

Young / Sommer LLC

ATTORNEYS AT LAW

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July 13, 2022

Jeffrey D. Crist, Chairman
Town of Montgomery Industrial Development Agency
110 Bracken Road
Montgomery, New York 12549

Re: Application of KCE NY 2, LLC ("Applicant")


Dear Mr. Crist:

Thank you for the opportunity to submit this Application regarding the proposed battery energy storage system ("BESS") Project located in Town of Montgomery. The Applicant has submitted an updated application with the Town Planning Board seeking an updated SEQRA Negative Declaration Determination, special use permit and site plan approval.

The Applicant is proposing to install a 169-megawatt energy ("MW") BESS at 364 Browns Road. The BESS Project will consist of a proposed modular configuration of BESS units/containers, each storing interchangeable batteries and other interchangeable equipment for the operation of the BESS Project. Following Town Planning Board Approvals, the proposed Project would take approximately 9 months to install with 20-30 construction jobs. Although no permanent jobs will be created, the Project will require local contractors to perform routine period Site and BESS maintenance on a regular basis. Additionally, approximately every 3-4 years the BESS Project will require routine batteries augmentation, that will result in additional short-term local construction trades jobs.

We are happy to answer any questions that you may have regarding this project.

Very truly yours,



Robert A. Panasci

cc: Mike Carella (*via email only*)

TOWN OF MONTGOMERY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION

IMPORTANT NOTICE: The answers to the questions contained in this application are necessary to determine your firm's eligibility for financial assistance from the Town of Montgomery Industrial Development Agency. These answers will also be used in the preparation of papers in this transaction. Accordingly, all questions should be answered accurately and completely by an officer or other employee of your firm who is thoroughly familiar with the business and affairs of your firm and who is also thoroughly familiar with the proposed project. This application is subject to acceptance by the Agency.

TO: Town of Montgomery Industrial Development Agency
110 Bracken Road
Montgomery, New York 12549
Attention: Chief Executive Officer

This application by applicant respectfully states:

APPLICANT: KCE NY 2, LLC

APPLICANT'S STREET ADDRESS: 25 Monroe St, 3rd Floor

CITY: Albany STATE: NY ZIP CODE: 12210

PHONE NO.: (608) 332-6343 FAX NO.: _____ E-MAIL: mike.carella@keycaptureenergy.com

NAME OF PERSON(S) AUTHORIZED TO SPEAK FOR APPLICANT WITH RESPECT TO THIS APPLICATION:

IF APPLICANT IS REPRESENTED BY AN ATTORNEY, COMPLETE THE FOLLOWING:

NAME OF FIRM: Young Sommer, LLC

NAME OF ATTORNEY: E. Hyde Clarke & Rob Panasci

ATTORNEY'S STREET ADDRESS: Executive Woods, Five Palisades Drive

CITY: Albany STATE: NY ZIP CODE: 12205

PHONE NO.: 518.438.9907 FAX NO.: 518.438.9914 E-MAIL: hclarke@youngsommer.com,
RPanasci@youngsommer.com

NOTE: PLEASE READ THE INSTRUCTIONS ON PAGE 2 BEFORE FILLING OUT THIS APPLICATION.

INSTRUCTIONS

1. The Agency will not approve any application unless, in the judgment of the Agency, said application and the summary contains sufficient information upon which to base a decision whether to approve or tentatively approve an action.
2. Fill in all blanks, using “none” or “not applicable” or “N/A” where the question is not appropriate to the project which is the subject of this application (the “Project”).
3. If an estimate is given as the answer to a question, put “(est)” after the figure or answer which is estimated.
4. If more space is needed to answer any specific question, attach a separate sheet.
5. When completed, return two (2) copies of this application to the Agency at the address indicated on the first page of this application.
6. The Agency will not give final approval to this application until the Agency receives a completed environmental assessment form concerning the Project which is the subject of this application.
7. Please note that Article 6 of the Public Officers Law declares that all records in the possession of the Agency (with certain limited exceptions) are open to public inspection and copying. If the applicant feels that there are elements of the Project which are in the nature of trade secrets or information, the nature of which is such that if disclosed to the public or otherwise widely disseminated would cause substantial injury to the applicant’s competitive position, the applicant may identify such elements in writing and request that such elements be kept confidential in accordance with Article 6 of the Public Officers Law.
8. The applicant will be required to pay to the Agency all actual costs incurred in connection with this application and the Project contemplated herein (if applicable, such expenses may be paid out of proceeds of any bonds issued by the Agency to finance the project). The applicant will also be expected to pay all costs incurred by general counsel and bond counsel/special counsel to the Agency. The costs incurred by the Agency, including the Agency’s general counsel and bond counsel, may be considered as a part of the project, and if applicable included as a part of any resultant bond issue.
9. The Agency has established an application fee of Five Hundred Dollars (\$500) to cover the anticipated costs of the Agency in processing this application. A check or money order made payable to the Agency must accompany each application. THIS APPLICATION WILL NOT BE ACCEPTED BY THE AGENCY UNLESS ACCOMPANIED BY THE APPLICATION FEE.
10. The Agency has established a project fee for each project in which the Agency participates. UNLESS THE AGENCY AGREES IN WRITING TO THE CONTRARY, THIS PROJECT FEE IS REQUIRED TO BE PAID BY THE APPLICANT AT OR PRIOR TO THE GRANTING OF ANY FINANCIAL ASSISTANCE BY THE AGENCY.

FOR AGENCY USE ONLY

1.	Project Number	_____
2.	Date application received by Agency	_____, 20____
3.	Date application referred to attorney for review	_____, 20____
4.	Date copy of application mailed to members	_____, 20____
5.	Date notice of Agency meeting on application posted	_____, 20____
6.	Date notice of Agency meeting on application mailed	_____, 20____
7.	Date of Agency meeting on application	_____, 20____
8.	Date notice of public hearing on application posted	_____, 20____
9.	Date notice of public hearing on application mailed	_____, 20____
10.	Date notice of public hearing on application published	_____, 20____
11.	Date public hearing conducted	_____, 20____
12.	Date Environmental Assessment Form ("EAF") received	_____, 20____
13.	Date Agency completed environmental review	_____, 20____
14.	Date of final approval of application	_____, 20____

AGENCY FEE SCHEDULE INFORMATION

1. APPLICATION FEE: \$500.00 (Non-refundable)

2. AGENCY FEE:

(a) $\frac{3}{4}$ of 1% of the first \$2,000,000 of Total Project Costs

(b) $\frac{1}{2}$ of 1% of the remaining Total Project Cost

3. AGENCY COUNSEL FEE:

- (a) An initial escrow fee of \$5,000 is required to be remitted to the Agency, to be used for Agency Counsel's work and advice to the Agency concerning the Application. All attorney fees and disbursements charged to this escrow will be supported by an invoice detailing the description of the work, the time spent, and disbursements made. Such invoices are subject to audit by the Agency. If the amount of this escrow falls below 50% of the initial escrow amount, the Applicant must replenish the escrow to the full \$5,000.00. If the escrow is not replenished when requested by the Agency, the Agency may suspend further action on the Application until replenishment has occurred. All escrowed monies unused at the end of the Application process shall be returned to the Applicant.

SUMMARY OF PROJECT

Applicant: KCE NY 2, LLC

Contact Person: Mike Carella

Phone Number: (608) 332-6343

Occupant: John & Marybeth Olsen

Project Location: 364 Browns Rd., Walden, NY 12586

Approximate Size of Project Site: 8.03 acres

Description of Project: Battery Energy Storage System (BESS) project consisting battery containers, inverter and transformer containers and a project substation. The project will promote reliability & resilience of the NY grid by operating in the NYISO wholesale electric and ancillary services market

Type of Project: ☐ Manufacturing ☐ Warehouse/Distribution
☐ Commercial ☐ Not-For-Profit
☒ Other-Specify BESS project

Employment Impact: Existing Jobs 0

New Jobs

Project Cost: \$ 141,531,801.25

Type of Financing: ☒ Tax-Exempt ☐ Taxable ☐ Straight Lease

Amount of Bonds Requested: \$ NA

Estimated Value of Tax-Exemptions:

N.Y.S. Sales and Compensating Use Tax:	\$ 11,430,551.93
Mortgage Recording Taxes:	\$ 1,266,153.44
Real Property Tax Exemptions:	\$ 446,691.06
Other (please specify):	\$ N/A

Provide estimates for the following:

Number of Full Time Employees at the Project Site before IDA Status:	0
Estimate of Jobs to be Created:	0
Estimate of Jobs to be Retained:	0
Average Estimated Annual Salary of Jobs to be Created:	0
Annualized Salary Range of Jobs to be Created:	0
Estimated Average Annual Salary of Jobs to be Retained:	0

I. INFORMATION CONCERNING THE PROPOSED OCCUPANT OF THE PROJECT (HEREINAFTER, THE "COMPANY").

A. Identity of Company:

1. Company Name: KCE NY 2, LLC

Present Address: 25 Monroe St, 3rd Floor, Albany, NY

Zip Code: 12210

Employer's ID No.: 81-4105884 (for Key Capture Energy, LLC)

2. If the Company differs from the Applicant, give details of relationship: N/A

3. Indicate type of business organization of Company:

a. N/A Corporation (If so, incorporated in what country? What State? N/A, Date Incorporated? N/A Type of Corporation? N/A Authorized to do business in New York? Yes ____; No ____).

b. N/A Partnership (If so, indicate type of partnership N/A, Number of general partners ____, Number of limited partners ____).

c. ✓ Limited liability company (If so, formed in what state? DE, Number of Members? 1, Date formed? 8/17/2017 Authorized to do business in New York State? Yes ✓ No ____).

d. N/A Sole proprietorship.

