



## Application for PILOT Agreement for New Road Solar 1, LLC

[Instructions and Insurance Requirements Document](#)

### Section I: Applicant Background Information

Please answer all questions. Use "None" or "Not Applicable" where necessary. Information in this application may be subject to public review under New York State Law.

#### Applicant Information- Company Receiving Benefit

<b>Project Name</b>	New Road Solar 1, LLC
<b>Project Summary</b>	5,000 KW AC Ground Mounted Community Solar Array located at 800 New Road in the town of Amherst, Erie County NY
<b>Applicant Name</b>	Sol Source Power, LLC
<b>Applicant Address</b>	1 Washington Pl
<b>Applicant Address 2</b>	
<b>Applicant City</b>	Troy
<b>Applicant State</b>	New York
<b>Applicant Zip</b>	12180
<b>Phone</b>	(315) 281-5509
<b>Fax</b>	
<b>E-mail</b>	leigh@solsourcepower.com
<b>Website</b>	www.solsourcepower.com
<b>NAICS Code</b>	

#### Business Organization

##### **Type of Business**

Limited Liability Company

##### **Year Established**

2021

##### **State**

New York

##### **Indicate if your business is 51% or more (Check all boxes that apply)**

[No] Minority Owned

[Yes] Woman Owned

##### **Indicate Minority and/or Woman Owned Business Certification if applicable (Check all boxes that apply)**

[No] NYS Certified

[No] Erie Country Certified

Individual Completing Application

**Name** Leigh McEntire  
**Title** Project Developer  
**Address** 1 Washington Pl  
**Address 2**  
**City** Troy  
**State** New York  
**Zip** 12180  
**Phone** (315) 281-5509  
**Fax**  
**E-Mail** leigh@solsourcepower.com

Company Contact- Authorized Signer for Applicant

**Contact is same as individual completing application** No  
**Name** Joseph Bowers  
**Title** Chief Operations Officer  
**Address** 1 Washington Place  
**Address 2**  
**City** Troy  
**State** New York  
**Zip** 12180  
**Phone** (518) 813-0973  
**Fax**  
**E-Mail** joe@solsourcepower.com

Company Counsel

**Name of Attorney** Elizabeth Holden  
**Firm Name** Hodgson Russ  
**Address** 140 Pearl Street  
**Address 2** Suite 100  
**City** Buffalo  
**State** New York  
**Zip** 14202  
**Phone** (716) 848-1692  
**Fax**  
**E-Mail** EHolden@hodgsonruss.com

Benefits Requested (select all that apply)

**Exemption from Sales Tax** Yes  
**Exemption from Mortgage Tax** No

**Exemption from Real Property Tax** Yes

**Tax Exempt Financing\*** No

\* (typically for not-for-profits & small qualified manufacturers)

Applicant Business Description

**Describe in detail company background, history, products and customers. Description is critical in determining eligibility. Also list all stockholders, members, or partners with % ownership greater than 20%.**

Company Background: Sol Source Power, LLC is a reputable renewable energy company that operates in the Northeast & Midwest. Founded in 2021, the company has established itself as a leading player in the renewable energy sector, dedicated to providing sustainable and clean energy solutions to distributed generation customers. With a commitment to environmental stewardship and technological innovation, Sol Source Power has grown steadily over the years. Sol Source Power, LLC was founded by Joseph Bowers & Lindsey McEntire in 2021. Since its inception, the company has embarked on a journey of growth and excellence in the renewable energy industry. Sol Source Power, LLC serves a diverse range of customers, including large independent power producers, school districts, non for profits and low income homeowners. Ownership Structure: As of 2023, the ownership of Sol Source Power, LLC is distributed among several stakeholders. The major stockholders, members, or partners with ownership stakes exceeding 20% include: Joseph Bowers- [46% Ownership] Lindsey McEntire- [46% Ownership]

<b>Estimated % of sales within Erie County</b>	50 %
<b>Estimated % of sales outside Erie County but within New York State</b>	50 %
<b>Estimated % of sales outside New York State but within the U.S.</b>	%
<b>Estimated % of sales outside the U.S.</b>	%

(\*Percentage to equal 100%)

**For your operations, company and proposed project what percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Erie County?**

25

**Describe vendors within Erie County for major purchases**

We intend to engage skilled sheep farmers for the meticulous vegetative maintenance through responsible sheep grazing, primarily sourcing them from Erie County. Additionally, we will collaborate with local companies to secure expertise for supplementary vegetative maintenance, snow plowing, and ground-related tasks. In the realm of solar farm equipment operation and maintenance, we may explore partnerships with companies beyond Erie County while leveraging the support of local labor and services to ensure the seamless and efficient functioning of our facilities.

## Section II: Eligibility Questionnaire - Project Description & Details

### Project Location

#### Address of Proposed Project Facility

800 New Road

#### Town/City/Village of Project Site

Amherst

#### School District of Project Site

Williamsville Central School District

#### Current Address (if different)

#### Current Town/City/Village of Project Site (if different)

#### SBL Number(s) for proposed Project

16.00-2-14.1 & 16.00-2-14.2

#### What are the current real estate taxes on the proposed Project Site

6,958

#### If amount of current taxes is not available, provide assessed value for each.

Land

\$ 0

Building(s)

\$ 0

If available include a copy of current tax receipt.

#### Are Real Property Taxes current at project location?

Yes

#### If no please explain

#### Does the Applicant or any related entity currently hold fee title or have an option/contract to purchase the Project site?

