RD I LLC

Wednesday, November 12, 2025 at 4:00 p.m.
Chateaugay Town Hall, 191 East Main Street, Chateaugay, New York 12920

ATTENDANCE LIST:

Jeremy Evans, AICP, Chief Executive Officer
Rachel Karp, Operations Director
Kirby Selkirk, Town of Chateaugay
Donald Bilow, Town of Chateaugay
Nicole Calnon, Chateaugay Central School District (via zoom)
Loretta Fowler, Chateaugay Central School District (via zoom)
Stephen Almy Counsel Barclay Damon – NY USLE Chasm Rd I (via zoom)
Ari Goldberg, Counsel Barclay Damon – NY USLE Chasm Rd I (via zoom)

CALL TO ORDER: Time: 4:01 p.m. Jeremy Evans opened the hearing.

PURPOSE:

Pursuant to and in accordance with General Municipal Law Section 859-a, the County of Franklin Industrial Development Agency (the “Agency”) is conducting this public hearing in connection with a certain proposed project, as more fully described below (the “Project”), to be undertaken by the Agency for the benefit of **NY USLE CHASM RD I LLC** (the “Company”).

The Agency published a Notice of Public Hearing in the *Malone Telegram* and mailed a copy of the Notice of Public Hearing to each affected taxing jurisdiction. An Affidavit of Publication and Proof of Mailing are attached.

DISCUSSION:

Jeremy Evans read a description of the Project, as follows:

NY USLE CHASM RD I, LLC, for itself and/or for an entity or entities to be formed (collectively, the “Company”), has submitted an application to the Agency requesting the Agency’s assistance with a certain project (the “Project”) consisting of (i) the acquisition by the Agency of a leasehold interest in an approximately 27 acre portion of an approximately 48 acre parcel of real property located at 142 Chasm Road in the Town of Chateaugay, New York (the “Land”, being more particularly described as a portion of tax parcel No. 60.00-2-7.200, as may be subdivided); (ii) the planning, design, construction and operation of a 4.0 MWac ground-mounted community solar power facility, including panel foundations, inverters, transformers, interconnect wiring, on and offsite utility connections, sitework, landscaping, fencing, security and related improvements (collectively, the “Improvements”); (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery,

equipment, fixtures and other items of tangible personal property (the “Equipment” and, collectively with, the Land and the Improvements, the “Facility”); and (iv) entering into a straight lease transaction (within the meaning of subdivision (15) of Section 854 of the Act), pursuant to which the Agency will retain a leasehold interest in the Facility for a period of time and sublease such interest in the Facility back to the Company (the “Straight Lease Transaction”).

It is contemplated that the Agency will appoint the Company as agent to undertake the Project. The Agency contemplates that it will provide financial assistance (the “Financial Assistance”) to the Company in the form of: (A) a sales and use tax exemption for purchases and rentals related to the Project, (B) mortgage recording tax exemption(s) relating to financings undertaken by the Company in furtherance of the Project, and (C) a partial real property tax abatement provided through a Payment in Lieu of Tax Agreement. The foregoing Financial Assistance and the Agency’s involvement in the Project are being considered to promote the economic welfare and prosperity of residents of the County of Franklin.

AGENCY COST-BENEFIT ANALYSIS:

Based upon information provided by the Company in its Application, the Project will involve an approximately \$7,300,000 capital investment by the Company. The Agency estimates the following amounts of financial assistance to be provided to the Company:

Agency Cost Benefit Analysis attached.

PUBLIC COMMENT:

Donald Bilow asked what the estimated timeline is to have the project online?

Jeremy Evans responded that the project proposal built in a year for construction.

Kirby Selkirk also responded that it would be a year of construction.

Ari Goldberg, counsel for the project, responded that their goal is to have a building permit before the end of the year and one year is a fair estimate for the construction timeline.

ADJOURNMENT: Jeremy Evans closed the public hearing at 4:18pm.

PUBLIC HEARING AGENDA
COUNTY OF FRANKLIN INDUSTRIAL DEVELOPMENT AGENCY
November 12, 2025, 4:00pm
Chateaugay Town Hall, 191 East Main Street, Chateaugay, NY 12920

ATTENDANCE LIST

Name	Address	Representing
Kirby Selkirk	Chateaugay	Town of Chateaugay
Donald Bilow	Chateaugay	Town of Chateaugay
Nicole Calnon	Chateaugay	Chateaugay Central School District
Loretta Fowler	Chateaugay	Chateaugay Central School District
Stephen Almay		Barclay Damon – Project Counsel
Ari Goldberg		Barclay Damon – Project Counsel

Renewable Energy PILOT Worksheet and Cost Benefit Analysis

Project Name: NY USLE Chasm Rd 1, LLC
 Project Address: 142 Chasm Road, Chateaugay, NY 12920
 Tax Map # 60.-2-7.200

11/12/25



Table #1: Project Information		Table #3: Cost/Benefit Summary	
2025 Full Market Value	\$144,700	Total Estimated Taxes Without Improvements	\$34,017
2025 Equalization Rate (ER):	100%	Total Estimated PILOT Payments (BV + IV)	\$416,726
2025 Assessed Value (Base Value):	\$144,700	Total Estimated Taxes With No PILOT	\$542,969
2025 Tax Rate:	15.572017	Estimated Real Estate Tax Savings	\$126,243
Project Cost:	\$7,357,930	Estimated Mortgages Tax Savings	\$0
Projected Valuation: (Note 1)	\$2,000,000	Estimated Sales Tax Savings	\$525,227
Added Value (Projected Valuation * ER):	\$2,000,000	Total Estimated Financial Assistance	\$651,470
Finished Value (Added Value + Base Value):	\$2,144,700		
Nameplate Megawatt Capacity:	4.00		
Payment per Megawatt:	\$5,500		
System PILOT Payment Escalator:	2%		

