



Cortland County

Industrial Development Agency

Regular Meeting of the Members of the Cortland County Industrial Development Agency

July 14, 2025 – Noon

40-42 Main Street, Suite A, 2nd Floor Cortland New York, 13405

Roll Call-

Mike McMahon	Chairman	
Stephen Compagni	Vice Chairman	
Clint Brooks	Secretary	
Deborah Hayden	Treasurer	
Dr. Kathleen Burke	Member	
William McGovern	Member	
Donald Richards	Member	
<u>Melanie Vilardi</u>	Executive Director	
<u>Andrea Skeels</u>	Corporate Finance Officer	
<u>Ashley Riehlman</u>	Community Relations Specialist	

Approval of Minutes – June 16, 2025

New Business

1. Consideration of Preliminary Inducement – Byrne Dairy
2. SEQR Determination/Recommendations – Byrne Dairy

Old Business

1. 40 Main St, Cortland Update

Monthly Reports

1. Finance Report
2. Director's Report

Adjourn –



Cortland County
Industrial Development Agency

Minutes



Cortland County

Industrial Development Agency

Regular Meeting of the Members of the Cortland County Industrial Development Agency

June 16, 2025 – Noon

40-42 Main Street, Suite A, 2nd Floor Cortland New York, 13405

Roll Call-

Chairman McMahon called the meeting to order at 12:03 pm

Mike McMahon	Chairman	<u>Present</u>
Stephen Compagni	Vice Chairman	<u>Absent</u>
Clint Brooks	Secretary	<u>Present</u>
Deborah Hayden	Treasurer	<u>Present</u>
Dr. Kathleen Burke	Member	<u>Present</u>
William McGovern	Member	<u>Present</u>
Donald Richards	Member	<u>Absent</u>
<u>Melanie Vilardi</u>	Executive Director, Interim	<u>Present</u>
<u>Andrea Skeels</u>	Corporate Finance Officer	<u>Present</u>
<u>Ashley Riehlman</u>	Community Relations Specialist	<u>Present</u>
<u>John Sidd</u>	Agency Council	<u>Present - Zoom</u>
<u>Marie Weiss</u>	Carpenters Union	<u>Present – Zoom</u>

Approval of Minutes – May 12, 2025 -

Chairman McMahon made a motion to approve the minutes as presented, Ms. Hayden seconded the motion; all voting in favor, none opposed.

New Business

1. EPA Brownfield Grant – IDA has been awarded a \$500,000 grant to identify and prepare assessments on brownfield sites within Cortland County. Public outreach will be planned as the first step after the contract is signed with C&S. As this is completed, other grants will be identified and applied for the next phase. Resolution relates to the potential BOA grant application process that is contingent on what Cortland County plans for the same application.
2. 40 Main St, Cortland Update – Discussed the potential purchase of 40 Main St. from Downtown Partnership (“DP”). DP is waiting on the receipt of grant monies and then will be able to proceed



Cortland County

Industrial Development Agency

with a sale. Appraisal dated January 2023 - Mr. Sidd discussed the need for a new appraisal. The only known update needed at this time is the elevator roof will need to be replaced in the near future. The Attorney General will need to approve the sale of the building due to it being the sole asset of the DP.

3. 2025 Board Meeting Schedule – Approved
4. Cost Benefit Analysis Tool – Purchase of the Cost Benefit Analysis Tool was presented purchase was encouraged

Monthly Reports –

1. Finance Report – CFO discussed current finance reports.
2. Directors Report – Attached.

Adjourn – Meeting was adjourned at 12:59pm



BDC/IDA Annual Board Meeting Schedule

July 14, 2025 Monday

August 18, 2025 Monday

September 8, 2025 Monday

October 14, 2025 Tuesday

November 10, 2025 Tuesday

December 8, 2025 Monday

Director's Report

June 13, 2025

Current:

- Nomadic Security
 - Todd Curtis & John Kuiken
 - TC3/SUNY
- Housing Opportunities – needs assessments, grants, partners
- AES Solar – formerly EDF – Cortlandville, Homer, Solon
 - Submitted PILOT Agreement – lacking assessment
- Solar Community Meeting Recap
- Marathon NY Forward
 - First public engagement 6.10.25
- Homer Bridge – FEMA \$739k
- Byrne Dairy Phase 2
 - Submitted draft PILOT Agreement \$120m/100 jobs
- Gillette Factory Update
- Small Business Development Center (“SBDC”)
- Broadband update
- Railroad PILOT term ends 12.31.25
- Cortland Standard Building
- 40 Main St Update

On the Horizon:

- Micron
- Meet and Greets
 - NETS
 - Pyrotek
 - Dana Hoffman
 - Bob Haight
 - Jerry Contento

Meet & Greets completed

- Rotary
- David Yaman/Brian Halladay
- Brian Fitts – Assessor
- Jordan Berti – C&S
- Fred Forbes – Homer Board/Landowner
- Jim Gosier – Byrne Dairy
- Michele Baran – SBDC
- Mayor Steve – City of Cortland
- Tom Gallagher – Community Foundation
- Mike Eves – Homer Radio
- Johanna Ames – Business Owner
- Rich Cunningham/Dan Ellis – Thoma
- Victor Siegle - Citizen



Consideration of Preliminary Inducement

Byrne Dairy

- Project Rationale
- Project Summary
- Application for Assistance

A regular meeting of Cortland County Industrial Development Agency (the "Agency") was convened in public session at the offices of the Agency located at 40 Main Street, Suite A, in the City of Cortland, Cortland County, New York on July 14, 2025, at 12:00 o'clock p.m., local time.

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

PRESENT:

Michael McMahon	Chairman
Stephen Compagni	Vice Chairman
Clinton Brooks	Secretary
Deborah Hayden	Treasurer
Kathleen Burke	Member
Donald Richards	Member
William McGovern	Member

ABSENT:

FOLLOWING PERSONS WERE ALSO PRESENT:

Melanie Vilardi	Executive Director
Andrea Skeels	Director of Finance and Project Development
Ashley Riehlman	Community Relations Specialist
John P. Sidd, Esq.	Agency Counsel

The following resolution was offered by _____, seconded by _____, to wit:

Resolution No. _____

**RESOLUTION TAKING PRELIMINARY OFFICIAL ACTION
TOWARD THE ACQUISITION, CONSTRUCTION,
INSTALLATION AND LEASING OF A CERTAIN
COMMERCIAL PROJECT FOR C'VILLE, LLC**

WHEREAS, Cortland 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 77 of the 1974 Laws of New York, as amended, constituting Section 902 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 commercial 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, C'Ville, LLC (the "Company") has presented an application (the "Application") to the Agency, a copy of which was presented at this meeting and copies of which are on file at the office of the Agency, requesting that the Agency consider undertaking a project (the "Project") consisting of the following: (A) (1) the acquisition of an interest in a \pm 22.5 acre parcel of land (the "Land") located at 3114 - 3168 Byrne Hollow Crossing and Osbeck Lane in the Town of Cortlandville, Cortland County, New York, (2) construction on the Land of an expansion to the existing 70,000 square foot dairy processing plant on adjacent property, the expansion to be completed in two (2) stages, the first (Phase 2A) being a 26,000 square foot manufacturing facility to house processing and blend/batch equipment for the existing dairy processing operation, and the second stage (Phase 2B) being 74,560 square feet of additional space for new processing, filling, packaging and warehousing operations (the "Facility"), and (3) the acquisition and installation therein and thereon of fixtures and equipment comprising the Facility (the "Equipment"), all of the foregoing to constitute a dairy manufacturing facility to be operated by the Company or affiliated entities (the Land, Facility and 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 taxes, real estate transfer taxes, mortgage recording taxes and real property 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 given due consideration to the Application and to representations by the Company that (A) the granting by the Agency of the Financial Assistance with respect to the Project will be an inducement to the Company to undertake the Project in Cortland County, New York, and (B) the completion of the Project Facility will not result in the removal of an industrial or manufacturing plant of the Company or any other proposed occupant of the Project Facility from one area of the State of New York to another area of the State of New York or in the abandonment of a plant or facility of the Company or any other proposed occupant of the Project Facility located in the State of New York; and

WHEREAS, the Agency desires to encourage the Company to preserve and advance the job opportunities, health, general prosperity and economic welfare of the people of Cortland County, New York by undertaking the Project in Cortland County, New York; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act"), and the regulations (the "Regulations") adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, "SEQRA"), the Agency is required to make a SEQRA determination for the Project prior to granting the Financial Assistance; and

WHEREAS, pursuant to the Act, any approval of the Project contained herein is contingent upon a determination by the members of the Agency to proceed with the Project following satisfaction of the public hearing and notice requirements and other procedural requirements contained in Section 859-a of the Act that relate to the Project and full compliance with SEQRA; and

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

Section 1. The Agency has reviewed the Application and based upon the representations made by the Company to the Agency in the Application and at this meeting and, based thereon, the Agency hereby makes the following findings and determinations with respect to the Project:

- (A) The Project constitutes a "project" within the meaning of the Act; and
- (B) The completion of the Project Facility will not result in the removal of an industrial or manufacturing plant of the Company or any other proposed occupant of the Project Facility from one area of the State of New York to another area of the State of New York and the completion of the Project Facility will not result in the abandonment of a plant or facility of a proposed occupant of the Project Facility located in the State of New York.
- (C) The Project Facility will not constitute a project where facilities or property that are primarily used in making retail sales of goods or services to customers who personally visit such facilities constitute more than one-third of the total cost of the Project; and
- (D) The granting of the Financial Assistance by the Agency with respect to the Project, through the granting of the various tax exemptions described in Section 2(D) of this Resolution, will promote the job opportunities, health, general prosperity and economic welfare of the inhabitants of Cortland County, New York and the State of New

York and improve their standard of living, and thereby serve the public purposes of the Act; and

(E) A coordinated SEQRA review of the Project was undertaken by the Town of Cortlandville Planning Board (the "Planning Board") acting as lead agency and, on or about June 24, 2025, the Planning Board determined that the Project would not cause a significant adverse environmental impact (a "Negative Declaration"); and

(F) The determination of significance issued by the lead agency following coordinated review is binding on all other involved agencies, including the Agency, and the Agency is now authorized under the Act to undertake the Project in order to promote the job opportunities, health, general prosperity and economic welfare of the inhabitants of Cortland County, New York and the State of New York and improve their standard of living.