4. Is the Company a subsidiary or direct or indirect affiliate of any other organization(s)? If so, indicate name of related organization(s) and relationship:

The Company is a wholly owned subsidiary of Key Capture Energy, LLC.

B. Management of Company:

1. List all owners, officers, members, directors and partners (complete all columns for each person):

NAME (First, Middle, Last) HOME ADDRESS	OFFICE HELD	OTHER PRINCIPAL BUSINESS
Jeffery Bishop Dan Fitzgerald	Chief Executive Officer Chief Operating Officer	Key Capture Energy, LLC. Key Capture Energy, LLC.

2. Is the Company or management of the Company now a plaintiff or a defendant in any civil or criminal litigation? Yes ____; No ✓.

3. Has any person listed above ever been convicted of a criminal offense (other than a minor traffic violation)? Yes ____; No ✓.

4. Has any person listed above or any concern with whom such person has been connected ever been in receivership or been adjudicated a bankrupt? Yes ____; No ✓.
(If yes to any of the foregoing, furnish details in a separate attachment).

5. If the answer to any of questions 2 through 4 is yes, please, furnish details in a separate attachment.

C. Principal Owners of Company:

1. Principal owners of Company: Is Company publicly held? Yes ____; No ✓.
If yes, list exchanges where stock traded:

2. If no, list all stockholders having a 5% or more interest in the Company:

NAME	ADDRESS	PERCENTAGE OF HOLDING
Key Capture Energy, LLC.	25 Monroe St, 3rd Floor Albany, NY 12210	100%

D. Company's Principal Bank(s) of account:

Bank of America

II. DATA REGARDING PROPOSED PROJECT

A. Summary: (Please provide a brief narrative description of the Project.)

Battery Energy Storage System (BESS) project consisting of battery containers, inverter and transformer containers and a project substation. The project will promote reliability & resilience of the NY grid by operating in the NYISO wholesale electric and ancillary services market

B. Location of Proposed Project:

1. Street Address: 364 Browns Road
2. City of
3. Town of Montgomery
4. Village of
5. County of Orange
6. School District: Valley Central School District
7. Tax Map Number: 26-1-57.221

C. Project Site:

1. Approximate size (in acres or square feet) of Project site: 8.03 acres. Is a map, survey, or sketch of the project site attached? Yes ☒; No _____. **Survey Attached**
2. Are there existing buildings on project site? Yes ____; No ☒.
 - a. If yes, indicate number and approximate size (in square feet) of each existing building: **N/A**

b. Are existing buildings in operation? Yes ____; No ☒.
If yes, describe present use of present buildings:

c. Are existing buildings abandoned? Yes ____; No ☒. About to be abandoned? Yes ____; No _____. If yes, describe:

d. Attach photograph of present buildings.
N/A

3. Utilities serving project site:
 Water-Municipal: NA
 Other (describe)
 Sewer-Municipal: NA
 Other (describe)
 Electric-Utility: Central Hudson Gas & Electric
 Other (describe)
 Heat-Utility: NA
 Other (describe)
4. Present legal owner of project site: John H. Olsen, Jr. and Marybeth Olsen
 - a. If the Company owns project site, indicate date of purchase: N/A, 20 N/A; Purchase price: \$ N/A.
 - b. If Company does not own the Project site, does Company have option signed with owner to purchase the Project site? Yes ____; No ☒. If yes, indicate date option signed with owner: N/A, 20 N/A; and the date the option expires: N/A, 20 N/A
 - c. If the Company does not own the project site, is there a relationship legally or by common control between the Company and the present owners of the project site? Yes ☒; No _____. If yes, describe: The Company and the present owners of the project site have executed an option to lease agreement
 - d. Current Assessed Value of the Project site: \$ 91,300
 - e. Current annual property tax payment of the Project site: \$ 697.11
5.
 - a. Zoning District in which the project site is located:
 B-1 Regional Commerical
 - b. Are there any variances or special permits affecting the site? Yes ____; No ☒. If yes, list below and attach copies of all such variances or special permits:

D. Buildings:

1. Does part of the project consist of the acquisition or construction of a new building or buildings? Yes ☒; No _____. If yes, indicate number and size of new buildings:
 There will be a small control house in the substation area (14'x32')
2. Does part of the project consist of additions and/or renovations to the existing buildings located on the Project site? Yes ____; No ☒. If yes, indicate the buildings to be expanded or renovated, the size of any expansions and the nature of expansion and/or renovation:
3. Describe the principal uses to be made by the Company of the building or buildings to be acquired, constructed, or expanded:

The Control house provides a weatherproof enclosure for relay and control equipment, and supplemental substation equipment.

E. Description of the Equipment:

1. Does a part of the Project consist of the acquisition or installation of machinery, equipment or other personal property (the "Equipment")? Yes ☒; No _____. If yes, describe the Equipment:

Battery containers, inverter and transformer containers and a project substation.

2. With respect to the Equipment to be acquired, will any of the Equipment be Equipment which has previously been used? Yes ____; No ☒. If yes, please provide detail:

3. Describe the principal uses to be made by the Company of the Equipment to be acquired or installed:

Charging and discharging of power to promote reliability and resiliency of the New York electric grid

F. Project Use:

1. What are the principal products to be produced at the Project?

Electricity and ancillary services in the NYISO market (New York electric grid)

2. What are the principal activities to be conducted at the Project?

Charging and discharging of power to promote reliability and resiliency of the New York electric grid

3. Does the Project include facilities or property that are primarily used in making retail sales of goods or services to customers who personally visit such facilities? Yes ____; No ☒. If yes, please provide detail:

4. If the answer to question 3 is yes, what percentage of the cost of the Project will be expended on such facilities or property primarily used in making retail sales of goods or services to customers who personally visit the Project? N/A %

5. If the answer to question 3 is yes, and the answer to question 4 is more than 33.33%, indicate whether any of the following apply to the Project: N/A

- a. Will the Project be operated by a not-for-profit corporation? Yes____; No ✓. If yes, please explain:

- b. Is the Project likely to attract a significant number of visitors from outside the economic development region in which the Project will be located? Yes____; No ✓. If yes, please explain:

- c. Would the Project occupant, but for the contemplated financial assistance from the Agency, locate the related jobs outside the State of New York? Yes____; No ✓. If yes, please explain:

- d. 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 city, town or village within which the Project will be located, because of a lack of reasonably accessible retail trade facilities offering such goods or services? Yes____; No ✓. If yes, please provide detail:

- e. Will the Project be located in one of the following: (i) an area designed as an economic development zone pursuant to Article 18-B of the General Municipal Law; or (ii) a census tract or block numbering area (or census tract or block numbering area contiguous thereto) which, according to the most recent census data, has (x) a poverty rate of at least 20% for the year in which the data relates, or at least 20% of households receiving public assistance, and (y) an unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relates? Yes____; No ✓. If yes, please explain: _____

6. If the answers to any of subdivisions c. through e. of question 5 is yes, 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, please explain: N/A

7. Will the completion of the Project result in the removal of a plant or facility of the Company or another proposed occupant of the Project (a "Project Occupant") from one area of the State of New York to another area of the State of New York? Yes____; No ✓. If yes, please explain:

8. Will the completion of the Project result in the abandonment of one or more plants or facilities of the Company located in the State of New York? Yes____; No ☒. If yes, please provide detail:

9. If the answer to either question 7 or question 8 is yes, indicate whether any of the following apply to the Project:
 - a. Is the Project reasonably necessary to preserve the competitive position of the Company or such Project Occupant in its industry? Yes____; No____. If yes, please provide detail: N/A

 - b. Is the Project reasonably necessary to discourage the Company or such Project Occupant from removing such other plant or facility to a location outside the State of New York? Yes____; No____. If yes, please provide detail: N/A

10. Will the Project be owned by a not-for-profit corporation? Yes____; No ☒. If yes, please provide detail:

11. Will the Project be sold or leased to a municipality? Yes____; No ☒. If yes, please provide detail:

G. Other Involved Agencies:

1. Please indicate all other local agencies, boards, authorities, districts, commissions or governing bodies (including any city, county and other political subdivision of the State of New York and all state departments, agencies, boards, public benefit corporations, public authorities or commissions) involved in approving or funding or directly undertaking action with respect to the Project. For example, do you need a municipal building permit to undertake the Project? Do you need a zoning approval to undertake the Project? If so, you would list the appropriate municipal building department or planning or zoning commission which would give said approvals.

Special Use Permit, Site Plan approval and SEQR - Town of Montgomery Planning Board; building permits - Town of Montgomery Building Department; wetlands permit - NYS DEC; wetlands permit - USACE; driveway permits - NYS DOT; Certificate of Public Convenience and Necessity - DPS.

2. Describe the nature of the involvement of the federal, state, or local agencies described above:

All agencies will need to provide permit approvals prior to construction

H. Construction Status:

1. Has construction work on this project begun? Yes ____; No ✓. If yes, please discuss in detail the approximate extent of construction and the extent of completion. Indicate in your answer whether such specific steps have been completed as site clearance and preparation; completion of foundations; installation of footings; etc.: N/A

2. Please indicate amount of funds expended on this Project by the Company in the past three (3) years and the purposes of such expenditures:

\$848,085.25 in development costs (land acquisition, permitting, engineering, environmental, interconnection, etc.)

3. Please indicate the date the applicant estimates the Project will be completed:
12/30/2023.

I. Method of Construction after Agency Approval:

1. If the Agency approves the project which is the subject of this application, there are two methods that may be used to construct the project. The applicant can construct the project privately and sell the project to the Agency upon completion. Alternatively, the applicant can request to be appointed as "agent" of the Agency, in which case certain laws applicable to public construction may apply to the project. Does the applicant wish to be designated as "agent" of the Agency for purposes of constructing the project? Yes ✓; No ____.

2. If the answer to question 1 is yes, does the applicant desire such "agent" status prior to the closing date of the financing? Yes ____; No ✓.