Table #2: Proposed PILOT Payment Schedule							
PILOT Year	Calendar Year	PILOT Base Assessed Valuation (2)	Estimated Base Value (BV) Payments	Improvement Value (IV) Payments (3)	Total PILOT Payments (BV + IV) (4)	Estimated Tax Rate (5)	Estimated Full Taxes With No PILOT (6)
Interim	2026	\$144,700					
Year 1	2027	\$144,700	\$2,253	\$22,000	\$24,253	15.72774	\$33,731
Year 2	2028	\$144,700	\$2,276	\$22,440	\$24,716	15.88501	\$34,069
Year 3	2029	\$144,700	\$2,299	\$22,889	\$25,187	16.04386	\$34,409
Year 4	2030	\$144,700	\$2,322	\$23,347	\$25,668	16.20430	\$34,753
Year 5	2031	\$144,700	\$2,345	\$23,814	\$26,158	16.36635	\$35,101
Year 6	2032	\$144,700	\$2,368	\$24,290	\$26,658	16.53001	\$35,452
Year 7	2033	\$144,700	\$2,392	\$24,776	\$27,167	16.69531	\$35,806
Year 8	2034	\$144,700	\$2,416	\$25,271	\$27,687	16.86226	\$36,164
Year 9	2035	\$144,700	\$2,440	\$25,777	\$28,216	17.03089	\$36,526
Year 10	2036	\$144,700	\$2,464	\$26,292	\$28,756	17.20119	\$36,891
Year 11	2037	\$144,700	\$2,489	\$26,818	\$29,307	17.37321	\$37,260
Year 12	2038	\$144,700	\$2,514	\$27,354	\$29,868	17.54694	\$37,633
Year 13	2039	\$144,700	\$2,539	\$27,901	\$30,440	17.72241	\$38,009
Year 14	2040	\$144,700	\$2,564	\$28,459	\$31,024	17.89963	\$38,389
Year 15	2041	\$144,700	\$2,590	\$29,029	\$31,619	18.07863	\$38,773
		Totals	\$34,017	\$351,427	\$416,726		\$542,969

Notes

- 1 Projected Valuation is an estimate only and used to calculate Estimated Full Taxes. The assessor will determine the actual assessed value once the project is complete. All special district fees will be calculated using the actual assessed value.
- 2 Base Assessed Valuation is frozen at \$144,700 or such amount as may be assigned by the assessor in connection with subdivision or establishment of a new parcel for the project.
- 3 PILOT Payments for the Improvement Value (IV) are fixed and based upon dollar amount per MW nameplate and a 2% annual escalator.
- 4 The Annual Total PILOT Payment is based on the Base Value Payment (BV) + Improvement Value (IV).
- 5 Tax Rate (per \$1,000 in value) begins with current year and then assumes a 1% increase per year.
- 6 Estimated Full Taxes With No PILOT is based on the Finished Value * Mill Rate.

Renewable Energy PILOT Worksheet and Cost Benefit Analysis

Project Name: NY USLE Chasm Road 1 Solar, LLC
 Project Address: 142 Chasm Road, Chateaugay, NY 12920
 Tax Map #: 60.-2-7.200

PILOT Payment Calculation			
Estimated Year 1 Total PILOT Payment			\$24,253
	Tax Rate	% of Total	Estimated Payment
Town of Chateaugay 2025 Roll			
General - Townwide	0	0.0%	\$0
General - Outside	0	0.0%	\$0
Highway - Outside	0.649992	4.2%	\$1,012
Highway - Townwide	0.989992	6.4%	\$1,542
BOE- Townwide	0.082255	0.5%	\$128
Town Subtotal	1.722239	11.1%	\$2,682
County General 2025 Roll	3.288026	21.1%	\$5,121
Chateaugay CSD 2025-2026 Roll	10.561752	67.8%	\$16,450
Total	15.572017	100.0%	\$24,253

Notes: 1. The portion of the total PILOT payment each taxing jurisdiction receives is based on that jurisdiction's percentage of the overall tax rate for the subject property.

2. Even though the Improvement Value portion of the total PILOT payment is set for each year of the agreement, the percentage each jurisdiction receives each year will vary based on the tax rates set by each jurisdiction.

