

ONEIDA COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY

**OCIDA**



# APPLICATION FOR FINANCIAL ASSISTANCE

**Oneida County Industrial Development Agency**  
584 Phoenix Drive  
Rome, New York 13441-1405  
(315) 338-0393 telephone  
(315) 338-5694 fax  
**Shawna M. Papale, Executive Director**  
spapale@mvedge.org

Please submit the signed and notarized completed application (Pages 1-25 ONLY), which must include any applicable addendum or supplemental information requested in the application, along with payment of a non-refundable \$500 Application Fee and a \$1,000 Commitment Fee (will be applied to final closing costs) to the Oneida County Industrial Development Agency, 584 Phoenix Drive, Rome NY 13441-1405, within 14 days prior to the OCIDA Board of Directors meeting at which you want the Application to be included on the Agenda. Wire transfer and ACH payments are acceptable but all related fees incurred by the Agency are payable by the Applicant. An electronic version of the application must accompany the original application via physical media or e-mail.

Pivot Solar NY 4 (Verona Community Solar)
Pivot Solar NY 4 (Verona Community Solar)

Project Name

Date of Submission


## **Important Notes to Applicant:**

Upon the submission of this application to the OCIDA, the application becomes a public document. Be advised that any action brought before the Agency is public information. All agendas for the OCIDA are issued publicly prior to the full agency meeting. **IF THERE IS INFORMATION SUBMITTED THAT THE APPLICANT BELIEVES IS PROPRIETARY, PLEASE IDENTIFY IT AS SUCH AND THAT INFORMATION WILL BE TREATED CONFIDENTIALLY TO THE EXTENT PERMITTED BY LAW.**

The information requested by this application is necessary to determine the eligibility of your project for OCIDA benefits. Please answer all questions and respond “Not Applicable”, “NA”, or “none” where appropriate. If you’re response is an estimate, please indicate so. Attach additional sheets if more space is needed for a response. **All applications must include a completed and signed NYS SEQR form and Cost Benefit Analysis form (please consult with OCIDA) before the application is considered complete.**

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

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

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

If you have any questions how to calculate the OCIDA’s application fee please refer to the enclosed Memorandum to Companies -Sale Leaseback Transactions or contact the OCIDA.

Please submit the signed and notarized completed application along with payment of a non-refundable **\$500 Application Fee** and a **\$1,000 Commitment Fee** (will be applied to final closing costs) to the **Oneida County Industrial Development Agency**, 584 Phoenix Drive, Rome NY 13441-1405, **within 14 days prior to the OCIDA Board of Directors meeting at which you want the Application to be included on the Agenda.** Wire transfer and ACH payments are acceptable but all related fees incurred by the Agency are payable by the Applicant. An electronic version of the application must accompany the original application via physical media or e-mail.

**Part I: Applicant Information**

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

**Applicant**

1(a) Applicant's Legal Name: Pivot Solar NY 4 LLC

1(b) Principal Address: 1750 15th Street  
Suite 400  
Denver, CO 80202

1(c) Telephone/Facsimile Numbers: main: (888) 734-3033  
local: (607) 793-8256

1(d) Email Address: gwoodcock@pivotenergy.net

1(e) Federal Identification Number: 86-3990353

1(f) Contact Person: Gordon Woodcock

1(g) Is the Applicant a

Corporation: If Yes, Public  Private   
If public, on which exchange is it listed?

Subchapter S  
 Sole Proprietorship  
 General Partnership  
 Limited Partnership  
 Limited Liability Corporation/Partnership  
 Single-Member LLC (name and EIN below):

Name: Pivot Solar NY 4 LLC  
EIN #: 86-3990353

DISC  
 Other(specify) \_\_\_\_\_

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

**Applicant's Stockholders, Members, Directors and Officers, Partners**

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

<u>Name</u>	<u>Address</u>	<u>Percentage of Ownership</u>
Pivot Energy Development LLC (managing member: Tom Hunt)	1750 15th St., Suite 400, Denver, CO	100%

2(b) Is the Applicant, or any of the individuals listed in 2(a) above, related directly or indirectly to any other entity by more than 50% common ownership? **If Yes**, indicate name of such entity and the relationship.  Yes  No

Pivot Energy Development LLC is a single member LLC with a number of active project entities in New York, Colorado, and Minnesota.

2(c) Is the Applicant affiliated with any other entity, directly or indirectly, other than as listed in the response to 2(a) above? **If Yes**, please indicate name and relationship of such other entity and the address thereof:  Yes  No

Pivot Energy Development LLC is wholly owned by Pivot Energy Inc. Pivot Energy Inc's address is 1750 15th Street, Suite 400, Denver, CO 80202.

## **Applicant's Counsel and Accountant**

### **3(a) Applicant's Attorney**

Name/Title: Jackie Murphy  
Firm: Pivot Energy Inc  
Address: 1750 15th Street, Suite 400  
Denver, CO 80202  
Telephone/Fax: 720-296-4639  
Email: jmurphy@pivotenergy.net

### **3(b) Applicant's Accountant**

Name/Title: Amy Nupen / Controller  
Firm: Pivot Energy Inc  
Address: 1750 15th Street, Suite 400  
Denver, Colorado 80202  
Telephone/Fax: 303-775-8572  
Email: anupen@pivotenergy.net

## **Business Description**

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

Pivot Energy is a triple bottom line company measuring success by the positive impact on people, the planet, and profit. We are accelerating the rapid transition to cleaner and more decentralized power generation by developing, financing, building, and managing community solar and commercial solar projects around the country. We serve the full commercial solar ecosystem, including retail customers, project developers, system operators, utilities, and financiers through our distributed energy platform that includes a range of services and software.

## Part II: Project Information

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

see attached sheet for Project Description.

### Reasons for Project

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

see attached sheet for why we want to undertake this project.

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

The Applicant is requesting Agency involvement in order to secure predictable and financeable property tax payments and related support via a PILOT agreement. To compete with other energy projects (e.g., nuclear, wind, and solar) in New York that are already operating under PILOT agreements via counties and IDAs and to maintain access to capital at acceptable rates, the Project needs the financial certainty that comes with a PILOT agreement.

6(c) Please confirm by checking the box below, if there is the likelihood that the Project would not be undertaken **BUT FOR** the Financial Assistance provided by the Agency.

Yes     No

If the Project could be undertaken without Financial Assistance provided by the Agency, ("**No**" is checked above) then provide a statement in the space provided below indicating why the Agency should approve the requested assistance:

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

If Agency approval is not granted, the Project will be placed on hold or cancelled. As noted in 6(b), energy projects in New York state typically operate under some form of PILOT agreement. If Agency approval is not granted, it is unlikely that the Project can compete with other entities already operating under PILOT agreements.

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

Yes     No    **If Yes**, please explain briefly.

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

[  Yes    [  No

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

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

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

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

6(g) Has the Applicant or any related entity secured financial assistance anywhere within the United States within the last 90 days or does the Applicant or any related entity anticipate receiving financial assistance within the next 90 days?  Yes  No

**If Yes**, please explain.

Pivot Energy Development LLC is pursuing PILOT agreements with other project level LLCs in New York state; although, none of the other project entities are in Oneida County.

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

Please provide percentage of sq. footage for each use (if more than one category):

- |                                     |  |                      |   |
|-------------------------------------|--|----------------------|---|
| <input type="checkbox"/>            | Manufacturing  | <input type="text"/> | % |
| <input type="checkbox"/>            | Industrial Assembly or Service                               | <input type="text"/> | % |
| <input type="checkbox"/>            | Back office operations                                       | <input type="text"/> | % |
| <input type="checkbox"/>            | Research and Development                                     | <input type="text"/> | % |
| <input type="checkbox"/>            | Technology/Cybersecurity                                     | <input type="text"/> | % |
| <input type="checkbox"/>            | Warehousing  | <input type="text"/> | % |
| <input type="checkbox"/>            | Commercial or Recreational                                   | <input type="text"/> | % |
| <input type="checkbox"/>            | Retail   | <input type="text"/> | % |
| <input type="checkbox"/>            | Residential housing (specify) _____                          | <input type="text"/> | % |
| <input type="checkbox"/>            | Pollution Control (specify) _____                            | <input type="text"/> | % |
| <input type="checkbox"/>            | Environmental (e.g., Brownfield) (specify) _____             | <input type="text"/> | % |
| <input checked="" type="checkbox"/> | Other (specify ie; renewable energy) <u>renewable energy</u> | 100                  | % |

Addendum Required

Addendum Required



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

- Acquisition of land
- Acquisition of existing building
- Renovations to existing building
- Construction of addition to existing building
- Demolition of existing building or part of building
- Construction of a new building
- Acquisition of machinery and/or equipment
- Installation of machinery and/or equipment
- Other (specify) construction and operation of a community solar garden

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

<u>Assistance Requested</u>	<u>Estimated Values</u>
<input checked="" type="checkbox"/> Real Property Tax Abatement (value of PILOT savings)	\$ <u>243,129</u>
<input checked="" type="checkbox"/> Mortgage Tax Exemption (.75%)	\$ <u>22,208</u>
Amount of mortgage: \$	<u>2,961,080</u>
<input type="checkbox"/> Sales and Use Tax Exemption ** (8.75%)	\$ _____ (Not available for solar)
Value of goods/services to be exempted from sales tax: \$	_____
<input type="checkbox"/> Issuance by the Agency of Tax Exempt Bonds(bond dollar value)	\$ _____

**TOTAL EXEMPTION ASSISTANCE REQUESTED: \$ 265,337**

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

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

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

**Part III: Facility Information**

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

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

7(a) Street Address of Facility:

5718 Tilden Hill Road

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

Town of Verona

7(c) School District:

Vernon Verona Sherrill CSD

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

agricultural

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

rural

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

Pivot Solar NY 4 (the Project) is a proposed 2.375-Megawatt (MW) alternating current (AC) community solar energy facility located within the Town of Verona, Oneida County, New York.

The Project will consist of the following components:

- A solar field of approximately 8,000 PV panels mounted on a single-axis tracking system;
- An electrical collection system that will aggregate the output from the PV panels and convert the electricity from direct current (DC) to AC via inverters;
- A generation tie line (gen-tie) will connect the Project to the designated utility point of interconnection;
- Internal infrastructure including access roads and fencing; and
- Temporary laydown areas for equipment storage during construction.

The Project will be located on private land that is rural in nature and will encompass approximately 15 acres of parcel 286.000-2-60.15.

The Applicant will be responsible for all related improvements which will be funded via construction financing.

(see attached site plans)

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

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

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

Construction Commencement: March 2022

Construction completion: August 2022

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

Yes  No

**If Yes**, please describe.

State Environmental Quality Review Act declaration; Special Use Permit from the Town of Verona Planning Board; State Pollutant Discharge Elimination System Permit (NYSDEC); wetlands permit from DEC and USACE

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

Yes  No  N/A

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

see attached permit and SEQR negative declaration

7(i) Will the project have a significant effect on the environment?  Yes  No

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

7(j) What is the useful life of the facility? 35 years

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

**If Yes**, which Empire Zone: \_\_\_\_\_

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

Provide detail.

**ALL APPLICANTS MUST ANSWER PART IV-8(a)**

**Part IV: Retail Project Questionnaire**

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

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

Required  Yes or  No **If the answer is YES, please continue below.**  
**If the answer is NO, proceed to Section Part V - Facility (Legal Info)**

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

**8(b).** What percentage of the cost of the Project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project? 0.00%. **If the answer is less than 33% do not complete the remainder of this retail determination page and proceed to next section, Part V Facility (Pg 13)**

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

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

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

Yes  No

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

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

Yes  No

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

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

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

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

Legal Name: Keith Peavey and Kurt Peavey  
Address: 3280 Pickett Road  
Madison, New York 13402  
Telephone: 315-263-2130  
Balance of Mortgage: n/a  
Holder of Mortgage: n/a

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

see lease agreement between Keith Peavey and Kurt Peavey (Owners) and the Applicant.