III. INFORMATION CONCERNING LEASES OR SUBLEASES OF THE PROJECT. (PLEASE COMPLETE THE FOLLOWING SECTION IF THE COMPANY INTENDS TO LEASE OR SUBLEASE ANY PORTION OF THE PROJECT).

- A. Does the Company intend to lease or sublease more than 10% (by area or fair market value) of the Project? Yes ____; No ✓. If yes, please complete the following for each existing or proposed tenant or subtenant:
 1. Sublessee name:
Present Address:
City: N/A State: _____ Zip: _____

Employer's ID No.:

Sublessee is: ____ Corporation: ____ Partnership: ____ Sole Proprietorship

Relationship to Company:

Percentage of Project to be leased or subleased:

Use of Project intended by Sublessee:

Date of lease or sublease to Sublessee:

Term of lease or sublease to Sublessee:

Will any portion of the space leased by this sublessee be primarily used in making retail sales of goods or services to customers who personally visit the Project?

Yes____; No____. If yes, please provide on a separate attachment (a) details and (b) the answers to questions II(F)(4) through (6) with respect to such sublessee.

2.

Sublessee name:

Present Address:

City: _____ State: _____ Zip:

Employer's ID No.:

Sublessee is:

____ Corporation: ____ Partnership: ____ Sole Proprietorship

Relationship to Company:

Percentage of Project to be leased or subleased:

Use of Project intended by Sublessee:

Date of lease or sublease to Sublessee:

Term of lease or sublease to Sublessee: _____

Will any portion of the space leased by this sublessee be primarily used in making retail sales of goods or services to customers who personally visit the Project?

Yes____; No____. If yes, please provide on a separate attachment (a) details and (b) the answers to questions II(F)(4) through (6) with respect to such sublessee.

3.

Sublessee name:

Present Address:

City: _____ State: _____ Zip:

Employer's ID No.:

Sublessee is: ____ Corporation: ____ Partnership: ____ Sole Proprietorship

Relationship to Company:

Percentage of Project to be leased or subleased:

Use of Project intended by Sublessee:

Date of lease or sublease to Sublessee:

Term of lease or sublease to Sublessee:

Will any portion of the space leased by this sublessee be primarily used in making retail sales of goods or services to customers who personally visit the Project?

Yes____; No____. If yes, please provide on a separate attachment (a) details and (b) the answers to questions II(F)(4) through (6) with respect to such sublessee.

- B. What percentage of the space intended to be leased or subleased is now subject to a binding written lease or sublease?

IV. Employment Impact

See additional information regarding project employment in Exhibit D below.

- A. Indicate the number of people presently employed at the Project site and the **additional** number that will be employed at the Project site at the end of the first and second years after the Project has been completed, using the tables below for (1) employees of the Applicant, (2) independent contractors, and (3) employees of independent contractors. (Do not include construction workers). Also indicate below the number of workers employed at the Project site representing newly created positions as opposed to positions relocated from other project sites of the applicant. Such information regarding relocated positions should also indicate whether such positions are relocated from other project sites financed by obligations previously issued by the Agency.

TYPE OF EMPLOYMENT Employees of Applicant					
	Professional or Managerial	Skilled	Semi-Skilled	Un-Skilled	Totals
Present Full Time					
Present Part Time					
Present Seasonal					
First Year Full Time					
First Year Part Time					
First Year Seasonal					
Second Year Full Time					
Second Year Part Time					
Second Year Seasonal					

TYPE OF EMPLOYMENT Independent Contractors					
	Professional or Managerial	Skilled	Semi-Skilled	Un-Skilled	Totals
Present Full Time					
Present Part Time					
Present Seasonal					
First Year Full Time					
First Year Part Time					
First Year Seasonal					
Second Year Full Time					
Second Year Part Time					
Second Year Seasonal					

TYPE OF EMPLOYMENT Employees of Independent Contractors					
	Professional or Managerial	Skilled	Semi-Skilled	Un-Skilled	Totals
Present Full Time					
Present Part Time					
Present Seasonal					

First Year Full Time					
First Year Part Time					
First Year Seasonal					
Second Year Full Time					
Second Year Part Time					
Second Year Seasonal					

- B. Indicate below (1) the estimated salary and fringe benefit averages or ranges and (2) the estimated number of employees residing in the Mid-Hudson Economic Development Region for all the jobs at the Project site, both retained and created, listed in the tables described in subsection A above for each of the categories of positions listed in the chart below.

RELATED EMPLOYMENT INFORMATION				
	Professional or Managerial	Skilled	Semi-Skilled	Un-Skilled
Estimated Salary and Fringe Benefit Averages or Ranges				
Estimated Number of Employees Residing in the Mid-Hudson Economic Development Region ¹				

- C. Please describe the projected timeframe for the creation of any new jobs with respect to the undertaking of the Project: N/A

¹ The Mid-Hudson Economic Development Region consists of the following counties: Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester.

- D. Please prepare a separate attachment describing in detail the types of employment at the Project site. Such attachment should describe the activities or work performed for each type of employment. N/A

V. Project Cost and Financing Sources

- A. Anticipated Project Costs. State the costs reasonably necessary for the acquisition of the Project site, the construction of the proposed buildings and the acquisition and installation of any machinery and equipment necessary or convenient in connection therewith, and including any utilities, access roads or appurtenant facilities, using the following categories: Please see Appendix A

<u>Description of Cost</u>	<u>Amount</u>
Land	\$ _____
Buildings	\$ _____
Machinery and equipment costs	\$ _____
Utilities, roads and appurtenant costs	\$ _____
Architects and engineering fees	\$ _____
Costs of Financing	\$ _____
Construction loan fees and interest (if applicable)	\$ _____
Other (specify)	
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL PROJECT COSTS	\$ _____

- B. Anticipated Project Financing Sources. State the sources reasonably necessary for the financing of the Project site, the construction of the proposed buildings and the acquisition and installation of any machinery and equipment necessary or convenient in connection therewith, and including any utilities, access roads or appurtenant facilities, using the following categories:

<u>Description of Sources</u>	<u>Amount</u>
Private Sector Financing	\$ <u>84,410,229.60</u>
Public Sector	
Federal Programs	\$ _____
State Programs	\$ _____
Local Programs	\$ _____
Applicant Equity	\$ <u>57,121,571.65</u>
Other (specify, e.g., tax credits)	
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL AMOUNT OF PROJECT FINANCING SOURCES	\$ <u>141,531,801.25</u>

- C. Have any of the above expenditures already been made by the applicant?
Yes ☒; No _____. If yes, indicate particulars.

\$848,085.25 in development costs (land acquisition, permitting, engineering, environmental, interconnection, etc.)

- D. Amount of loan requested: \$ 84,410,229.60;

Maturity requested: 10 years.

- E. Has a commitment for financing been received as of this application date, and if so, from whom?

Yes ____; No ☒. Institution Name: N/A

Provide name and telephone number of the person we may contact.

Name: N/A Phone: N/A

- F. The percentage of Project costs to be financed from public sector sources is estimated to equal the following: 0%

- G. The total amount estimated to be borrowed to finance the Project is equal to the following:
\$ 84,410,229.60

VI. BENEFITS EXPECTED FROM THE AGENCY

A. Financing

1. Is the applicant requesting that the Agency issue bonds to assist in financing the project? Yes ____; No ☒. If yes, indicate:
 - a. Amount of loan requested: N/A Dollars;
 - b. Maturity requested: N/A Years.
2. If the answer to question 1 is yes, is the interest on such bonds intended to be exempt from federal income taxation? Yes ____; No ____.
3. If the answer to question 2 is yes, will any portion of the Project be used for any of the following purposes:
 - a. retail food and beverage services: Yes ____; No ____
 - b. automobile sales or service: Yes ____; No ____
 - c. recreation or entertainment: Yes ____; No ____
 - d. golf course: Yes ____; No ____
 - e. country club: Yes ____; No ____
 - f. massage parlor: Yes ____; No ____
 - g. tennis club: Yes ____; No ____
 - h. skating facility (including roller skating, skateboard and ice skating): Yes ____; No ____
 - i. racquet sports facility (including handball and racquetball court): Yes ____; No ____
 - j. hot tub facility: Yes ____; No ____
 - k. suntan facility: Yes ____; No ____
 - l. racetrack: Yes ____; No ____
4. If the answer to any of the above questions contained in question 3 is yes, please furnish details on a separate attachment.

B. Tax Benefits

1. Is the applicant requesting any real property tax exemption in connection with the Project that would not be available to a project that did not involve the Agency? Yes ☒; No _____. If yes, is the real property tax exemption being sought consistent with the Agency's Uniform Tax Exemption Policy? Yes ____; No ☒.
2. Is the applicant expecting that the financing of the Project will be secured by one or more mortgages? Yes ☒; No _____. If yes, what is the approximate amount of financing to be secured by mortgages? \$ 84,410,229.60.
3. Is the applicant expecting to be appointed agent of the Agency for purposes of avoiding payment of N.Y.S. Sales Tax or Compensating Use Tax? Yes ☒; No ____.

_____. If yes, what is the approximate amount of purchases which the applicant expects to be exempt from the N.Y.S. Sales and Compensating Use Taxes?
\$ 140,683,716.

4. What is the estimated value of each type of tax-exemption being sought in connection with the Project? Please detail the type of tax-exemption and value of each exemption. See additional information in Exhibit E below

a.	N.Y.S. Sales and Compensating Use Taxes:	\$ 11,430,551.93
b.	Mortgage Recording Taxes:	\$ 1,266,153.44
c.	Real Property Tax Exemptions:	\$ 446,691.06
d.	Other (please specify):	
	_____	\$ N/A
	_____	\$ N/A

5. Are any of the tax-exemptions being sought in connection with the Project inconsistent with the Agency's Uniform Tax Exemption Policy? Yes ☒; No _____. If yes, please explain. See additional information in Exhibit E below

The Applicant is seeking a 15 year PILOT consistent with solar and small energy projects. Since Section 8.E(7) does not specifically include battery energy storage systems, the Applicant is requesting that the IDA treat this application similar to a small energy project and provide a 15 year PILOT. The Applicant is not seeking any other deviations.