3. This estimate is based on the first year PILOT payment and is provided for planning purposes only.

Franklin County Industrial Development Agency

MRB Cost Benefit Calculator

Date: November 12, 2025
 Project Title: NY USLE Chasm Road 1 Solar, LLC
 Project Location: 142 Chasm Road, Chateaugay, NY 12920



Cost-Benefit Analysis Tool powered by MRB Group

Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

Construction Project Costs

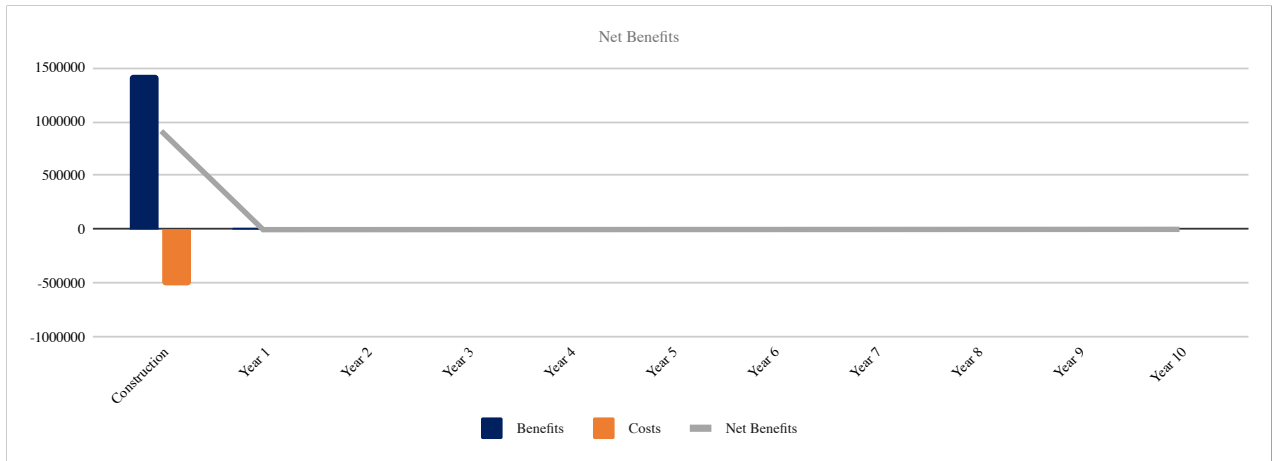
\$7,357,930

		Temporary (Construction)		
		Direct	Indirect	Total
Jobs		15	4	18
Earnings		\$1,157,372	\$200,639	\$1,358,010
Local Spend		\$3,005,000	\$734,459	\$3,739,459

		Ongoing (Operations)		
		Direct	Indirect	Total
Jobs		0	0	0
Earnings		\$0	\$0	\$0

Aggregate over life of the PILOT

Figure 1



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

Figure 2

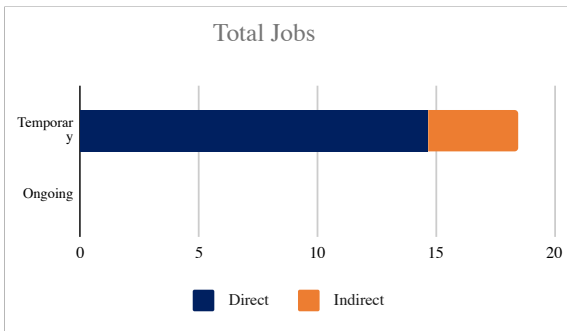
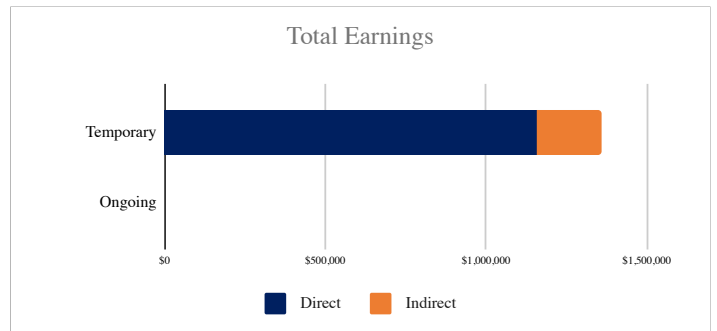


Figure 3



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$126,242	\$108,924
Sales Tax Exemption	\$525,227	\$525,227
Local Sales Tax Exemption	\$262,614	\$262,614
State Sales Tax Exemption	\$262,614	\$262,614
Mortgage Recording Tax Exemption	\$0	\$0
Local Mortgage Recording Tax Exemption	\$0	\$0
State Mortgage Recording Tax Exemption	\$0	\$0
Total Costs	\$651,469	\$634,151

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$1,057,917	\$1,104,353
To Private Individuals	\$1,358,010	\$1,358,010
Temporary Payroll	\$1,358,010	\$1,358,010
Ongoing Payroll	\$0	\$0
Other Payments to Private Individuals	\$0	\$0
To the Public	(\$300,094)	(\$253,657)
Increase in Property Tax Revenue	(\$447,947)	(\$380,810)
Temporary Jobs - Sales Tax Revenue	\$9,506	\$9,506
Ongoing Jobs - Sales Tax Revenue	\$0	\$0
Other Local Municipal Revenue	\$138,347	\$117,647
State Benefits	\$70,617	\$70,617
To the Public	\$70,617	\$70,617
Temporary Income Tax Revenue	\$61,110	\$61,110
Ongoing Income Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$9,506	\$9,506
Ongoing Jobs - Sales Tax Revenue	\$0	\$0
Total Benefits to State & Region	\$1,128,533	\$1,174,969

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$1,104,353	\$371,538	3:1
State	\$70,617	\$262,614	:1
Grand Total	\$1,174,969	\$634,151	2:1

*Discounted at the public sector discount rate of: 2%

Additional Comments from IDA

Other Municipal Revenue includes a host community agreement with the Town of Chateaugay that begins at \$2,000 per MW and which has a 2% annual escalator.