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

There is a lease agreement between the Applicant and present owner of the property.

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

**9(d)** Will the title owner of the facility/property also be the user of the facility?  
 Yes  No **If Yes**, please explain.

9(e) Is the Applicant currently a tenant in the facility?  Yes  No

9(f) Are you planning to use the entire proposed facility?  
 Yes  No

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

<u>Name of Tenant</u>	<u>Floors Occupied</u>	<u>Sq. Ft. Occupied</u>	<u>Nature of Business</u>

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

9(h) Will there be any other users utilizing the facility?  
 Yes  No

**If Yes**, please explain. Provide detail of the contractual arrangement including any financial exchange for the use of the site or property.

### Part VI: Equipment

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

Solar panels, inverters, racking (single-axis tracking system), and related balance of system equipment (switchgear, transformers) along with AC and DC wiring and components

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

10(c) What is the useful life of the equipment? \_\_\_\_\_ 35 \_\_\_\_\_ years

**Part VII: Employment Information**

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

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

41

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

Yes  No **If Yes**, explain below.

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

Yes  No **If Yes**, explain below.

**11(d)** Job Information related to project \*\*\*

Estimate below how many jobs will be created and retained as a result of this project, if OCIDA assistance is granted. **PLEASE MAKE SURE TOTAL PART-TIME EMPLOYEES ARE TURNED INTO FULL-TIME EQUIVALENTS (FTE) for Line B. - See Pg. 17.**

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

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

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

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

	<b>Estimate the number of residents from the Labor Market Area** in which the Project is located that will fill the jobs created within three years of project completion</b>	<b>Location 1</b>	<b>Location 2</b>	<b>Location 3</b>	<b>Location 4</b>	<b>Location 5</b>	<b>Total</b>
<b>A.</b>	Full-Time	0					
<b>B.</b>	FTE Part-Timers	0					
<b>C.</b>	<b>Total AFTER</b>	<b>0</b>					

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

Provide Any Notes To Job Information Below

Construction labor is anticipated to last for approximately 16 weeks with an average of 41 FTE workers.

The part-timer employment is related to ongoing operations and maintenance which is work that is replicated at other solar energy projects in the area.



SALARY AND BENEFITS	Retained Jobs		Created Jobs	
	Average Annual Salary <i>per employee</i>	Average Fringe Benefits (as a percentage of wages)	Average Annual Salary <i>per employee</i>	Average Fringe Benefits (as a percentage of wages)
Management	\$	%	\$	%
Administrative	\$	%	\$	%
Production	\$	%	\$	%
Independent Contractor	\$	%	\$	%
Other (construction labor, 4 mos.)	\$	%	\$	%
Overall Weighted Average	\$	%	\$	%

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

**11(e)** Please list NAICS codes for the jobs affiliated with this project:

237130
237990
238150
238210
238920
238910
541330
541370
541620

**Part VIII: Estimated Project Cost and Financing**

**12(a)** List the costs necessary for preparing the facility.

LAND Acquisition	\$	0
Existing Building(s) ACQUISITION	\$	0
Existing Building(s) RENOVATION	\$	0
NEW Building(s) CONSTRUCTION	\$	0
Site preparation/parking lot construction	\$	340,000
Machinery & Equipment that is TAXABLE	\$	1,553,000
Machinery & Equipment that is TAX-EXEMPT	\$	0
Furniture & Fixtures	\$	0
Installation costs	\$	1,450,000
Architectural & Engineering	\$	180,000
Legal Fees (applicant, IDA, bank, other counsel)	\$	90,000
Financial (all costs related to project financing)*	\$	115,000
Permits (describe below)	\$	4,300
Other (describe below) ie: solar decommissioning expense)	\$	663,000

Other:	Cost:	Subtotal \$
1. Decommissioning expense	\$ 305,000	4,395,300
2. PV of lease payments	\$ 358,000	
3.		Agency Fee <sup>1</sup> \$ 21,976
4.		Total Project Cost \$ 4,417,276
5.		

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

<sup>1</sup> **See Attached Fee Schedule (Page 24) for Agency Fee amount to be placed on this line.**

Permit/Other Information

**12(b)** Has the Applicant contacted any bank, financial institution or private investor with respect to financing the proposed project?  Yes  No **If Yes**, please provide details below.

**12(c)** Has the Applicant received a commitment letter for said financing? **If Yes**, please provide a copy along with this application.  Yes  No

**12(d) Sources of Funds for Project Costs**

Bank Financing: ----- \$ 2,961,080

Equity (excluding equity that is attributed to grants/tax credits) -- \$ 350,986

Tax Exempt Bond Issuance (if applicable) ----- \$ \_\_\_\_\_

Taxable Bond Issuance (if applicable) ----- \$ \_\_\_\_\_

Public Sources (Include sum total of all state and federal tax credits and grants) Break out individually below.----- \$ 1,105,210

Identify each Public state and federal grant/credit:

Comments:

Source	NYSERDA MW Block Grant	\$	316,250
Source	Federal Tax Credit	\$	788,960
Source		\$	
Source		\$	

**Total Sources of Funds for Project Costs: \$** 4,417,276

**Part IX: Real Estate Taxes**

**13(a)** For each tax parcel which comprises the facility, and for which assistance is being sought, please provide the following information using figures from the most recent tax year. If an increase in the assessment is anticipated due to the proposed project, please indicate the new estimated assessment amount in the **POST- PROJECT** column. Attach copies of the most recent tax bills for all jurisdictions.

Tax Map Parcel #	Current Land Assessment	Current Building Assessment	Current Total Assessment	Current Total Taxes Amount (\$)	Estimated Post-Project Assessment
286.000-2-60.15	\$ 45,200	\$ 18,900	\$ 64,100	\$ 853	

**13(b)** Will the entirety of each tax parcel be subject to the PILOT?  YES  NO

**13(c)** If the entirety of each parcel will not be subject to the PILOT, will the municipality require a subdivision?  YES  NO

**\*If a subdivision is required, it is the responsibility of the Applicant to complete subdivision approval prior to commencement of the PILOT Agreement, and to provide the Agency with the tax parcel number(s) assigned.**

**13(d)** Address of Receiver of Town and/or Village Taxes (include all jurisdictions):

Barbara Miller, Tax Collector (Town of Verona)

6600 Germany Road

Durhamville, New York 13054

**13(e)** Address of Receiver of School Taxes:

V.V.S. Central School

P.O. Box 128

Verona, NY 13478

**13(f)** Has the current property owner or user been granted an Ag-District exemption on the tax map parcel anytime during the past 4 years?

Yes  No

If **Yes** explain below.

**13(g)** Please consult with Agency staff to complete a Cost/Benefit Analysis form to attach to this Application.

Use space below for additional information

## NYS SEQRA Environmental Review

- The applicant must complete, sign and return to the IDA **either** the Short Form Environmental Assessment Form (SEAF) **or** the Full Environmental Assessment Form (FEAF). See the NYS DEC website for the most current versions of these documents.

<https://www.dec.ny.gov/permits/6191.html>

- To determine which EAF form is appropriate for the project, the applicant should consult with its engineer or legal counsel.
- It is the IDA's strong preference that the municipality that governs the jurisdiction where the project is located (e.g., a Planning Board, Zoning Board or other supervisory board) serve as lead agency for the SEQRA review.
- In limited cases, the IDA will act as lead agency, but it may lead to additional cost to the applicant if a review is required to make a determination of environmental impact.
- If another public body is serving as lead agency for the SEQRA review the applicant should provide the IDA with a signed Part 2 (and Part 3 if using the Long Form) and any minutes of meetings that detail the lead agency's determination.
- The IDA cannot grant any financial assistance until the SEQRA review process is complete.

## **Agency Fee Schedule**

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

Bond Fees:                    ½ of 1% of total bond amount

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

- Up to a \$1.0 Million project - \$5,000
- Above \$1.0 Million project up to \$10.0 Million project – ½ of 1% of total project cost.
- Above \$10.0 Million project – ½ of 1% of total project cost up to \$10.0 Million plus incremental increase of ¼ of 1% of total project above \$10.0 Million.
- Any previously induced solar or renewable energy projects that have not yet proceeded to a final authorizing resolution, and are asking for an increase in benefits, will be subject to an Agency fee of one and one-half times the Agency's normal fee.

### Transaction Counsel/Agency Counsel fee:

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

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

### Annual Fee:

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

### Other fees:

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

## REPRESENTATIONS AND CERTIFICATION BY APPLICANT

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

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

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

1. **Annual Sales Tax Filings.** In accordance with Section 858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant.
2. **Annual Employment, Tax Exemption & Bond Status Reports.** The Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site as well as tax exemption benefits received with the action of the Agency. For Applicants not responding to the Agency's request for reports by the stated due date, a \$500 late fee will be charged to the Applicant for each 30-day period the report is late beyond the due date, up until the time the report is submitted. Failure to provide such reports as provided in the transaction documents will be an Event of Default under the Lease (or Leaseback) Agreement between the Agency and Applicant. In addition, a Notice of Failure to provide the Agency with an Annual Employment, Tax Exemption & Bond Status Report may be reported to Agency board members, said report being an agenda item subject to the Open Meetings Law.
3. **Absence of Conflict of Interest.** The Applicant has consulted the Agency website of the list of the Agency members, officers and employees of the Agency. No member, officer, or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as herein after described (if none, state "none"):
4. **Hold Harmless.** Applicant hereby releases the Agency and its members, officers, servants, agents and employees from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the Agency, (B) the Agency's acquisition, construction and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project; including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to reach final

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

5. The Applicant acknowledges that the Agency has disclosed that the actions and activities of the Agency are subject to the Public Authorities Accountability Act signed into law January 13, 2006 as Chapter 766 of the 2005 Laws of the State of New York.
6. The Applicant acknowledges that the Agency is subject to New York State's Freedom of Information Law (FOIL). **Applicant understands that all Project information and records related to this application are potentially subject to disclosure under FOIL subject to limited statutory exclusions.**
7. The Applicant acknowledges that it has been provided with a copy of the Agency's recapture policy (the "Recapture Policy"). The Applicant covenants and agrees that it fully understands that the Recapture Policy is applicable to the Project that is the subject of this Application, and that the Agency will implement the Recapture Policy if and when it is so required to do so. The Applicant further covenants and agrees that its Project is potentially subject to termination of Agency financial assistance and/or recapture of Agency financial assistance so provided and/or previously granted.
8. The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:

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

9. The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
10. The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
11. The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.
12. The Applicant and the individual executing this Application on behalf of the Applicant acknowledge that the Agency will rely on the representations made herein when acting on this Application and hereby represent that the statements made herein do not contain any untrue statement of a material



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

STATE OF COLORADO )  
 ) ss.:  
COUNTY OF DENVER )

\_\_\_\_\_ , being first duly sworn, deposes and says:

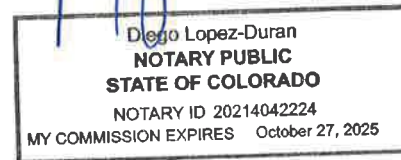
1. That I am the Authorized Representative (Corporate Office) of Pivot Solar New York 4 LLC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.



(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury this 4th day of April, 2022.