Section 2. If, following full compliance with the Act, including the public hearing requirements set forth in Section 859-a of the Act, the Agency adopts a future resolution (the "Future Resolution") determining to proceed with the Project and to grant the Financial Assistance with respect thereto and the Company complies with all conditions set forth in the Future Resolution, then the Agency will (A) acquire an interest in the Project Facility from the Company pursuant to a deed, lease agreement or other documentation to be negotiated between the Agency and the Company (the "Acquisition Agreement"); (B) construct the Facility and acquire and install the Equipment in the Facility or elsewhere on the Land; (C) lease (with the obligation to purchase) or sell the Project Facility to the Company pursuant to a lease agreement or an installment sale agreement (hereinafter the "Project Agreement") between the Agency and the Company whereby the Company will be obligated, among other things, (1) to make payments to the Agency in amounts and at times so that such payments will be adequate to enable the Agency to timely pay all amounts due on the Acquisition Agreement and (2) to pay all costs incurred by the Agency with respect to the Project and/or the Project Facility, including all costs of operation and maintenance, all taxes and other governmental charges, any required payments in lieu of taxes and the reasonable fees and expenses incurred by the Agency with respect to or in connection with the Project and/or the Project Facility, and (D) provide the Financial Assistance with respect to the Project, in accordance with the Agency's uniform tax exemption policy, including (1) exemption from mortgage recording taxes with respect to any documents recorded by the Agency with respect to the Project in the Office of the County Clerk of Cortland County, New York or elsewhere, (2) exemption from sales taxes relating to the acquisition, construction and installation of the Project Facility, (3) exemption from deed transfer taxes and real estate transfer gains taxes on real estate transfers to and from the Agency with respect to the Project, and (4) exemption from real estate taxes (but not including special assessments and special ad valorem levies) relating to the Project Facility, subject to the obligation of the Company to make payments in lieu of taxes with respect to the Project Facility.

Section 3. If the Agency adopts the Future Resolution, the undertaking and completing of the Project by the Agency, and the granting of the Financial Assistance with

respect to the Project as contemplated by Section 2 of this Resolution, shall be subject to: (A) the determination by the members of the Agency to proceed with the Project following a determination by the members of the Agency that all requirements of SEQRA that relate to the Project have been fulfilled; (B) agreement by the Agency and the Company on mutually acceptable terms for the conveyance of the Land to the Agency; (C) agreement between the Company and the Agency as to payment by the Company of payments in lieu of taxes with respect to the Project Facility, together with the administrative fee of the Agency with respect to the Project; (D) a determination by the members of the Agency to proceed with the granting of the Financial Assistance with respect to the Project following a determination by the members of the Agency that the public hearing and notice requirements and other procedural requirements contained in Section 859-a of the Act have been complied with; (E) the Agency's uniform tax exemption policy or if any portion of the Financial Assistance to be granted by the Agency with respect to the Project is not consistent with the Agency's uniform tax exemption policy, the Agency must follow the procedures for deviation from such policy set forth in Section 874(b) of the Act prior to granting such portion of the Financial Assistance; and (F) the following additional condition(s): None.

Section 4. The officers, agents and employees of the Agency are hereby authorized, empowered and directed to proceed with the undertakings provided for herein on the part of the Agency and are further authorized to do all such acts and things and to execute all such documents as may be necessary or convenient to carry out and comply with the terms and provisions of this Resolution.

Section 5. John P. Sidd, Esq., of the law firm of Hancock Estabrook LLP is hereby appointed Special Counsel to the Agency with respect to all matters in connection with the Project. Special Counsel for the Agency is hereby authorized, at the expense of the Company, to work with the Company, counsel to the Company and others to prepare for submission to the Agency, all documents necessary to effect the transactions contemplated by this Resolution.

Section 6. Pursuant to Section 875(3) of the Act, the Agency shall recover, recapture, receive, or otherwise obtain from the Company that portion of the Financial Assistance which constitutes state sales and use tax exemptions taken or purported to be taken by the Company to which the Company is not entitled or which are in excess of the amount authorized by the Agency or which are for property or services not authorized by the Agency as part of the Project or were taken by the Company when the Company failed to comply with a material term or condition to use property or services in the manner required by the Agency. The Company shall cooperate with the Agency in its efforts to recover, recapture, receive, or otherwise obtain such state sales and use tax exemptions and shall promptly pay over any such amounts to the Agency. The failure to pay over such amounts to the Agency shall be grounds for the New York State Commissioner of Taxation and Finance to assess and determine state sales and use taxes due from the Company under Article 28 of the Tax Law of the State of New York, together with any relevant penalties and interest due on such amounts.

Section 7. The Executive Director of the Agency, prior to the granting of any Financial Assistance with respect to the Project, after consultation with Special Counsel, is authorized (A) to establish a time, date and place for a public hearing of the Agency to hear all persons interested in the location and nature of the Project Facility and the proposed Financial Assistance being contemplated by the Agency with respect to the Project, said public hearing to be held in the city, town or village where the Project Facility will be located; (B) to cause notice of such public hearing to be given to the public by publishing a notice of such hearing in a newspaper of general circulation available to residents of the governmental units where the Project Facility is to be located, such notice to comply with the requirements of Section 859-a of the Act and to be published no fewer than ten (10) days prior to the date established for such public hearing; (C) to cause notice of said public hearing to be given to the chief executive officer of the county and each city, town, village and school district in which the Project Facility is or is to be located no fewer than ten (10) days prior to the date established for said public hearing; (D) to conduct such public hearing; and (E) to cause a report of said public hearing fairly summarizing the views presented at said public hearing to be promptly prepared.

Section 8. The Chairman, Vice Chairman and Executive Director of the Agency are each hereby authorized and directed to distribute copies of this Resolution to the Company and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 9. This Resolution shall 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:

Michael McMahon	VOTING	_____
Stephen Compagni	VOTING	_____
Clinton Brooks	VOTING	_____
Deborah Hayden	VOTING	_____
Kathleen Burke	VOTING	_____
Donald Richards	VOTING	_____
William McGovern	VOTING	_____

The foregoing Resolution was thereupon declared and duly adopted.

STATE OF NEW YORK)
COUNTY OF CORTLAND) ss.:

I, the undersigned Secretary of Cortland County Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY, that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on July 14, 2025 with the original thereof on file in my office, and that the

same is a true and correct copy of such proceedings of the Agency and of such Resolution set forth therein and of the whole of said original so far as the same related 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 respect 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 given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present through 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 14th day of July, 2025.

Clinton Brooks, Secretary

Project Rationale - FINAL

Byrne Dairy Expansion – Phase 2

Cortlandville, NY
Project # 1101-25-01

Project Location:

3156 Byrne Hollow Crossing, Town of Cortlandville, Cortland County, NY

Long-time Central New York dairy manufacturer Byrne Dairy, Inc. proposes a multimillion-dollar, multi-phased expansion to commence this year at their existing site in the town of Cortlandville in Cortland County. Byrne Dairy's headquarters are in LaFayette and key manufacturing facilities in DeWitt (Extended Shelf Life "ESL" and ultra-high temperature milk pasteurization "UHT"), Syracuse (dairy warehouse and ice cream production) and Cortlandville (ESL dairy products).

Investment & Build-Out:

- Total Investment: \$120 million
- Phase 2A (\$30m):
 - Adds approximately 26,000 sq ft of processing and batching space
 - Includes three new stainless-steel silos
 - Estimated 6 new permanent jobs, bringing the workforce to 116
- Phase 2B (\$90m):
 - Adds roughly 75,000 sq ft for filling, packaging, and warehouse functions
 - Includes construction of a new truck access road, expanding employee parking to 277 spaces, and abandonment of Osbeck Circle
 - Generates approximately 94 new jobs, increasing total employment to 210

Future Phases (3 & 4):

- Depending on economic conditions, the final phases will add additional expansion of over 150,000 sq ft, and 194 jobs, potentially bringing total employment to 394

Community & Economic Benefits

- Hundreds of jobs during construction
- Municipal Revenue Boost:
 - Increased water consumption (2024 Byrne paid \$259k) yields additional revenues for Cortlandville
 - Expanded wastewater output (2024 Byrne paid \$224k) benefits for the City of Cortland
 - Enhanced fire district revenue of approximately \$220k.
- Dairy processing growth supports multiple jobs in local farming, reinforcing the region's agricultural base

For the above reasons, staff are recommending approval of IDA incentives as outlined in the attached

Project Summary Sheet – FINAL

Byrne Dairy Expansion – Phase 2

Cortlandville, NY
Project # 1101-25-01

Total Project Amount \$120,000,000

Estimated Value of Each Exemption		
Sales Tax Exemption on \$22m	\$	1,800,000
Mortgage Recording Tax		82,500
Real Property Taxes		3,430,422
Total Savings	\$	5,312,922

The applicant has proposed a 16-year PILOT that will discount the anticipated project assessment (\$10,065,000) by 0% for the first year, 60% for years 2-6, 50% for years 7-11 and 40% for years 12-16. Applicant will make payments each year based on the current tax rate and reduced assessment. Applicant will be adding 0 jobs in year 1, 6 jobs in year 2 and 94 jobs in year 3 totaling 100 fulltime jobs.

This proposal varies from the agency's Uniform Tax Exemption Policy {UTEP}, which calls for an overall tax abatement of 65 percent over a 10-year period. This proposal also departs from UTEP in that it would mean payments to the taxing jurisdictions in each year of the agreement.

