



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

November 21, 2025

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

**RE: Payment in Lieu of Taxes (PILOT) Agreements for Solar Energy Systems – 0
Wehrle Drive, Town of Clarence**

Dear Honorable Members:

Please find an enclosed resolution from the Department of Environment and Planning regarding a two (2) Payment in Lieu of Taxes (PILOT) Agreements for Solar Projects in the Town of Clarence. The resolution authorizes the County Executive to execute an agreement with Clarence Solar One LLC and Clarence Solar Two LLC.

Should your Honorable Body require further information, I encourage you to contact Commissioner Daniel R. Castle. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in black ink, reading "Mark C. Poloncarz". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/nb
Enclosure

cc: Daniel R. Castle AICP, Commissioner

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Payment in Lieu of Taxes (PILOT) Agreements for Solar Energy Systems – 0 Wehrle Drive, Town of Clarence
Date: November 21, 2025

SUMMARY

The resolution authorizes the County Executive to execute a PILOT Agreement with Clarence Solar One LLC and Clarence Solar Two LLC.

The owner is seeking a PILOT agreement from Erie County in connection with the development and operation of two solar developments, both located at 0 Wehrle Drive (SBL 83.00-3-31) in the Town of Clarence (“Site”). Project 1 is an approximately 5.0-megawatt solar photovoltaic facility and Project 2 is an approximately 4.7-megawatt solar photovoltaic facility.

The PILOT agreements are multi-jurisdictional including the Clarence Central School District (CCSD) as a signatory. Given the nature of the Projects, they are otherwise exempt from taxation pursuant to Real Property Tax Law (RPTL) § 487 unless the taxing jurisdictions enter into a PILOT Agreement with the owner. The Town of Clarence has opted out of RPTL § 487 and will not be a signatory on these agreements.

FISCAL IMPLICATIONS

Under RPTL § 487(2), solar energy facilities are tax exempt. Notwithstanding such exemption, RPTL § 487(9)(a) states that certain taxing jurisdictions, including counties and cities, may require the owner of a property that includes a solar energy system to enter into a PILOT agreement that provides for annual payments to the taxing jurisdictions.

The PILOT agreement proposed by Clarence Solar One LLC for Project 1 provides for total annual payments to Erie County of \$7,000. This is based on a price of \$5,000. based per megawatt with an annual escalation factor of 2%. The payments are divided pro rata among both the County and CCSD with the Town’s share split equally among both participating taxing jurisdictions. These payments will be made each year over a 15-year term.

The PILOT agreement proposed by Clarence Solar Two LLC for Project 2 provides for total annual payments to Erie County of \$6,580. This is based on a price of \$5,000. based per megawatt with an annual escalation factor of 2%. The payments are divided pro rata among both the County and CCSD with the Town’s share split equally among both participating taxing jurisdictions. These payments will be made each year over a 15-year term.

The intent of entering into the PILOT agreements with the owner is for the County to receive tax payments that it would not otherwise receive due to the tax exemption applicable to the Project.

REASONS FOR RECOMMENDATION

The CCSD Board of Education supports the PILOT agreements, and the Board of Education approved the agreements at its October 6, 2025, regular meeting. The proposed agreements conform to the provisions of RPTL § 487 and were negotiated between the project owner and taxing jurisdictions. The Project otherwise conforms to the Town of Clarence Comprehensive Plan and zoning ordinance.

BACKGROUND INFORMATION

Clarence Solar One LLC is proposing the development of an approximately 5.0-megawatt solar photovoltaic facility on a 194.4-acre parcel, located at 0 Wehrle Drive (SBL 83.00-3-31) in the Town of Clarence, Erie County.

Clarence Solar Two LLC is proposing the development of an approximately 4.7 megawatt solar photovoltaic facility on a 194.4-acre parcel, located at 0 Wehrle Drive (SBL 83.00-3-31) in the Town of Clarence, Erie County.