No

#### If No, indicate name of present owner of the Project Site

Cimato Enterprises, Inc.

#### Does Applicant or related entity have an option/contract to purchase the Project site?

No

#### Describe the present use of the proposed Project site (vacant land, existing building, etc.)

Vacant abandoned farmland, with an Option to Lease to New Road Solar 1, LLC

#### Provide narrative and purpose of the proposed project (new build, renovations) square footage of existing and new construction contemplated and/or equipment purchases. Identify specific uses occurring within the project. Describe any and all tenants and any/all end users: (This information is critical in determining project eligibility)

This project is a community solar farm. The renewable energy generated by the facility is fed into the local distribution grid. The energy produced can be purchased by area homes and businesses at a discount and credited to their electric bill. Project Construction will be subject to standard AIDA terms and conditions, including local labor requirements. However labor services associated with the solar farm equipment installation and commissioning will be performed by specialized firms or equipment manufacturers. New Road Solar 1, LLC anticipates that this project will be transferred to an equity investor in order to claim federal tax credits as is the case with most solar projects across the industry. Once the membership interests have transferred, the company will provide notice to the AIDA in a timely manner.

#### Municipality or Municipalities of current operations

Amherst

#### Will the Proposed Project be located within a Municipality identified above?

Yes

**Will the completion of the Project result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state OR in the abandonment of one or more plants or facilities of the project occupant located within the state?**

No

**If the Proposed Project is located in a different Municipality within New York State than that Municipality in which current operations are being undertaken, is it expected that any of the facilities in any other Municipality will be closed or be subject to reduced activity?**

No

(If yes, you will need to complete the Intermunicipal Move Determination section of this application)

**Is the project reasonably necessary to prevent the project occupant from moving out of New York State?**

No

**If yes, please explain and identify out-of-state locations investigated, type of assistance offered and provide supporting documentation available**

**Have you contacted or been contacted by other Local, State and/or Federal Economic Development Agencies?**

No

**If yes, please indicate the Agency and nature of inquiry below**

**If the Project could be undertaken without Financial Assistance provided by the Agency, then provide a statement in the space provided below indicating why the Project should be undertaken by the Agency:**

**Describe the reasons why the Agency's financial assistance is necessary, and the effect the Project will have on the Applicant's business or operations. Focus on competitiveness issues, project shortfalls, etc... Your eligibility determination will be based in part on your answer (attach additional pages if necessary)**

A negotiated PILOT and local sales and use tax exemption rate eliminate the risks around forecasting the long term operating expenses of the project and instill confidence with the investment partners who fund the upfront costs with a project such as the materials, labor and operations of the solar farm. Without the ability and confidence in forecasting project taxes and expenses, there is a significantly decreased likelihood in securing upfront funding for the project putting the project at a high risk of never reaching construction and operation completion.

**Please confirm by checking the box, below, if there is likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency**

Yes

**If the Applicant is unable to obtain Financial Assistance for the Project, what will be the impact on the Applicant and Erie County?**

A negotiated PILOT provides confidence in a project's expenses and operating costs that gives investors and lenders the assurances they need to invest in the project. Without these assurances the project is at risk of not receiving the funding it needs to move forward to construction. If the project did not move forward then Erie County and the surrounding community would not benefit from the construction jobs, material procurements and the cost savings from their utility bills that the development of this project provides.

**Will project include leasing any equipment?**

No

If yes, please describe equipment and lease terms.

### Site Characteristics

**Is your project located near public transportation?**

No

**If yes describe if site is accessible by either metro or bus line (provide route number for bus lines)**

**Has your local municipality and/or its planning board made a determination regarding the State Environmental Quality Review (SEQR) for your project?**

Yes

**Will the Project meet zoning/land use requirements at the proposed location?**

Yes

**Describe the present zoning/land use**



**Yes Renewable Energy**

**No Other**

For proposed facility please include the square footage for each of the uses outlined below

If applicant is paying for FFE for tenants, include in cost breakdown.

			<b>Cost</b>	<b>% of Total Cost</b>
<b>Manufacturing/Processing</b>	square feet	\$	0	0%
<b>Warehouse</b>	square feet	\$	0	0%
<b>Research &amp; Development</b>	square feet	\$	0	0%
<b>Commercial</b>	square feet	\$	0	0%
<b>Retail</b>	square feet	\$	0	0%
<b>Office</b>	square feet	\$	0	0%
<b>Specify Other</b>	square feet	\$	0	0%

**If you are undertaking new construction or renovations, are you seeking LEED certification from the US Green Building Council?**

No

**If you answered yes to question above, what level of LEED certification do you anticipate receiving? (Check applicable box)**

<BLANK>

**Provide estimate of additional construction cost as a result of LEED certification you are seeking** < BLANK >

**Will project result in significant utility infrastructure cost or uses** No

What is the estimated project timetable (provide dates)