PILOT Scenerios	Taxes	%
No PILOT	\$ 7,073,543	0%
Byrne Payment	3,643,121	51%
Byrne Benefit	3,430,422	49%
Totals		100%

In addition to the project costs the wages and fringes will be as follows:

Job Type	# of Employees	Annual Averages		Total Annually	Total 16 Years
		Wages	Fringe		
Management	4	\$ 150,000	\$ 175,000	\$ 845,000	\$ 13,520,000
Professional	26	100,000	125,000	3,802,500	\$ 60,840,000
Production	70	58,000	85,000	6,506,500	\$ 104,104,000
Totals	100			\$ 11,154,000	\$ 178,464,000

Cost Benefit Analysis		
Total Project Amount	\$	120,000,000
Estimated Wages & Fringe (16 years)		<u>178,464,000</u>
Total Investment	\$	298,464,000
Sales Tax Exemption	\$	1,800,000
Mortgage Recording Tax		82,500
Real Property Taxes		<u>3,430,422</u>
Total Savings	\$	5,312,922
Cost per new job for exemption per year	\$	3,321
Ratio of Investment/Abatement		56.18

This project meets all of the qualifying criteria as noted in the Development Policy as follows:

- *The timeline for the projected investment and job creation is within the first two years of application and will be completed in 2028;*
- *The applicant procures goods and services locally and regionally as often as possible during the construction phase of the project;*
- *The level and type of investment to be made by the applicant exceeds the minimum investment of \$500,000;*
- *The project enhances the strategic goals identified in BDC's economic development plan and will enhance the overall regional economic climate;*
- *The project will create jobs which will be available to county residents and displaced workers;*
- *The project enhances strategic goals identified in Section II of the Development Policy.*

CORTLAND COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

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

**TO: CORTLAND COUNTY INDUSTRIAL DEVELOPMENT AGENCY
37 CHURCH STREET
CORTLAND, NEW YORK 13045**

APPLICANT: C'Ville, LLC

APPLICANT'S STREET ADDRESS: 2394 US Route 11

CITY: Lafayette STATE: NY PHONE NO.: (315) 350-4836

E-MAIL ADDRESS: jgosier@byrne1933.com

NAME OF PERSON(S) AUTHORIZED TO SPEAK FOR APPLICANT WITH RESPECT TO THIS APPLICATION: James Gosier, General Counsel

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

NAME OF FIRM:_____

NAME OF ATTORNEY:_____

ATTORNEY'S STREET ADDRESS:_____

CITY:_____ STATE:_____ PHONE NO.:_____

E-MAIL ADDRESS:_____

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

INSTRUCTIONS

1. The Agency will not approve any applications unless, in the judgment of the Agency, said application 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 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 (to the extent such expenses are not paid out of the proceeds of the Agency's bonds issued to finance the project). The applicant will also be expected to pay all costs incurred by general counsel and bond 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 included as a part of the 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 Name or 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 Agency Conditionally Approved Application	_____, 20__
9.	Date Scheduled for Public Hearing	_____, 20__
10.	Date Environmental Assessment Form ("EAF") Received	_____, 20__
11.	Date Agency Completed Environmental Review	_____, 20__
12.	Date of Final Approval of Application	_____, 20__

I. APPLICANT INFORMATION-COMPANY TO RECEIVE BENEFITS (the "COMPANY")

A. Identity of Company:

1. Company Name: **C'VILLE, LLC**
2. Present Address: **2394 US ROUTE 11, Lafayette, NY 13084**
3. Employer ID No.: **80-0916445**

4. Indicate type of business organization of Company:

- a. ☐ Corporation. Incorporated in what country?
- b. State _____ Date Incorporated: _____
Authorized to do business in New York State? Yes___ No_
 - i. Is the Corporation Publicly Held? Yes___ No **X**. If yes, please list exchanges where stock is traded: _____
 - ii. If no, list all Stockholders having a 5% or more interest in the Company:

Name	Address	Percentage of Holding

- c. ☐ Partnership. General or Limited partnership? _____
Name all partners below:

Name	Address	General Partner	Limited Partner

- d. ☒ Limited Liability Company. Formed in what country US;
 State: NY ; Date of Formation: 4/22/2013;
 Authorized to do business in New York State? Yes ☒ No ☐
 Name all members below:

Name	Address	Membership Percentage
Mark V. Byrne	171 NYS Route 5 Weedsport, NY 13166	43.5%
Carl V. Byrne	2394 US Route 11 Lafayette, NY 13084	43.5%
Thomas P. Byrne	2394 US Route 11 Lafayette, NY 13084	13.0%

- e. ☐ Sole proprietorship. Name of Sole Proprietor: _____

5. 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: _____

B. Management of Company:

List all officers/directors/managers (complete all columns for each person):

Name and Home Address	Office Held
C'Ville Management, LLC 2394 US Route 11, Lafayette, NY 13084	Manager

C. Company/Management History:

- Is the Company or management of the Company now a plaintiff or a defendant in any civil or criminal litigation? Yes _____ No ☒.
- Has any person listed above ever been convicted of a criminal offense (other than a minor traffic violation)? Yes _____ No ☒.
- 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 the answer to any of questions 1 through 3 is yes, please furnish details in a separate attachment.

II. **PROPOSED PROJECT DATA**

A. **Description of the Project:**

1. Please provide a narrative of the Project and the purpose of the Project (acquisition, construction, renovations and/or equipment purchases). Identify specific uses occurring with the Project. Describe any and all tenants and any/all end users (attach additional pages):
See Attached Narrative

2. Describe the reasons why the Agency's Financial Assistance is necessary and the effect the Project will have on the Company's business or operations and any corresponding benefit to the Cortland County community (attach additional pages):

SEE ATTACHED ADDENDUM

3. Is there a likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency:

☒ Yes ☐ No

4. If the Project could be undertaken without the Financial Assistance provided by the Agency, then provide a statement indicating why the Project should be undertaken by the Agency (attach additional pages):

B. **Location of Project:**

1. Street Address: 3156 Byrne Hollow Crossing
2. City: _____
3. Town: Cortlandville
4. Village: _____
5. Is any portion of the Project located outside of Cortland County? If so, identify the other county: N/A _____
6. School District: Cortland
7. Tax Parcel Nos.: 105.00-01-16.000; 105.00-01-17.000; 105.00-01-18.000; 105.00-01-19.000; 105.00-01-20.000; 105.00-01-21.000 (Tax parcels to be consolidated along with existing Osbeck Circle).
NOTE: Not all parcels list above are covered under current PILOT.

C. Description of the Project site:

1. Approximate size (in acres or square feet) of the Project site: **37.6 acres**
Attach a map, survey or sketch of the Project site.

2. Are there existing buildings on the Project Site?

Yes **X** No _____. If yes,

a. Indicate each existing building and indicate the approximate size (in square feet) of each building:

Existing production facility is approximately 70,000 sf

b. Are the existing buildings in operation? Yes **X** No _____.
If yes, describe the present use of each building in operation:

Dairy processing facility

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

d. Attach photographs of existing buildings.

3. Utilities Serving the Project Site:

Water: Municipal **X**, Other _____. If other, describe _____

Sewer: Municipal **X**, Other _____. If other, describe _____

Electric Utility Co.: National Grid

Natural Gas Utility Co.: NYSEG

Other Utility Sources: _____

4. Present Legal Owner of the Project Site:

a. If the Company owns the Project site, indicate:

Date of Purchase: **9/24/2013**

Purchase Price: **\$1,150,000**

- b. If the Company does not own the Project site, does the Company have the contractual right to purchase the Project site?

Yes_____ No_____. If yes, indicate:

Date Contract Signed:_____

Date Ability to Purchase Expires:_____

- c. If the Company does not own the Project site, is there a relationship legally or by common control between the Company and present owner of the Project site?

Yes_____ No_____. If yes, describe:

5. Zoning District in which the Project is located: Industrial 1

6. Are there any variances or special permits affecting the Project site now or which need to be obtained to complete the Project?

Yes X No_____. If yes, list below and attach copies of all variances or special permits:

SEE ATTACHED ADDENDUM

D. Description of the Proposed Construction:

1. Does part of the Project consist of the acquisition or construction of a new building or buildings? Yes ___ No X. If yes, indicate number of and size of new buildings:

2. Does part of the Project consist of additions and/or renovations to existing buildings located on the Project site? **Yes X** No _____. If yes, indicate:

a. The number of buildings to be expanded or renovated: **1**

b. The size of any expansions: **100,560 sf**_____

c. The nature of expansion and/or renovation:

Additional processing, filling and storage space

3. Describe the principal uses to be made by the Company of the building or buildings to be acquired, constructed or expanded:

Expanded operation of dairy processing and manufacturing facility

E. Description of the Equipment:

1. Does part of the Project consist of the acquisition or installation of machinery, equipment or other personal property (the "Equipment")?

Yes X **No** _____. If yes, describe the Equipment:

Batching and blending equipment; UHT sterilizers; ESL fillers; secondary packaging Equipment; palletizing equipment; racking and storage fixtures

2. With respect to the Equipment to be acquired, will any of the Equipment be previously used Equipment?

Yes _____ **No** X _____. If yes, please provide detail below:

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

Process and manufacture Extended Shelf Life milks, creams and other dairy products

F. Project Use:

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

Extended Shelf Life milks, creams and other dairy products

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

Process and manufacture Extended Shelf Life milks, creams and other dairy products

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 **X**____. 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? _____%

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:

- 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 (as established by Section 230 of the Economic Development Law) 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 of New York State?
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 which was designed as an empire 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 (a) 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 (b) 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 are 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:

7. Will the completion of the Project result in the removal of an industrial or manufacturing plant 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 **X**_____. 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 or a Project Occupant located in

the State of York?

Yes_____ **No** **X**. If yes, 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:

- 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:

G. Project Status:

1. If the Project includes the acquisition of any land or buildings, have any steps been taken toward acquiring same?

Yes_____ No_____. If yes, please discuss in detail the approximate stage of such acquisition:

N/A

2. If the Project includes the acquisition of any Equipment, have any steps been taken toward acquiring same?

Yes X No_____. If yes, please discuss in detail the approximate stage of such acquisition:

A portion of the overall equipment need has been identified and manufacturers

Contacted;

3. If the Project involves the construction or reconstruction of any building or other improvement, has construction work on any such building or improvement begun? Yes _____ No X. 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.:

4. Please indicate the amount of funds expended on the Project by the Applicant in the past three (3) years and the purpose of such expenditures:

<\$100,000 for preliminary design work

III. INFORMATION CONCERNING LEASES OR SUBLEASES OF THE PROJECT
(PLEASE COMPLETE THE FOLLOWING SECTION IF THE APPLICANT 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 X No _____. If yes, please complete the following for **each** existing or proposed tenant or subtenant:

Sublessee Name: Byrne Cortlandville, Inc.

Present Address: 2394 US Route 11

City: Lafayette State: NY Zip: 13084

Employer's ID No.: 46-2597508

Sublessee is: X Corporation; _____ Partnership; _____; Limited Liability Company; _____ Sole Proprietor

Relationship to Company: Affiliate

Percentage of Project to be leased or subleased: 100%

Use of Project intended by Sublessee: See above

Date of lease or sublease to Sublessee: Upon Completion

Term of lease or sublease to Sublessee: 40+ years

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 X.

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? 0 %

IV. EMPLOYMENT IMPACT

A. Indicate below the number of people presently employed at the Project Site and the number that will be employed at the Project site at the end of the first and second years after the Project has been completed (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.