Does the IDA believe that the project can be accomplished in a timely fashion? Yes
 Does this project provide onsite childcare facilities? No

AFFIDAVIT OF PUBLICATION

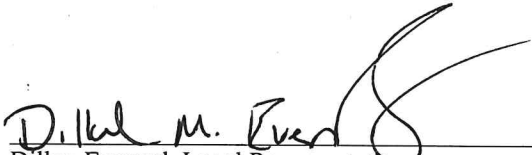
STATE OF NEW YORK
FRANKLIN COUNTY

MALONE TELEGRAM

Franklin County Economic Development Corporation
360 West Main St
Malone NY 12953

REFERENCE: 108019
19616 Public Hearing

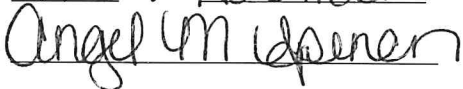
Dillon Everard, being duly sworn, says that she/he is
A Legal Representative of the Johnson Newspaper
Corp., a Corporation duly organized and existing
Under the laws of the State of New York, and
Having its principal place of business in the Village of
Malone and that said corporation is the publisher of the
Malone Telegram, a Newspaper published in the Village
Of Malone, Franklin County and State of New York, and that
A Notice, of which the annexed is a printed copy,
Has been published regularly in said newspaper.


Dillon Everard, Legal Representative

Published on: 10/30/25

FILED ON: 10/30/25

Sworn to and subscribed before me this
17th day of November 2025





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 County of Franklin Industrial Development Agency (the "Agency") on November 12, 2025, at 4:00 p.m. local time, at Chateaugay Town Hall, 191 East Main Street, Chateaugay, New York 12920, in connection with the matter described below.

NY USLE CHASM RD I, LLC, for itself and/or for an entity or entities to be formed (collectively, the "Company"), has submitted an application to the Agency requesting the Agency's assistance with a certain project (the "Project") consisting of (i) the acquisition by the Agency of a leasehold interest in an approximately 27 acre portion of an approximately 48 acre parcel of real property located at 142 Chasm Road in the Town of Chateaugay, New York (the "Land", being more particularly described as a portion of tax parcel No. 60.00-2-7.200, as may be subdivided); (ii) the planning, design, construction and operation of a 4.0 MWac ground-mounted community solar power facility, including panel foundations, inverters, transformers, interconnect wiring, on and offsite utility connections, sitework, landscaping, fencing, security and related improvements (collectively, the "Improvements"); (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment" and, collectively with, the Land and the Improvements, the "Facility"); and (iv) entering into a straight lease transaction (within the meaning of subdivision (15) of Section 854 of the Act), pursuant to which the Agency will retain a leasehold interest in the Facility for a period of time and sublease such interest in the Facility back to the Company (the "Straight Lease Transaction").

The Agency is contemplating providing financial assistance to the Company with respect to the Project (collectively, the "Financial Assistance") in the form of: (A) an exemption from all State and local sales and use taxes with respect to qualifying personal property included in or incorporated into the Facility or used in the acquisition, construction or equipping of the Facility; (B) mortgage recording tax exemption(s) relating to financings undertaken by the Company in furtherance of the Project; and (C) a partial real property tax abatement provided through a Payment in Lieu of Tax Agreement (the "PILOT Agreement"). 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 (including a cost-benefit analysis), which is also available for viewing on the Agency's website at: <https://adirondackfrontier.com/about-us/resource-library/>. The Agency will live-stream the public hearing through its webpage and encourages all interested parties to submit written comments to the Agency, which will all be included within the public hearing record, which can be submitted to Jeremy Evans, AICP, Chief Executive Officer, County of Franklin IDA, 360 West Main Street, Malone, New York 12953 and/or via e-mail at jeremy@adirondackfrontier.com.

DATED: October 28, 2025

COUNTY OF FRANKLIN INDUSTRIAL
DEVELOPMENT AGENCY

**NOTICE OF PUBLIC HEARING
NY USLE Chasm Rd I LLC Project**

October 28, 2025

VIA CERTIFIED MAIL/
RETURN RECEIPT REQUESTED

To: The Chief Executive Officers of
Affected Tax Jurisdictions on Schedule A

Re: County of Franklin Industrial Development Agency:
NY USLE Chasm Rd I LLC Project
Notice of Public Hearing and
Delivery of Agency Initial Project Resolution

Ladies and Gentlemen:

Please note that on November 12, 2025, at 4:00 p.m. local time, at Chateaugay Town Hall, 191 East Main Street, Chateaugay, New York 12920, the County of Franklin Industrial Development Agency (the “Agency”) will conduct a public hearing regarding the above-referenced project. Enclosed is a copy of the Notice of Public Hearing describing the Project and the Financial Assistance contemplated by the Agency. The Notice has been submitted to the *Malone Telegram* for publication.

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 (including a cost-benefit analysis), which is also available for viewing on the Agency's website at: <https://adirondackfrontier.com/about-us/resource-library/>. The Agency will also live stream the public hearing through its webpage and also encourages all interested parties to submit written comments to the Agency, which will all be included within the public hearing record. Any written comments may be sent to Jeremy Evans, AICP, Chief Executive Officer, County of Franklin IDA, 360 West Main Street, Malone, New York 12953 and/or via e-mail at jeremy@adirondackfrontier.com.