**Start date : acquisition of equipment or construction of facilities**

7/1/2024

**End date : Estimated completion date of project**

12/31/2024

**Project occupancy : estimated starting date of occupancy**

2/25/2025

Capital Project Plan / Budget

**Estimated costs in connection with Project**

**1.) Land and/or Building Acquisition**

\$ 673,000 square feet 30 acres

**2.) New Building Construction**

\$ 8,616,044 square feet

**3.) New Building addition(s)**

\$ 0 square feet

**4.) Reconstruction/Renovation**

\$ 0 square feet

**5.) Manufacturing Equipment**

\$ 0

**6.) Infrastructure Work**

\$ 0

**7.) Non-Manufacturing Equipment: (furniture, fixtures, etc.)**

\$ 0

**8.) Soft Costs: (Legal, architect, engineering, etc.)**

\$ 250,000

**9.) Other Cost**

\$ 317,205

**Explain Other Costs** Interconnection costs with National Grid

**Total Cost** \$ 9,856,249

Construction Cost Breakdown:

<b>Total Cost of Construction</b>	\$ 8,616,044 (sum of 2, 3, 4 and 6 in Project Information, above)
<b>Cost of materials</b>	\$ 6,628,478
<b>% sourced in Erie County</b>	22%

Sales and Use Tax:

<b>Gross amount of costs for goods and services that are subject to State and local sales and use tax- said amount to benefit from the Agency's sales and use tax exemption benefit</b>	\$ 2,349,000
<b>Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):</b>	\$ 205,537

\*\* Note that the estimate provided above will be provided to the New York State Department of Taxation and Finance. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to undertake the total amount of investment as proposed within this Application, and that the estimate, above, represents the maximum amount of sales and use tax benefit that the Agency may authorize with respect to this Application. The Agency may utilize the estimate, above, as well as the proposed total Project Costs as contained within this Application, to determine the Financial Assistance that will be offered.

**Project refinancing estimated amount, if applicable (for refinancing of existing debt only)** \$ 0

**Have any of the above costs been paid or incurred as of the date of this Application?** Yes

**If Yes, describe particulars:**

Sources of Funds for Project Costs:

<b>Equity (excluding equity that is attributed to grants/tax credits):</b>	\$
<b>Bank Financing:</b>	\$ 0
<b>Tax Exempt Bond Issuance (if applicable):</b>	\$ 0
<b>Taxable Bond Issuance (if applicable):</b>	\$ 0
<b>Public Sources (Include sum total of all state and federal grants and tax credits):</b>	\$ 1,961,960
<b>Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources)</b>	NYSERDA Community Solar DG Grant
<b>Total Sources of Funds for Project Costs:</b>	\$1,961,960



**Have you secured financing for the project?** Yes

Mortgage Recording Tax Exemption Benefit:

Amount of mortgage, if any that would be subject to mortgage recording tax:

<b>Mortgage Amount (include sum total of construction/permanent/bridge financing).</b>	0
<b>Lender Name, if Known</b>	
<b>Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%):</b>	\$0

Real Property Tax Benefit:

**Identify and describe if the Project will utilize a real property tax exemption benefit other than the Agency’s PILOT benefit (485-a, 485-b, other):**

IDA PILOT Benefit: Agency staff will indicate the estimated amount of PILOT Benefit based on estimated Project Costs as contained herein and anticipated tax rates and assessed valuation, including the annual PILOT Benefit abatement amount for each year of the PILOT benefit and the sum total of PILOT Benefit abatement amount for the term of the PILOT as depicted in the PILOT worksheet in the additional document section.

Percentage of Project Costs financed from Public Sector sources: Agency staff will calculate the percentage of Project Costs financed from Public Sector sources based upon the Sources of Funds for Project Costs as depicted above. The percentage of Project Costs financed from public sector sources will be depicted in the PILOT worksheet in the additional document section.

**Is project necessary to expand project employment?**

No

**Is project necessary to retain existing employment?**

No

**Will project include leasing any equipment?**

No

If yes, please describe equipment and lease terms.

Employment Plan (Specific to the proposed project location)

The Labor Market Area consists of the following six counties: Erie, Niagara, Chautauqua, Cattaraugus, Wyoming and Genessee.

By statute, Agency staff must project the number of FTE jobs that would be retained and created if the request for Financial Assistance is granted. Agency staff will project such jobs over the TWO Year time period following Project completion. Agency staff converts PT jobs into FTE jobs by dividing the number of PT jobs by two (2).

	<b>Current # of jobs at proposed project location or to be relocated at project location</b>	<b>If financial assistance is granted – project the number of FT and PT jobs to be retained</b>	<b>If financial assistance is granted – project the number of FT and PT jobs to be created upon 24 months (2 years) after Project completion</b>	<b>Estimate number of residents of the Labor Market Area in which the project is located that will fill the FT and PT jobs to be created upon 24 months (2 years) after project completion **</b>
<b>Full time</b>	0	0	0	0
<b>Part time</b>	0	0	0	2
<b>Total</b>	0	0	0	

**If you estimated new job growth over the next 2 years, please provide a short description of how those estimates were calculated (i.e. jobs per square foot, new contracts/increased revenues, etc.)**

We have planned for a dedicated team of 1-2 highly skilled technicians and maintenance personnel to conduct thorough routine preventative maintenance and perform meticulous site inspections, evaluating the performance of our solar farm. Additionally, we will have the valuable presence of 1-2 experienced sheep farmers who will be diligently overseeing the sustainable and eco-friendly grazing of vegetation across the expansive solar farm landscape.