  
\_\_\_\_\_  
(Notary Public)



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

By: /s/ Gordon Woodcock

Name: Gordon Woodcock

Title: Director of Project Development

Date: 4/4/2022

Please submit the signed and notarized completed application along with payment of a non-refundable **\$500 Application Fee** and a **\$1,000 Commitment Fee** (will be applied to final closing costs) to the **Oneida County Industrial Development Agency**, 584 Phoenix Drive, Rome NY 13441-1405, **within 14 days prior to the OCIDA Board of Directors meeting at which you want the Application to be included on the Agenda**. Wire transfer and ACH payments are acceptable but all related fees incurred by the Agency are payable by the Applicant. It is advised that an electronic version of the application accompany the original application via hard copy or e-mail. An electronic version of the application must accompany the original application via physical media or e-mail.

## **OCIDA APPLICATION FOR FINANCIAL ASSISTANCE** **ADDITIONAL INFORMATION**

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

Pivot Solar NY 4 (the Project) is a proposed 3-Megawatt (MW) alternating current (AC) community solar energy facility located within the Town of Verona, Oneida County, New York. Pivot Energy (the Applicant) began developing the Project to bring more community solar power to Oneida County and New York. The Project will safely and reliably generate enough clean electricity to power over 800 New York households and lower utility expenses for area homeowners and businesses. Construction and operation of the Project is a beneficial addition to the electric generation capacity of the State as it will help achieve the objectives of the State Energy Plan and the Climate Leadership and Community Protection Act.

To deliver power to residential electric customers, the Project has approval to interconnect into an existing 13.2 kilovolt (kV) distribution line, which is operated by National Grid. The point of interconnection (POI) will be at an extension of an existing 13.2 kV distribution line pole located along Tilden Hill Road. In December 2019, the Applicant filed for interconnection of 3 MW into the 13.2-kV distribution line with National Grid. The interconnection studies have been completed and the utility has approved the Project for interconnection.

The Project will consist of silicon based photovoltaic (PV) panels and associated support infrastructure. These are the same type of PV panels already installed on over one million homes and businesses in the United States. For this Project, panels will be installed on a low-profile racking system with no concrete footers. Once removed, the Project leaves no trace so land can be returned to its prior use. Setbacks, agricultural-style fencing, and landscape buffering will help the Project blend into the existing landscape of the community.

The Project will consist of the following components:

- A solar field of approximately 8,000 PV panels mounted on a single-axis tracking system;
- An electrical collection system that will aggregate the output from the PV panels and convert the electricity from direct current (DC) to AC via inverters;
- A generation tie line (gen-tie) will connect the Project to the designated POI;
- Internal infrastructure including access roads and fencing; and
- Temporary laydown areas for equipment storage during construction.

The Project will be located on private land that is rural in nature and will encompass approximately 15 acres of parcel 286.000-2-60.15. The Applicant will lease the land from a local family, providing a consistent revenue stream for the lifespan of the Project.

Construction is anticipated to begin in Winter 2021/2022 and be completed in Spring 2022. The construction phase of the Project will result in the temporary increase in traffic volume but during operations traffic will be minimal.

During construction, erosion and stormwater impacts from the vegetation clearing and soil disturbance will be minimized by adherence to the New York State Department of

Environmental Conservation (NYSDEC) State Pollutant Discharge Elimination System (SPDES) General Permit, including a Stormwater Pollution Prevention Plan (SWPPP). An Erosion and Sediment Control Plan (ESCP) will also be developed. The SWPPP and ESCP have been developed and include best management practices to minimize erosion and stormwater impacts. A stabilized construction staging area may be utilized as an erosion control measure. This area shall be one of the first items constructed when site works begins and will be completely function before down slope land disturbance begins. Otherwise, during construction and operation, the Project will not involve outside storage of equipment, raw materials, or construction materials.

During the projected 25+ year operating life the project will safely and quietly produce clean energy for area homes and businesses. Quarterly site visits are typical for site maintenance and inspections including vegetation management. However, there is no daily traffic or additional impact on community resources.

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

Pivot Energy was conceived and continues to operate as a Triple Bottom Line (3BL) company, meaning our activities are oriented towards having a positive impact upon: People, Planet, and Profit. In the most general sense, a community based solar project like Pivot Solar NY 4 is intrinsically supported by our business philosophy and company goals associated with deploying renewable energy and supporting community resilience.

More specifically, Pivot Energy wants to build and operate Pivot Solar NY 4 because it will directly contribute to New York state's goals of seeing our utility grid powered by 70% renewable energy by 2030. Our community solar projects serve anyone or any organization that pays an electricity bill. Local government, school districts, businesses, nonprofits, and residents can all subscribe and benefit from community solar. This site in particular is well positioned to provide energy to area homes and businesses by tying in at the Oneida Substation via the existing National Grid distribution feeder on Tilden Hill Road.

Lastly, we have partnered closely with the landowners to develop a project that will productively utilize their land while incorporating feedback from the Town of Verona planning board and adjacent landowners to permit a project that fits in with the surrounding community. The revenue from the Project allows Pivot Energy to continue developing renewable energy projects, provides stable revenue to the landowners, and can increase tax revenue for the Town, County, and School District via the proposed PILOT agreement.



## **APPLICATION FOR FINANCIAL ASSISTANCE**

# **SOLAR Project**

## **ADDENDUM**

Please complete this addendum and submit Pages 1-3, including any required supplemental information requested, along with the Standard OCIDA Application for Financial Assistance.

**Community Solar Project Questionnaire**

**Complete the following questions only if your project is Community Solar. Please specifically reference ALL of the parameters outlined in Part I (A-D) of the OCIDA Uniform Tax Exemption Policy (Community Solar Projects) contained within this application and respond to the questions as they relate to the parameters of the policy. Attach additional pages as needed.**

**1(a)** Describe the project in detail, ie; (MW total capacity; battery storage; fixed or sun-tracking panels; single or double sided panels; project engineer; any required upgrades to transport energy generated to grid; domestic or foreign panel manufacture; any specific business entity or community tied to power generated; obligations of property owner, etc.)

SEE ATTACHED SHEETS

**1(b)** Has the applicant provided written communication to any of the affected taxing jurisdictions notifying of its intent to construct the facility?  Yes  No

**If YES**, have any of the jurisdictions responded within 60 days of receipt of the written communication responded that they will require a contract for a payment in lieu of taxes?

Yes  No

**If YES**, please explain and provide a copy of the communications and also the written response(s):

Oneida County and the Town of Verona both responded and expressed interest in working on a PILOT agreement.

**1(c)** Will the applicant be applying for **NYS RPTL 487** with any taxing jurisdiction?  Yes  No

**1(d)** Will there be a Host Community Agreement?  Yes  No

**\* If there is no Host Community Agreement please attach letters of support from each affected taxing jurisdiction.**

The Host Community Agreement is currently in negotiation with the Town of Verona

**1(e)** Has a facility decommissioning plan been accepted by the host community?  Yes  No

**\* Please provide a copy of the accepted plan and evidence of acceptance.**

See attached decommissioning plan

**1(f)** Has provision been made to reserve funds for facility decommissioning, either through bond posting or establishment of an escrow account?  Yes  No

**\*Please provide a copy of evidence for provision of reserve funds for decommissioning.**

**1(g)** Has the project received or is it seeking any tax credits from any local, state or federal entity?  Yes  No

**If YES**, please explain in detail in 12(d) on Page 19 of OCIDA Application for Financial Assistance

# Checklist for Solar Project Applications

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- Application for Financial Assistance and all supplemental information required by IDA (signed and notarized)
- Check, or proof of paid application and commitment fee in the amount of \$1,500.00
- Facility map delineating where on property the solar facility will be located. Map must include tax parcel number(s), Oneida County GIS-verified soils and be accompanied with a metes and bounds legal description.
- Zoning or Planning Board approval (or if no such approvals are required, a letter of support from the Host Community)
- Copy of Host Community Agreement or confirmation that one is not being executed. (OCIDA encourages Project Operators to enter into a Host Community Agreement directly with the Host Community.)
- Decommissioning plan prepared by a licensed engineer detailing decommissioning of the Facility, which includes an estimated cost reflecting inflation to the time of decommissioning. If a decommissioning plan has been reviewed by a Zoning or Planning Board of the Host Community, such approval should be submitted. The Agency reserves the right to retain an independent engineer at the Project Operator's expense to validate the decommissioning plan and cost.
- Evidence that provision has been made (or will be made before closing) to reserve funds for decommissioning, either through the posting of a bond or establishment of an escrow account.
- Copy of Lease Agreement with landowner (if applicable)
- Part 1 EAF completed and signed by the Applicant
- Parts 2 and 3 EAF completed and signed by the lead agency with determination of type of action (with copies of resolutions if available)

## **OCIDA APPLICATION FOR FINANCIAL ASSISTANCE**

### **SOLAR PROJECT ADDENDUM**

### **ADDITIONAL INFORMATION**

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

Pivot Solar NY 4 (the Project) is a proposed 3-Megawatt (MW) alternating current (AC) community solar energy facility located within the Town of Verona, Oneida County, New York. Pivot Energy (the Applicant) began developing the Project to bring more community solar power to Oneida County and New York. The Project will safely and reliably generate enough clean electricity to power over 800 New York households and lower utility expenses for area homeowners and businesses. Construction and operation of the Project is a beneficial addition to the electric generation capacity of the State as it will help achieve the objectives of the State Energy Plan and the Climate Leadership and Community Protection Act.

To deliver power to residential electric customers, the Project has approval to interconnect into an existing 13.2 kilovolt (kV) distribution line, which is operated by National Grid. The point of interconnection (POI) will be at an extension of an existing 13.2 kV distribution line pole located along Tilden Hill Road. In December 2019, the Applicant filed for interconnection of 3 MW into the 13.2-kV distribution line with National Grid. The interconnection studies have been completed and the utility has approved the Project for interconnection.

The Project will consist of silicon based photovoltaic (PV) panels and associated support infrastructure. These are the same type of PV panels already installed on over one million homes and businesses in the United States. For this Project, panels will be installed on a low-profile racking system with no concrete footers. Once removed, the Project leaves no trace so land can be returned to its prior use. Setbacks, agricultural-style fencing, and landscape buffering will help the Project blend into the existing landscape of the community.

The Project will consist of the following components:

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- A generation tie line (gen-tie) will connect the Project to the designated POI;
- Internal infrastructure including access roads and fencing; and
- Temporary laydown areas for equipment storage during construction.

The Project will be located on private land that is rural in nature and will encompass approximately 15 acres of parcel 286.000-2-60.15. The Applicant will lease the land from a local family, providing a consistent revenue stream for the lifespan of the Project.

Construction is anticipated to begin in Winter 2021/2022 and be completed in Spring 2022. The construction phase of the Project will result in the temporary increase in traffic volume but during operations traffic will be minimal.



During construction, erosion and stormwater impacts from the vegetation clearing and soil disturbance will be minimized by adherence to the New York State Department of Environmental Conservation (NYSDEC) State Pollutant Discharge Elimination System (SPDES) General Permit, including a Stormwater Pollution Prevention Plan (SWPPP). An Erosion and Sediment Control Plan (ESCP) will also be developed. The SWPPP and ESCP have been developed and include best management practices to minimize erosion and stormwater impacts. A stabilized construction staging area may be utilized as an erosion control measure. This area shall be one of the first items constructed when site works begins and will be completely function before down slope land disturbance begins. Otherwise, during construction and operation, the Project will not involve outside storage of equipment, raw materials, or construction materials.

During the projected 25+ year operating life the project will safely and quietly produce clean energy for area homes and businesses. Quarterly site visits are typical for site maintenance and inspections including vegetation management. However, there is no daily traffic or additional impact on community resources.