Under RPTL § 487, a partial tax exemption is available for properties which are developed for solar and wind renewable energy systems. RPTL § 487(2) exempts from real property taxation “any increase in the value [of real property] by reason of the inclusion of a [solar and wind energy system] for a period of fifteen years.” Erie County has not opted out of the RPTL § 487 exemptions and therefore may require renewable energy systems to enter into a PILOT agreement to replace a portion of the tax revenue. Erie County was notified of the project owner’s intent to construct two (2) solar projects in July 2025.

CONSEQUENCES OF NEGATIVE ACTION

Without the PILOT agreements, pursuant to RPTL § 487, the County would receive no property taxes from the solar development project.

STEPS FOLLOWING APPROVAL

The County Executive will enter into 2 PILOT Agreements with the noted parties.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Payment in Lieu of Taxes (PILOT) Agreements for Solar Energy Systems- 0 Wehrle Drive, Town of Clarence

WHEREAS, consistent with Erie County's Commitment to Paris goals, the County encourages the development of solar facilities which reduce dependence upon fossil fuels and further climate goals to mitigate global warming; and

WHEREAS, Project Owner 1 (Clarence Solar One LLC), has submitted a Notice of Intent to the Taxing Jurisdictions that it plans to build and operate a Solar Energy System as defined in New York Real Property Tax Law ("RPTL") Section 487(1)(b) (the "Project 1") with an expected nameplate capacity ("Capacity") of approximately 5.0 Megawatts AC on one parcel totaling approximately 194.4 acres of land located within the Town of Clarence, identified as 0 Wehrle Drive, SBL 83.00-3-31, which may also be known as SBL 83.00-3-31.1 or 83.00-3-31.2; and

WHEREAS, Project Owner 2 (Clarence Solar Two LLC), has submitted a Notice of Intent to the Taxing Jurisdictions that it plans to build and operate a Solar Energy System as defined in New York Real Property Tax Law ("RPTL") Section 487(1)(b) (the "Project 2") with an expected nameplate capacity ("Capacity") of approximately 4.7 Megawatts AC on one parcel totaling approximately 194.4 acres of land located within the Town of Clarence, identified as 0 Wehrle Drive, SBL 83.00-3-31, which may also be known as SBL 83.00-3-31.1 or 83.00-3-31.2; and

WHEREAS, the County has not opted out of RPTL § 487; and

WHEREAS, pursuant to RPTL § 487(9)(a) the County has indicated their intent to require Payment in Lieu of Taxes Agreements ("PILOT") with Project Owner 1 and Project Owner 2 (collectively referred to as the "Project Owners"), under which the Project Owners will be required to make annual payments to the Taxing Jurisdictions for each year during the term of these Agreements; and

WHEREAS, the Project Owners have submitted or will submit to the Assessor of the Town of Clarence an Application for Tax Exemption of Solar or Wind Energy Systems or Farm Waste Energy Systems ("Form RP-487"); and

WHEREAS, the Real Property not part of the Project 1 and Project 2 will be assessed for any statutory real property taxes levied by the Taxing Jurisdictions;

WHEREAS, Project 1 and Project 2 parcel identification numbers and/or addresses may be amended;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to execute a PILOT Agreement with Clarence Solar One LLC, and any other organizations necessary to complete this PILOT Agreement relative to Project 1, pertaining to the Real Property located at 0 Wehrle Drive, SBL 83.00-3-31; and be it further

RESOLVED, that said Agreement shall include an annual approximate PILOT payment to Erie County in the amount \$7,000.00 subject to annual escalation of 2%; and be it further

RESOLVED, that said Agreement shall include an estimated annual PILOT based on the amount of taxes due as set forth on Schedule A attached hereto; and be it further

RESOLVED, that the County Executive is hereby authorized to execute a PILOT Agreement with Clarence Solar Two LLC, and any other organizations necessary to complete this PILOT Agreement, relative to Project 2 pertaining to the Real Property located at 0 Wehrle Drive, SBL 83.00-3-31; and be it further