Salary and Fringe Benefits for Jobs to be Retained and Created

<b>Job Categories</b>	<b># of Full Time Employees retained and created</b>	<b>Average Salary for Full Time</b>	<b>Average Fringe Benefits for Full Time</b>	<b># of Part Time Employees retained and created</b>	<b>Average Salary for Part Time</b>	<b>Average Fringe Benefits for Part Time</b>
<b>Management</b>	0	\$ 0	\$ 0	0	\$ 0	\$ 0
<b>Professional</b>	0	\$ 0	\$ 0	0	\$ 0	\$ 0
<b>Administrative</b>	0	\$ 0	\$ 0	0	\$ 0	\$ 0
<b>Production</b>	0	\$ 0	\$ 0	0	\$ 0	\$ 0
<b>Independent Contractor</b>	0	\$ 0	\$ 0	0	\$ 0	\$ 0
<b>Other</b>	2	\$ 0	\$ 0	0	\$ 7,500	\$ 0
<b>Total</b>	2			0		

\*\* Note that the Agency may utilize the foregoing employment projections, among other items, to determine the financial assistance that will be offered by the Agency to the Applicant. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to retain the number of jobs and create the number of jobs with respect to the Project as set forth in this Application.

Yes **By checking this box, I certify that the above information concerning the current number of jobs at the proposed project location or to be relocated to the proposed project location is true and correct.**

Employment at other locations in Erie County: (provide address and number of employees at each location):

<b>Address</b>	<b>Full time</b>	<b>Part time</b>	<b>Total</b>
	0	0	0
	0	0	0
	0	0	0

Payroll Information

**Annual Payroll at Proposed Project Site upon completion**

0

**Estimated average annual salary of jobs to be retained (Full Time)**

0

**Estimated average annual salary of jobs to be retained (Part Time)**

0

**Estimated average annual salary of jobs to be created (Full Time)**

0

**Estimated average annual salary of jobs to be created (Part Time)**

15,000

**Estimated salary range of jobs to be created**

<b>From (Full Time)</b>	0	<b>To (Full Time)</b>	0
<b>From (Part Time)</b>	0	<b>To (Part Time)</b>	15,000

### Section III: Facility Type - Single or Multi Tenant

#### Is this a Single Use Facility or a Multi-Tenant Facility?

Single Use Facility

#### For Single Use Facility

**Occupant Name** New Road Solar 1, LLC  
**Address** 800 New Road, Amherst NY 14228  
**Contact Person** Leigh McEntire  
**Phone** (315) 281-5509  
**Fax**  
**E-Mail** leigh@solsourcepower.com  
**Federal ID #** 88-2190071  
**SIC/NAICS Code**

SS

## **Section V: Retail Determination**

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

Please answer the following:

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

No

If yes, complete the Retail Questionnaire Supplement below. **If no, proceed to the next section.**

## **Section VI: Adaptive Reuse Projects**

Adaptive Reuse is the process of adapting old structures or sites for new purposes.

**Are you applying for tax incentives under the Adaptive Reuse Program?**

No

## Section VII: Inter-Municipal Move Determination

The Agency is required by state law to make a determination that, if completion of a Project benefiting from Agency Financial Assistance results in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, Agency financial Assistance is required to prevent the project occupant from relocating out of the state, or is reasonably necessary to preserve the project occupant's competitive position in its respective industry.

### Current Address

800 New Road

### City/Town

Amherst

### State

New York

### Zip Code

14228

**Will the project result in the removal of an industrial or manufacturing plant of the Project occupant from one area of the state to another area of the state?**

No

**Will the project result in the abandonment of one or more plants or facilities of the Project occupant located within the state?**

No

**If Yes to either question, explain how, notwithstanding the aforementioned closing or activity reduction, the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry:**

**Does this project involve relocation or consolidation of a project occupant from another municipality?**

**Within New York State**

No

**Within Erie County**

No

**If Yes to either question, please, explain**

**Will the project result in a relocation of an existing business operation from the City of Buffalo?**

No

**If yes, please explain the factors which require the project occupant to relocate out of the City of Buffalo (For example, present site is not large enough, or owner will not renew leases etc.)**

**What are some of the key requirements the project occupant is looking for in a new site? (For example, minimum sq. ft., 12 foot ceilings, truck loading docs etc.)**

**If the project occupant is currently located in Erie County and will be moving to a different municipality within Erie County, has the project occupant attempted to find a suitable location within the municipality in which it is currently located?**

No

**What factors have lead the project occupant to consider remaining or locating in Erie County?**

**If the current facility is to be abandoned, what is going to happen to the current facility that project occupant is located in?**

**Please provide a list of properties considered, and the reason they were not adequate. (Some examples include: site not large enough, layout was not appropriate, did not have adequate utility service, etc.) Please include full address for locations.**

N/A

## **Section VIII: Senior Housing**

IDA tax incentives may be granted to projects under the Agency's Senior Citizen Rental Housing policy when the project consists of a multi-family housing structure where at least 90% of the units are (or are intended to be) rented to and occupied by a person who is 60 years of age or older.

**Are you applying for tax incentives under the Senior Rental Housing policy?**

No



## **Section IX: Tax Exempt Bonds**

In order to receive the benefits of a tax-exempt interest rate bond, private borrowers and their projects must be eligible under one of the federally recognized private active bond categories (Fed Internal Rev Code IRC sections 142-144, and 1394).