**Full Environmental Assessment Form  
Parts 1, 2, and 3**

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

**Instructions for Completing Part 1**

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

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

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

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

Name of Action or Project: Pivot Solar NY 4 (Verona Community Solar)		
Project Location (describe, and attach a general location map): Town of Verona, Oneida County, New York (see attached figure)		
Brief Description of Proposed Action (include purpose or need): Pivot Solar NY 4 is a proposed 3 megawatt (“MW”) alternating current (“AC”) community solar energy generating Project, located in the Town of Verona, Oneida County, New York. Construction and operation of the Project is a beneficial addition to the electric generation capacity of the State as it will help achieve the objectives of the State Energy Plan and the Climate Leadership and Community Protection Act. The Project will be located on private land that is rural in nature and will encompass approximately 15 acres. The Project will consist of photovoltaic (PV) solar panels mounted on a single-axis tracker utilizing driven piles or augured screws for foundations. An electrical collection system will aggregate the output from the PV panels and convert the electricity from direct current (DC) to alternating current (AC) via inverters. The Project will also include internal infrastructure such as access roads and fencing. To deliver power to electric customers, the project will connect to an existing transmission line.		
Name of Applicant/Sponsor: Gordon Woodcock, Project Development Director, Pivot Energy	Telephone: 607-793-8256	E-Mail: gwoodcock@pivotenergy.net
Address: 956 Snyder Hill Road		
City/PO: Ithaca	State: New York	Zip Code: 14850
Project Contact (if not same as sponsor; give name and title/role): Same as above.	Telephone:	E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Keith Peavey	Telephone: (315) 263-2130	E-Mail: keith@tiains.com
Address: 3280 Pickett Road		
City/PO: Madison	State: NY	Zip Code: 13402

**B. Government Approvals**

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

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Verona Planning Board- Site Plan Approval, Special Use Permit	
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Oneida County Planning Department- Section 239; Agricultural Data Statement	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC - SPDES Permit, etc.; NYSOPRHP; NY Ag & Markets	
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<p>i. Coastal Resources.</p> <p><i>i.</i> Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><i>ii.</i> Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><i>iii.</i> Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>		

**C. Planning and Zoning**

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

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

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

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

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

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

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

If Yes, identify the plan(s):

NYS Heritage Areas: Mohawk Valley Heritage Corridor

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

If Yes, identify the plan(s):

Oneida County Agricultural and Farmland Protection Plan

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**C.3. Zoning**

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

RD- Rural Development

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

c. Is a zoning change requested as part of the proposed action?  Yes  No

If Yes,

i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? Sherrill Central School District

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

Oneida County Sheriff's Highway Patrol and New York State Police

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

Verona Fire Department

d. What parks serve the project site?

Verona Beach State Park, Bartholomew Memorial Park, Old Erie Canal State Historic Park

**D. Project Details**

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

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? The project includes the development of a commercial-scale community distributed solar facility, including racks of solar panels and associated infrastructure.

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ 29 acres

b. Total acreage to be physically disturbed? \_\_\_\_\_ 15 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ 29 acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed?  Yes  No

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No

i. If No, anticipated period of construction: \_\_\_\_\_ 4 months

ii. If Yes:

- Total number of phases anticipated \_\_\_\_\_
- Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year
- Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_

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

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

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

i. Total number of structures See attached

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

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

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

i. Purpose of the impoundment: \_\_\_\_\_

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

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

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

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

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

**D.2. Project Operations**

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

i. What is the purpose of the excavation or dredging? \_\_\_\_\_

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

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

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

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

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

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

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

viii. Will the excavation require blasting?  Yes  No

ix. Summarize site reclamation goals and plan: \_\_\_\_\_

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

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): See attached Site Plans existing conditions plan sheet that depicts delineated wetlands and streams.

*ii.* Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:  
 The project will be designed to avoid and minimize impacts to wetlands and streams to the maximum extent feasible. Wetland and stream impacts will be determined during final design.

---

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

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

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

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

---

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

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

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

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

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

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

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

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

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

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

---

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

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

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

---

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

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

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

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

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

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

---

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No  
 If Yes:  
 i. How much impervious surface will the project create in relation to total size of project parcel?  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ <1 acres (impervious surface)  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ 73 acres (parcel size)  
 ii. Describe types of new point sources. The total disturbance area will be approximately 15 acres of the 29 acre project site, on the 73 acre parcel; however, impervious surfaces will be minimized to less than 1 acre (racks, equipment pads, access road).  
 \_\_\_\_\_  
 iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  
 N/A \_\_\_\_\_  
 \_\_\_\_\_  
 • If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_  
 \_\_\_\_\_  
 • Will stormwater runoff flow to adjacent properties?  Yes  No

---

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

---

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

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g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No  
 If Yes:  
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No  
 ii. In addition to emissions as calculated in the application, the project will generate:  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)  
 • \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)



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

If Yes:

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

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

---

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

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

---

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

If Yes:

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

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

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

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

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

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

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

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

---

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

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

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

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

---

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

<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 9AM-5PM</li> <li>• Saturday: _____ 7AM-5PM (Possible)</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 24 Hours</li> <li>• Saturday: _____ 24 Hours</li> <li>• Sunday: _____ 24 Hours</li> <li>• Holidays: _____ 24 Hours</li> </ul>
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m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No  
 If yes:  
 i. Provide details including sources, time of day and duration:  
 Construction will produce temporary noise that exceeds ambient levels. However, this will only occur during normal construction hours (see above) and only last during the construction process.

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

---

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

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

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

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

---

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No  
 If Yes:  
 i. Describe proposed treatment(s):  
 Herbicides may be selectively used in the first two to three years of the project to aid in weed removal and to help establish the new ground cover.  
 \_\_\_\_\_

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

---

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

iii. Proposed disposal methods/facilities for solid waste generated on-site:  
 • Construction: \_\_\_\_\_  
 • Operation: \_\_\_\_\_

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: \_\_\_\_\_ years

---

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: \_\_\_\_\_

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

**E. Site and Setting of Proposed Action**

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

a. Existing land uses.

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

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

Forest  Agriculture  Aquatic  Other (specify): Light industrial

ii. If mix of uses, generally describe: \_\_\_\_\_

---

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	<1	+<1
• Forested	6	2	-4
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	18	8	-10
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	No Change
• Surface water features (lakes, ponds, streams, rivers, etc.)	<.1	<.1	No Change
• Wetlands (freshwater or tidal)	6	3	-3
• Non-vegetated (bare rock, earth or fill)	0	0	No Change
• Other Describe: <u>Solar panels- elevated on racks above vegetation</u>	0	15	+15

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

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

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

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

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

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

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

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
If yes, provide DEC ID number(s): \_\_\_\_\_  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

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

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

c. Predominant soil type(s) present on project site:

Lima gravelly silt loam	_____	75.7 %
Honeoye silt loam	_____	20.6 %
Kendaia silt loam	_____	3.7 %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ 3 feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ 20.6 % of site  
 Moderately Well Drained: \_\_\_\_\_ 75.7 % of site  
 Poorly Drained \_\_\_\_\_ 3.7 % of site

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

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

h. Surface water features.

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

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

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

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

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

- Streams: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name NYS Wetland \_\_\_\_\_ Approximate Size NYS Wetland (in a...  
 \_\_\_\_\_ 68.5 acres
- Wetland No. (if regulated by DEC) VE-39 \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No  
 If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_  
 \_\_\_\_\_

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

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

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

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
 If Yes:  
 i. Name of aquifer: \_\_\_\_\_

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>White tailed deer _____</p> <p>Small Mammals _____</p> <p>Songbirds _____</p>	
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>Land within the Project site would be off limits for hunting. Setbacks from the site will be in accordance with The New York Hunting and Trapping Guide.</p>	
<b>E.3. Designated Public Resources On or Near Project Site</b>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? 27.5 acres prime farmland, 1.1 acre of prime farmland if drained _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): <a href="http://websoilsurvey.sc.egov.usda.gov">USDA web soil survey (websoilsurvey.sc.egov.usda.gov)</a> _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: _____	
<i>iii.</i> Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: _____	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
<i>iii.</i> Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

**F. Additional Information**

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

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

**G. Verification**

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

Applicant/Sponsor Name Gordon Woodcock Date 12-18-2020

Signature  Title Pivot Energy





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



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: Mohawk Valley Heritage Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	NYS Wetland
E.2.h.iv [Surface Water Features - Wetlands Size]	NYS Wetland (in acres):68.5
E.2.h.iv [Surface Water Features - DEC Wetlands Number]	VE-39
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No



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






## Pivot Solar NY 4 (Verona Community Solar)

Town of Verona, Oneida County, New York

### Project Site Map

Notes: 1. Basemap: USDA NAIP "2019 New York 60cm" orthoimagery map service. 2. This map was generated in ArcMap on October 6, 2020. 3. This is a color graphic. Reproduction in grayscale may misrepresent the data.

-  Access Road
-  PV Panel Array Area
-  Project Site



**Environmental Design & Research,**  
Landscape Architecture, Engineering & Environmental Services, D.P.C.

217 Montgomery Street, Suite 1000, Syracuse, New York 13202  
P. 315.471.0688 • F. 315.471.1061 • www.edrdpc.com

# memorandum

**To:** Gordon Woodcock, Pivot Energy                      **EDR Project No:** 20212  
**From:** Jacob Runner and Jessica Howe, Environmental Design & Research, Landscape Architecture,  
 Engineering & Environmental Services, D.P.C. (EDR)  
**Date:** November 6, 2020  
**Reference:** **Threatened & Endangered Species Habitat Assessment**  
**Pivot Solar NY 4 (Verona Community Solar)**

**Comments:**

Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C. (EDR) is pleased to provide this Threatened & Endangered Species Habitat Assessment for the Pivot Solar NY 4 Project (the "Project") located in the Town of Verona, Oneida County, New York. The purpose of this Assessment is to provide an evaluation for the potential presence of state or federally-listed rare, threatened, or endangered species of plant or animal, as well as critical habitat at the Project site.

The Assessment included review of databases maintained by the United States Fish and Wildlife Service (USFWS) and the New York State Natural Heritage Program (NYNHP) to determine if state or federally-listed rare, threatened, or endangered species of plant or animal have been documented in the vicinity of the Project site, along with a walkover reconnaissance level site visit to identify the ecological setting and habitat conditions present at the site.

Project Description

Pivot Energy is proposing to construct a 5 megawatt ("MW") alternating current ("AC") solar energy generating Project, located in the Town of Verona, Oneida County, New York. The Project will be located on private land that is rural in nature and will encompass approximately 29 acres (see Figure 1). The Project will consist of photovoltaic (PV) solar panels and associated support infrastructure.

Threatened & Endangered Species – Agency Correspondence

The USFWS Information for Planning and Consultation (IPaC) system was reviewed on October 7, 2020 to identify federally listed threatened and/or endangered species that are potentially present within the Project vicinity. The IPaC identified no threatened, endangered, or candidate species (see attached USFWS Species List). Based on this result, no impact to federally-listed threatened and/or endangered species is anticipated, and no further consultation under the IPaC regulatory review process is required.

In accordance with the recent changes in the NYNHP procedures, the New York State Department of Environmental Conservation's (NYSDEC) Environmental Resource Mapper (ERM) was reviewed on October 6, 2020, and no state-listed Rare Plant or Rare Animal, or Significant Natural Communities, were identified in the Project site or in the immediate vicinity of the Project (see attached ERM results). Based on this result, no impact to state-listed threatened and/or endangered species is anticipated, and no further review or consultation with the NYNHP is required.

Conclusion

Based on the information presented above, no threatened or endangered species, as well as critical habitat are expected to occur within the Project site or in the immediate vicinity of the Project. Consequently, the proposed Project is not expected to impact threatened or endangered species, and no further species-specific site surveys are recommended.