	Current # of Jobs at proposed Project location or to be relocated to Project location	If Financial Assistance is granted, estimate the number of FTE and PTE jobs to be <u>Retained</u>	If Financial Assistance is granted, estimate the number of FTE and PTE jobs to be <u>Created</u> by Two years after Project completion	Estimate number of residents of the Labor Market Area in which the Project is located that will fill the retained and created FTE and PTE jobs Two years after Project completion**
Present Full Time	110	110		110
Present Part Time				
First Year Full Time			0	0
Second Year Full Time			6	6
Third Year Full Time			94	94
Total:	110	110	100	210

**For purposes of the question, please estimate in the fourth column the number of FTE and PTE jobs, as indicated in the second and third columns, that will be filled by residents of the Labor Market Area. The Labor Market Area includes Cortland County as well as the counties of Cayuga, Onondaga, Tompkins, Broome and Chenango.

Category of Jobs to be Retained and Created	Estimated Average Salary or Range of Salary	Estimated Average Fringe Benefits or Range of Fringe Benefits
Management (4)	\$150,000 - \$175,000	\$45,000 - \$52,500
Professional (30)	\$100,000 - \$125,000	\$30,000 - \$37,500
Administrative		
Production (70)	\$ 58,000 - \$85,000	\$17,400 - \$25,500
Independent Contractors		
Other		

- B. Please state the anticipated date of completion of the Project site and the anticipated date of occupancy of the Project site:
Project Site Completion Date: **9/2026**
Project Site Occupancy Date: **9/2026**

V. **PROJECT COST**

- A. 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:

Description of Cost:

Amount:

Land Acquisition	\$ _____
Building Construction	\$ 60,500,000
Building Renovation	\$ _____
Machinery and equipment costs	\$ 54,000,000
Utilities, roads and appurtenant costs	\$ 5,000,000
Architects and engineering fees	\$ 500,000
Costs of Bond issue (legal, financial and printing)	\$ _____
Construction loan fees and interest (if applicable)	\$ _____
Other (specify)	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL PROJECT COSTS:	\$ 120,000,000

- B. Have any of the above expenditures already been made by the Applicant?
Yes ☒ No _____. If yes, indicate particulars:
Preliminary site design costs of <\$100,000

VI. FINANCIAL ASSISTANCE EXPECTED FROM THE AGENCY

A. Tax Benefits:

1. Is the Applicant requesting a real property tax exemption in connection with the Project from the Agency? **Yes** ☒ **No** ☐.
 2. Is the Applicant expecting to be appointed agent of the Agency for purposes of receiving an exemption from N.Y.S. Sales Tax or Compensating Use Tax? **Yes** ☒ **No** ☐.
 3. Is the Applicant requesting a mortgage recording tax exemption in connection with the Project from the Agency? **Yes** ☒ **No** ☐.
 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:
 - a. N.Y.S. Sales and Compensating Use Taxes: \$ 1,800,000
 - b. Mortgage Recording Taxes: \$ 82,500
 - c. Real Property Taxes: \$ 3,430,422
 - d. **(Please consult with the Agency in calculating the estimated value of the real property tax exemption)**
 - e. Other (please specify):

- Total Benefit \$ 5,312,922,
\$ _____
\$ _____
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 how the request of the Applicant differs from the Agency's Uniform Tax-Exemption Policy:
Payment schedule will vary from the Agency's UTEP; Applicant is requesting a term that is longer than the UTEP

B. Financing:

1. Is the Applicant requesting that the Agency issue bonds to assist in financing the Project? **Yes** _____ **No** ☒. If yes, indicate:
 - a. Principal Amount of Bonds Requested \$ _____
 - b. Maturity Requested _____ Years
 - c. Is the Interest on such bonds intended to be exempt from federal income taxation? **Yes** _____ **No** ☐.

2. What is the approximate amount of private sector financing to be obtained? **\$ 80,000,000.** Is the Applicant expecting that the private sector financing of the Project will be secured by one or more mortgages? Yes **X** No_____.
If yes, what is the approximate amount of private sector financing to be secured? **\$20,000,000.**
3. Is the Applicant expecting that any of the financing of the Project will come from public sector sources? Yes **X** No_____.
What is the approximate amount of public sector financing to be obtained? **\$2,250,000.**
If yes, is the Company expecting that the public sector financing of the Project will be secured by one or more mortgages or grant agreements? Yes_____ No **X**_____.
If yes, what is the approximate amount of public sector financing to be secured? \$_____.
4. Please state the approximate amount to be invested in the Project (not borrowed or the subject of a grant) by the Applicant **\$37,750,000.**
5. Please state the approximate total amount of borrowed funds to be invested in the Project **\$80,000,000.**

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") 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. **Local Workforce Development:** The Applicant understands and agrees that if the Project receives Financial Assistance from the Agency, except as provided by collective bargaining where practicable, the Applicant will increase the skill base of the local workforce through training, opportunities for professional development and career track advancement.
- D. **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.
- E. **Annual Employment Reports:** The Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the Applicant will file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the Project site.
- F. **Absence of Conflicts of Interest:** The Applicant has received from the Agency a list of the members, officers and employees of the Agency. 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:
- _____
- _____
- _____
- _____
- G. **Federal, State and Local Laws:** The Applicant/Owner/Occupant/Operator receiving the Financial Assistance understands and agrees that it must be, at all times, in compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- H. **Environmental Matters:** The Applicant acknowledges that certain environmental representations will be required at closing. The Applicant shall provide copies of any known environmental reports, including any existing Phase I Environmental Site Assessment Report(s) and/or Phase II Environmental Investigations. The Agency may require the Company and/or Owner of the Premises to prepare and submit an environmental assessment and audit report including, but not limited to, a Phase I Environmental Site Assessment Report and a Phase II Environmental Investigation, with respect to the Premises at the sole cost and expense of the Owner and/or the Applicant.

All environmental assessment and audit reports shall be completed in accordance with ASTM Standard Practice E1527-13, and shall be conformed over to the Agency so that the Agency is authorized to use and rely on the reports. The Agency, however, does not adopt, ratify, confirm or assume any representation made with reports required herein.

- I. **Release:** The Applicant and/or Owner, and their successors and assigns, hereby release, defend and indemnify the Agency from any and all suits, causes of action, litigations, damages, losses, liabilities, obligations, penalties, claims, demands, judgments, costs, disbursements, fees or expenses of any kind or nature whatsoever (including, without limitation, attorneys', consultants' and experts' fees) which may at any time be imposed upon, incurred by or asserted or awarded against the Agency resulting from or arising out of any inquiries and/or environmental assessments, investigations and audits performed on behalf of the Applicant and/or Owner pursuant hereto, including the scope, level of detail, contents or accuracy of any environmental assessment, audit, inspection or investigation report completed hereunder and/or the selection of the environmental consultant, engineer or other qualified person to perform such assessments, investigations and audits.
- J. **Hold Harmless Provision:** The Applicant acknowledges and agrees that the Applicant shall be and is responsible for all costs of the Agency incurred in connection with any actions required to be taken by the Agency in furtherance of the Application including the Agency's costs of general counsel and/or the Agency's bond/transaction counsel whether or not the Application, the proposed Project it describes, the attendant negotiations, or the issue of bonds or other transaction or agreement are ultimately ever carried to successful conclusion and 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: (i) the Agency's examination and processing of, and action pursuant to or upon, the Application, regardless of whether or not the Application or the proposed Project described herein or the tax exemptions and other assistance requested herein are favorably acted upon by the Agency; (ii) the Agency's acquisition, construction and/or installation of the proposed Project described herein; and (iii) any further action taken by the Agency with respect to the proposed Project including, without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suit or actions which may arise as a result of any of the foregoing. Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law and the policies of the Agency that any New York State and local sales and use tax exemption claimed by the Applicant and approved by the Agency, any mortgage recording tax exemption claimed by the Applicant and approved by the Agency, and/or any real property tax abatement claimed by the Applicant and approved by the Agency in connection with the Project, may be subject to recapture and/or termination by the Agency under such

terms and conditions as will be established by the Agency and set forth in transaction documents to be entered into by and between the Agency and the Applicant. The Applicant further represents and warrants that the information contained in this Application including, without limitation, information regarding the amount of the New York State and local sales and use tax exemption benefit, the amount of the mortgage recording tax exemption benefit, and the amount of the real property tax abatement, if and as applicable, to the best of the Applicant's knowledge, is true, accurate and complete.

- K. False or Misleading Information.** The submission of any knowingly false or misleading information by the applicant 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.

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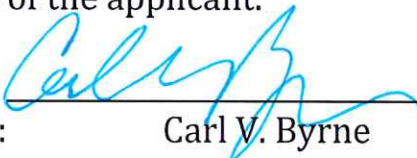
VERIFICATION

(If Applicant is a Corporation, Limited Liability Company, General or
Limited Partnership)

STATE OF NEW YORK)

COUNTY OF ONONDAGA,) ss.:

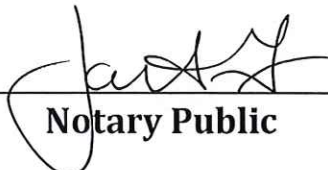
Carl V. Byrne deposes and says, under the penalties of perjury, that he is the Sole Manager of C'Ville Management, LLC, which is the Sole Manager of C'Ville, LLC; that he/she has read the foregoing application and knows the contents thereof; and that the same is true, complete and accurate to the best of his knowledge; that the reason this verification is made by the deponent and not by the applicant is the applicant is a Limited Liability Company. The grounds of deponent's belief relative to all matters in the 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 Manager of the applicant and from the books and records of the applicant.

Signature: 

Print Name:

Carl V. Byrne

Sworn to before me this 12th
day of June, 2025



Notary Public

JAMES A. GOSIER
Notary Public, State of New York
No. 4889745
Qualified in Onondaga County
Commission Expires March 23, 2022

Addendum to Application of C'Ville, LLC

1. **Question II(A)(2):** Describe the reasons why the Agency's Financial Assistance is necessary and the effect the Project will have on the Company's business or operations and any corresponding benefit to the Cortland County community.

Answer: Byrne will be undertaking the largest expansion in its 92 year history. At an estimated cost of over \$120 million for Phase 2 alone, the Project will require enormous amounts of capital and assistance. The Project will create hundreds of construction jobs and over one hundred permanent, full time, well paying positions.