**Are you applying for tax exempt bonds / refinancing of bonds related to a residential rental facility project?**

No

TOWN OF AMHERST  
PLANNING BOARD  
SITE PLAN RESOLUTION  
SP-2023-01

PETITIONER

Sol Source Power, LLC  
1 Washington Place  
Troy, NY 12180

PROPERTY LOCATION

800 & 850 New Road

'23 AUG 25 AM 9:46

WHEREAS, the Town of Amherst Planning Board on Thursday, August 17, 2023 held a public hearing on a Site Plan for the construction of a Tier III Solar Energy System, and

WHEREAS, the Planning Board reviewed the plans and specifications for the proposed project, and

WHEREAS, the Site Plan was referred to the Town's various review agencies, and

WHEREAS, in accordance with Section 8-7-9 of the Zoning Ordinance, the Planning Board finds that:

- A. The proposed site plan is consistent with the development plan if one is required.
- B. The proposed site plan is consistent with the purpose and specific requirements of the Zoning Ordinance and generally consistent with the policies of the Comprehensive Plan.
- C. Adequate services and utilities will be available prior to occupancy.
- D. The site plan is consistent with all other applicable laws.
- E. Pursuant to Local Law #3-82, as amended, the Planning Board has determined that the requirements of SEQR are complete and that the subject proposal is not expected to have a significant adverse effect on the environment.
- F. Review by the US Army Corps of Engineers under Section 404 of the Clean Water Act is required since hydric / potentially hydric soils have been identified on the parcel.

NOW THEREFORE BE IT RESOLVED that in accordance with 6 NYCRR, Part 617 and Local Law #3-82, as amended, the Planning Board has issued a Negative Declaration attached hereto, and

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Board, in accordance with Section 8-7 of the Zoning Ordinance approves said Site Plan subject to the following conditions:

1. That the consideration of signs is specifically excluded from this approval as they require a separate review and approval by the Town.

TOWN OF AMHERST  
PLANNING BOARD  
SITE PLAN RESOLUTION  
SP-2023-01

PETITIONER

Sol Source Power, LLC

PROPERTY LOCATION

800 & 850 New Road

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2. That all dumpsters/trash containers and all mechanical equipment, utility structures, multiple meter boards, generators, and similar appurtenances, including those which are mounted on any part of a primary structure shall be appropriately screened with a fence, wall, and/or landscaping. Provide gate on dumpster enclosure that shall be closed whenever dumpster is not being serviced, enclosure shall be high enough to screen the dumpster(s) within.
3. That as-built record drawings, including location of utilities, be provided to the Engineering Department prior to issuance of a Certificate of Occupancy by the Building Department.
4. At the time of inspection for the certificate of compliance, the Town can require supplemental plantings in accordance with §203-7-2-4B(a) of Town Code to satisfy buffer and screening requirements.
5. The parcels located at 800 & 850 New Road to be merged prior to issuance of final approved site plan drawings.
6. That the petitioner is required to mitigate any glare produced by the array along Hopkins, Smith, New Roads and Millersport Highway by supplementing the existing vegetative screening with additional line-of-sight plantings on the subject site if complaints relating to glare are received by the Building Department.
7. That the petitioner provide a copy of any and all USACOE, USFW, and NYSDEC permit applications to the Planning Department when filed.
8. Tree removals outside of the fenced compound will not be authorized without evidence that such removals are necessary for the operation of the solar arrays.
9. That the petitioner or petitioner's contractor obtain any and all permits from the Erie County Department of Public Works- Highways Division for any work within the New Road right-of-way.
10. That the petitioner satisfy the requirements of the Stormwater Management Officer in their review letter dated May 2, 2023 to the satisfaction of the Officer.
11. That the petitioner provide documentation of the co-location of an agricultural use as required by §203-6-10-7B(8) of Town Code.
12. That any potentially hazardous metals in the solar panels be securely contained in the event of a breakage or fire.

TOWN OF AMHERST  
PLANNING BOARD  
SITE PLAN RESOLUTION  
SP-2023-01

PETITIONER

Sol Source Power, LLC

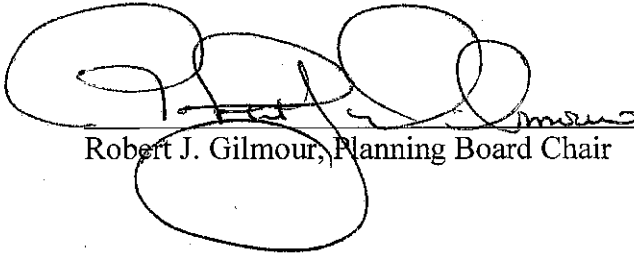
PROPERTY LOCATION

800 & 850 New Road

13. That the Town Board issue a Special Use Permit pursuant to §203-8-6-1(D) of Town Code.

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The foregoing resolution was adopted by the Town of Amherst Planning Board, August 17, 2023; moved by Chmiel; seconded by Kahn; ayes 6, noes 0; absent 1 (Raffele).



Robert J. Gilmour, Planning Board Chair

8/24/23  
Date

TV/ac

X:\Current\_Planning\Files\Site Plans\2023\SP-2023-01\_(800\_&\_850\_New\_Road)\_2023\SP-2023-01\_resolution\_081723.doc

cc: Commissioner of Building

Approved Plan: Erdman Anthony

Town Engineer

Received: July 18, 2023

Fire Chiefs

Traffic/Safety

Highway Superintendent

ECDEP

NYSDEC

Steve Long, Sol Source Power, 1 Washington Place, Troy, NY 12180

Marc Kenward, Erdman Anthony Consulting, 145 Culver Rd., Ste. 200, Rochester, NY 14620



Brian J. Kulpa  
Supervisor

Daniel C. Howard, AICP  
Planning Director

Daniel J. Ulatowski, AICP  
Assistant Planning Director

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### SEQR Negative Declaration

#### NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

<b>Lead Agency:</b>	Town of Amherst Planning Board	<b>Project:</b>	SP-2023-01
<b>Address:</b>	5583 Main Street Williamsville, NY 14221 (716) 631-7051	<b>Date:</b>	August 17, 2023

This notice is issued pursuant to Part 617 and Local Law #3-82, as amended, of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant adverse effect on the environment.

