

**ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY**  
**RESOLUTION DECLARING ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT**  
**AGENCY'S INTENT TO BE LEAD AGENCY FOR SEQRA REVIEW OF THE OYA**  
**CHENUNDA CREEK LLC SOLAR ENERGY SYSTEM PROJECT IN THE TOWN OF**  
**INDEPENDENCE, ALLEGANY COUNTY**

WHEREAS, the Allegany County Industrial Development Agency (the "Agency") is considering applications for financial assistance from OYA CHENUNDA CREEK LLC (the "Project Company") solar energy system project in the Town of Independence, Allegany County under which the Agency is considering undertaking a project (the "Project"), said Project consisting of the following: (A) (1) the acquisition of an interest in a portion of an approximately 138.10 acre parcel of land (tax map number 254.-3-24.1) located at 1542 Hallsport-Independence Road in the Town of Independence, Allegany County, New York (the "Land"), (2) the construction on the Land of an approximately 2.4 MW AC solar energy generating facility including panels, racking, inverters, electrical cables, battery storage, grid interconnection, site preparation, access roads and any other required improvements (all said improvements being collectively referred to as the "Facility") and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other personal property (the "Equipment"), all of the foregoing to constitute a solar energy generating facility to be owned and operated by the Project Company (the Land, Facility and the Equipment being collectively referred to as the "Project Facility"); (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes and mortgage recording taxes; and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Project Company or such

other person as may be designated by the Project Company and agreed upon by the Agency;  
and;

WHEREAS, the Agency has determined that the proposed Project is subject to the State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law) and its implementing regulations (6 NYCRR Part 617) (collectively, "SEQRA"); and

WHEREAS, the Agency determines that the proposed Project is a Type I Action under SEQRA; and

WHEREAS, pursuant to SEQRA, the Agency desires to act as the Lead Agency for the proposed Project and to conduct a coordinated review of the action with all Involved and Interested Agencies; and

WHEREAS, SEQRA requires the Agency to distribute Part 1 of the EAF related to the proposed action to all Involved and Interested Agencies and notify them of the Agency's intent to act as lead agency.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Agency declares its intent to be Lead Agency for the SEQRA review for this Type I action.
2. The applicant and Agency Counsel shall coordinate the issuing of the Notice of Intent to all Involved and Interested Agencies, accompanied by the EAF Part I, requesting that all involved and interested agencies agree to the Agency serving as Lead Agency.
3. This resolution is to take effect immediately.

PASSED AND ADOPTED BY THE ALLEGANY COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY on the 14th of April, 2022.