Phase 2 is designed to be constructed in two stages: Phase 2A will consist of approximately 26,000 sf of processing and batching space. Phase 2B will consist of approximately 75,000 sf of filling, packaging and warehouse space. Given the significant increase in costs associated with constructing Phases 2A and 2B, as well as the potential property tax impacts, particularly with respect to Phase 2B, it has been determined that Phase 2B will likely not move forward without a sales tax exemption, mortgage tax exemption and PILOT Agreement.

2. **Question II(C)(6):** Are there any variances or special permits affecting the Project site now or which need to be obtained to complete the Project?

Yes X No ____. If yes, list below and attach copies of all variances or special permits.

Answer: No variance are needed for the Project. The only Special Permit needed is an Aquifer Development Special Permit from the Town of Cortlandville. An application for the Permit has been submitted to the Town. A public hearing will be held on June 18, 2025 and approval of the application is expected on June 25, 2025.

3.





[illegible]

FEBRUARY 26, 2013

**RAMSGARD
ARCHITECTURAL
DESIGN, P.C., INC.**
101 East Commerce Street
Suite 2000, NYC 10112
aiaa@ramsgard.com
212.462.2248

QPK
DESIGN
ARCHITECTURE
ENGINEERING





BYRNE DAIRY CORTLANDVILLE FACILITY

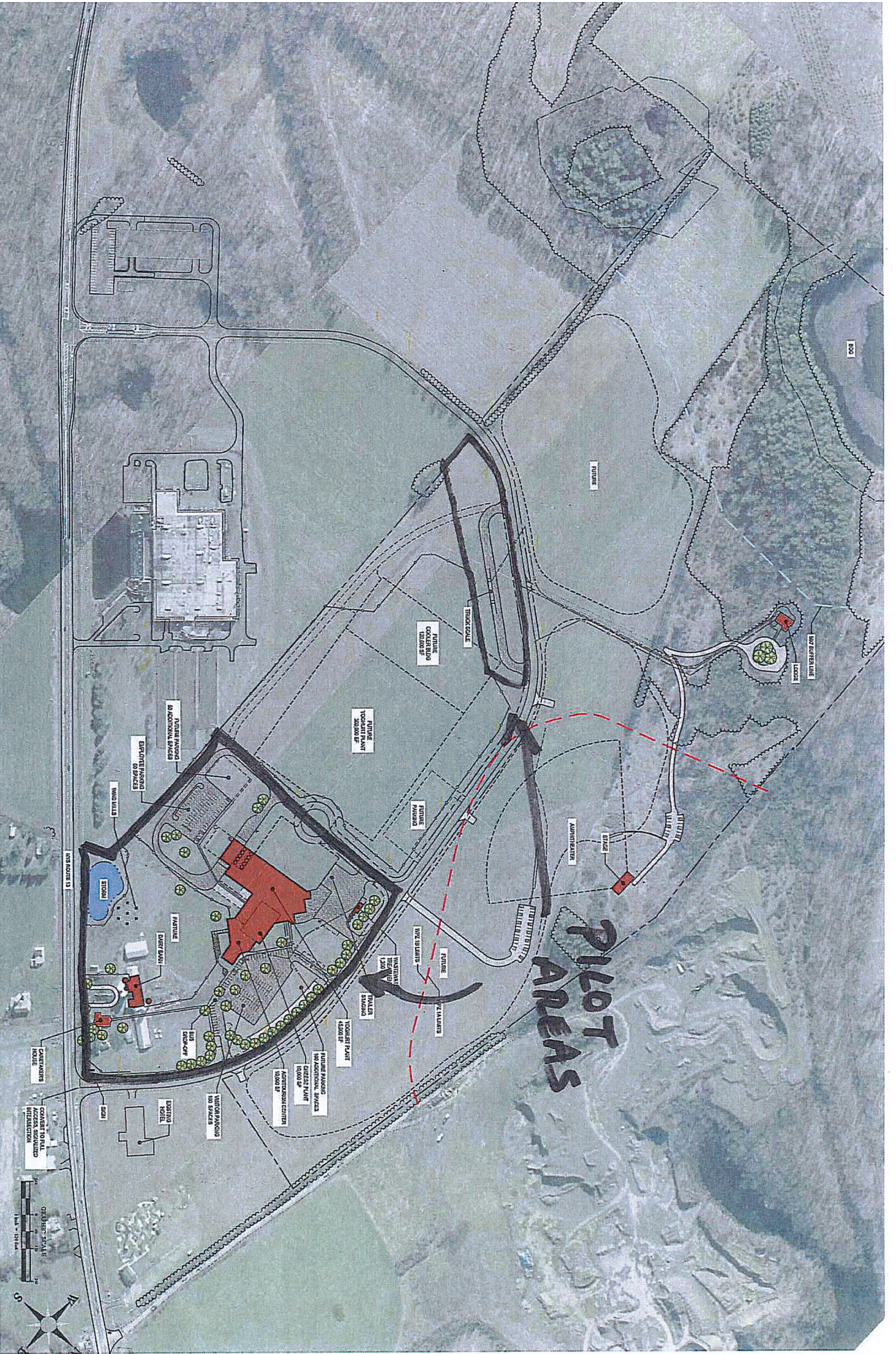
MASTER PLAN - OVERALL PLAN

CORTLANDVILLE, NEW YORK

FEBRUARY 28, 2013



OPK DESIGN
ARCHITECTURAL
ENGINEERING
LANDSCAPE ARCHITECTURE
PLANNING







Cortland County
Industrial Development Agency

SEQR
Determination/
Recommendations
Byrne Dairy

A regular meeting of Cortland County Industrial Development Agency (the "Agency") was convened in public session at the offices of the Agency located at 40 Main Street, Suite A, in the City of Cortland, Cortland County, New York on July 14, 2025, at 12:00 o'clock p.m., local time.

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

PRESENT:

Michael McMahon	Chairman
Stephen Compagni	Vice Chairman
Clinton Brooks	Secretary
Deborah Hayden	Treasurer
Kathleen Burke	Member
Donald Richards	Member
William McGovern	Member

ABSENT:

FOLLOWING PERSONS WERE ALSO PRESENT:

Melanie Vilardi	Executive Director
Andrea Skeels	Director of Finance and Project Development
Ashley Riehlman	Community Relations Specialist
John P. Sidd, Esq.	Agency Counsel

The following resolution was offered by _____, seconded by _____, to wit:

Resolution No. _____

**RESOLUTION DETERMINING THAT AN ACTION BY
C'VILLE, LLC TO CONSTRUCT AN EXPANSION OF ITS
EXISTING DIARY PROCESSING PLANT IN THE TOWN OF
CORTLANDVILLE WILL REQUIRE NO DETERMINATION
OF SIGNIFICANCE OR ADDITIONAL SEQRA REVIEW**

WHEREAS, Cortland 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 77 of the 1974 Laws of New York, as amended, constituting Section 902 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 commercial 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, C'Ville, LLC (the "Company") has presented an application (the "Application") to the Agency, a copy of which was presented at this meeting and copies of which are on file at the office of the Agency, requesting that the Agency consider undertaking a project (the "Project") consisting of the following: (A) (1) the acquisition of an interest in a \pm 22.5 acre parcel of land (the "Land") located at 3114 - 3168 Byrne Hollow Crossing and Osbeck Lane in the Town of Cortlandville, Cortland County, New York, (2) construction on the Land of an expansion to the existing 70,000 square foot dairy processing plant on adjacent property, the expansion to be completed in two (2) stages, the first (Phase 2A) being a 26,000 square foot manufacturing facility to house processing and blend/batch equipment for the existing dairy processing operation, and the second stage (Phase 2B) being 74,560 square feet of additional space for new processing, filling, packaging and warehousing operations (the "Facility"), and (3) the acquisition and installation therein and thereon of fixtures and equipment comprising the Facility (the "Equipment"), all of the foregoing to constitute a dairy manufacturing facility to be operated by the Company or affiliated entities (the Land, Facility and 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 taxes, real estate transfer taxes, mortgage recording taxes and real property 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, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended ("SEQRA") and the regulations adopted pursuant thereto by the New York State Department of Environmental Conservation (the "SEQRA Regulations"), no agency involved in an action may undertake, fund or approve the action until the requirements of SEQRA have been complied with; and

WHEREAS, a coordinated SEQRA review of the Project was undertaken by the Town of Cortlandville Planning Board (the "Planning Board") acting as lead agency; and

WHEREAS, on or about June 24, 2025, the Planning Board determined that the Project would not cause a significant adverse environmental impact (a "Negative Declaration"); and

WHEREAS, Section 617.6(b)(3) of the SEQRA Regulations provides that if a lead agency exercises due diligence in identifying all other involved agencies and provides written notice of its determination of significance to the identified involved agencies, then no involved agency may later require the preparation of an EAF, a negative declaration or an EIS in connection with the action, and the determination of significance issued by the lead agency following coordinated review is binding on all other involved agencies; and

WHEREAS, the Planning Board duly identified the Agency as an involved agency and provided the Agency with written notice of its Negative Declaration.

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

Section 1. The Planning Board duly recognized the Agency as an involved agency while conducting a coordinated SEQRA review of the Project and provided written notice to the Agency that it had issued a Negative Declaration.

Section 2. The Planning Board's Negative Declaration stands in full force and effect and is binding upon the Agency.

Section 3. Based upon the foregoing, no determination of significance will be issued by the Agency and no further SEQRA review of the Project is required by the Agency.

Section 4. This Resolution shall 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:

Michael McMahon	VOTING	_____
Stephen Compagni	VOTING	_____
Clinton Brooks	VOTING	_____
Deborah Hayden	VOTING	_____
Kathleen Burke	VOTING	_____
Donald Richards	VOTING	_____
William McGovern	VOTING	_____

The foregoing Resolution was thereupon declared and duly adopted.
STATE OF NEW YORK)
COUNTY OF CORTLAND) ss.:

I, the undersigned Secretary of Cortland County Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY, that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on July 14, 2025 with the original thereof on file in my office, and that the same is a true and correct copy of such proceedings of the Agency and of such Resolution set forth therein and of the whole of said original so far as the same related 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 respect 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 given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present through 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 14th day of July, 2025.