Attachments:

- Figure 1: Project Site
- USFWS Species list
- ERM Results
- Photo Documentation





## Pivot Solar NY 4 (Verona Community Solar)

Town of Verona, Oneida County, New York

### Project Site Map

Notes: 1. Basemap: USDA NAIP "2019 New York 60cm" orthoimagery map service. 2. This map was generated in ArcMap on November 6, 2020. 3. This is a color graphic. Reproduction in grayscale may misrepresent the data.

 Project Site



## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New York Ecological Services Field Office  
3817 Luker Road  
Cortland, NY 13045-9385

Phone: (607) 753-9334 Fax: (607) 753-9699

<http://www.fws.gov/northeast/nyfo/es/section7.htm>

In Reply Refer To:

October 07, 2020

Consultation Code: 05E1NY00-2021-SLI-0067

Event Code: 05E1NY00-2021-E-00173

Project Name: Pivot Solar NY 4 (Verona Community Solar)

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This list can also be used to determine whether listed species may be present for projects without federal agency involvement. New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list.

Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list. If listed, proposed, or candidate species were identified as potentially occurring in the project area, coordination with our office is encouraged. Information on the steps involved with assessing potential impacts from projects can be found at: <http://www.fws.gov/northeast/nyfo/es/section7.htm>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (<http://www.fws.gov/windenergy/>)

[eagle\\_guidance.html](#)). Additionally, wind energy projects should follow the Services wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the ESA. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**New York Ecological Services Field Office**

3817 Luker Road

Cortland, NY 13045-9385

(607) 753-9334

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## Project Summary

Consultation Code: 05E1NY00-2021-SLI-0067

Event Code: 05E1NY00-2021-E-00173

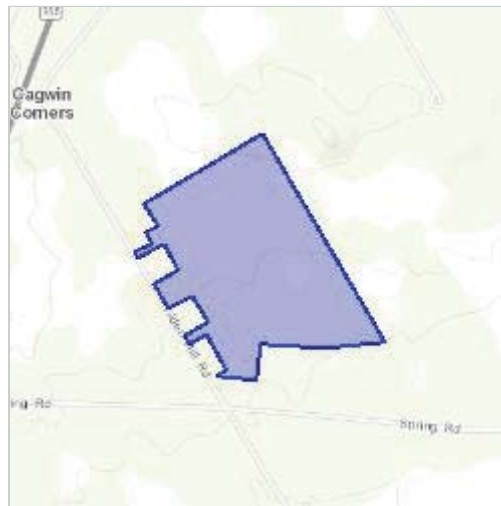
Project Name: Pivot Solar NY 4 (Verona Community Solar)

Project Type: POWER GENERATION

Project Description: A proposed community solar project in the Town of Verona, Oneida County, New York.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/43.14200525291803N75.55425775385527W>



Counties: Oneida, NY

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## Endangered Species Act Species

There is a total of 0 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

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# Environmental Resource Mapper

Base Map: Satellite with Labels Using this map



Search

Tools

## Layers and Legend

- Unique Geological Features
- Waterbody Classifications for Rivers/Streams
- Waterbody Classifications for Lakes
- State Regulated Freshwater Wetlands (Outside of the Adirondack Park)
- State Regulated Wetland Checkzone
- Significant Natural Communities
- Natural Communities Near This Location
- Rare Plants or Animals

Other Wetland Layers

Reference Layers

Tell Me More...

Need A Permit?

Contacts





Photo 1

Representative view of field edge



Photo 2

Representative view of field with surrounding vegetation





Photo 3

Representative view of shrub layer in forested area



Photo 4

Representative view of forested area



## Parks, Recreation and Historic Preservation

**ANDREW M. CUOMO**  
Governor

**ERIK KULLESEID**  
Commissioner

### ARCHAEOLOGY COMMENTS

**Phase IA/IB Archaeological Survey Recommendation**  
**Project: Verona Community Solar/Pivot Solar NY 4**  
**PR#: 20PR07390**  
**Date: 11/20/2020**

Your project is in an archaeologically sensitive location. Therefore, the State Historic Preservation Office/Office of Parks, Recreation and Historic Preservation (SHPO/OPRHP) recommends a Phase IA/IB archaeological survey for components of the project that will involve ground disturbance, unless substantial prior ground disturbance can be documented. A Phase IA/IB survey is designed to determine the presence or absence of archaeological sites or other cultural resources in the project's Area of Potential Effects (APE).

If you consider the entire project area to be disturbed, documentation of the disturbance will need to be reviewed by SHPO/OPRHP. Examples of disturbance include mining activities and multiple episodes of building construction and demolition. Documentation of ground disturbance typically consists of soil bore logs, photos, or previous project plans. Agricultural activity is not considered to be substantial ground disturbance.

SHPO/OPRHP does not typically recommend Phase IB subsurface testing of the entire APE for a solar facility. However, for this project, we ARE recommending subsurface archaeological testing of the entire area of the solar facility.

Please note that in areas with alluvial soils or fill archaeological deposits may exist below the depth of superficial disturbances such as pavement or even deeper disturbances, depending on the thickness of the alluvium or fill. Evaluation of the possible impact of prior disturbance on archaeological sites must consider the depth of potentially culture-bearing deposits and the depth of planned disturbance by the proposed project.

Our office does not conduct archaeological surveys. A 36 CFR 61 qualified archaeologist should be retained to conduct the Phase IA/IB survey.

Please also be aware that a Section 233 permit from the New York State Education Department (SED) may be necessary before archaeological fieldwork is conducted on State-owned land. If any portion of the project includes the lands of New York State, you should contact the SED before initiating survey activities. The SED contact is Christina Rieth and she can be reached at (518) 402-5975 or [christina.rieth@nysed.gov](mailto:christina.rieth@nysed.gov). Section 233 permits are not required for projects on private land.

If you have any questions concerning archaeology, please contact Tim Lloyd at [Timothy.Lloyd@parks.ny.gov](mailto:Timothy.Lloyd@parks.ny.gov)



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

Agency Use Only [If applicable]

Project :   
 Date :

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

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

**Tips for completing Part 2:**

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

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

<b>2. Impact on Geological Features</b> The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) <span style="float: right;"><input type="checkbox"/> NO <input type="checkbox"/> YES</span> <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>3. Impacts on Surface Water</b> The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) <span style="float: right;"><input type="checkbox"/> NO <input type="checkbox"/> YES</span> <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may create a new water body.	D2b, D1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>



I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
----------------------------------	--	--------------------------	--------------------------

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

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

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

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

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air			
The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

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

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

<b>8. Impact on Agricultural Resources</b>			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>9. Impact on Aesthetic Resources</b> The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>				<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>		
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

<b>10. Impact on Historic and Archeological Resources</b> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>				<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>		
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>		

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered “Moderate to large impact may occur”, continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property’s setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b>			
The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If “Yes”, answer questions a - e. If “No”, go to Section 12.</i>		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in an impairment of natural functions, or “ecosystem services”, provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>12. Impact on Critical Environmental Areas</b>			
The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If “Yes”, answer questions a - c. If “No”, go to Section 13.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

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

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

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

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

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

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

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

### 16. Impact on Human Health

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

NO

YES

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

<b>17. Consistency with Community Plans</b> The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>18. Consistency with Community Character</b> The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>



Project :

Date :

**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.

18 f - The Planning Board feels that even though this "action is inconsistent with the character of the existing natural landscape," the proposed screening mitigates "the moderate to large impact."

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:  Type 1  Unlisted

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

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

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

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

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

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

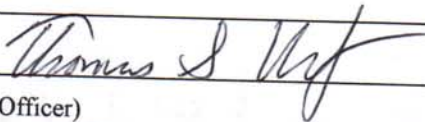
C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration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

Name of Action: Tilden Hill Solar Farm

Name of Lead Agency: Town of Verona Planning Board

Name of Responsible Officer in Lead Agency: Thomas Urtz

Title of Responsible Officer: Chairman

Signature of Responsible Officer in Lead Agency: 

Date: 5/12/2021

Signature of Preparer (if different from Responsible Officer)

Date:

**For Further Information:**

Contact Person: Debra Smart

Address: 6600 Germany Rd. Durhamville, NY 13054

Telephone Number: 315-363-6799

E-mail:

**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



May 12, 2021

Pivot Energy  
c/o Gordon Woodcock  
956 Snyder Hill Road  
Ithaca, NY 14850

Dear Mr. Woodcock,

Your application for a site plan review and a special use permit that was before the Town of Verona Planning Board was approved with special conditions at their last meeting on May 10, 2021.

Request: Tilden Hill Solar Farm  
Tilden Hill Road  
Verona, NY 13478  
Tax map #286.000-2-60.15

Special Conditions:

- 1) A payment in lieu of taxes (PILOT) agreement will be signed and approved by Pivot Energy and the Town of Verona.
- 2) A payment in the amount of \$304,603.02 will be made to the Town of Verona to cover any potential decommissioning costs that could be incurred by the Town. The payment will be returned in the event that the solar farm is decommissioned by the applicant and all equipment and fixtures are removed from the site to the satisfaction of the Codes Enforcement Officer.
- 3) All documentation related to the Phase IA/IB Archaeological Survey be provided to the Planning Board and B&L for review and concurrence. It is assumed that the State Historic Preservation Office (SHPO) is reviewing all information at this time pursuant to the NYS Historic Preservation Act of 1980

(Section 14.09 of the New York Parks, Recreation and Historic Preservation Law) and that a No Effect letter will be provided by the SHPO prior to any construction activity and the issuance of a building permit by the Town.

4) Similarly, as wetland and permitting coordination with the Army Corps of Engineers (ACOE) and New York State Department of Environmental Conservation (NYSDEC) is ongoing due to seasonal constraints and likely delays related to COVID-19, all coordination, permits and other documentation related to wetland permits must be submitted to the Planning Board and B&L for review and concurrence prior to any construction activity or issuance of a building permit by the Town.

5) All plantings related to screening cannot be removed. Any trees or bushes that have been planted to provide screening that die within the first two years will be replaced. The only reduction of the screening plantings that will be allowed is if a hazardous situation arises that could result in damage to the solar farm or surrounding properties. Prior written approval from the Codes Enforcement Officer will be required before any removal or reduction of screening is conducted.

Date Decision was filed with Town Clerk: May 12, 2021

Sincerely,

A handwritten signature in blue ink, appearing to read "Barbara J. Miller", written over a horizontal line.

Barbara J. Miller  
Town Clerk  
Town of Verona

## DECOMMISSIONING PLAN

## Pivot Solar NY 4 – Decommissioning Plan

The Town of Verona Planning Board requires that Pivot Solar NY 4 (“Pivot”) submit a Decommissioning Plan as part of the Special Use Permit application for a Commercial Solar Energy System.

The useful life of the solar facility is anticipated to be at least 25-years. At the end of the project’s useful life, Pivot will suspend operations and decommission the plant which will include any necessary demolition, removal of above and below ground equipment, and site reclamation efforts. Pivot’s obligation under the Solar Lease Agreement is to return the site to the landowner in substantially the same condition that the property was in prior to the improvements being made.

This document establishes a detailed plan for decommissioning and reclamation activities once the project reaches the end of its useful life. The proposed activities will likely need to be refined periodically throughout the project’s life to reflect future best practices of the solar industry.

The planning process will be initiated one to two years prior to the anticipated end of commercial operation. The final plans will be developed in consultation with the Verona Planning Board and code enforcement officer and any other applicable agencies that have jurisdiction of activities in the decommissioning process.

