

NOTICE OF SUPPLEMENTAL PUBLIC HEARING
ON PROPOSED PROJECT
AND ADDITIONAL FINANCIAL ASSISTANCE
RELATING THERETO

Notice is hereby given that a public hearing pursuant to Section 859-a(2) of the General Municipal Law of the State of New York (the “Act”) will be held by the Albany County Industrial Development Agency (the “Agency”) on the 13th day of March, 2023 at 7:00 o’clock p.m., local time, at the Town of Bethlehem Town Hall located at 445 Delaware Avenue in the Town of Bethlehem, Albany County, New York in connection with the following matters:

Pursuant to an application (the “Application”) submitted in March, 2022, the Agency conducted a public hearing on April 11, 2022 for Plug Power Inc. (the “Company”) with respect to the following project (the “Project”) for the benefit of the Company, said Project consisting of the following: (A) the acquisition and installation of certain machinery, equipment and other tangible personal property including, without limitation, tenant improvement and finish (collectively, the “Equipment”) and the undertaking of various tenant and interior fit-up and other improvements (collectively, the “Improvements”) (the Equipment and the Improvements being collectively referred to as the “Project Facility”) to the buildings containing in the aggregate approximately 350,000 square feet of space (collectively, the “Facility”) to be located on parcels of land located at 125 Vista Boulevard (Tax Map Number: 74.00-1-29.1) in the Town of Bethlehem and off New Scotland Road (Tax Map Number: 73.-2-27) in the Town of New Scotland, Albany County, New York (collectively, the “Land”), the Land and the Facility to be owned by Vista Real Estate Development LLC (the “Developer”) and leased by the Developer to the Company to be used by the Company as a manufacturing/commercial/industrial facility for commercial, manufacturing, and warehouse space and related uses; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes (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.

On February 21, 2023, the Agency received a request from the Company to amend the Application (the “Request”), a copy of which Application and Request are on file at the office of the Agency, to consider providing additional benefits to the Company due to the increased cost of the Project, resulting in the need for the Agency, pursuant to Section 859-a of the Act, to hold a public hearing with respect to the Project and the amount of the Financial Assistance, as described in the Request.

Pursuant to the Request, the Agency is considering whether (A) to undertake the Project and (B) to provide certain exemptions from taxation with respect to the Project, including exemption from sales taxes relating to the acquisition and installation of the Project Facility. 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 will follow the procedures for deviation from such policy set forth in Section 874(4) of the Act prior to granting such portion of the Financial Assistance.

If the Agency determines to proceed with the Project, the Project Facility will be acquired and installed by the Agency and will be leased (with an obligation to purchase) or sold by the Agency to the Company or its designee pursuant to a project agreement (the “Agreement”) requiring that the Company or its designee make certain payments to the Agency.

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”), by resolution adopted by the members of the Agency on April 13, 2022 (the “SEQR

Resolution”), the Agency (A) concurred in the determination that the Town of Bethlehem Planning Board (the “Planning Board”) is the “lead agency” with respect to a larger project (the “Vista Real Estate Development LLC Project”) in which this Project is a part of, (B) acknowledged receipt of a negative declaration from the Planning Board issued on January 4, 2022 (the “Negative Declaration”), in which the Planning Board determined that the Vista Real Estate Development LLC Project was a “Type 1” action (as such quoted term is defined in SEQRA) but that the Vista Real Estate Development LLC Project constitutes an action which would not have a significant impact on the environment and, therefore, did not require preparation of a Draft Environmental Impact Statement, and (C) determined that no further action was required with respect to the Project, as part of the Vista Real Estate Development LLC Project.

The Agency will at said time and place hear all persons with views on either the location and nature of the proposed Project, or the Financial Assistance being contemplated by the Agency in connection with the proposed Project. A copy of the Application and the Request filed by the Company with the Agency with respect to the Project, including an analysis of the costs and benefits of the Project, is available for public inspection during business hours at the offices of the Agency. A transcript or summary report of the hearing will be made available to the members of the Agency.

Additional information can be obtained from, and written comments may be addressed to: William M. Clay, Chairman, Albany County Industrial Development Agency, 112 State Street, Room 740, Albany, New York 12207; Telephone: (518) 447-4841.

Dated: February 27, 2023.

ALBANY COUNTY INDUSTRIAL DEVELOPMENT
AGENCY

BY: /s/ William M. Clay
Chairman