Clinton Brooks, Secretary

Full Environmental Assessment Form(Revised)
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: Byrne Cortlandville Expansion		
Project Location (describe, and attach a general location map): 3156 Byrne Hollow Crossing, Town of Cortlandville, Cortland County, NY		
Brief Description of Proposed Action (include purpose or need): See attached narrative. Note this EAF addresses proposed Phase 2 as well as future Phases 3 and 4. Applicant is currently seeking approval for Phase 2 only.		
Name of Applicant/Sponsor: Byrne Cortlandville, Inc. (BCV) / C'Ville, LLC		Telephone: 315-350-4836
		E-Mail: jgosier@byrne1933.com
Address: 2394 US Route 11		
City/PO: Lafayette	State: NY	Zip Code: 13084
Project Contact (if not same as sponsor; give name and title/role): James (Jim) Gosier, General Counsel		Telephone: 315-350-4836
		E-Mail: jgosier@byrne1933.com
Address: 2394 US Route 11		
City/PO: Lafayette	State: NY	Zip Code: 13084
Property Owner (if not same as sponsor): C'Ville, LLC		Telephone: 315-350-4836
		E-Mail: jgosier@byrne1933.com
Address: 2394 US Route 11		
City/PO: Lafayette	State: NY	Zip Code: 13084

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 Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town Board Aquifer Protection District Special Permit	2/13/2025
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Town of Cortlandville Planning Board -Site Plan Town of Cortlandville Planning Board-Subdivision	2/13/2025 5/1/2025
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Cortland County Soil & Water Commission SWPPP Review/Approval	3/24/2025
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Cortland County Industrial Development Agency Financial Assistance	5/1/2025
f. Regional agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Susquehanna River Basin Commission - Water Withdrawal	5/1/25
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC - Air Registration, Stormwater Permit NYSHPO- Cultural & Historic Resources	4/14/2025
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
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	
<ul style="list-style-type: none"> 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 checked="" type="checkbox"/> Yes <input 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, identify the plan(s): Upper Susquehanna Basin _____ _____ _____	
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 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?

Zoned Industrial (I) -1 Overlay Districts: Wellhead Protection District (1b) and Aquifer Protection District

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? Cortland

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

Cortland County Sheriff and NYS Police

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

Town of Cortlandville

d. What parks serve the project site?

Gutchess Park

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)? Expansion of existing dairy processing plant

b. a. Total acreage of the site of the proposed action? 37.6 acres

b. Total acreage to be physically disturbed? 16.9 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 127 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)? % 400 Units: sf

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: months

ii. If Yes:

- Total number of phases anticipated 3

- Anticipated commencement date of phase 1 (including demolition) 05 month 2025 year

- Anticipated completion date of final phase 12 month 2033 year

- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:

See attached narrative for scope of phasing and timing

f. Does the project include new residential uses? ☐ Yes ☒ 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)? ☒ Yes ☐ No
If Yes,

i. Total number of structures 1

ii. Dimensions (in feet) of largest proposed structure: 40 height; 560/560 width; and 180/540 length

iii. Approximate extent of building space to be heated or cooled: 250,000 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? ☐ Yes ☒ No
If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____

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: _____ 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): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ Yes ☒ 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? ☐ Yes ☐ 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? ☐ Yes ☐ 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? ☐ Yes ☒ No
If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

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:

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

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: _____

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: See Attached Supplemental Information 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: Town of Cortlandville
- 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: See attached Supplemental Information 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): _____
Process wastewater 97% of total; sanitary wastewater 3% of total

iii. Will the proposed action use any existing public wastewater treatment facilities? ☒ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: City of Cortland WTP
- Name of district: City of Cortland
- 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No • Will a line extension within an existing district be necessary to serve the project? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ 	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</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? _____ 	
<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>_____</p> <p>_____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>_____</p> <p>_____</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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="padding-left: 40px;">_____ Square feet or _____⁶ acres (impervious surface)</p> <p style="padding-left: 40px;">_____ Square feet or _____¹²⁷ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____</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)?</p> <p style="padding-left: 20px;">On-site storm water management facilities and structures</p> <p>_____</p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? <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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p style="padding-left: 20px;">Vehicular traffic for delivery of milk and cream and transportation off-site of finished goods</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>_____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p style="padding-left: 20px;">Boilers for steam generation; process emissions</p>	
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, _____ X <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="padding-left: 20px;">or Federal Clean Air Act Title IV or Title V Permit? Facility has an existing Air Facility Registration that will be modified</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) <input type="checkbox"/> Yes X <input type="checkbox"/> No</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) 	

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☒ No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☒ No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

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? ☒ Yes ☐ No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend
☒ Randomly between hours of 24/7 to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____
Phase 2 will add 22 TT/day; Phases 3 & 4 will a total of 44 TT/day

iii. Parking spaces: Existing 79 Proposed 296 Net increase/decrease +217

iv. Does the proposed action include any shared use parking? ☐ Yes ☒ No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:
Abandonment of Osbeck Circle (public road); creation of new private truck and employee access roads

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☒ Yes ☐ No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☒ No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☒ No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☒ Yes ☐ No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: 5,676 MWh

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Grid/local utility

iv. Will the proposed action require a new, or an upgrade, an existing substation? ☒ Yes ☐ No
The upgrades to the Substation will include upgraded switchgear and power lines to the plant transformers

l. Hours of operation. Answer all items which apply.

i. During Construction:		ii. During Operations:	
• Monday - Friday:	<u>24 hrs</u>	• Monday - Friday:	<u>24 hrs</u>
• Saturday:	<u>24 hrs</u>	• Saturday:	<u>24 hrs</u>
• Sunday:	<u>24 hrs</u>	• Sunday:	<u>24 hrs</u>
• Holidays:	<u>24hrs</u>	• Holidays:	<u>24 hrs</u>

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☒ No
If yes:
i. Provide details including sources, time of day and duration:

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☒ No
Describe: _____

n. Will the proposed action have outdoor lighting? ☒ Yes ☐ No
If yes:
i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:
Building mounted exterior lighting and parking/roadway lighting all dark sky compliant and similar to existing fixtures

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☒ No
Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☒ Yes ☐ No
If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:
Odors from wastewater treatment facility were occasionally produced; odors have been mitigated by improved monitoring and filtering

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? ☒ Yes ☐ No
If Yes:
i. Product(s) to be stored Sodium hydroxide; sulfuric acid; Principal; AC-55-5 Red; Special Liquid Alkali
ii. Volume(s) _____ per unit time _____ (e.g., month, year) **See Supplemental Information**
iii. Generally, describe the proposed storage facilities:
Bulk chemical tanks ranging from 2,000 - 3,000 gallons located in wastewater treatment facility and plant Bulk tanks will have containment

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☒ No
If Yes:
i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☒ Yes ☐ No
If Yes:
i. Describe any solid waste(s) to be generated during construction or operation of the facility:
• Construction: _____ tons per _____ (unit of time)
• Operation: _____ 200 tons per _____ year (unit of time)
ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:
• Construction: _____
• Operation: On-site recycling of corrugate, office paper and waste cartons; wastewater treatment facility minimizes solid waste running to public sewer

iii. Proposed disposal methods/facilities for solid waste generated on-site:
• Construction: _____
• Operation: up to 4,000 gpd of "sludge" from wastewater treatment is either transported to City of Cortland digester or similar facilities around Central New York.

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.

☐ Urban ☒ Industrial ☒ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☒ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	4.9	17.6	+12.7
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	6.9	5.1	-1.8
• Agricultural (includes active orchards, field, greenhouse etc.)	18.8	7.9	10.9
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☒ No
i. If Yes: explain: _____

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? ☐ Yes ☒ No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? ☐ Yes ☒ No
If Yes:
i. Dimensions of the dam and impoundment:
• 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? ☐ Yes ☒ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
• 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: _____

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? ☐ Yes ☒ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

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? ☐ Yes ☐ No
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: ☐ Yes ☐ No
☐ Yes – Spills Incidents database Provide DEC ID number(s): _____
☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
☐ 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? ☐ Yes ☒ No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

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 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?	900 - 1000 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:	Howard Gravelly Loam 100 %
	_____ %
	_____ %
d. What is the average depth to the water table on the project site? Average: 75 feet	
e. Drainage status of project site soils: <input checked="" type="checkbox"/> Well Drained: 100 % of site	
<input type="checkbox"/> Moderately Well Drained: _____ % of site	
<input type="checkbox"/> Poorly Drained: _____ % of site	
f. Approximate proportion of proposed action site with slopes: <input checked="" type="checkbox"/> 0-10%: 100 % of site	
<input type="checkbox"/> 10-15%: _____ % 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Do any wetlands or other waterbodies adjoin the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes to either i or ii, 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:	
• Streams: Name _____	Classification _____
• Lakes or Ponds: Name _____	Classification _____
• Wetlands: Name _____	Approximate Size _____
• 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 type="checkbox"/> Yes <input checked="" 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. Name of aquifer: Cortland-Homer SSA	

<p>m. Identify the predominant wildlife species that occupy or use the project site:</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <p>Deer _____</p> <p>_____</p> </div> <div style="width: 30%;"> <p>Coyotes _____</p> <p>_____</p> </div> <div style="width: 30%;"> <p>_____</p> <p>_____</p> </div> </div>	
<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>_____</p> <p>_____</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;">Adjoining areas hunted _____</p> <p>_____</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>Cortland 001</u></p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</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>	

<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?</p> <p>If Yes:</p> <p>i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District</p> <p>ii. Name: _____</p> <p>iii. Brief description of attributes on which listing is based: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>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?</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>g. Have additional archaeological or historic site(s) or resources been identified on the project site?</p> <p>If Yes:</p> <p>i. Describe possible resource(s): _____</p> <p>ii. Basis for identification: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?</p> <p>If Yes:</p> <p>i. Identify resource: _____</p> <p>ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____</p> <p>iii. Distance between project and resource: _____ miles.</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?</p> <p>If Yes:</p> <p>i. Identify the name of the river and its designation: _____</p> <p>ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input 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

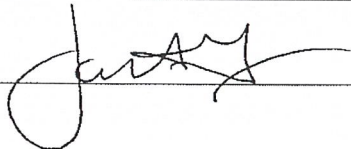
I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Byrne Cortlandville, Inc.

Date 2/13/25

Revised 4/21/2025

Signature _____



Title General Counsel

PRINT FORM



C'Ville, LLC

**Supplemental Information Related to
Long Form EAF dated February 13, 2025,
Revised April 21, 2025
Revised June 11, 2025**

EAF Section D.2(c) & (d) – Water Usage/Waste Water Generated

Water usage will “ramp up” as production lines are installed. Phase 2 is anticipated to come online in late 2026. Anticipated dates for Phases 3 and 4 are estimates only. Actual commencement of Phase 3 will be determined by numerous business and economic factors but will be completed within twelve (12) months of the start of construction.