### *1. Decommissioning Project Elements and Milestones*

The key tasks of project decommissioning are divided into related activities that represent milestones in the process. Each activity is described in further detail below. The decommissioning schedule reflects the conceptual timing of the milestones and overall process.

The individual project components to be decommissioned will either be 1) recycled or reused to the maximum extent practicable, or 2) removed from the site and disposed of at an appropriately licensed disposal facility. The general decommissioning approach will be the same whether a portion of or the entire project is decommissioned.

The activities involved in the facility closure will depend on the expected future use of the site. Certain facility equipment and features may be left in place at the property owner’s request, such as transmission facilities, roads, and drainage features. At the time of decommissioning, a plan will be submitted to the Planning Board proposing the equipment that will be removed and, if applicable, equipment that will remain, based on expected future use of the site.

Pre-closure activities include final closure and reclamation planning, which identifies measures to be taken to restore the site to near pre-construction conditions. This includes but is not limited to the following:

- Complete an analysis of the project materials and their composition to identify those specific components that may be recycled, re-used, scrapped, or sent to disposal sites; as well as identifying specific recycling facilities and disposal sites for materials.
- Coordinate with local officials to obtain permits and develop plans for the transportation of materials and equipment to and from the site.
- Develop final specifications for demolition and reclamation, which will serve as the basis for decommissioning the project and establish the scope of demolition and reclamation, including developing reclamation plans in compliance with local, state, and federal regulations.

## Pivot Solar NY 4 – Decommissioning Plan

During the planning process Pivot will brief the Planning Board and other applicable agencies on the decommissioning process and plans. All necessary permits and approvals required for the decommissioning will be obtained prior to commencing operations.

The first step in the decommissioning process will be assessing existing site conditions and preparing the site for demolition. Site decommissioning and equipment removal is expected to take up to one year. Therefore, access roads, fencing, some electrical power, and other facilities will temporarily remain in place for use by the decommissioning workers until no longer needed. Demolition debris will be placed in temporary on-site storage areas pending final transportation and disposal and/or recycling according to the procedures listed below.

A plan will be implemented for de-energizing portions of the facility to allow safe decommissioning and formal lock out and tag out procedures. This will ensure all electrical components are placed and maintained in a safe condition for demolition activities prior to the start of work.

### **PV Module and Tracker Removal and Recycling**

During decommissioning, project components that are no longer needed will be removed from the site and recycled, reused or disposed of at an appropriately licensed disposal facility. The first operation is to disconnect and remove modules from the tracker assemblies.

Next, the tracker and mounting structures, DC wiring materials, and combiner boxes will all be assembled and segregated for disposal or salvage. Steel piles that support the PV racking system will be removed and either reused or recycled to the maximum amount possible. Below ground portions of the supports will either be completely removed or cut off at least two feet below ground surface and left in place.

The demolition debris and removed equipment will be safely removed from the premises and transported to an appropriately licensed disposal facility or recycling center. Photovoltaic modules will either be reused, recycled or disposed of in accordance with applicable laws at the time of decommissioning.

### **Roads**

On-site access roads will remain in place during the decommissioning process. The roads may remain intact after decommissioning if the property owner deems them beneficial for the future use of the site. Roads that will not be used after the solar project's decommissioning will be removed at the end of the process.

### **Fencing**

Project site perimeter fencing will be removed at the end of the decommissioning project unless it may be utilized for future use of the site and the property owner requests the fence remain in place. This includes the removal of all posts, fencing material, gates, etc. to return the site to pre-project condition.

### **Transportation and Clean up**

During the disassembly and demolition process, materials will be segregated and temporarily placed in gathering areas for transportation. Various materials including, but not limited to, concrete, steel, aluminum, and copper will be temporarily stockpiled at or near a designated processing location pending transport to an appropriate offsite recycling facility. All such materials will then be transported from the site to approved designated facilities for recycling, scrapping or disposal. All metals will be recycled to the extent practical given the recycling options available at the time of decommissioning.

## Pivot Solar NY 4 – Decommissioning Plan

In general, the decommissioning will be undertaken using traditional heavy construction equipment including, but not limited to front end loaders, cranes, track mounted and rubber-tired excavators, bulldozers, and scrapers. Areas where excavation is required will be backfilled with natural material and compacted. Any voids left from the removal of foundations will be backfilled with surrounding subsoil and topsoil and fine graded to ensure suitable drainage and reclamation of natural grades.

Soil management and re-contouring operations will be conducted so as to minimize the surface area disturbance and implement the activities in the safest and most efficient manner and in accordance with applicable local requirements. Major earthwork is not anticipated as construction of the site will not alter the general grade across the site.

To account for post-decommissioning dust control, areas of exposed soils will be revegetated consistent with the expected future use of the site and State or County requirements. The native vegetation will be re-established to prevent the spread of weeds. Mulching or palliatives may be used for temporary dust control until vegetation is established.

### **Monitoring Site Restoration**

Upon completion of the decommissioning process, a one-year restoration monitoring period will begin. Monitoring will ensure that grading and drainage implemented is successful in stabilizing water flow patterns and that the cover vegetation (native vegetation or other depending on land use) will be reestablished to prevent the spread of weeds. Corrective actions will be implemented if such monitoring determines adverse conditions are present as a result of an inadequate restoration.





**Project Name:** Pivot Solar NY 4  
**System Size (MW DC):** 3.6  
**Array Acreage (acres):** 11.3

	Total (\$)	Total (\$/W)	Notes
<b>Mobilization / Demobilization and Permitting</b>	\$ 10,500.00	\$ 0.0029	permit, SWPPP, contractor fee
<b>CIVIL SUBTOTAL</b>	\$ 32,700.00	\$ 0.0091	Removal of road, culverts, fence; reestablishment of road area
<b>STRUCTURAL SUBTOTAL</b>	\$ 39,900.00	\$ 0.0111	Removal of steel posts, inverter supports, racking
<b>ELECTRICAL SUBTOTAL</b>	\$ 65,700.00	\$ 0.0183	Removal of PV panels, subpanels, string inverters, switchgear, transformers, MV equipment, SCADA equipment, and electrical collection system and fiber optic
<b>SITE RESTORATION SUBTOTAL</b>	\$ 15,500.00	\$ 0.0043	Removal of vegetative screening, topsoil and turf establishment in array areas
<b>TOTAL</b>	\$ 164,300.00	\$ 0.04564	
<b>TOTAL, year 25 (2.5% annual escalation rate)</b>	\$ 304,603.02		

## **LEASE AGREEMENT (SHORT FORM)**

EXHIBIT D  
FORM OF  
SHORT FORM

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Space above this line for Recorder's use only)

SHORT FORM OF SOLAR LEASE

THIS SHORT FORM OF SOLAR LEASE ("Short Form") is made and entered into as of December 17<sup>th</sup>, 2019 ("Effective Date") between Keith Peavey and Kurt Peavey, New York persons with primary addresses at 3280 Pickett Road, Madison, NY 13402 and 3240 McClure Drive, Bouckville, NY 13310, respectively, ("Owner"), and TCA MICROGRID ENERGY, LLC., a Florida limited liability company doing business as Pivot Energy, with a place of business at 1536 Wynkoop St, Denver, CO 80202, its affiliates and subsidiaries ("Company") (Owner and Company the "Parties" and each a "Party"), and provides as follows:

WITNESSETH

The Parties agree:

1. The Parties have entered into a Solar Lease ("Agreement") dated as of December 17, 2019 ("Effective Date"). The Agreement grants Company exclusive rights in and to certain land more particularly described in the attached Exhibit A ("Land") as well as in and to any easements, rights-of-way, and other rights and benefits relating or appurtenant to the Land ("Property"). The Agreement also restricts certain uses of and grants certain interests in and to the Property.
2. Generally, the Agreement: (a) concerns the development of solar energy project(s) by Company involving the Property ("Project"); (b) grants Company easements, leases, and other rights related to the Property; and, (c) limits, prohibits, and restricts other development or use(s) of the Property that interfere with the rights granted Company by the Agreement.
3. The Agreement consists of two periods – a "Development Term" and an "Operations Term" (together the "Term").

The Development Term is five (5) years from the Effective Date.

The Operations Term starts on the earlier of: (a) Company's notice to Owner of the start of the Operations Term; (b) the date that is twelve (12) months after the date of the start of construction of the Project as set forth in a notice from Company to Owner; or, (c) the first day the Project delivers electricity in commercial quantities (excluding test energy) and continuing thereafter until the date that is twenty six (26) years after this date. By notice to Owner, Company has the right to extend the Operations Term for up to two (2) additional consecutive periods of five (5) years each. In no instance shall the Operations Term exceed forty-nine (49) years.

4. By the Agreement, Owner grants Company certain exclusive and non-exclusive rights.

For the Development Term, Owner grants Company exclusive rights to the Property for performing "Development," which means (a) all actions, studies, and tests related to the evaluation and investigation by Company of the suitability of the Property for solar energy development, including performing the following on the Property: (i) inspections and surveys; (ii) archaeological, avian, geologic, and soils studies and tests; (iii) electrical interconnection and transmission studies and tests; (iv) environmental inspections, studies, and surveys; (v) the operation of equipment for evaluating, measuring, and monitoring meteorological conditions; and, (vi) conducting meteorological studies and tests and (b) construction of the Project including of those systems authorized to be located on the Property during the Operations Term.

For the Operations Term, Company will have exclusive use and possession of the Land and to the extent permitted under the pertinent grant/right to Owner exclusive right to all other parts of the Property. Company will have the right to use the Property for Development and for testing, permitting, construction, operation, maintenance, repair, replacement, repowering and decommissioning of the Project and for all uses contemplated in the permits or authorizations relating to the Project, including all activities necessary, incidental or convenient to that use, and any other lawful uses consistent with the operation of the Project, including, the following activities (collectively, the "Intended Use"):

As Company deems necessary in its sole discretion, whether on or off the Property, Company may erect, relocate, repair, replace, maintain, operate and remove (a) on and from the Land solar energy measurement, collection, conversion, and generation systems and equipment of any type and quantity, including fences, foundations, racking systems, inverters, converters, substations, interconnection and switching facilities, tracking systems, buildings, and other equipment and improvements for the conversion of solar energy into electricity and for the storage of such electricity and (b) on and from the Property transmission, distribution, and communication lines, poles, anchors, support structures, underground cables, and associated equipment and appurtenances, and roads. Any such equipment, facilities or other improvements erected or constructed on the Property are referred to as the "Improvements";

Company may remove, trim, prune, top or otherwise control the growth of any tree, shrub, plant or other vegetation or dismantle, demolish, and remove any improvement, structure, embankment, impediment, berm, wall, fence or other object, on or that intrudes (or could intrude) into the Property or that could obstruct, interfere with or impair the Project or the Intended Use, as well as perform grading on the Property;

Company may occupy, use, renovate, rebuild, demolish, and/or remove any existing structures on the Property, including use of any structures as office or living quarters in connection with construction, operation, and management of the Project; and,

Company may control and restrict access onto and over and across the Property.

Owner consents to Company's location of the Improvements at any location on the Property, including at or near property lines.

5. The Agreement also, among other things: (a) restricts Owner's access to the Property during the Term; (b) requires Owner to grant such further easements for access and utility purposes as Company may require; (c) prohibits any activities, whether on or off the Property, that interfere with the passage of sunlight on to the Property; (d) includes an express grant of a solar easement as described in Colorado Revised Statutes 38-32.5-100.3 et seq; (e) includes a mechanism for dividing the Property into multiple separate leases for separate projects; (f) includes a waiver by Owner of any interest in the Improvements, including



any potential lien rights; (g) addresses the rights of the Parties in the case of a condemnation of all or part of the Property; (h) authorizes Company to satisfy Owner's obligations that may become a lien or encumbrance on the Property or Improvements; (i) includes limited remedies and prohibits certain remedies; and, (j) includes limited bases for termination.