- C. Project Cost/Benefit Information. Complete the attached Cost/Benefit Analysis so that the Agency can perform a cost/benefit analysis of undertaking the Project. Such information should consist of a list and detailed description of the benefits of the Agency undertaking the Project (e.g., number of jobs created, types of jobs created, economic development in the area, etc.). Such information should also consist of a list and detailed description of the costs of the Agency undertaking the Project (e.g., tax revenues lost, buildings abandoned, etc.).

VII. REPRESENTATIONS BY THE APPLICANT. The applicant understands and agrees with the Agency as follows:

- A. Job Listings. In accordance with Section 858-b(2) of the New York General Municipal Law, the applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA"), as replaced by the Workforce Investment Act of 1998 (Public Law 105-220), in which the Project is located.
- B. First Consideration for Employment. In accordance with Section 858-b(2) of the New York General Municipal Law, the applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the applicant will first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.
- C. Annual Sales Tax Filings. In accordance with Section 874(8) 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.

- D. Annual Employment Reports. The applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the applicant agrees to file, or cause to be filed, with the Agency, within 45 days of the end of the calendar year, reports regarding the number of people employed at the Project site, including (1) the NYS-45 – Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return – for the quarter ending December 31 (the “NYS-45”), and (2) the US Dept. of Labor BLS 3020 Multiple Worksite report if applicable.
- E. Uniform Agency Project Agreement. The applicant agrees to enter into a project benefits agreement with the Agency where the applicant agrees that (1) the amount of Financial Assistance to be received shall be contingent upon, and shall bear a direct relationship to the success or lack of success of such project in delivering certain described public benefits (the “Public Benefits”) and (2) the Agency will be entitled to recapture some or all of the Financial Assistance granted to the applicant if the project is unsuccessful in whole or in part in delivering the promised Public Benefits.
- F. Representation of Financial Information. Neither this Application nor any other agreement, document, certificate, project financials, or written statement furnished to the Agency or by or on behalf of the applicant in connection with the project contemplated by this Application contains any untrue statement of a material fact or omits to state a material fact necessary in order to make the statements contained herein or therein not misleading. There is no fact within the special knowledge of any of the officers of the applicant which has not been disclosed herein or in writing by them to the Agency and which materially adversely affects or in the future in their opinion may, insofar as they can now reasonably foresee, materially adversely affect the business, properties, assets or condition, financial or otherwise, of the applicant.
- G. Agency Financial Assistance Required for Project. The Project would not be undertaken but for the Financial Assistance provided by the Agency or, if the Project could be undertaken without the Financial Assistance provided by the Agency, then the Project should be undertaken by the Agency for the following reasons:

The project will not proceed without this financial assistance

- H. Compliance with Article 18-A of the General Municipal Law: The Project, as of the date of this Application, is in substantial compliance with all provisions of article 18-A of the General Municipal including, but not limited to, the provisions of Section 859-a and subdivision one of Section 862; and the provisions of subdivision one of Section 862 of

the General Municipal Law will not be violated if Financial Assistance is provided for the Project.

- I. Compliance with Federal, State, and Local Laws. The applicant is in substantial compliance with applicable local, state, and federal tax, worker protection, and environmental laws, rules, and regulations.
- J. False or Misleading Information. The applicant understands 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 exemptions claimed by reason of Agency involvement in the Project.
- K. Absence of Conflicts of Interest. The applicant acknowledges that the members, officers and employees of the Agency are listed on the Agency's website. No member, officer or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:
- L. Additional Information. Additional information regarding the requirements noted in this Application and other requirements of the Agency are included in the Agency's Policies which can be accessed at:

[http://www.townofmontgomery.com/DepartmentsBoards/Boards/IndustrialDevelopment Agency](http://www.townofmontgomery.com/DepartmentsBoards/Boards/IndustrialDevelopmentAgency).

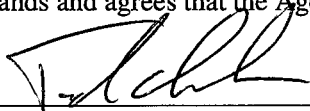
I affirm under penalty of perjury that all statements made on this application are true, accurate, and complete to the best of my knowledge.

By its execution below, the Applicant acknowledges and agrees to the following:

(i) The undersigned has read, understands and consents to the Agency's Local Labor Law Policy as adopted and amended (See, Policies at www.montgomeryida.com);

(ii) The undersigned affirms under the penalty of perjury that all statements made on this application are true, accurate and complete to the best of my knowledge; and

(iii) The undersigned understands and agrees that the Agency will rely on the statements made in this application.

By: KCE NY 2, LLC 
Applicant
Title: Taylor Quarles
Authorized Rep

NOTE: APPLICANT MUST ALSO COMPLETE THE APPROPRIATE VERIFICATION APPEARING ON PAGES 24 THROUGH 27 HEREOF BEFORE A NOTARY PUBLIC AND MUST SIGN AND ACKNOWLEDGE THE HOLD HARMLESS AGREEMENT APPEARING ON PAGE 28.

VERIFICATION

(If Applicant is a Corporation)

STATE OF _____)
) SS.:
COUNTY OF _____)

_____deposes and says that he is the
(Name of chief executive of applicant)

_____ of _____,
(Title) (Company Name)

the corporation named in the attached application; that he has read the foregoing application and knows the contents thereof; and that the same is true and complete and accurate to the best of his knowledge. Deponent further says that the reason this verification is made by the deponent and not by said company is because the said company is a corporation. The grounds of deponent's belief relative to all matters in the said application which are not stated upon his own personal knowledge are investigations which deponent has caused to be made concerning the subject matter of this application as well as information acquired by deponent in the course of his duties as an officer of and from the books and papers of said corporation.

(officer of applicant)

Sworn to before me this
____day of _____, 20__.

(Notary Public)

VERIFICATION

(If applicant is sole proprietor)

STATE OF _____)
)
COUNTY OF _____) SS.:

_____, deposes and says
(Name of Individual)

that he has read the foregoing application and knows the contents thereof; and that the same is true and complete and accurate to the best of his knowledge. The grounds of deponent's belief relative to all matters in the said application which are not stated upon his own personal knowledge are investigations which deponent has caused to be made concerning the subject matter of this application.

Sworn to before me this
 ____ day of _____, 20__.

(Notary Public)

VERIFICATION

(If applicant is partnership)

STATE OF _____)
) SS.:
COUNTY OF _____)

_____, deposes and says

(Name of Individual)

that he is one of the members of the firm of _____,
(Partnership Name)

the partnership named in the attached application; that he has read the foregoing application and knows the contents thereof; and that the same is true and complete and accurate to the best of his knowledge. The grounds of deponent's belief relative to all matters in the said application which are not stated upon his own personal knowledge are investigations which deponent has caused to be made concerning the subject matter of this application as well as information acquired by deponent in the course of his duties as a member of and from the books and papers of said partnership.

Sworn to before me this
___ day of _____, 20__.

(Notary Public)

VERIFICATION

(If applicant is limited liability company)

STATE OF New York)

) SS.:

COUNTY OF Albany)

Taylor Quarter, deposes and says
(Name of Individual)

that he is one of the members of the firm of KLE NY 2, LCC,
(Limited Liability Company)

the limit liability company named in the attached application; that he has read the foregoing application and knows the contents thereof; and that the same is true and complete and accurate to the best of his knowledge. The grounds of deponent's belief relative to all matters in the said application which are not stated upon his own personal knowledge are investigations which deponent has caused to be made concerning the subject matter of this application as well as information acquired by deponent in the course of his duties as a member of and from the books and papers of said limited liability company.

L O Connor

Sworn to before me this
27 day of Jan, 2022.

L O Connor
(Notary Public)



NOTE: THIS APPLICATION WILL NOT BE ACCEPTED BY THE AGENCY UNLESS THE HOLD HARMLESS AGREEMENT APPEARING ON PAGE 30 IS SIGNED BY THE APPLICANT.


HOLD HARMLESS AGREEMENT

Applicant hereby releases Town of Montgomery Industrial Development Agency and the members, officers, servants, agents and employees thereof (hereinafter collectively referred to as the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the application or the project described therein or the financial assistance requested therein are favorably acted upon by the Agency, (B) the Agency's financing, 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 or, if applicable, find buyers willing to purchase the total bond issue requested, then, and in that event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all actual costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

(Applicant)

BY: 

Sworn to before me this
23 day of June, 2022


(Notary Public)



TO: Project Applicants
 FROM: Town of Montgomery Industrial Development Agency
 RE: Cost/Benefit Analysis

In order for the Town of Montgomery Industrial Development Agency (the “Agency”) to prepare a Cost/Benefit Analysis for a proposed project (the “Project”), the Applicant must answer the questions contained in this Project Questionnaire (the “Questionnaire”) and complete the attached Schedules. This Questionnaire and the attached Schedule will provide information regarding various aspects of the Project, and the costs and benefits associated therewith.

This Questionnaire must be completed before we can finalize the Cost/Benefit Analysis, please complete this Questionnaire and forward it to us at your earliest convenience.