The estimates set forth below do not account for improvements in Overall Equipment Effectiveness (OEE) and extended run authorizations from New York State. The majority of water usage and accompanying wastewater generation is related to cleaning in place (CIP) of the equipment. As process improvements increase OEE, fewer washes are needed. Likewise, extended run authorizations from NYS increase the time between required washes of the equipment. Therefore, the estimates set forth below are likely higher than actual usage and wastewater levels will be.

The Town’s current municipal water system has sufficient capacity to supply water for Phase 2 of the Project. C’Ville, LLC has entered into a Memorandum of Understanding with the Town of Cortlandville whereby C’Ville, LLC will convey to the Town a parcel of land at no cost to allow the installation of a new municipal well. This new municipal well will provide additional capacity to the entire Town, including the Project Site.

Byrne Cortlandville Anticipated Water Usage & Wastewater				
	Year	Anticipated Water Usage (gpd)	Maximum Annual Waste Water	Average Daily Waste Water
Phase 2	2024	141,641	46,529,000	127,477
	2025	250,504	83,204,800	227,958
	2026	334,178	112,217,000	307,444
	2027	477,935	158,746,000	434,921
	2028	585,058	194,327,000	532,403
Phase 3	2029	708,662	235,382,000	644,882
	2030	840,506	279,174,000	764,860
	2031	931,149	309,281,000	847,345
	2032	1,071,233	355,810,000	974,822
Phase 4	2033	1,178,356	391,391,000	1,072,304
	2034	1,186,596	394,128,000	1,079,803
	2035	1,186,596	394,128,000	1,079,803

By letter dated April 18, 2025, the City of Cortland Wastewater Treatment Plant confirmed its ability to accept and process wastewater generated in connection with Phase 2 of the Project. See letter below.

Section D.2(d) - Wastewater



April 21st, 2025

Re: Byrne Dairy expansion plans for phase 1 & 2

Dear Mr. Jim Gosier

After reviewing the projected sewer flows expected to discharge from phase 1 and phase 2 portions of the expansion, I am confident that the Town's sewer trunk line can handle the GPM flow.

However, if the flow is not constant throughout the quarter and has times with a great excess of flow above the expected average depending on how extreme I have concerns that the 12" line will be overloaded. We are now seeing flows from an average of 206 GPM with a peak flow up to 705 GPM coming from the plant. The high flow of 705 GPM is putting a strain on the 12" sewer main. If Byrne Dairy can guarantee that they will not exceed 500GPM, which is above the amount calculated for both phases that is on average 190GPM per phase. If improvements incorporated with the expansion help keep the flow more consistent than we see now we should not have a problem.

Thank you,

Brian R. Congdon
Water/Sewer Superintendent
Town of Cortlandville

The Town of Cortlandville is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.



CITY OF CORTLAND
DEPARTMENT OF WASTEWATER TREATMENT

251 PORT WATSON STREET • CORTLAND, NY 13045
PHONE (607) 756-7227 • FAX (607) 756-6822

BRUCE ADAMS
SUPERINTENDENT OF WASTEWATER

ED POOLE
OPERATOR OF RECORD

April 17, 2025

Tom Corp
Byrne Hollow Farm
3156 Byrne Hollow Crossing
Cortland, NY 13045

Re: Byrne Hollow Farm expansion plans

Dear Mr. Corp,

After reviewing the projected flows and loadings of Byrne Hollow Farm's expansion plans through Phase 2, Cortland is able to confidently state it has the reserve capacity to accept and treat the wastewater generated throughout the Phase 2 roll-out.

Cortland is encouraged by Byrne's commitment to upgrade its pretreatment capabilities and notes Byrne Hollow Farm's wastewater concentrations have been much improved over the last year. We look forward to working with Byrne through all phases of their expansion plan.

Sincerely,



Bruce Adams
Pretreatment Coordinator

EAF Section D2(j)

Traffic

RE: C'Ville, LLC (Byrne Dairy) Expansion - Town of Cortlandville - Traffic Counts and SWPPP



Summary by Copilot



Deep, Jeffrey (DOT) <Jeffrey.Deep@dot.ny.gov>

To: Jim Gosier

Cc: Gordon Stansbury <gtsconsultingny@gmail.com>; Dan Wood; Derek Moon; Bruce Weber; pcostello@appelosborne.com



You replied on Tue 4/15/2025 9:49 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning James,

We have completed our review of the Phase 2 expansion traffic report and SWPPP and have no comments.

Thank you for sending for our review.

Best Regards,
Jeff

JEFFREY A. DEEP

Acting Regional Permit Engineer

New York State Department of Transportation
333 E. Washington Street, Syracuse, NY 13202
(315)428-3233 | Jeffrey.Deep@dot.ny.gov
www.dot.ny.gov

Trip Generation Review of GTS Consulting

March 25, 2025



March 25, 2025

Byrne Dairy Inc.
2394 US Route 11
LaFayette, NY 13084

Attn: Mr. James Gosier

Re: Trip Generation Review – Proposed Byrne Hollow Phase 2 Expansion
NYS Route 13, Cortlandville NY

Dear Mr. Gosier:

I have completed my review of the potential traffic generation associated with the proposed Byrne Hollow phase 2 expansion on NYS Route 13 in the Town of Cortlandville, NY. This letter summarizes the work completed in this review as well as my conclusions.

Project Understanding

GTS Consulting completed the original traffic study for the Byrne Hollow development in May 2013. The phase 1 development in the study included 55,000 SF of dairy manufacturing space with 10,000 SF of agritourism space (2,500 SF assumed to be a convenience store). Future build out of the development was assumed to include an additional 980,000 SF of dairy manufacturing space to be completed over the next 10 years.

The development completed to date includes phase 1 dairy manufacturing space (70,000 SF) only. The currently proposed phase 2 development includes an additional 100,650 SF of dairy manufacturing space. The existing operation has 100 employees over 3 shifts and the proposed expansion will add another 100 employees over three shifts.

Overall access to the development is provided via a southern signalized intersection on NYS Route 13 with Byrne Hollow Crossing and a northern unsignalized right in/right out only intersection of NYS Route 13 with Byrne Hollow Crossing. While there are proposed changes to the site access on Byrne Hollow Crossing, there are no changes proposed at the north/south intersections of Byrne Hollow Crossing with NYS Route 13.

The conceptual plan showing the proposed phase 2 development and access modifications on Byrne Hollow Crossing has been attached.

Existing Operations

Site visits were conducted on Thursday, March 20th, 2025 to collect existing trip generation counts at the Byrne Hollow facility between 7:00-9:00am and 4:00-6:00pm in order to capture the highest trip generation period that coincides with peak commuter periods in the area. Between 7:00-9:00am, there was a total of 15 cars/4 trucks that entered the facility and 10 cars/4 trucks that exited the facility.



Mr. Gosier
March 25, 2025
Page 2 of 4

Re: Trip Generation Review – Proposed Byrne Hollow Phase 2 Expansion
NYS Route 13, Cortlandville NY

Between 4-6pm, there was a total of 21 cars/3 trucks that entered the facility and 17 cars/5 trucks that exited the facility.

The peak hours of traffic generation occurred between 8:00-9:00am and 5:00-6:00pm with following traffic volumes:

- 8:00-9:00am – 17 total trips generated
 - 9 vehicles entering – 6 cars/3 trucks
 - 8 vehicles exiting – 5 cars/3 trucks
- 5:00-6:00pm – 29 total trips generated
 - 19 vehicles entering – 17 cars/2 trucks
 - 10 vehicles exiting – 5 cars/5 trucks

Trip Generation Estimates

The originally proposed Byrne Hollow development included the following uses in the 2013 traffic impact study:

Phase 1 Development

- 55,000 SF Dairy Manufacturing (Cheese and Yogurt plants)
- 10,000 SF Agritourism Center (Assume approximately 2,500 will operate as typical retail convenience store)

Build Out Development

- 480,000 SF Additional Byrne Dairy Facility (Yogurt plant and cooler building)
- 500,000 SF Additional Dairy Manufacturing (balance of property)

The following tables summarize original trip generation estimates for the Byrne Hollow development.

2014 Trip Generation Estimate – Phase 1 Development

	Morning Peak		Evening Peak	
	Entering	Exiting	Entering	Exiting
55,000 SF Employee Traffic	35	20	23	35
55,000 SF Truck Traffic	3	3	3	3
2,500 SF Convenience Store	39	39	42	44
7,500 SF Tourist Center	2	0	0	1
Total Trips Generated	79	62	68	83
<i>Pass-by Trips (60% Retail)</i>	<i>-24</i>	<i>-24</i>	<i>-27</i>	<i>-27</i>
Direct Trips Generated	55	38	41	56



Mr. Gosier
March 25, 2025
Page 3 of 4

Re: Trip Generation Review – Proposed Byrne Hollow Phase 2 Expansion
NYS Route 13, Cortlandville NY

2014 Trip Generation Estimate – Future Buildout

	Morning Peak		Evening Peak	
	Entering	Exiting	Entering	Exiting
980,000 SF Manufacturing	558	157	258	458

The proposed phase 2 development includes 100,650 SF of additional dairy manufacturing space with 100 employees over three shifts, which is the same number of employees at the existing 70,000 SF facility. Given that the planned phase 2 development will have the same number employees with the same type of operation as exists today, the anticipate trip generation is also expected to be the same. Applying a factor of 1.0 to the existing trip generation volumes observed in March 2025, the following table summarizes the anticipated traffic generation for the proposed Byrne Hollow phase 2 expansion during the weekday morning and evening peak hours.

Trip Generation Estimate – Proposed Phase 2 Development

	Morning Peak		Evening Peak	
	Entering	Exiting	Entering	Exiting
100,650 SF Employee Traffic	6	5	17	5
100,650 SF Truck Traffic	3	3	2	5
Total Trips Generated	9	8	19	10

Combining the existing traffic generation with the estimated additional traffic expected with the proposed phase 2 development, the overall Byrne Hollow development will be expected to generate approximately 18 vehicles entering/16 vehicles exiting during the morning peak hour and 38 vehicles entering/20 vehicles exiting during the evening peak hour. The combined traffic volumes are still significantly less than the total phase 1 traffic generation contemplated in the 2013 traffic impact study for the project.

Conclusions

The existing Byrne Hollow facility is a minor traffic generator with less than 20 total trips currently being generated during the weekday morning peak hour and less than 30 total trips currently being generated during the weekday evening peak hour. The proposed 100,650 SF phase 2 expansion is anticipated to generate approximately 17 total additional trips during the morning peak hour and 29 total additional trips during the evening peak hour. This minor increase in traffic will result in total traffic generation by the site that is still less than the originally estimated traffic for the phase 1 development in 2013. There is no need for additional traffic reviews at this time.