RESOLVED, that said Agreement shall include an annual approximate PILOT payment to Erie County in the amount \$6,580.00 subject to annual escalation of 2%; and be it further

RESOLVED, that said Agreement shall include an estimated annual PILOT based on the amount of taxes due as set forth on Schedule B attached hereto; and be it further

RESOLVED, that the Director of Real Property Tax Services is hereby authorized to amend said Agreements based on revisions to parcel identification numbers and/or addresses in a manner consistent with the description of land and the Clarence Solar Industrial Park Map Cover, both set forth in the PILOT agreement; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive's Office; Comptroller's Office, Division of Budget and Management; Department of Real Property Tax Services; Department of Environment and Planning and Department of Law.

Schedule A

Payment Schedule for Project 1 (Clarence Solar One, LLC | 5.00 MWac)

Note: The following schedule is for illustrative purposes only based on the anticipated project capacity of 5.00 MWac. The PILOT will commence in accordance with Section 2(b) of this Agreement.

<u>Agreement Year</u>	<u>PILOT Year</u>	<u>Total</u>	<u>County</u>	<u>School District</u>
1	1	\$ 25,000.00	\$ 7,000.00	\$ 18,000.00
2	2	\$ 25,500.00	\$ 7,140.00	\$ 18,360.00
3	3	\$ 26,010.00	\$ 7,282.80	\$ 18,727.20
4	4	\$ 26,530.20	\$ 7,428.46	\$ 19,101.74
5	5	\$ 27,060.80	\$ 7,577.03	\$ 19,483.78
6	6	\$ 27,602.02	\$ 7,728.57	\$ 19,873.45
7	7	\$ 28,154.06	\$ 7,883.14	\$ 20,270.92
8	8	\$ 28,717.14	\$ 8,040.80	\$ 20,676.34
9	9	\$ 29,291.48	\$ 8,201.62	\$ 21,089.87
10	10	\$ 29,877.31	\$ 8,365.65	\$ 21,511.67
11	11	\$ 30,474.86	\$ 8,532.96	\$ 21,941.90
12	12	\$ 31,084.36	\$ 8,703.62	\$ 22,380.74
13	13	\$ 31,706.04	\$ 8,877.69	\$ 22,828.35
14	14	\$ 32,340.17	\$ 9,055.25	\$ 23,284.92
15	15	\$ 32,986.97	\$ 9,236.35	\$ 23,750.62

Schedule B

Payment Schedule for Project 2 (Clarence Solar Two, LLC, | 4.7 MWac)

Note: The following schedule is for illustrative purposes only based on the anticipated project capacity of 4.7 MWac. The PILOT will commence in accordance with Section 2(b) of this Agreement.

Agreement Year	PILOT Year	Total	County	School District
2027	1	\$23,500.00	\$6,580.00	\$16,920.00
2028	2	\$23,970.00	\$6,711.60	\$17,258.40
2029	3	\$24,449.40	\$6,845.83	\$17,603.57
2030	4	\$24,938.39	\$6,982.75	\$17,955.64
2031	5	\$25,437.16	\$7,122.40	\$18,314.75
2032	6	\$25,945.90	\$7,264.85	\$18,681.05
2033	7	\$26,464.82	\$7,410.15	\$19,054.67
2034	8	\$26,994.11	\$7,558.35	\$19,435.76
2035	9	\$27,534.00	\$7,709.52	\$19,824.48
2036	10	\$28,084.68	\$7,863.71	\$20,220.97
2037	11	\$28,646.37	\$8,020.98	\$20,625.39
2038	12	\$29,219.30	\$8,181.40	\$21,037.89
2039	13	\$29,803.68	\$8,345.03	\$21,458.65
2040	14	\$30,399.76	\$8,511.93	\$21,887.82
2041	15	\$31,007.75	\$8,682.17	\$22,325.58