PROJECT QUESTIONNAIRE

1. Name of Project Beneficiary (“Company”):	KCE NY 2, LLC
2. Brief Identification of the Project:	BESS project
3. Estimated Amount of Project Benefits Sought:	
A. Amount of Bonds Sought:	\$ 0
B. Value of Sales Tax Exemption Sought	\$ 11,430,551.93
C. Value of Real Property Tax Exemption Sought	\$ 446,691.06
D. Value of Mortgage Recording Tax Exemption Sought	\$ 1,266,153.44
4. Likelihood of accomplishing the Project in a timely fashion:	Highly likely

PROJECTED PROJECT INVESTMENT

A. Land-Related Costs	
1. Land acquisition	\$
2. Site preparation	\$
3. Landscaping	\$
4. Utilities and infrastructure development	\$
5. Access roads and parking development	\$
6. Other land-related costs (describe)	\$
B. Building-Related Costs	
1. Acquisition of existing structures	\$
2. Renovation of existing structures	\$
3. New construction costs	\$
4. Electrical systems	\$
5. Heating, ventilation and air conditioning	\$
6. Plumbing	\$
7. Other building-related costs (describe)	\$

C.	Machinery and Equipment Costs	
1.	Production and process equipment	\$ _____
2.	Packaging equipment	\$ _____
3.	Warehousing equipment	\$ _____
4.	Installation costs for various equipment	\$ _____
5.	Other equipment-related costs (describe)	\$ _____
D.	Furniture and Fixture Costs	
1.	Office furniture	\$ _____
2.	Office equipment	\$ _____
3.	Computers	\$ _____
4.	Other furniture-related costs (describe)	\$ _____
E.	Working Capital Costs	
1.	Operation costs	\$ _____
2.	Production costs	\$ _____
3.	Raw materials	\$ _____
4.	Debt service	\$ _____
5.	Relocation costs	\$ _____
6.	Skills training	\$ _____
7.	Other working capital-related costs (describe)	\$ _____
F.	Professional Service Costs	
1.	Architecture and engineering	\$ _____
2.	Accounting/legal	\$ _____
3.	Other service-related costs (describe)	\$ _____
G.	Other Costs	
1.	_____	\$ _____
2.	_____	\$ _____
H.	Summary of Expenditures	
1.	Total Land-Related Costs	\$ _____
2.	Total Building-Related Costs	\$ _____
3.	Total Machinery and Equipment Costs	\$ _____
4.	Total Furniture and Fixture Costs	\$ _____
5.	Total Working Capital Costs	\$ _____
6.	Total Professional Service Costs	\$ _____
7.	Total Other Costs	\$ _____

PROJECTED PROFIT

- I. Please provide projected profit as defined by earnings after income tax but before depreciation and amortization: **N/A**

YEAR	Without IDA benefits	With IDA benefits
1	\$ _____	\$ _____
2	\$ _____	\$ _____
3	\$ _____	\$ _____
4	\$ _____	\$ _____
5	\$ _____	\$ _____

PROJECTED CONSTRUCTION EMPLOYMENT IMPACT

- I. Please provide estimates of total construction jobs and the total annual wages and benefits of construction jobs at the Project:

Year	Number of Construction Jobs	Total Annual Wages and Benefits	Estimated Additional NYS Income Tax
Current Year	25 (est)	\$ 4,500,000 (est)	\$ 259,050 (est)
Year 1		\$ _____	\$ _____
Year 2		\$ _____	\$ _____
Year 3		\$ _____	\$ _____
Year 4		\$ _____	\$ _____
Year 5		\$ _____	\$ _____

PROJECTED PERMANENT EMPLOYMENT IMPACT

- I. Estimates of the total number of existing permanent jobs to be preserved or retained as a result of the Project are described in the tables in Section IV of the Application.
- II. Estimates of the total new permanent jobs to be created by the Project are described in the tables in Section IV of the Application. **N/A**
- III. Please provide estimates for the following: **N/A**
- A. Creation of New Job Skills relating to permanent jobs. Please complete Schedule A.
- IV. Provide the projected percentage of employment that would be filled by Town of Montgomery residents: **N/A**
- A. Provide a brief description of how the project expects to meet this percentage: **N/A**

PROJECTED OPERATING IMPACT

I. Please provide estimates for the impact of Project operating purchases and sales: **N/A**

Additional Purchases (1 st year following project completion)	\$ _____
Additional Sales Tax Paid on Additional Purchases	\$ _____
Estimated Additional Sales (1 st full year following project completion)	\$ _____
Estimated Additional Sales Tax to be collected on additional sales (1 st full year following project completion)	\$ _____

II. Please provide estimates for the impact of Project on existing real property taxes and new payments in lieu of taxes ("Pilot Payments"): **See Appendix B**

Year	Existing Real Property Taxes (Without IDA involvement)	New Pilot Payments (With IDA)	Total (Difference)
Current Year			
Year 1			
Year 2			
Year 3			
Year 4			
Year 5			
Year 6			
Year 7			
Year 8			
Year 9			
Year 10			

III. Please provide a detailed description for the impact of other economic benefits and all anticipated community benefits expected to be produced as a result of the Project (attach additional pages as needed for a complete and detailed response): **See Appendix C**

CERTIFICATION

I certify that I have prepared the responses provided in this Questionnaire and that, to the best of my knowledge; such responses are true, correct, and complete.

I understand that the foregoing information and attached documentation will be relied upon, and constitute inducement for, the Agency in providing financial assistance to the Project. I certify that I am familiar with the Project and am authorized by the Company to provide the foregoing information, and such information is true and complete to the best of my knowledge. I further agree that I will advise the Agency of any changes in such information, and will answer any further questions regarding the Project prior to the closing.

I affirm under penalty of perjury that all statements made on this application are true, accurate and complete to the best of my knowledge.

Date Signed: _____, 20__.	Name of Person Completing Project Questionnaire on behalf of the Company. Name: _____ Title: _____ Phone Number: _____ Address: _____ Signature: _____
----------------------------------	---

SCHEDULE A

CREATION OF NEW JOB SKILLS

Please list the projected new job skills for the new permanent jobs to be created at the Project as a result of the undertaking of the Project by the Company.

[illegible]

Should you need additional space, please attach a separate sheet.



Appendices and Attachments

Town Of Montgomery IDA Application for KCE NY 2, LLC

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Appendix A - Anticipated Project Costs

Site Work	Amount
Civil/Site/Electrical Work	\$20,750,221.00
Concrete Pads	\$5,233,333.50
Access Road(s)	\$1,744,444.50
TOTAL	\$27,727,999.00
Other	
Batteries	\$103,928,582.92
Containers	\$1,811,134.08
Inverters	\$4,329,600.00
Transformers	\$2,886,400.00
Batteries and related components	\$112,955,717.00
Development	
Development	\$848,085.25
TOTAL	
TOTAL	\$141,531,801.25

Appendix B - Existing Real Property Taxes and Proposed PILOT Payments

Year	Existing Real Property Taxes (Without IDA involvement)	New Pilot Payments (With IDA)	Total (Difference)
1	\$289,456.76	\$169,000.00	(\$120,456.76)
2	\$260,754.58	\$172,380.00	(\$88,374.58)
3	\$250,996.00	\$175,827.60	(\$75,168.40)
4	\$240,885.98	\$179,344.15	(\$61,541.83)
5	\$230,416.20	\$182,931.04	(\$47,485.16)
6	\$219,578.12	\$186,589.66	(\$32,988.46)
7	\$208,363.05	\$190,321.45	(\$18,041.61)
8	\$196,762.13	\$194,127.88	(\$2,634.25)
9	\$184,766.30	\$198,010.44	\$13,244.13
10	\$172,366.32	\$201,970.64	\$29,604.32
11	\$159,552.77	\$206,010.06	\$46,457.28
12	\$146,316.03	\$210,130.26	\$63,814.22
13	\$132,646.29	\$214,332.86	\$81,686.57
14	\$118,533.54	\$218,619.52	\$100,085.98
15	\$103,967.56	\$222,991.91	\$119,024.35
Total	\$2,915,361.66	\$2,922,587.46	\$7,225.80

Appendix C – Proposed Host Community Agreement & Other Community Benefits

1. Proposed Host Community Agreement Payment Schedule:

Year	HCA Payments
1	\$84,500.00
2	\$86,190.00
3	\$87,913.80
4	\$89,672.08
5	\$91,465.52
6	\$93,294.83
7	\$95,160.72
8	\$97,063.94
9	\$99,005.22
10	\$100,985.32
11	\$103,005.03
12	\$105,065.13
13	\$107,166.43
14	\$109,309.76
15	\$111,495.96
Total	\$1,461,293.73

2. Other Community Benefits:

In addition to PILOT and Host Community Agreement payments, the Project will provide the Town of Montgomery with a plethora of additional benefits. Such benefits include:

1. **Lowering and stabilizing electric rates for Montgomery residents:** According to a state sponsored analysis by the consulting firm Acelerex, the deployment of 2,800-3,600 MW of energy storage by 2030 results in ratepayer benefits exceeding \$3 billion.¹
2. **Protecting the health of Montgomery residents:** Energy Storage can meet many of the peaking needs currently served by older and higher-emitting fossil plants that may be close to retirement. Off-peak charging reduces harmful emissions of nitrogen oxides (NOx), sulfur oxides (SOx), and particulate matter.
3. **Help Montgomery achieve local sustainability goals:** As stated in Local Law No. 4 of 2022 (a Local Law Regulating Battery Energy Storage Systems), “[t]he use of energy storage systems provides sustainable electricity and energy for heating and/or cooling, and other uses that are powered by electricity and is an integral component of the Town of Montgomery’s current and long-term sustainability goals.”²

¹ Case 18-E-0130, supra, New York State Energy Storage Roadmap and Department of Public Service / New York State Energy Research and Development Authority Staff Recommendations (filed June 21, 2018)

² Town of Montgomery Battery Storage Law § 235-11(A)(2)

4. **Reduce carbon emissions:** The Acelerex study determined that 2,800 MW of energy storage deployed by 2030 could reduce carbon emissions by two million metric tons over the life of the storage assets, equivalent to the emissions of 400,000 cars in a year.³
5. **Facilitate and optimize renewable energy usage:** As intermittent renewable power sources like wind and solar provide a larger portion of New York’s electricity, storage will be used to smooth and time-shift renewable generation and minimize curtailment (the need to reduce electric output due to grid limitations).
6. **Adding resiliency to the electric grid:** Adding flexible resources, like energy storage, that can be available when needed, will reduce the impact of outages, and enable clean energy resources to meet periods of peak demand.
7. **Helping New York State achieve CLCPA goals:** In 2019, New York passed the nation-leading Climate Leadership and Community Protection Act (Climate Act), which codified some of the most aggressive energy and climate goals in the country, including:
 - 6,000 MW of Solar by 2025
 - 70% Renewable Energy by 2030
 - 3,000 MW of Energy Storage by 2030
 - 9,000 MW of Offshore Wind by 2035
 - 100% Carbon-free Electricity by 2040
 - 85% Reduction in GHG Emissions from 1990 levels by 2050

In addition to the benefits set forth above, it should be noted that the implementing statute for industrial development agencies (General Municipal Law) was amended in 2021 to specially include a “renewable energy project” as a project to be considered by the IDA. Section 859-a(5)(b) of the General Municipal Law now includes a provision that states the IDA should consider the contribution of the project to the State’s renewable energy goals. This project will help achieve the mandates established by State law.