**Title of Action:** Site Plan Review

**SEQR Status:** Type 1 Action

**Description of Action:** The construction of a Tier III Solar Energy System (5Mw of power) that includes a solar array, an access road and associated equipment pads interior to the site. The array will be located on 27.52 ± acres of the total 51.98 ± acres of land and a fence will surround the entire project site. Work will include the site improvements not specifically stated above, including, stormwater, utilities, grading, lighting, paving, and landscaping.

**Location:** 800 & 850 New Road, Amherst, Erie County

**Petitioner:** Sol Source Power, LLC

**REASONS SUPPORTING THIS DETERMINATION**

Based on information submitted by the applicant including a Full Environmental Assessment Form (EAF) - Part I, (as amended) and a complete site plan application, a preliminary staff analysis was undertaken. Compared to the criteria listed in Section 617.7, all indications are that this action will not have a significant impact on the environment, as follows:

1. The Engineering Department on April 18, 2023 reviewed the Grading, Drainage and Utility, and Erosion Control Plans submitted on April 14, 2023. A Custom Soil Resource Report for the subject site was prepared by the United States Department of Agriculture with the National Resources Conservation Services and submitted to the Planning Department on January 23, 2023. The project is not expected to cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, or noise levels; a substantial increase in solid waste production; or a substantial increase in the potential for erosion, flooding, leaching or drainage problems.

The Stormwater Pollution Prevention Plan (SWPPP) submitted on July 20, 2023 was also reviewed. Based on its review of these documents, the Stormwater Management Officer has determined that the project has or will have met all applicable requirements and has no objection to its approval.

2. The Planning Department reviewed a Landscape Plan submitted on July 18, 2023 and determined that it meets or exceeds Zoning Ordinance requirements for greenspace. The Landscape Plan has or will have met all Zoning Ordinance and Town requirements for landscaping.

A Forestry Assessment Report prepared by Keister Consulting Inc., stated that the removal of trees on the subject site is justified due to the lack of significant trees both in size and health. It was further stated that many of the existing trees are being negatively impacted by insects and that the existing groundcover would prohibit the growth of new trees.

Further, a Habitat Assessment Report was prepared by Earth Dimensions Inc., concluded that the subject site contains a potentially suitable habitat for the Monarch Butterfly and the Northern long-eared Bat. In response, the petitioner has agreed to use a wildflower seed mix to mitigate for the potential impacts to the Monarch Butterfly' habitat. The New York State Department of Environmental Conservation (NYSDEC) in their letter dated May 23, 2023, states that there is "no records of rare or state-listed animals or plants, or significant natural communities at the project site or in its immediate vicinity".

Therefore, the project will not result in the removal or destruction of large quantities of vegetation or fauna; or in significant adverse impacts to fish or wildlife species, habitats or other natural resources.

3. The project is not expected to create any substantive conflict with the Town Comprehensive Plan. The Planning Department in their review of August 1, 2023 has reviewed the application documents and Building Department in their review of April 19, 2023 has reviewed the application documents and determined that the subject project has or will have met all International Building Code – 2015 and Zoning Ordinance regulations.
4. The project is within an area identified by the State as having potential archaeological or historical significance. A Phase 1 Archeological Investigation was prepared by Hartgen Archeological Resources and received by the Planning Department on July 18, 2023 concluded that the project will not have a significant impact on historical or cultural resources. The NYS Office of Parks, Recreation and Historic Preservation has reviewed the project and, as stated in their letter of June 13, 2023, determined that there will be no impact on these resources.
5. The project will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character. The project is located in the Suburban Agriculture (SA) zoning district; neighboring uses are single family residential on the east, west, and south zoned SA, vacant land to the north zoned SA, and vacant land to the east and south zoned Traditional Neighborhood Development District (TND); therefore, the project is consistent with surrounding land use and zoning designations.
6. The proposed subject development will include the construction of a Tier III Solar Energy System which will not cause a major change in the use of either the quantity or type of energy.
7. The project will not create any hazard to human health. The Fire Chief's Association on April 21, 2023, has reviewed the project and has no objection to the approval of the site plan, as all requirements of this agency has or will have been met.
8. The project will not cause a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. The use of sheep, goats, lambs or practices such as Apiculture is required to be incorporated into the project to maintain an agricultural use of that land. Further, a vegetative management plan has been submitted and reviewed by the Town's Landscape Architect that includes the preservation of existing vegetation and soils. The construction of a Tier III Solar Energy System on approximately 53% of the subject site (27.52 out of 51.98 acres) will be consistent with the scale of surrounding land uses.
9. The function of the proposed construction of a Tier III Solar Energy System will not significantly increase the number of people using the site over its previous level of use.

