

TOWN OF CAMBRIA, NEW YORK
4160 Upper Mountain Road
Sanborn, New York 14132
Jon T. MacSwan, Town Supervisor

TOWN OF PENDLETON, NEW YORK
6570 Campbell Blvd.
Lockport, New York 14094
Joel Maerten, Town Supervisor

July X, 2025

Via FedEx Overnight Delivery

Niagara County Industrial Development Agency
Attn: Mark. A. Onesi, Chairperson
6311 Inducon Corporate Drive
Samuel M. Ferraro Center, Suite One
Sanborn, New York 14132

Re: Bear Ridge Solar Project (the “Project”) – Potential PILOT Application

Dear Chairperson Onesi and Members of the Board:

This letter is submitted on behalf of the respective town boards of the Town of Cambria and Town of Pendleton (the “Host Towns”) to communicate to the Niagara County Industrial Development Agency (“NCIDA”) our position on the anticipated application for financial assistance from the developer of the Bear Ridge Solar Project.

The Host Towns support the NCIDA’s conditional approval of an application for financial assistance, inclusive of a payment-in-lieu-of-taxes (“PILOT”) agreement, provided the annual PILOT payment is no more than \$2,000 times the total number of megawatts ac (“MW”) of maximum nameplate generating capacity of the Project. Our rationale for this position will be explained further below. But at the outset, it should be noted that the Host Towns’ support for a PILOT agreement for the Project does not indicate support for the Project itself. Indeed, the Host Towns continue to be frustrated by the State’s violation of home rule principles permitting the Project over the objection of local communities. Nevertheless, the Host Towns, being impacted most by the Project, need to make decisions that are in the best interests of their residents in light of the fact that the Project is very likely to proceed.

We recognize that the NCIDA recently amended its policy to make solar energy facilities eligible for financial assistance and setting certain parameters for a PILOT agreement. However, it is respectfully submitted that for this Project, a lower per-MW number is appropriate here to allow the Host Towns to negotiate appropriate Host Community Agreements (“HCAs”) that will mitigate impacts that are unique to the Host Towns. We are currently negotiating with the developer and the Host Towns’ share of the prospective PILOT is not commensurate with the share of impacts from the Project. The Host Towns bear the brunt of visual impacts, loss of farmland, noise, demand on emergency services, construction, traffic, need to review and issue building permits and certificates of occupancy, and the list goes on. Conversely, under State law, the primary beneficiary of a higher PILOT is the school district, which has no negative impacts as this Project will not create long-term jobs and thus will not increase school

enrollment. Nor do residents on the other side of the County feel these impacts in the same way. A lower PILOT allows NCIDA to match the benefits of the Project with the costs.

We emphasize that we do not support any request from the developer for reduction in NCIDA's fee. While such requests are common, we believe NCIDA should insist on its full fee, which provides economic benefits to the entire County.

We believe the Host Towns' proposed PILOT number, with appropriate HCAs, is consistent with how large renewable energy projects have been handled in other jurisdictions and would be the best possible outcome for the communities most impacted. We would be happy to meet with the NCIDA staff and board at a mutually convenient time to discuss this further.

We appreciate your support and assistance in this regard.

Very truly yours,

Jon T. MacSwan
Town Supervisor
Town of Cambria

Very truly yours,

Joel Maerten
Town Supervisor
Town of Pendleton

cc (via e-mail): Andrea Klyczek, Executive Director