^{3 3} Case 18-E-0130, supra, New York State Energy Storage Roadmap and Department of Public Service / New York State Energy Research and Development Authority Staff Recommendations (filed June 21, 2018)

Appendix D – Project Employment

The Applicant intends to operate and maintain the Project through a combination of in-house staff and 3rd party contractors. The Applicant's staff will monitor and operate the battery on a day-to-day basis, including bidding and scheduling power into the NYISO electricity market and performing general system maintenance. KCE will contract for specialty maintenance activities, such as high voltage maintenance needed within the project substation or with the gen-tie line. Additionally, KCE will contract for vegetation management, lawncare and snow removal.

Given the unique nature of the Project, it is difficult to establish the specific number of full-time and part-time jobs that associated with the operation and maintenance of the Project. While it will be difficult to establish the number of permanent jobs within the Town of Montgomery, it should be noted that the Applicant's principal office is in Albany, New York. For this reason and as noted in the application above, the Applicant has listed zero as the number of full-time and part-time jobs from the Project.

Appendix E – Real Property Tax Assumption and UTEP

VI.B.4. Amount of Real Property Tax Exemption - As noted in this Section of the Application, the amount of the exemption is not extensive because the Project's fixtures that would be subject to real property taxes are limited. For real property taxes purposes, only items affixed to the ground are considered a fixture. An item is "affixed" when it meets the common law definition of a fixture. "To meet the common-law definition of fixture, the personalty in question must: (1) be actually annexed to real property or something appurtenant thereto; (2) be applied to the use or purpose to which that part of the realty with which it is connected is appropriated; and, (3) be intended by the parties as a permanent accession to the freehold" (Matter of Cornell Univ. v Board of Assessment Review, 186 A.D.3d 990, 992, 130 N.Y.S.3d 142, 144 [4th Dept 2020] quoting *Metromedia, Inc. (Foster & Kleiser Div.) v. Tax Comm'n of the City of New York*, 60 N.Y.2d 85, 90, 455 N.E.2d 1252 [Ct App 1983] citing 23 NY Jur, Fixtures, § 2; *Voorhees v McGinnis*, 48 NY 278, 282 [Ct App 1872]) Batteries are interchangeable within the containers that store them. Transformers and inverters, though they can be attached to the batteries, are removable, replaceable, need not be permanently affixed and are employed to make energy transmissible, which is a separate function than the purpose of the batteries, which is to store the energy.

VI.B.5. Project Inconsistency with the Agency's Uniform Tax Exemption Policy - While the Applicant is not seeking a specific deviation from the Agency's Uniform Tax Exemption Policy, the Applicant is requesting that the Project be deemed a "Small Energy Project" as defined by Section 8(E)(7) of the Agency's Uniform Tax Exemption Policy. If the Agency deems this request to be a deviation from the Agency's Uniform Tax Exemption Policy, the Project meets the Agency's definition for such requests pursuant to Section 3(C).

The Applicant's request is not a significant deviation and should be viewed as an interpretation of the Agency's definition of Small Energy Projects. This definition does not include a size limitation for solar, wind or energy storage projects. While the nameplate capacity for this Project is greater than a community solar project (i.e., 5 MW), the area of disturbance is substantially smaller for an energy storage project. In addition, the following factors in Section 3(C) confirm the Agency should proceed with the Applicant request because: (1) this Project will help the local utility company to provide reliable electricity to electric customers (residential and commercial); (2) this Applicant will invest approximately \$132 Million into this Project; and (3) the Project will provide an annual host community payment that is coterminous with the PILOT.

JL.NADE@FAPESP.BR (19059-09-46-00047-0) - cm.viz@uq.edu.au (0600/00/15/11) - JCT@FAPESP.BR (0609/00/04/05) - CMC@FAPESP.BR (0609/00/04/05)

Project Full Environmental Assessment Form

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: KCE NY 2, LLC		
Project Location (describe, and attach a general location map): Near intersection of Browns Road and Route 17K, Town of Montgomery, Orange County, New York		
Brief Description of Proposed Action (include purpose or need): Key Capture Energy is developing a utility scale battery storage facility to respond to intermittent grid fluctuations and to enhance power grid reliability by providing ancillary services to the New York Independent System Operator (NYISO). The facility will have no emissions, a low noise profile, and will be screened by existing vegetation, topography/land masses and additional vegetation planted per a landscaping plan. The facility is proposed to use approximately 164 batteries organized in modules and installed in rack towers to control the exchange of power into and out of the system. Equipment will all be housed outdoors, enclosed with a sound-absorbing wall, and be have a non-glare finish to avoid glint and glare. The project will include interchangeable battery modules installed in rack towers, electric inverters, transformers, project substation, and other associated equipment. The substation will include a main power transformer and associated breakers, surge arresters, switches and control equipment housed in a control house (approximately 448 sq feet). There will be a gravel access road that will go around the entire site and provide access to the attached substation. The battery storage pads will be constructed using a porous gravel section and access roads will be treated by a combination of filter strips, naturally occurring buffers, and a dry swale that will account for water quality and water quantity for the project.		
Name of Applicant/Sponsor: KCE NY 2	Telephone: 608-332-6343	
	E-Mail: mike.carella@keycaptureenergy.com	
Address: 25 Monroe Street, Suite 300		
City/PO: Albany	State: NY	Zip Code: 12207
Project Contact (if not same as sponsor; give name and title/role): Hyde Clarke, Esq. (attorney for applicant)	Telephone: 518-438-9907	
	E-Mail: hclarke@youngsommer.com	
Address: 25 Monroe Street, Suite 300		
City/PO: Albany	State: NY	Zip Code: 12210
Property Owner (if not same as sponsor): John H. Olsen, Jr. and Marybeth Olsen	Telephone: 845-567-3737	
	E-Mail: bearpaw72@aol.com	
Address: 324 Browns Road		
City/PO: Walden	State: NY	Zip Code: 12586

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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town of Montgomery Planning Board, Site Plan Review and Special Use Permit	TBD
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Montgomery Building Department, Building Permit and Driveway Permit	TBD
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Orange County Planning Board, 239-m referral	TBD
f. Regional agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Orange County Agriculture and Farmland Protection Board, referral	TBD
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYS DEC, section 401 and section 404 permits, Article 24 Permit, DOT permit, NYPSC CPCN	TBD
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Army Corps of Engineers individual app permit	TBD
i. Coastal Resources. 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 ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, identify the plan(s): _____ _____ _____	
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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, identify the plan(s): _____ _____ _____	

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?

Per the recently adopted Town of Montgomery Local Law No. 4, the Project is classified as a "Tier 2 Battery Energy Storage System."

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? Valley Central

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

Town of Montgomery Police Department

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

Coldenham Fire District

d. What parks serve the project site?

Stewart State Forest, Highland Lakes State Park, Winding Hills County Park, and Orange County Airport (see attached 10-mile vicinity map)

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Utility scale battery energy storage. Will operate in the NYISO ancillary services market.

b. a. Total acreage of the site of the proposed action? 66.7 acres

b. Total acreage to be physically disturbed? 8.03 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 66.7 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: 12 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes,	
i. Total number of structures <u>206</u> ii. Dimensions (in feet) of largest proposed structure: <u>14</u> height; <u>14</u> width; and <u>32</u> length iii. Approximate extent of building space to be heated or cooled: <u>448 (control house)</u> 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes,	
i. Purpose of the impoundment: <u>Dry swales to be installed as necessary, but no water impoundment structure will be required.</u> ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input checked="" type="checkbox"/> Other specify: <u>Stormwater - will be determined during final storm water pollution prevention plan</u> 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: _____ .5 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): <u>TBD during final stormwater pollution prevention plan design.</u>	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): <u>impacts to wetlands on the eastern portion of project, clearing impacts to wetlands along overhead line route, permanent impacts along overhead line route for pole installation (see attached wetlands map).</u>	

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: 0.6 acres of permanent impact to a shallow emergent marsh wetland (PEM) from fill; additional permanent impacts from installation of poles result in 6 square feet to forested wetlands (PFO), 3 sq ft to shrub-scrub wetlands (PSS), and 20 sq feet to PEM wetlands. A mitigation plan will be prepared if deemed necessary by the NYS Department of Environmental Conservation and/or the US Army Corps of Engineers.

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☒ Yes ☐ No

If Yes, describe: impacts to sediments from construction will be limited to those in wetland areas as described in D.2.b.i and D.2.b.ii above

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:

If required, a wetland mitigation plan will be created in coordination with the NYS DEC and Army Corps of Engineers.