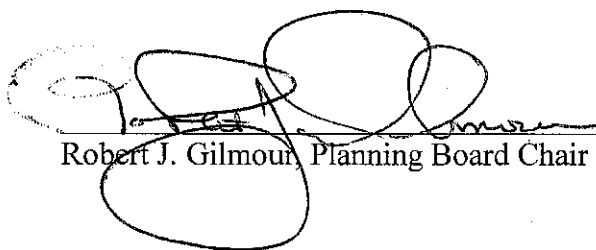
10. Review by the Town Traffic/Safety Board dated April 20, 2023, and NYSDOT dated February 2, 2023, indicates that significant negative traffic impacts are not expected to result from the proposed project.
11. A coordinated review of the project has been undertaken by Town Departments, in addition to those mentioned above, Highway on March 27, 2023, Assessor on February 2, 2023, , and Right-of-Way Agent on February 2, 2023 along with outside agencies including the Erie County Department of Environment and Planning on February 22, 2023, New York State Department of Transportation on February 2, 2023, New York State Department of Environmental Conservation on February 9, 2023, and the New York State Office of Parks, Recreation and Historic Preservation on June 13, 2023. These reviews have not identified any significant environmental issues and indicate that the proposal will not have a significant damaging impact on the environment.
12. Issues not specifically mentioned above and/or those not specifically reviewed were not raised by Town departments, outside agencies or the public and are not determined to cause significant negative environmental impacts.

Planning Board Approval

Moved by: Chmiel; Seconded by: Kahn Ayes 6, Noes 0, Absent 1 (Raffaele)

  
Thomas J. Voigt, Assistant Planner

8/24/23  
Date

  
Robert J. Gilmour, Planning Board Chair

8/24/23.  
Date

TV/ac

X:\Current\_Planning\Files\Site Plans\2023\SP-2023-01 (800\_&\_850\_New\_Road)\_2023\SP-2023-01\_neg dec\_081723.docx

cc: Commissioner of Building  
Town Engineer  
Fire Chiefs'  
Highway  
Traffic/Safety  
ECDEP  
NYSDEC  
Steve Long, Sol Source Power, 1 Washington Place, Troy, NY 12180  
Marc Kenward, Erdman Anthony Consulting, 145 Culver Rd., Ste. 200, Rochester, NY 14620



# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

of Amherst, New York

FILED  
STATE RECORDS  
MAR 28 2023

Local Law No. 6 of the year 2023

A local law Amending Chapter 203 of the Town of Amherst Code, Known as the Zoning Ordinance,  
(Insert Title)  
to Rezone 800 New Road from General Business to Suburban Agricultural and to

Amend the Zoning Map Accordingly.

Be it enacted by the Town Board of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Amherst, NY as follows:

See attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 2023 of the ~~(County)(City)(Town)(Village)~~ of Amherst, NY was duly passed by the Town Board on March 20, 2023, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the ~~(County)(City)(Town)(Village)~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on 20    , in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the ~~(County)(City)(Town)(Village)~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the ~~(County)(City)(Town)(Village)~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local *(Elective Chief Executive Officer\*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

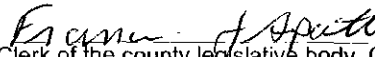
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.

 **Francina J. Spoth**  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

**March 23, 2023**

Date: \_\_\_\_\_

(Seal)

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF \_\_\_\_\_

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

County \_\_\_\_\_  
City of \_\_\_\_\_  
Town \_\_\_\_\_  
Village \_\_\_\_\_

Date: \_\_\_\_\_

**LOCAL LAW NO. 6-2023**  
**TOWN OF AMHERST**  
**COUNTY OF ERIE, STATE OF NEW YORK**

**A LOCAL LAW AMENDING CHAPTER 203 OF THE TOWN OF AMHERST  
CODE, KNOWN AS THE ZONING ORDINANCE, TO REZONE  
800 NEW ROAD FROM GENERAL BUSINESS TO SUBURBAN AGRICULTURAL AND  
TO AMEND THE ZONING MAP ACCORDINGLY.**

Be it enacted by the Town Board of the Town of Amherst as follows:

Section 1. Title.

This Local Law shall be referred to as, "A Local Law Amending Chapter 203 of Town of Amherst Code, Known as the Zoning Ordinance, to Rezone 800 New Road from General Business to Suburban Agricultural and to Amend the Zoning Map Accordingly."

Section 2. Legislative Findings and Intent.

The Town Board of the Town of Amherst finds that an application to rezone 800 New Road from General Business to Suburban Agricultural zoning has been filed and is in proper order. The Town Board further find that the rezoning is consistent with the Comprehensive Plan.

Section 3. Amherst Zoning Map

The Town Board hereby amends its zoning map which is incorporated by reference in the Town zoning code by amending from General Business to Suburban Agricultural the zoning of 800 New Road, **subject to any conditions imposed by the authorizing resolution**; legally described as follows:

ALL THE TRACT OF PARCEL LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Farm Lot 54, Township 13, Range 7 of the Holland Company's Survey, bounded and described as follows:

Beginning at a point in the center line of New Road 66 feet measured at right angles, 67.64 feet measured along said center line, northerly from the south line of said lot No. 54, said point being the northeast corner of premises conveyed to Iroquois Gas Corporation by deed recorded in Erie County Clerk's Office in Liber 7431 of deed at page 136, thence westerly parallel with the southerly line of Lot 54 and along the northerly line of premises of Iroquois

Gas Corporation a distance of 780.00 feet to a point; thence northerly at right angles a distance of 195.32 feet to a point; thence easterly parallel with the southerly line of lot 54, a distance of 737.0 feet to a point in the center line of New Road; thence southerly along the center line of New Road 200.0 feet to point of beginning, containing 148,150 square feet of land or 3.40 acres.

