

**SEQRA NOTICE OF INTENT TO ACT AS LEAD AGENCY RESOLUTION  
BRAWLER'S CORNER SOLAR, LLC PROJECT**

A regular meeting of Allegany County Industrial Development Agency (the "Agency") was convened in public session at the office of the Agency located at Crossroads Commerce & Conference Center located at 6087 State Route 19 North in the Village of Belmont, Allegany County, New York on June 13, 2024 at 10:00 o'clock a.m., local time.

The meeting was called to order by the (Vice) Chair of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT:

Judy Hopkins	Chairperson
Randy Shayler	Vice Chairman
Richard Ewell	Secretary
Douglas Frank	Treasurer
John Ricci	Member

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Craig R. Clark, P.E., Ph.D.                      Executive Director

The following resolution was offered by Richard Ewell, seconded by John Ricci,  
to wit:

Resolution No. 0624-4

**RESOLUTION DECLARING ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT  
AGENCY'S INTENT TO BE LEAD AGENCY FOR SEQRA REVIEW OF THE  
BRAWLER'S CORNER SOLAR, LLC ENERGY SYSTEM PROJECT IN THE TOWN  
OF WIRT, ALLEGANY COUNTY.**

WHEREAS, Allegany County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 99 of the 1973 Laws of New York, as amended, constituting Section 906-a of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more "projects" (as defined in the Act), or to cause

said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, Brawler's Corner Solar, LLC, a State of Delaware limited liability company (the "Company"), submitted an application (the "Application") to the Agency, a copy of which Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the "Project") for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in an approximately 25 acre portion of an approximately 42 acre parcel of land located on Hicks Hill Road (Tax Map No. 208.-1-3.111) in the Town of Wirt, Allegany County, New York (the "Land"), (2) the construction on the Land of a ground mounted photovoltaic 5.0-MW solar energy facility including panels, racking, inverters, electrical cables, grid interconnection, site preparation, access roads and any other required improvements (all said improvements being collectively referred to as the "Facility") and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other personal property (the "Equipment"), all of the foregoing to constitute a solar electric energy generating facility to be owned and operated by the Company (the Land, the Facility and the Equipment being collectively referred to as the "Project Facility"); (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

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

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

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

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

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

Section 1. The Agency declares its intent to be Lead Agency for the SEQRA review for this Type I action.

Section 2. The applicant and Agency Counsel shall coordinate the issuing of the Notice of Intent to all Involved and Interested Agencies, accompanied by the EAF Part I, requesting that all involved and interested agencies agree to the Agency serving as Lead Agency.

Section 3. This resolution is to take effect immediately.

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

Judy Hopkins  
Randy Shayler  
Richard Ewell  
Douglas Frank  
John Ricci

VOTING  
VOTING  
VOTING  
VOTING  
VOTING

Aye  
Aye  
Aye  
Aye  
Aye

The foregoing Resolution was thereupon declared duly adopted.

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

I, the undersigned Secretary of Allegany County Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on June 13, 2024 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 13<sup>th</sup> day of June, 2024.

  
\_\_\_\_\_  
Secretary (Craig Clark)

(SEAL)

**STATE ENVIRONMENTAL QUALITY REVIEW ACT  
NOTICE OF INTENT TO ACT AS SEQRA LEAD AGENCY**

Dated: June 13, 2024

This notice is issued pursuant to 6 NYCRR Part 617 of the regulations, implementing Article 8 of the Environmental Conservation Law, together known as the State Environmental Quality Review Act ("SEQRA").

The Members of the Allegany County Industrial Development Agency (the "Agency") has determined that the action described below is subject to SEQRA and may involve one or more other involved or interested agencies. The Agency has made a preliminary determination that this is a Type I action in accordance with the SEQRA regulations, for which it will be conducting a coordinated review. The Agency has stated its intent to act as lead agency. In the absence of written objections from any other involved agencies within thirty (30) days from the date of this notice, the Agency will assume the lead agency role for this action pursuant to 6 NYCRR §617.6(b)(3)(i).

The application and short Environmental Assessment Form Part I are attached for your information.

**Name of Action:** Brawler's Corner Solar, LLC Project

**SEQR Status:** Type I

**Description of Action:** Brawler's Corner Solar, LLC, a State of Delaware limited liability company (the "Company"), submitted an application (the "Application") to the Agency, a copy of which Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the "Project") for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in an approximately 25 acre portion of an approximately 42 acre parcel of land located on Hicks Hill Road (Tax Map No. 208.-1-3.111) in the Town of Wirt, Allegany County, New York (the "Land"), (2) the construction on the Land of a ground mounted photovoltaic 5.0-MW solar energy facility including panels, racking, inverters, electrical cables, grid interconnection, site preparation, access roads and any other required improvements (all said improvements being collectively referred to as the "Facility") and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other personal property (the "Equipment"), all of the foregoing to constitute a solar electric energy generating facility to be owned and operated by the Company (the Land, the Facility and the Equipment being collectively referred to as the "Project Facility"); (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency

**Other Interested and/or Involved Agencies:**

1. Town of Wirt
2. New York State Energy and Research Development Agency
3. New York State Department of Environmental Conservation - Albany
4. New York State Department of Environmental Conservation - Buffalo
5. Allegany County
6. Friendship Central School District
7. U.S. Fish & Wildlife Service
8. U.S. Army Corp of Engineers

**For Further Information:**

Contact Person: Dr. Craig Clark, Executive Director  
Address: Allegany County Industrial Development Agency  
6087 State Route 19 North  
Belmont, New York 14813

Mailing Date: June 10, 2024