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

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ _____ _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<p>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): _____ _____ _____</p>		
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____ _____</p>		
<p>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? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or <u>2.3</u> acres (impervious surface) _____ Square feet or <u>11.25</u> acres (parcel size)</p> <p>ii. Describe types of new point sources. <u>drainage from outfalls for sediment traps</u></p> <p>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)? <u>Stormwater runoff will be directed to sediment traps and to wetlands adjacent to the pad, stormwater runoff will not flow to adjacent properties</u></p> <p>• If to surface waters, identify receiving water bodies or wetlands: _____ _____</p> <p>• Will stormwater runoff flow to adjacent properties? _____</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p>		
<p>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? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<p>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? _____</p> <p>If Yes:</p> <p>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) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____ Max aux power load = 4.1 MW from POI</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 6 AM-6 PM • Saturday: _____ 6 AM-6 PM - decreased workforce • Sunday: _____ 6 AM-6 PM - decreased workforce • Holidays: _____ 6 AM-6 PM - decreased workforce </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 24 Hours a day, 365 Days a year • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 6 AM-6 PM • Saturday: _____ 6 AM-6 PM - decreased workforce • Sunday: _____ 6 AM-6 PM - decreased workforce • Holidays: _____ 6 AM-6 PM - decreased workforce 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 24 Hours a day, 365 Days a year • Saturday: _____ • Sunday: _____ • Holidays: _____
<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 6 AM-6 PM • Saturday: _____ 6 AM-6 PM - decreased workforce • Sunday: _____ 6 AM-6 PM - decreased workforce • Holidays: _____ 6 AM-6 PM - decreased workforce 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 24 Hours a day, 365 Days a year • Saturday: _____ • Sunday: _____ • Holidays: _____ 		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>During construction, there will be forklifts, backhoes and other construction equipment that may run during normal construction hours. During operations, the HVAC units, transformers and inverters will run as necessary for the operations of the facility.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>n. Will the proposed action have outdoor lighting? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>Downward facing lights at the entrances and perimeter, plus downward facing lights around the perimeter of the substation. Maintenance and emergency activities only.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>The gravel yard stone will be sprayed with industry standard herbicide to prevent weed growth. Herbicide use would be limited to upland areas, but due to the proximity to Tin Brook, the herbicide of choice would be Rodeo, which is a good glyphosate product for non-selective control in the vicinity of sensitive wetland and stream areas.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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.			
<input type="checkbox"/> Urban <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Rural (non-farm) <input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
ii. If mix of uses, generally describe: _____			
b. Land uses and covertypes on the project site.			
Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.1	2.4	+2.3
• Forested	38.1	36.6	-1.5
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	5.4	18.6	+13.2
• Agricultural (includes active orchards, field, greenhouse etc.)	14.1	0	-14.1
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	7.9	6.1	-1.8
• Non-vegetated (bare rock, earth or fill)	1.1	3.0	+1.9
• Other Describe: _____	0	0	0

c. Is the project site presently used by members of the community for public recreation? i. If Yes: explain:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
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? If Yes, i. Identify Facilities:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
e. Does the project site contain an existing dam? If Yes: i. Dimensions of the dam and impoundment:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> • 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? If Yes: i. Has the facility been formally closed? <ul style="list-style-type: none"> • 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: _____ 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
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? If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____ 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
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? 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:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/> Yes – Spills Incidents database Provide DEC ID number(s): _____ <input type="checkbox"/> Yes – Environmental Site Remediation database Provide DEC ID number(s): _____ <input type="checkbox"/> 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? If yes, provide DEC ID number(s): _____ iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____ 		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
<ul style="list-style-type: none"> • 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • Explain: _____ 													
E.2. Natural Resources On or Near Project Site													
a. What is the average depth to bedrock on the project site? 2.0 to 6.5+ feet													
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %													
c. Predominant soil type(s) present on project site: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Bath-Nassau Silt Loam (BnB & BnC)</td> <td style="width: 20%; text-align: right;">61.5 %</td> </tr> <tr> <td>Wayland Soils Complex (Wd)</td> <td style="text-align: right;">12.8 %</td> </tr> <tr> <td>Alden Silt Loam</td> <td style="text-align: right;">9.2 %</td> </tr> </table>		Bath-Nassau Silt Loam (BnB & BnC)	61.5 %	Wayland Soils Complex (Wd)	12.8 %	Alden Silt Loam	9.2 %						
Bath-Nassau Silt Loam (BnB & BnC)	61.5 %												
Wayland Soils Complex (Wd)	12.8 %												
Alden Silt Loam	9.2 %												
d. What is the average depth to the water table on the project site? Average: 1-3 feet													
e. Drainage status of project site soils: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><input checked="" type="checkbox"/> Well Drained:</td> <td style="width: 40%; text-align: right;">62.5 % of site</td> </tr> <tr> <td><input type="checkbox"/> Moderately Well Drained:</td> <td style="text-align: right;">_____ % of site</td> </tr> <tr> <td><input checked="" type="checkbox"/> Poorly Drained</td> <td style="text-align: right;">37.5 % of site</td> </tr> </table>		<input checked="" type="checkbox"/> Well Drained:	62.5 % of site	<input type="checkbox"/> Moderately Well Drained:	_____ % of site	<input checked="" type="checkbox"/> Poorly Drained	37.5 % of site						
<input checked="" type="checkbox"/> Well Drained:	62.5 % of site												
<input type="checkbox"/> Moderately Well Drained:	_____ % of site												
<input checked="" type="checkbox"/> Poorly Drained	37.5 % of site												
f. Approximate proportion of proposed action site with slopes: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><input checked="" type="checkbox"/> 0-10%:</td> <td style="width: 40%; text-align: right;">89.4 % of site</td> </tr> <tr> <td><input checked="" type="checkbox"/> 10-15%:</td> <td style="text-align: right;">10.6 % of site</td> </tr> <tr> <td><input type="checkbox"/> 15% or greater:</td> <td style="text-align: right;">_____ % of site</td> </tr> </table>		<input checked="" type="checkbox"/> 0-10%:	89.4 % of site	<input checked="" type="checkbox"/> 10-15%:	10.6 % of site	<input type="checkbox"/> 15% or greater:	_____ % of site						
<input checked="" type="checkbox"/> 0-10%:	89.4 % of site												
<input checked="" type="checkbox"/> 10-15%:	10.6 % of site												
<input type="checkbox"/> 15% or greater:	_____ % of site												
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
ii. Do any wetlands or other waterbodies adjoin the project site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
If Yes to either <i>i</i> or <i>ii</i> , 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">• Streams:</td> <td style="width: 50%;">Name <u>Tin Brook (perennial)</u></td> <td style="width: 40%;">Classification <u>B</u></td> </tr> <tr> <td>• Lakes or Ponds:</td> <td>Name _____</td> <td>Classification _____</td> </tr> <tr> <td>• Wetlands:</td> <td>Name <u>Federal Wetlands</u></td> <td>Approximate Size <u>7.9 acres</u></td> </tr> <tr> <td>• Wetland No. (if regulated by DEC)</td> <td colspan="2">_____</td> </tr> </table>		• Streams:	Name <u>Tin Brook (perennial)</u>	Classification <u>B</u>	• Lakes or Ponds:	Name _____	Classification _____	• Wetlands:	Name <u>Federal Wetlands</u>	Approximate Size <u>7.9 acres</u>	• Wetland No. (if regulated by DEC)	_____	
• Streams:	Name <u>Tin Brook (perennial)</u>	Classification <u>B</u>											
• Lakes or Ponds:	Name _____	Classification _____											
• Wetlands:	Name <u>Federal Wetlands</u>	Approximate Size <u>7.9 acres</u>											
• Wetland No. (if regulated by DEC)	_____												
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, name of impaired water body/bodies and basis for listing as impaired: _____													
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
j. Is the project site in the 100-year Floodplain? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
k. Is the project site in the 500-year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:													
i. Name of aquifer: _____													

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; border-bottom: 1px solid black;">whitetailed deer</td> <td style="width: 33%; border-bottom: 1px solid black;">eastern cottontail</td> <td style="width: 33%; border-bottom: 1px solid black;"></td> </tr> <tr> <td style="border-bottom: 1px solid black;">gray squirrel</td> <td style="border-bottom: 1px solid black;">raccoon</td> <td style="border-bottom: 1px solid black;"></td> </tr> </table>		whitetailed deer	eastern cottontail		gray squirrel	raccoon	
whitetailed deer	eastern cottontail						
gray squirrel	raccoon						
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</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"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 							
<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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p style="margin-left: 20px;">Within 2 miles of the project site is a documented non-winter location of Indiana Bat. The main concern is the removal of potential roost trees. Steps will be taken prior to cutting trees to ensure that there will be no impact on the Indiana Bat.</p>							
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use:</p> <p style="margin-left: 20px;">The adjoining property may be used for hunting. As the project is located on an unmanned facility, there will be little/no impact on adjoining hunting</p>							
<p>E.3. Designated Public Resources On or Near Project Site</p>							
<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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: <u>Orange County Agricultural District 1</u></p>							
<p>b. Are agricultural lands consisting of highly productive soils present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? <u>44.1 acres of farmland of statewide importance, 0.6 acres of prime farmland, 6.1 acres prime land if drained</u></p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): <u>USDA-NRCS Web Soil Survey</u></p>							
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</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. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