Section 4. Validity.

This Local Law is adopted under the authority granted to the Town Board of the Town of Amherst pursuant to §§10(1)(ii)(a)(12), 20 and 27 of the Municipal Home Rule Law and §265 of the Town Law of the State of New York.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be effect without such invalid provision.

Section 5. Effective Date.

This Local Law shall take effect immediately when it is filed in the Office of Secretary of State in accordance with Section 27 of the Municipal Home Rule Law and published pursuant to Sections 130 & 133 of the Town Law and Chapter 28 of the Code of the Town of Amherst.

**Francina Spoth  
Town Clerk  
Town of Amherst  
County of Erie, State of New York**

Adopted: March 20, 2023



# TOWN OF AMHERST

5583 Main Street | Williamsville, NY 14221  
(716) 631-7000



(../..//INDEX.PHP)

NAVIGATION ▼

[Home \(../index.php\)](#) / [CPI Search \(cpi\\_search.php\)](#) / [Property Details \(cpi\\_detail.php?fld\\_swissbl=1422890160000002014200\)](#) / [CPI Two Year Tax History](#)

## Subject Property

**Address:** 800 New Rd

**Section, Block & Lot (SBL):** 16.00-2-14.2

**Owner Name:** Cimato Enterprises Inc,



(../..//images/cpi\_nophoto.jpg)

## 2023 Town / County Taxes

**Tax Bill:** \$ 1,937.09

**Exemption Savings:** \$ 0.00

**True Tax Amount:** \$ 1,937.09

**Payment Amount:** 1,937.09

**Payment Date:** 02/10/2023

**Tax Bill Percent Change:** 1.70%

## 2022 Town / County Taxes

**Tax Bill:** \$ 1,905.56

**Exemption Savings:** \$ 0.00

**True Tax Amount:** \$ 1,905.56

**Payment Amount:** \$ 1,905.56

**Payment Date:** 02/10/2022

## 2023-2024 School Taxes

**Tax Bill:** \$ 2,632.34

**Exemption Savings:** \$ -0.00

**True Tax Amount:** \$ 2,632.34

**Payment Amount:** \$ 0.00

**Payment Date:**

**Tax Bill Percent Change:** 1.90%

## 2022-2023 School Taxes

**Tax Bill:** \$ 2,583.31

**Exemption Savings:** \$ -0.00

**True Tax Amount:** \$ 2,583.31

**Payment Amount:** 2,583.31

**Payment Date:** 10/07/2022

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## About Amherst

The Town of Amherst was established in 1818 and celebrated its **200th Anniversary** (<http://www.amherst.ny.us/content/anniversary.php?section=intro>) in 2018. The town has a geographical area of 53.6 square miles and a population of greater than 122,000.

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## Americans with Disabilities Act (ADA)

The Town of Amherst ADA Coordinators are Robert McCarthy (Director of Human Resources) and Mark Berke (Commissioner of Buildings).

Click ([../content/ada.php](#)) for more information about ADA.

## Website Contact

The Town of Amherst takes great pride in providing useful, timely and accurate information through its official website. We encourage public participation in our website and ask that you provide your **feedback** ([mailto:toawebsite@amherst.ny.us?subject=contact website administrator](mailto:toawebsite@amherst.ny.us?subject=contact%20website%20administrator)) to help us make our site even better. Contact the website administrator at [toawebsite@amherst.ny.us](mailto:toawebsite@amherst.ny.us) ([mailto:toawebsite@amherst.ny.us?subject=contact website administrator](mailto:toawebsite@amherst.ny.us?subject=contact%20website%20administrator)).



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[Home \(../index.php\)](#) / [CPI Search \(cpi\\_search.php\)](#) / [Property Details \(cpi\\_detail.php?fld\\_swissbl=1422890160000002014100\)](#) / [CPI Two Year Tax History](#)

## Subject Property

**Address:** 850 New Rd

**Section, Block & Lot (SBL):** 16.00-2-14.1

**Owner Name:** Cimato, Anthony



(../..//images/cpi\_nophoto.jpg)

## 2023 Town / County Taxes

**Tax Bill:** \$ 1,055.65

**Exemption Savings:** \$ 0.00

**True Tax Amount:** \$ 1,055.65

**Payment Amount:** 1,055.65

**Payment Date:** 02/10/2023

**Tax Bill Percent Change:** 1.50%

## 2022 Town / County Taxes

**Tax Bill:** \$ 1,039.95

**Exemption Savings:** \$ 0.00

**True Tax Amount:** \$ 1,039.95

**Payment Amount:** \$ 1,039.95

**Payment Date:** 02/10/2022



## 2023-2024 School Taxes

**Tax Bill:** \$ 1,333.09

**Exemption Savings:** \$ -0.00

**True Tax Amount:** \$ 1,333.09

**Payment Amount:** \$ 0.00

**Payment Date:**

**Tax Bill Percent Change:** 1.90%

## 2022-2023 School Taxes

**Tax Bill:** \$ 1,308.26

**Exemption Savings:** \$ -0.00

**True Tax Amount:** \$ 1,308.26

**Payment Amount:** 1,308.26

**Payment Date:** 10/07/2022

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