Franklin County Industrial Development Agency

355 West Main Street, Suite 428, Malone, NY 12953 | P: 518.483.9472

AdirondackFrontier.com

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

On October 22, 2025, the Agency adopted an Initial Project Resolution (the "Initial Project Resolution") with respect to the Project. Pursuant to GML Section 859-a(a-1), please also find enclosed a copy of the Initial Project Resolution for your records.

Very truly yours,

COUNTY OF FRANKLIN INDUSTRIAL
DEVELOPMENT AGENCY

Schedule A

Affected Tax Jurisdiction Officials

Franklin County, New York

Hon. Edward Lockwood, Chair
Franklin County Board of Legislators
355 West Main Street, Suite 409
Malone, New York 12953

Chateaugay Central School District

Loretta Fowler, Superintendent
Chateaugay Central School District
PO Box 904
Chateaugay, New York 12920

Chateaugay Central School District

Mary Legacy, District Clerk
Chateaugay Central School District
PO Box 904
Chateaugay, New York 12920

Chateaugay Central School District

Lori Green, President
Chateaugay Central School District
PO Box 904
Chateaugay, New York 12920

Town of Chateaugay, New York

Hon. Don Bilow, Town Supervisor
Town of Chateaugay
191 East Main Street
Chateaugay, New York 12920

Franklin County, New York

Donna Kissane, County Manager
355 West Main Street, Suite 456
Malone, New York 12953

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Don Bilow, Town Supervisor
~~115 [redacted] PO Box 9~~
Chateaugay, NY 12920

2. Article Number (Transfer from service label)
9589 0710 5270 2245 2300 10

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
[Signature]

B. Received by (Printed Name) C. Date

D. Is delivery address different from item 1? If YES, enter delivery address below:

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Collect on Delivery Restricted Delivery	

PS Form 3811, July 2020 PSN 7530-02-000-9053

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Chateaugay, NY 12920

Certified Mail Fee \$5.30

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$ 0.00
<input type="checkbox"/> Return Receipt (electronic)	\$ 0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ 0.00
<input type="checkbox"/> Adult Signature Required	\$ 0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ 0.00

Postage \$1.07

Total Postage and Fees \$10.77

Sent To *Don Bilow, Town Supervisor*
~~115 [redacted] PO Box 9~~
Chateaugay, NY 12920

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Doma Kissane
355 W Main St Suite 456
Malone, NY 12953

2. Article Number (Transfer from service label)
9589 0710 5270 2245 2300 41

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
[Signature]

B. Received by (Printed Name) C. Date

D. Is delivery address different from item 1? If YES, enter delivery address below:

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Collect on Delivery Restricted Delivery	

PS Form 3811, July 2020 PSN 7530-02-000-9053

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Malone, NY 12953

Certified Mail Fee \$5.30

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$ 0.00
<input type="checkbox"/> Return Receipt (electronic)	\$ 0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ 0.00
<input type="checkbox"/> Adult Signature Required	\$ 0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ 0.00

Postage \$1.07

Total Postage and Fees \$10.77


Sent To *Doma Kissane*
355 West Main St Suite 456
Malone, NY 12953

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Edward Lockwood
355 West Main St Suite 409
Malone, NY 12953



9590 9402 9592 5121 1245 71

2. Article Number (Transfer from service label)
 9589 0710 5270 2245 2300 34

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 [Signature]

B. Received by (Printed Name) _____ C. Date of Delivery _____

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery (over \$500)

Domestic Return Receipt

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Malone, NY 12953

OFFICIAL USE

Certified Mail Fee	\$5.30	0983
Extra Services & Fees (check box, add fee as appropriate)	\$4.40	04
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$1.07	
Total Postage and Fees	\$10.77	


Sent To *Edward Lockwood*
355 W Main St Suite 409
 Malone, NY 12953

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Chateaugay Central School
PO Box 904
Chateaugay, NY 12920



9590 9402 9592 5121 1245 40

2. Article Number (Transfer from service label)
 9589 0710 5270 2245 2300 27

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 [Signature]

B. Received by (Printed Name) _____ C. Date of Delivery _____

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery (over \$500)

Domestic Return Receipt

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Chateaugay, NY 12920

OFFICIAL USE

Certified Mail Fee	\$5.30	0983
Extra Services & Fees (check box, add fee as appropriate)	\$6.40	04
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$11.90	
Total Postage and Fees	\$21.60	

Sent To *Chateaugay Central School District*
Po Box 904
 Chateaugay, NY 12920

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

EXHIBIT B

SEQRA MATERIALS

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.

Part 2 of the FEAF identified no moderate to large impacts. An evaluation of the magnitude and significance of project impacts was conducted and are available under separate cover in a Part 3 Supporting Information Document.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

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

Upon review of the information recorded on this EAF, as noted, plus this additional support information
Application materials and Town Designed Engineer Comment Response letters. See Part 3 Supporting Information under separate cover

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Town of Chateaugay Town Board _____ as lead agency that:

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

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

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

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

Name of Action: 142 Chasm Road Solar Energy System (aka Chateaugay Community Solar Project)

Name of Lead Agency: Town of Chateaugay Town Board

Name of Responsible Officer in Lead Agency: Don Bilow

Title of Responsible Officer: Town Supervisor

Signature of Responsible Officer in Lead Agency:



Date: September 25, 2023

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: Don Bilow, Town of Chateaugay Town Supervisor

Address: 191 East Main Street, Chateaugay, NY 12920

Telephone Number: (518) 497-6931

E-mail: supervisor@chateaugayny.org

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

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

Other involved agencies (if any)

Applicant (if any)

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

PRINT FULL FORM

Addendum to EAF Part 3

The Project's environmental impacts have been evaluated in accordance with the SEQRA Full Environmental Assessment Form, Part 2 - Identification of Potential Project Impacts. A majority of the potential project impacts have been identified as "no or small impact may occur". These items all relate to the impact of the proposed Chasm Solar Project located at 142 Chasm Road, Chateaugay, NY on vacant, non-developed land.