6. The Agreement runs with the Property and includes a quiet enjoyment clause.

7. The Agreement includes broad assignment and finance-related provisions in favor of Company, including: (a) the right of Company and its assignees to assign (including by assignment, lease, or sublease, or a grant of licenses, easements, sub-easements or co-easements) all or part of their rights under the Agreement and/or the Improvements, including for collateral security purposes; (b) the right of Company or its assignees to mortgage the Leasehold Estate and the Improvements; (c) the obligation of Owner to give Company and Leasehold Mortgagees notice of defaults; (d) the right of Leasehold Mortgagees or assignees to exercise Company's rights under the Agreement and/or take title to the Leasehold Estate, Improvements, and/or Company's rights under the Agreement (but as provided for in the Agreement Leasehold Mortgagees have no obligations under the Agreement unless and until they hold a direct interest in the Leasehold Estate); (e) limited bases for termination (i.e. only in the case of uncured monetary defaults and after expiration of all applicable cure periods); (f) cure rights in favor of Company and Leasehold Mortgagees and separate cure periods for Company and Leasehold Mortgagees; and, (f) the obligation of Owner to execute a new lease if the Agreement is terminated.

8. The conditions, covenants, definitions (including the definition of capitalized terms not defined in this Short Form), limitations, restrictions, and terms governing the encumbrances imposed on the Property, restrictions on use of the Property, and rights granted in and to the Property are set forth in the Agreement. Without limitation, and except as expressly authorized by the Agreement, these include Owner's covenant to not grant any third party any rights to evaluate or develop the Property. Also, the Agreement specifies limitations, requirements, and/or restrictions, on: (a) the conveyance and development of mineral rights associated with the Property (including a surface use relinquishment by Owner, as well as a requirement that any mineral interest owners enter a surface use or accommodation agreement with Company); (b) interference with the Project and/or with the rights granted in the Agreement; and/or, (c) "severance" of solar rights associated with the Property or revenue related to the Agreement.

9. Also by the Agreement Owner covenants: (a) to obtain for the benefit of Company a non-disturbance and subordination agreement from each holder of an interest in the Property; (b) to amend the Agreement as Company may request in connection with its financing; and, (c) to execute consents and estoppel certificates as Company may request from time-to-time.

10. The Parties have executed and recorded this Short Form for the purpose of giving record notice of the Agreement, of the exclusive easements, leases, and rights it grants, and of certain restrictions it imposes. All of the conditions, covenants, and terms regarding the Agreement are more particularly set forth in the Agreement, which is incorporated by this reference. In the event of any conflict between the conditions and terms set forth in this Short Form and the conditions and terms set forth in the Agreement, the conditions and terms of the Agreement will control and govern. This Short Form may be executed and/or recorded in counterparts.

SIGNATURE PAGES FOLLOW

SIGNATURE PAGE TO  
SHORT FORM OF SOLAR LEASE

IN WITNESS WHEREOF, the Parties have executed this SHORT FORM OF SOLAR LEASE as of the date set forth above.

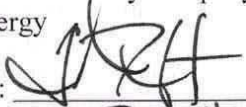
**OWNER**

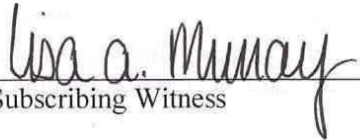
Keith Peavey

By:   
Name: Keith R Peavey  
Title: Owner

**COMPANY**

TCA MICROGRID ENERGY, LLC., a Florida  
limited liability company doing business as Pivot  
Energy

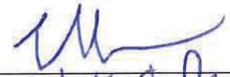
By:   
Name: Tom Hunt  
Title: CEO

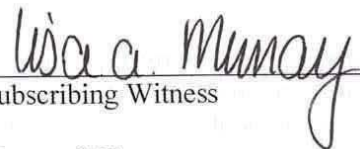
  
Subscribing Witness

Name of Witness:

Lisa A. Murray

Kurt Peavey

By:   
Name: Kurt Peavey  
Title: owner

  
Subscribing Witness

Name of Witness:

Lisa A. Murray



**ACKNOWLEDGEMENT OF CONVEYANCE**

STATE OF NEW YORK )  
 ) ss:  
COUNTY OF Madison )

On the 17<sup>th</sup> day of December in the year 2019, before me, the undersigned, personally appeared Keith Peavey, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

MICHELLE L. STEELE  
Notary Public, State of New York  
No. 01ST6030914  
Qualified in Madison County  
Commission Expires 9-20-20 21

Michelle L. Steele  
Notary Public

**ACKNOWLEDGEMENT OF CONVEYANCE**

STATE OF NEW YORK )  
 ) ss:  
COUNTY OF Madison )

On the 17<sup>th</sup> day of December in the year 2019, before me, the undersigned, personally appeared Kurt Peavey, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

MICHELLE L. STEELE  
Notary Public, State of New York  
No. 01ST6030914  
Qualified in Madison County  
Commission Expires 9-20-20 21

Michelle L. Steele  
Notary Public

**ACKNOWLEDGMENT OF SIGNATURE OF SUBSCRIBING WITNESS**

STATE OF NEW YORK )  
 ) ss:  
COUNTY OF Madison )

On the 17<sup>th</sup> day of December in the year 2019 before me, the undersigned, personally appeared Lisa A. Murray, the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that [he/she/they] reside(s) at 139 Babbott Ave, in the City or Town of Waterville, County of Oneida, State of New York; that [he/she/they] know(s) Keith + Kurt Peavey to be the individual(s) described in and who executed the foregoing instrument; that said subscribing witness was present and saw said signatories execute the same; and that said witness at the same time subscribed [his/her/their] name(s) as a witness thereto.

Sworn to before me this  
17<sup>th</sup> day of December 2019.

Michelle L. Steele  
Notary Public

MICHELLE L. STEELE  
Notary Public, State of New York  
No. 01ST6030914  
Qualified in Madison County  
Commission Expires 9-20-20 21

**COMPANY ACKNOWLEDGMENT**

STATE OF Colorado )  
 ) ss:  
COUNTY OF Denver )

On the 7<sup>th</sup> day of January in the year 2022 before me, the undersigned, personally appeared Tom Hunt, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Eli Oppenheimer  
Notary Public

ELI OPPENHEIMER  
NOTARY PUBLIC - STATE OF COLORADO  
NOTARY ID 20194011170  
MY COMMISSION EXPIRES MAR 21, 2023



EXHIBIT A TO  
SHORT FORM OF SOLAR LEASE

DESCRIPTION OF THE LAND

Note: the Parties shall update this Exhibit with a more precise legal description and additional information upon receipt of formal Title report.

THAT CERTAIN REAL PROPERTY LOCATED IN ONEIDA COUNTY, NEW YORK, DESCRIBED AS:



**Parcel 286.000-2-60.15**

**Location:** ([Show Map](#))

5718 Tilden Hill Rd  
Verona, NY 13478

**School District:** WS School Dist

**Owners:**

Keith Peavey (Primary)  
Kurt Peavey (Additional)

**Property Information:**

Type (Class): Vac w/imprv (312)  
Acres: 73.12  
Irregular Lot: No

**Last Assessment:**

Land Assessed Value:	\$45,200
Total Assessed Value:	\$64,100
Uniform Percent:	72%
Full Market Value:	\$89,028

**Most Recent Sale:**

Date:	June 24, 2016
Sale Price:	\$90,000
Sale Type:	Land & Building
Prior Owners:	Peavey, George D Peavey, Joan
Book:	2016
Page:	9278

## SOILS MAP



### Pivot Solar NY 4 (Verona Community Solar)

Town of Verona, Oneida County, New York

**Figure 3: Project Site Soils**

Notes: 1. Basemap: NYSDOP "2017" orthoimagery map service. 2. This map was generated in ArcMap on November 23, 2020. 3. This is a color graphic. Reproduction in grayscale may misrepresent the data.

- Not Hydric Soil
- Potentially Hydric Soil
- Study Area

**Study Area Soil Series**

- 102B - Honeoye silt loam
- 126B - Lima gravelly silt loam
- 136B - Kendaia silt loam



## SITE PLAN





## RESPONSES FROM TAXING AUTHORITIES



**ONEIDA COUNTY**  
**DEPARTMENT OF PLANNING**

Boehlert Center at Union Station  
321 Main St., Utica NY 13501  
Phone: (315) 798-5710 Fax: (315) 798-5852

ANTHONY J. PICENTE, JR.  
County Executive

James J. Genovese II  
Commissioner

December 21, 2020

Mr. Gordon Woodcock  
Director, Project Development  
Pivot Energy  
956 Snyder Hill Road  
Ithaca, New York 14850

Re: Community Solar Project at 5718 Tilden Hill Road, Verona, New York  
Your letter of October 29, 2020

Dear Mr. Woodcock:

Oneida County is in receipt of your letter of October 29, 2020 concerning the above-referenced community solar project. Pursuant to New York Real Property Tax Law §487, I am writing to you today to inform you that Oneida County does intend to require a contract to enter into a Payment in Lieu of Taxes (PILOT) agreement with respect to your project. You may contact Shawna Papale at the Oneida County Industrial Development Agency to begin the PILOT negotiation process. Ms. Papale may be reached at 315-338-0393 or by email at [spapale@mvedge.org](mailto:spapale@mvedge.org).

Thank you in advance for your kind attention to this matter. I wish you the best of luck with your upcoming project.

Sincerely,

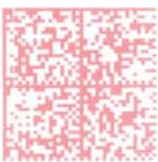
James J. Genovese II  
Commissioner of Planning

cc: County Attorney  
County Executive  
Commissioner of Finance  
Shawna Papale



**ONEIDA COUNTY DEPARTMENT OF LAW**  
COUNTY OFFICE BUILDING 800 PARK AVENUE UTICA, NEW YORK 13501-2975

DROP SHIPMENT  
AUTHORIZATION 47  
MAILED AT SYRACUSE NY  
PRESORTED FIRST CLASS



U.S. POSTAGE  PITNEY BOWES  
ZIP 13501 \$000.43<sup>9</sup>  
02 4M  
0000365140 DEC 22 2020

Mr. Gordon Woodcock  
Director, Project Development  
Pivot Energy  
956 Snyder Hill Road  
Ithaca, NY 14850

JEP 1512 14850





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## PILOT Notice

5 messages

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**Evan Rossi** <erossi@rmhlaw.org> Thu, Nov 5, 2020 at 11:03 AM  
To: gwoodcock@pivotenergy.net, Scott Musacchio <supervisor@townverona.org>, Thomas Urtz <pbchair@townverona.org>

Hi Gordon- the Town of Verona reserves it's right to enter a PILOT agreement with your company if the solar array is approved. If you have any questions or concerns please let me know.

-Evan

---

**Gordon Woodcock** <gwoodcock@pivotenergy.net> Thu, Nov 5, 2020 at 11:08 AM  
To: Evan Rossi <erossi@rmhlaw.org>  
Cc: Scott Musacchio <supervisor@townverona.org>, Thomas Urtz <pbchair@townverona.org>

Evan, thank you for confirming the town's status regarding the PILOT agreement. We look forward to discussing a PILOT agreement with the town if the array is approved. In the meantime, please contact me if you have any questions about Pivot Energy or the proposed project.