F. Additional Information

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

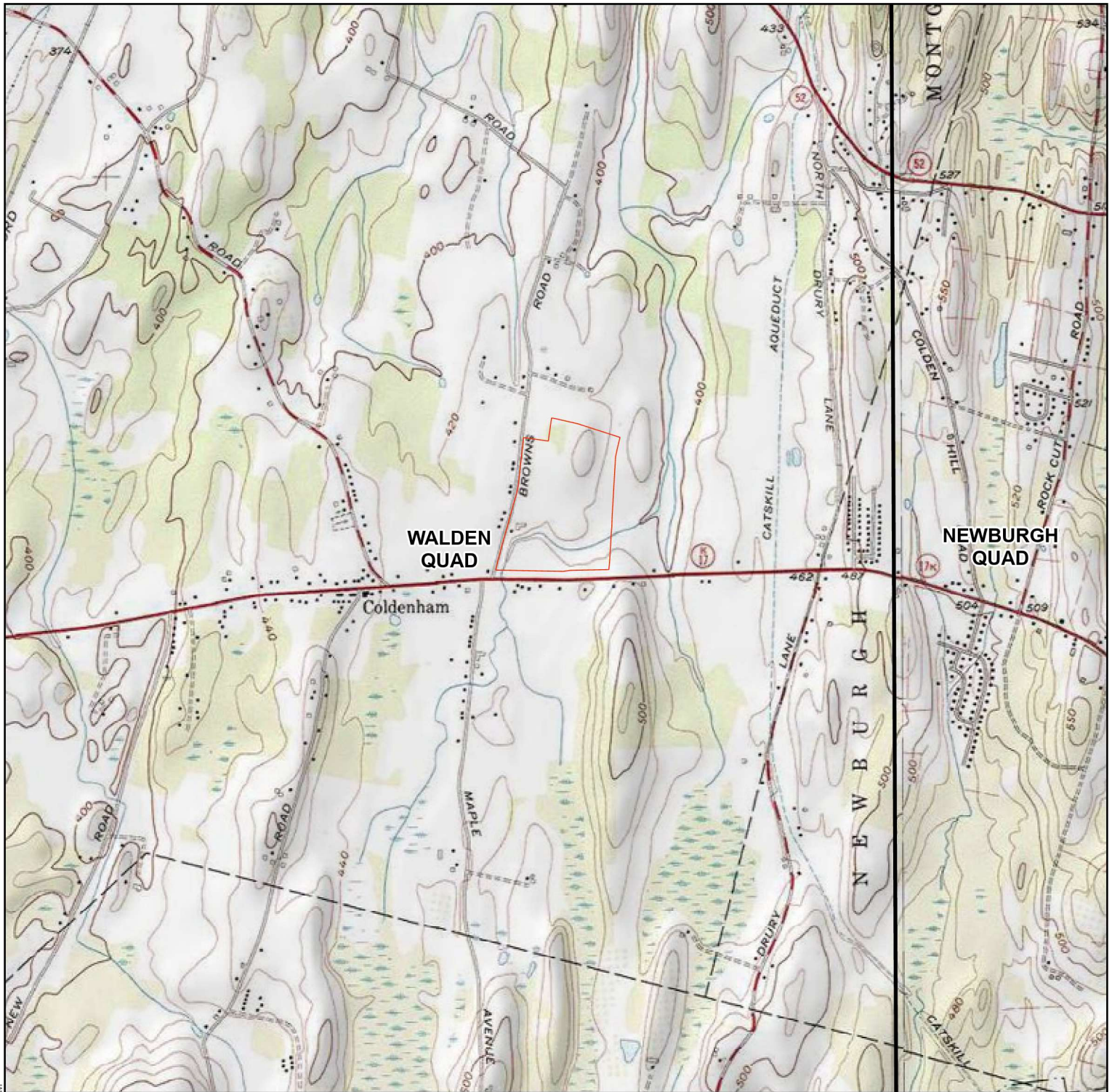
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

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

Applicant/Sponsor Name KCE NY 2, LLC Date August 11, 2022

Signature _____ Title Attorney for the Applicants



Project USGS Quad(s):

Walden

Project Watershed(s):

Rondout (HUC 02020007)

Center of Project Limits:

41.526561 N, 74.142217 W
North American Datum 1983



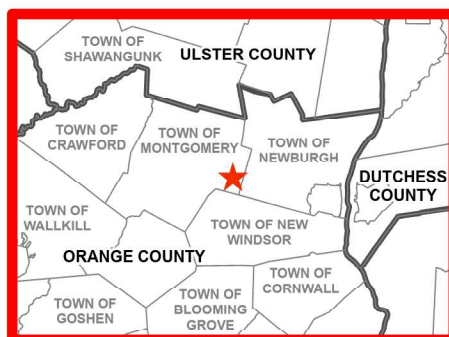
Project Area
 USGS 24K Quad Boundary

Data Sources:

United States Geological Survey 24k Topo Quad Map - usgs.gov

Author: CM

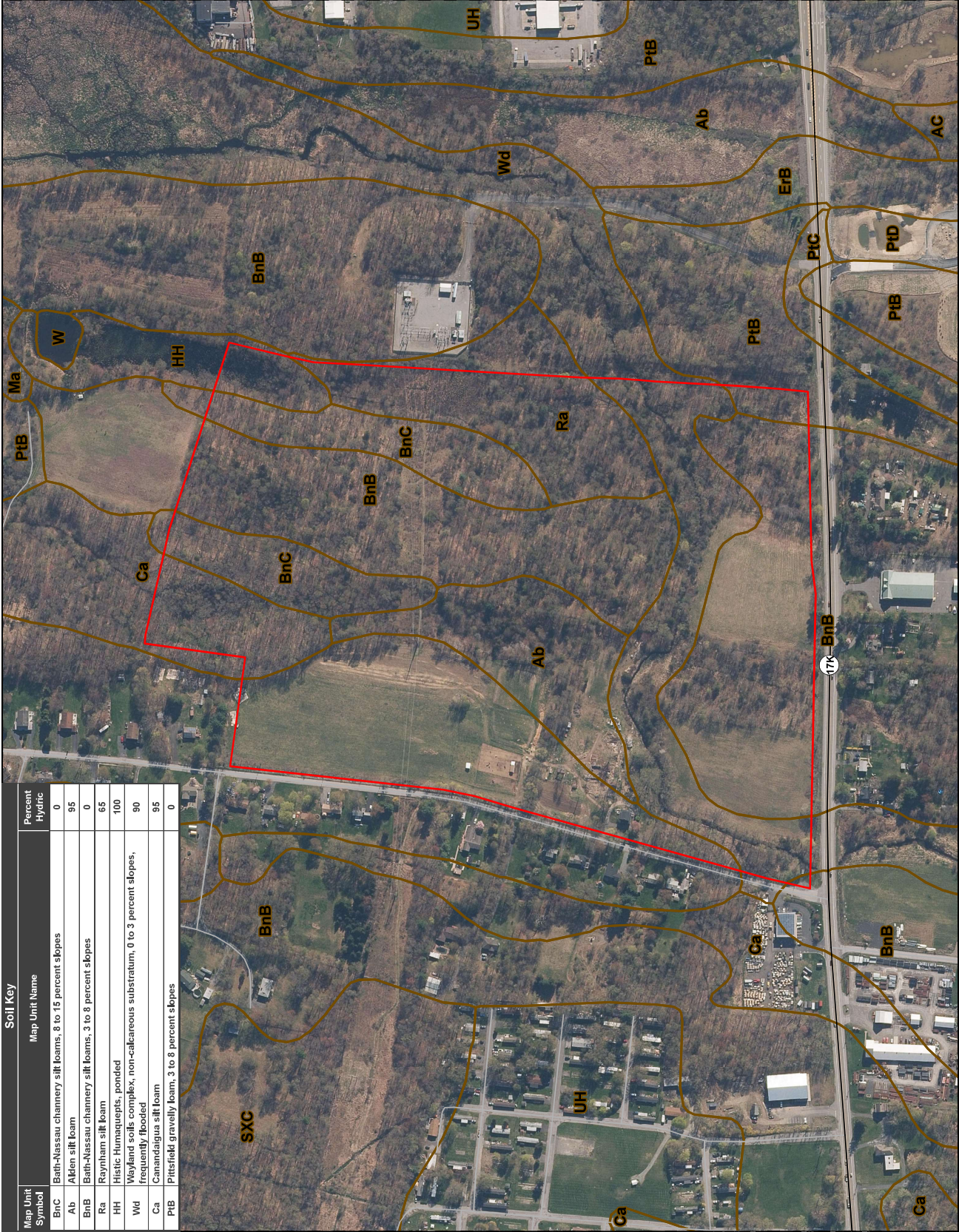
Revision Date: 6/17/2022



0 1,000 2,000 Feet

FISHER
ASSOCIATES

**KEY CAPTURE ENERGY
NY2 BULK ENERGY STORAGE
PROJECT LOCATION MAP
ORANGE COUNTY, NY**



Soil Key		
Map Unit Symbol	Map Unit Name	Percent Hydric
BnC	Bath-Nassau channery silt loams, 8 to 15 percent slopes	0
Ab	Alden silt loam	95
BnB	Bath-Nassau channery silt loams, 3 to 8 percent slopes	0
Ra	Rayham silt loam	65
HH	Histic Humaquepts, ponded	100
Wd	Wayland soils complex, non-calcareous substratum, 0 to 3 percent slopes, frequently flooded	90
Ca	Canandaigua silt loam	95
PtB	Pittsfield gravelly loam, 3 to 8 percent slopes	0

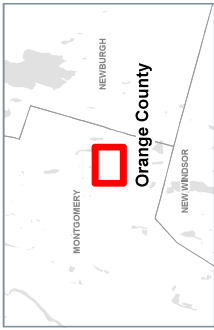
KEY CAPTURE ENERGY
NY2 BULK ENERGY STORAGE
NRCS SOILS MAP
ORANGE COUNTY, NY

County Route
State Highway
Interstate Highway
Local Road
NRCS Soils
Project Boundary
Towns
Villages
Counties

Map Revision Date: 6/29/2022
Map Author: CM

0 150 300 Feet

North Arrow



Data Sources:
Aerial: NYSGIS Clearinghouse Orthoimagery, 2021

H:\Projects\190058-00-Key Capture Energy NY2\GIS\EAF Mapping.aprx - 11:06 AM