The proposed solar facility will occupy approximately 26.3 acres of a 48.6 acre parcel that is vacant and undeveloped. The subject parcel consists of a downward sloping hill terrain that leads into an emergent/scrub-shrub wetland. Topics from the FEAF Part 2 form where small environmental impacts were identified are summarized below.

Impact on Land

Approximately 26.3 acres of the 48.6 acre parcel will be leased and used for the construction of photo-voltaic (PV) solar panels and associated equipment. The proposed solar facility will be constructed on slopes generally less than 10%. The project will not require the drilling of a well or a septic system, and a pervious gravel access road is proposed to provide access to the fenced-in solar arrays from Chasm Road. Furthermore, the project site is not located in an Environmentally Sensitive Area or at a Hazardous Waste Remediation Site.

Impact on Flooding

There are freshwater wetlands on the project parcel, but these resources will not be disturbed by the project. FEMA does not provide Flood Insurance Rate Maps for the project site. Temporary soil erosion control and stormwater quality measures will be installed and maintained during the construction and operation of the proposed solar facility in accordance with the New York State Department of Environmental Conservation (NYSDEC) Stormwater Management Design Manual and NYSDEC solar guidance.

Impact on Plants and Animals

According to the United States Fish & Wildlife Service, the Northern Long-eared Bat is listed as being in the vicinity of the project, but not according to the NYSDEC. There are a few small rows of trees that the applicant plans to remove for the project that ultimately are not anticipated to have a significant effect on the bat population. However, as a precaution, the removal of trees at the project site is restricted to the period of November 1 through March 31st. The Chateaugay River is located within a 0.5 mile radius of the project site, in which the rare and threatened aquatic plant Riverweed resides. The Applicant will implement erosion and sediment control measures to prevent erosion and to protect the existing wetlands.

Impact on Agricultural Resources

The project site is located on vacant agricultural land. According to a supplemental document of Farmland Classification, 32.8 acres of the site is classified as Farmland of Statewide importance. An additional 7.4 acres of the site is comprised of the mapped soil unit Runeberg soils (Sma), which is not prime farmland and runs through a significant portion of the proposed solar farm area. In the past, the site was used for hayfields, but it does not currently support any active agricultural uses.

TOWN OF CHATEAUGAY TOWN BOARD

Resolution # 44 of 2023

**Resolution Conditionally Approving Site Plan and
Granting Special Use Permit
for 142 Chasm Road Solar Energy System**

September 25, 2023

WHEREAS, NY USLE Chasm Road I LLC (“Applicant”) proposes to construct one 4 megawatt alternating current ground mounted community solar energy system (“Facility”) on approximately 26.30 acres of a 57.80-acre lot owned by Kirby Selkirk (“Owner”) located at 142 Chasm Road (CR-35), Chateaugay, New York (“Property”). Applicant has entered into a written lease with the Owner and is authorized to construct the Facility. The Property spans the municipal boundary between the Town of Chateaugay (Tax Parcel ID No. 60.-2-7.2) and the Village of Chateaugay (Tax Parcel ID No. 60.12-1-1.100), however, the Facility will only utilize Tax Parcel 60.-2-7.2 in the Town; and

WHEREAS, the Facility will be operated by the applicable Applicant; and

WHEREAS, pursuant to the provisions of the Solar Energy Local Law of the Town of Chateaugay (the “Solar Law”), the proposed Facility is a “Tier 3 Solar Energy System” subject to site plan review and approval and the issuance of a special use permit by the Town of Chateaugay Town Board (“Town Board”); and

WHEREAS, on May 5, 2023, the Applicant submitted an application to the Town Board seeking site plan approval and a special use permit for the Facility; and

WHEREAS, the documents submitted by the Applicant as part of its initial application submission and subsequent submissions consisted of, among other things, (1) an application narrative, (2) a Full Environmental Assessment Form (“EAF”); (3) site plans and specifications; (4) an escrow amount for the application; (5) a decommissioning plan, and (6) a variety of additional documentation (collectively, the “Application”); and

WHEREAS, the Town Board, with the assistance of its technical and legal consultants engaged in a detailed review of the Application materials; and

WHEREAS, on August 21, 2023, the Town Board held a public hearing on the Facility to gather comments and consider the verbal and written comments submitted by the public; and

WHEREAS, pursuant to the provisions of the Solar Law, the Town Board has taken into consideration the location, arrangement, layout, size, design, and general compatibility of the Facility to surrounding uses; the adequacy of stormwater and drainage facilities; the adequacy of landscaping affecting visual and noise buffers; and the overall impact on the neighborhood and community character; and

WHEREAS, a full statement of the proposed action was referred to the Franklin County Planning Agency, and the County confirmed by letter dated September 11, 2023, that it does not have any objection to the Facility conditioned upon certain PILOT payments; and

WHEREAS, the Application is considered a Type I action under the New York State

Environmental Quality Review Act, article 8 of the Environmental Conservation Law and 6 NYCRR Part 617 (collectively, "SEQRA"); and

WHEREAS, the Town Board declared its intent to be lead agency and conducted a coordinated review of the Application pursuant to SEQRA, and circulated said intent to all involved and interested agencies; and

WHEREAS, all involved and interested agencies either consented to the Town Board being lead agency or allowed the thirty (30) day period to lapse, and the Town Board as lead agency conducted a thorough review of the Facility carefully examining all of the potential impacts of the proposed Facility; and

WHEREAS, the Town Board was assisted in the review of the Application and related SEQRA documents by its consulting engineers, Barton and Loguidice, D.P.C. ("B&L").