Sincerely,

Gordon

**GORDON WOODCOCK** | Director, Project Development  
[gwoodcock@pivotenergy.net](mailto:gwoodcock@pivotenergy.net)  
D 607.793.8256 | [LinkedIn](#)

**Pivot Energy** | *Clean Energy. Clear Choice.*  
[pivotenergy.net](http://pivotenergy.net)

[Quoted text hidden]

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**Evan Rossi** <erossi@rmhlaw.org> Mon, Apr 19, 2021 at 10:51 AM  
To: Gordon Woodcock <gwoodcock@pivotenergy.net>  
Cc: Scott Musacchio <supervisor@townverona.org>, Thomas Urtz <pbchair@townverona.org>

Hi Gordon- Does Pivot Energy have a proposed PILOT agreement it wants to send the Town for our review? If so, please send along. Thank you.

[Quoted text hidden]

--

Evan A. Rossi  
[https://www.rossiandrossi.com/teams/evan\\_rossi/](https://www.rossiandrossi.com/teams/evan_rossi/)

Rossi & Rossi  
Attorneys at Law, PLLC  
587 Main Street, Suite 302  
New York Mills, NY 13417  
Office: (315) 733-4671  
Fax: (315) 733-4609

This is a confidential communication. If you received it in error, please notify sender by returning it, and delete from your server. Unless an exception applies, **this message is not subject to disclosure pursuant to FOIL request.**

---

**Gordon Woodcock** <gwoodcock@pivotenergy.net> Thu, Apr 22, 2021 at 10:10 AM  
To: Evan Rossi <erossi@rmhlaw.org>  
Cc: Scott Musacchio <supervisor@townverona.org>, Thomas Urtz <pbchair@townverona.org>

Evan,

We typically default to the NYSERDA multi-party agreement template. However, we have been communicating with the Oneida County IDA on a PILOT agreement and are waiting for updates from them. We anticipate they will provide a multi-party agreement for Town, County, and School District. I will forward the document to you as soon as we receive it.

Thank you,

Gordon

**GORDON WOODCOCK** | Director, Project Development  
[gwoodcock@pivotenergy.net](mailto:gwoodcock@pivotenergy.net)  
D 607.793.8256 | [LinkedIn](#)

**Pivot Energy** | *Clean Energy. Clear Choice.*  
[pivotenergy.net](http://pivotenergy.net)

[Quoted text hidden]

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**Evan Rossi** <erossi@rmhlaw.org> Thu, Apr 22, 2021 at 10:47 AM  
To: Gordon Woodcock <gwoodcock@pivotenergy.net>

Cc: Scott Musacchio <supervisor@townverona.org>, Thomas Urtz <pbchair@townverona.org>

Hi Gordon- Thank you for getting back to me. That would be very helpful. Please keep us in the loop.  
[Quoted text hidden]



## TOWN OF VERONA

COUNTY OF ONEIDA, NEW YORK

6600 GERMANY ROAD  
DURHAMVILLE, NEW YORK 13054  
PHONE: OFFICE (315) 363-6799  
Supervisor's Office (315) 363-7953  
Fax (315)363-0885

November 10, 2021

Gordon Woodcock  
Director, Project Development  
Pivot Energy

Dear Gordon,

Thank you for sending me the information for the solar project planned for Tilden Hill Road. I have put the information into the NYS appraisal model.

With the information I have, the FMV would be \$355,810; with a 63% level of assessment, the assessed value would be \$224,160. At this time, I do not have the updated tax rates to determine what the tax load will be for 2022 nor have the Equalization Rates been determined yet for the 2022 roll. *Please note that when these variables are factored in there will be a change in the exact amount of assessed value.*

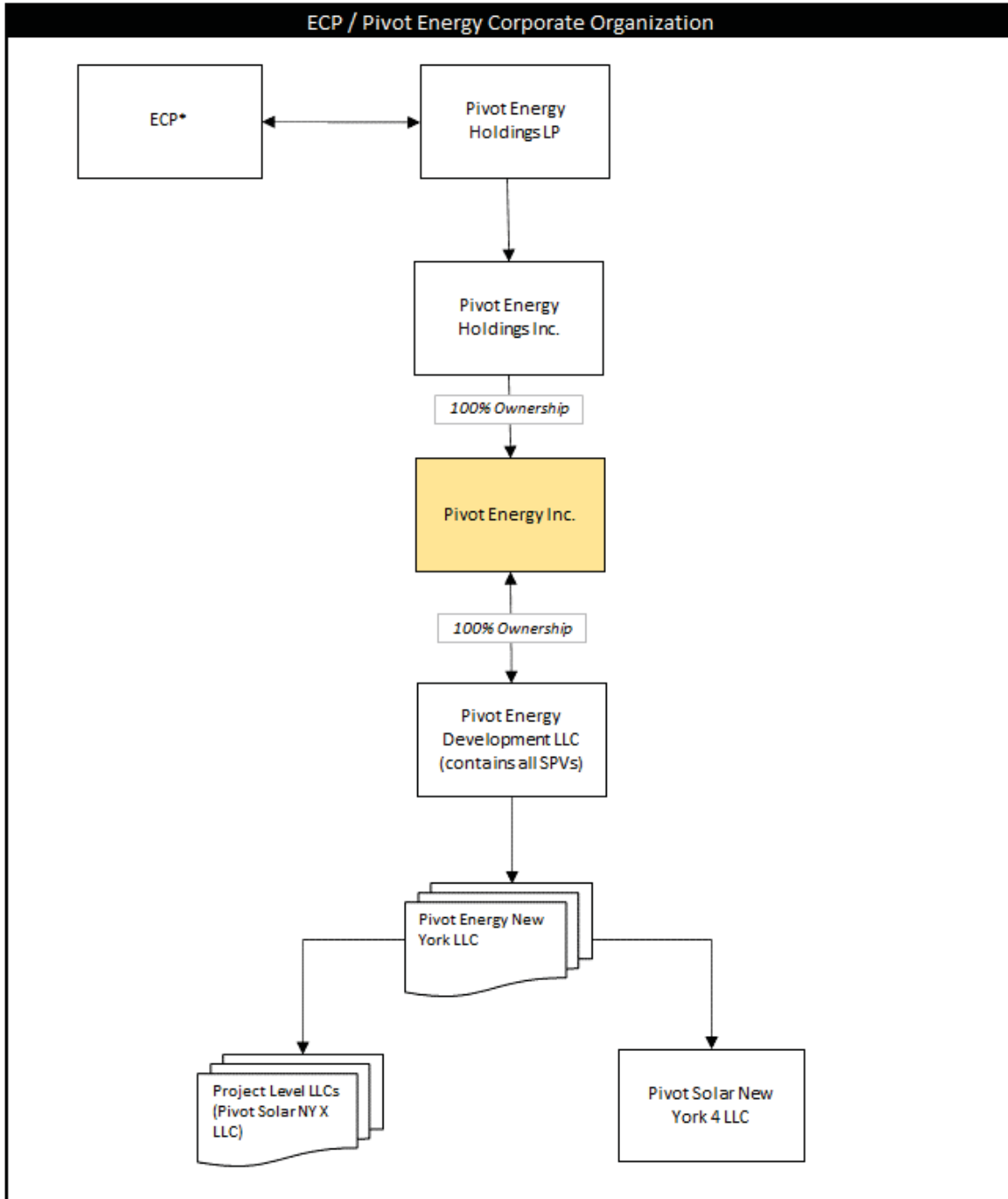
If you have any questions, please feel free to let me know.

Sincerely,

A handwritten signature in blue ink that reads "Susan Strain". The signature is fluid and cursive.

Susan Strain  
Sole Assessor  
Town of Verona  
[assessor@townverona.org](mailto:assessor@townverona.org)  
315-363-6799 ext. 30

## PIVOT ENERGY CORPORATE ORGANIZATIONAL STRUCTURE



\*ECP acquired all of the assets in TCA Microgrid Energy LLC on June 1, 2021



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

1-Apr-22

Name of Applicant: Pivot Solar NY 4 LLC

Denver, CO

Description of Project: 2.375 MW Solar

5718 Tilden Hill Rd, Verona

Name of All Sublessees or Other Occupants of Facility: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Principals or Parent of Applicant: Energy Capital Partners IV, LLC

Products or Services of Applicant to be produced or carried out at facility: \_\_\_\_\_  
solar power production

Estimated Date of Completion of Project: Aug-22

Type of Financing/ Structure: \_\_\_\_\_ Tax-Exempt Financing  
\_\_\_\_\_ Taxable Financing  
X Sale/ Leaseback  
\_\_\_\_\_ Other

Type of Benefits being Sought by Applicant: \_\_\_\_\_ Taxable Financing  
\_\_\_\_\_ Tax-Exempt Bonds  
\_\_\_\_\_ Sales Tax Exemption on Eligible Expenses Until Completion  
X Mortgage Recording Tax Abatement  
X Real Property Tax Abatement

**Project Costs**

Land Acquisition	\$ -
Existing Building(s) ACQUISITION	\$ -
Existing Building(S) RENOVATOIN	\$ -
NEW Building(s) CONSTRUCTION	\$ -
Installation Costs	\$ 1,450,000
Site Preparation/Parking Lot Construction	\$ 340,000
Machinery & Equipment (other than furniture)	\$ 1,553,000
Furniture & Fixtures	\$ -
Architectural & Engineering	\$ 180,000
Legal Fees (applicant, IDA, bank, other counsel)	\$ 90,000
Financial (all costs related to project financing)	\$ 115,000
Permits	\$ 4,300
Other	\$ 663,000
Agency Fee	\$ 21,976
<b>TOTAL COST OF PROJECT</b>	<b>\$ 4,417,276</b>

Decomm:\$305,000; Present val. Of lease pyts: \$358,000

**Assistance Provided by the Following:**

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

**Company Information**

		<b>Average Salary of these Positions</b>
Existing Jobs	0	\$ -
Created Jobs FTE (over three years)	0	\$ -
Retained Jobs	0	\$ -

**Earnings Information for Oneida County**

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

Note: \$1,000,000 in construction expenditures generates 15 person - years of employment  
Construction Person Years of Employment:

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

	Total Earnings	Revenues
Direct Jobs		
Created	\$ -	\$ -
Existing	\$ -	\$ -
Indirect Jobs		
Created	\$ -	\$ -
Existing	0	0
Construction - only one year		
Person Years	\$ 286,400	\$ 12,172
<b>TOTALS Calculation of Benefits (3 Yr Period)</b>	<b>\$ 286,400</b>	<b>\$ 12,172</b>

**TAXABLE GOODS & SERVICES**

		Spending Rate	Expenditures	State & Local Sales Tax Revenues
Direct Jobs	Created	36%	\$ -	\$ -
	Existing	0.36	\$ -	\$ -
Indirect Jobs	Created	0.36	\$ -	\$ -
	Existing	0.36	\$ -	\$ -
Construction - only one year	Person Years	0.36	\$ 103,104	\$ 10,053
<b>TOTAL TAXABLE GOODS &amp; SERVICES</b>			<b>\$ 103,104</b>	<b>\$ 10,053</b>

Local (3 year) real property tax benefit (assuming 60% of jobs existing and created own a residence) with an average assessment of \$80,000 and the remainder of jobs existing created pay real property taxes through rent based on an average assessment per apartment of \$50,000.

			Municipality	
Tax Rate for School District where facility is located:	\$	30.649476	VVS	21-22
Tax Rate for Municipality where facility is located:	\$	9.316475	Verona	22
Tax Rate for County:	\$	1.433879	Oneida	22
		<b>Total Rate:</b>		
		<b>41.39983</b>		
Real Property Taxes Paid:	\$	-		

**COSTS: IDA BENEFITS**

0

Real Property Taxes Abatement	\$	243,129
Mortgage Tax Abated (.75%)	\$	22,208
Estimated Sales Tax Abated During Construction Period (8.75%)	\$	-
<b>Total:</b>	\$	<b>265,337</b>

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