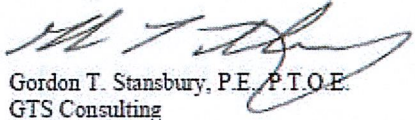
GTS Consulting

Mr. Gosier
March 25, 2025
Page 4 of 4

Re: Trip Generation Review – Proposed Byrne Hollow Phase 2 Expansion
NYS Route 13, Cortlandville NY

If you have any questions or need additional information, please call.

Sincerely,



Gordon T. Stansbury, P.E., P.T.O.E.
GTS Consulting

Attachments – Conceptual Site Plan

Section D.2(p) – Bulk Chemicals

Wastewater Plant – Univar chemicals

- Inside: 2,000-gal tank of 50% sodium hydroxide
- Outside: 2,000-gal tank of 93% sulfuric acid

Bulk Chemical Room in Production Plant – Ecolab chemicals used for CIP

- 3,000-gal tank of AC-55-5 Red, which contains 30 – 60% nitric acid and 1-5% phosphoric acid
- 3,000-gal tank of Principal, which contains 10-30% sodium hydroxide and 1-5% sodium hypochlorite
- 3,000-gal tank of Special Liquid Alkali, which contains 30-60% sodium hydroxide

All tanks are double-walled. Spills from all tanks, except sulfuric acid tank at Wastewater Plant go to the site drains and end up going through the wastewater plant.

Section E.2(h)(i) – Wetlands

PLUMLEY
===== ENGINEERING =====
Civil and Environmental Engineering

April 21, 2025

James A. Gosier, Esq.
General Counsel
BYRNE DAIRY, INC.
2394 US Route 11
Lafayette, New York 13084

Via Email: jgosier@byrne1933.com

RE: Cortlandville Facility Expansion
Town of Cortlandville, Cortland County
Project No. 2025P051

Dear Mr. Gosier:

We have reviewed the State and Federal wetland classification criteria and the available site/soil information for the project area associated with the Phase 2A expansion at the Byrne Dairy Cortlandville facility.

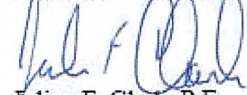
With regard to the New York State Department of Environmental Conservation's (DEC) amended Article 24 Freshwater Wetlands Jurisdictional and Classification regulations (effective 01/01/25):

- A. The DEC's online *Parcel Jurisdictional Determination* (Parcel JD) has been submitted.
- B. The project area does not fall within an *Information Freshwater Wetland Mapping Area* as portrayed on the DEC's Environmental Mapper.

Based on the information reviewed, there are no indications of State or Federal classified wetlands on or within 100 feet of the project area.

Sincerely,

PLUMLEY ENGINEERING, P.C.



Julian F. Clark, P.E.

8232 LOOP ROAD, BALDWINVILLE, NY 13027
Telephone: (315) 638-8587 Fax: (315) 638-9740

200 NORTH GEORGE STREET, ROME, NY 13440
Telephone: (315) 281-1005 Fax: (315) 334-4394
Internet: www.plumleyeng.com

Section E.2(h)(i) – Wetlands



Department of
Environmental
Conservation

KATHY HOCHUL
Governor
AMANDA LEFTON
Acting Commissioner

LETTER OF NO JURISDICTION – FRESHWATER WETLANDS

05/21/2025
Kyle Parsons
8232 Loop Rd, Baldwinsville, NY, 13027, USA
Sent via email to: kparsons@plumleyeng.com

Re: DEC Freshwater Wetlands Parcel Jurisdictional Determination for Parcel
105.00-03-17.000 (SWIS_ID: 112289105.00-03-17.000), Cortland County

Dear Kyle Parsons,

Based on the parcel identified in your request, the New York State Department of Environmental Conservation (DEC) has determined that there are no DEC regulated freshwater wetlands and/or adjacent areas identified on the parcel referenced above. Therefore, in accordance with Article 24 of the Environmental Conservation Law (ECL) and 6 NYCRR Part 663, no freshwater wetlands permit is required. Pursuant to ECL section 24-0703, this letter shall remain valid for a period of five years from the date it is issued (through 05/19/2030).

Please note that this determination pertains only to state-regulated, freshwater wetlands and regulated adjacent areas. DEC also regulates protected streams, tidal wetlands, coastal erosion hazard areas, and other important environmental resources. Work affecting those areas may also require DEC permits. More information on other DEC permit programs is available online at <https://dec.ny.gov/regulatory/permits-licenses/environmental-permits>.

In addition, please note that this letter does not relieve you of the responsibility of obtaining any other necessary permits or approvals from other local, state, or federal agencies.

If you have questions regarding this determination, please email
FWWJurisdiction@dec.ny.gov.

Section E.2(h)(i) – Historical Preservation



**New York State
Parks, Recreation and
Historic Preservation**

KATHY HOCHUL
Governor

RANDY SIMONS
Commissioner Pro Tempore

April 29, 2025

James Gosier
General Counsel
Byrne Dairy, Inc.
2394 US Route 11
La Fayette, NY 13084

Re: SEQRA
Byrne Cortlandville Expansion (BCV 2.0)
3156 Byrne Hollow Xing, Cortland, NY 13045
25PR03463

Dear James Gosier:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project.

Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above. If you have any questions, please contact Daniel H. Boggs at the following email address:

Daniel.Boggs@parks.ny.gov

Sincerely,

A handwritten signature in black ink that reads "R. Daniel Mackay".

R. Daniel Mackay

Deputy Commissioner for Historic Preservation
Division for Historic Preservation

New York State Office of Parks, Recreation and Historic Preservation
Division for Historic Preservation, Feebles Island, PO Box 189, Waterford, New York 12188-0189
(518) 237-8043 • <https://parks.ny.gov/shpo>



Cortland County
Industrial Development Agency

Financial Reports

ASSETS

CURRENT ASSETS

NBT - Checking 5112	\$ 32,100.75
NBT Proj Invest Checking	1,256,745.41
NBT Money Mkt Savings	49,441.73
Prepaid Expenses	635.58

TOTAL CURRENT ASSETS 1,338,923.47

PROPERTY AND EQUIPMENT

Land-Railroad Properties	209,818.00
Land-Contento Property	91,835.00
Land-Cleveland St - Apex	303,143.60
Leasehold Improvements	3,376.80
Accum.Depreciation-L.H.I.	(3,376.80)
Office Equipment/Furniture	2,159.08
Accum.Depreciation-FF&E	(308.44)

NET PROPERTY & EQUIPMENT 606,647.24

RECEIVABLES

Lease A/R - Park Outdoor	42,232.94
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TOTAL RECEIVABLES 42,232.94

TOTAL ASSETS \$ 1,987,803.65

LIABILITIES/FUND BALANCE

CURRENT LIABILITIES

TOTAL CURRENT LIABILITIES 0.00

LONG TERM LIABILITIES

Deferred Inflows-Leases	\$ 42,232.94
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TOTAL LONG TERM LIABILITIES 42,232.94

TOTAL LIABILITIES 42,232.94

FUND BALANCE

Unrestricted Earnings	1,777,762.52
Net Income	167,808.19

TOTAL FUND BALANCE 1,945,570.71

TOTAL LIAB & FUND BALANCE \$ 1,987,803.65

Cortland County IDA
Income Statement
For the Six Months Ending June 30, 2025

	Current Month	Year to Date
REVENUE		
Project Fee	\$ 0.00	\$ 200,384.23
Interest on Deposits	2,577.87	14,943.11
Lease Interest Revenue	0.00	1,478.62
Land Lease	0.00	14,854.38
AK Community PILOT	0.00	6,026.07
Creamery Hills PILOT	0.00	9,746.80
83-85 Main LLC PILOT	0.00	14,000.00
Lapeer Cortland Solar PILOT	0.00	45,000.00
DG NY 1 C Ville LLC	0.00	23,877.18
Janis Solar LLC	0.00	31,836.24
Yellow 3 LLC	0.00	17,509.93
DG NY C'Ville #3	0.00	23,409.00
Crescent Commons	0.00	25,750.00
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Total Revenue	2,577.87	428,815.56
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TOTAL REVENUE	2,577.87	428,815.56
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EXPENSES		
Apex/Cleveland St Property	383.14	548.84
Accounting	0.00	8,300.00
Bank Charges	0.00	30.00
Legal	875.00	3,895.00
Property Tax-Sewer/Water	0.00	207.09
D & O Insurance	119.50	717.00
Depreciation	77.11	154.22
AK Community PILOT	0.00	6,026.07
Creamery Hills PILOT	0.00	9,746.80
83-85 Main LLC PILOT	0.00	14,000.00
Lapeer Cortland Solar PILOT	0.00	45,000.00
DG NY 1 C Ville	0.00	23,877.18
Janis Solar LLC	0.00	31,836.24
Yellow 3 LLC	0.00	17,509.93
DG NY C'Ville #3	0.00	23,409.00
Crescent Commons	0.00	25,750.00
BDC Admin Support	0.00	50,000.00
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TOTAL EXPENSES	1,454.75	261,007.37
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NET INCOME	\$ 1,123.12	\$ 167,808.19
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Director's Report

Director's Report

July 14, 2025

Current:

- CFA community meeting – McNeil Hub
- Housing – needs assessment
- EPA Brownfield Grant
- AES Solar – formerly EDF – Cortlandville, Homer, Solon
 - Submitted PILOT Agreement – lacking assessment & fee
- Marathon NY Forward
 - Public engagement 6.10.25
 - Applications open until 8.8.25
- Homer Bridge – FEMA \$739k
- Byrne Dairy Phase 2
 - PILOT Agreement \$120m/100 jobs
- Gillette Factory Update
- Small Business Development Center (“SBDC”)
- Broadband update
- 40 Main St Update
- Railroad PILOT term ends 12.31.25
- Cortland Standard Building
- Nomadic Security
- CNYRDPG Cortland Presentation
- Southern Tier 8 Financial Discussion

On the Horizon:

- Micron
- Meet and Greet

Meet & Greet completed

- Brian Fitts – Homer Assessor
- Marc DiCerbo – Cortlandville Assessor
- Kristin Rocco-Petrella – Cortlandville Clerk
- Fran Casullo – Cortlandville Town Attorney
- Robert Griffin - SBDC
- Heidi Thompson - McNeil
- Cortland Chiropractor – Dr. Kris Bradt