WHEREAS, Based on their review of Part 2 of the EAF and its thorough review of criteria to determine significance, the Town Board did not identify any moderate to large impacts associated with the proposed Facility

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby approves Part 2 and Part 3 of the EAF, inclusive of the written evaluation of the magnitude and importance of project impacts prepared by B&L, and hereby issues a SEQRA Negative Declaration for the Facility; and

BE IT FURTHER RESOLVED, in accordance with the provisions of the Solar Law, the Town Board hereby grants the Site Plan Approval and Special Use Permit requested by the Applicant subject to the following conditions which must be satisfied (unless otherwise stated) prior to the issuance of a building permit for the Facility:

- (1) The Applicant shall enter into a Decommissioning Agreement with the Town of Chateaugay, which shall be approved by the Town Board in its sole discretion and signed by the Town Supervisor and by the applicable Project Company;
- (2) The Applicant shall enter into a Host Community Agreement with the Town of Chateaugay, which shall be approved by the Town Board in its sole discretion and signed by the Town Supervisor and the applicable Project Company;
- (3) The Applicant shall issue and maintain in favor of the Town a performance bond or other equivalent financial security for the decommissioning of the Facility, in accordance with the provisions of the Town Solar Law, which security shall be approved by the Town Board or the Town Attorney, in its reasonable discretion, as provided under the Town Solar Law. Any default by the Applicant under the Decommissioning Agreement relative to maintaining such bond or other financial security will subject the Applicant to immediate revocation of its rights to operate the Project approved by this resolution and grounds to make a claim against the bond or other equivalent financial security;
- (4) The Applicant shall permit the Town access to the Facility at reasonable times during construction of the Facility for inspection to ensure compliance with the approved drawings and shall establish an engineering escrow agreement and fund an escrow account to in the amount of \$10,000 to compensate the Town for having an engineering firm of the Town's choice perform such services. Such services are not to exceed the amount of \$10,000 to compensate the Town for having an engineering firm of the Town's choice perform such

services. The engineering escrow agreement must be approved by the Town Board and Town Attorney and signed by the Town Supervisor and the Applicant;

- (5) ~~Prior to issuance of a Certificate of Completion, Occupancy, or equivalent certificate that closes out the Building Permit, The Applicant shall issue and maintain for a period of five (5) years in favor of the Town, a bond or other equivalent security for the operation and maintenance of the Facility, including the maintenance of the perimeter landscaping and site access road. Perimeter landscaping of the Facility. The bond or other equivalent security must be approved by the Town Board and the Town Attorney. The Town retains the authority to call the bond or other equivalent security in the event that a significant portion of the perimeter landscaping fails to thrive or grow as intended and the applicant has not corrected the issue in a timely manner taking into account weather conditions. The engineering escrow fund referenced above in section (4) will be used to compensate B&L for the labor and expenses incurred in performing periodic site inspections of the perimeter landscaping and site access road, including providing updates to the Town Board;~~
- (6) After commencing the operation of the Facility, the Applicant shall have the landscaping inspected on or about April 15th of each year for the first four (4) years of operation by a Registered Landscape Architect or Arborist, and the Applicant must, on or prior to April 30th of each such year, submit a report to the Town summarizing such inspection and identifying any areas of landscaping that have died or not thrived and will be replaced in a reasonably timely manner and as appropriate in light of traditional planting seasons. The Town retains the authority to call the landscaping bond as set forth in Condition Number 5 above in the event that a significant portion of the perimeter landscaping fails to thrive or grow as intended and the Applicant fails to replace any landscaping as required by this condition in a timely manner taking into account weather conditions;
- (7) The Applicant shall provide the Town Board with copies of agreements with the Owner of the Property demonstrating that the Applicant has the authority to construct the Facility on the Property;
- (8) The Applicant shall provide the Town Board the signed Notice of Intent (“NOI”) and acknowledgment of receipt by the New York State Department of Environmental Conservation (“NYSDEC”) of the NOI and the final Stormwater Pollution Prevention Plan (“SWPPP”) for the Facility;
- (9) The Applicant shall provide the Town Board with a proposed schedule for construction of the Facility;
- (10) Prior to commencing the operation of the Facility, the Applicant must (i) meet with emergency responders at the site to discuss the procedures to be followed in the event of fire and other emergencies, and (ii) provide the Town Supervisor and Town Board with hard copies of the meeting minutes, indicating the name and contact information for each of the attendees and provide a detailed description of the procedures that will be followed by the emergency responders in the event of a fire or other emergency;
- (11) The Applicant shall provide to the Town payment for all outstanding fees including any invoices by the Town Board consultants and attorneys to the extent not covered by the escrow established with the Town by the Applicant;

- (12) The Applicant shall provide the Town Board with copies of all other approvals issued for the Facility, including sign offs by the New York State Energy and Research Development Authority (“NYSERDA”);
- (13) No battery storage is approved for this Facility;
- (14) The Applicant has agreed that no additional expansion of the Facility is currently contemplated or proposed, and any such expansion would require Town Board review and approval pursuant to the Town’s Solar Law;
- (15) After commencing the operation of the Facility, the Applicant has agreed to provide the Town Board with annual submission on the maintenance and upkeep of the vegetation within the perimeter fencing and associated landscape screening, and the condition of the solar panel arrays (noting any solar panel replacement, if any), associated equipment, and site access road;
- (16) The Operator has agreed to notify the Town Board in the event that the Facility is sold to another entity. The Operator agrees to provide the Town Board with the new operator’s contact information, including mailing address, telephone number and email address no later than 90 days prior to the change in ownership, in accordance with the provisions of the Town Solar Law. No sale, transfer or assignment of the rights granted under this Approval shall release the Applicant from any liability under this permit without the express written consent of the Town;
- (17) There will be no use of pesticides or herbicides during construction or operation of the Facility;
- (18) In the event that the Town receives complaints regarding glare impacts from the Facility onto affected landowner properties occupied at the time of commencement of the Facility’s operation and/or public roadways surrounding the Facility, it shall provide a copy to the Applicant. If the Applicant receives a complaint regarding glare from the Facility onto affected landowner properties occupied at the time of commencement of the Facility’s operation and/or public roadways surrounding the Facility, it shall provide a copy of the complaint to the Town. Upon receipt of a complaint, the Applicant shall promptly investigate the complaint implementing the standards imposed by the Office of Renewable Energy Siting under the regulations promulgated pursuant to Section 94-c of the Executive Law relative to glare. If the issues are not resolved to the satisfaction of the Town Board, the Town Board may take all steps authorized by law to bring an enforcement action or a civil action to abate the conditions causing excessive glare. In any such action or proceeding in which the Town prevails, the Town shall be entitled to recover its costs and attorney’s fees;
- (19) In the event that the Town receives complaints regarding light and/or noise impacts from the Facility onto affected landowner properties occupied at the time of commencement of the Facility’s operation, it shall provide a copy to the Applicant. If the Applicant receives a complaint regarding light and/or noise impacts from the Facility from the Facility onto affected landowner properties occupied at the time of commencement of the Facility’s operation, it shall provide a copy of the complaint to the Town. Upon receipt of a complaint the Applicant must identify the source of the light and/or noise impacts and implement appropriate mitigation measures within a period of three (3) weeks, or an alternate time period agreed to by the Town. Mitigation measures shall take into account the standards imposed by the Office of Renewable Energy Siting under the regulations promulgated pursuant to Section 94-c of the Executive Law relative to lighting and noise. If the issues are not resolved to the satisfaction of the Town Board, the Town Board may take all steps authorized by law to bring an enforcement action or a civil

action to abate the conditions causing excessive light or noise impacts. In any such action or proceeding in which the Town prevails, the Town shall be entitled to recover its costs and attorney's fees;

- (20) After completion of the Facility and prior to the commencement of operation, the Applicant shall retain the services of a New York State licensed professional engineer to provide post-construction certification that the Facility complies with applicable codes and industry practices and has been constructed and will be operated according to the design plans. The Applicant shall also provide certification from the servicing utility, New York State Electric and Gas, that the interconnection from the Facility to the electric transmission line has been inspected and approved; and
- (21) During operation of the Facility, any mowing of the vegetation under the panels will occur in full compliance with all applicable Town codes and regulations; and
- (22) Upon prior written notice to the Town, Applicant shall be permitted on or after November 1, 2023 and up to or on March 31, 2024, to clear the Property as necessary to accommodate the Facility, and the Applicant shall not disturb any portion of the Property in completing this permitted tree clearing, except for that minimal disturbance incidental to moving vehicles and equipment. If any such disturbance requires compliance with state and federal wetlands statutes, rules, and regulations, the Applicant shall comply with those requirements prior to creating a disturbance as is required by condition number 8 to this resolution.

BE IT FURTHER RESOLVED, that the Host Community Agreement in the form annexed to this resolution is hereby approved and the Town Supervisor is authorized to execute that agreement on behalf of the Town; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be filed in the office of the Town of Chateaugay Town Clerk within five (5) days of the date of this Resolution, and shall be mailed to the Applicant within the same five (5) day period.

The foregoing resolution was voted upon with members of the Town Board voting and signing as follows:

	<u>Yes</u>	<u>No</u>	<u>Abstain/Absent</u>	<u>Signature</u>
Don Bilow, Supervisor	✓	_____	_____ / _____	<i>Donald W Bilow</i>
William Trombly	✓	_____	_____ / _____	<i>William Trombly</i>
Kirby Selkirk	_____	_____	✓ / _____	<i>Kirby Selkirk</i>
Jim Harrigan	✓	_____	_____ / _____	<i>Jim Harrigan</i>
Scott Cowan	✓	_____	_____ / _____	<i>Scott Cowan</i>

STATE OF NEW YORK:
COUNTY OF FRANKLIN: ss
TOWN OF CHATEAUGAY:

I, **PHYLLIS LEMAY**, Town Clerk for the Town of Chateaugay, Franklin County, New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Chateaugay on the 25 day of September, 2023, with the original thereof now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof.

Dated: September 25, 2023

(SEAL)

